

LAW ON PREVENTION OF CORRUPTION

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I. GENERAL PROVISIONS

Subject Matter of the Law

Article 1

This Law governs the legal status, competencies, organisation and operation of the Agency for the Prevention of Corruption, rules concerning prevention of conflicts of interest in discharge of public office, accumulation of public offices, assets and income disclosure reports of persons discharging public office, procedure for deciding on violations of this Law and other issues relevant for preventing corruption.

Meaning of Specific Terms

Article 2

For the purpose of this Act, the following terms shall mean:

1) “Corruption” is a relationship which occurs when a public office or social status or influence are used for acquiring personal benefits for oneself or another;

2) “Public authority” is an authority of the Republic of Serbia, autonomous province, local self-government unit and city municipality, an institution, a public enterprise and another legal person whose founder or member is the Republic of Serbia, the autonomous province, a local self-government unit or a city municipality;

3) “Public official” is any person who was elected, appointed or nominated to a public authority, with the exception of persons who are representatives of private capital in managing bodies of companies that are public authorities;

4) “Public office” is office discharged by a public official;

4a) “Public resource” is a real estate, movable property, and any other good being in public ownership, that is, in other form of ownership used by the

authorities of the Republic of Serbia, autonomous provinces, local self-government units, public enterprises, companies, institutions and other organizations the founder of which or member is the Republic of Serbia, an autonomous province or a local self-government unit;

5) "Family member" is a spouse or common-law partner, parent or adoptive parent, child or adopted child of a public official;

6) "Associated person" is a family member of a public official, a blood relative of a public official in the direct line and/or in the collateral line up to the second degree of kinship, as well as a legal or natural person whose interests, based on other grounds and circumstances, may be reasonably assumed to be associated with those of the public official;

7) "Strategic document" means strategies and action plans in the field of combating and/or preventing corruption;

8) "Political entity" is a political entity within the meaning of the law governing the financing of political activities;

9) "Area that is particularly susceptible to the risk of corruption" is the area which is determined as such in a strategic document.

II. ANTI-CORRUPTION AGENCY

Legal Status of the Agency for the Prevention of Corruption

Article 3

The Agency for the Prevention of Corruption (hereinafter: the Agency) is an independent state authority accountable to the National Assembly of the Republic of Serbia for performance of work from its purview.

The Agency has the status of a legal person.

Funds for the Work of the Agency

Article 4

Funds for the work of the Agency shall be provided from the special budget section of the Budget of the Republic of Serbia, as well as from other sources, in accordance with the law.

The proposed annual plan of funds provided from the Budget of the Republic of Serbia shall be adopted by the Director of the Agency and forwarded to the Ministry in charge of financial affairs.

The annual funds for the work of the Agency which are provided from the Budget of the Republic of Serbia should be sufficient to enable its efficient and independent work.

The agency is independent in disposing of the funds required for its work.

The Government may not suspend, postpone or limit the execution of budget funds intended for the work of the Agency without the consent of the Director of the Agency.

Registered Seat of the Agency and Organisational Units Outside of the Registered Seat

Article 5

The registered seat of the Agency is in Belgrade.

The Agency may establish organisational units outside its registered seat. Organisational units outside the registered seat of the Agency do not have the status of a legal person.

Competencies of the Agency

Article 6

The Agency:

- 1) Supervises the implementation of strategic documents, submits to the National Assembly a report on their implementation along with recommendations to be acted upon, provides responsible entities with recommendations on how to eliminate shortcomings in the implementation of strategic documents and initiates amendments and supplements to strategic documents;
- 2) Adopts general enactments;
- 3) Institutes and conducts proceedings to determine the existence of violations of this Law and pronounces measures in accordance therewith;
- 4) Decides on the existence of conflict of interest;
- 5) Performs tasks in accordance with the law governing the financing of political activities and/or the law governing lobbying;

- 6) Files criminal charges, requests for initiating misdemeanour proceedings and initiatives for initiating disciplinary proceedings;
- 7) Maintains and publishes the Register of the Public Officials and the Register of Assets and Income of Public Officials in accordance with this Law;
- 8) Verifies assets and income reports submitted by public officials;
- 9) Maintains and verifies data from records specified in this Law;
- 10) Acts upon complaints submitted by natural and legal persons;
- 11) Provides opinions about the application of this Law, on its own initiative or at the request of natural or legal persons, and takes positions of importance for the application of this Law;
- 12) Initiates adoption or amendment of regulations, provides opinions on the assessment of the risk of corruption in draft laws in the fields that are particularly susceptible to the risk of corruption and opinions on draft laws governing issues covered by ratified international agreements in the field of preventing and combating corruption;
- 13) Investigates the state of corruption, analyses risks of corruption and prepares reports with recommendations to eliminate risks;
- 14) Supervises the adoption and implementation of integrity plans;
- 15) Adopts the Training Programme and instructions in the field of prevention of corruption and monitors the implementation of training in public authorities;
- 16) Performs tasks related to international cooperation in the field of prevention of corruption;
- 17) Performs other tasks set forth by law.

***Mutis Mutandis* Application of the Law Governing the General Administrative Procedure**

Article 7

The law governing the general administrative procedure shall apply *mutis mutandis* to proceedings conducted by the Agency in accordance with this Law.

Bodies of the Agency

Article 8

The bodies of the Agency are the Director and the Board of the Agency.

Competences of Director

Article 9

The Director represents and acts on behalf of the Agency, manages the work of the Agency's Service, organises and ensures lawful and efficient performance of the Agency's activities, adopts general and individual enactments, decides on requests of public officials in accordance with this Law, takes decisions on violations of this Law and issues measures, provides opinions and issues instructions concerning the implementation of this Law, submits to the National Assembly the annual report on the work of the Agency and the report on the implementation of strategic documents, prepares a proposal of budget funds required for the work of the Agency, decides on the rights, obligations and responsibilities of Agency employees, executes decisions of the Board of the Agency and performs other tasks specified by law.

Requirements for the Election of Director

Article 10

The Director may be any elected person who meets the general requirements for employment in state bodies, holds a degree in law, has no less than nine years of experience in the field, and was never convicted of a criminal offence to a prison term of minimum of six months or a criminal offence that renders him unworthy of the office of Director.

The Director may not be a member of a political party and/or political entity, and shall be subject to the same obligations and restrictions that apply to public officials under this Law.

Public Competition for the Election of Director

Article 11

Following a public competition announced by the Ministry in charge of judicial affairs, the Director shall be elected by the National Assembly, by a majority vote of all deputies.

The announcement of a public competition for the election of Director shall be published in the "Official Gazette of the Republic of Serbia" and in at least one public media outlet with nation-wide coverage, as well as on the websites of the Ministry, the Agency and the Judicial Academy.

Conducting a Public Competition for the Election of Director

Article 12

The public competition for the election of Director of the Agency shall be conducted by the Judicial Academy.

The Managing Board of the Judicial Academy shall form the Commission for the Election of Director of the Agency and the Complaints Commission, composed of three members each. Members of the Commissions shall be entitled to remuneration for their work in the Commissions, the amount of which shall be determined by the Managing Board of the Judicial Academy.

Any person who meets the requirements for the Director of the Agency under this Law may be appointed as a member of the Commission.

The Commission charged with conducting the competition shall review the applications for the public competition and the enclosed evidence, compile a list of candidates who meet the requirements for election, and conduct a test to verify the professional qualifications, knowledge and skills of the candidates.

The test shall consist of three sections.

The first section of the test shall serve to assess the expertise of the candidates, the second part to assess the professional integrity of the candidates required for the position of Director of the Agency, and the third part to assess the Agency's work programme presented by the candidate to the members of the Commission. The test shall assess only the professional qualifications, knowledge and skills specified in the test programme adopted by the Minister in charge of judicial affairs.

Candidates can receive a maximum of 70 points for the first section of the test, and a maximum of 30 points for the third section of the test.

The second section of the test shall be graded using the marks "pass" and "fail". A candidate who receives the mark "fail" may not be nominated for the election of the Director of the Agency.

The Commission for the election of Director of the Agency shall publish the results of the test within 15 days from the day of the completion of the test.

Candidates are entitled to file a complaint against the decisions of the Commission for the election of Director of the Agency within three days from the day of publishing the test results and/or the day when their application for the public competition was rejected.

The Complaints Commission shall decide on complaints referred to in paragraph 10 of this Article within three days from the expiry of the time limit specified for filing a complaint.

After the conducted test and the completion of the complaints procedure, the Commission for the Election of Director of the Agency shall submit to the Minister in charge of judicial affairs the ranking list of candidates compiled according to the success they achieved on the test.

The Minister in charge of judicial affairs shall adopt an enactment to regulate the details of the implementation of the public competition for the election of Director of the Agency.

Election of Director

Article 13

The Minister in charge of judicial affairs shall propose to the National Assembly candidates who have received at least 80 points on the test.

If the National Assembly decides not to elect any of the candidates, or if there are no candidates who have received at least 80 points on the test, a public competition shall be re-announced within 30 days from the day when the National Assembly had taken the decision and/or from the day when the ranking list of candidates referred to in Article 12, paragraph 12 of this Law had been compiled.

Term of Office of Director

Article 14

The term of office of Director shall be five years.

The same person may not be elected as Director more than twice.

Termination of Office of Director

Article 15

The public office of the Director shall terminate on the day of the expiry of his/her term of office, by resignation, if he is permanently incapacitated to discharge the office due to illness, or by dismissal.

The Ministry in charge of judicial affairs shall announce a competition for the election of a new Director three months prior to the expiry of the term of office, and if the office of Director terminates prior to the expiry of the term - within 15 days of the date of termination.

Dismissal of Director

Article 16

The Director shall be dismissed if s/he becomes a member of a political party and/or political entity, if s/he is convicted for a criminal offence to a prison term of minimum of six months or for a punishable offence that renders him/her unworthy of public office, or if it is determined that s/he has violated the law governing prevention of corruption.

The procedure to determine the existence of grounds for dismissal of the Director shall be initiated by the competent committee of the National Assembly. The Director shall have the right to make a statement before the

competent committee of the National Assembly regarding the initiation of the procedure.

The competent committee of the National Assembly may remove from public office the Director against whom the procedure has been initiated, until the conclusion of the procedure but not longer than for a period of six months from the day of initiating the procedure.

In the case referred to in paragraph 3 of this Article, the public office of Director shall be discharged by Deputy Director.

The decision to dismiss the Director shall be made by the National Assembly, by a majority vote of all deputies, at the proposal of the competent committee of the National Assembly.

Deputy Director

Article 17

The Director has a deputy who performs tasks within the authority entrusted to him/her by the Director, and who replaces the Director when s/he is absent or prevented from discharging the public office.

The Deputy Director shall be elected following a public competition announced by the Director within a period 15 days from the day of assuming public office.

The Director shall conduct the election procedure and take the decision electing the Deputy Director from among the candidates who meet the requirements for election.

The public office of Deputy Director ceases also with the termination of the public office of the Director.

The Director shall decide on the dismissal and other reasons for the termination of the public office of Deputy Director.

Unless otherwise provided by this Law, the provisions of this Law referring to the Director shall apply *mutis mutandis* to the requirements for the election of Deputy Director and reasons for terminating his/her public office.

Acting Director

Article 18

In the event that the Director's public office has terminated, the competent committee of the National Assembly shall appoint an Acting Director of the Agency from among the Assistant Directors.

The Acting Director shall perform the public office referred to in paragraph 1 of this Article until said office is assumed by a new Director.

Salaries of Director and Deputy Director

Article 19

The Director is entitled to a salary equal to the base salary of a judge of the Constitutional Court.

The Deputy Director is entitled to a salary equal to the base salary of a judge of the Appellate Court.

Based on the decision of the Board of the Agency, the salaries of Director and Deputy Director may be increased by up to 20%.

The Director and Deputy Director are entitled to salary compensation for three months after the termination of public office, in the amount of the salary as at the day of termination of public office.

The right to salary compensation shall cease before the expiry of three months if the Director and Deputy Director enter into an employment relationship or acquire the right to a pension.

Competences and Composition of the Board of the Agency

Article 20

The Board of the Agency decides on appeals against decisions made by the Director in accordance with this Law except for decisions on the rights and obligations of employees of the Agency, takes principled positions concerning the application of this Law, supervises the work of the Director and monitors his financial status.

The Board of the Agency shall have five members.

Election Requirements for Members of the Board of the Agency

Article 21

A person may be elected as member of the Board of the Agency if s/he meets the general requirements for employment in state authorities, holds a degree in law and has a minimum nine years of experience in the field, and has not been convicted for a criminal offence to a prison term of minimum of six months or for an offence that renders him/her him unworthy of public office.

A member of the Board of the Agency may not be a member of a political party and/or political entity, and is subject to the same duties and prohibitions that apply to public officials under this Law.

A member of the Board of the Agency may be employed outside the Agency or perform other paid work, unless this is in conflict with this Law.

Public Competition for the Election of a Member of the Board of the Agency

Article 22

A member of the Board of the Agency shall be elected by the National Assembly, by a majority vote of all deputies, following a public competition announced by the Ministry in charge of judicial affairs.

The announcement of the public competition for the election of a member of the Board of the Agency shall be published in the "Official Gazette of the Republic of Serbia" and at least one public media outlet with nationwide coverage, as well as on the websites of the Ministry, the Agency and the Judicial Academy.

Conducting a Public Competition for the Election of a Member of the Board of the Agency

Article 23

The public competition for the election of a member of the Board of the Agency shall be conducted by the Judicial Academy.

The Managing Board of the Judicial Academy shall form the Commission for the Election of a Member of the Board of the Agency and the Complaints Commission, composed of three members each. Members of the Commissions shall be entitled to remuneration for their work in the Commissions, the amount of which shall be determined by the Managing Board of the Judicial Academy.

Any person who meets the requirements for a member of the Board of the Agency under this Law may be appointed as a member of the Commission.

The Commission for the Election of a Member of the Board of the Agency shall review the applications for the public competition and the enclosed evidence, compile a list of candidates who meet the requirements for election, and conduct a test to verify the professional qualifications, knowledge and skills of the candidates. The test shall assess only the professional qualifications, knowledge and skills specified in the test programme adopted by the Minister in charge of judicial affairs.

The test shall consist of two sections.

The first section of the test shall serve to assess the expertise of the candidates, while the second serves to assess the professional integrity of the candidates required for the position of member of the Board of the Agency.

Candidates can receive a maximum of 100 points for the first section of the test.

The second section of the test shall be graded using the marks "pass" and "fail". A candidate who receives the mark "fail" may not be nominated for the election of a member of the Board of the Agency.

The Commission for the Election of Member of the Board of the Agency shall publish the results of the test within 15 days from the day of the completion of the test.

Candidates are entitled to file a complaint against the decisions of the Commission for the Election of a Member of the Board of the Agency within three days from the day of publishing the test results and/or the day when their application for the public competition was rejected.

The Complaints Commission shall decide on complaints referred to in paragraph 10 of this Article, within three days from the expiry of the time limit specified for filing a complaint.

After the conducted test and the completion of the complaints procedure, the Commission for the Election of a Member of the Board of the Agency shall submit to the Minister in charge of judicial affairs the ranking list of candidates compiled according to the success they achieved on the test.

The Minister in charge of judicial affairs shall adopt an enactment to regulate the details of the implementation of the public competition for the election of member of the Board of the Agency.

Election of a Member of the Board of the Agency

Article 24

The Minister in charge of judicial affairs shall propose to the National Assembly candidates who have achieved at least 80 points on the test.

If the National Assembly decides not to elect all members of the Board of the Agency whose election has been announced, or if there are not enough candidates who have achieved at least 80 points on the test, a public competition shall be re-announced within 30 days from the day of the above decision of the National Assembly and/or from the day when the ranking list of candidates referred to in Article 23, paragraph 12 of this Law was compiled.

Term of Office of a Member of the Board of the Agency

Article 25

The term of office of a member of the Board of the Agency shall be five years.

The same person may be elected as a member of the Board of the Agency no more than twice.

Termination of Office of a Member of the Board of the Agency

Article 26

The office of a member of the Board of the Agency shall terminate on the day of the expiry of the term of office, by resignation, if s/he is permanently incapacitated to discharge the office due to illness, or by dismissal.

The Ministry in charge of judicial affairs shall announce a competition for the election of a new member of the Board of the Agency three months prior to the expiry of the term of office, and if the office of a member of the Board of the Agency terminates prior to the expiry of the term - within 15 days of the date of termination.

Dismissal of a Member of the Board of the Agency

Article 27

A member of the Board of the Agency shall be dismissed if he/she becomes a member of a political party and/or political entity, if convicted for a criminal offence to a prison term of minimum of six months or for a punishable offence that renders him/her unworthy of public office, or if it is determined that s/he has violated a law from the field of competence of the Agency.

The procedure to determine whether there are grounds for dismissal of a member of the Board of the Agency shall be initiated by the competent committee of the National Assembly. The member of the Board of the Agency shall have the right to make a statement before the competent committee of the National Assembly regarding the initiation of the procedure.

The competent committee of the National Assembly may remove from public office the member of the Board of the Agency against whom the procedure has been initiated, until the conclusion of the procedure but not longer than for a period of six months from the day of initiating the procedure.

The decision to dismiss a member of the Board of the Agency shall be made by the National Assembly, by a majority vote of all deputies, at the proposal of the competent committee of the National Assembly.

Work and Decision Making Process of the Board of the Agency

Article 28

The work of the Board of the Agency shall be managed by the Chairman who is elected for a period of one year by the members of the Board from amongst themselves. The same person may not be elected more than twice.

The Board of the Agency shall work and decide in sessions.

A decision shall be deemed to have been taken when the majority of all members of the Board of the Agency have voted for it. A member of the Board of the Agency may not abstain from voting.

The Board of the Agency shall adopt the Rules of Procedure concerning its work.

Salary of a Member of the Board of the Agency

Article 29

A member of the Board of the Agency is entitled to a salary in the amount of the salary determined for the first group of positions, in accordance with the regulations governing the salaries of civil servants.

A member of the Board of the Agency who is employed outside the Agency is entitled to remuneration for his/her work in the Board of the Agency in the amount of 50% of the salary amount referred to in paragraph 1 of this Article.

A member of the Board of the Agency who is employed in the Agency is entitled to salary compensation for three months after the termination of public office, in the amount of the salary as at the day of termination of public office.

The right to salary compensation shall cease before the expiry of three months if a member of the Board of the Agency enters into an employment relationship or acquires the right to a pension.

The Agency's Service

Article 30

The Agency has a service which performs professional and other tasks for the needs of the Agency.

The Agency's Service shall be managed by the Director.

The internal organisation and classification of job positions in the Agency's Service shall be regulated by the enactment adopted by the Director after obtaining the opinion of the Board of the Agency and with the consent of the committee of the National Assembly in charge of state administration.

The enactment referred to in paragraph 3 of this Article must envisage the professional service of the Board of the Agency as a special organisational unit.

Position of Persons Employed in the Agency's Service

Article 31

The employees in the Agency's Service are appointed civil servants, civil servants and state employees.

Appointed civil servants in the Agency are: Assistant Directors, the Secretary of the Agency and the Secretary of the Board of the Agency.

Civil servants referred to in paragraph 2 of this Article are classified in the third group of positions, in accordance with the regulations governing the classification of civil servants.

Unless otherwise provided by this Law, regulations governing civil servants and state employees shall apply to the rights and obligations of employees of the Agency's Service.

Income

Article 32

The regulations governing salaries, compensation and other income of civil servants and state employees shall apply to the income of employees in the Agency's Service.

Salaries of employees in the Agency's Service may be increased up to 30%, as decided by the Director of the Agency.

Cooperation of the Agency with Public Authorities, Scientific Institutions and Associations

Article 33

In performing tasks within its purview the Agency shall cooperate with public authorities and other legal persons.

The Agency shall cooperate with scientific institutions and associations.

The cooperation shall consist of joint actions in the implementation of strategic documents in the field of fight against corruption, implementation of training programmes, research into the state of corruption and other activities important for the prevention of corruption.

International Cooperation

Article 34

The Agency shall cooperate with international institutions, organisations and initiatives with a view to developing mechanisms and standards and improving practices in the field of prevention of corruption.

In cooperation with the competent state authorities, the Agency shall monitor and, as needed, participate in the coordination of international cooperation in the prevention of corruption led by state bodies and organisations, as well as the authorities if the territorial autonomy and the local self-government units.

The competent state authorities shall inform the Agency on the affairs of international cooperation in the prevention of corruption.

Submitting Initiatives for the Adoption of Regulations and Providing Opinions on Draft Laws

Article 35

The Agency shall initiate the adoption of regulations to eliminate the risk of corruption or align regulations with ratified international agreements in the field of fight against corruption.

State administration authorities are obliged to submit to the Agency draft laws from fields that are particularly susceptible to risks of corruption and draft laws regulating issues covered by ratified international agreements in the field of fight against corruption, to enable the Agency to provide opinions on the assessment of the risk of corruption.

Obligations of Public Authorities and Other Persons

Article 36

Public authorities and other persons exercising public powers are obliged, at the written and reasoned request of the Agency submitted to enable it to perform tasks within its purview, to provide the Agency with direct access to databases kept in electronic form.

If access to data in the manner referred to in paragraph 1 of this Article is not possible, public authorities and other persons exercising public powers are obliged, within 15 days from the date of receipt of the Agency's written and reasoned request, to submit all documents and information at their disposal and/or provide the Agency with direct insight into those documents to enable it to perform tasks within its purview.

Other legal persons are also bound by the obligations referred to in paragraphs 1 and 2 of this Article, with the exception of banks and other financial institutions.

For the purpose of performing tasks from its purview, the Agency is entitled to obtain data about the accounts of public officials from banks and

other financial institutions; the Agency may also obtain data about the accounts of other persons, with their consent.

Duty to Respond to the Call of the Agency

Article 37

Public officials, employees and persons engaged to perform tasks in a public authority, as well as other persons, are obliged to respond to the call of the Agency aimed at establishing the facts in the proceedings conducted by the Agency.

Reporting on the Implementation of Strategic Documents

Article 38

Entities responsible for the implementation of measures and activities contained in the strategic documents shall report to the Agency on their implementation.

The details of the manner of reporting referred to in paragraph 1 of this Article shall be regulated in the enactment passed by of the Director of the Agency, in accordance with the strategic documents.

The Agency shall submit to the National Assembly a report on the implementation of strategic documents, along with recommendations for further action, no later than by 31 March of the current year for the preceding year.

The Agency shall provide opinions with recommendations regarding the implementation of strategic documents.

Reporting to the National Assembly

Article 39

The Agency shall submit an annual report on its work to the National Assembly, no later than by 31 March of the current year for the preceding year. The Agency shall also submit extraordinary reports at the request of the National Assembly or on its own initiative.

At the request of the National Assembly or on its own initiative, the Agency may submit to the National Assembly reports on the state of corruption and on the risks of corruption in public authorities.

CONFLICT OF INTEREST

Basic Rules on Discharging Public Office

Article 40

A public official shall not subordinate the public interest to his/her private interests, shall comply with the regulations governing his/her rights and duties, and shall establish and maintain the trust of citizens concerning his/her conscientious and responsible discharge of public office.

A public official must not be dependent on persons who might be able to influence his/her impartiality, or use public office to acquire any benefit or advantage for him/herself or any associated person.

A public official is prohibited from using information obtained while discharging public office for the purpose of acquiring a benefit or advantage for him/herself or another, or for harming others, if such information is not available to the public.

The Notion of Conflict of Interest

Article 41

A conflict of interest is a situation where a public official has a private interest which affects, may affect, or appears to affect the discharge of public office.

Private interest is any benefit or advantage in favour of a public official or an associated party.

Notifying the Agency

Article 42

On taking office and in the course of discharging public office, a public official shall notify in writing, without delay and no later than within a period of five days, his/her immediate superior and the Agency regarding any doubts concerning the existence of a conflict of interest, or his/her conflict of interest, or that of an associated person.

A public official shall stop acting in a case in which there is a suspicion of a conflict of interest, unless there is a danger of delay.

The Agency shall provide an opinion on the existence of a conflict of interest within 15 days from the day of receipt of the public official's notification.

If a public official requests an opinion on the existence of a conflict of interest in a public procurement procedure, the Agency shall provide the opinion thereon within a period of eight days.

To obtain information about the existence of a conflict of interest referred to in paragraphs 1 and 4 of this Article, the Agency may call a public official and request that s/he submit necessary information.

Should the Agency establish that a conflict of interest referred to in paragraphs 1 and 4 of this Article exists, it shall notify the public official

thereof as well as the body wherein such public official holds public office and propose measures to eliminate the conflict of interest.

Provisions referred to in paragraphs 1 and 6 of this Article shall not preclude the application of provisions on disqualification set forth in other laws.

Initiating the Procedure to Decide on the Existence of a Conflict of Interest

Article 43

The Agency shall initiate *ex officio* a procedure to decide on the existence of a conflict of interest within two years from the day of learning of actions or inactions of a public official that raised suspicion of the existence of a conflict of interest.

The procedure referred to in paragraph 1 of this Article may not be initiated or concluded if five years have elapsed since the action or inaction of a public official that raised suspicion of the existence of a conflict of interest. The Agency may initiate a procedure also upon a report of a natural or legal person.

Special Provision on Notification Given by a public official in the Agency regarding an Existing or Possible Conflict of Interest

Article 44

If a public official in the Agency notices the existence of a conflict of interest or the possibility of its occurrence, s/he shall immediately inform the Board of the Agency thereof in writing; the Agency then gives an opinion as to whether a conflict of interest indeed exists.

IV. INCOMPATIBILITY OF OTHER WORK WITH THE DISCHARGE OF PUBLIC OFFICE

Performing Other Work or Business Activity at the Time of Assuming Public Office

Article 45

A public official who performs other work or business activity at the time of assuming public office shall notify the Agency thereof within 15 days from the day of assuming public office.

Upon receipt of the notification, the Agency shall determine whether the performance of work and/or business activity jeopardises impartial discharge of public office.

If it determines that the performance of work and/or business activity referred to in paragraph 2 of this Article jeopardises impartial discharge of public office, the Agency shall issue a decision specifying a time limit, which may not exceed 60 days, within which the public official will be obliged to stop performing such work and/or business activity.

If the public official fails to act within the time limit referred to in paragraph 3 of this Article, the Agency shall conduct the procedure to establish a breach of law.

If the Agency does not notify the public official within 30 days from the day of receipt of the notification referred to in paragraph 1 of this Article, it shall be deemed that the public official may continue to perform other work or business activity.

Performing Other Work or Business Activity

Article 46

A public official may not perform other work or business activity while discharging a public office which requires full-time or permanent work.

Notwithstanding paragraph 1 of this Article, a public official may engage in scientific research, teaching, cultural, artistic, humanitarian and sports activities without the consent of the Agency, if they do not jeopardise the impartial discharge and reputation of the public office. A public official is obliged to report income from such work and/or business activity to the Agency.

If the Agency determines that the performance of work and/or business activity referred to in paragraph 2 of this Article jeopardises the impartial discharge or reputation of a public office and/or that it represents a conflict of interest, the Agency shall set a time limit within which the public official will be obliged to cease performing such work and/or business activity.

Except for the work and/or business activities referred to in paragraph 2 of this Article, at the request of a public official the Agency may give consent to a public official to perform other work and/or business activity. Along with the request, the public official shall submit a positive opinion of the authority that had elected, appointed or nominated him/her to the public office. An appointed civil servant is obliged to submit, along with the request, the consent of his/her immediate superior. The Agency shall decide on a complete and properly filed request within 15 days from the day of its receipt.

In the event that the Agency does not decide within the time limit referred to in paragraph 4 of this Article, it shall be deemed that it has given its consent for performance of other work or business activity.

Another law or regulation may prescribe other work or business activities that public officials may not perform while discharging public office.

Advising

Article 47

A public official may not advise legal and natural persons on issues related to the public office s/he holds, unless obliged to do so.

Legal Persons with Private Capital Participation

Article 48

A public official whose public office requires the establishment of an employment relationship in a public authority, may not, while discharging public office, establish a company and/or public service or start performing an independent business activity in the sense of the law governing entrepreneurship.

A public official whose public office requires the establishment of an employment relationship, full-time work or permanent work in a public authority, may not be a representative or member of the body of a privately owned legal person or exercise management rights.

Membership in the Bodies of Associations

Article 49

A public official may not be a member of the body of an association, or its representative, if a relationship of dependence or other relationship that jeopardises or could jeopardise his/her impartiality or the reputation of public office exists between the public office and membership in the body of the association, or representation of the association, or if or another law or regulation prohibits a public official from being a member of the body of a specific association.

Membership and Function in a Political Entity

Article 50

A public official may have a function in a political party and/or a political entity and participate in its activities if that does not jeopardise the discharge of public office and is not prohibited by law.

A public official may not use public resources for the promotion of political parties that is political entities, which specifically refers to the use of public resources for the purpose of public presentation of election participants and their election programs, inviting voters to vote for them in the elections, that is, to boycott the elections, as well as the use of public resources for other types of political activities, such as working with voters and membership, organizing and holding gatherings and promotions, creating

and distributing advertising material, brochures, leaflets and publications, political advertising, public opinion research, media, marketing and consulting services, and conducting trainings for party activities.

Notwithstanding paragraph 2 of this Article, a public official may use public resources for the protection of personal security, if such use of public resources is governed by relevant regulations or by a decision of services in charge of the security of public officials.

A public official is obliged to always unambiguously inform his/her interlocutors and the public whether s/he is expressing the position of the authority in which s/he discharges a public office or the position of a political party and/or political entity.

A public official may not use public gatherings in which s/he participates and meetings s/he holds as a public official, for the promotion of political parties, that is, political entities, which specifically refers to the use of such public gatherings and meetings for public presentation of election participants and their election programs, inviting voters to vote for them in certain elections, that is, to boycott the elections.

The provision of paragraph 4 of this Article shall not apply to public officials elected directly by citizens.

During the election campaign, in the procedure referred to in the Article 78, paragraph 1 and 2 of this Law, in which it decides whether there is a violation of paragraph 1, 2, 4 and 5 of this Article, the Agency shall decide within five days from the day of initiating the proceedings ex officio, that is, from the day of receipt of the complaint of legal entity or natural person.

Transfer of Management Rights

Article 51

A public official who possesses, at the time of election, appointment or nomination to public office, or acquires while discharging public office, a stake or shares in a company that entitle him to management rights, is obliged, within 30 days from the day of election, appointment or nomination and/or the acquisition of stake or shares, to transfer the management rights in the company to a legal or natural person, so that this person can exercise them until the termination of public office, in its own name but on behalf of the public official.

A public official shall submit to the company and the Agency data on the person to whom s/he had transferred management rights and evidence of the transfer of management rights, which transfer s/he had registered in accordance with the law governing the registration of companies, within 15 days from the day of the transfer.

The person to whom the management rights have been transferred shall thus become an associated party.

Regarding public officials in certain public authorities, a special law can prescribe stricter rules regarding the ownership of stakes, shares and other securities in certain companies and the obligation to dispose thereof after assuming public office.

Exception to the Transfer of Management Rights

Article 52

A public official who possesses or acquires a stake or shares in a company of up to 3% is not obliged to transfer management rights in said company.

The provision of paragraph 1 of this Article does not apply to public officials who are prohibited by a special law from owning stakes, shares and other securities in certain companies.

Informing the Agency about Participation in Public Procurement, Privatisation or Other Procedures the Outcome of Which is the Conclusion of a Contract with a Public Authority

Article 53

If a legal person in which a public official or his/her family member possesses, during the public official's discharge of public office and two years after its termination, a stake or shares greater than 20% and such legal person participates in a public procurement or privatisation procedure or other procedure resulting in concluding a contract with a public authority, another budget user or another legal person in which more than 20% of the capital is owned by the Republic of Serbia, the autonomous province, a local self-government unit or a city municipality, shall submit to the Agency, within 15 days from the day of completion of the procedure, a notification containing information on the following:

- 1) Submitter of notification (name of the legal person, registration number, registered office and name and surname of the responsible person);
- 2) Name and surname of the public official and his/her family member;
- 3) Name of the public authority that contracted the work;
- 4) Type and subject of procedure;
- 5) Date of beginning and conclusion of the procedure;
- 6) Decision in the procedure of public procurement, privatisation or other procedure, and the number and value of the public procurement contract, privatisation procedure or other procedure;
- 7) Signature of the responsible person.

The notification shall be submitted on the form and in the manner prescribed by the Agency.

The Agency shall verify the timeliness and completeness of data contained in the notification.

Unlawful Influence on a Public Official in the Agency

Article 54

A member of the Board of the Agency shall inform the Board and the Director about any inappropriate influence; the Director shall inform the Board of the Agency, and the Deputy Director and other public officials in the Agency shall inform the Director.

Restrictions upon Termination of Public Office

Article 55

Two years after the termination of public office, a person whose public office has ceased may not establish an employment relationship and/or business cooperation with a legal person, entrepreneur or international organisation performing activities related to the public office that had been discharged by the public official, except with the obtained consent of the Agency.

Prior to establishing an employment relationship and/or business cooperation referred to in paragraph 1 of this Article, a person whose public office has ceased shall request the consent of the Agency, which is obliged to decide on the request within 30 days.

In the event that the Agency fails to decide within the time limit referred to in paragraph 2 of this Article, it will be deemed that it has given its consent for the establishment of employment and/or business cooperation.

The prohibition referred to in paragraph 1 of this Article does not apply to public officials elected directly by citizens.

V. ACCUMULATION OF PUBLIC OFFICES

Prohibition of Discharging Other Public Offices

Article 56

A public official may discharge only one public office, unless s/he is obliged by the Constitution, law and other regulations to discharge more than one such office.

Notwithstanding paragraph 1 of this Article, a public official may discharge another public office with the consent of the Agency.

A public official elected to a public office directly by the citizens may discharge several public offices to which s/he was elected directly by the citizens without the consent of the Agency, except in cases of incompatibility specified in the Constitution.

A public official who has been elected, appointed or nominated for another public office and who intends to discharge several public offices at the same time shall request the consent of the Agency within eight days from the day of election, appointment or nomination. Along with the request, the public official shall submit the obtained positive opinion of the authority that elected, appointed or nominated him/her for public office, while the public official who was elected to public office directly from the citizens shall submit a positive opinion of the competent working body of the authority in which s/he is serving as a public official.

The Agency shall decide on the complete and properly filed request referred to in paragraph 4 of this Article within 15 days from the day of its receipt. The Agency shall not give consent for the discharge of another public office if that public office is incompatible with the public office the public official is already discharging and/or if it determines the existence of a conflict of interest, on which case it shall issue a reasoned decision.

In the event that the Agency fails to decide within the time limit referred to in paragraph 5 of this Article, it shall be deemed that it has given consent to the public official to discharge another public office, unless another regulation prohibits the public official from discharging these two public offices simultaneously.

A public official who has been elected, appointed to or nominated for another public office contrary to the provisions of this Law shall resign from one of the public offices within eight days from the day of delivery of the Agency's decision and inform the Agency thereof. If the public official fails to resign within the prescribed period, the latter public office shall terminate by force of law.

In the case referred to in paragraph 7 of this Article, the decision on termination of public office shall be made by the body and/or permanent working body of the authority that elected, appointed or nominated the public official to a latter public office, within eight days of receiving the Agency's decision establishing that the public official was elected, appointed to or nominated for another public office contrary to the provisions of this Law.

VI. GIFTS

The Concept of a Gift

Article 57

A gift is an item, right or service, given or provided without appropriate compensation and/or a benefit or advantage afforded to a public official or his/her family member.

Prohibition of Accepting Gifts

Article 58

A public official and his/her family members may not accept gifts in connection with the discharge of public office, except for protocol gifts and appropriate gifts.

Handover of Received Protocol and Occasional Gifts to the Public Authority

Article 59

A protocol gift is a gift that a public official or his/her family member has received from a representative of a foreign state, international organisation or foreign natural or legal person during an official visit or on another similar occasion.

An occasional gift is a gift that is received on occasions when gifts are traditionally exchanged.

Received occasional and protocol gifts shall become public property, in accordance with the law governing public property.

Within eight days from the day of receiving an occasional or protocol gift and/or returning to the country, the public official shall hand over the gift to the public authority in which s/he discharges public office, and the public authority shall hand over the gift to the authority in charge of dealing with items that constitute public property.

Retaining Ownership of Protocol and Occasional Gifts

Article 60

Exceptionally, a public official and his/her family member shall be entitled to retain a protocol or occasional gift whose value does not exceed 10% of the average monthly salary without taxes and contributions in the Republic of Serbia; the total value of gifts retained in the course of one calendar year cannot exceed the amount of one average monthly salary without taxes and contributions in the Republic of Serbia.

Gifts retained by family members shall be included in the total value of the gifts a public official has retained within one calendar year.

Value of Gifts

Article 61

The value of a gift shall be the market price of the gift as at the day it is offered or received.

The market price of a gift shall be the average price on the market of the item or service that is the subject of the gift and/or the average price for which the item or service of a similar type and value is sold on the market.

Notification of Gifts Received

Article 62

A public official shall notify, in writing, the public authority in which s/he discharges public office about any gifts received in connection with the discharge of public office, within ten days from the day of receiving the gift and/or from the day of returning to the country.

The notification of the gift shall contain:

- 1) Name and surname of the public official and the public office;
- 2) Name, surname and address of the gift giver or the name and registered office/seat of the legal person or authority if the gift was given on their behalf;
- 3) Date of receipt of the gift;
- 4) Reason for giving the gift;
- 5) Description of the gift;
- 6) Value of the gift or information that its valuation is in progress;
- 7) Information on whether it is a protocol gift or occasional gift;
- 8) Information on whether the protocol or occasional gift has become the property of a public official or public property.

The notice shall also contain the date it was drafted and the signature of the public official.

A public official shall submit a notice also when his/her family member receives a gift.

The Agency shall prescribe the details of the content and form of the notification of received gifts.

Records of Gifts

Article 63

Public authorities shall keep records of gifts received by public officials and their family members.

The record shall contain the name of the public authority, place and date of entry of data in the record, signature of the responsible person of the

public authority, and the data contained in the notification submitted by the public official concerning the received gift specified in Article 62 paragraph 2, item 1 and items 3-8 of this Law.

The form of the gift record shall be prescribed by the Agency.

Obligation to Submit a Record of Gifts to the Agency

Article 64

Public authorities shall submit a copy of the record of gifts to the Agency by 1 March of the current year for the preceding calendar year.

The data from the record of gifts submitted to the Agency shall be public.

Verification of the Record of Gifts

Article 65

The Agency shall verify whether the record of gifts was submitted in a timely manner and whether it contains complete data.

The Agency shall verify whether a public official or his/her family member has received and/or retained a gift to which s/he is not entitled under this Law, or retained a gift to which s/he is entitled under this Law but which could affect the impartiality of the public official, and if so – it shall initiate a procedure to decide on the existence of a violation of this Law and notify the competent authority thereof.

Catalog of Gifts

Article 66

Using the data from the records of gifts, the Agency shall publish the catalog of gifts on its website.

The catalog of gifts shall be published by 1 June of the current year for the preceding calendar year.

VII. REPORTING ASSETS AND INCOME

Register of Public Officials

Article 67

A public authority which has elected, appointed or nominated a public official shall notify the Agency of the beginning and termination of public office within 15 days from the day a public official has assumed public office and within 15 days from the day his/her public office was terminated.

The election and termination of a public office to which a public official was elected directly by the citizens shall be notified to the Agency by the authority to which a public official has been elected, within the time limit specified in paragraph 1 of this Article.

The notice shall contain the following information concerning the public official:

- 1) Name and surname;
- 2) National personal identification number;
- 3) Permanent and temporary residence;
- 4) Official telephone number and official e-mail address;
- 5) Education and title;
- 6) Occupation, job or business activity at the time of election, appointment or nomination;
- 7) Name of the public office and public authority to which s/he was elected, appointed or nominated;
- 8) Name of the authority that elected, appointed or nominated him/her;
- 9) Date of election, appointment or nomination;
- 10) Date of termination of public office.

The notification shall also contain the signature of the responsible person in the public authority.

The notification shall be submitted on the form and in the manner prescribed by the Agency.

The Agency shall compile and maintain the Register of Public Officials and publish it on its website. Data referred to in paragraph 3, items 2 and 3 of this Article shall not be public.

The Agency shall verify the timeliness and completeness of data contained in the Register of Public Officials.

Regular Reporting of Assets and Income

Article 68

Within 30 days from the day of his/her election, appointment or nomination, a public official shall submit to the Agency a report on his/her

assets and income (hereinafter: the Report), assets and income of his/her spouse or common law partner, as well as those of his/her underaged children if they live in the same family household, as at the day of election, appointment or nomination.

A public official who is re-elected, re-appointed or re-nominated immediately upon the termination of public office, shall not re-submit the Report if there have been no changes in the data from the previous Report, but is obliged to inform the Agency thereof within 30 days from the day of re-election, re-appointment or re-nomination.

The Report shall also be submitted by the person whose public office has been terminated, within 30 days from the day of termination of public office, as at the day of termination of public office.

Extraordinart Assets and Income Report

Article 69

If the assets or income of a public official have changed significantly in the course of the previous year, the public official shall submit a Report to the Agency as at 31 December of the preceding year, no later than by the time of the expiry of the time limit specified for submitting the annual tax return for determining personal income tax.

A significant change exists when there has been an increase or decrease in the assets or income which, according to the precedeing Report, exceed the average annual salary without taxes and contributions in the Republic of Serbia, or when there is a change to the structure of said assets.

A person whose public office has been terminated shall submit a Report as at 31 December of the preceding year, two years after the termination of the public office but no later than by the expiry of the time limit specified for submitting the annual tax return for determining personal income tax, provided that the assets and income have significantly changed in comparison with the preceding year.

Public Officials Who Submit Reports at the Request of the Agency

Article 70

Regular and extraordinary reporting of assets and income (Articles 68 and 69) does not apply to councilors, members of municipal and city councils, members of municipal and city election commissions and members of bodies of public enterprises, companies, institutions and other organisations whose founder or member is a municipality, city or a city municipality.

Regular and extraordinary reporting of assets and income does not apply to members of bodies of public enterprises, companies, institutions and other organisations whose founder or member is the Republic of Serbia or the autonomous province, unless the law, other regulation or enactment provides that the public official has the right to compensation based on membership. The Agency may request a report also from public officials referred to in paragraphs 1 and 2 of this Article, with the time limit set by the Agency.

Contents of the Report

Article 71

The report shall contain the following data concerning the assets and income of a public official and the family members referred to in Article 68, paragraph 1 of this Law:

- 1) Name and surname;
- 2) Public office;
- 3) National personal identification number;
- 4) Permanent and temporary residence;
- 5) Telephone number and e-mail address;
- 6) Other work, business activity and membership in the bodies of associations;
- 7) Source and amount of net income the public official receives because s/he is discharging a public office and the source and amount of other net income s/he receives from the Budget and other public sources;
- 8) Source and amount of net income from other work or business activity;
- 9) Net income from scientific research, teaching, cultural, artistic, humanitarian or sports activities;
- 10) Income from copyright, patent and other intellectual property rights;
- 11) Source and amount of other net income;
- 12) The right to use an apartment for official purposes;
- 13) The right of ownership or the right of lease on real property;
- 14) The right of ownership or the right of lease on moveable property subject to registration;
- 15) Deposits in banks and other financial institutions, along with the name of the bank or financial institution, the types and numbers of accounts, and the amounts of funds in said accounts;
- 16) Lease of bank safes;

- 17) Receivables and payables (principal, interest and period of repayment and maturity);
- 17) Shares and stakes in legal persons;
- 18) Data on legal persons in which the legal person referred to in item 18 of this paragraph holds more than 3% of stakes or shares;
- 19) Financial instruments;
- 20) Business activity as entrepreneur;
- 21) Other data considered by the public official to be important for the application of this Law.

The report shall also contain the date and place of its drafting and the signature of the public official submitting it.

The report shall list assets and income in the country and abroad. The report shall be submitted using the form and in the manner prescribed by the Agency.

Register of Assets and Income of Public Officials

Article 72

The Agency shall compile and maintain the Register of Assets and Income of Public Officials, which shall contain the data from the Reports.

Public officials in the Agency as well as employees and persons engaged to perform tasks in the Agency, who have access to data from the Register of Assets and Income of Public Officials that are not available to the public, may not communicate, submit or in any way provide access to such data.

Public Nature of Data Contained in the Register of Public Assets and Income of Public Officials

Article 73

The following data from the Register of Assets and Income of Public Officials shall be publicly available:

- 1) Name and surname of the public official;
- 2) The public office s/he discharges;
- 3) Source and amount of net income of the public official received from the Budget and other public sources;

4) The right to use an apartment for official purposes, with the exception of the address where the apartment is located;

5) The right of ownership or the right of lease on real property, with the exception of the address where the real property is located;

6) The public official's right of ownership or the right of lease on moveable property subject to registration, with the exception of their registration numbers;

7) Deposits in banks and other financial institutions, without the name of the bank or other financial institution and without stating the types and numbers of accounts and the amount of funds in said accounts;

8) Shares and stakes in legal persons;

9) Legal persons in which the legal person referred to in item 8 of this paragraph has more than 3% of stakes or shares;

10) Business activity as entrepreneur.

Exceptionally, data from the Reports of public officials in state authorities that are specified in the laws governing the organisation and competence of state authorities in the suppression of organised crime, terrorism and corruption shall not be available to the public until a period of two years has elapsed since the termination of public office.

Use of Data from the Report

Article 74

Data from the Report that are not available to the public shall be used only when verifying the Report and in the procedure to decide on the existence of a violation of this Law.

The Agency shall submit data that is not available to the public to the court, the public prosecutor's office, the Ministry in charge of internal affairs, the Administration for the Prevention of Money Laundering, the Tax Administration and other competent authorities, in accordance with the law.

Verification of the Report

Article 75

The Agency shall verify the accuracy and completeness of the data provided in the Report, as well as the timeliness of submission of the Report, according to the annual verification plan adopted by the Director.

The annual verification plan shall be adopted on the basis of a preceding analysis conducted by the Agency, taking into account in particular the category of public officials, the amount of their income and the amount of Budget funds at the disposal of the public authorities in which public officials discharge a public office.

The Agency shall conduct extraordinary verification of the accuracy and completeness of the data from the Report if it suspects that a Report does not present accurate and complete data.

Monitoring the Financial Status

Article 76

In the process of verifying the financial status, the Agency shall assess whether there is a discrepancy between the data contained in the Report and the actual situation, or a discrepancy between the increased value of the assets and the reported income.

In the event of a discrepancy, the Agency shall invite the public official or persons referred to in Article 68, paragraph 1 of this Law, to state the reasons for said discrepancy within a period of 15 days.

If, while verifying the Report, the Agency suspects that a public official is concealing the actual value of his assets or income, the Agency may request that associated persons submit data on their assets and income directly, within 30 days from the day of receipt of the request.

Once it establishes the existence of a discrepancy, the Agency shall notify the competent authority thereof to enable it to take measures within its purview.

The authority referred to in paragraph 4 of this Article shall inform the Agency about the undertaken measures within three months from the day of receipt of the notification.

VIII. PROCEDURE TO DECIDE ON THE EXISTENCE OF VIOLATION OF THIS LAW

Basic Provision

Article 77

The Agency shall decide on the violations of this law.

The procedure to decide on the existence of a violation of this Law shall be conducted in case of suspicion of a conflict of interest (Articles 40-44), existence of incompatibility (Articles 45-55), accumulation of public offices (Article 56), acceptance of gifts (Articles 57-66) and reporting assets and income (Articles 67-76).

Initiating the Procedure

Article 78

The procedure to decide on the existence of a violation of this Law shall be initiated by the Agency *ex officio*.

The Agency may initiate the procedure at the request of a public authority which has elected, appointed or nominated a public official or in which a public official discharges a public office, or upon a report by a natural or legal person.

The Agency may initiate the procedure *ex officio* also on the basis of a report by a natural or legal person.

The request or report must be submitted in writing and contain:

- 1) Name and registered seat and/or the name and surname and address of the submitter of the report;
- 2) Name and surname of the public official, the public office s/he discharges, and the public authority in which s/he serves as a public official;
- 3) Facts that serve as grounds for suspicion that there has been a violation of this Law;
- 4) Signature of the submitter of the report and/or the signature of the authorised person. Notwithstanding paragraph 4 of this Article, the report may also be submitted anonymously.

An anonymous report must contain data referred to in paragraph 4, items 2 and 3 of this Article.

If a request for initiating the procedure has been submitted, the Agency may ask that the submitter of the report submit documents and information at his/its disposal which are important for deciding whether or not to initiate the procedure.

The Agency shall protect the identity of the submitter of the report by not providing information about him/her to anyone except to the court, to enable the court to decide whether the identity of the submitter of the report can be disclosed to preserve the public interest or protect the rights of third parties.

Statement of a Public Official

Article 79

The Agency shall notify the public official that a procedure has been initiated against him/her and invite him/her to make a statement in writing within 15 days from the day of receipt of the notification.

The notification shall contain the alleged violation of this Law due to which the procedure has been initiated and the facts from which it follows that the violation has been committed.

Failure of a public official to provide a statement shall not defer the conduct of the procedure.

A public official reserves the right, until a decision is taken, to provide a statement of the facts and evidence against him/her and to present facts and evidence in his/her favour.

Decisions and Remedies

Article 80

The decision establishing the violation of this Law and imposing a measure or discontinuing the procedure shall be made by the Director of the Agency.

The procedure shall be discontinued when it is determined that there has been no violation of this Law.

An appeal against the decision of the Director of the Agency may be lodged with the Board of the Agency, within 15 days from the day of receipt of the decision.

The decision of the Board of the Agency shall be final, and an administrative dispute may be initiated against it.

In an administrative dispute, the court is obliged to resolve the administrative matter by way of a judgment.

Public Nature of the Procedure

Article 81

Only information as to whether a procedure has been initiated against a public official to decide on the existence of a violation of this Law and the outcome of the procedure shall be available to the public.

In the event that the procedure is discontinued, the data from the case file – with the exception of the outcome of the procedure and data that are

available to the public based on other regulations – may not become available to the public without the consent of the public official.

The Agency shall notify the submitter of the report of the outcome of the procedure that was initiated based on a request or report.

Types of Measures

Article 82

A measure of reprimand or a measure of public announcement of the recommendation for dismissal from public office may be imposed on a public official.

Notwithstanding paragraph 1 of this Article, a public official who was elected directly by citizens, as well as a person whose public office has been terminated, may be issued a reprimand or a measure of public announcement of the decision on the violation of this Law.

When imposing a measure, all the circumstances of the case shall be taken into account, especially the severity and consequences of the violation of this Law and the possibility of remedying the violation.

Requirements for Imposing Measures

Article 83

A reprimand shall be issued if a public official has made a minor violation of this Law.

A minor violation of the Law is a violation that did not affect the objective discharge of public office.

The measure of public announcement of the recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law shall be issued for a major violation of this Law.

It is deemed that a major violation of this Law is a violation that affected the objective discharge of public office, the trust of citizens in a public official and the reputation of the public office.

Acting Following the Finality of the Recommendation for Dismissal from Public Office

Article 84

Once the decision imposing the measure of public announcement of the recommendation for dismissal from public office becomes final, the Agency shall submit said decision to the public authority responsible for dismissal, within eight days from the day of finality of the decision.

The public authority shall notify the Agency of the measures it has taken on the basis of the final decision, within 60 days from the day of receipt of the decision.

Public Announcement of the Decision

Article 85

The operating part and the summary reasoning of the final decision imposing the measure of public announcement of the recommendation for dismissal of public official from public office and the measure of public announcement of the decision on the violation of this Law shall be published on the website of the Agency and in the "Official Gazette of the Republic of Serbia".

Reporting Violations of the Law to the Competent Authorities

Article 86

When in the course of the procedure the Agency finds that there are grounds for suspicion that a criminal offence prosecuted *ex officio* has been committed, or a misdemeanour offence or breach of duty, the Agency shall submit a criminal report, a request for initiating misdemeanour proceedings or an initiative for initiating disciplinary procedure.

Within 90 days from the receipt of the criminal report, a request for initiating misdemeanour proceedings or initiative for initiating disciplinary procedure, the competent authority shall inform the Agency about the action it has undertaken.

The decisions of the Agency shall not affect the criminal and material responsibility of a public official.

IX. PROCEEDING UPON COMPLAINTS

The Notion of Complaint

Article 87

A complaint is a written communication by a natural or legal person addressed to the Agency presenting the facts that raise suspicion of corruption.

If the Agency is not competent to act upon a complaint, it shall forward the complaint to the competent authority and inform the complainant thereof.

The Agency protects the complainant's identity by the fact that it is not allowed to provide information about him/her to anyone other than the court, to enable the court to decide whether the complainant's identity can be disclosed in order to preserve the public interest or protect the rights of third parties.

Proper State of the Complaint

Article 88

A complaint contains facts that raise suspicion of corruption, the name of the public authority, the name and surname of the person against whom it is submitted, data from which the identity of that person can be established, time, place and description of the corrupt act or behavior, as well as the signature of and information about the complainant, unless the complaint is submitted anonymously.

A complaint is deemed improper if it contains shortcomings that prevent the Agency from acting upon it, if it is not understandable or complete. In the event that a complaint is improper, the Agency shall notify to the submitter how to make the complaint proper within 15 days from the day of receipt of the notification.

If the complaint is not rendered proper within the specified time limit, it shall be deemed that the complainant has withdrawn the complaint.

The details of the Agency's proceeding upon complaints shall be regulated by an enactment of the Director.

Proposal for Supervision

Article 89

If, while acting upon a complaint, facts are established and evidence presented that raise suspicion that there are irregularities in the work of a public authority, the Agency shall submit a reasoned proposal for supervision to the authority that supervises the work of the public authority against which the complaint was submitted.

If the authority that supervises the work of the public authority rejects the Agency's proposal, said authority is obliged to explain the reasons for

rejection to the Agency in writing, no later than within 30 days from the day of receiving the proposal.

Outcome of Proceedings upon Complaints

Article 90

If the Agency, while acting upon a complaint, assesses that there are circumstances in the work of a public authority that might lead to corruption, the Agency shall recommend measures to the public authority to remedy the situation, along with a time limit for taking said measures.

The public authority shall inform the Agency in writing about the measures from the recommendation it has undertaken, within 30 days from the day of receipt of the recommendation.

When the Agency finds, while acting upon a complaint, that there are grounds for suspicion that a criminal offence prosecuted *ex officio* has been committed, or a misdemeanour offence or a breach of duty, the shall Agency submit to the competent authority a criminal report, a request for initiating misdemeanour proceedings or an initiative for initiating disciplinary procedure.

Within 90 days from the receipt of a criminal report, a request for initiating misdemeanour proceedings or an initiative for initiating disciplinary procedure, the competent authority shall inform the Agency about the action it has undertaken.

The Agency shall inform the complainant about the outcome of the procedure.

Acting upon Anonymous Complaints

Article 91

The Agency shall act upon anonymous complaints if the allegations from the complaint and the provided evidence raise suspicions of corruption.

***Ex Officio* Acting of the Agency**

Article 92

If it possesses information that raises suspicions of corruption in a public authority, the Agency shall initiate an *ex officio* procedure to investigate the existence of corruption.

The provisions of this Law which govern acting upon a complaint shall apply *mutis mutandis* to the procedure referred to in paragraph 1 of this Article.

X. STRENGTHENING INTEGRITY

The Concept of Integrity and the Integrity Plan

Article 93

Integrity is a set of values and actions of public authorities, other organisations and legal persons that enable public officials, employees and persons engaged to perform tasks in public authorities to abide by the laws and codes of conduct, and act ethically to avoid corruption and improve performance.

The integrity plan is adopted after the assessment of one's own integrity and implemented to improve the assessed integrity.

Contents of the Integrity Plan

Article 94

The integrity plan must contain the following:

- 1) Areas and processes that are particularly susceptible to the risks of corruption and the assessment of the degree of risk of corruption;
- 2) Preventive measures that serve to eliminate the risks of corruption and time limits for their undertaking;
- 3) Information on persons responsible for the implementation of measures from the integrity plan.

Obligation to Adopt and Implement the Integrity Plan

Article 95

Integrity plans shall be adopted and implemented by the authorities of the Republic of Serbia, the autonomous province, local self-government units, city municipalities, organisations entrusted with the exercise of public powers, institutions and public enterprises and other legal persons whose founder or member is the Republic of Serbia, the autonomous province, a local self-government unit or a city municipality with more than 30 employees (hereinafter: entities obliged to adopt an integrity plan).

The Agency shall issue the Instruction for the Development and Implementation of Integrity Plans, which shall contain the method of development and the details of the content of the integrity plan, time limits for the adoption and implementation of the integrity plan, time limits for the submission of reports on the implementation of the integrity plan to the Agency, and the manner of supervision by the Agency over the adoption and implementation of integrity plans.

Entities obliged to adopt integrity plans shall submit to the Agency the integrity plan and the report on the its implementation within the time limit and in the manner prescribed by the Instruction referred to in paragraph 2 of this Article.

Report on the Implementation of the Integrity Plan

Article 96

The report on the implementation of the integrity plan shall contain the following:

- 1) Information on whether the measures from the integrity plan have been implemented;
- 2) Reasons why the measures were not implemented.

The decision on the adoption of the report must accompan the report on the implementation of the integrity plan.

Responsibility for Adopting, Implementing and Reporting on the Implementation of the Integrity Plan

Article 97

The head of the entity obliged to adopt the integrity plan shall be responsible for the adoption, implementation and reporting on the implementation of the integrity plan.

The head referred to in paragraph 1 of this Article shall appoint a person who will coordinate the tasks related to the adoption, implementation and reporting on the implementation of the integrity plan.

Adoption of Integrity Plans by Other Organisations and Legal Persons

Article 98

Legal persons and organisations that are not obliged to adopt the integrity plan may also adopt an integrity plan based on the Instructions for the Development and Implementation of the Integrity Plan.

At the proposal of such legal persons and organisations, the Agency may identify areas and processes that are particularly susceptible to risks of corruption and assess the degree of such risks.

Training in the Field of Preventing Corruption and Strengthening Integrity

Article 99

The Agency shall adopt and publish a training programme in the field of preventing corruption and strengthening integrity, as well as instructions on how to conduct the training.

The Agency shall professionally train the persons who will conduct the training.

Public authorities shall conduct training of employees and managers, in accordance with the training programme and training instructions, and inform the Agency in writing about the implementation of the training.

The Agency shall monitor the implementation of training in public authorities.

The Agency may conduct training for employees of companies, other legal persons and associations, in accordance with the annual training programme.

XI. RECORDS

Article 100

The Agency shall maintain the following records:

- 1) Register of Public Officials;
- 2) Register of Assets and Income of Public Officials;
- 3) Record of legal persons in which public officials or their family members have stakes or shares of more than 20%, that are participating in public procurement, privatisation or other procedures whose outcome is the conclusion of a contract with a public authority-budget user or another legal person in which more than 20% of the capital is owned by the Republic of Serbia, the autonomous province, a local self-government unit and a city municipality;
- 4) Catalog of Gifts.

Once three years have elapsed from the termination of public office, data from the records, with the exception of those from the Catalog of Gifts, shall no longer be published on the website of the Agency.

The manner of maintaining and preserving records shall be prescribed by the Agency.

The Agency may also maintain other records, in accordance with the law.

XII. PENAL PROVISIONS

1. Criminal Offence

Failure to Report Assets or Provision of False Information About Assets

Article 101

A public official who, contrary to the provisions of this Law, fails to report his assets to the Agency or provides false information concerning said assets in order to conceal information about the assets, shall be punished by imprisonment for a term between six months and five years.

Legal Consequences of Conviction

Article 102

The prison sentence issued for the criminal offence referred to in Article 101 of this Law shall have the following legal consequences from the day when the judgment has become final:

- 1) Termination of public office and/or termination of employment;
- 2) Prohibition of acquiring a public office for a period of ten years from the day the judgment has become final.

2. Misdemeanour Offences

Misdemeanour Offences of Public Officials

Article 103

A fine in the amount of 50,000 to 150,000 dinars shall be imposed on a public official for a misdemeanor offence if s/he:

- 1) Fails to respond to the call of the Agency (Article 37);
- 2) Fails to notify the Agency within the prescribed time limit of suspicion of the existence of his/her conflict of interest, or that of a person associated with him/her (Article 42, paragraph 1);
- 3) Fails to notify the Agency within the prescribed time limit about other work or business activity (Article 45, paragraph 1);
- 4) Performs another work or business activity contrary to Article 46 of this Law;
- 5) Advises legal and natural persons contrary to Article 47 of this Law;
- 6) Establishes a company and/or public service or starts performing an independent business activity while discharging a public office (Article 48, paragraph 1);
- 7) Becomes a representative or a member of the body of a privately owned legal person or exercises management rights while discharging a public office (Article 48, paragraph 2);
- 8) Becomes a member or representative of an association contrary to Article 49 of this Law;
- 9) Fails to transfer management rights within the prescribed time limit (Article 51, paragraph 1);
- 10) Fails to submit data to the Agency within the prescribed time limit (Article 51, paragraph 2);
- 11) Discharges another public office contrary to Article 56 of this Law;
- 12) Receives a gift contrary to Article 58 of this Law;
- 14) Fails to hand over an occasional or protocol gift within the prescribed time limit (Article 59, paragraph 4);
- 15) Retains ownership of a protocol or occasional gift contrary to Article 60 of this Law;
- 16) Fails to notify the public authority of the received gift in the prescribed manner and within the prescribed time limit (Article 62);
- 17) Fails to report assets and income within the prescribed time limit (Articles 68 and 69);

A public official shall be fined in the amount of 100,000 to 150,000 dinars for a misdemeanor offence if s/he performs a function in a political party, that is, political entity, and participates in their political activities contrary to Article 50 paragraph 1, 2, 4 and 5 of this Law.

For the misdemeanour offence referred to in paragraph 1, item 1 of this Article, employees and other persons engaged to perform tasks in a public authority shall be fined in the amount of 50,000 to 150,000 dinars.

For the misdemeanour offence referred to in paragraph 1, items 13 and 15 of this Article, a family member of a public official shall be fined in the amount of 50,000 to 150,000 dinars.

For the misdemeanour offence referred to in paragraph 1, item 17 of this Article, a person whose public office has been terminated shall be fined in the amount of 50,000 to 150,000 dinars.

Misdemeanour Offences of Responsible Persons in Public Authorities

Article 104

A fine in the amount of 50,000 to 150,000 dinars shall be imposed on the responsible person in a public authority for a misdemeanor offence, if the public authority:

1) Fails to provide the Agency with direct insight into the data and documents and/or fails to submit to the Agency the documents and information at its disposal within the prescribed time limit (Article 36, paragraphs 1 and 2);

2) Fails to take a decision on the termination of office within the prescribed time limit (Article 56, paragraph 8);

3) Fails to keep a record of gifts in accordance with Article 63 of this Law;

4) Fails to submit to the Agency a copy of the record of gifts for the preceding calendar year within the prescribed time limit (Article 64, paragraph 1);

5) Fails to notify the Agency within the prescribed time limit concerning the election, appointment or nomination of a public official and/or the termination of the office of a public official (Article 67, paragraph 1);

6) Fails to inform the Agency within the prescribed time limit what action it has taken after receiving a criminal report, a request for the initiation of misdemeanour proceedings or an initiative for the initiation of disciplinary proceedings (Article 86, paragraph 2 and Article 90, paragraph 4);

7) Fails to submit to the Agency an integrity plan and a report on the implementation of the integrity plan (Article 95, paragraph 3);

8) Fails to appoint a person to perform coordination tasks related to the adoption, implementation and reporting on the implementation of the integrity plan (Article 97, paragraph 2)

9) Fails to conduct the training of employees and managers in accordance with the training programme and training instructions, and fails to inform the Agency in writing about the implementation of the training (Article 99, paragraph 3);

A person exercising public powers shall be fined in the amount of 50,000 to 150,000 dinars for the misdemeanour offence referred to in paragraph 1, item 1 of this Article.

Misdemeanour Offences of Legal Persons

Article 105

A fine in the amount of 500,000 to 2,000,000 dinars shall be imposed on a legal person for a misdemeanor offence, if the legal person:

1) Fails to provide the Agency with direct insight into the data and documents and/or fails to submit to the Agency the documents and information at its disposal within the prescribed time limit (Article 36, paragraphs 1 and 2);

2) Fails to submit a notification in accordance with Article 53 of this Law;

The responsible person in the legal person shall be fined in the amount of 50,000 to 150,000 dinars for the misdemeanour referred to in paragraph 1 of this Article.

Misdemeanour Offences of Natural Persons

Article 106

A fine in the amount of 50,000 to 150,000 dinars shall be imposed on a person who fails to respond to the call of the Agency (Article 37).

A fine in the amount of 50,000 to 150,000 dinars shall be imposed for a misdemeanour offence on a person whose public office has been terminated if said person establishes an employment relationship and/or business cooperation contrary to Article 55 of this Law.

A fine in the amount of 50,000 to 150,000 dinars shall be imposed on a person who fails to submit data on his/her assets and income to the Agency within the prescribed time limit (Article 76, paragraph 3).

Obsolescence

Article 107

Misdemeanour proceedings for misdemeanour offences prescribed by this Law may not be initiated if five years have elapsed from the day when the misdemeanour was committed.

Misdemeanour Agreement

Article 108

Regarding misdemeanor offences specified by this Law, the Agency may conclude a misdemeanour agreement with the perpetrator of the misdemeanor offence.

The details of the requirements for concluding the agreement referred to in paragraph 1 of this Article, the procedure for negotiating the conclusion of an agreement and the procedure for concluding an agreement shall be regulated in an enactment passed by the Director of the Agency.

XIII. TRANSITIONAL AND FINAL PROVISIONS

Termination of Initiated Proceedings

Article 109

Proceedings initiated under the provisions of the Law on the Anti-Corruption Agency ("Official Gazette of the Republic of Serbia" no. 97/08, 53/10, 66/11 – Constitutional Court, 67/13 – Constitutional Court, 108/13 - other law, 112/13 - authentic interpretation and 8/15 - Constitutional Court), which have not been completed by the date of application of this Law shall be concluded in accordance with the provisions of this Law.

Adoption of Regulations

Article 110

The secondary legislation envisaged by this Law shall be adopted within 90 days from the day of the beginning of application of this Law, with the exception of regulations referred to in Article 23, paragraphs 4 and 13 of this Law, which shall be adopted within 90 days from the day this Law enters into force.

Regulations adopted on the basis of the Law on the Anti-Corruption Agency ("Official Gazette of the Republic of Serbia" nos. 97/08, 53/10, 66/11 – Constitutional Court, 67/13 – Constitutional Court, 108/13 - other law, 112/13 - authentic interpretation and 8/15 – Constitutional Court) shall apply until the adoption of regulations referred to in paragraph 1 of this Article unless they are in conflict with the provisions of this Law.

Continued Work of the Agency

Article 111

On the day of the beginning of the application of this Law, the Anti-Corruption Agency established in accordance with the Law on the Anti-Corruption Agency ("Official Gazette of the Republic of Serbia" nos. 97/08, 53/10, 66/11 – Constitutional Court, 67/13 – Constitutional Court, 108/13 – other law, 112/13 - authentic interpretation and 8/15 – Constitutional Court) shall continue to operate as the Agency for the Prevention of Corruption.

Director and Deputy Director of the Anti-Corruption Agency elected under the Law on the Anti-Corruption Agency ("Official Gazette of the Republic of Serbia" nos. 97/08, 53/10, 66/11 – Constitutional Court, 67/13 – Constitutional Court, 108/13 - other law, 112/13 - authentic interpretation and 8/15 – Constitutional Court) shall continue to discharge these offices until the expiry of the term for which they were elected.

Members of the Board of the Anti-Corruption Agency elected under the Law on the Anti-Corruption Agency ("Official Gazette of the Republic of Serbia" nos. 97/08, 53/10, 66/11 – Constitutional Court, 67/13 – Constitutional Court, 108/13 - other law, 112/13 - authentic interpretation and 8/15 – Constitutional Court) shall continue to discharge these offices until the date of the beginning of the application of this Law.

Time Limit for the Election of Members of the Board of the Agency

Article 112

Members of the Board of the Agency will be elected by the day of the beginning of the application of this Law, and will assume office on the day of the beginning of the application of the Law.

Cessation of Effect of the Previous Law

Article 113

On the day of the beginning of the application of this Law, the Law on the Anti-Corruption Agency ("Official Gazette of the Republic of Serbia" nos. 97/08, 53/10, 66/11 – Constitutional Court, 67/13 – Constitutional Court, 108/13 - other law, 112/13 - authentic interpretation and 8/15 – Constitutional Court) shall cease to be in effect.

Entry into Force and the Beginning of the Application of the Law

Article 114

This Law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of Serbia", and shall apply from 1 September 2020, except for the provisions of Article 20, paragraph 2 and Articles 21-25 of this Law, which shall apply from the day this Law enters into force.