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# PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT *in the* **ENVIRONMENT POLICY SECTOR**

PAR Principles Mainstreaming in  
Sectoral Policies – Report for the Republic of North Macedonia



## PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT

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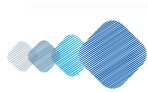
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Project Coordinator



# CONTENTS

Report summary .....	4
<b>I. Introduction .....</b>	<b>5</b>
I.1 What does WeBER monitor and how? .....	5
I.2 In this Report .....	5
<b>II. Analysis .....</b>	<b>7</b>
Requirement 1: Information about public competitions is made broadly publicly available .....	7
Requirement 2: Potential candidates have sufficient time to submit applications in the public competition process .....	8
Requirement 3: Selection committees' composition is professional and impartial .....	8
Requirement 4: Transparency of selection committees' outcomes is ensured .....	9
Requirement 5: The best-ranked candidates get the job in practice .....	10
Requirement 6: Reasons for annulling public competition procedures are publicly available .....	11
Final assessment of the requirements .....	12
<b>III. Recommendations for improvements .....</b>	<b>13</b>
<b>Appendices .....</b>	<b>14</b>
Free access to information requests .....	14
Interviews .....	14
Other sources .....	14

# REPORT SUMMARY

Focusing on the PAR Principle Public service and human resource management, this Report analyses the employment of administrative servants in the environment policy area that have been completed in 2021. The scope of this analysis is limited only to those positions filled through public call for administrative servants, for which the employment procedure was begun and finalized in 2021. More specifically, the analysis focuses on two public calls for employments, one in the Ministry for Environment and Physical Planning and one in the State Environment Inspectorate. While the former institution had nine positions that needed to be filled by 11 administrative servants, the latter had two vacant positions for two administrative servants.

The majority of the data was obtained through freedom of information requests (FOI) submitted to the two institutions and to the Agency for Administration, as the institution responsible for conducting the selection procedures. The findings indicate that information about public competitions is made public, as per the legal requirements. Candidates are provided with sufficient time to prepare and submit their application via the online application tool at the website of the Agency for Administration. While the composition of Selection Committees is assessed as professional, with adequate representatives from all relevant institutions, there are no legal obligations and therefore no soft measures to ensure impartiality thereof.

While final ranking lists from the three phases of the selection procedure are published in a timely manner on the website of the Agency for Administration, it remains almost impossible for external evaluators, CSO representatives and the public to assess whether the best candidate gets the job, since the final decision remains a somewhat discretionary right of the manager of the institutions employing the candidate(s). In cases of annulment of public competitions, the analysis finds that institutions do not practice proactive transparency, hence no information on the annulments of the public calls are available on the employing institutions' websites. Nevertheless, as reported by the institutions, in the event of annulling a public call, all applicants are notified in a timely manner.

Overall, based on the established methodology, three of the requirements under the PSHRM principles are fully met, two are not met, whereas one could not be finally assessed as the findings could not be confirmed due to lack of data. Despite the fact that the current legislative framework is generally of good quality, it is in the implementation thereof where institutions often fall behind. Nevertheless, further improvements of the legal framework can be done, and institutions should be encouraged to practice more proactive transparency.

# I.

## INTRODUCTION

### I.1 What does WeBER monitor and how?

The monitoring in Public Service and Human Resource Management (PSHRM) area, is performed against SIGMA Principle 3.

**Principle 3:** Recruitment of public servants is based on merit and equal treatment in all its phases.

The PSHRM checklist consists of six requirements that pertain to the key elements of the recruitment process based on public competitions for positions within the civil service. It starts with monitoring the practices of the assessed institution in advertising vacancies for positions within the civil service, and whether all potential candidates are given a reasonable amount of time to apply. Composition of selection committees is monitored by assessing whether every committee member meets the required standards of professionalism and impartiality. When it comes to the selection committees' decisions, assessment is based upon whether they are transparent, detailing performance information for all eligible candidates who participated in the recruitment process. Finally, monitoring focuses on the final outcomes of all analysed recruitments based on public competition, meaning if the best-ranked candidates get the job in practice, and in case of annulled recruitment procedures if the reasons behind annulments are made publicly available.

For data collection, the approach to this checklist relies on a review of the website of the assessed institution, a centralised portal for all those recruited in public administration (if applicable), a review of the website of national employment agencies, a review of social media accounts of the assessed institution, and on filing of requests for free access to information for all documents that are not available online. The timeframe for the analysis covers recruitment practices based on public competitions for the last calendar year (or previous year if there were no public competition announcements during the last calendar year).

### I.2 In this Report

This report focuses on the employment of administrative servants through public calls by the Ministry for Environment and Physical Planning (MoEPP) and the State Environment Inspectorate (SEI), as the two institutions within the Environment policy sector, completed in the period January through December 2021. This report provides general information about the public calls by the two aforementioned institutions. For those calls that were both published and finalized with decisions for employments, five requirements are analysed.

Based on data obtained from FOI requests and assessment of the websites of the relevant institutions, the second chapter contains a detailed analysis on the following:

- Whether information on public calls is broadly available to the public;
- Whether applicants have sufficient time to prepare their application;
- Whether the Selection Committees are professional and impartial;
- Whether the assessment of candidates by the Selection Committees is transparent;
- Whether the best ranked candidates are selected for the vacant positions; and
- Whether information on annulled public calls and the reasons behind the annulment are published.

On the basis of the analysis in chapter two, chapter three provides a set of recommendations for relevant institutions.



## ANALYSIS

While recruitment of administrative servants is adequately regulated in the Republic of North Macedonia, the recruitment processes remain insufficiently competitive, despite the number of candidates increases continuously.<sup>1</sup> This analysis looks into the employment of administrative servants in the environment policy area. The institutions under this policy area are the MOEPP as the policy maker (including one institution accountable to the Ministry), as well as the SEI. Hence, the analyses looks into the recruitment/employment processes within these two institutions. It is important to note that the scope of the analysis is only on employments of administrative servants through public calls, thus temporary employments and contract-based employments are not accounted for. The period under analysis is January through December 2021.

In order to ensure all relevant recruitment is analysed, a FOI request was sent to the Agency for Administration of North Macedonia (AA), as responsible institution for publishing calls for vacancies and organizing the process for selection of administrative servants, as well as other competencies related to employment of administrative servants in the institutions from the central and local government. The requested information referred to the total number of public calls for administrative servants published and finished in 2021. There were a total of two public calls for multiple positions in the institutions under analysis – one call for nine positions and 11 administrative servants in the MOEPP and one call for two positions and two administrative servants in the SEI. Consequently, this report analyses the employments of 11 administrative servants in the MOEPP and two at the SEI.

### **Requirement 1: Information about public competitions is made broadly publicly available**

The legal framework for employment of administrative servants through public calls is stipulated in the Law on Administrative Servants (LAS<sup>2</sup>). It specifies that all public calls for vacancies must be published on the website of the AA – the institution responsible for the recruitment procedures of administrative servants - as well as in at least three newspapers, from which one published on the language spoken by the largest non-majority community.<sup>3</sup> The institutions for which the vacancies are published are not legally obliged to publish them on their website, but they can do so nevertheless.

<sup>1</sup> SIGMA, 2021. The principles of Public Administration, Monitoring Report for North Macedonia. November 2021

<sup>2</sup> "Official Gazette of the Republic of Macedonia" n.27/14, 199/14, 48/15, 154/15, 5/16, 142/16 and 11/18, and "Official Gazette of the Republic of North Macedonia" n. 275/2019, 14/20, 215/21 and 99/22

<sup>3</sup> Article 25, Law on Administrative Servants

During the time of analysis for this report, the two public calls were no longer available on the AA's website. This is due to an established practice of the Agency to only have currently open vacancies published. Each public call for vacancies remains on the website for as long as it is active, i.e. until the deadline for application, at which point it is removed from the website. However, this criteria was considered met, given that the AA's website is the only platform where potential civil servants apply for a vacancy, which is always linked to the specific public announcement for the vacancy.

In order to check the remaining legal criteria, upon receiving the full texts of the two public vacancies, the names of the newspapers where these public announcements were published (information contained in the text of the public call) were obtained. Then, the three newspapers were requested to submit an online copy from their Archive of the newspapers' editions from the day of the publishing of the public call for vacancies, to determine whether this criterion was met. The public call for the MOEPP was published at the 25 February 2021 edition of at the newspapers Nova Makedonija, Sloboden Pечат and Lajm, whereas the one for the SEI was published in the 25 November 2021 edition of the newspapers Nova Makedonija, Sloboden Pечат and Koha. The institutions' websites were checked to see whether they practiced proactive transparency and published the announcements for vacancies. While neither MOEPP nor SEI had published the vacancies on their website, the public call by the SEI was also published on its official Facebook Page.<sup>4</sup>

Overall, both the AA and the institutions that are employing administrative servants comply with the legal requirements, given the LAS obliges employing institutions to publish announcements for vacancies on their website only in case of internal calls, whereas for public calls this is not mandatory. Nevertheless, institutions could further practice proactive transparency by publishing the announcements on their websites, as well.

## **Requirement 2: Potential candidates have sufficient time to submit applications in the public competition process**

As per the LAS,<sup>5</sup> the legally set deadline for submitting application for administrative servants under public calls is at least 15 days and at most 20 days from the day of the publishing of the announcement.

The public announcement for the MOEPP was published on 25 February 2021, whereas the one for the SEI was published on 24 November 2021. Both public announcements, as per the legal framework, stipulate the deadline for application is 15 days from the day of their publishing - 11 March for MOEPP, and 8 December for SEI. In other words, applicants for both public announcements had 11 working days since the day of publication to prepare and submit their application. This is considered sufficient, since the application is completely electronic and applicants do not need to account for additional time needed for their application to be delivered to the AA via postal services/delivery companies.

## **Requirement 3: Selection committees' composition is professional and impartial**

The legal requirement for the background of Selection Committee members is also stipulated in the LAS. As per Article 37 of the law, the Selection Committee is established by the Director of the AA for each public announcement composed of the following members:

- an administrative servant from the Sector for Selection of Candidates in the AA (which also presides with the Selection Committee) and its deputy,

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<sup>4</sup> See <https://www.facebook.com/105140678120971/posts/318737466761290/>

<sup>5</sup> Article 25, Paragraph 5, Law on Administrative Servants



- the Head of the Organisational Unit for Human Resource Management (HRM) from the employing institution, or an administrative servant responsible for HRM in cases where the employing institution does not have an HRM unit;
- Heads of the Sectors (in which the hiring/s takes place) from the employing institutions or direct supervisors to the potential civil servants if there is no Head of Sector, as well as their deputies; and
- An administrative servant from the Ministry of Political System and Inter-community Relations (MPSICR) and its deputy (in cases when the vacancies to be filled are in state administrative bodies).

If the employing institution is newly founded and has no employees, or if it does not have managing administrative servants, the Selection Committee members and/or their deputies are representatives from the Sector for Selection of Candidates in the AA.

The information about Selection Committee members for both public announcements under this analysis was obtained from the AA through a FOI request. This was then cross-checked with the positions in the vacancies, to ensure all legal requirements were met. At the MOEPP, all of the 11 vacancies were in the Sector for EU, whereas the 2 vacancies for SEI were at the Sector for Inspection Oversight in the area of Environment and Nature.

The Selection Committee for the public announcement for 11 vacancies at the MOEPP complied with the legislative requirements. It was composed of two representatives from the Sector for Selection of Candidates in the AA – acting as president of the Committee and its deputy, the Head of Unit for HRM from the MOEPP, whereas its deputy came from the Sector for Selection of Candidates in the AA, the Head of Sector for EU and its Deputy head of Sector for EU, as well as a representative from the MPSICR and its deputy.

The Selection Committee for the public announcement for 2 vacancies at the SEI complied with the legislative requirements, as well. It was composed of two representatives from the Sector for Selection of Candidates in the AA – acting as president of the Committee and its deputy, the Head of Sector for inspection oversight in the areas of environment and nature, whereas its deputy came from the AA. Given that the SEI does not have an HRM Unit, the member and its deputy came from the Sector for Selection of Candidates from the AA. The Committee also included a representative from the MPSICR and its deputy.

Considering the above information, we may conclude that the Selection Committees for both public announcements were professional, ensuring the selection of the best candidate is thorough and that the chosen candidates possess the necessary skills, competencies and education necessary for the execution of tasks for every position. Based on the work positions of the Selection Committee members, the candidates were evaluated both by HRM specialists, as well as by their potential supervisors.

In terms of prevention of conflict of interest, the national legislation does not include any provisions thereof, i.e. Selection Committee members are not required to sign any statements regarding conflict of interests. This leaves space for favouritism of some candidates over others, especially during the interview phase, in the event a Selection Committee member knows or is related to the applicant. Therefore, this criteria could not be assessed for the purposes of the analysis.

## **Requirement 4: Transparency of selection committees' outcomes is ensured**

As per national legislation,<sup>6</sup> the recruitment procedure for administrative servants consists of three phases: (1) administrative selection, (2) exam for administrative servants, and (3) checking of the accuracy of documents submitted and interview with the candidates. All of the phases are conducted and evaluated by the Selection Committee.

The first phase serves to check whether all applicants have complied with the requested information and documents in their online application, as per the instructions and requirements of the public announcement.

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<sup>6</sup> Articles 38 – 46, Law on Administrative Servants

An initial ranking list is prepared and published on the website of AA. Candidates that have passed this phase continue to the second phase – an exam for administrative servants. The details for how a candidate is assessed and how the scores are allocated are elaborated in the LAS. A second ranking list is prepared and published on the AA's website. Candidates that passed the second phase continue to the third, after which completion the Selection Committee prepares and submits a final ranking list and publishes it on the AA's website. It is important to note that none of the ranking lists contain personal information of the candidates – each candidate is given an identification code and the scores from the selection procedure phases are published for each candidate under their identification scores.

Upon inspection of the AA's website, it was determined that none of the ranking lists for each of the selection phases were available at the time of this analysis, due to the established practice of the AA removing them from the website once every phase of the selection procedure is finalized. However, the final ranking lists were obtained from the MOEPP and the SEI through FOI requests. The documents include a separate table for each vacancy with a list of the identification numbers of all candidates that have passed all of the three phases, the scores they obtained in each phase, as well as the total score.

Finally, once all the phases of the selection procedure are finalized and the candidates for each vacant position are selected, the Decisions for selection of candidates are published on the website of the AA, as well as being sent to all candidates that have completed all selection phases. The decisions for both public announcements – (for MOEPP<sup>7</sup> and SEI<sup>8</sup>) can be found on the AA's website.

The analysis showed that both employing institutions as well as the AA complied with legal requirements and ensured transparency of the outcome from the selection procedure. In general, these legal requirements are always met, since they are the basis for further potential submission of a complaint by any of the candidates that are not satisfied with the Decision for selection.

## **Requirement 5: The best-ranked candidates get the job in practice**

The selection of candidates for administrative servants is stipulated in the LAS,<sup>9</sup> along with other legislative provisions pertaining to administrative servants. Candidates are ranked in all three phases of the selection procedure. The administrative selection (first phase) ends at latest 15 days upon the deadline for application. The Selection Committee prepares a ranking list with ID codes for each candidate that has passed on to the second phase – exam for administrative servants - and publishes this list on the website of the AA. The number of candidates that continue in the second phase is maximum 10 times more than the number of employees for which a public vacancy is published. Candidates that have the same score as the last ranked candidate on the list also continue on to the second phase.

The exam assesses the expert knowledge of candidates as well as their language and computer skills. It takes place in the AA and is completely computer based, hence candidates get their score immediately after they take the exam. The AA prepares and publishes on its website a second ranking list of all candidates that took the exam, within three days of their examination. The number of candidates that continue in the third phase is maximum 5 times more than the number of employees for which a public vacancy is published. Candidates that have won the same score as the last ranked candidate on the list also continue on to the third phase.

The candidates that have reached the third phase – verification of evidence and interview are invited to submit evidence on the requirements stipulated in the public call, prior to the beginning of the interview. Candidates that provide evidence to confirm they fulfil the requirements are invited for an interview. After all candidates from the third phase have completed the interview, the Selection Committee prepares a final

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7 See: <https://bit.ly/37S0un3>

8 See: <https://bit.ly/3MsEK1V>

9 "Official Gazette of the Republic of Macedonia" n.27/14, 199/14, 48/15, 154/15, 5/16, 142/16 and 11/18, and "Official Gazette of the Republic of North Macedonia" n. 275/2019, 14/20, 215/21 and 99/22

ranking list with all the candidates that have scored at least 60% of the maximum score in all three phases of the selection process. The final ranking list is published on the website of the AA.

Based on the final ranking list for each vacant position, the Selection Committee proposes to the employing institution the best ranked candidates for the envisaged employments, taking into consideration the ethnicity requirement stipulated in the Annual Employment Plan of the institution. In cases where there are no candidates on the final ranking list for a specific vacant position, the LAS envisages specific provisions for re-publishing the announcement and re-conducting the selection procedure, until the best ranked candidate is selected.

The Secretary, or the manager of the employing institution where there is no Secretary, is expected to adopt a decision for selection within three days of the receipt of the proposal for employment prepared by the AA. This decision is submitted to the candidate and published on the AA's website. Five days after the final decision for selection, the institution must prepare a final decision and sign a contract with the selected candidate.

In theory, the legislation provides a comprehensive framework for selection of candidates that is based on merit, and that ensures there is no space for discretionary decisions by the managers of institution. However, when it comes to assessing whether the best ranked candidate was selected, third parties cannot perform such assessment based on publicly available documents. Therefore, in order to assess this requirement, for the purposes of this research a FOI Request was sent to the AA for the minutes of the Selection Committee meeting for assessing candidates during phase three of the selection procedure. However, AA declined to submit this document, due to protection of personal information. FOI Requests were also sent to the MOEPP and SEI for the final ranking lists for the vacancies under the scope of this research (given these documents are taken down from the website of the AA upon the selection process is finished), as well as for evidence on employing candidates based on selection decision - individual recruitment acts or decisions for the abovementioned vacancies. Even though these documents were obtained, it was not possible to assess whether the best ranked candidate for each vacant position was indeed the one that signed an employment contract, given the final ranking lists do not include personal information (including names and last names of the candidates), but rather only their individual ID codes, given to them by the AA when the candidates applied for the specific vacant position. Therefore, this criterion cannot be assessed completely, in the sense that there is no way to cross-check the final ranking lists with the decisions for employment or the contracts for employment, as the last two do not contain information on the candidate's ID number from the selection process.

However, it should be noted that the final ranking list contain information on all candidates that have applied on the vacancy, including their scores for each of the three selection phases, as well as the scores from each phase on the candidates that did not continue from one phase to another

Having said this, if we go back to the legislative framework, we can see that all ranking lists from every phase of the selection process are published (albeit only for a specific time during the selection process), ensuring transparency of the process. In addition, while in the past, the legislative framework provided a certain window of opportunity for discretionary decisions by the managers of institutions to select one of the three best ranked candidates, the current legislation has eliminated that possibility for the managers. Finally, the legislative framework also contains provisions for appeal by the candidates, in the event they do not agree with the outcome of the selection procedure and want to dispute it.

## **Requirement 6: Reasons for annulling public competition procedures are publicly available**

During 2021, as per the information obtained by the AA, upon request of the MOEPP the AA annulled one public announcement for vacancies, for 22 positions and 22 administrative servants, whereas upon request of the SEI, the AA annulled three public announcements for vacancies. The first one was for one position and one administrative servant, the second was for two positions and two administrative servants, while the third was for four positions and four administrative servants.

The national legislative framework for employment of administrative servants does not provide a clear and precise definition of the time and criteria for requests for annulment of public announcements. Yet, employing institutions continue to use the tool request for annulment of the procedure, directed to the AA, as means for annulling public announcements, based on provisions stipulated in the Law on General Administrative procedures.<sup>10</sup> That said, a FOI request was sent to the MOEPP and SEI to provide information on the reasons behind the annulment.

As per the information obtained by the SEI, the institution sent three official requests to the AA for annulment of the three above mentioned public announcements, in which, for all three public calls it was stated that the reasons for the request for annulment is that SEI concluded the Selection Committee was composed contrary to Article 37 of the LAS, due to inaccurate data submitted by the SEI, on their employees that could be members of the Selection Committee. While the MOEPP did not provide information on the reasons for annulment of the public announcement for employment of 22 administrative servants, it stated that an official request for annulment of the public announcement was sent to the AA and a decision for the annulment was adopted.

The inspection of the websites of both the MOEP and SEI yielded that there were no information on the annulments of the public calls: however, both institutions said that all applicants were notified in a timely manner. There is no additional data available to cross-check the claims of the institutions pertaining this matter. When it comes to the specific public calls that fall within the scope of this analysis, the responsible Institutions not only fail to practice proactive transparency when it comes to announcing that a public call has been annulled, they also do not provide publicly available information on the reasons behind the annulment, which leaves space for manipulations and misuse of the procedure.

## Final assessment of the requirements

Requirement	Final assessment
R1 Information about public competitions is made broadly publicly available	Fully met
R2 Potential candidates have sufficient time to submit applications in the public competition process	Fully met
R3 Selection committees' composition is professional and impartial	Not met
R4 Transparency of selection committees' outcomes is ensured	Fully met
R5 The best-ranked candidates get the job in practice	Not completely assessed
R6 Reasons for annulling public competition procedures are publicly available	Not met

10 See <https://akademik.mk/agentsijata-za-administratsija-vo-godishniot-izvesttaj-notira-niza-problemi/>

# III.

## RECOMMENDATIONS FOR IMPROVEMENTS

Given the finding, this chapter of the report provides the following recommendations for the relevant institutions:

1. The AA should consider having an Archive on their website where all information and relevant documentation pertaining finalized employment procedures will be available to the public, including public announcements for employment, ranking lists, and decisions for employments.
2. Institutions that have public announcements for vacancies should practice proactive transparency and regularly publish the announcements for vacancies for administrative servants on their website, under a separate tab that is easily accessible by all interested parties.
3. While the deadlines for application for vacant administrative servant positions seem reasonable, the applicants are still required to submit documents issued to them by other state institutions, which can sometimes take longer than needed. Therefore, MISA should amend relevant laws with provisions that would oblige the AA to obtain these documents ex officio.
4. The MISA should consider amending relevant legislation, to include provisions on prevention of conflict of interests by Selection Committee members during selection procedures for employment of administrative servants.
5. The MISA should consider amending relevant legislation to regulate the procedure for annulment of public announcements.
6. The institutions that have public announcements for vacancies should practice proactive transparency regarding cancelation of previously published announcements for vacancies, and regularly publish on their on their website information about the cancelation of public announcements, including the official decision for annulment/cancelation.
7. Relevant institutions should ensure that the public has means to check whether the best ranked candidate gets the job in practice.

# APPENDICES

## Free access to information requests

Institution	Date of sending	Date of receipt
AA_1	12 April 2022	26 April 2022
AA_2	4 May 2022	11 May 2022
MOEPP_1	12 April 2022	13 April 2022
MOEPP_2	4 May 2022	16 April 2022
SEL_1	12 April 2022	19 April 2022
SEL_2	4 May 2022	10 May 2022

## Interviews

Institution/Organisation	Position	Date	Place
N/A			

## Other sources

1. SIGMA, 2021. The principles of Public Administration, Monitoring Report for North Macedonia. November 2021
2. Law on Administrative Servants "Official Gazette of the Republic of Macedonia" n.27/14, 199/14, 48/15, 154/15, 5/16, 142/16 and 11/18, and "Official Gazette of the Republic of North Macedonia" n. 275/2019, 14/20, 215/21 and 99/22
3. Sloboden Pecat Newspaper, 24 November 2021 edition
4. Sloboden Pecat Newspaper, 25 February 2021 edition
5. Nova Makedonija Newspaper, 24 November 2021 edition
6. Nova Makedonija Newspaper, 25 February 2021 edition
7. Koha Newspaper, 24 November 2021 edition
8. Lajm Newspaper, 25 February 2021 edition





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