

LAW ON LOBBYING¹

I. BASIC PROVISIONS

Scope

Article 1

This Law regulates requirements and methods for lobbying, rules of lobbying, register and records relating to lobbying and other issues of importance for lobbying.

Definition of Lobbying

Article 2

Lobbying is an activity through which persuasion is directed at authorities of the Republic of Serbia, an autonomous province or a local government unit, bodies of public agencies, institutions and regulatory bodies founded by the Republic of Serbia, autonomous province, local government unit (hereinafter referred to as: authorities), in the process of adoption of laws, other regulations and general acts that fall under jurisdiction of these authorities, for the purpose of promoting the interests of the Lobbying Client, in accordance with the law.

Activities that are Not Regarded as Lobbying

Article 3

The following is not regarded as lobbying:

- 1) Information, positions and opinions on laws, other regulations and general acts, and proposals or drafts of laws, other regulations and general acts, which are published in the media and other means by which information is provided to the general public;
- 2) Activities of persons who make their positions public or file proposals and expert opinions to authorities in order to initiate, prepare, review, adopt and explain proposed features of laws, other regulations and general acts or who participate, at the invitation of authorities, with or without a fee, in the preparation, reviewing or providing expert opinions on proposed features of laws, other regulations and general acts;
- 3) Civil initiatives filed with authorities regarding proposed features of laws, other regulations and general acts;
- 4) Activities performed by officials and employees of authorities to prepare, review, adopt and explain proposed features of laws, other regulations and general acts, if those activities are performed in accordance with their competences.

Lobbyists and Legal Entities Conducting Lobbying

Article 4

Lobbying may be conducted by a natural person who has been included in the Register of Lobbyists in accordance with this Law (hereinafter referred to as: Lobbyist) and a company or an association which has been included in the Register of Legal Entities Conducting Lobbying in accordance with this Law (hereinafter referred to as: Legal Entity Conducting Lobbying).

Lobbying may be conducted by a natural person who has not been included in the Register of Lobbyists provided that he/she is a legal representative or an employee of the Lobbying Client or represents the interests of an association or a company that includes the Lobbying Client as its member (hereinafter: Unregistered Lobbyist)

¹ The Law was published in the Official Gazette of the Republic of Serbia, No. 87/18 from 13 November 2018 and will take effect as from 13 August 2019.

Lobbying Client

Article 5

A Lobbying Client is a natural person or a legal entity for whom lobbying is conducted.

Lobbied Person

Article 6

A Lobbied Person is an elected, nominated, appointed person, an employee or a person otherwise participating in the operations of an authority as well as a person whose election, nomination or appointment is approved by the authority and who participates in the process of preparation and adoption of a law, regulation or another general act or may make an influence on the content of the law, regulation or another general act.

Principle of Protection of the Public Interest

Article 7

The Lobbied Person is required to prevent any adverse effects on the public interest that may occur as a result of lobbying.

Principle of Integrity

Article 8

While conducting lobbying, Lobbyists, Legal Entities Conducting Lobbying and Unregistered Lobbyists are required to act in accordance with the principle of integrity.

The principle of integrity refers to the legality, transparency and accountability in operation, as well as ethical conduct for the purpose of maintaining the good reputation of the natural persons and Legal Entities Conducting Lobbying and that of the Lobbying Client as well as of the lobbying activity.

The Lobbyist, Legal Entity Conducting Lobbying and Unregistered Lobbyist may not represent two or more Lobbying Clients with opposing interests in the particular matter.

Code of Conduct of Lobbying Participants

Article 9

A Code of Conduct of Lobbying Participants contains ethical rules of conduct for all lobbying participants to ensure that lobbying is conducted transparently in accordance with this Law and the public interest.

The Code referred to in Paragraph 1 herein is adopted by the Director of the Anti-Corruption Agency (hereinafter referred to as: the Agency).

II. REQUIREMENTS FOR LOBBYING

Requirements for Lobbying by a Natural Person

Article 10

The Register of Lobbyist may include a person:

- 1) Who is a citizen of the Republic of Serbia;
- 2) Who has full legal capacity;
- 3) Who has a university degree;
- 4) Who has not been convicted of a criminal offense which renders him/her unworthy of conducting lobbying activities;
- 5) On whom a security measure or a protective measure of prohibition to conduct an activity has not been imposed, or against whom such a measure or prohibition has been terminated;
- 6) Who has gone through the training for Lobbyists.

A foreign natural person may conduct lobbying in the Republic of Serbia if he/she is registered for conducting lobbying in the state whose citizenship he/she has and if he/she has been entered into a special register of foreign natural persons who conduct lobbying in the territory of the Republic of Serbia.

By being included in the special register a foreign natural person acquires the same rights and responsibilities as the Lobbyist.

Requirements for Conducting Lobbying by a Legal Entity

Article 11

The Register of Legal Entities Conducting Lobbying may include a legal entity, if:

- 1) It has been entered in the Companies Register, or Associations Register;
- 2) It has at least one Lobbyist among its employees;
- 3) It has not been convicted of a criminal offense or has not been imposed a security measure or the protective measure of prohibition to conduct a business activity, or if such a measure or prohibition has been terminated;
- 4) The responsible person in the company or association has not been convicted of a criminal offense which renders him/her unworthy of conducting lobbying, and has not been imposed a security measure, or the protective measure prohibiting him/her from conducting business activities, or such a measure or prohibition against him/her has been terminated.

A foreign legal entity may conduct lobbying in the Republic of Serbia if it is registered for conducting lobbying in the state in which its headquarters is situated and if it has been entered into a special register of foreign legal entities that conduct lobbying in the territory of the Republic of Serbia.

By being included in the special register, a foreign legal entity acquires the same rights and responsibilities as the domestic legal entity conducting lobbying.

Prohibition of Conducting Lobbying

Article 12

An elected, nominated or appointed person, an employee or a person otherwise participating in the operations of an authority as well as a person whose election, nomination or appointment is approved by the authority, is prohibited from lobbying.

The prohibition to conduct lobbying ceases after the expiry of two years from the date of termination of office, or employment or operational engagement.

Training for Lobbyists

Article 13

Training for Lobbyists is implemented by the Agency in conformance with the training program adopted by the Director of the Agency.

The Agency issues a certificate of completion of training for Lobbyists.

The form of the certificate of completion of training for Lobbyists, and the training fee are regulated by the Director of the Agency.

Request for Entry in the Register of Lobbyists

Article 14

A request for entry in the Register of Lobbyists is filed with the Agency.

The request referred to in paragraph 1 herein contains the name and family name, the citizen's unique identification number and place of permanent residence of the person filing the request.

Evidence of the fulfillment of requirements for conducting lobbying shall be attached to the request referred to in paragraph 1 herein.

The form of the request referred to in paragraph 1 herein is regulated by the Director of the Agency.

Request for Entry in the Register of Legal Entities Conducting Lobbying

Article 15

A legal entity files a request for entry in the Register of Legal Entities Conducting Lobbying with the Agency.

The request referred to in paragraph 1 herein contains the name and headquarters of the legal entity, the registration and tax identification numbers, as well as the name and family name, the citizen's unique identification number and place of permanent residence of the authorized person.

Evidence of the fulfillment of requirements for conducting lobbying shall be attached to the request referred to in paragraph 1 herein.

The form of the request referred to in Paragraph 1 herein is regulated by the Director of the Agency.

Removal from the Register of Lobbyists

Article 16

The Agency issues a decision on removal from the Register of Lobbyists:

- 1) At the request of the Lobbyist;
- 2) If the Lobbyist has been convicted of a criminal offense which renders him/her unworthy of conducting lobbying activities;
- 3) If a security measure or a protective measure of prohibition to conduct activity has been imposed on the Lobbyist;
- 4) If the Lobbyist acted contrary to the principle of integrity;
- 5) When the Lobbyist loses his legal capacity;
- 6) If the Lobbyist becomes a public official, or an employee, or is otherwise engaged in the operations of a public authority.

Removal from the Register of Legal Entities Conducting Lobbying

Article 17

The Agency issues a decision on removal from the Register of Legal Entities Conducting Lobbying:

- 1) At the request of the Legal Entity;
- 2) Due to termination of the Legal Entity;
- 3) If the Legal Entity does not employ at least one Lobbyist;
- 4) If the Legal Entity has been convicted of a criminal offense or if a security measure, or protective measure prohibiting it to conduct activities has been imposed on it;
- 5) If the responsible person in the Legal Entity has been convicted of a criminal offense which renders him/her unworthy of conducting lobbying and if a security measure, or the protective measure prohibiting him/her to conduct activities has been imposed on him;
- 6) If the Legal Entity has violated the provisions of this Law on the principle of integrity.

Decision on Registration and Removal from the Register

Article 18

A decision on entry in the Register of Lobbyists or Register of Legal Entities Conducting Lobbying is issued by the Director of the Agency within 15 days in the case of natural persons, or within 30 days in the case of legal entities, from the date when an accurate and complete request is filled.

The Director of the Agency issues a decision on removal from the Register of Lobbyists or the Register of Legal Entities Conducting Lobbying at the latest within 15 days after learning of the reason for removal from the Register.

A complaint against the decision of the Director of the Agency, referred to in paragraph 1 and 2 herein, may be filed to the Board of the Agency.

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

Register

Article 19

The Agency maintains a Register of Lobbyists and a Register of Legal Entities Conducting Lobbying.

The Register referred to in paragraph 1 herein is public and is posted on the Agency webpage.

In maintaining the Register referred to in paragraph 1 herein, the Agency is required to observe regulations governing personal data protection.

The form and method of maintaining the Register referred to in paragraph 1 herein are regulated in more detail by an act issued by the Director of the Agency.

Contents of the Register of Lobbyists

Article 20

The following data are entered in the Register of Lobbyists:

- 1) Number and date of entry in the Register of Lobbyists;
- 2) The Lobbyist's name and family name, his/her citizen's unique identification number and his/her place of permanent residence;
- 3) Number and date of the decision on entry in the Register;
- 4) Number and date of the decision on removal from the Register, together with information pertaining to the reasons for removal.

Contents of the Register of Legal Entities Conducting Lobbying

Article 21

The Register of Legal Entities Conducting Lobbying includes the following data of a particular legal entity:

- 1) Number and date of entry in the Register of Legal Entities Conducting Lobbying;
- 2) Name and headquarters of the legal entity;
- 3) Number and date of the decision on entry in the Companies Register, or the Associations Register;
- 4) Registration number and the tax identification number of the legal entity;
- 5) Name and family name, place of permanent residence and the citizen's unique identification number of the responsible person in the legal entity;
- 6) Name and family name, place of permanent residence and the citizen's unique identification number of the Lobbyist employed at the legal entity;
- 7) Number and date of the decision on entry in the Register for the Lobbyist employed at the legal entity;
- 8) Number and date of the decision on removal from the Register, together with the information pertaining to the reasons for removal.

Obligation to Notify of Changes

Article 22

Lobbyists are required to notify the Agency of any change of data pertaining to the place of permanent residence, while Legal Entities Conducting Lobbying are required to notify it of any changes in the data contained in the Companies Register, or Associations Register, of the tax identification number, as well as changes that refer to the Lobbyist employed at the legal entity.

Lobbyists or Legal Entities Conducting Lobbying are required to notify the Agency in writing of all the changes referred to in paragraph 1 herein within 15 days from the date when the change occurs.

Entry of Data in the Register

Article 23

The Agency, acting *ex officio*, enters data in the Register referred to in Article 19 Paragraph 1 of this Law, immediately upon the finality of decision on entry, or removal from the Register, as well as upon the submission of the notification of changes referred to in Article 22 of this Law.

The Agency may seek information relevant to the registration of Lobbyists and Legal Entities Conducting Lobbying from an authority responsible for the maintenance of criminal records.

Register of Foreign Natural Persons and Legal Entities Conducting Lobbying

Article 24

The Agency maintains separate records on foreign natural persons and Legal Entities Conducting Lobbying in the territory of the Republic of Serbia.

The separate records referred to in paragraph 1 herein, contain name and family name of a foreign natural person, or name of a foreign legal entity and other business data referred to in the act of a foreign government authority on the basis of which they conduct lobbying in a foreign country.

The form and method of maintenance of the records referred to in paragraph 1 herein are regulated in more detail by an act of the Director of the Agency.

The records referred to in paragraph 1 herein are public and are posted on the Agency webpage.

Implementation of the Law on General Administrative Proceedings

Article 25

The provisions of the law regulating general administrative proceedings apply on the procedure for the adoption of a decision on entry, or removal from the Register of Lobbyists and the Register of Legal Entities Conducting Lobbying.

III. LOBBYING

Initiation of Lobbying

Article 26

Lobbying begins when a Lobbyist or Unregistered Lobbyist contacts a Lobbied Person in writing.

Along with the notice to the Lobbied Person, the Lobbyist attaches evidence of entry in the Register of Lobbyists, a lobbying contract without a lobbying fee specified, as well as the name of the law, other regulation or general act which is the subject of his/her lobbying activities.

Lobbying Contract

Article 27

A Lobbyist, or a Legal Entity Conducting Lobbying, may start lobbying only after the conclusion of a lobbying contract.

A lobbying contract contains in particular:

- 1) Data on the contracting parties (name and family name and place of permanent residence of the natural person or the name and headquarters of the legal entity);
- 2) Scope of lobbying (description of the subject matter and purpose of lobbying);
- 3) Data on the manner and duration of lobbying;
- 4) Amount of the lobbying fee;
- 5) Statement of the Lobbyist, or the responsible person in the legal entity which conducts the lobbying, that he/she will act in accordance with the rules of lobbying provided by this Law and the Code of Conduct of Lobbying Participants.

If a contracting party is a Legal Entity Conducting Lobbying, the lobbying contract also contains the name and family name of the Lobbyist employed at the legal entity, who will conduct lobbying.

Lobbyists, or Legal Entities Conducting Lobbying, may not be bound by a contract to produce a particular outcome of lobbying.

Termination of Contract and Cessation of the Lobbying Procedure

Article 28

Any contracting party may request termination of a lobbying contract at any time.

Lobbyists or Legal Entities Conducting Lobbying are required to cease the lobbying procedure and terminate the lobbying contract without delay, if:

- 1) They suspect that they will violate the principle of integrity;
- 2) The Lobbyist, or the responsible person in the Legal Entity Conducting Lobbying, becomes a public official, an employee or is otherwise engaged in operations of a public authority.

Lobbyists' Rights

Article 29

Having filed the notice referred to in Article 26 of this Law, the Lobbyist has the right to ask the Lobbied Person to engage with him/her in a timely manner and to provide him/her with information pertinent to the subject of lobbying.

The Lobbyist has the right to be timely informed about all public hearings and other forms of public consultations relating to preparation and adoption of regulations for which he/she is lobbying.

Obligations of Lobbied Persons and Authorities

Article 30

After receiving the notice referred to in Article 26 of this Law, the Lobbied Person is required to write a notification thereof and to send it to the Agency within 15 days from the date of its receipt.

During lobbying, the Agency may ask the Lobbied Person to provide additional information about his/her contacts with the Lobbyist, or Unregistered Lobbyist.

The information from paragraph 1 and 2 herein includes the name of the Lobbied Person; information about their function, employment or participation in the operations of an authority; the name, family name and headquarters of the Lobbyist or the name and headquarters of the Legal Entity Conducting Lobbying, as well as other relevant information for the notification to the Agency.

The Agency may use the information contained in the notification referred to in paragraph 1 and 2 herein in order to check the validity of information contained in the report on the activities of the Lobbyists.

The form and method of filing and the contents of the notification referred to in paragraph 1 and 2 herein shall be regulated in more detail by the Director of the Agency.

An authority is required to maintain a record of contacts with Lobbyist for the officials who are elected, appointed or nominated, employed or in other way engaged in the operations of that authority.

The records from the paragraph 6 of this Article contains the name of the Lobbied Person; information about their function, employment or participation in the operations of an authority; the name, family name and place of permanent residence of the Lobbyist, or the name and headquarters of the Legal Entity Conducting Lobbying, as well as other relevant information for the notification to the Agency.

The contents and the method of maintenance of the records referred to in paragraph 5 herein are regulated in more detail by an act of the Director of the Agency.

The Agency performs the control of the contents and the manner of maintenance of the records referred to in Paragraph 6 herein.

In the case of breach of the obligations referred to in paragraph 1, 2 and 6 herein and in Article 33, paragraph 2, item 3) and paragraph 3, of this Law, the Agency may impose a measure on the

Lobbied Person, or the responsible person in the authority, in accordance with the law that governs prevention of corruption, or initiate disciplinary proceedings.

IV. REPORTING

Activity Report

Article 31

A Lobbyist, or a Legal Entity Conducting Lobbying, is required to send to the Agency a written activity report, at the latest by 31 January of the current year for the previous year.

A Lobbyist, or a legal entity, for which a decision on removal from the Register has been issued, is required to send to the Agency the activity report for the period between the filing of the latest report to the date of finality of the decision within 15 days from the date of finality of the decision.

Contents of the Activity Report

Article 32

The activity report shall contain the following:

- 1) Number and date of the decision on entry in the Register;
- 2) Data on the Lobbying Client in the reporting period (name, family name and place of permanent residence of the natural person or the name and headquarters of the legal entity);
- 3) Data on the Lobbied Persons and authorities where lobbying was conducted (name, family name, employment or participation in the operations of the Lobbied Person and the name and seat of the authority);
- 4) Subject matter of lobbying;
- 5) Other data of relevance for reporting.

The form and contents of the activity report are regulated in more detail by an act of the Director of the Agency.

Verification of the Report

Article 33

The Agency verifies the accuracy of the data referred to in article 32 of this Law.

For purposes of the verification referred to in paragraph 1 herein, the Agency may:

- 1) Request the Lobbyist, or a Legal Entity Conducting Lobbying, to submit a lobbying contract;
- 2) Request information from the Lobbying Client;
- 3) Request information from Lobbied Persons and authorities.

A Lobbyist, or a Legal Entity Conducting Lobbying, a Lobbying Client, an authority and a Lobbied Person is required to submit the requested information to the Agency within 15 days of the date of the service of the Agency's request.

V. PENAL PROVISIONS

Misdemeanor Offences of Legal Entities Conducting Lobbying, Lobbyists and Lobbying Clients

Article 34

A fine in the amount of between RSD 50,000 and RSD 2,000,000 will be imposed on a Legal Entity Conducting Lobbying for a misdemeanor, if it:

- 1) Fails to notify the Agency in writing on any change of data, at the latest within 15 days from the date of the change (Article 22);
- 2) Starts with the lobbying procedure before concluding a lobbying contract (Article 27, paragraph 1);
- 3) Fails to submit a written activity report to the Agency, at the latest by January 31 of the current year for the previous year (Article 31 paragraph 1);
- 4) Acting within 15 days from the date of finality of the decision on removal from the Register, fails to submit to the Agency the activity report for the period between the filing of the last report and the date of finality of the decision (Article 31 paragraph 2);
- 5) Fails to submit the requested data to the Agency within the specified time limit (Article 33, paragraph 3).

For the misdemeanor referred to in paragraph 1 herein, the responsible person in the legal entity will have a fine imposed on him/her in the amount of between RSD 30,000 and RSD 150,000.

For the misdemeanor referred to in paragraph 1 herein, a fine shall be imposed on a Lobbyist in the amount of between RSD 30,000 and RSD 150,000.

For the misdemeanor referred to in paragraph 1 item 5) herein, a fine will be imposed on a Lobbying Client that is a legal entity in the amount between RSD 50,000 and RSD 2,000,000.

For the misdemeanor referred to in paragraph 1, item 5) herein, a fine will be imposed on a Lobbying Client that is a natural person, or the responsible person in the Lobbying Client that is a legal entity in the amount between RSD 30,000 and RSD 150,000.

VI. FINAL PROVISIONS

Time Limit for the Adoption of By-Laws

Article 35

By-laws for the implementation of this Law will be adopted by the date when this Law becomes effective.

Effective Date

Article 36

This Law will take effect after the expiry of nine months from the date of publication in the Official Gazette of the Republic of Serbia.