



AGENCY FOR THE PROTECTION OF THE RIGHT OF FREE ACCESS TO PUBLIC
INFORMATION

**REPORT ON THE EXAMINATION OF PUBLISHED
DOCUMENTS AND INFORMATION THAT PUBLIC
ENTERPRISES AND STATE-OWNED JOINT-STOCK
COMPANIES AND PUBLIC ENTERPRISES UNDER THE
JURISDICTION OF MUNICIPALITIES AS INFORMATION
HOLDERS ARE OBLIGED TO PUBLISH YOUR
WEBSITES**



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INTRODUCTION:

Public information is available to citizens in two ways - with the proactivity of the institutions themselves and with reactive means - that is, by submitting a request for information from certain public institutions. Proactive transparency implies the timely publication of public information by institutions that do so on their own initiative before they are requested orally, in writing or electronically, through clear, transparent and easily accessible web pages that contain all information of importance to citizens. Such proactive publication of information contributes to the strengthening of law and enables the public to become familiar with regulations, decisions, policy-making and other actions that are of interest and affect them.

All the institutions' obligations to make their work transparent also apply to public enterprises under the jurisdiction of the municipalities and the City of Skopje and public enterprises and joint-stock companies in state holdership, as holders of public information. Institutions work in the interest of citizens to ensure conditions for their development through their transparent operation. For that reason, it is important that citizens are promptly informed about all information of importance to the public, and the holders are obliged to provide citizens with access to that information.

The general objective of the monitoring was to see the level of proactive transparency of this group of information holders, and in this report, we present the findings of the monitoring which examined the extent of published information that is relevant to citizens, for annual reports on their work, whether information seekers are given correct, precise and complete data, whether the holders have a designated official person to mediate with the public information, as well as numerous other questions based on which the application of the standards for proactive transparency is evaluated, following Article 10 of The law on free access to public information.

WHAT IS PROACTIVE TRANSPARENCY?

When the holders of public information are open to the public, citizens find out what and how the state government bodies and other establishments and institutions work. This enables them to participate equally in public life and continuously control the work of the authorities.

The proactive publication of public information is a legal obligation of all holders, on their initiative and continuously, to publish information on their work and actions, on decision-making, finances and the services they provide to citizens, on their websites.

The goal of fulfilling the obligation to proactively publish information is reflected in the opportunity for citizens/information seekers to exercise their constitutionally guaranteed right of access to information, by providing services to information holders in a simple

and fast way. At the same time, the holders of information receive the necessary legitimacy, because they demonstrate responsibility in their work, and thus restore the trust of the citizens in the institutions.

With the proactive publication of public information, the legal obligation is established for the holders not only to respond to the submitted requests in relation to the Law on Free Access to public information but also to publish public information on their websites, such as those that are not requested. Proactive publication of public information is an integral part of the right of access to information, ensuring that key information is available promptly. As stated by the European Court of Human Rights, which recognizes it as a fundamental human right, "information is changeable and any delay in its publication, even for a short period, may reduce its overall value and interest in it."

Proactively published information of the holders should be easily accessible and understandable, usable, relevant to citizens and regularly updated. Information is a prerequisite for responsible government and a basis for democratic processes - information about the work of the holders enables citizens to adequately draw conclusions and participate in decision-making on issues that are of interest. Transparency and access to public information are inseparable instruments in the fight against corruption.

A major advantage of proactively releasing public information, especially when it is done immediately, is that it makes it more difficult for information holders to deny the existence of the information or manipulate it. This means that all citizens/seekers of public information are saved time, money and effort. The principle of equality enables the realization of this right, fulfilment of obligations, as well as participation in political, social and economic processes, all to strengthen trust in institutions. The low proactivity of publishing information makes it impossible for the public to monitor, control and participate in the work of information holders.

SUBJECT OF MONITORING:

The monitoring is focused on checking the categories of information that should be regularly and updated published on the websites of the holders of public information following the provisions of Article 9 and Article 10 of the Law on Free Access to Public Information (LFAPI).

PURPOSE OF MONITORING:

The purpose of the monitoring is to detect the conditions in the implementation of the obligation of the holders of public information to proactively publish the 22 categories of information on their websites. It helps in realizing the competence of the Agency for the protection of the right of free access to public information for the implementation of the

provisions of LFAPI and increasing the capacities of the holders of public information concerning their greater transparency and openness. Also, the monitoring will contribute to a better identification of the training needs of the officials among the information holders.

FOLLOW-UP FREQUENCY:

The monitoring frequency can be once a year, on a two-year basis or in a longer period. To ensure the comparability of the results and to use them for problem identification, training needs and strategy development, it is worth monitoring to be carried out often enough.

FRAME OF REFERENCE:

The reference framework for monitoring should be the questionnaire developed specifically for that purpose based on the categories listed in Article 10 of the LFAPI. The questionnaire for this group of holders contains 35 questions and sub-questions. All the questions to the holders of information stem from Article 10 of the LFAPI and through the said questions the holders carry out a self-evaluation of their web pages and their proactivity, i.e. whether and to what extent they publish the necessary information that is of interest to the citizens.

RESULTS OF THE MONITORING:

The agency, following its competencies, but also as an added value of free access to public information concerning the proactive publication of information following Article 10 of the Law on FAPI, carried out monitoring of 49 holders, i.e. on the websites of holders from public enterprises under its jurisdiction of the City of Skopje and the municipalities, as well as the public enterprises and state-owned joint stock companies, as part of the holders published on the List of holders of information on the Agency's website. The monitoring was carried out in the period from September 19 to October 10, 2023. The Department of Cooperation and Analysis was in charge of monitoring websites for the full publication of documents and information that the holders of information are obliged to publish according to Article 10 of the Law.

We should mention that the Monitoring does not analyze the contents, that is, the quality of the published information.

Monitoring was carried out according to the methodology implemented in cooperation with external experts, hired by the IPA II Project "Transparency and Accountability of Public Administration", whose beneficiary is the Agency. A questionnaire containing a total of 35 questions was drawn up, deriving from Article 10 of the Law. Some of them

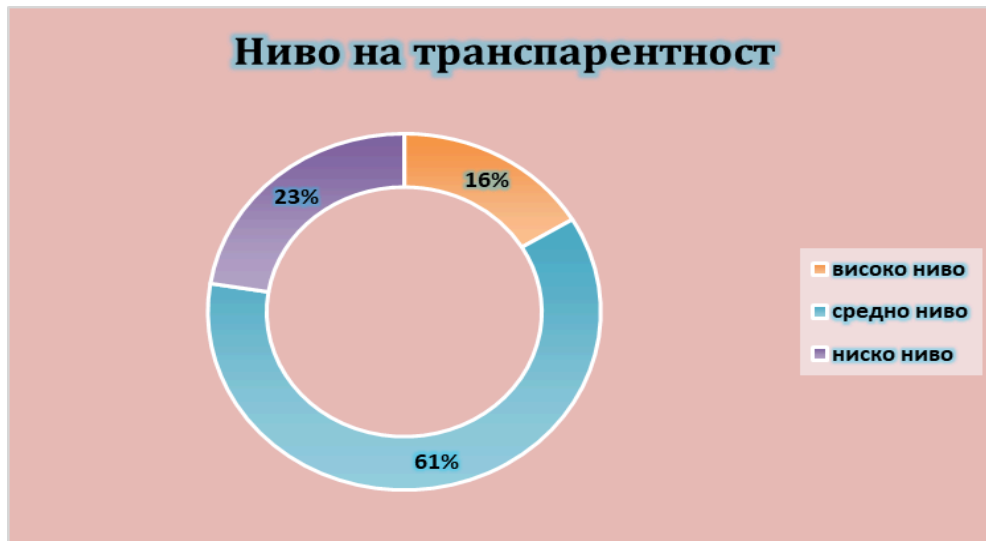
contain one or more sub-questions, and the maximum number of possible points is 55 points. Holders of published data receive 0, 0.5 and 1 points, depending on the number and up-to-dateness of the published documents. The questionnaire was distributed to the holders, who were asked to evaluate their own transparency and return the questionnaires to the Agency.

Within the deadline for submitting the answers to the Agency, the holders submitted 25 questionnaires, of which 7 did not contain links to the specific documents as requested and were not taken into account during the monitoring of the web pages.

The web pages of the monitored holders are different both in appearance and in terms of their contents and the information that is published. It should be emphasized that the web pages of the holders are updated according to their activities and have their function as the first informant for the citizens and the services they provide. But we should emphasize that what is the goal of easy access to public information, i.e. the list of information on most of the web pages of the holders is not published on the home page, so access to it will be quick and with a maximum of three clicks to the requester of the information. Most often, the institutions move the public information, the link to it, to links such as contact, public relations and similar sections of the web pages. We also want to emphasize that unsystematized information creates confusion among citizens, that is, information is more difficult to access. This means that web pages should be easily accessible, and thus the information needed by the requestors follows the legal obligation for transparency of the holders of public information. Hence, we appeal to the holders of information to make their information easily available for use by citizens. "Informed citizens, satisfied citizens", is the maxim for transparent institutions that are at the service of citizens.

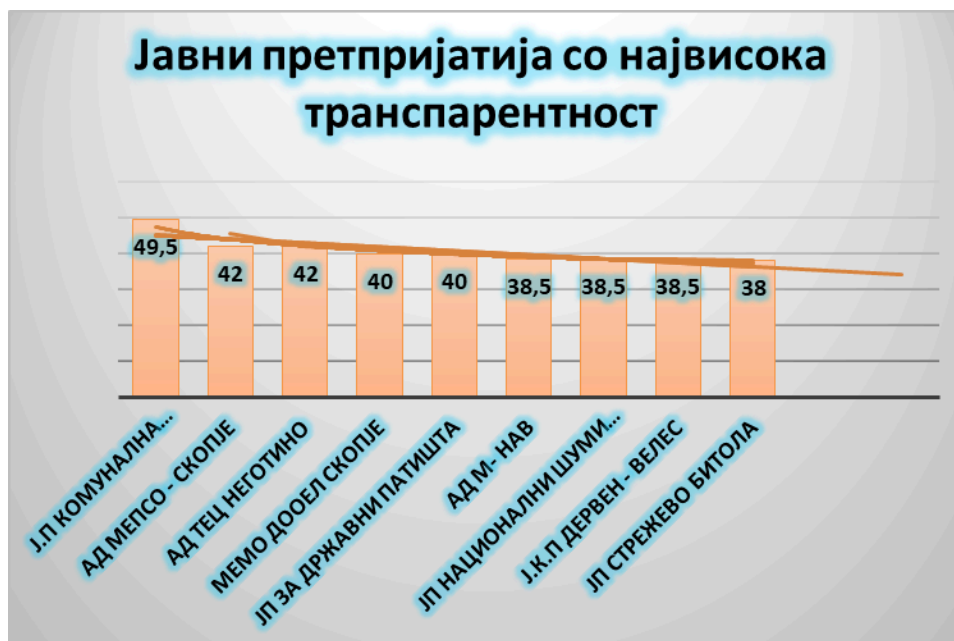
Depending on the total number of points that the monitored holders received with the published necessary documents and information following Article 10 of the Law, a gradation was made of the degree of fulfilment of the legal obligation for their active transparency, as follows: holders with low level between 0 and 18 points, holders with an intermediate level between 19 and 38 points, and with a high level of transparency from 38 to 55 points.

From the monitored 49 holders of information, according to the monitoring methodology, 10 holders have a high level of transparency, 30 holders have a medium level of transparency, and 9 holders have a low level of transparency. Monitored holders have a mean value of proactive transparency.



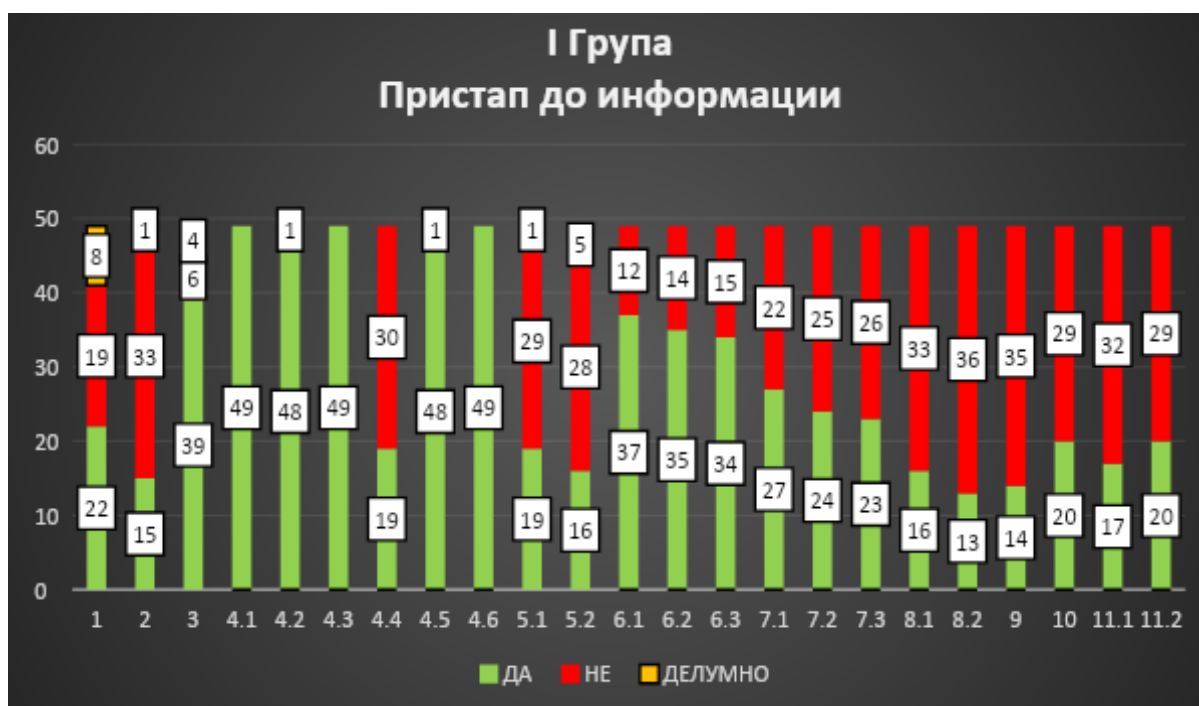
However, this does not mean that the holders should be satisfied with their transparency for the reasons that the websites of the largest number of holders from this group of monitored institutions make not easy to obtain certain information that is of interest to citizens/public information seekers. character.

According to the monitoring results, the most transparent are J.P. Communal Hygiene-Skopje with 49.5 points, A.D. MEPSO-Skopje and A.D. TEC NEGOTINO-Negotino with 42 points out of a possible 55 points. We should emphasize that the websites of the best-ranked institutions have an easy and accessible way of making public information of interest to the applicants, and we encourage them to monitor and build on proactive transparency, as well as accountability in their work to the citizens.



The lowest transparency in the publication of public information with this monitoring was shown by: PUK TETOVO-Tetovo with only 7 points, J.P. for energy activities Strumica-gas-Strumica with 9.5 and PU Komunalec-Sveti Nikole with 10 points. These holders should adapt their web pages for the end users of their services, that is, the citizens, for reasons that it is difficult or impossible to get information about their work and their functioning on their web pages.

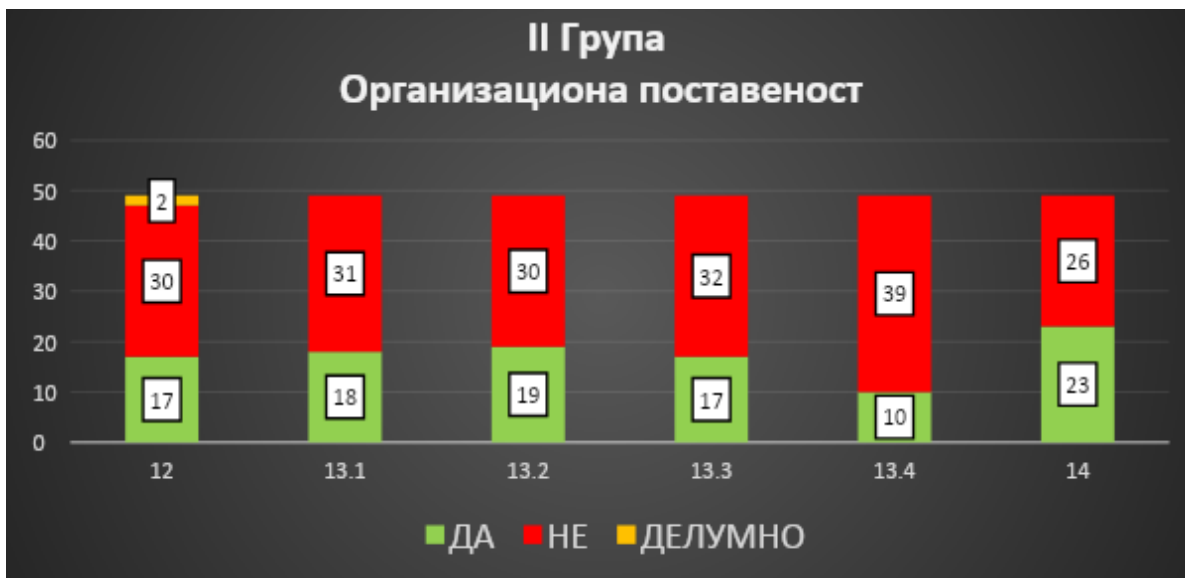
Based on the monitored web pages following the methodology and the Questionnaire, the following results and indicators for the proactive transparency of the holders were obtained: from a total of 49 monitored holders of the first group of questions: ACCESS TO INFORMATION, which contains 11 questions with sub-questions, the following results were obtained for their proactive transparency:



The data show that 37 institutions have published the data on the officials who have been delegated the authority to mediate the public information, and 12 holders have not fulfilled this legal obligation. Also, 22 institutions have published the List of information on the home page, while 19 holders have not moved it to their website, and 8 institutions have only partially updated the List with public information. On the web pages, 33 holders have not published anonymously the requests/answers for free access to public information, while 15 holders published them, which enables the requesters to familiarize themselves with the requests that were submitted to them based on the Law on FAPI. One holder has fulfilled this obligation partially. Moved Form for Request for Free Access, 20 holders have 20 holders on the web pages, and 29 holders have not published the form. Also, the legal obligation from Article 36 of the

LFAPI to publish the Annual Report on the websites of the holders, 17 holders have published the report for 2022, while 32 institutions have not fulfilled the legal obligation. For 2021, 20 holders have published the report and 29 holders have not moved the report to their websites.

From the second group of questions: ORGANIZATIONAL STABILITY, the monitored 49 holders show very low transparency, and this can also be seen from the table:



In connection with the publication of the laws that refer to their competence, only 17 holders publish these documents, and the same is the case with the publication of the regulations for internal organization, the systematization of jobs, protected internal reporting, instructions, as well as the Organograms for internal organization. The holders should improve this situation in the shortest possible time and thus make this information available to citizens/information seekers.

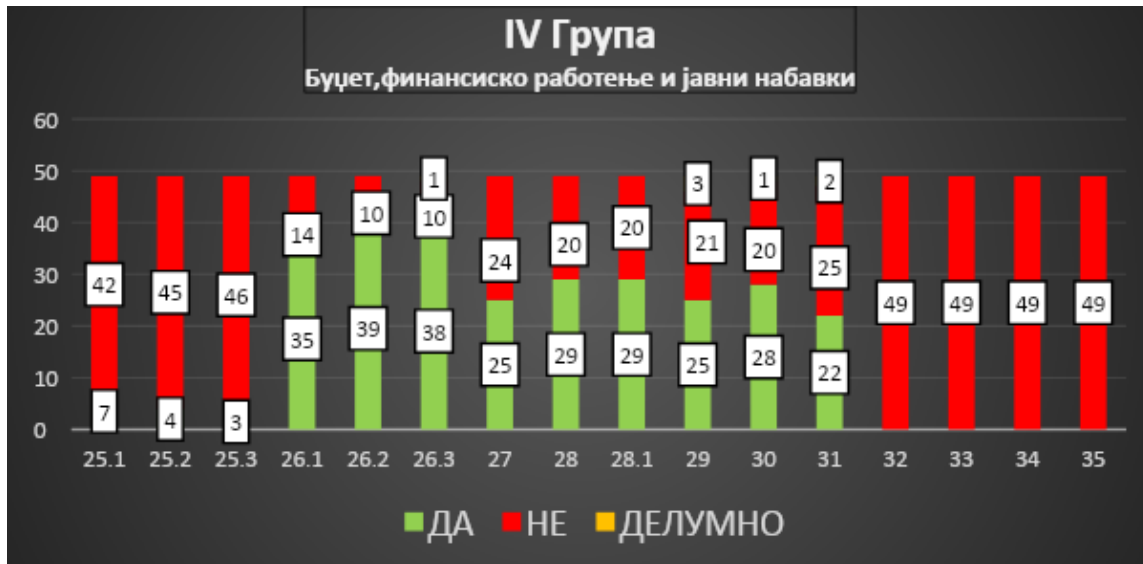
In the third OPERATIONAL group of questions, which refers to information from the scope of their work and contains 10 questions, the monitored holders showed a medium level of active transparency.



Out of them, only 7 holders have published their strategic work plans, that is, the strategies for work, and for this information, the citizens cannot get quality and relevant information. The annual work plans and programs have been published by 25 holders, while only 19 institutions have moved the proposal documents on the websites. The holders show more accurate information in the publication of their work reports, and that document was published by 35 holders, which introduced the citizens to the results of their work.

Holders publish the most information about the types of services they provide to applicants, namely 43 institutions, about the data with which they affect the environment, namely 42 holders, and 42 holders also publish specific information from the scope of their work. In the section where the holders inform the citizens about their services, especially the publication of the tariff lists for fees for issuing real deeds, 30 of them informed the citizens as one of the most important information that is of interest.

According to the monitoring, the 49 holders showed the weakest results or rather the least proactive transparency in the fourth group of issues: BUDGET, FINANCIAL OPERATION AND PUBLIC PROCUREMENT, where we must emphasize that the institutions show the absolute least transparency, especially in the part of publishing their budgets or financial plans for 2023, 2022 and 2021.



Only 7 institutions have published the budget or financial plan for 2023, 4 holders for 2022 and 3 holders for 2021. In this section, we want to point out that the published budgets in the work reports are not part of active transparency and they should be published as separate documents and not in PDF format, but in Excel format so that they are viewable and usable for citizens and information seekers. of public character. Through the publication of this key financial document, the citizens will be informed about the plans of the institutions in which way the financial resources for the work of the institutions will be spent and distributed. We would like to emphasize that the publication of this information prevents potential corruption, and the reportable publication reduces the risk, but also the suspicion of possible corrupt acts.

Regarding the published final accounts for the last three years, 2022, 2021 and 2020, 35 monitored holders have published for 2022, 39 institutions for 2021 and 38 holders for 2020. This set of documents will have to be published by the holders for the reasons that the citizens should have an insight into how the funds from the budgets of the institutions were allocated and used for the needs of the citizens.

Only 25 holders, out of a total of 49 monitored institutions, publish the quarterly financial reports, which are the legal obligation of the institutions to publish on their websites.

Only 29 holders publish audit reports and report whether their institution has been audited. This document is important for citizens to be able to inspect the operations of the institutions see the remarks made in these reports for the holders and see if the institution has acted on the findings in the audit reports.

The results of the monitoring showed that even in the public procurement section, the holders are not very proactive in publishing these documents. So, only 25 holders published the annual public procurement plan out of a total of 49 institutions. Through this document, citizens can see what and how institutions have predicted that they need

it for their current operations. The non-publication of this document creates suspicion of possible corrupt actions among the holders. With the proactive publication of the annual public procurement plan, the institutions demonstrate their accountability concerning public procurement.

Only 28 holders publish the announcements for public procurements, and the number of institutions that publish notices about the concluded contracts is smaller. In this section, 22 holders fulfil this legal obligation. As in the section on financial operations, holders of their web pages present low transparency and accountability in the section on public procurement, as one of the basic parameters in anti-corruption operations.

In the last set of questions, which refer to the concluded agreements for concessions and the published agreements for the same, all 49 holders do not publish this type of information, and the situation is the same with the information on public-private partnerships.

The level of transparency and accountability for the operation of public enterprises, as well as the enterprises and joint-stock companies founded by the Government of the Republic of North Macedonia, have an increasing trend of proactive publication of public information. Therefore, the monitored holders are recommended in the future, and especially the public enterprises from the local self-government units, to consistently respect the standards of transparency and accountability, for the reasons that only two public enterprises from the local self-government have high transparency in publishing the information of their web pages.

The monitoring of the websites of the Public Enterprises under the jurisdiction of the municipalities and the City of Skopje and the public enterprises and joint stock companies in state holdership showed that as holders of public information, they should invest much more effort to improve and strengthen their proactivity towards the citizens as much as possible. The information they publish should be placed in a separate banner/link under the title LIST OF INFORMATION/FREE ACCESS TO INFORMATION, which will make it easily accessible to applicants and thus reduce the number of requests for free access to public information. The holders of their web pages have sub-links titled free access, public information, and transparency, but they are in links that are not transparent and easily accessible to citizens, that is, information seekers. The holders of their websites should monitor and regularly publish their information following Article 10 of the Law and their competencies. Holders, we will emphasize again, that by setting up a unified banner, they will publish the information and also update it, and in this way, the information seekers will be able to access the information that is of their interest quickly and simply.

In the future, in the training that the Agency continuously organizes for officials with information holders, it will continue to emphasize the active transparency and consistent application of Article 10 of the Law on FAPI, because in this way the holders help the

citizens to better understand the functioning of the institutions, their rights and obligations, how they can influence the making of decisions that are reflected in their daily life and work, as well as to more easily access the services that public enterprises and joint stock companies offer them with their competence in state holdship as holders of public information.

APPENDIX:

ANNEX 1: Table with the results of the monitoring of public enterprises under the jurisdiction of municipalities and public enterprises and state-owned joint stock companies for 2023

1	JP Communal hygiene - Skopje	49.5	90%
2	AD MEPSO – Skopje	42	76.36%
2	AD TEC Negotino	42	76.36%
3	PE for state roads	40	72.72%
3	MEMO DOOEL SKOPJE	40	72.72%
6	J.K.P Derven – Veles	38.5	70%
6	FROM M- NAV	38.5	70%
6	JP National Forests - Skopje	38.5	70%
6	JP Strezhevo Bitola	38	69.09%
10	JP Parks and Greenery - Skopje	37.5	68.18%
11	JP Streets and roads - Skopje	36	65.45%
11	PE for railway infrastructure the Republic of North Macedonia Railways	36	65.45%
13	the Republic of North Macedonia Water Management AD	35.5	64.54%
13	AD State Lottery of S. Macedonia	35.5	64.54%
15	JP Ohrid municipal utility - Ohrid	35	63.63%
15	Public enterprise for communal activities Service - Berovo	35	63.63%
15	JRP National Radio and Television - Skopje	35	63.63%
18	J.P. Water and sewerage - Skopje	34.5	62.72%
19	AD for the management of state-owned business premises	33.5	60.9%

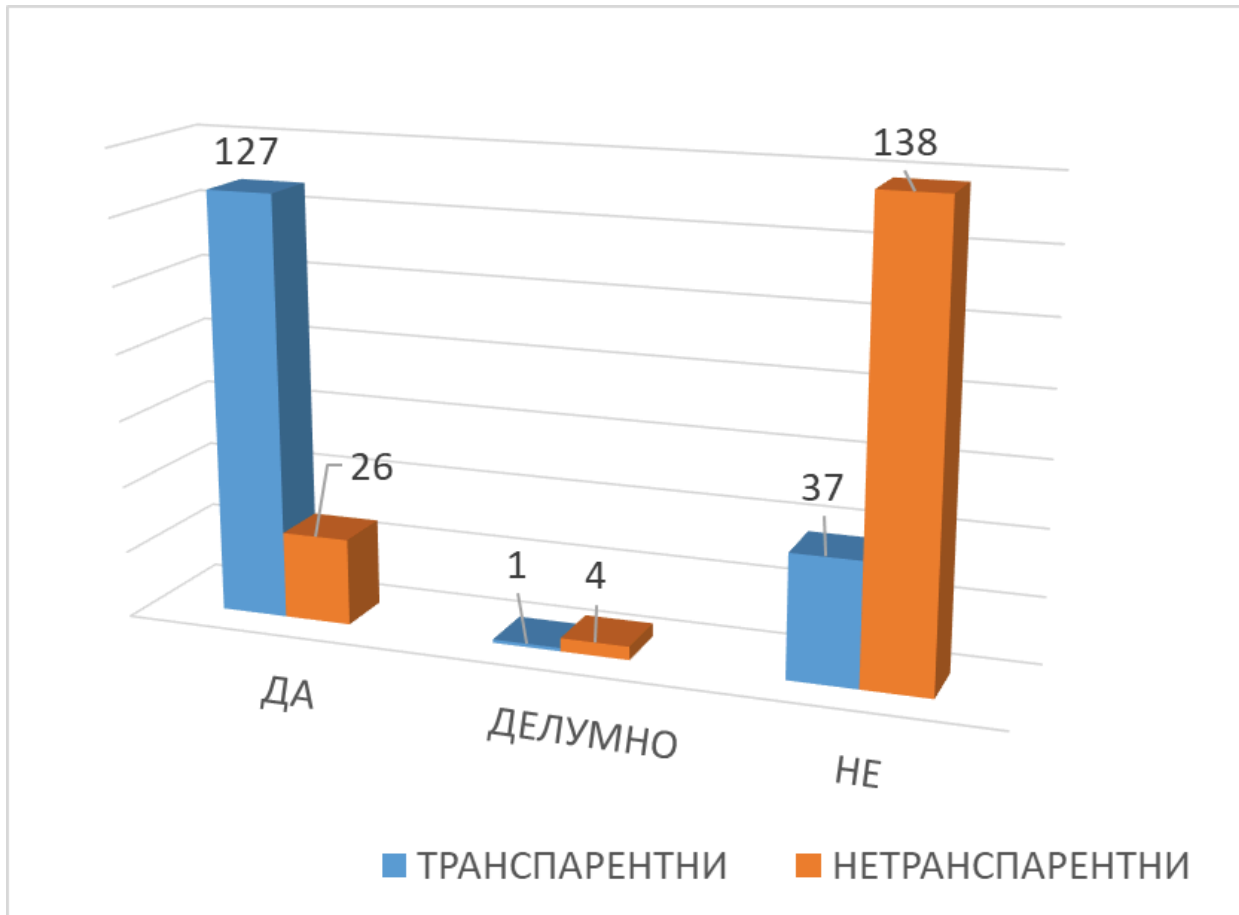
20	PE National Radio Broadcasting - Skopje	32	58.18 %
20	Public utility company Komunalec- Strumica	32	58.18 %
20	AD for postal traffic State-owned the Republic of North Macedonia Post Office	32	58.18 %
23	Public transport company Skopje	31.5	57.27 %
23	JP Komunalets – Prilep	31.5	57.27 %
25	Public enterprise for spatial and urban plans - Prilep	30	54.54 %
26	JP Vodovod – Kumanovo	29	52.72 %
27	AD for construction and management of residential and business space of importance for the Republic - Skopje	27.5	50%
28	ESM - AD Power Plants of North Macedonia	27	49.09 %
29	Railways of the Republic of North Macedonia Transport AD Skopje	25.5	46.36 %
30	PUK Vodovod – Bitola	24.5	44.54 %
30	Public enterprise Komunalec - Bitola	24.5	43.63 %
32	AD Gradski Trgovski Centar - Skopje	23	41.8%
33	Public enterprise for communal activities - Komunalec - Polin - Dojran	22	40%
33	J.P City Parking - Skopje	22	40%
35	Public enterprise for spatial and urban planning Kumanovo Plan - Kumanovo	21	38.18 %
36	K.P.J Vodovod – Kočani	20	36.36 %
37	JP Waterworks and sewerage - Prilep	19.5	35.45 %
38	J.P. for construction, maintenance and use of public parking spaces Parking lots Strumica	19	34.54 %
39	Public enterprise for public parking lots PARKING KAVADARCI - Kavadarci	18.5	33.63 %
39	PE for maintenance and protection of main and regional roads Macedonia road	18.5	33.63 %

4			32.72
1	JP for welfare of stray animals Lajka- Skopje	18	%
4			29.09
2	Public enterprise Kumanovo-Gas-Kumanovo	16	%
4			25.45
3	Public enterprise for public parking lots Parking lots of the Municipality of Centar	14	%
4			23.63
4	Public enterprise Vodovod - Ohrid	13	%
4			21.81
5	PE for communal production and service activities ISAR – Shtip	12	%
4			20%
6	Public enterprise Kamena reka - Makedonska Kamenica	11	20%
4			18.18
7	Public utility company Komunalec - Sveti Nikole	10	%
4			17.27
8	Public enterprise for energy activities Strumica-gas - Strumica	9.5	%
4			12.72
9	PUC Tetovo	7	%

LEGEND:

- ❖ **High level of transparency: 10 holders**
- ❖ **Medium level of transparency: 30 holders**
- ❖ **Low level of transparency: 9 holders**

ANNEX 2: Comparative graphic display of the three most transparent and non-transparent institutions according to the answers to the questionnaire:



ANNEX 3: Questionnaire for public information brokers regarding active transparency

FIRST GROUP: ACCESS TO INFORMATION
1. DO YOU HAVE THE LIST OF INFORMATION PUBLISHED ON THE HOME PAGE?
2. HAVE YOU PUBLISHED ANONYMOUSLY PUBLISHED REQUESTS/RESPONSES FOR FREE ACCESS TO PUBLIC INFORMATION ON THE WEBSITE?
3. DATA FROM YOUR COMPETENCES?
4. THE BASIC DATA FOR CONTACT WITH THE HOLDER OF THE INFORMATION AND THAT:
4.1. NAME,
4.2. ADDRESS,
4.3. TELEPHONE NUMBER,
4.4. FAX NUMBER,
4.5. EMAIL ADDRESS
4.6. WEBSITE ADDRESS
5. DETAILS OF THE OFFICER OR PERSON RESPONSIBLE FOR THE HOLDER OF THE INFORMATION
5.1 BIOGRAPHY
5.2. CONTACT INFORMATION
6. THE PRINCIPAL CONTACT DETAILS OF THE OFFICIAL BROADCASTING PERSON AND THAT
6.1. FIRST AND SURNAME,
6.2 EMAIL ADDRESS
6.3. PHONE NUMBER
7. PRINCIPAL CONTACT DETAILS OF PERSON AUTHORIZED FOR PROTECTED INTERNAL REPORTING
7.1 FIRST AND SURNAME
7.2. EMAIL ADDRESS
7.3. TELEPHONE NUMBER
8. LIST OF PERSONS EMPLOYED BY THE HOLDER OF THE INFORMATION WITH POSITION
8.1 OFFICIAL EMAIL
8.2. OFFICIAL TELEPHONE
9. CLARIFICATION OF THE WAY OF SUBMITTING THE REQUEST FOR ACCESS TO INFORMATION (WAY OF SUBMITTING ORAL, WRITTEN REQUEST AND ELECTRONIC WAY)?
10. POSTED FORM FOR REQUEST FOR FREE ACCESS TO public information
11. SINCE WHICH YEAR HAVE YOU POSTED THE ANNUAL REPORT ON ACCESS TO public information
2022
2021
SECOND GROUP: ORGANIZATIONAL STABILITY
12. LAWS RELATING TO INFORMATION HOLDER JURISDICTION

13. THE REGULATIONS WHICH THE HOLDER OF THE INFORMATION ENACTS WITHIN THEIR JURISDICTION IN THE FORM OF BY-LAW:

13.1. RULES FOR INTERNAL ORGANIZATION

13.2. RULES FOR SYSTEMATIZATION OF WORKPLACES

13.3. PROTECTED INTERNAL REPORTING RULE

13.4. INSTRUCTIONS

14. ORGANIZATION CHART FOR INTERNAL ORGANIZATION

THIRD GROUP: OPERATIONAL

15. STRATEGIC PLANS FOR WORK OF INFORMATION HOLDERS

16. STRATEGIES FOR WORK OF INFORMATION HOLDERS

17. ANNUAL PLANS AND WORK PROGRAMS

18. ARE PROPOSED DOCUMENTS POSTED ON THE WEBSITE (PROPOSAL OF PROGRAMS, PROGRAMS, VIEWS, OPINIONS, STUDIES)

19. ARE THE WORK REPORTS YOU SUBMIT TO THE SUPERVISORY AUTHORITIES PUBLISHED?

20. DO YOU PUBLISH STATISTICAL DATA THAT INFLUENCE THE LIFE AND HEALTH OF CITIZENS

21. PUBLISHED ACTS AND MEASURES ARISING FROM THE COMPETENCE AND WORK OF THE INFORMATION HOLDER

22. INDICATE LINKS WHERE YOU PUBLISH THE SPECIFIC INFORMATION ABOUT YOUR INSTITUTION

23. ARE THE TYPES OF SERVICES PROVIDED BY INFORMATION HOLDERS PUBLISHED?

24. TARIFFS FOR FEES FOR ISSUING REAL DEEDS

FOURTH GROUP: BUDGET, FINANCIAL OPERATION AND PUBLIC PROCUREMENT

25. ANNUAL BUDGET FOR THE LAST THREE YEARS

2023

2022

2021

26. FINAL ACCOUNT FOR THE LAST THREE YEARS

2022

2021

2020

27. QUARTERLY FINANCIAL REPORTS FOR THE CURRENT YEAR

28. HAS YOUR INSTITUTION BEEN AUDITED?

28.1 HAS THE AUDITOR'S REPORT BEEN PUBLISHED?

29. HAS THE ANNUAL PUBLIC PROCUREMENT PLAN BEEN PUBLISHED

30. ARE PUBLIC PROCUREMENT ADS PUBLISHED

31. WHETHER THE NOTICE OF CONTRACT IS PUBLISHED

32. DO YOU HAVE AN AGREEMENT FOR CONCESSIONS

33. IS THE AGREEMENT FOR CONCESSIONS PUBLISHED ON THE WEBSITE

34. DO YOU HAVE A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT?

35. IS THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT PUBLISHED ON THE WEBSITE

Link to the tables and results of the Monitoring (excel document):

[Monitoring results](#)