

In accordance with Article 15 and Article 59, paragraph 2 of the Law on the Anti-Corruption Agency („Official Gazette of the RS“, nos. 97/08, 53/10, 66/11 – decision of the Constitutional Court, 67/13 - decision of the Constitutional Court, 112/13 – authentic interpretation and 8/15 - decision of the Constitutional Court), Director of the Anti-Corruption Agency hereby issues the following:

GUIDELINES FOR INTEGRITY PLAN DEVELOPMENT AND IMPLEMENTATION

I INTRODUCTORY PROVISIONS

Article 1

These Guidelines shall determine the stages of development and implementation of the integrity plan, deadlines for its adoption, implementation and submission of the report on the integrity plan implementation and shall envisage the way the Anti-Corruption Agency (hereinafter referred to as: the Agency) is to monitor the adoption and implementation of the integrity plan.

Article 2

In terms of these Guidelines, certain terms shall have the following meaning:

1. “integrity“ is a set of values and actions of a public authority, other organizations and legal entities which enables public officials, employees and engaged persons to comply with the laws, codes of conducts and act in an ethical fashion with the aim to avoid corruption and to improve operations;
2. “institution“ is a state authority and organization, territorial autonomy and local self-government authorities, public service and public enterprise;
3. “risk“ is a possibility of occurrence of corruption and other irregularities within an institution due to current or future event that hinders integrity;
4. “risk intensity assessment“ is an assessment of the level of exposure of an institution to risks in certain spheres of its operations which represents a product of risk impact assessment and probability of risk occurrence;
5. “areas of operations of an institution“ represent the key areas in the operations of an institution (HR management, financial management, norm-setting, exercise of the mandate and others).

Article 3

The integrity plan shall represent a document stemming from the own integrity assessment procedure of an institution.

The objective of the integrity plan shall be improvement of the integrity, transparency and professional ethics compared to the assessed conditions.

The integrity plan shall contain the following:

1. identified areas and procedures particularly susceptible to corruption and other irregularities;
2. assessment of corruption and other irregularities risk intensity in the areas and processes referred to under item 1 herein;
3. measures of legal and practical nature to be undertaken with the aim of preventing and eliminating risks, as well as deadlines envisaged for the implementation of these measures;
4. data on persons responsible for the implementation of measures stemming from the integrity plan;
5. other elements envisaged hereunder.

The mandatory attachments to the integrity plan shall be the following: decision on the appointment of working group for development of the integrity plan, programme of the working group, minutes from the working group meetings and undertaken activities, final report of the working group and decision on the adoption of the integrity plan.

Article 4

The report on the implementation of the integrity plan shall be a document containing the following:

1. data on whether measures envisaged in the integrity plan were implemented on time, after the expiration of deadline or were not implemented;
2. reasons for failure to implement these measures.

A decision on adoption of the report on the integrity plan implementation shall be a mandatory attachment to the report on the implementation of the integrity plan.

Article 5

State authorities and organizations, territorial autonomy and local self-government authorities, public services and public enterprises shall adopt integrity plans.

Other legal entities may adopt integrity plan in line with these Guidelines.

Local self-government units and town municipalities in composition of local self-government unit shall adopt integrity plan encompassing all local self-government authorities.

If an institution performs its activities through its organizational units (local offices, branch offices, regional units and the like) in the territory of the Republic of Serbia, every one of them may adopt their own integrity plan and the institution shall inform the Agency thereof.

Organizational unit not developing its own integrity plan shall be involved in the development of the institution's integrity plan (through questionnaire completion by the employees or in any other adequate fashion) and the institution shall inform the Agency thereof.

II DRAFT (MODEL) INTEGRITY PLAN

Article 6

The Agency shall prepare draft (model) integrity plans on the basis of which the institutions shall develop their integrity plans and it shall publish the Manual for the integrity plan development and implementation.

Draft (model) integrity plan shall contain the basic elements required for the development and monitoring the implementation of the integrity plan: description of different areas/processes, intensity risk assessment procedure and their ranking, fields to enter measures, deadlines and persons responsible for the implementation of measures.

Draft (model) integrity plan shall be available to all institutions, specifically in the form of electronic application for development and reporting on the implementation of the integrity plan (hereinafter referred to as: the electronic application). Every institution shall access its draft (model) integrity plan by using its account and password assigned to it by the Agency. The integrity plan and the report on the implementation of the integrity plan shall be made in the electronic application.

Draft (model) integrity plans shall be mandatory for institutions referred to under Article 5, paragraph 1 herein, when developing and reporting on the implementation of the integrity plan.

The Manual for the integrity plan development and implementation, published by the Agency, shall contain a methodology and way to develop an integrity plan in the electronic application, way to determine risk impact and probability of risk occurrence, risk intensity, measures to improve integrity, their monitoring and reporting on their implementation.

III DEVELOPMENT AND IMPLEMENTATION OF THE INTEGRITY PLAN

Article 7

Development and implementation of the integrity plan shall be a systematic process, carried out in the following stages:

1. preparatory stage,
2. current state of affairs assessment stage,
3. stage for proposing measures for improvement of integrity,
4. integrity plan implementation and monitoring stage.

Preparatory stage

Article 8

In the preparatory stage, a head of an institution shall adopt a decision on integrity plan development and shall appoint a coordinator and members to the working group for the integrity plan development.

A working group coordinator shall be a person knowledgeable in functioning of the institution

and shall enjoy the trust of all employees of the institution.

Working group shall be comprised of five to seven members depending upon the complexity of the organizational structure of the institution and the number of its staff. Staff members from different areas of functioning of the institution shall be appointed members to the working group.

A coordinator of the working group shall in an adequate manner (by posting a notice on the visible place in the institution, sending notification to all employees via e-mail, and similar) inform all employees on the commencement of the development, purpose and significance of the integrity plan.

A head of the institution shall enable a presence of a coordinator or any other working group member for the development and implementation of the integrity plan to all trainings organized by the Agency.

Article 9

In the preparatory stage, the working group shall:

- prepare a programme for the development of an integrity plan, which shall set all key tasks of the working group, the commencement date and termination date for the development of the integrity plan and a dynamic for the development of certain stages;
- collect all necessary documentation for identification of areas and working processes particularly exposed to risks and assessment of their exposure to risks (legal framework, internal procedures, decisions, instructions, programmes, reports on complaints, financial statements, audit reports, inspection report, supervising body reports, reports on the activities and similar) and
- provide all necessary explanation to all staff members about other issues in relation with the development of the integrity plan.

State of Affairs Assessment Stage

Article 10

The second stage is intended to identify areas and working processes which are particularly exposed to risks, to assess the current state of affairs of the exposure of areas and working processes to risks and to assess risk intensity.

Identification of areas and working processes particularly exposed to risks

Article 11

On the basis of the conducted analysis of the collected documentation necessary for identification of areas and working processes particularly exposed to risks, and based on the interviews with certain number of employees, and by using all other adequate methods, the working group shall identify areas and working processes which are particularly exposed to risks, possibilities for occurrence of corruption and other irregularities and current measures of control in the given areas and working processes.

When conducting analysis referred to in paragraph 1 herein, the working group shall take into account that certain working processes due to the nature of their activities are more susceptible to occurrence of risks, such as: work with funds, planning and spending of budgetary funds, public procurement, payments made to employees, payments made to their parties, generation of revenues, recruitment processes, information management, conclusion of agreements, setting the rights and obligations of both natural persons and legal entities, issuance of different certificates and permits, and similar.

Assessment of the current state of affairs related to exposure of the area and working processes to the risks of corruption and other irregularities

Article 12

Assessment of the current state of affairs related to exposure of areas and working processes to risks of corruption and other irregularities shall be based on a questionnaire which shall be anonymously filled in by all employees and on the assessment made by the working group.

All employees shall provide answers to questions regarding whether and which measures for prevention of different forms of corruption and other irregularities the institution possesses and applies, and which not, concerning certain working process, as well as what knowledge and experience they have regarding different forms of corruption and other irregularities that can possibly occur within the institution.

The working group shall on the basis of the conducted analysis of the collected documentation necessary to assess exposure of areas and working processes to risks, results of questionnaire filled in by employees, conducted interviews with a certain number of the employees, analysis of the current measures, their application and efficiency, conduct its final assessment of exposure of working processes to risks.

Risk Intensity Assessment

Article 13

The working group shall assess the intensity of risks in a way to determine a risk impact and probability of risk occurrence in the given process, taking into account the current risk management measures.

Risk impact shall be a damage that might be inflicted to a public asset (public resources, reputation of an institution, and similar) by occurrence of one or several forms of corruption and other irregularities in the given process.

A probability of risk occurrence shall be a degree of probability that one or several forms of corruption and other irregularities will occur in the given process.

Based on the impact assessment product and probability of risk occurrence, a risk ranking according to high, moderate or low level risk shall be made. In line with the risk intensity, a degree of urgency to implement a measure shall be determined by setting high, moderate and low level of urgency.

Proposal of Measures for Integrity Improvement Stage

Article 14

The final stage shall be envisaged for the proposal of measures for corruption risk and other irregularities management.

Article 15

Upon the risk intensity assessment, the working group shall propose adequate measures and measures of practical nature to manage risks, and in relation with:

- intensifying transparency of working process,
- improvement of internal procedures,
- setting, i.e., strengthening efficiency of the oversight system over performance of working processes,
- reduction or elimination of discretionary rights for decision-making processes,
- setting clear and precise criteria for decision-making processes,
- setting, i.e., strengthening accountability mechanism in operations,
- strengthening ethical and professional conduct and
- other issues of importance for risk management.

In the course of proposing measures, the working group shall take into account that one envisaged measure may impact prevention of one or several risks.

Article 16

Together with the proposal of measures for the improvement of integrity, the working group shall set deadlines and responsible persons for the implementation of these activities.

Article 17

A head of the institution shall adopt a decision by which s/he adopts developed integrity plan and dissolves the working group.

The institution shall post the decision referred to under paragraph 1 herein in the electronic application in a way described in the Manual for the integrity plan development and implementation, published by the Agency, and that day shall be deemed the day the institution submitted its integrity plan to the Agency.

Integrity Plan Implementation and Monitoring Stage

Article 18

Implementation of the integrity plans shall encompass the application of measures stemming from the integrity plan, monitoring whether the envisaged measures for the improvement of integrity are being implemented, whether they produce expected effects in regards prevention of corruption risks and other irregularities and reporting of the measures implementation.

Article 19

Monitoring the implementation of measures stemming from the integrity plan shall be made by an employee of the institution, appointed by a head of that institution through a special decision.

The person referred to under paragraph 1 herein, shall monitor whether all measures stemming from the integrity plan are being implemented within the given deadlines and in the way envisaged under the integrity plan, the reasons for postponing the implementation or for failure to implement these measures, i.e., for their implementation in the ways not envisaged under the integrity plan and shall enter these data in the electronic application (in the part dedicated to reporting).

Upon the expiry of the deadline to implement the integrity plan, a head of the institution shall adopt a decision on the adoption of the report on the integrity plan implementation.

The institution shall post the decision referred to under paragraph 3 herein in its electronic application, and that day shall be deemed the day of the submission of the report on the integrity plan implementation to the Agency.

IV MONITORING THE ADOPTION AND IMPLEMENTATION OF INTEGRITY PLAN BY THE AGENCY

Article 20

The Agency shall monitor the adoption and implementation of the integrity plan, by its direct oversight in the institution and review of the integrity plan and report on the integrity plan implementation submitted to the Agency.

Article 21

Monitoring of the adoption and implementation of the integrity plan in the institution shall encompass the oversight concerning:

- whether and to what extent the integrity plan is developed in a quality and objective fashion
- whether measures stemming from the integrity plan are implemented within the given deadlines and in the manner envisaged under the integrity plan.

The Agency shall develop a report on the oversight and shall publish it on its web page.

Deadline

Article 22

The deadline for the institutions to develop and submit its integrity plan and decision on its adoption to the Agency shall be June 30, 2017.

Deadline for the implementation of the integrity plan shall be August 31, 2019.

Deadline for the institutions to submit the Report on the integrity plan implementation and Decision on integrity plan adoption to the Agency shall be 30 days upon the expiry date for its

implementation.

Article 23

Integrity Plan shall be adopted every three years.

V TRANSITORY AND FINAL PROVISIONS

Article 24

On the day these Guidelines enter into force, the current Guidelines for integrity plan development and implementation (“Official Gazette of the RS”, no. 80/10) shall cease to be valid.

Article 25

These Guidelines shall enter into force on the day of their publication in the “Official Gazette of the Republic of Serbia “.

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Anti-Corruption Agency
Director

Tatjana Babić