



# SELDI.net

Southeast European Leadership for  
Development and Integrity

## ANTI-CORRUPTION NEWSLETTER

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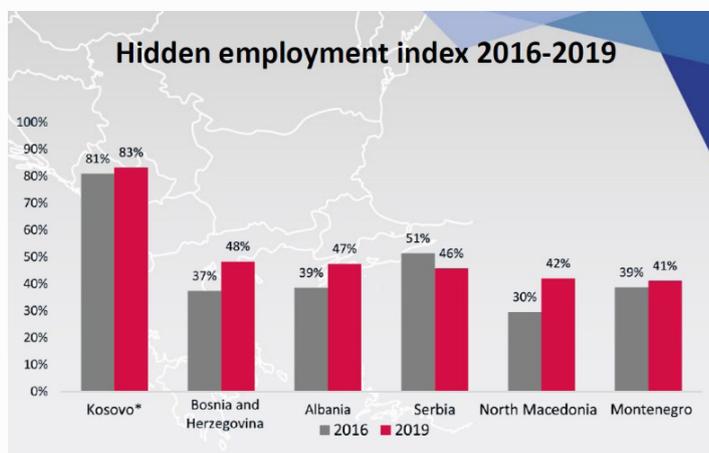
## BRIDGING THE GAP BETWEEN STATE CAPTURE DIAGNOSTICS AND PRACTICAL SOLUTIONS FOR THE WESTERN BALKANS

The pilot State Capture Assessment Diagnostics (SCAD) data on the Western Balkans presented at a SELDI webinar on 30 October 2020, suggests that the main challenges for the region remain the politically-controlled media, corruption in the judiciary, lack of integrity of public organisations, lack of impartiality and inadequate anti-corruption procedures. Across the Western Balkans, the [score for state capture enablers](#) spans from 39 to 45 out of 100 (full state capture).

Key economic sectors such as energy, pharmaceuticals, telecommunications and construction show signs of monopolisation pressure potentially associated with state capture. The business state capture pressure (BSCP) indicator is at non-negligible levels in Montenegro, North Macedonia, Serbia, and Bosnia and Herzegovina, is close to medium levels in Kosovo\*, and is alarmingly high in Albania. The situation has only worsened with the Covid-19 crisis, which increased government pressure on the media following the adoption of additional regulations on the distribution of false news and the consequent decrease in market revenues. **SELDI Network, November 2020.**

Economic Sectors with High or Medium Monopolization						
	Assessed monopolization					
	Albania	BiH	Kosovo*	Montenegro	North Macedonia	Serbia
Civil engineering	12%	41%	NA	25%	35%	30%
Construction of buildings	41%	47%	NA	46%	26%	51%
Electricity, gas, steam and air conditioning supply	47%	61%	38%	65%	74%	77%
Gambling and betting activities	50%	58%	36%	42%	33%	38%
Programming and broadcasting activities	21%	32%	4%	20%	18%	64%
Telecommunications	59%	67%	46%	49%	67%	47%
Wholesale of pharmaceutical goods	56%	53%	58%	48%	53%	51%
Wholesale of solid, liquid and gaseous fuels and related products	24%	35%	52%	15%	53%	42%
Wholesale of tobacco products	18%	38%	48%	29%	20%	17%

## THE HIDDEN ECONOMY IN TIMES OF COVID-19



The COVID-19 crisis has shed a new light on the problem of informality. Lockdowns imposed by governments in the region during the pandemic created a rapid spike in unemployment, thus increasing the risk of people seeking undeclared work. The SELDI initiative held a webinar on the challenges and lessons for economic recovery and convergence, presenting the latest trends and data from the SELDI hidden economy index on 20 November 2020.

The results show that the hidden economy remains at very high levels throughout the entire region between 2016 and 2019, with minor national differences: Serbia is the only country which shows a decline since 2016, while Kosovo\* remains the country with the highest hidden employment share. A total of 60% of the employed in Kosovo\* claim to have no healthcare insurance, and every tenth employed in the region has no social security coverage. Such high levels of informality pose a significant risk and require regular progress reporting regarding the economic recovery and convergence of the Western Balkans. Notably, the area of business environment and reduction of the hidden economy is a critical dimension for the fulfilment of the Copenhagen economic criteria and the eventual accession of the Western Balkan countries to the EU. **SELDI Network, November 2020.**

## CONSTITUTIONAL AND LEGAL MESS IN MONTENEGRO

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Recently, public attention has been focused on whether the current Prime Minister from the DPS Government violated the Constitution by refusing to resign from its position as a member of the Parliament. Furthermore, a question was also raised whether he breached the Law on Prevention of Corruption by such act, considering that he made a written “promise” that he would not be active as an MP during the transition period. **Institute Alternativa, November 2020.**

## REFORMS IN RULE OF LAW AREA: WHAT IS YET TO BE DONE IN MONTENEGRO

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Since the beginning of September 2020, the Law on Prevention of Corruption has entered into force in Serbia. With this new law, the main anti-corruption body, Anti-corruption Agency of Serbia changed its name to Agency for Prevention of Corruption. As lack of results in the fight against corruption is one of the most serious obstacles to the economic, social and political development of the country and joining the EU, it is very important that the renaming of the Agency does not become the only change brought by the law. **(CCP/ EWB, September 2020)**

## SLOVENIAN EXPERIENCES IN TRANSPARENCY SHARED WITH MACEDONIAN NGOS

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On November 6th, 2020 more than 60 representatives of civil society organisations participated in the conference held by the Macedonian Center for International Cooperation (MCIC) entitled “Can transparency really help us? Different approaches of CSOs to increase transparency”. The participants learned from some of the best practices applied by the civil society in Slovenia. The conference is part of the activities of the program “Sustainable Civil Society - State Financing of Civil Society Organizations” implemented by MCIC in partnership with BCSDN and CNVOS from Slovenia, and financially supported by the European Union. **Macedonian Center for International Cooperation, November 2020.**

## MORE THAN OVERSIGHT: HOW TO INCREASE COOPERATION BETWEEN PARLIAMENT AND ANTI-CORRUPTION INSTITUTIONS IN NORTH MACEDONIA?

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In the upcoming year, it will be of key importance for Parliament to establish partnership with institutions in the executive branch that are on the frontline of the fight against corruption, declares the Institute for Democracy ‘Societas Civilis’ Skopje (IDSCS) in a recent memo. Such a partnership would not mean reduced oversight, on the contrary, it would entail setting up the preconditions for a more thorough, rather than perfunctory reporting. Supporting these institutions by advocating inside Parliament for an increase in allocated funds is not only a significant step, but also signals that the MPs are able to act on their competences. Such a gesture towards the anti-corruption institutions will motivate them even more in the performance of their work and would eventually result in a visible improvement in the fight against corruption in the upcoming year. **Institute for Democracy ‘Societas Civilis’ Skopje (IDSCS), November 2020.**

## LEARNING ABOUT CORRUPTION: VIDEO SERIES

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The Institute for Democracy 'Societas Civilis' Skopje (IDSCS) published four new videos for secondary students, in which local celebrities explain the impact of corruption. These videos provide examples about corruption in the health, education, and security sectors as well as tips for its prevention. These videos are part of the project entitled Anticorruption Education for Secondary Students.

**Institute for Democracy 'Societas Civilis' Skopje (IDSCS), October and November 2020.**

## RAI SECRETARIAT DELIVERS HANDBOOKS ON ASSET RECOVERY TO MOLDOVAN NATIONAL ANTI-CORRUPTION AUTHORITIES

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The Moldovan Criminal Assets Recovery Agency (CARA) received a set of copies of the Handbook "Confiscation of the Proceeds of Corruption – An overview of United Nations, Council of Europe and European Union Guidelines and Standards" and the "Tools and Best Practices for International Asset Recovery Cooperation Handbook". The purpose of these publications is to provide prosecutors, judges and practitioners working in the field of asset recovery in the SEE region with an overview of the international standards on the confiscation of the proceeds of crime and corruption, as well as with tools and mechanisms for effective international cooperation in asset recovery cases.

**Regional Anti-Corruption Initiative, November 2020.**

## CENTER FOR CIVIC INITIATIVES INVITES THE PUBLIC TO VOLUNTEER IN THE FIGHT AGAINST CORRUPTION

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CCI in association with the Center for Media Development and Analysis (CRMA) invite the public to be part of their team. CCI is looking for volunteers that would like to participate in the monitoring of public procurement and the detection of corruption in Bosnia and Herzegovina. **Center for Civic Initiatives, November 2020.**

## RAI PRESENTS ITS 2021-2022 WORK PLAN

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Regional Anti-corruption Initiative (RAI) Secretariat presented its [Work Plan for the 2021-2022](#) period that has been adopted by the Steering Group of the Initiative, following the drafting, consultation and revision process. RAI Work Plan 2021-2022 represents a compilation of national needs, regional demands, and international commitments. Its intention is to inform wider anti-corruption community and all the stakeholders of RAI's strategic direction and actions. **Regional Anti-Corruption Initiative, November 2020.**

## RAI AND NORTH MACEDONIA SIGN THE MEMORANDUM OF UNDERSTANDING AND COOPERATION ON ENHANCEMENT OF WHISTLEBLOWING

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The RAI Secretariat signed the Memorandum of Understanding and Cooperation with two public institutions in North Macedonia, committing to improving their whistleblower reporting channels and protection mechanisms. The end goal of the signing of the Memorandum with public institutions is to strengthen whistleblower disclosure channels and protection mechanisms in the Project's beneficiary jurisdictions, which is key to encouraging whistleblowing as an effective tool in preventing, detecting and investigating corruption. **Regional Anti-corruption Initiative, November 2020.**

## RAI SUMMER SCHOOL FOR ANTI-CORRUPTION PRACTITIONERS

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The Regional Anti-Corruption Initiative (RAI) Summer School for Junior Anti-corruption Practitioners in South-East Europe (SEE) was originally initiated in 2005 to build and strengthen the capacities of anti-corruption bodies in the region and to provide a platform for young practitioners to learn new practices and to exchange experiences. The School was subsequently launched in 2006 as a forum for the exchange of ideas and practices among young judges, prosecutors, and investigators. RAI School was organised online, and it consisted of four thematic webinars. The 15th Edition of the RAI School was opened with a webinar dedicated to Corruption Preventive Tools and Asset Disclosure. Regional Anti-Corruption Initiative, October 2020

## DIRECTOR OF THE ANTI-CORRUPTION AGENCY MEETS THE HEAD OF THE EU DELEGATION TO MONTENEGRO

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Director of the Anti-Corruption Agency, Ms. Jelena Perovic and President of the Agency's Council, Mr. Momcilo Radulovic met with the Head of the EU Delegation to Montenegro, Ms. Oana Cristina Popa to discuss fight against corruption related matters which are crucial for Montenegro's progress towards the EU accession. Both sides discussed findings of the Commission's latest annual report on Montenegro published on 6 October 2020 including envisaged concrete steps to address the shortcomings and recommendations mentioned in the Report. Agency for Prevention of Corruption, November 2020.

## ARE THE POLITICAL CRITERIA FOR EU ACCESSION OF THE WESTERN BALKANS BEING FULFILLED?

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The Center for Democratic Transition (CDT), in cooperation with the Parliament of Montenegro and with the support of the Balkan Trust for Democracy and the Royal Norwegian Embassy, organised a regional conference on topic "EU Accession of the Western Balkans: Application of political criteria" on 13 November, 2020 in Parliament of Montenegro. The event gathered representatives of the parliaments, executive power, media and civil society from region. The conference served as a forum for talk about advancement of Western Balkans in the process of accession to the European Union, with a special focus on application of EU political criteria – creating stable institutions that guarantee democracy, the rule of law and human rights respect. During the first panel the presidents of the parliamentary committees for European integrations from Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia exchanged opinions and experiences about this topic. The second panel brought together representatives of NGOs from the region. **Center for Democratic Transition, November 2020.**

## INSTITUTE ALTERNATIVE PROMOTES GENDER SENSITIVE BUDGETING

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Nearly 40 participants gained knowledge on the introduction of a gender perspective within all phases of budget process, practical examples and tools for achieving gender sensitive budgeting. The aim of the training was to capacitate those who work on the preparation and implementation of budgets, as well as representative of the civil society, to be able to conduct gender budget analysis and create indicators which will contribute to gender equality and gender-mainstreaming of existing budget programs. **Institute Alternativa, November 2020.**

# ANTI-CORRUPTION NEWS FROM THE SEE REGION

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*The current section of the Newsletter presents a summary of the latest anti-corruption news from the SEE region, based on consolidated information from multiple sources, such as media outlets and narratives received by the SELDI project partners.*

## SUSPICIOUS CONCESSIONAIRE CONTRACTS IN ALBANIA

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In regards to state capture in the region, Albania may hold the first place in not complying with monopolistic laws, as indicated in SELDI's SCAD results, among others. The Albanian state budget was damaged over the years by concessionaire contracts of three incinerators, which are also suspected to have been working in a monopoly market because of awarded contracts to a same group of persons. Millions of euros were paid to companies that do not work or do so at half capacities. The investigations by SPAK are ongoing after reporting from different actors (media, opposition), as well as by the Supreme Audit Institution in Albania on the amounts potentially lost from the state budget. **Albanian Center for Economic Research, November 2020.**

## GOVERNMENT SILENCE AMID HUNGER STRIKE IN THE BALLSH REFINERY IN ALBANIA

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On the 28th of October 2020, the Director of the Albanian Center for Economic Research, Mr. Zef Preçi, in his media appearance, discussed the current situation about the hunger strike (in its 14th day) of the women of the Ballsh refinery. The situation is a result from a failed privatisation launched in 2008, which was supposed to become a source of income and well-being. Mr. Preçi mainly focused on the lack of administrative or criminal investigations. The lack of penalties from taxes and customs due to non-compliance with the rules brings to attention that the management of ARMO remains one of the biggest abuses of public property. He added that the reason for receiving loans from the company should be investigated, in order to understand where the money went and how such debt has accumulated without any inspection from the competent authorities for the collection of liabilities. This could be the highest sign of state capture, corruption and impunity, deepening over the years. **Albanian Center for Economic Research, November 2020.**

## CRIMINAL CHARGES AGAINST THE MINISTER OF WATER MANAGEMENT, FORESTRY, AND AGRICULTURE IN ALBANIA

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The citizens' association "Za Doljanku" from Jablanica, continues to file criminal charges on suspicion of corruption and abuse of office, in connection with the Zlata hydroelectric power plant project on the Doljanka River. On Tuesday, December 1st, 2020, the Association submitted a criminal report against the Cantonal Minister of Water Management, Forestry and Agriculture Donka Jović to the Cantonal Prosecutor's Office of the Herzegovina-Neretva Canton. The criminal report was filed "due to suspicion of committing criminal offenses of abuse of position or authority, negligent work in the service and other criminal offenses". This is the third lawsuit that the Association demand against public servants related to this case. **Antikorupcija, December 2020.**

## OPPOSITION QUESTIONS INVESTIGATIONS OF CORRUPTION IN ALBANIA

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In Albania, the Democratic Party has accused the Special Anti-Corruption Prosecution (SPAK) of delaying the investigation into the assets of Ervin Bushati. "The party reported Bushati two years ago for hiding and non-declaration of seven real estate lots in his name, including more than 3100 square meters of land in Tirana, Qerret and Saranda". There have not been any prosecutions of senior-level politicians for corruption in the country. A report from the US State Departments in 2020 found that corruption is widespread and present in every part of government, and laws that are in place to protect citizens are often not enforced. The US State Department said that impunity remained a serious problem despite efforts to address it. **Exit News, November 2020.**

## INDICTMENT AGAINST THE PRIME MINISTER OF THE FEDERATION OF BIH

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The Prosecutor's Office of Bosnia and Herzegovina filed an indictment against the Prime Minister of the Federation of BiH Fadil Novalić, the director of the Federal Civil Protection Administration Fahrudin Solak, and the owner of the agricultural company "Srebrena Malina" Fikret Hodžić for the "Respirators" affair. The public servants are accused of embezzlement during the procurement of 100 respirators from China worth about EUR 5.4 million, as well as protective equipment worth EUR 1.48 million for the fight against coronavirus in the Federation of BiH in the period immediately after that a state of emergency has been declared in that entity. **Antikorupcija, December 2020.**

## PIC URGES AUTHORITIES OF BIH TO PROCEED WITH REFORMS ON FIGHT AGAINST CORRUPTION

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The Peace Implementation Council Steering Board (PIC SB) Political Directors met via video conference on 1-2 December 2020 to review the process of implementation of the General Framework Agreement for Peace (GFAP), which remains the basis for a stable, secure, and prosperous Bosnia and Herzegovina. The PIC SB recalled the longstanding need to implement the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Group of States against Corruption (GRECO) recommendations aiming to improve the electoral process. The PIC SB urged the BiH authorities to advance decisively on reforms related to the rule of law and the fight against corruption, which are a key part of the EU accession process. **IBNA, December 2020.**

## NO "HYBRID" SOLUTIONS IN KOSOVO'S ANTICORRUPTION FIGHT

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Kosovo's government will not rely on "hybrid creations" in its fight against organised crime and corruption said Deputy Prime Minister Driton Selmanaj, defending the much-criticised abolition of an anti-graft task force created 10 years ago. The government has faced sharp criticism over its decision in October to get rid of the anti-corruption task force. In an October tweet, Germany's ambassador to Kosovo\*, Jorn Rohde, said the move "raises serious concerns about political will to tackle corruption issues effectively". There was criticism too from Kosovo's Anti-Corruption Agency and Kosovo\* civil society, which noted the "valuable contribution" made by the body. **Balkan Insight, December 2020.**

## SERBIA HAS FAILED TO IMPLEMENT MOST ANTI-CORRUPTION RECOMMENDATIONS

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The Council of Europe's anti-corruption body GRECO, said in its latest report that Serbia had only partly implemented anti-corruption recommendations that the body gave in 2015, adding that the overall situation is "unsatisfactory". According to the report, Serbia has implemented satisfactorily only two of GRECO's 13 recommendations made in 2015 – "those on the interaction of members of parliament with lobbyists and on strengthening the role of the Anti-Corruption Agency. Ten recommendations have been implemented only partially, and the recommendation on the adoption of the Code of Conduct for parliamentarians has not been implemented at all" a press release said. **Serbian Monitor, November 2020.**

## THE FORMATION OF A NEW GOVERNMENT IN MONTENEGRO

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Political disagreements delayed the formation of New Montenegrin Government. The Future Prime Minister Zdravko Krivokapic has demanded the election-winning coalition to install an expert government, but his partners in the Democratic Front insisted that they should get key ministerial positions. Most of the country's ethnic minority parties have refused to become part of the new government: the Bosniak Party and the ethnic Albanian coalition have unanimously rejected Krivokapic's offer to get on board. They said that they do not share the same ideas about the past to show that they honestly see minorities as partners. The Prime Minister Zdravko Krivokapic announced the 12 'expert' ministers he wants to be appointed and, stressing that his chosen government is made up of professionals who can act as a team. However the leaders of the Democratic Front alliance which is part of the new ruling majority, Andrija Mandic and Milan Knezevic, accused Krivokapic of betraying the political parties which supported his candidature for the premiership and has vowed to keep him under pressure. **Center for Democratic Transition, November, 2020**

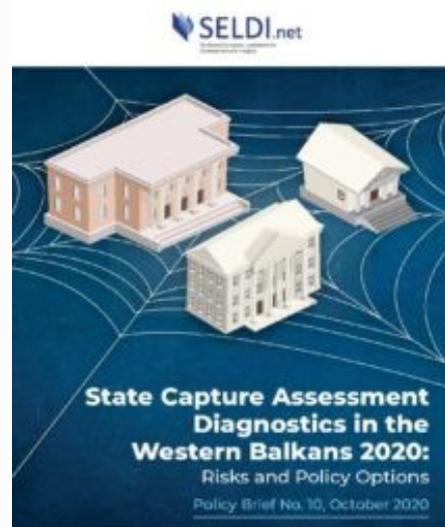


**REPORTS  
AND  
ANALYSIS**



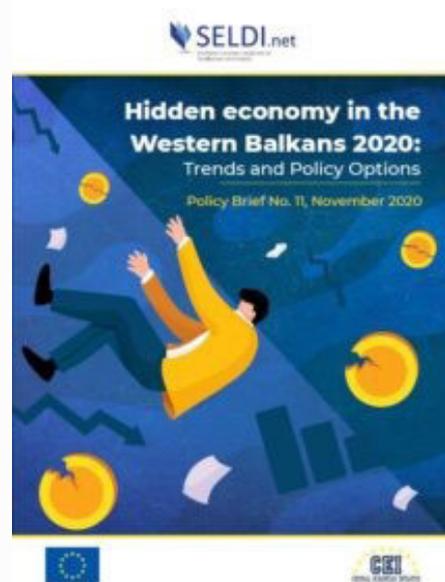
## SELDI POLICY BRIEF 10: STATE CAPTURE ASSESSMENT DIAGNOSTICS IN THE WESTERN BALKANS 2020: RISKS AND POLICY OPTIONS

State capture can generally be described as the institutionalisation of corrupt relations, leading to the virtual privatisation of governance. Instead of public goods, the state capture process delivers private goods systematically and permanently to captors (or privatisers) of government functions. In order to analyse the phenomenon in depth, in 2020, SELDI piloted a comprehensive methodology for monitoring and exposing state capture vulnerabilities in the Western Balkans – the [State Capture Assessment Diagnostics \(SCAD\) tool](#). The data reveals that although none of the countries is close to full state capture, i.e. authoritarian rule, they exhibit critical impairments in democratic and economic checks and balances. Key economic sectors show signs of monopolisation pressure potentially associated with state capture. The European Commission will need to pay particular attention to safeguarding competition in these sectors when implementing its economic and investment plan for the region, which aims to boost the economies while improving their competitiveness. **SELDI Network, November 2020.**



## SELDI POLICY BRIEF 11: HIDDEN ECONOMY IN THE WESTERN BALKANS 2020: TRENDS AND POLICY OPTIONS

The latest release of SELDI's Hidden Economy Index reveals that the hidden employment has increased in five out of six Western Balkans countries. According to 45% of the businesses in North Macedonia and 72% of those in Albania, corruption is the most important factor for the existence of the hidden economy. In order to fight the challenges of the hidden economic, the governments in the Western Balkans need to establish a more efficient balance between preventive and punitive measures, and should consider the continuous use of awareness campaign, introduction of flexible labour contacts, amnesties or tax reductions to promote the transition from the informal to the formal sector. Random repressive and monitoring and inspections of numerous small and micro enterprises should be replaced with targeted inspection at key risk companies, sectors and locations. **SELDI Network, November 2020.**



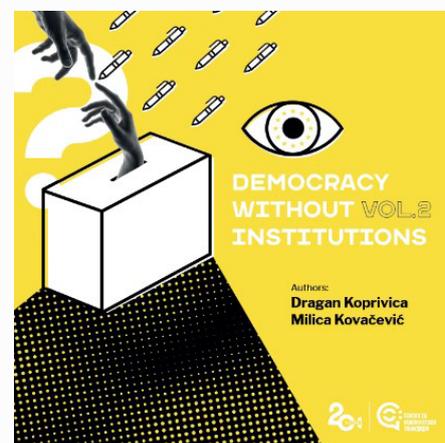
## PUBLIC PROCUREMENT BAROMETER ASSESSES PERFORMANCE OF MUNICIPALITIES

This study presents the findings of the x-index – a public procurement benchmarking tool – which measures and evaluates the performance of municipalities in public procurement and compares it with best practices. The x-index includes all 38 municipalities of Kosovo\* and covers their procurement activities in the period January-December 2019, consisting of 2,770 contract award notices, in total worth over €264 million. Data for the construction of the index were obtained from the official e-procurement platform and other official statistics. **Riinvest Institute, November 2020.**



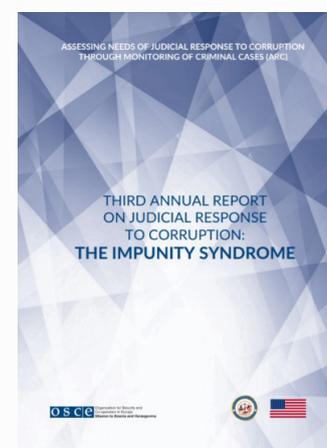
## DEMOCRACY WITHOUT INSTITUTIONS: VOLUME 2

So far, the European Union’s policy has had a limited impact on the rule of law in the Western Balkans. Despite the formal fulfilment of the set tasks and gradual harmonisation with the EU acquis, it has become obvious that the desired effects are not being achieved and that Western Balkan countries are stagnating and even regressing in the field of democratisation. This is the conclusion of the analysis on fulfilment of the EU political criteria in Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia, formulated in the policy paper, summarising 20 publications published in previous months in these countries and close to a hundred interviews with experts. **Center for Democratic Transition, November 2020.**



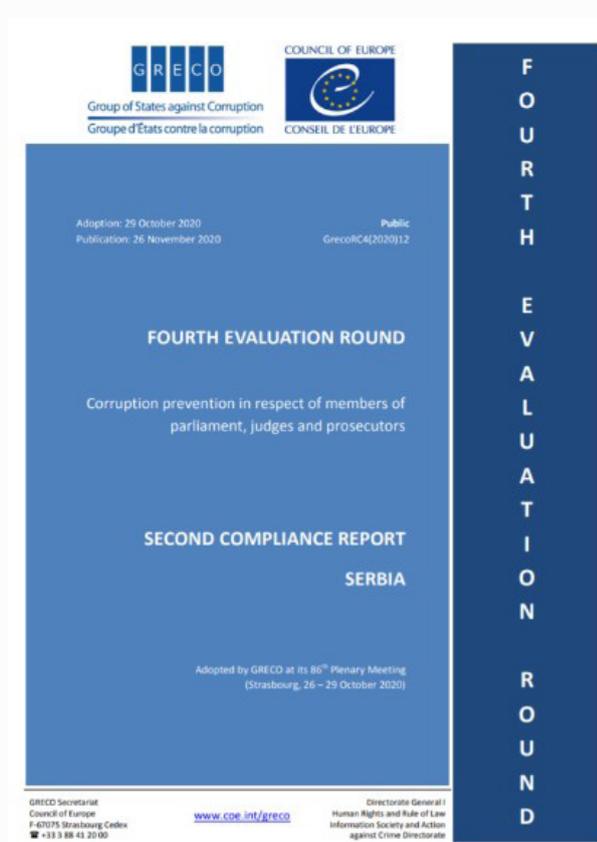
## OSCE RELEASES REPORT ON BIH JUDICIARY’S RESPONSE TO CORRUPTION

The OSCE Mission to Bosnia and Herzegovina has published the “Third Annual Report on the Judicial Response to Corruption: The Syndrome of Impunity”, which states that the criminal justice system in the country has failed, leading to de facto impunity for perpetrators of numerous serious crimes. The mission came to the findings by monitoring the work of the justice sector and they are based on the analysis of 302 corruption cases monitored in 2019. “The overall picture offered by the monitoring of serious corruption cases can be described as a failure of the criminal justice system that has led to de facto impunity for perpetrators of many serious crimes” describes the OSCE report. The report states that the results from 2019 show a dramatic decline, throughout BiH, in the number of indictments in high-level and mid-level corruption cases. **Antikorupcija, November 2020.**



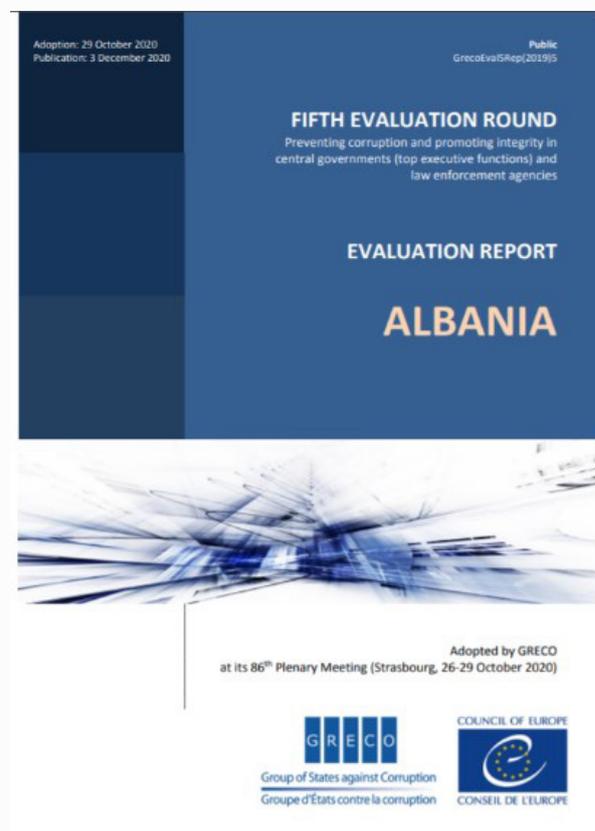
## GRECO PUBLISHES ITS SECOND COMPLIANCE REPORT ON SERBIA

The Council of Europe's Group of States against Corruption (GRECO) has just published its Second Compliance Report of Fourth Evaluation Round on Serbia, dealing with corruption prevention in respect of members of parliament, judges and prosecutors. It was adopted by GRECO at its 86th Plenary Meeting (Strasbourg, 26 – 29 October 2020), following the authorisation of the Republic of Serbia. **Council of Europe, November 2020.**



## GRECO PUBLISHES A FIFTH EVALUATION ROUND REPORT IN ALBANIA

In a [new report](#) the Council of Europe's Group of States against Corruption (GRECO) finds that in Albania, the legal framework for preventing corruption of members of the Council of Ministers and their political advisers, and of the police is comprehensive, but still overly complex. It calls on Albania to focus on its effective implementation, by improving the capacity of the bodies responsible for preventing corruption, and through a proactive approach to investigations. **Council of Europe, December 2020.**



## KEY FINDINGS OF THE 2020 EUROPEAN COMMISSION REPORT ON MONTENEGRO

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The EU released the [Country Report for Montenegro](#), which describes how the country has achieved some level of preparation in the fight against corruption. The report notes how the country made limited progress on last year's recommendations which were only partially addressed regarding the track record on repression and prevention of corruption, and a new institutional framework for the Asset Recovery Office. The Anti-Corruption Agency, operating under a newly appointed leadership, continued to be strengthened through capacity building activities and technical assistance. However, challenges related to its independence, priority-setting, selective approach, and quality of its decisions remained. **European Western Balkans, October 2020.**

## PANDEMIC IN THE JUDICIARY

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The Organization for Democracy, Anti-Corruption and Dignity, has published the monitoring report of the basic courts in the Republic of Kosovo "Pandemic in the Judiciary". The report analyses international indices of perception of corruption and rule of law, and it analyses data from the Judicial Council and the Prosecutorial Council on cases of corruption and organized crime in the period 2015-2020. In the analysis, the authors identified that despite the priority that corruption cases should have, they continue to be carried over, reflecting the inefficiency of courts and prosecutors in handling such cases. **Organization for Democracy, Anti-Corruption and Dignity, November 2020.**



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