

Legal opinion, March 8, 2010

1. Cases in which the ACA shall give its approval for the discharge of a second public office

LEGAL OPINION:

Councilors in city councils and councilors in municipal councils as local self-government units, may obtain the ACA's approval for holding a second public office; the ACA shall decide on a case-by-case basis whether a public official meets the conditions prescribed by the provision of Article 27 of the Law on the ACA.

Public officials who hold a public office in executive authorities of a city council or local self-government unit may not obtain an approval to hold a second public office.

Councilors in municipal councils and local self-government units, as well as in city councils may be MPs in the Assembly of the Autonomous Province of Vojvodina or in the National Assembly of the Republic of Serbia.

Councilors in municipal councils may also be councilors in the city council.

Councilors in city councils may also be MPs in city assemblies.

2. Interpretation of the provision of Article 33 of the Law on the ACA

LEGAL OPINION:

The prohibition on establishing a commercial company or public service, and of commencing engagement in a private occupation mentioned in Article 33, paragraph 1 of the Law on the Anti-Corruption Agency, shall apply to public officials as of January 1, 2010.

The provision of paragraph 2, Article 33 of the Law on the ACA applies to all public officials who were holding a public office or a management, supervisory, or representation office in a commercial company, public service or other legal entity, on January 1, 2010.

Public officials may carry out the activities mentioned in Article 33, paragraphs 1 and 2 of the Law on the ACA, provided that their office does not require full-time working hours or full-time employment, as mentioned in Article 30, paragraph 1 of the Law on the Anti-Corruption Agency.

Public officials discharging a public office which requires full-time employment shall not be granted approval.

Public officials working in executive authorities may not continue carrying out their professional activities or occupations, regardless of whether they opted for full-time employment.

Adopted at the session of the Board held on March 8, 2010.