

# **LAW ON THE INTELLIGENCE AGENCY**

## **I. GENERAL PROVISIONS**

### **Subject of regulation**

#### **Article 1**

This Law shall regulate the purpose, the competences and the management of the Intelligence Agency (hereinafter referred to as: the Agency), the internal organization, the operation principles, the operation policy, the data and information records and usage thereof, the internal control and oversight of the Agency, the financing, the international cooperation, the transparency of operation and the rights and obligations of the employees of the Agency.

The Agency is a special body of the state administration.

## **II. PURPOSE, COMPETENCES AND MANAGEMENT OF THE INTELLIGENCE AGENCY**

### **Purpose of the Agency**

#### **Article 2**

The Agency shall collect intelligence on external threats and risks in order to protect the national security of the country, the economic and political interests of the country, the independence, the sovereignty, the constitutional establishment, the fundamental human rights and freedoms of the citizens as guaranteed in the Constitution of the Republic of North Macedonia. The Agency shall collect intelligence on foreign threats and risks.

### **Competences of the Agency**

#### **Article 3**

The Agency shall be authorized to collect, process, analyse, exchange, store and protect data and information of significance to the security, defence, foreign policy and economic interests of the Republic of North Macedonia.

The Agency shall communicate information pursuant to paragraph 1 of this Article to the President of the Republic of North Macedonia, the president of the Government of the Republic of North Macedonia, the president of the Assembly of the Republic of North Macedonia, the Council for coordination of the security and intelligence community as well as other state administration bodies depending on the subject of the communication.

## **Activities of the Agency**

### **Article 4**

The Agency shall conduct intelligence activities aimed at identifying foreign threats associated with:

- geopolitical rivalry that develops hybrid strategies and threats,
- regional security -strategic developments and processes,
- domestic and international conflicts that might affect the national security,
- weapons for mass destruction,
- terrorism and violent extremism from political, ethnic and religious motives,
- transnational organized crime and other forms of asymmetric threats,
- illegal migration,
- cyber threats,
- current developments related to energy security,
- conducting joint operations with partner services and other activities arising from the Agency's international cooperation, and
- global pandemics that might potentially inflict destabilization and affect national security.

The Agency shall conduct the activities referred to in paragraph 1 of this Article by utilisation of human resources and technical devices.

The Agency shall pursue counterintelligence protection as to protect its employees, facilities and the equipment supporting the intelligence activities.

The Agency is allowed to develop and use its own technical devices, electronic systems and devices in order to perform the activities set forth in paragraph 1 and paragraph 3 of this Article.

## **Director of the Agency**

### **Article 5**

The Agency is headed by a Director who shall be appointed and released from duty by the President of the Republic of North Macedonia.

The term of office of the Director of the Agency (hereinafter referred to as: Director) shall be four years with the right to appointment for one additional term.

The Director shall have status of an authorized official, therefore they are entitled to a 30% increase of salary in accordance with this Law.

For their work and the Agency operation, the Director shall be accountable to the president of the Republic of North Macedonia.

The Director shall be granted autonomy over the work they shall perform within the Agency.

## **Eligibility for appointment and release from duty of the Director**

### **Article 6**

A person meeting the following criteria may be eligible to be appointed Director of the Agency:

- is citizen of the Republic of North Macedonia,
- does not possess a citizenship of another country
- at the time of appointment, is not adjudged or misdemeanour sanctioned to perform a profession, activity or duty under an enforceable judgement,
- has at least ECTS 240 credits according to or has completed VII/1 degree of education in social sciences, natural sciences and mathematics or technical and technological sciences,
- has at least fifteen years of working experience in the field of security, defence or foreign policy,
- security vetting confirmed that there is no security risk for the person to be appointed to the post

The Director's duty, prior to the expiry of their term of office, shall cease on the following grounds:

- to their personal request,
- if they are permanently incapacitated to perform the role,
- they are convicted upon enforceable judgement for a criminal offence which makes them unworthy to hold the office.

Grounds for release of the Director from duty prior to the expiry of their term are as follows:

- actions contrary to the Law,
- unprofessional and unconscientious performance of duties,
- failure to meet any of the criteria from paragraph 1 of the this Article.

## **Authorities of the Director**

### **Article 7**

The Director shall:

- present and represent the Agency,
- organize and provide Lawful and efficient operation of the Agency,
- adopt by-Laws for matters of the Agency's scope of work
- pass enactments on the employees' conduct,
- organize and ensure proper use of the financial and other resources of the Agency,
- issue orders for conducting internal control,
- grant authorities to the employees to perform work of their competence, and
- perform other duties in compliance with the Law.

The Director shall adopt financial and strategic plans and annual program for the operation of the Agency.

## **Deputy Director**

### **Article 8**

The President of the Republic of North Macedonia shall appoint and release from duty a Deputy Director.

The Deputy Director of the Agency (hereinafter referred to as: Deputy Director) shall be appointed for a term of 4 years.

The Deputy Director shall have status of an authorized official and shall be entitled to a 30% increase of salary in compliance with this Law.

For their work, the Deputy Director shall be accountable to the President of the Republic of North Macedonia and the Director.

## **Eligibility for appointment as a Deputy Director**

### **Article 9**

A person meeting the following criteria shall be eligible for appointment as a Deputy Director:

- is citizen of the Republic of North Macedonia,
- does not possess a citizenship of another country
- at the time of appointment, is not adjudged or misdemeanour sanctioned to perform a profession, activity or duty under enforceable judgement,
- has at least ECTS 240 credits according or has completed VII/1 degree of education in social sciences, natural sciences and mathematics or technical and technological sciences,
- has at least ten years of working experience in the field of security, defence or foreign policy, out of which five on a managerial position in the Agency,
- security vetting confirmed that there is no security risk for the person to be appointed to the post

## **Authorizations of the Deputy Director**

### **Article 10**

The Deputy Director shall take over the Director's duties, authorizations and responsibilities in the Director's absence or when the Director is unable to perform their duties for whatever reason.

## **III. INTERNAL ORGANIZATION OF THE AGENCY**

### **Article 11**

Organizational units shall be established for execution of the operation in the Agency pursuant to the competences of the Agency set forth in this Law.

The Director shall pass an enactment for the internal organization and operation of the Agency and the enactment on systematization of the job positions upon prior consent by the Government of the Republic of North Macedonia (hereinafter referred to as: Government)

## **IV. WORKING PRINCIPLES OF THE AGENCY**

### **Article 12**

The activities in the Agency shall be performed in compliance with the following principles:

- Lawfulness - abiding by the Constitution of the Republic of North Macedonia, the Laws and international agreements ratified in accordance with the Constitution of the Republic of North Macedonia,
- respect for the fundamental human rights and freedoms,
- commitment to the national security and national interests,
- accountability,
- political neutrality,
- objectivity and impartiality.

## **V. METHOD OF OPERATION OF THE AGENCY**

### **Article 13**

In its work, the Agency shall collect data and information using:

- clandestine methods and resources,
- open - public sources,
- inter - institutional cooperation
- international cooperation.

For the purpose of completing tasks within its scope of operation, the Agency may take measures to cover:

- the identity of the employees in the Agency or other individuals,
- ownership of legal entities,
- ownership of objects, and
- the purpose of the collection of information

For the purpose of performing duties within its competence of operation, the Agency shall deploy employees to diplomatic – consular offices of the Republic of North Macedonia, diplomatic missions and international organizations abroad.

### **Collecting information with clandestine methods**

#### **Article 14**

In the course of its operation, the Agency shall utilize clandestine methods and resources approved by the Government with a decree.

The Director shall define the Agency's clandestine methods and resources from paragraph 1 of this Article.

The Director, i.e. the employee authorized thereby, shall pass independent decisions on the deployment of resources and methods to be used in the Agency's operation and shall be liable for Lawful utilization thereof.

### **Collecting information from open – public sources**

#### **Article 15**

The Agency shall collect data and information from all sources that are publicly available in order to achieve goals as stipulated in this Law.

### **Inter - institutional cooperation**

#### **Article 16**

The Agency shall cooperate with state administration bodies, public institutions and other legal entities on matters of common interest.

In the course of the inter-institutional cooperation, the state administration bodies, the public institutions and other legal entities shall be obliged to deliver data, reports and information and to coordinate the activities that are under the competences of the Agency.

Upon request of the Agency, state administration bodies, legal entities and citizens that process data on natural persons and legal entities and keep records in central databases, shall provide free usage and access thereto.

### **International cooperation**

#### **Article 17**

Within the framework of its competences, the Agency shall maintain international cooperation with intelligence and security-related institutions in other countries.

The Agency shall develop cooperation on bilateral level, multilateral level and by participation and organization of regional initiatives.

The cooperation shall be carried out via exchange of data, information and equipment, joint operations and joint trainings of the employees.

The Director shall be entitled to sign memorandums and other instruments for cooperation with foreign intelligence and security-related services and organizations.

## **VI. DATA AND INFORMATION RECORDS AND USAGE THEREOF**

### **Article 18**

The Agency shall keep databases with personal and other data and information that are under the competences of the Agency (hereinafter referred to as: databases) pursuant to the goals set forth in this Law.

The databases represent classified information pursuant to the Law on Classified Information.

The individuals who have access to the data and the information in the databases shall be obliged to handle them in compliance with the Law on Classified Information.

### **Collection, processing, usage and protection of personal and other data and information**

### **Article 19**

The Agency shall collect, process, use and protect the personal and other data and information related to the competences of the Agency, in accordance with the regulations for personal data protection unless this Law specifies otherwise.

In order to provide confidentiality and protection of the individuals' personal data processing, the Agency shall be obliged to adopt relevant technical and organizational measures for protection thereof, in order to prevent accidental or unlawful destruction of the personal data, their accidental loss, alteration, unauthorized disclosure of, or access to, especially when processing involves data transmission via network and protection against any kind of illegal form of processing.

The Director shall specify the method of providing confidentiality and protection of the personal data.

## **VII. CONTROL AND OVERSIGHT OF THE AGENCY'S OPERATION**

### **Internal control of the Agency**

### **Article 20**

The Agency shall perform internal control, comprising:

- evaluation of the lawfulness of the operation and adherence to the professional standards of the Agency,
- insight in the application of the Agency employees' authorizations,
- evaluation of the usage and exploitation of firearms by the Agency employees,
- insight and evaluation of compliance with the regulations and procedures by the Agency employees,
- handling reports on conflict of interests and risks of corruption in cooperation with competent body,
- informing the Director about irregularities identified and giving recommendations and deadlines for rectification thereof,
- control of the management of financial and technical resources,
- proposing initiation of procedures to determine material and disciplinary liability of the Agency employees.

The Director shall determine the methods of conducting internal control.

### **Oversight by the Assembly of the Republic of North Macedonia**

#### **Article 21**

The Assembly of the Republic of North Macedonia shall oversee the work of the Agency through an appropriate Commission (hereinafter referred to as: Commission).

The Director shall be obliged, at the Commission's request, to enable oversight of the Agency and to provide information and data on the Agency's operation, in compliance with the Commission's authorizations prescribed by Law.

The information and data presented at a session of the Commission shall be considered as classified information.

The members of the Commission are not allowed to request from the Agency, information on the following matters:

- identity of current and former employees of the Agency,
- persons with disguised identity,
- third parties whose safety might be jeopardized if disclosed,
- methods for collecting intelligence and security-related information,
- ongoing operational activities,
- data and information collected via exchange of information with foreign services and international organizations,
- classified data and information available to the Agency, of other state administration bodies.



## **Protection of classified information during oversight**

### **Article 22**

A person that does not hold a TOP SECRET level security clearance shall not be eligible to be a member of the Assembly's commission overseeing the work of the Agency. The Commission members shall be obliged to protect and preserve the classified information they get access to even after their membership expires for the period of ten years.

## **VIII. AGENCY FINANCING**

### **Article 23**

The financial resources for the operation of the Agency shall be provided from the budget of the Republic of North Macedonia.

The Agency shall use resources for special purposes that are set forth in Article 4 of this Law.

The management of the resources referred to in paragraph 2 of this Article shall be determined by the Director.

## **IX. TRANSPARENCY OF THE AGENCY OPERATION**

### **Article 24**

For the purpose of transparent briefing and communication with the public, the Agency may post the following information on its official website:

- regulations relevant to the operation of the Agency,
- organizational structure of the Agency,
- budget and annual financial statement of the Agency.

The Agency may also inform the public of certain security related events and incidents.

## **X. RIGHTS AND OBLIGATIONS OF THE AGENCY EMPLOYEES**

### **Status of the Agency employees**

### **Article 25**

The job positions in the Agency shall be determined as positions with special assignments and authorizations.

The Agency employees shall have status of:

- employees for operational and intelligence tasks with special assignments and authorizations,
- experts with special assignments and authorizations,

- employees for auxiliary and technical tasks with special assignments and authorizations.

## **Employment criteria**

### **Article 26**

A person that shall meet the following general criteria may be employed in the Agency:

- is citizen of the Republic of North Macedonia,
- does not possess a citizenship of another country
- is of legal age,
- is healthy and psychophysically capable,
- has acquired appropriate education necessary for establishing employment.
- there is no security related risk for employment in the Agency detected during security vetting,
- during polygraph testing, a positive opinion was obtained,
- is not adjudged or misdemeanour sanctioned to conduct a profession, activity or duty with enforceable judgement,

In order to fulfil the condition in paragraph 1, line 2 of this Article, the applicant shall deliver notarized deposition.

Polygraph testing from paragraph 1, line 7 of this Article is conducted of the applicant's own accord and based on their prior written consent for polygraph testing. In the written consent, the applicant shall declare that they agree to take a polygraph test for the purpose of employment in the Agency and subsequent polygraph testing for professional integrity verification during their employment in the Agency.

The applicant who shall refuse polygraph testing referred to in paragraph 1, line 7 of this Article, shall be deemed not to have met the employment criteria of the Agency.

The polygraph testing method is determined by the Director.

Should the person not get employed in the Agency due to non-compliance with any of the criteria from paragraph 1 of this Article, the Agency shall not be obliged to explain the reasons thereof.

Apart from the general eligibility criteria for employment in the Agency stipulated for in paragraph 1 of this Article, the systematization regulation shall determine other special conditions as well.

## **Proper and rightful representation, gender equality and non-discrimination**

### **Article 27**

During employment in the Agency, the principle of appropriate and rightful representation of citizens belonging to all communities shall be applied, at all levels in compliance with the expertise and competency criteria.

Direct or indirect discrimination of the applicants is prohibited.

The Agency shall not place applicants in unequal position because of the race, ethnicity, skin colour, gender, age, religious, political and other affiliations, membership in trade unions, national or social background, family status, financial status, sexual orientation or other personal circumstances.

## **Security vetting**

### **Article 28**

Security vetting shall be carried out before employment contract is made in order to determine security-related risk.

The security vetting shall commence with filling in a questionnaire.

The Director shall determine the contents of the questionnaire.

The candidate who shall refuse security vetting shall be deemed not to have met the criteria for employment in the Agency.

## **Employment method**

### **Article 29**

Employment in the Agency shall be established:

- upon public announcement of the job position,
- without public announcement of the job position, or
- by agreed takeover from other state administration bodies, institutions or municipal administration units based on agreement thereof.

## **Employment without public announcement**

### **Article 30**

Job positions that shall be filled without public job announcement shall be determined in the regulation on job positions systematization.

Employment without public announcement shall be established upon submitting candidate's resume and motivational letter for employment in the Agency.

A commission formed by the Director shall select candidates who shall be employed without public announcement.

The commission shall be composed of a president and four members from the Agency's management.

## **Public vacancy announcement**

### **Article 31**

The public announcement for employment in the Agency shall be posted on the Agency's website, and in two daily papers at least, that are available on the whole territory of the Republic of North Macedonia, of which one is in the language spoken by at least 20% of the citizens who speak official language, different from the Macedonian language.

The public announcement shall state the job position, general and special employment criteria.

The deadline for applying pursuant to the posted announcement referred to in paragraph 1 in this Article shall be 15 days from the day of its publication in the daily papers.

## **Employment upon agreed takeover**

### **Article 32**

Employment contract may be signed with an employee of other body of the state administration, institution and municipal administration unit.

The agreed takeover shall be completed upon a special enactment for agreed takeover signed by the Director of the Agency, the director of the state administration body, institution, municipal administration and the employee being taken over.

## **Selection process for establishing an employment with or without public announcement**

### **Article 33**

The selection process for employment with or without public announcement is carried out in several phases, as follows:

- administrative selection,
- medical examinations,
- psychological tests,
- interview

For the selection procedure, the Director shall form a selection committee involving a president and three members and their deputies from the Agency management.

The selection procedure for employment shall be prescribed for by the Director.

## **Employment of an apprentice**

### **Article 34**

Employment of a candidate with no working experience shall be made upon Director's decision on establishing an employment of a person as apprentice.

The apprenticeship period shall be six months.

During the apprenticeship, the employee shall be trained to perform their tasks independently and professionally.

The apprentice shall be entitled to apprentice salary amounting to of 80% of the salary determined for the job position for which the employment contract as apprentice was concluded.

Upon expiry of the apprenticeship, the employee shall take an apprentice exam.

The Director shall determine methods of training of the apprentices for the performance of operations and tasks and for the apprentice exam.

## **Contract for professional education and development**

### **Article 35**

Employees of the Agency shall have the right and obligation to attend continuously professional trainings in accordance with the Agency needs.

The Agency shall conclude a contract in written form with the employee referred to for training, education or course pursuant to the needs determined by the Director.

## **Classification of job positions in the Agency**

### **Article 36**

The job positions in the Agency shall be classified as follows:

1. I category - Management employees:
  - assistant director
  - director of organization unit
  - head of sector in an organization unit
  - head of department in an organization unit
2. II category - advisors:
  - advisor to the Director
3. III category - employees with university education:
  - intelligence operations officer
  - independent intelligence operations officer
  - senior intelligence operations worker
  - intelligence operations specialist
  - case officer
  - independent case officer
  - senior case officer
  - case specialist
  - engineer

- independent engineer
  - senior engineer
  - principal engineer
  - analyst
  - independent analyst
  - senior analyst
  - analytics specialist
  - operations analyst
  - independent operations analyst
  - senior operations analyst
  - operational analytics specialist
  - collector
  - independent collector
  - senior collector
  - collecting specialist
  - associate
  - independent associate
  - senior associate
  - associate specialist
4. IV category – employees with secondary education
- officer
  - independent officer
  - senior officer
  - officer specialist
  - collector
  - independent collector
  - senior collector
  - collector specialist
  - document controller
  - independent document controller
  - document control specialist
  - facility maintenance officer
  - janitor

## **Remuneration**

### **Article 37**

The employees in the Agency shall be entitled to salary and allowances.

## Components of salary structure

### Article 38

The Agency employee salary shall include:

- basic component, and
- exclusive component.

The basic component of the salary sums the following elements:

- basic salary,
- increase by 20%, 30% or 35% and

The exclusive component of the salary referred to in paragraph 1, line 1 in this Article is composed of:

- performance allowance,
- working allowance,
- extra allowance (overtime hours)

### Basic salary

### Article 39

The basic salary shall valorize the education degree and job complexity and the job position level determined in the job positions systematization enactment of the Agency.

The basic salary shall be expressed in points.

Working experience shall be compensated 0.5% on top of the basic salary valuing education degree and job complexity, for each year of service, up to 20% at the most.

For the job positions in the Agency, points for the basic salary shall be determined as follows:

1. I category - managerial employees
  - assistant director 1600 points
  - director of organization unit 1500 points
  - head of sector in an organization unit 1300 points
  - head of department in an organization unit 1150 points
2. II category – advisors:
  - advisor to the Director 1250 points,
3. III category - employees with university education:
  - operational intelligence officer, case officer, engineer, analyst, operations analyst, collector and associate 800 points
  - independent intelligence operations officer, independent case officer, independent engineer, independent analyst, independent operations analyst, independent collector and independent associate 850 points,

- senior operational intelligence officer, senior case officer, senior engineer, senior analyst, senior operations analyst, senior collector and senior associate 900 points,
- intelligence operations specialist, case specialist, principal engineer, analytics specialist, operation analytics specialist, collecting specialist, principal associate 1000 points,
- 4. IV category – employees with secondary education:
  - associate, collector, document controller 600 points
  - independent associate, independent collector, independent document controller 650 points
  - facility maintenance officer, janitor 500 points

### **Point value**

#### **Article 40**

The value of the point for computing basic salary for the working positions in the Agency shall be determined by the Government, upon the Director's proposal.

### **Increase of the amounts of funds intended for salary by 20%, 30% and 35%**

#### **Article 41**

Due to the type, nature and complexity of the work, and due to the difficulty of the work and special conditions in which the work is done, the employees shall be compensated with an increase on top of the basic salary by:

1. 35% for employees performing intelligence operations jobs, operations jobs and collectors,
2. 30% for performing analytics work, associates for auxiliary technical work and
3. 20% for employees performing building maintenance and cleaning work.

### **Performance allowance**

#### **Article 42**

The performance allowance shall amount up to 15% of the basic salary of the employee.

The Director shall prescribe the method of determining the performance allowance.



## **Allowance for work at unsociable hours**

### **Article 43**

Employees shall be entitled to allowance for work at night hours, Sundays, work during state holidays determined by Law and for work in shifts.

## **Extraordinary allowance for work at unsociable hours**

### **Article 44**

The extraordinary allowance to the salary shall be paid for work after the working hours – overtime work.

## **Assigning the Agency employees**

### **Article 45**

Upon the Director's decision, an employee may be assigned to a position at any organization unit that complies with their qualifications.

The decision from paragraph 1 of the present Article shall elaborate the reasons for the assigning thereof.

Should an employee, for unjustified reasons, not report for work within three days from the date of handover of the decision on assignment, the Agency shall terminate their employment contract.

The employee has right to appeal the decision from paragraph 1 in this Article within eight days from the date the decision was made. Such appeal shall be filed to the State Commission for Decision-Making in Administrative procedures and Employment procedure in Second Instance.

The appeal from paragraph 4 of this Article does not adjourn execution of the decision on assignment.

## **Types of assignment**

### **Article 46**

An Agency employee may be assigned to a job position different from the one they have been working at, in the following cases:

- pursuant to the Agency's needs,
- at the employee's request.

## **Requirements for assigning to a job position**

### **Article 47**

An employee shall be assigned to a job position once the following requirements are met:

- the position they have been assigned to is vacant or vacated,
- the position they have been assigned to matches the employee's qualifications in accordance with the classification of job positions of the Agency,
- the position they have been assigned to involves tasks that are equal or similar to the tasks of the position they have been transferred from,
- The employee fully meets the criteria set forth in the job positions systematization, for the position they have been assigned to.

### **Temporary assigning**

#### **Article 48**

An employee may be temporarily assigned to a job position for the purpose of replacing an absent employee.

The assigning from paragraph 1 of this Article may last one month at minimum, and one year at maximum.

For the assigning as defined in paragraph 1 of this Article, the employee shall keep the basic salary specified for the working position from which the employee is transferred.

### **Assigning at the employee's request**

#### **Article 49**

An employee may submit a written request for assignment to another working position that is on the same level, or a lower level in accordance to the enactment for systematization of job positions.

### **Assigning in accordance to the needs of the Agency**

#### **Article 50**

In accordance to the needs of the Agency, an employee shall be assigned to any position for which they fully meet requirements specified in the enactment for systematization of job positions, including education degree, required professional experience and TOP SECRET national security certificate, as follows:

- to replace an absent employee performing tasks of interest to the Agency,
- they are expected to achieve better results on the position they are assigned to,
- the position they are assigned to is vacant,
- there are changes in the organizational structure of the Agency: changes in the number or type of organizational units, or changes in the type of job

descriptions in the enactment for systematization of job positions in the Agency, and there is no need to reduce the number of employees.

The assigning referred to in paragraph 1 of this Article shall be made at a proposal by the direct superior executive.

### **Assigning to a job position in other cases**

#### **Article 51**

An Agency employee may be assigned to a different job position upon a decision of a competent health commission in accordance with the legislation related to pension and disability insurance, i.e. health insurance, that stipulates that the employee is incapable of performing the tasks of the job position they are currently assigned to due to impaired psycho-physical or general health situation that has occurred as a consequence of injury or professional disease.

The employee referred to in paragraph 1 of this Article shall retain all the employment rights granted to the position which they are assigned from.

### **Reasons for non-assigning an employee to another job position**

#### **Article 52**

An Agency employee shall not be assigned to a different position during a leave of absence due to illness or injury, pregnancy, delivery of a child or parental leave, as well as during other events of paid or unpaid leave in accordance with Law and the Agency's collective agreement.

### **Promotion to another working position**

#### **Article 53**

An employee may be promoted only during their employment.

#### **Article 54**

Promotion of an employee shall be made in a transparent procedure, by posting internal job announcement.

#### **Article 55**

An employee may be promoted to a higher position in accordance with the classification of job positions, if the following requirements are met:

- the job position to which the employee is promoted is vacant;
- the employee fully meets the conditions specified in the enactment for systematization of job positions,
- the employee has been evaluated as "high performer",
- at least one year has passed from their latest promotion, and

- no disciplinary action has been imposed on the employee in the last year of employment for violations of the workplace order and discipline or for non-performance of duties and responsibilities

#### **Article 56**

An Agency employee shall be promoted to a higher rank as follows: “independent”, “senior and “specialist” in accordance with Article 36, points 3 and 4 of this Law.

An employee is promoted to:

- the rank “independent” if they were graded “high performer” once and have made a special contribution in fulfilling tasks,
- the rank “senior” if they were graded “high performer” for two consecutive times, have demonstrated initiative and special contribution in fulfilling tasks,
- the rank “specialist” if they were graded “high performer” for three consecutive times in a row, have demonstrated initiative and special contribution in fulfilling tasks.

Should an Agency employee demonstrate self-reliance, initiative and has been graded as “exceptional performer”, they may be promoted to a higher rank prior to the term stipulated in paragraph 2 of this Article.

#### **Article 57**

An employee shall not be promoted to a higher rank despite the fact they have met the requirements referred to in Article 55 of this Law, if one disciplinary action was taken against them in the past year, for severe violation of working discipline or non-performance of tasks.

#### **Article 58**

The Director passes a decision on employee’s promotion, upon a proposal by the employee’s direct superior.

#### **Article 59**

The procedure of promoting an employee shall be conducted by a commission formed by the Director.

The commission from paragraph 1 of this Article shall be composed of the president, four members and deputies thereof, all being employees of the Agency, one member and deputy out of which is head of the organizational unit where the position for which the promotion procedure is conducted.

### **Evaluation of the employees**

#### **Article 60**

The Agency shall conduct mandatory evaluation of the employees' performance once a year by the 31<sup>st</sup> of December of the current year at the latest.

The direct superior shall conduct the evaluation.

The direct superior shall grade the quality and effectiveness of the employee's work, meeting deadlines, commitment to the job and attitude towards other Agency employees.

Once the evaluation is completed, a copy of the evaluation report shall be handed to the employee.

The Director shall stipulate the evaluation method, the shape and contents of the evaluation form, the criteria and manner of the commission's work during reevaluation as well as the contents of the evaluation report.

## **Grading scheme**

### **Article 61**

The following grading scheme shall be applied during employee's evaluation:

- "Exceptional performer" – grade 5, ranging from 4.51 to 5.00,
- "High performer" – grade 4, ranging from 3.51 to 4.50,
- "Average performer" – grade 3, ranging from 2.51 to 3.50,
- "Low performer" – grade 2, ranging from 1.51 to 2.50 and
- "Non-performer" – grade 1, ranging from 1.00 to 1.50.

### **Article 62**

An employee who has been absent from work for more than six months during a calendar year (sick leave, unpaid leave etc.) as well as employee who has entered an employment contract for the first time in the year of the evaluation and has worked for less than six months, shall not be evaluated.

### **Article 63**

The employee who is not satisfied with the evaluation grade shall have the right to file a complaint within eight days from the day they were referred to the evaluation report, to the re-evaluation commission for established by the Director.

The commission referred to in paragraph 1 of this Article shall be composed of a president, two members and deputies thereof, all being Agency employees with university education of VII1 degree or 240 ECTS credits and working experience of at least seven years.

## **The right to strike**

### **Article 64**

The Agency employees shall have the right to strike, provided there is no disruption of regular execution of work assignments and the goals of the Agency.

### **Strike notice**

#### **Article 65**

The strike organizer is obliged to announce the intention to commit a strike action to the Director and to serve the strike notice as well as the program for manner and scope of essential working activities to be performed during the strike action, seven days before the intended strike action commencement.

### **Strike limitations**

#### **Article 66**

A strike in the Agency is prohibited during state of war, emergency and crisis.

If a strike has commenced prior to the occurrence of any of the events from paragraph 1 of this Article, the Agency employees shall be obliged to end the strike without delay.

### **Creating, handling and storing classified information**

#### **Article 67**

The Agency employees shall be obliged to handle and store classified information arising from the Agency operation in accordance with the Law on Classified Information. The following information shall be considered classified, as per the present Law:

- information on the employees' identity and their personal information,
- reports, documents, data and sources of information from the Agency's scope of work which according this Law or other regulation are assigned a respective level of classification,
- reports, documents, data and sources of information which in accordance with the Law or other legislation are marked with an appropriate level of classification; and
- information on the internal organization and operations as well as the systematization of job positions in the Agency.

#### **Article 68**

The obligation for storing and protecting classified information as defined in Article 67 of this Law shall remain in force even following the termination of an employment contract. The Director of the Agency shall provide approval for cease of such obligation.

The data and information in the Agency documentation and records shall be protected and stored in a manner prescribed in the Law on Classified Information.

### **Service ID and badge**

#### **Article 69**

The Director shall issue service IDs and badges to the Agency employees.

The form and content of the service ID, the design thereof as well as the procedure for issuing service IDs and badges and revocation thereof shall be determined by the Director.

### **Service weapons**

#### **Article 70**

The employees of the Agency shall be authorized to carry and use service fire weapons.

The enactment for systematization of job positions shall set forth the job positions on which employees shall be authorized to carry and use service weapons. An employee of the Agency may use their service weapons if during performing tasks there is a risk and threat to their personal safety, in order to counter a direct illegal attack that threatens their or other individual's life or the property of the Agency.

The manner of possessing, carrying and the use of the service weapons shall be determined by the Director.

### **Public appearance, stating opinions and comments**

#### **Article 71**

The employees of the Agency have no right, without the Director's consent, to make public appearances and express their political or party stance and comments in media or social networks, as well as to participate at political party's activities that might challenge the security of the state or reputation thereof, or their personal reputation as an employee of the Agency.

### **Legal assistance related to legal proceedings against employees**

#### **Article 72**

Should an Agency employee be involved in criminal or other proceedings due to abuse of firearms or involvement in a traffic accident during performance of their assignments, the Agency shall provide free legal assistance for the employee for the duration of the proceedings.

### **Private travels of the employees abroad**

### **Article 73**

An employee of the Agency may travel abroad for private reasons, following approval of their superiors.

The Director is authorized to disallow private travel abroad of the Agency employees in favor of providing protection and defense of the Republic of North Macedonia.

The Director shall determine the manner of obtaining consent for travels abroad for private reasons stated in paragraph 1 of this Article.

## **Security clearance**

### **Article 74**

Employees of the Agency shall possess national security clearance certificate of "Top Secret" classification level.

Non possessing a "Top Secret" national security clearance certificate or cancellation thereof represents grounds for termination of employment contract.

## **Awards, certificates of appreciation and acknowledgements**

### **Article 75**

The employee of the Agency that demonstrates exceptional performance and quality in the execution of assignments and tasks and significantly contributes to the achievements of the Agency's operation shall be entitled to an award in accordance with a separate by-Law for granting awards, certificates of appreciation and acknowledgements, established by the Director.

The proposal for granting an award as defined in paragraph 1 of this Article is submitted by the head of the organizational unit where the employee is engaged in.

The Director shall decide on granting the award in accordance to paragraph 1 in this Article.

## **Employees insurance**

### **Article 76**

The Agency is obliged to provide insurance for the employees in case of death, professional injuries or loss of working ability.

An employee of the Agency that lost their life in the course of performing assignments shall be buried on the expense of the Agency. The family of the deceased employee shall be granted a one-time payment amounting to 12 monthly salaries of the deceased, for the last 12 months.

## **Right to compensation in case of temporary inability to perform work**



### **Article 77**

During temporary inability to perform work due to illness (of the Agency employee) or injury at work, or professional disease, the employee shall be entitled to compensation that equals 100% their current salary .

The compensation referred to in paragraph 1 of this Article shall be paid to the employee for 30 days at maximum.

Upon expiry of 30 days, the compensation defined in paragraph 2 of this Article shall be paid in compliance with health insurance regulations.

### **Prohibition for performance of additional jobs**

#### **Article 78**

The Agency employees are not allowed to perform additional jobs, professions as well as additional economic or professional activity.

### **Working hours**

#### **Article 79**

The working hours of the employees of the Agency may last longer than the legal maximum working hours for a work week in situations when there are urgent tasks and assignments arising from the Agency's work authorizations.

### **Annual leave**

#### **Article 80**

The Employee of the Agency shall have the right to annual leave of at least 20 working days, counting Saturdays, Sundays, holidays defined by Law or other occasions of approved leave of absence as days off, in accordance with the labor Laws and the Agency's collective agreement.

An employee establishing an employment contract for the first time shall be entitled to annual leave upon expiry of as minimum as six months of service, regardless if it was full time or half-time.

Should an employee's months of service be less than six in the calendar year their employment contract was established, they shall have the right to annual leave of two days per each month of service.

The manner of use and the duration of the annual leave shall be defined in the Agency's Collective Agreement.

#### **Article 81**

The Director shall have the right to postpone employee's annual leave, or request from them to end the leave in case of urgent Agency matters.

In situations as defined in paragraph 1 in this Article, the employee has the right to compensation of costs incurred by the postponing, i.e. the cessation of leave.

### **Extended annual leave**

#### **Article 82**

The annual leave for employees of the Agency shall be extended for four days due to the work complexity and the conditions under which tasks are performed.

### **Security vetting of employees**

#### **Article 83**

The Agency shall conduct security vetting of its employees and other persons who conclude employment contract in cooperation with other institutions.

The manner of performing the vetting procedure shall be adopted by the Director.

### **Material liability and damage payment**

#### **Article 84**

An employee of the Agency who shall cause damage to the Agency in the course of work, and in relation with the work, shall be liable to compensate it.

If the damage is caused by two or more employees, each employee shall be liable for the part of the damage that they have individually caused.

In case it is not possible to ascertain the individual liability for the damage incurred, all employees shall be held equally liable for the damage and shall cover equal parts.

In the event of damage caused due to multiple employees' willful, punishable actions, the employees involved shall be held jointly liable.

#### **Article 85**

For the purpose of conducting proceedings on the material liability of an employee, the Director shall form a commission to determine the material liability.

The commission referred to in paragraph 1 of this Article shall be composed of a president, four members and their deputies, all employed in the Agency, whose mandate shall last for one year. The commission shall also involve a note-taker who shall not vote.

#### **Article 86**

Each employee has the right and responsibility to report damages incurred.

### **Article 87**

The proceedings for damage payment shall be conducted upon a request submitted by the Director, or by head of an organizational unit.

The Director or the head of the respective organizational unit may file a request for damage payment.

The policies of establishing damage liability, damage payment by Agency employee and the work of the damage liability commission shall be passed by the Director.

### **Article 88**

The Director shall have the right to release the employee from damage payment in full or partially in a situation when the employee, as per their general income situation, is unable to pay for the damage without seriously aggravating their ability to support their basic needs or those of their family.

The procedure for exempting an employee from damage payment shall commence following an explanatory written request by the affected employee to the Director.

The decision to exempt an employee from paying damages is made by the Director.

### **Article 89**

In the event that an employee suffers material damage at the workplace or in the course of work-related activities, the Agency shall be liable to compensate the damage to the employee in accordance with the general damage liability principles.

## **Agency's liability for damage incurred**

### **Article 90**

The Agency shall be liable for damages that its employees might cause to individuals or entities in the course of or in relation with work assignments.

The Agency shall have the right to request compensation from the employee, for deliberate damage or damage as a result of gross negligence.

## **Disciplinary liability**

### **Article 91**

An employee of the Agency shall face disciplinary liability in case of violation of the work policies and discipline or non-fulfillment of work obligations.

Liability for criminal offence, i.e. violations do not exclude disciplinary liability of the employee of the Agency.

## **Types of disciplinary liability**

### **Article 92**

An employee of the Agency shall bear disciplinary liability for acts of minor and gross cases of violation of the work policies and discipline or non-fulfillment of work obligations.

### **Minor cases of violation of the work policies and discipline or non-fulfillment of work obligations.**

### **Article 93**

The following acts of indiscipline or behavior by an employee shall be interpreted as minor cases of violation of the work policies and discipline or non-fulfillment of work obligations:

- breach of work order or discipline,
- poor time keeping,
- failure to request leave of absence in writing to the Director, i.e. the head of the organizational unit,
- absence from work due to illness or other justified reasons that is not reported in writing within 48 hours to the Director or the head of the organizational unit,
- failure to make proper use of Agency's property and working assets in accordance with technical instructions,
- failure to immediately notify the Director or the head of the organizational unit about occurrence of negligent or erroneous damage and loss of property,
- careless use of Agency's tools and protective equipment, contrary to the regulations in the field of occupational safety,
- unlawful or unauthorized use of Agency's property,
- avoidance of professional development and training for the needs of the Agency.

**Gross** cases of violation of the work policies and discipline or non-fulfillment of work obligations.

### **Article 94**

The following acts by an employee shall be deemed gross misconduct:

- unjustified absence from work for three consecutive days or five days in the course of one year;
- abuse of sick leave,
- poor performance and inefficiency,
- insubordination and disobedience to the direct superior's instructions to act in compliance with the Constitution, a Law or other enactment,
- failure to abide by Agency's policies related to work assignments,
- biased performance driven by political parties, personal affiliations or personal financial interests,

- abuse of the status of employee with special authorizations and failure to preserve the Agency's reputation,
- possession, supply and use of alcohol and illicit drugs at the Agency premises,
- theft and acts of deliberate or severe negligent damage to the Agency,
- disclosure of classified information,
- abuse of Agency employees' personal information,
- failure to request consent for private travel abroad,
- abuse or exceeding granted authority,
- abuse of service weapons they are entrusted with,
- refusal to attend medical examinations aimed at determining one's working ability,
- avoidance of mandatory psychological and psychiatric examinations,
- violence of any kind at work premises,
- unlawfully obtains personal benefits in the course of work assignments,
- soliciting a bribe with money or other valuable items assigned to them in the course of work,
- committing any act representing criminal offence or violation of public order during performance of work tasks,
- expressing and representing any political party's position in performance of tasks, carrying or displaying party symbols in the Agency premises or vehicles and organizing or performing political activities in the Agency,
- expresses positions, opinions or comments on social networks related to the Agency operation, as well as encouraging national, religious, racial and gender hatred.

### **Types of disciplinary actions**

#### **Article 95**

In case of violation of the working discipline or failure to fulfill work obligations, one of the following disciplinary measures might be taken against an employee upon a decision:

- written warning;
- fine that may not exceed 15% of the last paid monthly net salary of the employee, for one to six months,
- reassigning to a job position that is one level below to the employee's current position, in accordance with the enactment on systematization of job positions, or
- termination of the employment contract upon dismissal.

For the disciplinary action described in paragraph 1 of this Article, the following matters shall be taken into consideration: the liability degree, the conditions under which the misconduct occurred, history of employee's performance and conduct, the severity of the misconduct and its consequences, the circumstances in which the violation was committed and other mitigating and aggravating circumstances.

**Disciplinary actions for minor** cases of violation of the work policies and discipline or non-fulfillment of work obligations

### **Article 96**

For minor cases of violation of the work policies and discipline or non-fulfillment of work obligations, the following disciplinary actions may be taken against an employee:

- written warning and
- fine in the amount of 15% of the employee's last paid monthly net salary, for a maximum of three months.

### **Disciplinary actions for gross cases of violation of the work policies and discipline or non-fulfillment of work obligations**

### **Article 97**

In cases of major cases of violation of the work policies and discipline or non-fulfillment of work obligations, the following disciplinary actions shall be available to the employer:

- fine in the amount of 15% from the employee's last paid monthly net salary, for a maximum of six months.
- reassigning to a job position that is one level below to the employee's position at the moment the misconduct occurred, in accordance with the enactment on systematization of job positions, and
- termination of the employment contract upon dismissal.

### **Right to termination notice**

### **Article 98**

In the event that due to gross cases of violation of the work policies and discipline or non-fulfillment of work obligations, an employee of the Agency has their employment contract terminated upon dismissal, the employee shall have the right to a one-month termination notice from the day of the handing over of the decision on termination of employment contract upon dismissal, except in cases of severe misconduct involving disclosure of classified information, abuse of service weapons, offering or taking bribe in money or other items of value they have been entrusted with and unauthorized absence for three consecutive days or five days in the course of one year.

### **Article 99**

During the termination notice, the Agency shall be obliged to provide the employee a possibility to be absent from work for the purpose of seeking new employment for four hours in the course of the work week.

### **Article 100**

During the termination notice and absence from work for the purpose of seeking new employment, the employee shall be entitled to receive payment amounting the

salary they received in the month before the decision to terminate the employment contract upon dismissal was made.

## **Suspension**

### **Article 101**

Until a final decision in a disciplinary proceeding against a certain employee is reached, the employee shall be removed from the job position and the Agency with a written decision (suspension), if the event of any of the following situations:

- there is an immediate threat to the life or well-being of the employees or other persons, or damage to the Agency property of higher value,
- the employee's presence at work and their further work in the Agency would adversely affect the Agency operation,
- determining liability for misconduct is prevented or hindered,
- criminal proceedings have been initiated against the employee for offence committed at work or in relation with work.

During the removal from the job position and the Agency, the employee shall be granted and paid remuneration amounting up to 50% of the salary that they have received in the month before the removal from the job position took place.

The decision referred to in paragraph 1 of the present Article shall be made by the Director or a person authorized thereby.

The employee shall have the right to appeal the decision referred to in paragraph 1 of this Article before the State Commission for Decision-Making in Administrative procedures and Employment procedure in Second Instance, within eight days from the day of receipt of the decision.

The appeal as defined in paragraph 4 of this Article shall not defer the execution of the decision.

The employee who was removed from their position and from the Agency shall be obliged to return the equipment and other resources they had been entrusted with, for performing their professional obligations.

## **Discontinuation of disciplinary action**

### **Article 102**

A disciplinary action shall be discontinued should:

- the commission for determining disciplinary liability decide to deal with a previous issue or requests an authorized institution to deliver valid documents and information, which might take longer period of time,
- natural disasters occur in the area where the commission is supposed to meet to determine disciplinary liability,
- the employee facing disciplinary action become ill immediately before or during the disciplinary action, that the employee shall prove by submitting a sick-leave issued by a family doctor,
- the employee facing disciplinary proceedings be detained in prison.

Discontinuation of the action referred to in paragraph 1, lines 1, 2 and 3 of this Article may last for a maximum of one year.

Discontinuation of the action the proceedings in the case of paragraph 1, line 4 of this Article shall last until the decision on termination of imprisonment.

### **Decision on imposing a disciplinary measure**

#### **Article 103**

A decision on imposing a disciplinary measure shall be made by the Director, following a proposal of the commission for determining disciplinary liability.

The decision for imposing a disciplinary measure shall contain an explanation on the grounds and reasons for imposing the disciplinary measures.

The Director is obliged to make the decision for making disciplinary measures against the employee within three months from the day of the reported misconduct, and within six months from the day of the occurrence of misconduct at the latest.

The day of reporting misconduct is the day when the proposal for commencing a procedure for establishing disciplinary liability is submitted by an authorized petitioner.

### **Appealing a decision for imposing disciplinary measures**

#### **Article 104**

The employee shall have the right to appeal the decision for imposing disciplinary measures within eight days from receipt of decision. The appeal is to be submitted to State Commission for Decision-Making in Administrative procedures and Employment procedure in Second Instance

The appeal against the decision referred to in paragraph 1 of this Article does not defer the execution of the decision.

### **Disciplinary liability Commission**

#### **Article 105**

For the purpose of conducting a procedure for determining disciplinary liability in cases defined by this Law, the Director shall form a commission for determining disciplinary liability.

The commission referred to in paragraph 1 of this Article consists of a president, two members and their deputies with a one-year mandate, as well as a note-taker with no right to vote.

Employees with university degree and working experience of at least six years shall be eligible for the role of president and deputy members.

A representative of the Agency internal control shall participate in the work of the disciplinary liability commission.

#### **Article 106**

The manner of work of the disciplinary liability Commission shall be outlined by the Director.



## **Termination of the employment contract**

### **Article 107**

An Agency employee shall have their contract terminated upon fulfillment of conditions for retirement pursuant to Law.

The decision for terminating the contract referred to in paragraph 1 of this Article shall be made by the Director.

## **Termination of employment contract by dismissal**

### **Article 108**

Termination of the employment contract upon dismissal may occur as a result of employee's disciplinary liability, in accordance with this Law, as well as in other cases outlined in this Law.

The employment contract may as well be terminated upon a request of the employee.

## **Other instances of termination of employment contract**

### **Article 109**

An Agency employee may also have their contract terminated upon dismissal, in the following cases:

- the employee has been proven to have produced false information related to the general and specific employment criteria,
- the employee fails for the second time, the internship examination, stipulated by the present Law,
- the employee does not return to work within the deadline set up in the decision for unpaid leave, and
- the employee does not report to the position they have been assigned within 3 days of receiving the decision for assignment.

## **Termination of employment contract due to final court judgment**

### **Article 110**

An employee of the Agency who was served a final court judgment banning them from conducting certain tasks outlined in the employment contract or was banned from performing a profession, assignment or duty, preventing them from working for more than 6 months or is convicted to a prison sentence resulting in absence from work for more than 6 months, shall have their employment contract with the Agency terminated upon dismissal from the day of receipt of the court judgement, that is the date of commencement of the prison sentence.

The decision to terminate the employment contract with dismissal shall be made by the Director.

## **Reasons preventing termination of contract**

### **Article 111**

An employment contract cannot be terminated due to the following reasons:

- membership in a union or participation in union activities in accordance with Law;
- filing a lawsuit or taking part in proceedings against the Agency in relation to breach of contractual or other obligations of employment before judicial, managing and other organs;
- absence from work due to maternity leave;
- approved sick leave;
- use of authorized absence from work and annual leave;
- training for the needs of the Agency and
- cases of suspension of employment rights determined by Law.

## **Termination of employment contract upon completion of working service**

### **Article 112**

An Agency employee shall have their employment terminated pursuant to this Law, upon completion of 40 years of working service, regardless of their age.

The old-age pension referred to in paragraph 1 of this Article shall amount to 80% of the average monthly net salary that the employee had been receiving during their ten best-paid years of working service.

An employee who has acquired the right to pension shall be entitled to one-time severance pay amounting to five average net salaries paid per employee in the Republic of North Macedonia, announced by the day of severance pay.

## **XI. INTERIM AND FINAL PROVISIONS**

### **Article 113**

The Agency by-laws stipulated for in this Law shall be adopted within 12 months from the date the Law enters into force.

### **Article 114**

The Intelligence Agency established upon the Law on the Intelligence Agency ("Official Gazette of the Republic of Macedonia no. 19/1995) shall proceed with its operation as Intelligence Agency pursuant to this Law.

### **Article 115**

The Director of the Intelligence Agency appointed in compliance with the Law on the Intelligence Agency ("Official Gazette of the Republic of Macedonia no. 19/1995)

shall proceed to perform their duties up to the expiry of the term they were appointed for.

**Article 116**

Proceedings that have commenced up to the date this Law becomes effective shall proceed in accordance with the Law on the Intelligence Agency (“Official Gazette of the Republic of Macedonia no. 19/1995).

**Article 117**

On the date this Law enters into force, the Law on the Intelligence Agency (“Official Gazette of the Republic of Macedonia no. 19/1995) shall cease to apply.

**Article 118**

This Law shall enter into force on the date it is published in the “Official Gazette of the Republic of North Macedonia”.