

Legal opinion, April 7, 2010

1.

Public officials who held more than one public office on the date of the start of the Law's implementation, and who failed to declare which of them they intend to continue holding before April 1, 2010, have acted contrary to the provision of Article 82 of the Law.

Public officials who reported their decision regarding Article 82 of the Law, yet failed to submit their resignation to the other public office or offices, and did not effectively cease to discharge said office (or offices), have acted contrary to the provision of Article 28, paragraph 1 of the Law.

With regard to the violations of the Law mentioned in the previous two opinions, the ACA shall institute proceedings which may result in the pronouncement of measures in accordance with Article 51 of the Law.

Public officials who reported their decision regarding Article 82 of the Law, and who submitted their resignation to the other public office or offices, may submit a request to the ACA in order to obtain its approval for holding another public office, in accordance with Article 28, paragraphs 2 and 3 of the Law.

The ACA may give its approval provided there are no constitutional or legal impediments, that the authority which appointed the public official has issued a positive opinion, that there is no superior-subordinate relationship, oversight, or control between the authorities where the public offices in question are to be discharged, or that one of the authorities does not pass regulations the other is required to enforce, and that the concurrent discharge of the two public office does not undermine citizens' trust in the conscientious and responsible work of public officials.

2.

The provision of Article 6 of the Provincial Assembly Decision on the regulation of matters concerning conflict of interests in the authorities of the Autonomous Province of Vojvodina from March 23, 2010, is not a regulation requiring public officials to hold several public offices in accordance with Article 28 of the Law, and does not exempt a specific group of MPs of the Provincial Assembly from the obligation stipulated in Article 82 of the Law.

3.

The offices of MPs and councilors are not compatible with the offices in the executive authorities of the Republic, autonomous province, or local self-government.

Adopted at the session of the Board held on April 7, 2010.