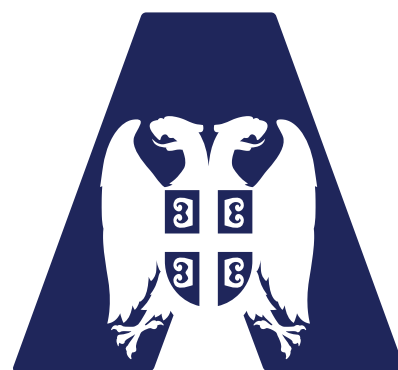


**REPORT ON THE
IMPLEMENTATION
OF THE REVISED
ACTION PLAN
FOR CHAPTER
23 – SUBCHAPTER
'FIGHT AGAINST
CORRUPTION'**



APC



Republic of Serbia



REPUBLIC OF SERBIA
THE AGENCY
FOR PREVENTION
OF CORRUPTION

REPORT ON THE IMPLEMENTATION OF THE REVISED ACTION PLAN FOR CHAPTER 23 – SUBCHAPTER ‘FIGHT AGAINST CORRUPTION’

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1.

**INTRODUCTORY
REMARKS**

The Law on Prevention of Corruption,¹ whose implementation began on 1 September 2020, extended the competence of the Agency for the Prevention of Corruption (hereinafter: the Agency²) to include oversight of the implementation of the Revised Action Plan for Chapter 23 – subchapter ‘Fight against Corruption’, as well as all future strategic documents in the field of fight against corruption, i.e. prevention of corruption.

In accordance with Article 6, paragraph 1 of the Law on Prevention of Corruption, the Agency oversees the implementation of strategic documents, submits to the National Assembly a report on their implementation with recommendations for further action, gives recommendations to responsible entities on how to eliminate shortcomings in the implementation of strategic documents, and initiates amendments and supplements to said documents.

Article 33, paragraph 3 of the Law on Prevention of Corruption further stipulates that in terms of “joint action in the implementation of strategic documents in the field of fight against corruption”, the Agency shall cooperate with public authorities and other legal entities, scientific institutions and associations.

Article 38 of the Law on Prevention of Corruption prescribes: 1) that entities responsible for the implementation of measures and activities contained in strategic documents are obliged to report to the Agency on their implementation; 2) that the manner of reporting is regulated in more detail by an act passed by the Director of the Agency, in accordance with strategic documents; 3) that the Agency shall submit to the National Assembly a report on the implementation of strategic documents with recommendations for further action, no later than by March 31 of the current year for the previous year; and 4) that the Agency shall provide opinions with recommendations regarding the implementation of strategic documents.

The revised Action Plan for Chapter 23,³ adopted by the Government of the Republic of Serbia on 10 July 2020, also envisages that the Agency will oversee the implementation of the Revised Action Plan for Chapter 23 – subchapter ‘Fight against Corruption’, in accordance with the new Law on Prevention of Corruption.

The Agency is an independent and autonomous state body that is accountable to the National Assembly for its work.

The Agency submitted the first Report on the Implementation of the Revised Action Plan for Chapter 23 – subchapter ‘Fight against Corruption’⁴ was submitted to the National Assembly on 30 March 2021.

The Second Report on the Implementation of the Revised Action Plan for Chapter 23 – subchapter ‘Fight against Corruption’ contains the following:

- Introductory remarks;
- General assessment of fulfilment (for continuous activities, those due in 2021, those that were not implemented in 2020, and those the Agency was unable to assess in the First Implementation Report);
- Summary of the implementation of activities;
- Overview of the implementation of individual activities;
- Recommendations; and
- General remarks on implementation oversight.

1 “Official Gazette of the Republic of Serbia”, nos. 35/19, 88/19, 11/21 - authentic interpretation, 94/21 and 14/22

2 See the list of abbreviations, pp. 126-127

3 See: <https://www.mpravde.gov.rs/files/Revidirani%20AP23%202207.pdf>

4 See: https://www.acas.rs/wp-content/uploads/2021/03/ASKpoglavlje_23web1.pdf

2.

**GENERAL
ASSESSMENT OF
FULFILMENT**

The revised Action Plan for Chapter 23 – subchapter ‘Fight against Corruption’ defines **130** activities.

Out of these, in the reporting period the Agency assessed **100**, that is, those that are continuous in nature, those that were due in 2021, those that were assessed as not implemented in the First Implementation Report, and those that the Agency was unable to assess in the First Implementation Report. Namely:

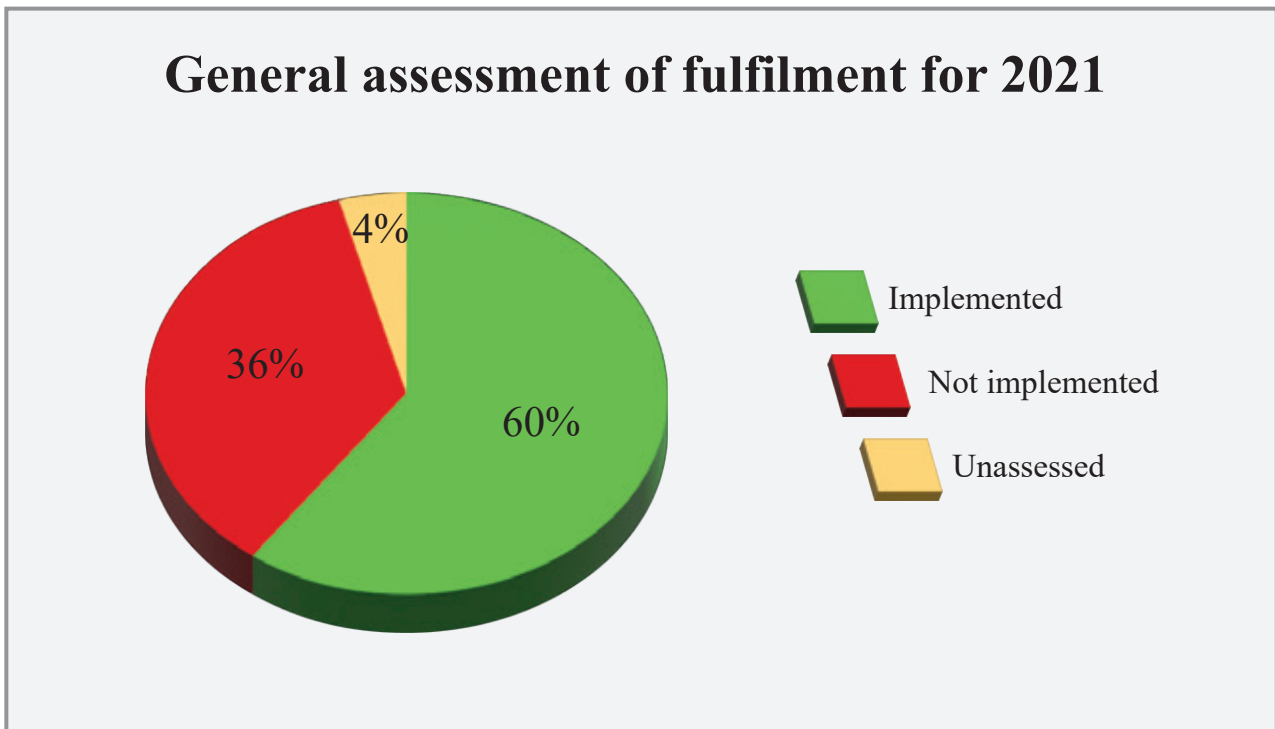
- **9** in the area of implementation of anti-corruption measures;
- **60** in the field of prevention of corruption, and
- **31** in the area of repression of corruption.

The assessment of fulfilment is presented using the so-called traffic light scale: the activities that were implemented are marked in green, the activities that are not implemented are marked in red, and the activities that the Agency was unable to assess are marked in yellow. The Agency evaluated certain activities as two, with relevant explanations provided for each such individual activity. Activities that are carried out simultaneously were counted as one, which was also explained in the presentation of individual activities.

The statistical review that follows should certainly be taken conditionally, given that the level of complexity, inter-institutional coherence or anticipated duration is not the same for all activities.

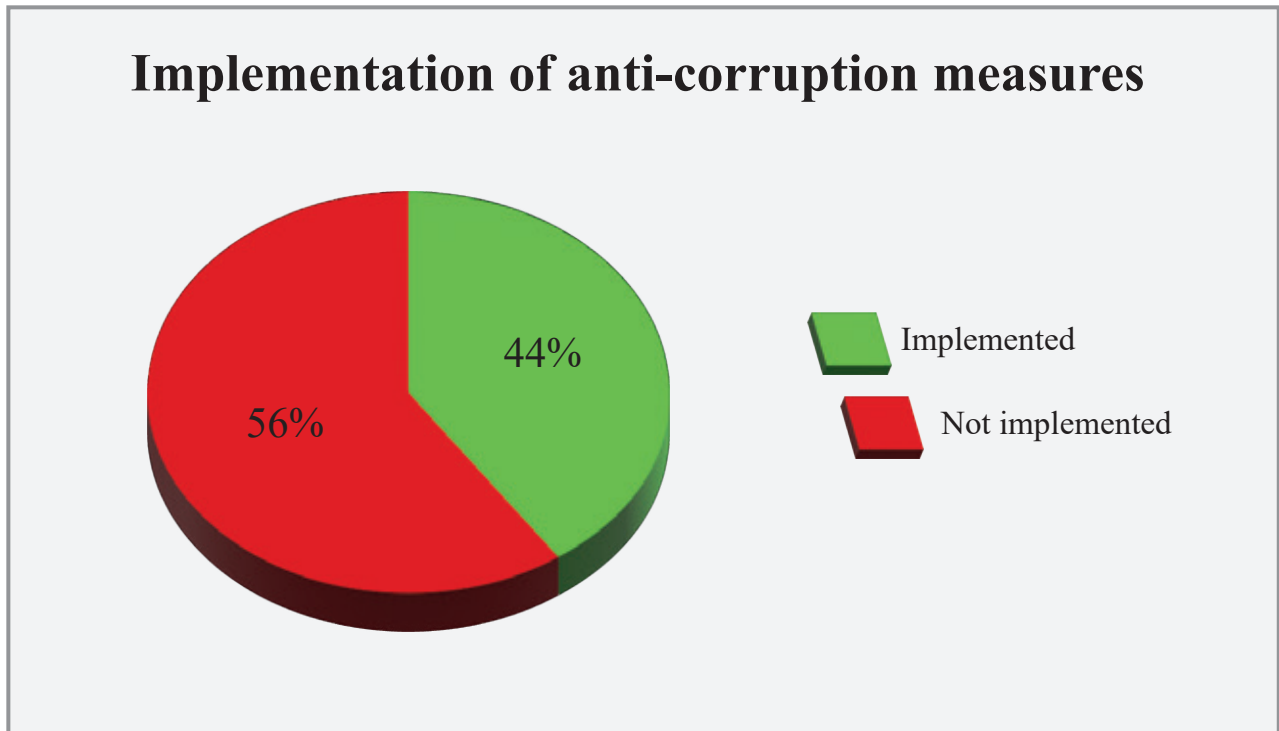
According to the Agency, out of **100** reviewed activities:

- **60 (60%)** were implemented,
- **36 (36%)** were not implemented, and
- **4 (4%)** were impossible to assess.



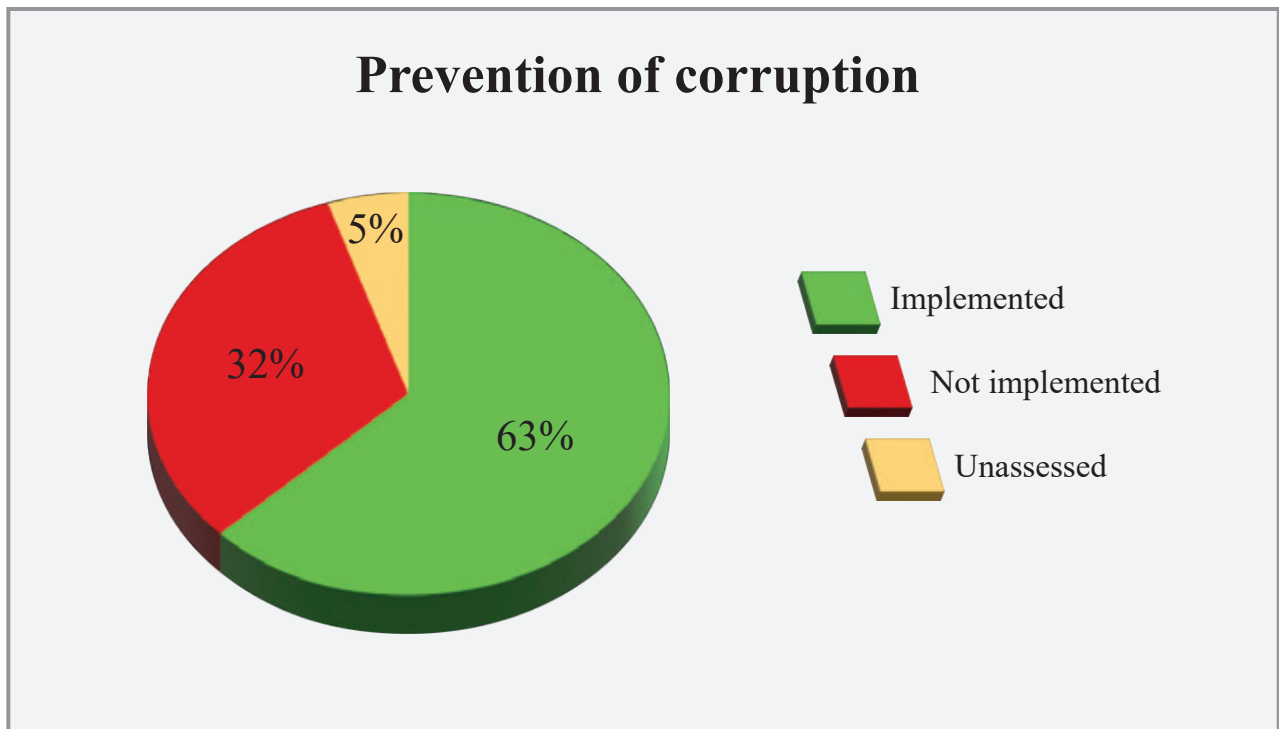
Out of 9 reviewed activities **in the area of implementation of anti-corruption measures:**

- 4 (44%) were implemented, and
- 5 (56%) were not implemented.



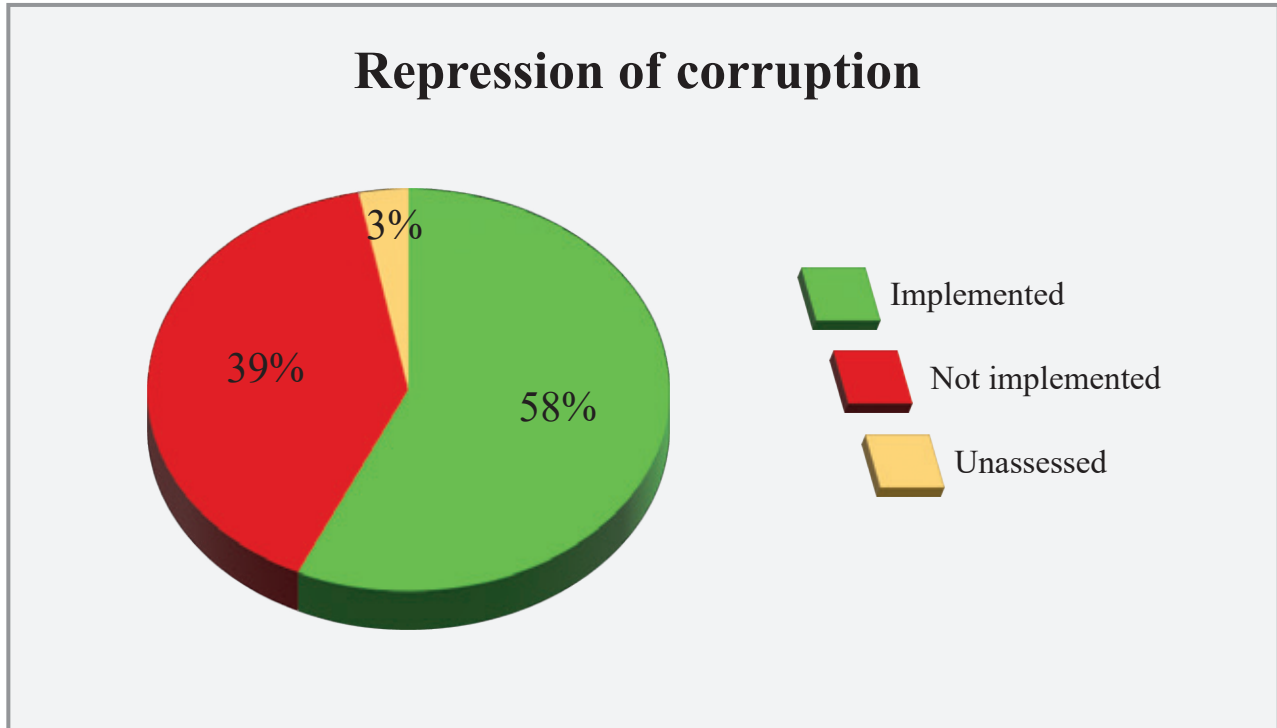
Out of 60 reviewed activities **in the area of prevention of corruption:**

- 38 (63%) were implemented;
- 19 (32%) were not implemented; and
- 3 (5%) were impossible to assess.



Out of 31 reviewed activities **in the area of repression of corruption**:

- 18 (58%) were implemented;
- 12 (39%) were not implemented; and
- 1 (3%) were impossible to assess.



Following the Agency’s Second Report on the Implementation of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, it can be concluded that some progress has been made in the implementation of activities, as obvious from the the statistical overview. Amendments to certain laws have been adopted, and efforts have been made to adopt public policy documents such as the Operational Plan for the Fight against Corruption in Areas of Special Risk, as well as special operational plans in the areas of taxes, health and education. The next, more important step, is consistent application.

However, it is necessary to emphasise that the shortcomings of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’ have affected the quality of implementation, Some of the institutions have recognised them themselves, in the sense that it was not entirely clear to them what certain activities, or parts of activities, referred to; that they believed that certain activities should not have been included in this document because they were already implemented; that it was not always and completely clear to them which institution was in charge of which segment of the activity; and so on. During the second annual cycle of implementation monitoring, they also noted shortcomings in the activities that should have been based on the recommendations from a certain analysis. Monitoring of implementation is especially difficult because it is not always clear which analysis a particular activity refers to, why it was included in the Revised Action Plan for Chapter 23 if it had been implemented much earlier, or how the institution gave priority to recommendations from the analysis, deciding to implement one recommendation and not another. The institutions in charge also pointed out that it is not always, or completely, clear to them which analysis is in question, especially in cases when several different areas rely on a single analysis.

Delays in conditional activities (e.g. adoption of acts or drafting of analyses) have had a negative impact on overall performance, given the number and substance of activities that have not been implemented because those that preceded and conditioned them have not been implemented themselves.

It is encouraging that certain activities, which in the First Implementation Report were assessed as not implemented or impossible to assess, have changed their status in the Second Report and are now assessed as implemented.

Generally speaking, activities that include systemic steps - planning, preparation and coordination, i.e. several stages and several actors (e.g. draft documents, consultations, submission of comments, testing and development of technical tools, public procurement, hiring experts, etc.) proceeded at a slower pace compared to those that involved fewer phases from start to finish.

It can also be said that reporting entities have shown readiness to present the true status of the implementation of activities and that, in most cases, they themselves stated, in the reporting form, that certain activities have not been implemented. In most cases, they did not even provide information that was not relevant for the implementation of a specific activity.

However, the quality of reporting could not be assessed as completely uniform, which was caused, *inter alia*, by the fact that some reports were submitted by contact persons who have not previously dealt specifically with European integration or generally did not have sufficient experience in reporting on the implementation of strategic documents. In the First Implementation Report, the Agency pointed out that it was necessary to work on this in the coming period by holding workshops and consultative meetings for contact persons, and by identifying areas for improvement in the reporting process, especially given the frequent staff changes and specific experience required for reporting and coordination within each of the institutions required to report. In the period from 30 September to 2 October 2021, with the support of the IPA 2017 “EU for Justice” Project, the Ministry of Justice organised a three-day training on reporting about the implementation of the Revised Action Plan for Chapter 23. The training was organised with the aim of strengthening the capacity of contact persons in charge of reporting on the implementation of the Revised Action Plan for Chapter 23, i.e. improving the reporting process as well as the quality of reports. At this training, participants were introduced to the new early warning system,⁵ as well as the new reporting forms.

In 2021, the Agency collected quarterly reports, except for the last one, which - as mentioned above - included a wider range of activities, and all the institutions on charge (as well as those that are not considered institutions on charge, depending on the activity) submitted reports in a timely manner, responding to additional inquiries from the Agency, whenever requested to do so and whenever they had the requested information at their disposal. Timely reporting made the work of the Agency easier, since the deadline for submitting the annual report on implementation is prescribed by the Law on Prevention of Corruption, and delays are neither possible nor allowed.

⁵ For additional information, see Part 6 – General Remarks on Implementation Oversight

Despite all the challenges listed in the Second Implementation Report, there have been no reporting entities with which the Agency was unable to establish communication and discuss difficulties in the implementation process, either through a formal reporting channel or through meetings and discussions.

Certain institutions in charge stood out in terms of reporting, considering that they referred to all the necessary elements - both the activities and the result indicators, using also the necessary institutional memory to understand the activity as a whole, and that which preceded it. However, the Agency reiterates the finding from the First Implementation Report - that this was sometimes difficult for institutions, not because of their insufficient reporting capacity, but because of the already mentioned shortcomings in parts of the strategic document. These were noted by certain institutions themselves, as well as the Agency at the end of the Second Implementation Report.

The fact that in 2021 the Coordination Body for the Implementation of the Action Plan for Chapter 2⁶ started working, and that, in addition to regular reports, it also collected extraordinary reports on existing or anticipated delays, has influenced the improvement of the awareness of the situation in the area which the Agency pointed out in its First Implementation Report, i.e. the insufficient degree of coordination, both within the institutions themselves and among the institutions, especially when it comes to activities that require participation of several of them. This remains one of the challenges, which needs to be paid even more attention in the coming period so that in the next reporting cycles everyone will be able to respond, with more success and better quality, to both the priorities in the field of reform processes and European integration, and the overseeing of the implementation of strategic documents.

In the Second Implementation Report, the Agency has identified 21 recommendations.⁷ If implemented, they could significantly improve implementation, reporting and oversight of the implementation of the subchapter Fight against Corruption of the Revised Action Plan for Chapter 23.

The shortcomings and challenges identified by the Agency during the preparation of the Second Implementation Report are explained in more detail in Section 5 – Recommendations, and in Section 6.3 - Challenges in the process of implementation oversight.

⁶ *Ibidem*

⁷ For additional information, see Section 5 - Recommendations

3.

SUMMARY OF THE IMPLEMENTATION OF ACTIVITIES

3.1 Implementation of Anti-Corruption Measures

The Government has adopted the Operational Plan for the Prevention of Corruption in Areas of Special Risk, as well as the Decision on the Establishment of the Coordination Body for the Implementation of the Operational Plan.

The Government did not consider the reports of the Anti-Corruption Council, nor was this institution actively involved in the legislative process. The Republic Public Prosecutor’s Office, on the other hand, did consider the reports of the Anti-Corruption Council. Having forwarded them to the competent prosecutor’s offices and kept track of its actions, it submitted the data to the Anti-Corruption Council. The budget and staff capacities of the Anti-Corruption Council have not been strengthened any further.

On 23 September 2021, the National Assembly adopted the Law on Amendments and Supplements to the Law on Prevention of Corruption,⁸ which entered into force on 5 October 2021.

3.2 Prevention of Corruption

Implementation of the Law on Prevention of Corruption was monitored, and trainings for employees of the Agency were conducted. Workshops were also held with the competent institutions with which the Agency cooperates.

The application for reporting on the implementation of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’ has been completed and institutions have started using it, although it is still in the testing stage. The second application, for the purposes of monitoring the Operational Plan for the Prevention of Corruption in Areas of Special Risk, has not been completed. The third application (for integrity plans) and video tutorials have been created.

No workshops were held with representatives of the National Assembly of the Republic of Serbia with the aim of implementing the recommendations contained in the Agency’s report. As the Ethics Commission was established in accordance with the Code of Conduct for Members of the National Assembly,⁹ the preconditions for holding the set of trainings on ethics and integrity for MPs, which began in 2021, have been met.

The amended Law on Financing Political Activities has not been adopted; consequently, the activities related to its adoption were not implemented either.

Public administration employees attended trainings in the field of conflict of interest prevention. The implementation of the Law on Prevention of Corruption in the Area of Conflict of Interest of Public Officials has been monitored, as well as the implementation of the Code of Conduct for Civil Servants.¹⁰

⁸ “Official Gazette of the RS”, no. 94/21

⁹ “Official Gazette of the RS “, nos. 156/20 and 93/21

¹⁰ “Official Gazette of the RS”, nos. 29/08, 30/15, 20/18, 42/18, 80/19 and 32/20

Data on the application of the Criminal Code¹¹ and the Law on the Organisation and Competences of State Authorities in the Suppression of Organised Crime, Terrorism and Corruption were also submitted.¹²

The Law on Amendments and Supplements to the Law on Free Access to Information of Public Importance has been adopted.¹³ Trainings for employees authorised to deal with requests for free access to information of public importance were carried out as well.

A new legal framework based on competencies in the processes of employment, performance evaluation, promotion and career development of civil servants is being applied.

The process of implementing programme budgeting has been improved. Trainings on financial management and control have been carried out, and the number of certified authorised auditors has been increased.

Trainings on the application of the Law on the Protection of Whistleblowers¹⁴ have been conducted, but not for all identified target groups. Data on monitoring the implementation of the Law on the Protection of Whistleblowers have been presented, but no assessment has been made of the effects of its application.

Measures related to the implementation of supervision and control in public procurement are being monitored, but not all identified institutions are doing this. Trainings for police officers, prosecutors and judges were also conducted, with the aim of more efficient prosecution of corruption in public procurement.

The methodology for assessing the impact of measures taken to reduce corruption in areas prone to risk (public procurement, privatisation, health, taxes, education, police, customs, local self-government) has been developed, working groups have been formed, and the data collection process is under way.

The Operational Plan for the Fight against Corruption in the Field of Taxes, the Operational Plan for the Fight against Corruption in Health Care and the Operational Plan for the Fight against Corruption in the Field of Education have been adopted.

Work is underway on developing mechanisms for strengthening the integrity of police officers and the capacities of the Internal Control Sector of the Ministry of the Interior.

The installation of video surveillance at customs offices and border crossings has not been completed, and neither has real-time access to video surveillance.

Not all local self-government units have yet adopted local anti-corruption plans, or formed bodies that will be in charge of monitoring the implementation of these documents.

11 “Official Gazette of the RS”, nos. 85/05, 88/05 - corrigenda, 107/05 - corrigenda, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 and 35/19

12 “Official Gazette of the RS”, nos. 94/16 and 87/18 - other law

13 “Official Gazette of the RS”, no. 105/21

14 “Official Gazette of the RS”, no. 128/14

In the reporting period, joint activities were carried out with the aim of encouraging and rendering more efficient the participation of citizens in the fight against corruption, and measures were taken to further improve the system of transparent financing of civil society organisations.

The 12th and 13th competitions for the allocation of funds to civil society organisations for the implementation of projects in the field of anti-corruption, implemented by the Agency, have ended.

3.3 Repression of Corruption

Data on the application of the amended and supplemented Criminal Code in the part governing corruption and economic crimes, as well as the application of the amended crime ‘Abuse of office by responsible person’, which contains the mechanism of “legal subsidiarity” have been submitted.

Due to the pandemic, judges and prosecutors were not trained in the application of the Criminal Code in the course of the reporting period.

The analysis of the compliance of the normative framework of the Republic of Serbia with the recommendations of the Financial Action Task Force - an international body whose job is to develop and improve the fight against money laundering and terrorism financing (FATF) on conducting financial investigations in parallel with criminal investigations has not been completed. Consequently, the accompanying planning document has not been completed either.

Certain activities related to strengthening the capacity of the Financial Investigations Unit of the Ministry of Interior have been implemented, as well as those related to training police officers, public prosecutors and judges to conduct financial investigations, monitor cash flows, act proactively and use special investigative techniques.

The capacities of the Prosecutor’s Office for Organised Crime and the special departments of high public prosecutor’s offices for the suppression of corruption, as well as the financial forensics services in the Prosecutor’s Office for Organised Crime and in other authorities are being strengthened.

A new Rulebook on the Systemisation of Job Positions in the Prosecutor’s Office for Organised Crime has been adopted, but not for special departments of high public prosecutor’s offices dealing with the fight against corruption. Technical improvements have been made in the Prosecutor’s Office for Organised Crime and the special departments of high public prosecutor’s offices for the suppression of corruption.

Meetings of the Anti-Corruption Council with the Republic Public Prosecutor’s Office and the Prosecutor’s Office for Organised Crime were not held.

A by-law has not been passed in accordance with the Law on Organisation and Competences of State Authorities in Charge of Suppression of Organised Crime, Terrorism and Corruption to regulate deadlines, procedures and official communication between the police and the public prosecutor’s office in organised crime and corruption cases.

Agreements on cooperation have been signed between those to whom the Law on Organisation and Competences of State Authorities in Charge of Suppression of Organised Crime, Terrorism and Corruption pertains, while the methodology for working, and forming working groups, has been developed.

The analysis of feasibility studies on the establishment of a single electronic register of corruption-related crimes has been made, but recommendations are yet to be complied with.

Steps have been taken to improve the capacity of the Directorate for the Management of Confiscated Assets in terms of the training that was attended by employees in the reporting period, but not in terms of employment. No agreements were concluded with directorates from the countries of the region and the European Union

An activity is also being carried out in connection with monitoring the sanctioning of violations of regulations related to the disclosure of confidential information, but no analysis of the application of regulations has been made to date.

A programme of mutual professional development of authorities participating in the privatisation process and authorities in charge of prevention and criminal prosecution of corruption cases has been created, but trainings have not been conducted.

4.

OVERVIEW OF THE IMPLEMENTATION OF INDIVIDUAL ACTIVITIES

4.1 Implementation of Anti-Corruption Measures

In this report, within Section 2.1 of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, which deals with the implementation of anti-corruption measures, the Agency assessed the implementation of activities related to the following recommendation from the Screening Report and the relevant benchmark:

2.1.1 Expand political and institutional ownership, including top-level coordination, in the field of fight against corruption, and clearly identify high-level institutional leadership in the implementation of the anti-corruption strategy.

Benchmark: Serbia is implementing the Action Plan for the implementation of the National Anti-Corruption Strategy for the period 2013-2018. Implementation is strictly monitored, and corrective measures are being taken whenever necessary. Serbia is conducting an impact assessment of its results in 2018.

The activities in question are Activities 2.1.1.1, 2.1.1.2 and 2.1.1.3, which are presented individually below.

Activity 2.1.1.1

Prepare and adopt the Operational Plan for the Prevention of Corruption in Areas of Special Risk.	
In charge of activity	- Ministry of Justice (State Secretary for corruption issues) - Anti-Corruption Agency - All competent institutions - Government of the Republic of Serbia - With the participation of civil society organisations
Deadline	Second quarter of 2021
Indicators of results	Operational plan for prevention of corruption in areas of special risk has been adopted.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.1.1.1

The Ministry of Justice has reported that on 30 September 2021 the Government of the Republic of Serbia, at the proposal of the Ministry of Justice, adopted a Conclusion adopting the Operational Plan for the Prevention of Corruption in Areas of Special Risk. Therefore, the Agency assessed this activity as implemented.

Activity 2.1.1.2¹⁵

Adopt the Decision on the Establishment of the Coordination Body for the Implementation of the Operational Plan for the Prevention of Corruption in Areas of Special Risk.	
In charge of activity	- Government of the Republic of Serbia - Ministry of Justice (State Secretary for issues related to corruption)
Deadline	Second quarter of 2021
Indicators of results	Adopted: Decision on the establishment of the Coordination Body for the implementation of the Operational Plan for the Prevention of Corruption in Areas of Special Risk. The Coordinating Body holds meetings, solves identified problems and takes measures to fulfill the Operational Plan.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.1.1.2

The Government of the Republic of Serbia and the Ministry of Justice reported that, at its 94th session held on 25 November 2021, the Government of the Republic of Serbia adopted a Decision on establishing a Coordination Body for the implementation of the Operational Plan for the Fight against Corruption in Areas of Special Risk.¹⁶

As the result indicator in this activity refers to the adoption of the Decision, as well as to the meetings of the Coordination Body, to which the entire Activity 2.1.1.3 refers as well, the Agency assessed only the adoption of the Decision, which is why the activity is assessed as implemented.¹⁶

¹⁵ Activity 2.1.4.1 also reads: “Adopt the Decision on the establishment of the Coordination Body for the Implementation of the Operational Plan for the Fight against Corruption in Areas of Special Risk (Activity 2.1.1.2)”, which is why the Agency did not present it in this report.

¹⁶ Official Gazette of the RS”, no. 112/21

Activity 2.1.1.3

Holding regular meetings of the Coordination Body in accordance with the new Decision (Activity 2.1.1.2). Meetings of the Coordination Body are open to the public and to the participation of civil society organisations.	
In charge of activity	- Ministry of Justice (State Secretary in charge of corruption issues) - Anti-Corruption Agency - All competent institutions
Deadline	Continuous, starting with the Decision from Activity 2.1.1.2
Indicators of results	Reports from the meetings of the Coordination Body are published on the website of the Ministry of Justice. Reports of the Anti-Corruption Agency on monitoring the implementation of the Operational Plan for the Fight against Corruption in Areas of Special Risk were considered. The Coordinating Body is considering specific proposals of civil society organisations submitted in connection with the reports of the Coordinating Body on the implementation of the Operational Plan. The Coordinating Body has solved the problems that have arisen in fulfilling the Action Plan.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.1.1.3

The Ministry of Justice has reported that the meeting of the Coordination Body will be scheduled in the first half of February 2022, which is why in this reporting period the Agency assessed the activity as not implemented.

In this report, in the same Section of the Revised Action Plan for Chapter 23 - subchapter Fight against Corruption, the Agency assessed the implementation of activities related to the following benchmark:

2.1.2. The Government of the Republic of Serbia is engaged in a constructive relationship with the Anti-Corruption Council; it is seriously considering its recommendations and taking them into account as much as possible.

The activities in question are Activities 2.1.2.1, 2.1.2.2, 2.1.2.3, 2.1.2.4 and 2.1.2.5, which are shown individually below.

Activity 2.1.2.1

The Government is considering the reports of the Anti-Corruption Council at its sessions and taking them into account as much as possible. The Council is invited to Government sessions when the report is discussed, to present the report’s main findings.	
In charge of activity	- Government of the Republic of Serbia
Deadline	Continuous
Indicators of results	The Government has considered the Council’s Reports and has reached a Conclusion on further action regarding the Council’s findings and recommendations.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.1.2.1

The Government of the Republic of Serbia has reported that the activity was not implemented, which is why in this reporting period the Agency assessed the activity as not implemented.

Activity 2.1.2.2

Adopt a new Decision of the Government of RS regulating the work of the Anti-Corruption Council, in accordance with the conducted analysis titled “Anti-Corruption Council of the Government of the Republic of Serbia in the Light of Best Practices of the European Union”, developed within the IPA 2013 project “Prevention and Fight against Corruption”.	
In charge of activity	- Government of the Republic of Serbia - Ministry of Justice (State Secretary in charge of corruption issues) - Anti-Corruption Council
Deadline	Second quarter of 2021
Indicators of results	A new Decision of the Government of the RS, which regulates the work of the Anti-Corruption Council in accordance with the conducted analysis, has been adopted.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.1.2.2

The Government of the Republic of Serbia has reported that the activity was not implemented, which is why the Agency assessed the activity as not implemented¹⁷.

¹⁷ The analysis of the “Council for the Fight against Corruption of the Government of the Republic of Serbia in the light of best practices in the European Union” was made in 2018 within the IPA 2013 Project “Prevention and Fight against Corruption”.

Activity 2.1.2.3

Ensure active participation of the Anti-Corruption Council in the legislative process, through membership in working groups for the adoption and amendment of laws that, according to the Council, carry a risk of a corruption, at the initiative of the Council, i.e. bodies authorised to propose laws. Members of the Council actively participate in the work of working groups.	
In charge of activity	- Anti-Corruption Council
Deadline	Continuous
Indicators of results	The Council receives information on legislative activities in a timely manner, acts proactively, and Council members actively participate in the legislative process.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.1.2.3

The Anti-Corruption Council has reported that, in the reporting period, it was neither invited nor participated as an active member in the working groups, which is why in this reporting period the Agency assessed the activity as not implemented.

The Anti-Corruption Council also recommended that the Ministry of Justice be responsible for this activity, and that “it should submit to the Council draft laws, laws and by-laws in the field of anti-corruption, and should include the Council as an active participant in working groups in these areas”.

Activity 2.1.2.4

The Republic Public Prosecutor’s Office considers the reports of the Council from the point of view of possible criminal responsibility and forwards them to the competent prosecutor’s offices to act. It also follows-up and reports.	
In charge of activity	- Republic Public Prosecutor’s Office - Government of the Republic of Serbia
Deadline	Continuous
Indicators of results	Annual reports on the activities related to the reports of the Anti-Corruption Council have been prepared and submitted to the Government.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.1.2.4

The Republic Public Prosecutor’s Office has reported that it was considering the reports of the Anti-Corruption Council, forwarding them to the competent prosecutor’s offices and monitoring their actions. It further reported that the Report on the actions of public prosecutor’s offices based on the reports of the Anti-Corruption Council for 2020 was submitted to the Council.

In the First Implementation Report, the Agency could not assess this activity. However, as it was convinced that this was a regular annual practice of the Republic Public Prosecutor’s Office, which was supported by the report for 2020 and the fact that reports for the previous year are prepared in the following year, in this reporting period the Agency assessed the activity as implemented.

Activity 2.1.2.5

Further strengthen the budget and staffing capacities of the Anti-Corruption Council.	
In charge of activity	- Government of the Republic of Serbia - Anti-Corruption Council
Deadline	Second quarter of 2021
Indicators of results	The Government decision appointing members of the Anti-Corruption Council has been adopted. Higher level of administrative support from the General Secretariat of the Government.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.1.2.5

The Government of the Republic of Serbia has reported that the activity was not implemented, which is why the Agency assessed it as not implemented.

In this report, in the same Section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following benchmark:

2.1.3. Serbia is conducting a comprehensive assessment of its legislation compared to the *EU acquis* and the UN Convention against Corruption, and is amending it where necessary. Serbia is following all GRECO recommendations.

The activity in question is Activity 2.1.3.1, which is shown below.

Activity 2.1.3.1

Amend the legal framework for the fight against corruption, taking into account the recommendations contained in the “Analysis of Compliance of Anti-Corruption Legislation with EU acquis and International Standards”, conducted under the IPA 2013 project “Prevention and fight against corruption”.	
In charge of activity	<ul style="list-style-type: none"> - Ministry of Justice (State Secretary in charge of corruption issues) - Other ministries, in accordance with their competencies - Government of the Republic of Serbia - National Assembly of the Republic of Serbia
Deadline	Fourth quarter of 2021
Indicators of results	Amendments and supplements to laws have been adopted.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.1.3.1

The Ministry of Justice has reported that, on 23 September 2021, the National Assembly adopted the Law on Amendments and Supplements to the Law on Prevention of Corruption with the aim of further compliance with the recommendations of the Group of States against Corruption of the Council of Europe (GRECO).

Further compliance with GRECO recommendations is one of the recommendations contained in the Analysis from this activity, which is why the Agency assessed the activity as implemented. However, since this is not the only recommendation contained in the above Analysis, the Agency will continue to monitor the implementation of this activity in further reporting cycles.

4.2 Prevention of Corruption

In this report, within Section 2.2 of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, which refers to the prevention of corruption, the Agency assessed the implementation of activities related to the following benchmarks:

2.2.1 Benchmark: Serbia has adopted a new Law on the Anti-Corruption Agency, providing said Agency with clear and strong competencies. Serbia has ensured that the Anti-Corruption Agency can continue to enjoy the necessary independence, the receipt of adequate financial and human resources, as well as training, as well as very good connections with other relevant bodies (including access to their databases). Serbia has ensured that all bodies that fail to submit their reports and refuse to cooperate with the Anti-Corruption Agency are held accountable for such behaviour.

Benchmark: Serbia has provided initial records of effective implementation of the asset declaration and verification system, including dissuasive sanctions in cases of non-compliance, as well as appropriate monitoring of measures (including criminal investigations where necessary) in cases where reported assets do not correspond to reality.

The activities in question are Activities no. 2.2.1.1, 2.2.1.3, 2.2.1.4, 2.2.1.5, 2.2.1.6, 2.2.1.7, 2.2.1.8 and 2.2.1.9, which are individually shown below.

Activity 2.2.1.1

Monitor the implementation of the new Law on Prevention of Corruption and the actions of all state authorities under the new Law on Prevention of Corruption.	
In charge of activity	- Anti-Corruption Agency - In cooperation with relevant institutions
Deadline	Continuous, once per year
Indicators of results	<p>The annual report on the work of the Anti-Corruption Agency contains the following elements:</p> <ol style="list-style-type: none"> 1) Number of obligations fulfilled by public officials in accordance with the Law on Prevention of Corruption; 2) Number of measures issued by the Agency respected by public officials; 3) Percentage of institutions that have fulfilled the obligation to adopt an integrity plan and a local anti-corruption plan; 4) Percentage of measures in the integrity plan and local anti-corruption plan implemented by relevant institutions; 5) Number of institutions that adhere to the obligation to conduct training in ethics and integrity based on the curriculum of the Agency; 6) Qualitative analyses, comparisons with previous years, comparison of results with the number of reported cases and controlled subjects. <p>The National Assembly has adopted conclusions on the implementation of the new Law on Prevention of Corruption. The Government and other state authorities are acting in accordance with the conclusions of the National Assembly. The European Commission’s Report on the progress of the Republic of Serbia.</p>
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.1.1

The Agency has submitted final data on monitoring the implementation of the Law on Prevention of Corruption for 2021. However, as it submits the Annual Work Report for 2021 to the National Assembly within the same time period as the Second Implementation Report, and they will be publicly available at the same time, only data that speak in favour of meeting the result indicators are presented here.

Since the implementation of the Law on Prevention of Corruption began on 1 September 2020, the Agency could not compare the results with the previous ones (result indicator no. 6), given the methodological unsustainability of such a comparison and the fact that it would mean that 12 months of implementation in 2021 are being compared to four months of implementation in 2020. Such a comparison will be possible in the Third Implementation Report, which the Agency will submit to the National Assembly by 31 March 2023.

Following other result indicators, the Agency has reported that the number of submitted reports on assets and revenues of public officials in 2021 was 4,766; that the number of public authorities that notified the Agency of the commencement/ termination of public office was 2,151, and that 8 legal entities notified the Agency of their participation in public procurement, privatisation or other procedures involving a conclusion of a contract with a public authority as an outcome. In the area of assets reporting, 152

reprimand measures were issued for failure to submit a report within the legally prescribed time period after the commencement or termination of public office.

In the area of assets verification, 82 procedures were initiated to decide whether there were violations of the Law on Prevention of Corruption, 67 warning measures were issued, and 18 requests for misdemeanour proceedings were submitted. Six criminal charges/reports were submitted to the competent prosecutor’s offices due to suspicion that a criminal offence under Article 101 of the Law on Prevention of Corruption was committed, i.e. another criminal offence that is prosecuted ex officio. Also, 8 reports were submitted to other authorities due to a suspicion of violation of regulations that fall within the competence of said authorities.

Data on conflicts of interest are presented in Activity 2.2.3.4.

The Agency further reported that, in accordance with the Instruction for the Development and Implementation of Integrity Plans,¹⁸ adopted in May 2021, the third cycle of development and implementation of integrity plans for all public authorities in the Republic of Serbia began on 1 November 2021 and will last until 31 October 2024. In 2021, the Agency carried out the following activities within the coordination of the integrity plans development process: 1) the content was developed for 42 drafts (models) of the integrity plan, entered into the application and connected with the systems and institutions concerned; 2) a technical instruction for the coordinator for the reporting phase on the implementation of measures from the integrity plan has been prepared; 3) all the institutions obliged to develop an integrity plan in the third cycle (2,966) were sent a user name and a password for logging in to the application for the purpose of developing the integrity plan; 4) an educational video entitled “Corruption Risks” was made for the purpose of drafting and implementing the integrity plan, and 5) a Handbook for drafting and implementing the third cycle integrity plan was prepared, as well as the Technical Instructions for the working group.

The deadline for drafting the plan in the third cycle is 31 October 2022. After that date, it will be known what percentage of institutions have adopted the integrity plan. In addition, the deadline for the implementation of the third cycle integrity plan and reporting on its implementation is 31 October 2024, after which the data on the percentage of adopted measures from the integrity plans that were actually implemented by the institutions will be known.

Data on local anti-corruption plans are presented in Activity 2.2.10.31.

The number of public authorities whose employees and managers successfully attended trainings on ethics and integrity in 2021 is 686.

Considering that the Agency has submitted data on the implementation of the Law on Prevention of Corruption (which it was objectively able to submit based on the results indicators), and that the submitted report shows that the implementation of the new Law on Prevention of Corruption is being monitored, in this reporting period the Agency assessed the activity as implemented.

¹⁸ “Official Gazette of the RS”, no. 145/20

Activity 2.2.1.3

Continuous specialised training of employees in the Anti-Corruption Agency on the implementation of the new Law on Prevention of Corruption and the Law on Lobbying.	
In charge of activity	- Anti-Corruption Agency
Deadline	Continuous, starting with the adoption of the new Law on Prevention of Corruption and the Law on Lobbying
Indicators of results	Trainings have been conducted. Out of the total number of employees in the Agency, at least 2/3 attended trainings on the implementation of the new Law on Prevention of Corruption, i.e. the Law on Lobbying, in the first year of implementation.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.1.3

The Agency has reported that 82 employees have successfully completed the online training on ethics and integrity in 2021.

It has also reported that 27 employees have attended three cycles of general training on improving analytical skills, as well as two cycles of specialised training for the Legal Affairs Sector and the Research and Analytics Sector, within the USAID Government Accountability Initiative.

Within the project entitled “Prevention of Money Laundering and Terrorism Financing in Serbia”, supported by the Swedish International Development Cooperation Agency and implemented by the Council of Europe, 17 employees of the Agency from the financial and non-financial sectors attended two workshops on comparative practices in access to information and interinstitutional cooperation during efficient assets verification.

Under the same Project, 8 Agency staff received training on the use of IBM i2 analytical tools in the area of assets verification and control of funding for political activities, for which the Agency was licensed thanks to the support of the OSCE Mission.

With the support of the OSCE Mission, four employees of the Agency attended training on the basics of bankruptcy law and its practical application, in connection with the assessment of the risk of corruption in regulations in this area.

The training on the application of the Law on Prevention of Corruption, the Law on Financing Political Activities and the Law on Lobbying was attended by two new employees and 9 persons engaged on other grounds.

As of 31 December 2021, the Agency has 88 permanent and three temporary employees, which means that two thirds of the employees have attended trainings related to the application of the Law on Prevention of Corruption. It is however worth mentioning that the same employees attended some of the (same) trainings, depending on the topic and the organisational unit of the Agency to which the topics referred.

Having in mind one of the indicators of results, in the First Implementation Report the Agency reported on the number of employees who attended trainings on the topic of the Law on Lobbying in the first year of implementation.

Having in mind the above, in this reporting period the Agency assessed the activity as implemented.

Activity 2.2.1.4

Adapt the software for reporting on the National Anti-Corruption Strategy and the Action Plan for its implementation so that it meets the needs of monitoring the relevant measures of the Revised Action Plan for Chapter 23, and maintain said software on a regular basis.	
In charge of activity	- Anti-Corruption Agency
Deadline	Software customisation - Fourth quarter of 2020 Software maintenance - continuous
Indicators of results	Software has been customised to meet the needs of monitoring relevant measures from the Revised Action Plan for Chapter 23. The software is regularly maintained.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.1.4

The Agency has reported that the reporting software, i.e. the application was adjusted and put into operation in the third quarter of 2021. The Agency has informed the institutions about the application and provided them with Instructions for its use. Since the application became operational only in the third quarter of 2021, the Agency simultaneously continued to collect data by e-mail and correspondence (on paper), in order to ensure unhindered supervision, in the initial stages of testing, of the implementation of subsection ‘Fight against Corruption’ of the Revised Action Plan for Chapter 23.

Bearing in mind that in the third quarter of 2021 the institutions started using the reporting application despite the fact that it is still in the testing phase, and that its maintenance was ensured, in this reporting period the Agency assessed the activity as implemented, and will continue to monitor its implementation through the part of the activity related to the maintenance of the application.

Activity 2.2.1.5

Adjust the software for reporting on the Revised Action Plan for Chapter 23 to meet the needs for monitoring the Operational Plan for the Prevention of Corruption in Areas of Risk.	
In charge of activity	- Anti-Corruption Agency
Deadline	Third quarter of 2021
Indicators of results	Software was customised to meet the needs of monitoring the Operational Plan for the Prevention of Corruption in Areas of Risk.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.1.5

The Agency has reported that, given the fact that the Operational Plan for Prevention of Corruption in Areas of Risk was adopted on 30 September, the software for reporting on the Revised Action Plan for Chapter 23 was not adjusted in 2021 to meet the needs of monitoring the Operational Plan for Prevention of Corruption in Areas of Risk, which is why the Agency assessed the activity as not implemented.

Activity 2.2.1.6

Technically improve the existing software application related to integrity plans. Maintain the software application regularly.	
In charge of activity	- Anti-Corruption Agency
Deadline	For software updating – fourth quarter of 2021 For software maintenance – continuous
Indicators of results	Software has been updated. Software is regularly maintained.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.1.6

The Agency has reported that the technical improvements of the software application for integrity plans have been made in 2021 and that the application is operational. Having in mind the above, the Agency assessed this activity as implemented and will continue to monitor its implementation through the part of the activity that relates to the maintenance of the application.

Activity 2.2.1.7

Develop video tutorials for the third cycle of development, implementation and reporting on the implementation of integrity plans.	
In charge of activity	- Anti-Corruption Agency
Deadline	Fourth quarter of 2021
Indicators of results	Video tutorials have been produced and are now operational and publicly available.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.1.7

The agency has reported that it has produced a video tutorial for the third cycle of drafting, implementing and reporting on the implementation of integrity plans in 2021, and that said video tutorial is available at the following link: <https://youtu.be/NE2ZNFd-mgM>.

Having in mind the above, the Agency assessed this activity as implemented.

Activity 2.2.1.8

Multidisciplinary trainings and workshops with institutions that intensively cooperate with the Anti-Corruption Agency, including trainings for journalists.	
In charge of activity	- Anti-Corruption Agency
Deadline	Continuous
Indicators of results	Trainings and workshops that contribute to the improvement of the level of knowledge necessary for the implementation of the new Law on Prevention of Corruption have been conducted. At least two trainings per year are organised with institutions with which the Agency cooperates intensively. At least one training per year is organised for journalists.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.1.8

The Agency has reported that - with the support of the USAID Government Accountability Initiative - a roundtable was held in the reporting period to improve cooperation between the Agency and public prosecutor’s offices. Another joint meeting was held with representatives of the Republic Public Prosecutor’s Office, with the support of the same project. The Agreement on Cooperation between the Agency and the Republic Public Prosecutor’s Office was harmonised and signed in 2021 (related activity: 2.3.2.8).

Within the USAID Government Accountability Initiative, four workshops were held for public officials in ministries in 2021 on the presentation of the Handbook for Recognising and Managing Conflicts of

Interest and Incompatibility of Offices (developed by the Agency with the support of the same project), MPs and public officials of the City of Belgrade.¹⁹

Representatives of the Agency participated in two workshops on comparative practice in access to information from the financial and non-financial sectors and inter-institutional cooperation in efficient verification of assets (initial and final, where Council of Europe experts from Slovenia and Romania presented recommendations). The workshops were organised as part of the project titled “Prevention of Money Laundering and Terrorism Financing in Serbia”, which is supported by the Swedish International Development Cooperation Agency and implemented by the Council of Europe. Representatives of the Administration for the Prevention of Money Laundering, the Business Registers Agency, the Tax Administration, the Treasury, the Republic Geodetic Authority, the Republic Commission for the Protection of Rights in Public Procurement Procedures and the Ministry of the Interior also participated in the workshops.

With the support of the OSCE Mission, a workshop aimed at strengthening cooperation and discussing overlapping competencies was organised and attended by representatives of the Agency, the Commission for Protection of Competition and the Republic Commission for Protection of Rights in Public Procurement Procedures.

In cooperation with the Ministry of Human and Minority Rights and Social Dialogue, a workshop was held with civil society organisations working on preventing corruption.

The agency has further reported that, in the reporting period, a training titled “Registers of Public Officials, Registers of Assets and Income of Public Officials, and Verification of Property” was organised for journalists, in an online format. The following participated in the training: Centre for Investigative Journalism of Serbia, Independent Association of Journalists of Vojvodina, the Niš Initiative, portal Glas Šumadije [Voice of Šumadija], Vojvodina Investigative and Analytical Centre “VOICE”, portal Moj Bečej [My Bečej], PANpress, Politika, and internet portal Far.

Having in mind the above, in this reporting period the Agency assessed the activity as implemented

¹⁹ For additional information, see Activity 2.2.3.4

Activity 2.2.1.9²⁰

Hold workshops with the relevant parliamentary committee in order to meet the Agency’s recommendations, including training on ethics and integrity for MPs.	
In charge of activity	- Anti-Corruption Agency - Relevant Assembly committees
Deadline	Continuous
Indicators of results	Workshops were held to contribute to improving the level of knowledge necessary for the implementation of the new Law on Prevention of Corruption. At least two workshops per year are organised with MPs, i.e. members of relevant committees of the National Assembly.
Agency’s assessment	<i>The activity was not implemented in the part relating to workshops.</i>
	<i>The activity was implemented in the part relating to training for MPs.</i>

On the implementation of Activity 2.2.1.9

The Agency has reported that the National Assembly adopted the Draft Conclusion of the Committee on Finance, Republic Budget and Control of Spending Public Funds at the 9th special session held on 29 December 2021, on the occasion of considering the 2020 Work Report submitted by the Agency. As the activity refers to the workshops aimed at meeting the Agency’s recommendations, and these were not organised in the reporting period because the conditional activity (consideration of the Agency’s Report) was carried out on 29 December 2021, in this reporting period the Agency assessed the activity referring to the workshops organised with the relevant parliamentary committee as not implemented.

As regards training on ethics and integrity, Article 26 of the Code of Conduct for Members of the National Assembly²¹ stipulates that the Ethics Commission and the Agency are charged with its implementation. After the Ethics Commission was established, and the Training Curriculum and the Guide for the Implementation of the Code of Conduct for Member of the National Assembly were adopted, the Ethics Commission and the Agency held two trainings for MPs in 2021, using online format. Therefore, in this reporting period the Agency assessed the activity related to the training on ethics and integrity for MPs as implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter Fight against Corruption, the Agency assessed the implementation of activities related to the following benchmark:

2.2.2. Serbia has amended the Law on Financing Political Activities and is working on strengthening the independence and administrative capacity of relevant oversight bodies, in particular the State Audit Institution and the Republic Election Commission. Serbia is providing initial records of adequate application of the Law, including deterrence measures where necessary.

The activities in question are Activities 2.2.2.1, 2.2.2.2, 2.2.2.3, 2.2.2.4, 2.2.2.5, 2.2.2.6, 2.2.2.7 and 2.2.2.8, which are individually presented below.

²⁰ The Agency assessed Activity 2.2.1.9 as two activities, because they are thematically separated.

²¹ “Official Gazette of the RS”, nos. 156/20 and 93/21

Activity 2.2.2.1

<p>Amend the Law on Financing Political Activities so as to clearly define and delineate the obligations of the Agency, SAI and other bodies in the process of control of political activities and entities, and precisely define obligations and mechanisms for transparency of financing of political entities in accordance with a qualitative analysis of the implementation of the Law on Financing Political Activities.</p> <p>Ensure that amendments to the Law include strengthening the capacity of the Anti-Corruption Agency by providing it with all necessary information on financial flows.</p>	
In charge of activity	<ul style="list-style-type: none"> - Ministry of Finance - Anti-Corruption Agency - Government of the Republic of Serbia - National Assembly of the Republic of Serbia - With the participation of civil society organisations
Deadline	Fourth quarter of 2020
Indicators of results	The Law on Amendments and Supplements to the Law on Financing Political Activities has been adopted.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.2.1

The amended Law was not adopted in 2021, which is why the Agency assessed this activity as not implemented.

Activity 2.2.2.2

<p>Prescribe that the audit programme must include the audit of parliamentary political parties at the national level and introduce the obligation of the Director of the Tax Administration to include providers of funds and other services to political entities in the annual or extraordinary plan of tax control in accordance with the Agency’s report on financing political activities and entities.</p>	
In charge of activity	<ul style="list-style-type: none"> - Ministry of Finance (State Secretary) - Government of the Republic of Serbia - National Assembly of the Republic of Serbia
Deadline	Fourth quarter of 2020
Indicators of results	The Law on Amendments and Supplements to the Law on Financing Political Activities has been adopted.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.2.2

Having in mind that this activity is directly conditioned by the implementation of the previous one, i.e. the adoption of amendments to the Law on Financing Political Activities (supported by the result indicator), the Agency assessed the activity as not implemented.

Activity 2.2.2.3

Monitor the implementation of the Law on Financing Political Activities, including the application of dissuasive measures.	
In charge of activity	- Anti-Corruption Agency - Misdemeanour courts - Republic Public Prosecutor’s Office
Deadline	Continuous
Indicators of results	Reports of the Anti-Corruption Agency on the financing of political activities and the election campaign. 1) At least 50% of political entities have submitted annual financial reports; 2) At least 70% of political entities have submitted the costs of the election campaign; 3) The number of initiated misdemeanour proceedings, the number and degree of sanctions imposed by the misdemeanor courts. Annual reports of the Republic Public Prosecutor’s Office on criminal proceedings arising from the application of Article 38 of the Law on Financing Political Activities, including the number and degree of sanctions applied.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.2.3

Although both the Agency and the Republic Public Prosecutor’s Office have submitted information on the implementation of the then valid Law on Financing Political Activities,²² it is clear from the sequence of activities that this one, too, refers to the amended Law on Financing Political Activities, which is why in this reporting period the Agency assessed the activity as not implemented.

Activity 2.2.2.4

Draft bylaws that would regulate the criteria and deadlines for the control of reports of political entities by introducing a plan of priority control of reports that will enable prioritisation of reports control.	
In charge of activity	- Anti-Corruption Agency
Deadline	Second quarter of 2021
Indicators of results	Bylaws have been adopted.
Agency’s assessment	<i>The activity was not implemented</i>

²² “Official Gazette of the RS”, nos. 43/11, 123/14 and 88/19

On the implementation of Activity 2.2.2.4

Having in mind that this activity is directly conditioned by the adoption of amendments to the Law on Financing Political Activities, the Agency assessed it as not implemented.

Activity 2.2.2.5

Build the capacity of all entities responsible for the implementation of the Law on Financing Political Activities, the Republic Election Commission, train judges of misdemeanour courts.	
In charge of activity	- Anti-Corruption Agency - Judicial Academy - Republic Election Commission (REC)
Deadline	Continuous, starting from the first quarter of 2021
Indicators of results	Capacities of all entities responsible for the implementation of the Law on Financing Political Activities and REC have been built, misdemeanour court judges have been trained. Number of held trainings, compared to the number of planned trainings on the Law on Financing Political Activities.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.2.5

The Agency has reported on trainings for political entities, which it conducted in accordance with the current Law on Financing Political Activities. However, as it is clear from the sequence of activities that this one too refers to the amended Law on Financing Political Activities, which were not adopted in the reporting period, the Agency assessed the activity as not implemented.

Activity 2.2.2.6

Build the technical capacity of the Anti-Corruption Agency to monitor the financing of political activities, software for online reporting, better accessibility of published data.	
In charge of activity	- Anti-Corruption Agency
Deadline	Continuous, starting from the fourth quarter of 2020
Indicators of results	The technical capacities that enable efficient control of monitoring the financing of political activities have been built.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.2.6

The Agency has reported that technical capacities are continuously being built, and that, during the preparation of the budget proposal for 2021, it has planned funds for this activity. However, as the activity refers to the amended Law on Financing Political Activities (which can be seen also from the activities that precede it, and the implementation deadline), which was not adopted in 2021, the Agency has reported that it could not start building technical capacities in accordance with the provisions of the above regulation. In that sense, in this reporting period the Agency assessed the activity as not implemented.

Activity 2.2.2.7

Introduce online training modules related to the implementation of the Law on Financing Political Activities.	
In charge of activity	- Anti-Corruption Agency
Deadline	Continuous, starting from the second quarter of 2021
Indicators of results	Online training modules have been introduced.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.2.7

The agency has reported that it had secured the support of the International Foundation for Electoral Systems (IFES) for the implementation of this activity once the amendments to the Law on Financing Political Activities are adopted. Bearing in mind that this activity is directly conditioned by the adoption of amendments to the Law on Financing Political Activities, the Agency assessed it as not implemented.

Activity 2.2.2.8

Develop a handbook for the implementation of the Law on Financing Political Activities.	
In charge of activity	- Anti-Corruption Agency
Deadline	Second wuarter of 2021
Indicators of results	The handbook has been developed.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.2.8

The agency has reported that it had secured the support of the International Foundation for Electoral Systems (IFES) for the implementation of this activity once the amendments to the Law on Financing Political Activities are adopted. Bearing in mind that this activity is directly conditioned by the adoption of amendments to the Law on Financing Political Activities, the Agency assessed it as not implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following benchmark:

2.2.3. Serbia provides initial records showing an increase in the number of observed and resolved cases of conflict of interest, including deterrence sanctions. Serbia is conducting trainings and raising awareness so as to ensure a better understanding of the concept at all levels.

The activities in question are Activities no. 2.2.3.3; 2.2.3.4 and 2.2.3.5, which are individually presented below.

Activity 2.2.3.3

Conduct professional training of public administration employees on issues of conflict of interest prevention.	
In charge of activity	- National Academy of Public Administration
Deadline	Continuous
Indicators of results	Professional training of public administration employees on issues of conflict of interest prevention has been conducted. Number of trainings held on the topic of prevention of conflicts of interest, in relation to the number of planned trainings.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.3.3

The National Academy of Public Administration has reported that it is preparing and implementing the General Training Programme for Civil Servants, the General Training Programme for Employees in Local Self-Government Units, the Training Programme for Heads in State Authorities and the Training Programme for Heads in Local Self-Government Units, which were all adopted by the Government of the Republic of Serbia.

The introductory training programmes for 2021, for employees in both state administration and local self-government, both for those with secondary and higher education, envisages training on Constitutional Regulation, the aim of which is to prepare employees for the state professional examination, in accordance with the Decree on the Programme and Manner of Taking the State Professional Examination.²³ Topics related to the prevention of conflicts of interest are a part of this training.

A training programme “Prevention of conflicts of Interest, Verification of Assets of Officials and the Relating Registers” was developed within the General Training Programme for Civil Servants for 2021 - thematic area “Prevention of Corruption and Fight against Corruption”. In addition, online training titled “Inspection Control” was developed as part of the thematic area “Inspection Control”, containing a thematic unit title “Integrity of Inspectors: Conflict of Interest”.

The training titled “Resolving Ethical Dilemmas” was developed as part of the Training Programme for heads State Authorities for 2021. It, too, deals with the topic of conflicts of interest. The training titled “Improving Ethical Conduct and Conflict of Interest Management” was developed as part of the Training Programme for Managers in Local Self-Government Units for 2021.

²³ “Official Gazette of the RS”, nos. 16/09, 84/14, 81/16, 76/17 and 60/18

Since the beginning of 2021 (data are processed annually), 40 participants have completed the online training “Inspection Control”, and 76 participants have completed the online training “Constitutional Regulation”.

Two trainings were organised on the topic “Prevention of conflicts of Interest, Verification of Assets of Officials and the Relating Registers”, one in the form of a webinar, with 47 participants, and one in the form of a seminar, with 6 participants (53 in total).

Having in mind the above, in this reporting period the Agency assessed the activity as implemented.

Activity 2.2.3.4

Regularly monitor cases of conflict of interest, including the number and degree of sanctions applied.	
In charge of activity	- Anti-Corruption Agency - Republic Public Prosecutor’s Office - Misdemeanour courts
Deadline	Continuous
Indicators of results	Conflict of interest cases are regularly monitored in the reports of the Anti-Corruption Agency.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.3.4

The Agency has reported that a total of 906 requests were resolved through the implementation of the Law on Prevention of Corruption.

36 decisions were made rejecting the request of a public official to discharge another public office, i.e. to perform another job or activity (incompatibility of simultaneous discharge of a public office and performing another job was found in 9 of these procedures).

Once the decisions became final (35), in 29 procedures the public official ceased to simultaneously discharge public office, i.e. perform another job or activity, while in 6 proceedings the deadline for submitting evidence that the decision was complied with is still in progress. In one procedure, the deadline for appeal has not yet expired, so the decision is not final.

Applying the Law on Prevention of Corruption, public officials were issued a total of 347 decisions establishing a violation of the Law on Prevention of Corruption. They were issued 329 measures and 18 decisions establishing the termination of another public office by force of law (Article 56, paragraph 8 of the Law on Prevention corruption).

Out of the total of 329 measures, the following were imposed:

- 280 reprimands,
- 39 measures of public announcement of the decision on violation of the law; and
- 10 measures of public announcement of the recommendation for dismissal from public office.

Of the imposed reprimands, 48 included an order to a public official, in 28 procedures the public officials complied with the measure, while in two cases they did not. In four procedures, the deadline for compliance is still in progress. In 14 procedures the decision is not yet final, in 8 the deadline for the appeal has not yet expired, and in 6 the appeal procedure is in progress.

As for the decisions imposing the measure of public announcement of the recommendation for dismissal from public office, in three proceedings the deadline for acting on the initiative is under way, in two proceedings an appeal is in progress, in one case the initiative was accepted and the public official was dismissed, in one case the official's public office ceased before the initiative was submitted to the public authority, while in one case the Agency was informed that the authority failed to decide upon the initiative. In two proceedings, the decision is not yet final, i.e. the deadline for appeal has not expired.

Of the 14 final decisions that established the termination of the second public office, in 7 cases the decision was complied with, in five the deadline for action has not yet expired, while in two cases the appeal procedure is in progress. Four decisions establishing the termination of the second public function by force of law are not yet final.

The Agency further reported that, with the support of the USAID Government Accountability Initiative, it held four online trainings in 2021 for public officials in the ministries, the City of Belgrade and the MPs, with the aim of presenting the Handbook for Managing Conflict of Interest and Incompatibility of Office, which is available at the following link: <https://www.acas.rs/wpcontent/uploads/2021/10/Prirucnikosukobu-interesaoktobar2021.pdf> and was also developed with the support of the USAID Government Accountability Initiative.²⁴ Although the Agency drafted the Handbook in 2020,²⁵ it was completely updated in 2021, i.e. adjusted to the Law on Amendments and Supplements to the Law on Prevention of Corruption and the authentic interpretation of Article 2, paragraph 1, item 3) of the Law on Prevention of Corruption.

In addition, the Agency held three online trainings and one live training for public officials, which, in addition to other competencies of the Agency, included resolving conflicts of interest.

Having in mind that cases of conflict of interest are being monitored and that the Agency has submitted final data on this, in this reporting period this activity was assessed as implemented

²⁴ The English version of the Handbook on Managing Conflict of Interest and Incompatibility of Office is available at the following link: https://www.acas.rs/wp-content/uploads/2021/10/Conflict-of-interest-The-Manual_oct2021.pdf

²⁵ For additional information, see Activity 2.2.3.1, which was assessed in the First Implementation Report. It is available at the following link: https://www.acas.rs/wp-content/uploads/2021/03/ASKpoglavlje_23web1.pdf

Activity 2.2.3.5

Monitor cases of conflict of interest through the application of the Code of Conduct for Civil Servants, in terms of the number of identified and resolved cases of conflict of interest, including disciplinary measures.	
In charge of activity	- High Civil Service Council
Deadline	Continuous, once per year
Indicators of results	The annual report of the High Civil Service Council contains data on the number of identified and resolved cases of conflict of interest, including disciplinary measures.
Agency’s assessment	The activity was implemented

On the implementation of Activity 2.2.3.5

The High Civil Service Council has reported that, at its 80th session, held on 16 July 2020, it has formed a Working Group and charged it with developing an appropriate report based on reports from state administration authorities, containing data and information necessary to monitor the situation in the area of managing conflicts of interest of civil servants.

At its 81st session, held on 7 August 2020, the High Civil Service Council adopted the information necessary for the preparation of the Draft Guidelines for Managing Conflict of Interest. Together with the Ministry of State Administration and Local Self-Government and with the support of the EU project “Prevention and Fight against Corruption”, the High Civil Service Council has completed work on the preparation of guidelines for managing conflicts of interest of civil servants. The results of the project were presented at the webinar held on 23 February 2021. The webinar presented the content of the document “Draft Guidelines for Conflict Management of Civil Servants”, whose aim is to bring closer, using examples and envisaged steps, the relevant rules on prevention and management of conflicts of interest to authorised civil servants and other employees in state authorities and point out solutions to doubts that have been identified in practice to date.

The guidelines contain an overview of: 1) the main terms, meanings and types of conflicts of interest; 2) the most risky situations, such as receiving gifts and extra work; 3) providing confidential advice and guidance; and 4) all the steps within the procedure for deciding on additional work of a civil servant, managing conflicts of interest and reporting suspicions of conflicts of interest. In addition to the applicable regulations, guides and other documents prepared by relevant international organisations such as the OECD, the Council of Europe and the United Nations were also used to prepare the Guidelines, as well as materials from trainings conducted as part of the EU project “Prevention and fight against corruption” and handbooks of the Agency for Prevention of Corruption.

The High Civil Service Council also reported on the complaints that were submitted to it and were forwarded to the competent authorities.

The High Civil Service Council further reported that, at its 92^d session, held on 8 March 2021, it formed a Working Group and tasked it with preparing – based on reports from state administration authorities and containing data and information necessary to monitor the Code of Ethics for Civil Servants – a

Draft Report on the implementation of the Code of Conduct for Civil Servants in 2020, with appropriate proposed measures to improve compliance with the Code.

At its 93rd session held on 26 March 2021, the High Civil Service Council adopted the Report on the Implementation of the Code of Conduct for Civil Servants for 2020, with proposed measures to improve compliance therewith.

The report on the implementation of the Code of Conduct for Civil Servants for 2020 was submitted to the Ministry of State Administration and Local Self-Government and published on the website of the Human Resources Management Service: <https://www.suk.gov.rs/tekst/609/izvestajopostovanjukodeksaponasanja-drzavnihslužbenikaza2020godinu.php>

This activity is directly related to Activity 2.2.6.3, i.e. it is the same report that was referred to in the result indicator for Activities 2.2.3.5. and 2.2.6.3, given that the High Civil Service Council does not resolve conflict of interest cases, but instead monitors the implementation of the Code of Conduct for Civil Servants, collecting data from state administration bodies that directly take care of the application of this act, including cases that involve conflicts of interest.

In the First Implementation Report, the Agency could not assess this activity. However, as it was convinced that this was a regular annual practice of the High Civil Service Council, as supported by the report for 2020 and the fact that reports for the previous year are made in the following year, in this reporting period the Agency assessed the activity as implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following benchmark:

2.2.4. Consider what would be an adequate statutory and institutional solution for effectively addressing the issue of illicit enrichment.

The activity in question is Activity no. 2.2.4.1, which is presented below.

Activity 2.2.4.1

Monitor the implementation of the Criminal Code and the Law on Organisation and Competences of State Authorities in Combating Organised Crime and Corruption; the Ministry of Justice - along with the obligation of courts and prosecutor’s offices of general and special jurisdiction to submit reports on the number of initiated and completed procedures - also compiles a single report, composed of the reports of all the above-mentioned authorities and publishes it on its website (link to Activity 2.3.1.3).	
In charge of activity	- Ministry of Justice (State Secretary for corruption issues)
Deadline	Continuous, once per year
Indicators of results	A report was prepared and published on the website of the Ministry of Justice. Annual report of the Anti-Corruption Agency.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.4.1

The Ministry of Justice has submitted information that the report for 2020 was prepared and published on the website of the Ministry of Justice: <https://www.mpravde.gov.rs/tekst/33769/statistikakoruptivnih-krivicnihdela.php>, and that, since the reports are prepared on an annual basis, the report for 2021 will be submitted in the second quarter of 2022.

Although the result indicator also mentions the Agency, it did not submit any information as it is not competent to monitor the application of the above regulations.

In the First Implementation Report, the Agency could not assess this activity. However, as it was convinced that this was a regular annual practice of the Ministry of Justice, as supported by the report for 2020 and the fact that reports for the previous year are made in the following year, in this reporting period the Agency assessed the activity as implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following benchmark:

2.2.5. Serbia has amended its Law on Free Access to Information of Public Importance, strengthening the administrative capacity of the Commissioner for Information of Public Importance and Personal Data Protection, providing training on handling requests for access to information and initial records of improved access to information, including tasks related to privatisation, activities of state-owned enterprises, public procurement procedures, public spending and donations to political parties from abroad.

The activities in question are Activities no. 2.2.5.1, 2.2.5.2 and 2.2.5.5, which are presented individually below.

Activity 2.2.5.1²⁶

Conduct an analysis of the current application of the Law on Free Access to Information of Public Importance, with special reference to the following areas: <ul style="list-style-type: none"> - privatisation, - public procurement, - public expenditure, and - donations to political entities from abroad. 	
In charge of activity	- Commissioner for Information of Public Importance and Personal Data Protection - With the participation of civil society organisations
Deadline	Third quarter of 2020
Indicators of results	An analysis of the current application of the Law on Free Access to Information of Public Importance has been conducted, with special reference to the areas of privatisation, public procurement, public expenditures and donations to political entities from abroad.
Agency’s assessment	<i>The activity was implemented in the part referring to the analysis of the current application of the Law on Free Access to Information of Public Importance.</i>
	<i>The activity could not be assessed in the part referring to donations to political entities from abroad.</i>

On the implementation of Activity 2.2.5.1

The Commissioner for Information of Public Importance and Personal Data Protection has reported that it regularly publishes annual reports on the implementation of the Law on Free Access to Information of Public Importance, which contain relevant analyses divided by thematic areas, and that all the analyses related to the implementation of this regulation are available in its annual reports. At the same time, the Commissioner pointed out that political parties are not obliged by the Law on Free Access to Information of Public Importance, and that it is not possible to comment on that area.

This activity is directly related to Activity 2.2.5.2. As the Commissioner reported, the amendments to the Law on Free Access to Information of Public Importance were accompanied by analyses that were provided by the Commissioner through annual reports on the implementation of the Law on Free Access to Information of Public Importance, which is why the Agency assessed the activity as implemented, except for the part that refers to donations to political entities, which cannot be evaluated for the above mentioned reasons.

²⁶ The Agency assessed Activity 2.2.5.1 as two activities, because the institution listed as being in charge is not responsible for all the segments of the analysis under this activity.

Activity 2.2.5.2

Amend the Law on Free Access to Information of Public Importance based on the analysis of the previous application of the Law on Free Access to Information of Public Importance.	
In charge of activity	<ul style="list-style-type: none"> - Ministry in charge of state administration and local self-government - Partner institution - Commissioner for Information of Public Importance and Personal Data Protection - Government of Republic of Serbia - National Assembly of the Republic of Serbia
Deadline	Fourth quarter of 2020
Indicators of results	The Law on Amendments to the Law on Free Access to Information of Public Importance has been adopted.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.5.2

The Ministry of State Administration and Local Self-Government has reported that, from the beginning of 2021 - as part of the work of the Special Working Group in which the Commissioner for Information of Public Importance and Personal Data Protection also participated at 10 meetings that were held on the topic of the text of the Draft Law - it had drafted the text of the Draft Law, with an explanation, for which a public debate was held in the period from 27 May to 16 June 2021. All interested parties, as well as civil society organisations and the professional public were invited to submit proposals, suggestions, initiatives and comments. After the public debate, all received proposals, remarks and suggestions were considered and the Draft Law was improved accordingly. It was published on 26 July 2021 on the Internet presentation of the Ministry of State Administration and Local Self-Government and the eGovernment portal.

SIGMA experts of the European Union submitted their remarks on 13 May, 5 July and 19 July 2021, and a video conference call was held with representatives of the Special Working Group on 9 July. All this resulted in the improvement of the text of the Draft Law, which - after consultations about the disputed articles - was submitted to SIGMA experts on 13 August 2021, with an explanation of the changes that were made based on their comments. In accordance with the Government Rules of Procedure, on 9 August 2021 the Ministry of State Administration and Local Self-Government submitted the text of the Draft Law, with an explanation and a review of the provisions to be changed, to the competent state administration authorities for opinion. The Ministry received 26 state authorities’ opinions, which were included in the new version of the Draft Law. Statements were made in relation to comments and objections that were not accepted. Provisions of the Draft Law were finally harmonised at the meeting that was held with the representatives of SIGMA, after which the Draft Law was approved at the Government session held on 7 October 2021.

The Draft Law was adopted at the session of the National Assembly of the Republic of Serbia held on 3 November 2021. On 8 November 2021, by the Decree of the President of the Republic, it was promulgated and published in the “Official Gazette of RS” no. 105/21 on 8 November 2021. The Law on Amendments and Supplements to the Law on Free Access to Information entered into force on 16 November 2021 and

will begin to apply after the expiry of three months from the date of its entry into force.²⁷ The Commissioner for Information of Public Importance and Personal Data Protection has reported that it has started preparations for the implementation of the adopted amendments to the Law, which will contribute to reducing the abuse of this right and increase the proactivity of public authorities.

Having in mind that the Law on Amendments and Supplements to the Law on Free Access to Information of Public Importance has been adopted in a manner that corresponded with the analyses from Activity 2.2.5.1, the Agency assessed this activity as implemented.

Activity 2.2.5.5

Conduct trainings for officials authorised to deal with requests for free access to information, in accordance with case law and international standards.	
In charge of activity	- National Academy of Public Administration - Commissioner for Information of Public Importance and Personal Data Protection
Deadline	Continuous
Indicators of results	Trainings have been conducted. Percentage of trained officers authorised to deal with requests for free access to information, in relation to the percentage of officials in need of training.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.5.5

The National Academy of Public Administration has reported that it has prepared and is implementing the General Training Programme for Civil Servants, the General Training Programme for Employees in Local Self-Government Units, the Training Programme for Managers in State Authorities and the Training Programme for Managers in Local Self-Government Units, which are all to be adopted by the Government of Serbia.

The training programme “Right to Access Information of Public Importance” was developed within the General Training Programme for Civil Servants for 2021 - thematic area “Prevention of Corruption and Fight against Corruption”. Within the sectoral programme of continuous professional development of employees in local self-government units, which is part of the General Training Programme for employees in local self-government units for 2021, a training programme “Exercising the Right to Access Information of Public Importance” is envisaged within the thematic area “Good Governance”.

One training on the topic “Right to Access Information of Public Importance” was realised in the form of a webinar, which was organised for 74 participants.

²⁷ For this reason, in this reporting cycle, the Agency did not assess the activities that will follow within a certain period after the start of implementation (Activity 2.2.5.4).

The Commissioner for Information of Public Importance and Personal Data Protection has reported that a representative of this institution held four trainings for employees in local self-government units in June 2021, organised by the Standing Conference of Towns and Municipalities, and that on 13 July 2021 it organised a training for 6 persons from various organisational units of the Ministry of Health authorised to act on requests for access to information of public importance. The Commissioner further reported that it organised a training for 12 persons authorised to act on requests for access to information of public importance in the Government of AP Vojvodina on 15 October 2021, and that a training for 74 interested persons was organised by the National Academy of Public Administration on 30 November 2021.

Having in mind the above, in this reporting period the Agency assessed the activity as implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following benchmark:

2.2.6. Serbia is employing and managing the careers of civil servants based on clear and transparent criteria, with an emphasis on performance evaluation and demonstrated skills. Serbia has developed and is implementing a mechanism for the efficient implementation of the Code of Conduct for Civil Servants. Serbia is providing initial records of sanctions applied in cases of violation of said Code. Serbia is ensuring the prevention of corruption through the introduction of an effective internal system of control and by increasing the accountability of managers in the public sector.

The activities in question are Activities no. 2.2.6.1; 2.2.6.2; 2.2.6.3; 2.2.6.4; 2.2.6.5; 2.2.6.6 and 2.2.6.8, which are presented individually below.

Activity 2.2.6.1

Ensure the implementation of the new legal framework based on competencies in the processes of employment, performance evaluation, promotion and career development of civil servants.	
In charge of activity	- Human Resources Management Service - High Civil Service Council - Ministry in charge of state administration and local self-government
Deadline	Continuous
Indicators of results	Competitions, performance evaluation, promotion and career development of civil servants are based on the full application of the system of competencies (recorded in the relevant reports of the Human Resources Management Service).
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.6.1

The Human Resources Management Service has reported that, in the processes of selection in employment, performance evaluation, and support of civil servants’ career development and promotion, it applies the updated legal framework based on competencies, which dates from the end of 2018 but was further formulated in 2019. They are actively applying regulations, providing advisory support in the application of regulations and the improvement of the process, and are monitoring their implementation in practice in state administration authorities and Government services.

In the period from 1 January to 31 December 2021, the Human Resources Management Service announced 1,092 vacancies for a total of 1,296 executors’ positions. Out of 1,092 announced competitions, 967 were internal and 125 were public. Psychologists assessed 1,004 candidates for the purpose of verifying behavioural competencies in election procedures in state administration authorities and other state bodies.

In the fourth quarter of 2021, the employees of the Staff Selection Department started examining the degree of satisfaction of candidates with the selection procedure, using a questionnaire. The goal was to see how satisfied and informed the candidates were, and what their view of the employment process in public administration was. By the end of the year, 150 candidate participants in the selection procedure had completed the questionnaire.

Employees in the Staff Selection Department are still providing expert assistance and support in the assessment of competences for other state bodies that do not have psychologists as mandatory commission members (Tax Administration, Anti-Corruption Agency, Customs Administration, courts). Due to the specific epidemiological situation, which continued in 2021, adapting to the circumstances and needs of the authorities, the employees of the Staff Selection Department intensified consultations (online, by telephone) and briefings. In addition, psychologists who participate in the selection procedure as members of the competition commissions encouraged holding initial meetings to acquaint the members of the competition commissions with the new procedures in the process of filling vacancies. Psychologists, as members of the competition commissions, provide expert and technical support, both to the human resources units of the authorities and to the members of the commission. In addition to educating members of competition commissions and employees in human resources units, the Human Resources Management Service is dedicated also to more intensive informing and attracting potential candidates. The Viber Group was also used as a channel of communication in 2021, giving candidates the opportunity to get acquainted with the competencies, phases and techniques of selection, as well as with certain career development opportunities, and to ask individual questions and receive concrete answers. At the same time, the website of the Service is undergoing improvement. A ‘Candidates’ Corner’ has been created in order to better inform them, and the candidates now have the opportunity to ask questions through the website, as well as through Facebook and LinkedIn pages.

In the field of performance evaluation, the Human Resources Management Service has collected data on performance evaluation marks in state administration authorities and prepared a summary Annual Report on the results of the performance evaluation for 2020, which was submitted to the Government of the Republic of Serbia for review. Together with representatives of the Ministry of State Administration

and Local Self-Government, employees of the Service worked on drafting amendments and supplements to the Decree on the performance evaluation of civil servants.

As regards career development and promotion of civil servants, as well as further modernisation in the field, the Human Resources Management Service, i.e. its Career Management Centre, applies the following: analysis of individual potentials, 360 degree assessment of development needs, career counseling, drafting of individual development plans, coaching and development support through individual work or work in small groups, for which civil servants apply in person or are instructed to do so by their superiors. The following activities were carried out in 2021: 287 civil servants had their individual development potentials assessed for promotion purposes; 9 civil servants underwent a process of assessment of their general functional and behavioural competencies in order to be taken over [by another authority] through the internal labour market; 50 people applied for an online competence assessment for development purposes; 13 civil servants underwent career counseling; 12 coaching sessions were held with 13 civil servants; and 23 appointed officials were subjected to the 360 degree feedback assessment for development purposes.

In 2021, the Service conducted an impact analysis of the application of the Decree on Determining Competences for the Work of Civil Servants and, based on the identified problems, drafted a proposal for a new Decree on Determining Competences, which was submitted to the Government for adoption. Also, in accordance with the new competence of the Service, a Draft Decree on determining competencies for work of employees in the bodies of autonomous provinces and local self-government units was drafted and adopted, and the Decree is to enter into force in January 2022.

A Protocol for the Career Management of Civil Servants was drafted with the support of a project, defining the roles of all participants in this process, especially the role of the Service and the Career Management Centre.

The Human Resources Management Service further reported that it is continuing its efforts to improve the human resource management system in terms of employment, performance evaluation and career development of employees, both through proposals for improving the regulatory framework and by directly improving the practice.

The Ministry of State Administration and Local Self-Government reported that, with the aim of further improving the competition procedure and selecting the best candidates who have the necessary competencies to work in state bodies, it has prepared, at the initiative of the Human Resources Management Service, a draft Decree on internal and public competition for filling vacancies in state authorities, which was submitted to the Government of the Republic of Serbia for consideration (54 state bodies submitted opinions regarding said Draft Decree). The reasons for amending and supplementing this regulation stem from the need to further improve, after more than two years of application, the implementation of competition procedures in state authorities, in the part where certain shortcomings have been identified, i.e. where certain improvements can be made in order to turn the competition procedure into a greater guarantor of efficiency and quality when it comes to filling job positions in state authorities. Among other things, certain amendments to the Decree have been proposed in order to achieve a higher quality of potential candidates for work in state authorities. With regard to general functional competencies, it has been specified that the results of verifying these competencies are

recognised in the new competition procedure only if the candidate has met the criteria for testing all general functional competencies in the previously conducted competition procedure. In addition, the proposed amendments ensure that the best candidate on the list - who is hired in accordance with the provisions of the Law on Civil Servants²⁸ – can be only a candidate who has showed, in the selection procedure, an appropriate level of competencies required for the job position, instead of their minimum, as said minimum cannot guarantee quality.

At its session held on 1 July 2021, the Government of the Republic of Serbia adopted the Decree on Amendments and Supplements to the Decree on Internal and Public Competitions for filling vacancies in state authorities.²⁹

Having in mind the above, in this reporting period the Agency assessed the activity as implemented.

Activity 2.2.6.2

Complete all initiated competition procedures to fill the positions, and initiate competition procedures for all vacancies (including positions currently discharged by acting officials)	
In charge of activity	- Human Resources Management Service - High Civil Service Council - Authorised proposers - Government of Republic of Serbia
Deadline	Continuous
Indicators of results	Competition procedures are being conducted. All competitions started by the competition commissions to fill the positions have been completed.
Agency’s assessment	Activity cannot be assessed.

On the implementation of Activity 2.2.6.2

The Human Resources Management Service and the High Civil Service Council have reported that the total number of competitions announced during the year was 83, of which 14 were internal and 69 were public. Out of the total number of announced competitions, 51 have been completed. Of these, 14 were internal and 37 were public.

At the end of 2021, the total number of job positions systemised in the state administration was 408. The number of persons currently holding positions that constitute appointed positions (appointed by the Government following a competition) was 154.

The Agency was not able to evaluate Activity 2.2.6.2, as the activity itself, as well as the result indicators and the deadline, is defined in a way that prevents annual monitoring, and consequently also the assess-

28 “Official Gazette of RS”, nos. 79/05, 81/05 - corrigenda, 83/05 - corrigenda, 64/07, 67/07 - corrigenda, 116/08, 104/09, 99/14, 94/17, 95/18 and 157/20

29 “Official Gazette of RS”, nos. 67/21

ment based on the established methodological rules. Completion of all initiated competition procedures for filling appointed positions cannot be monitored annually, because competition procedures - in accordance with the regulations governing the competition procedure - begin in different periods, and end in different periods. It is also unclear when the competition procedures referred to in the activity actually start, considering that the defined deadline is marked as ‘continuous’. In the First Implementation Report, the Agency assessed the completion of the procedures that had already started at the time of the adoption of the Revised Action Plan for Chapter 23, but in all subsequent reporting cycles it will not be possible to assess the activity the way it is defined in the current version of the Revised Action Plan for Chapter 23. The same remark, on why the annual monitoring has been made significantly more difficult, applies to the initiation of competition procedures for all vacancies.

Although both the Human Resources Management Service and the High Civil Service Council have provided information and relevant supporting statistics, based on the activity itself and the performance indicators the Agency could not assess its implementation.

Activity 2.2.6.3

Monitor violations of the Code of Conduct for Civil Servants by applying sanctions in case of violation of the Code.	
In charge of activity	- High Council of Civil Servants
Deadline	Continuous, once per year
Indicators of results	Sanctions have been applied in cases of violation of the Code of Conduct. Annual Report of the High Civil Service Council.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.6.3

The High Civil Service Council has reported that, at its 92nd session held on 8 March 2021, it formed a Working Group and tasked it with developing a Draft Report on the implementation of the Code of Conduct for Civil Servants in 2020, with appropriate measures proposed to improve compliance with the Code and with data and information necessary to monitor the Code, based on reports from state administration authorities.

At its 93rd session, held on 26 March 2021, the High Civil Service Council adopted the Report on the Implementation of the Code of Conduct for Civil Servants for 2020, with proposed measures to improve compliance therewith.

The Report on the Implementation of the Code of Conduct for Civil Servants for 2020 was submitted to the Ministry of State Administration and Local Self-Government and published on the website of the Human Resources Management Service: <https://www.suk.gov.rs/tekst/609/izvestajopostovanjukodeksaponasanjadrzavnihslužbenikaza2020godinu.php>

In accordance with Article 18a of the Code of Conduct for Civil Servants, the High Civil Service Council sent a letter to all heads of state administration authorities, Government services and professional services

of administrative districts in December 2021, in which it reminded them of their obligation to submit data for 2021, by 31 January 2022, on the number of civil servants engaged for an indefinite and definite period as at the end of 2021; the total number of complaints filed by citizens concerning the conduct of civil servants for violation of the Code of Conduct for Civil Servants; the number of proceedings initiated ex officio for non-compliance with the provisions of the Code; the conduct of civil servants; types of violations of the Code of Conduct by civil servants (classified by articles) referred to in the complaints and own initiatives of the authorities; data on initiated disciplinary proceedings and disciplinary measures imposed on civil servants for violating the provisions of the Code of Conduct for Civil Servants; and the assessment of compliance with the provisions of the Code of Conduct for Civil Servants. The Council pointed out that it was necessary that they also inform the Council about the manner in which citizens were informed about the behaviour they have the right to expect from civil servants in a specific authority, and the manner of receiving complaints about civil servants' behaviour. It was especially pointed out that all data and information processed by the authorities in the course of preparation of the report on the application of the Code of Conduct for Civil Servants were to be submitted to the High Civil Service Council without providing personal data of civil servants included in the report.

The High Civil Service Council further recommended to all state administration authorities, Government services and professional services of administrative districts to work on additionally improving the quality of work of their employees, as well as on improving the way of receiving citizens' complaints and measuring citizens' satisfaction with the services provided, by informing them, making it possible for them to submit complaints through the website, by surveying service users, etc.). In addition, the High Civil Service Council proposed to consider the justification and the possibility of including the content and matter of the code of ethics in the state professional examination.

This activity is directly related to Activity 2.2.3.5, i.e. the above is the same report that is mentioned in the result indicator for Activities 2.2.3.5. and 2.2.6.3.

In the First Impelemntation Report, the Agency could not evaluate this activity. However, as it was convinced that this is a regular annual practice of the High Civil Service Council, as supported by the report for 2020 and the fact that reports for the previous year are made in the following year, in this reporting period the Agency assessed the activity as implemented.

Activity 2.2.6.4

Improve the process of implementation of programme budgeting (operational and methodological improvement of the process of planning and preparation of multi-annual budget at all levels of government).	
In charge of activity	- Ministry of Finance
Deadline	Continuous
Indicators of results	The process of implementing programme budgeting is being continuously improved at all levels.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.6.4

The Ministry of Finance has reported that, during the preparation of the Priority Areas of Financing for the period 2022-2024, new programmes, programme activities and projects were opened in cooperation with budget users, in accordance with the methodology of the programme budget, and that, after analysing the submitted proposals and setting limits for the period 2022-2024, the programme structure of budget users was changed.

Since it can be concluded from the submitted information that the process of implementing the programme budgeting is improving, in this reporting period the Agency assessed the activity as implemented.

Activity 2.2.6.5

Conduct periodic analyses of the programme budgeting process and identify recommendations for its improvement.	
In charge of activity	- Ministry of Finance
Deadline	Continuous, once per year
Indicators of results	Percentage of budget users who have switched to the programme budget. Recommendations for improvement have been identified.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.6.5

The Ministry of Finance has reported that an analysis of the programme budget of the Ministry of Human and Minority Rights and Social Dialogue, the Ministry of Family and Demography Care and the Ministry of Rural Care has been conducted, as well as workshops with these ministries, and that a proposal was given to improve the programme structure. In addition, in accordance with the result indicator, the Ministry of Finance has reported that all budget users have now switched to the programme budget.

Having in mind the above, in this reporting period the Agency assessed the activity as implemented.

Activity 2.2.6.6

Improve the methodology of the programme budget and prepare a new Instruction in accordance with the recommendations from the analyses under Activity 2.2.6.5.	
In charge of activity	- Ministry of Finance - Republic Secretariat for Public Policies
Deadline	Continuous, once per year
Indicators of results	Percentage of compliance of programme structures of budget users with the Instruction for Drafting the Programme Budget.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.6.6

The Ministry of Finance has reported that the Instruction for Drafting the Programme Budget was updated in July 2021, and that, based on the result indicators, the percentage of compliance of programme structures of budget users with the Instruction for Drafting the Programme Budget is 94% (in the First Implementation Report, this percentage was 92%).

Looking at the essence and sequence of the activities, as well as the fact that recommendations for improving the programme structure under Activity 2.2.6.5 were indeed given, in this reporting period the Agency assessed the activity as implemented.

Activity 2.2.6.8

Increase the number of managers and employees in the public sector who are trained on the essence and importance of the financial management and control system, and increase the number of trained internal auditors.	
In charge of activity	- Ministry of Finance
Deadline	Continuous
Indicators of results	Consolidated annual report on the state of internal financial control in the public sector. Number of newly trained managers and employees in public administration and certified internal auditors, compared to 2013.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.6.8

The Ministry of Finance has reported that an online basic training for financial management and control for 120 participants, a theoretical training for internal auditors for 60 participants, and another online theoretical training on financial management and control for 145 participants have been organised in 2021.

In addition, in February 2021, 13 candidates passed the examination and became certified internal public sector auditors. In the May examination period (which took place in November 2021), 15 candidates passed the examination. A total of 491 people have passed the examination by that time.

Having in mind the above, in this reporting period the Agency assessed the activity as implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following benchmark:

2.2.7. Serbia is efficiently implementing the new Law on the Protection of Whistleblowers and is monitoring its implementation.

The activities in question are Activities no. 2.2.7.1, 2.2.7.2, 2.2.7.3. and 2.2.7.4, which are individually presented below.

Activity 2.2.7.1³⁰

Conduct trainings on the application of the Law on the Protection of Whistleblowers for the police, public prosecutors and judges, as well as for special departments in public prosecutor’s offices and courts dealing with the suppression of corruption.	
In charge of activity	- Judicial Academy
Deadline	Continuous
Indicators of results	Trainings for police, public prosecutors and judges, as well as for special departments in public prosecutor’s offices and courts, have been conducted. Percentage of police officers, public prosecutors and judges trained to apply the Law on the Protection of Whistleblowers, compared to those in need of training.
Agency’s assessment	<i>The activity cannot be assessed in the part referring to training the police.</i>
	<i>The activity was implemented in the part referring to training for public prosecutors, judges and special departments for the suppression of corruption in public prosecutor’s offices and the courts.</i>

On the implementation of Activity 2.2.7.1

The Judicial Academy has reported that it has organised a seminar via the Zoom Internet platform on 24 February 2021 - in cooperation with the USAID Government Accountability Initiative, the Republic Public Prosecutor’s Office and the Association “Pištaljka” [Whistle] - as part of activities aimed at supporting public prosecutor’s offices in Serbia by organising trainings on internal whistleblowing, ethics, and integrity. Participants in the seminar (12) were deputies of the Appellate Public Prosecutor’s Office in Novi Sad and prosecutors’ assistants.

On 17 February 2021, in cooperation with the team of the “Pištaljka” portal, the Judicial Academy organised an online training for people who wished to obtain a certificate of special knowledge related to the protection of whistleblowers, on the topic of application of the Law on Protection of Whistleblowers.

The training was attended by judges of appellate and high courts (the Appellate Court in Kragujevac (6); the High Court in Kragujevac (2); the High Court in Belgrade (1); the High Court in Kraljevo (2); the

³⁰ The Agency assessed the Activity 2.2.7.1 as two activities, because the institution mentioned as the institution in charge is not competent for all its segments.

High Court in Novi Sad (5); the High Court in Pančevo (3) and the High Court in Sremska Mitrovica (1)). The following topics were covered: 1) International standards and principles in the system of protection of whistleblowers; the Law on Protection of Whistleblowers as a novelty in the legislation of the Republic of Serbia - basic postulates and court protection; 2) Law on Protection of Whistleblowers - basic terms prescribed by the Law; the procedure and types of whistleblowing; obligations of employers and criminal liability prescribed by the Law on Protection of Whistleblowers; 3) Case studies - practical application of the Law on Protection of Whistleblowers, acquaintance with cases and work in groups; Presentation of results and plenary discussion; 4) Experiences of the Counseling Centre for Whistleblowers (Pištaljka); Portrait of a whistleblower in Serbia; Analysis of the current case law of the Counseling Centre for Whistleblowers.

As the Judicial Academy has reported that, under the Law on Protection of Whistleblowers, it is not competent for training police officers, yet was marked as the only institution in charge of this activity, the Agency could not assess this part of the activity. In the part in which the Judicial Academy is in fact competent, and has submitted data on implementation, the Agency assessed the activity as implemented.

Activity 2.2.7.2

Monitor the implementation of the Law on Protection of Whistleblowers by preparing the annual report of the Ministry in charge of justice compiled based on periodic reports of competent institutions on actions related to whistleblowers.	
In charge of activity	- Ministry of Justice (State Secretary)
Deadline	Continuous, once per year
Indicators of results	The Ministry of Justice’s report, with detailed statistical data, has been prepared and published.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.7.2

The Ministry of Justice has reported that the Report on the Implementation of the Law on Protection of Whistleblowers From the Beginning of the Application of the Law (2015) until 31 December 2020 was prepared in June 2021 and published on the Ministry’s website: [https://www.mpravde.gov.rs/files/Izve%C5%Altaj%20o%20primeni%20Zakona%20o%20za%C5%Altiti%20_uzbunjiva%C4%8Da%20\(20152020\).pdf](https://www.mpravde.gov.rs/files/Izve%C5%Altaj%20o%20primeni%20Zakona%20o%20za%C5%Altiti%20_uzbunjiva%C4%8Da%20(20152020).pdf).

Furthermore, the Ministry of Justice has reported that, since this is a continuous activity, the next report, for 2021, will be prepared by the end of the second quarter of 2022, in accordance with the work dynamics and methodology of regular annual records of court work on the number and course of cases involving whistleblowing,

Having in mind the above, in this reporting period the Agency assessed the activity as implemented.

Activity 2.2.7.3

Monitor the effects of the Law on the Protection of Whistleblowers with regard to the actions of state authorities in response to whistleblowers’ reports.	
In charge of activity	- Ministry of Justice (State Secretary)
Deadline	Continuous, once per year
Indicators of results	The report of the Ministry of Justice on the actions of state authorities in response to whistleblowers’ reports has been prepared and published.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.7.3

The Ministry of Justice has submitted information that a mechanism for collecting data on the effects of the application of the Law on Protection of Whistleblowers is currently being established, and that the Republic Public Prosecutor’s Office has been informed about the manner of keeping records for statistical data processing. Having in mind the above, in this reporting period the Agency assessed the activity as not implemented.

Activity 2.2.7.4

Raise citizens’ awareness of the Law on the Protection of Whistleblowers as well as the level of their readiness to act as whistleblowers.	
In charge of activity	- Ministry of Justice (State Secretary)
Deadline	Fourth quarter of 2021
Indicators of results	The awareness raising campaign has been conducted.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.7.4

The Ministry of Justice has reported that there is a plan for the Judicial Academy to organise training in the first quarter of 2022, with the aim of raising the level of awareness among citizens on the Law on Protection of Whistleblowers and their readiness to act as whistleblowers. As no measures have been taken to implement this activity in 2021, the Agency assessed it as not implemented

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following benchmark:

2.2.8. Serbia is implementing and assessing the impact of measures taken to reduce corruption in areas of risk (health, taxes, customs, education, local self-government, privatisation, public procurement and police), taking corrective action where necessary and organising initial records of measurable reduction of corruption in above areas.

The activities in question are Activities no. 2.2.8.3, 2.2.8.4, 2.2.8.5 and 2.2.8.6, which are individually presented below.

Activity 2.2.8.3³¹

Monitoring of measures related to the application of supervision and control in public procurement.	
In charge of activity	<ul style="list-style-type: none"> - Public Procurement Office - Republic Commission for Protection of Rights in Public Procurement - Procedures - Ministry of Finance
Deadline	Continuous, once per year
Indicators of results	Report of the Public Procurement Office on supervision of the implementation of the Law on Public Procurement. Report on the work of the Republic Commission for the Protection of Rights in Public Procurement Procedures. Report of the Ministry of Finance on the supervision of the execution of public procurement contracts.
Agency’s assessment	<i>The activity was implemented in the part referring to the competencies of the Public Procurement Office.</i>
	<i>The activity was implemented in the part referring to the competencies of the Republic Commission for the Protection of Rights in Public Procurement Procedures</i>
	<i>The activity was not implemented in the part referring to the competencies of the Ministry of Finance,</i>

On the implementation of Activity 2.2.8.3

The Public Procurement Office has reported that, in accordance with the statutory obligation set forth in Article 180, paragraph 6 of the Law on Public Procurement,³² it has prepared the Annual Monitoring Report for 2020 and submitted it to the Government of the Republic of Serbia and the National Assembly of Serbia within the set deadline.

In 2021, the Public Procurement Office continued to monitor the implementation of public procurement regulations. Data on monitoring conducted in 2021 will be available in the next annual report, which will be prepared and submitted to the Government and the National Assembly by the end of March 2022.

The Republic Commission for the Protection of Rights in Public Procurement Procedures also reported that it has prepared a Report on Work for 2020, and that the next one will be completed by the end of March 2022.

The Ministry of Finance has reported that it is not preparing a Report on the supervision of the execution of public procurement contracts.

In the First Implementation Report, the Agency was not able to assess this activity. However, as it was convinced that this is regular annual practice of the Public Procurement Office and the Republic Commission for Protection of Rights in Public Procurement Procedures, as supported by the reports for 2020

³¹ The Agency counted Activity 2.2.8.3 as three activities, because the result indicators indicate that the activity is being implemented by three institutions, each in the domain of its own competence.

³² “Official Gazette of the RS”, no. 91/19

and the fact that reports for the previous year are prepared in the following year, the Agency assessed the activities in the field of competence of these two institutions as two activities and, in this reporting period, assessed them as implemented. At the same time, in this reporting period it assessed the activity from the competence of the Ministry of Finance as not implemented.

Activity 2.2.8.4

Conduct trainings for police officers, prosecutors and judges in order to process cases of corruption in public procurement more efficiently (compatible with the Financial Investigation Strategy).	
In charge of activity	- Public Procurement Office - Republic Commission for Protection of Rights in Public Procurement - Procedures - Judicial Academy
Deadline	Continuous
Indicators of results	Trainings have been conducted. Percentage of trained police officers, public prosecutors, judges and employees and the Public Procurement Directorate, in relation to those in need of training.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.8.4

The Public Procurement Office has reported that, on 23 February 2021, its representatives participated in the training that was organised by UNODC - Regional Programme for Southeast Europe, titled “Creating a Roadmap for Combating Corruption and Illegal Financial Transactions”. On 18 March 2021, in cooperation with USAID and the Republic Public Prosecutor’s Office, the Public Procurement Office held a training in the field of public procurement for representatives of the special anti-corruption departments of the high public prosecutor’s offices and the Anti-Corruption Department of the Ministry of Interior. The aim of the training was to acquaint the participants with the new Law on Public Procurement and the Public Procurement Portal.

It also reported that, in cooperation with UNDP, it organised a webinar on 29 October 2021 titled “Guide to Monitoring the Implementation of Regulations in the Field of Public Procurement”. The participants at the webinar were presented the “Guide to Monitoring the Application of Regulations in the Field of Public Procurement”, which - in addition to the general characteristics of monitoring of statutory and by-law solutions - also contains the most common irregularities observed during the monitoring of public procurement.

The Judicial Academy reported that, on 18 March 2021, in cooperation with the USAID Government Accountability Initiative, the Republic Public Prosecutor’s Office and the Bureau of International Narcotics and Law Enforcement Affairs, it organised an online training workshop for representatives of special anti-corruption departments of high public prosecutor’s offices and the Anti-Corruption Department of the Ministry of the Interior of the Republic of Serbia (senior public prosecutors and deputy public prosecutors (7), prosecutors’ assistants (4), police officers (18) and prosecutors’ associates (2)).

Training in the field of public procurement included the following: 1) presentation of the new Public Procurement Portal (the portal’s functions, availability of information on public procurement procedures, and access to the portal); 2) presentation of the new Law on Public Procurement (competencies of state authorities, types of public procurement procedures, implementation of procedures, conflict of interest); 3) disputed issues in the detection and processing of cases of abuse related to public procurement; and 4) the most common irregularities identified in public procurements.

It further reported that a two-day remote workshop was held in April 2021, titled “Training in the field of public procurement for representatives of special anti-corruption departments of the high public prosecutor’s offices and the Anti-Corruption Department of the Ministry of Interior of Serbia”.

In cooperation with the USAID Project, the Judicial Academy also realised a one-day presentation of the international certification programme in the field of fraud research and money laundering prevention (CFE and CAMS programmes)

Therefore, in this reporting period the Agency assessed the activity as implemented.

Activity 2.2.8.5³³

Develop a methodology for drafting an Impact Assessment of measures taken to reduce corruption in the field of public procurement.	
In charge of activity	- Anti-Corruption Agency - Public Procurement Office - Republic Commission for Protection of Rights in Public Procurement - Procedures
Deadline	Fourth quarter of 2020
Indicators of results	The methodology for drafting the Impact Assessment of measures taken to reduce corruption in the field of public procurement has been developed and is based on clear criteria.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.8.5

The Agency has reported that the Methodology was developed in April 2021 in cooperation with experts engaged through the IPA 2013 Project “Prevention and Fight against Corruption”, including one representative of a civil society organisation. The process of collecting data from the competent institutions (which is still ongoing) as well as the preparation of supporting documents, includes testing the Methodology, which is why it may be subject to changes to ensure effective implementation. Having in mind that the preconditions for conducting the impact assessment in the form of a methodological framework have been met, the Agency assessed this activity as implemented.

³³ The Agency counted Activities 2.2.8.5, 2.2.9.2, 2.2.10.1, 2.2.10.6, 2.2.10.11, 2.2.10.19, 2.2.10.27 and 2.2.10.32 as one activity, because the Methodology for drafting the Impact Assessment of measures taken to reduce corruption in 8 risk areas was developed as a single document that covers all 8 risk areas.

Activity 2.2.8.6³⁴

Establish a Working Group to prepare an Impact Assessment of measures taken to reduce corruption in the field of public procurement and collect all relevant data.	
In charge of activity	- Anti-Corruption Agency - In cooperation with competent institutions
Deadline	Second quarter of 2021
Indicators of results	The working group has been established and is operational. All the data relevant for the preparation of the Impact Assessment have been collected.
Agency’s assessment	<i>The activity was implemented in the part referring to the establishment of the Working Group.</i>
	<i>The activity was not implemented in the part referring to collection of all relevant data.</i>

On the implementation of Activity 2.2.8.6

The Agency has reported that it sent a letter, on 13 May 2021, to the competent institutions that will be involved in assessing the impact of measures taken to reduce corruption in eight vulnerable areas (including public procurement). The letter asked the institutions to appoint members and deputy members of working groups, who will participate in the meetings and assist the Agency in the process of collecting data necessary for the preparation of the impact assessment. The first (constitutive) meeting for all working groups was held on 15 June 2021 in the Palace of Serbia. The meeting was attended by 24 representatives of relevant institutions.

In order to ensure the involvement of all stakeholders, on 23 April 2021 the Agency issued the first call for civil society organisations to express interest in participating in this process, with evidence of previous engagement in anti-corruption activities in areas that will be covered by impact assessment. As there was no response from civil society organisations, on 27 April 2021 the Agency issued a second call, with the same requirements, to which civil society organisations once again failed to respond.

The Agency then developed proposals for indicators and preliminary questionnaires, based on which it planned to collect data from institutions involved in the working groups in charge of eight vulnerable areas. In the period from 1 to 8 October 2021, the Agency organised meetings with representatives of the Public Procurement Office, Budget Inspection of the Ministry of Finance, the Ministry of Justice, the Republic Public Prosecutor’s Office, the Misdemeanour Court of Appeals, the Supreme Court of Cassation, the Ministry of Health, the Customs Administration, the Ministry of Economy, the Ministry of Interior, the National Body for Accreditation and Quality Assurance in Higher Education and the Tax Administration, at which preliminary questionnaires and data to be submitted to the Agency by the competent institutions in the process of impact assessment were considered. After the meetings with the competent institutions, the Agency developed improved versions of the questionnaires and submitted them to the members of the working groups in charge of eight vulnerable areas. Data collection is in progress.

³⁴ The Agency counted Activities 2.2.8.6, 2.2.9.3, 2.2.10.2, 2.2.10.7, 2.2.10.12, 2.2.10.20, 2.2.10.28 and 2.2.10.33 as one activity, because it simultaneously formed working groups for 8 different areas. As each of these activities implies two different sub-activities, i.e. education of working groups and data collection, which was not completed in this reporting cycle, the Agency divided the activity into two.

Having in mind that the working groups have been formed and are operational, the Agency assessed the activity, in the part referring to the creation of the working group, as implemented. Since the data collection process is not yet over, the Agency assessed that part of the activity as not implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following benchmark

2.2.9. Serbia is implementing and assessing the impact of measures taken to reduce corruption in areas of risk (health, taxes, customs, education, local self-government, privatisation, public procurement and police), taking corrective measures when necessary, and organizing initial records of measurable reductions of corruption in said areas.

The activities in question are Activities nos. 2.2.9.2. and 2.2.9.3, which are individually presented below.

Activity 2.2.9.2³⁵

Develop a Methodology for drafting an Impact Assessment of measures taken to reduce corruption in the privatisation process.	
In charge of activity	- Anti-Corruption Agency - Ministry of Economy
Deadline	Fourth quarter of 2020
Indicators of results	The methodology for drafting the Impact Assessment of measures taken to reduce corruption in the privatisation process has been developed, and is based on clear criteria.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.9.2

The Agency has reported that the Methodology was developed in April 2021 in cooperation with experts engaged through the IPA 2013 Project “Prevention and Fight against Corruption”, including one representative of a civil society organisation. The process of collecting data from the competent institutions (which is under way), as well as the preparation of supporting documents, implies testing the Methodology, which is why it may be subject to changes to ensure effective implementation. Having in mind that the preconditions for conducting the impact assessment in the form of a methodological framework have been met, the Agency assessed this activity as implemented.

35 See footnote 33

Activity 2.2.9.3³⁶

Establish a Working Group to prepare an Impact Assessment of measures taken to reduce corruption in the privatisation process and collect all relevant data.	
In charge of activity	- Anti-Corruption Agency - In cooperation with competent institutions
Deadline	Second quarter of 2021
Indicators of results	The working group has been established and is operational. All data relevant for the preparation of the Impact Assessment have been collected.
Agency’s assessment	<i>The activity was implemented in the part referring to the establishment of the Working Group.</i>
	<i>The activity was not implemented in the part referring to collection of all relevant data.</i>

On the implementation of Activity 2.2.9.3

The Agency has reported that it sent a letter, on 13 May 2021, to the competent institutions that will be involved in assessing the impact of measures taken to reduce corruption in eight vulnerable areas (including privatisation). The letter asked the institutions to appoint members and deputy members of working groups, who will participate in the meetings and assist the Agency in the process of collecting data necessary for the preparation of the impact assessment. The first (constitutive) meeting of all working groups was held on 15 June 2021 in the Palace of Serbia. The meeting was attended by 24 representatives of relevant institutions.

In order to ensure the involvement of all stakeholders, on 23 April 2021 the Agency issued the first call for civil society organisations to express interest in participating in this process, with evidence of previous engagement in anti-corruption activities in areas that will be covered by impact assessment. As there was no response from civil society organisations, on 27 April 2021 the Agency issued a second call, with the same requirements, to which civil society organisations once again failed to respond.

The Agency then developed proposals for indicators and preliminary questionnaires, based on which it planned to collect data from institutions involved in the working groups in charge of eight vulnerable areas. In the period from 1 to 8 October 2021, the Agency organised meetings with representatives of the Public Procurement Office, Budget Inspection of the Ministry of Finance, the Ministry of Justice, the Republic Public Prosecutor’s Office, the Misdemeanour Court of Appeals, the Supreme Court of Cassation, the Ministry of Health, the Customs Administration, the Ministry of Economy, the Ministry of Interior, the National Body for Accreditation and Quality Assurance in Higher Education and the Tax Administration, at which preliminary questionnaires and data to be submitted to the Agency by the competent institutions in the process of impact assessment were considered. After the meetings with the competent institutions, the Agency developed improved versions of the questionnaires and submitted them to the members of the working groups in charge of eight vulnerable areas. Data collection is in progress.

³⁶ See footnote 34

Having in mind that the working groups have been formed and are operational, the Agency assessed the activity in the part referring to the establishment of the working group as implemented. Since the data collection process is not yet over, the Agency assessed that part of the activity as not implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following benchmark:

2.2.10. Serbia is implementing and assessing the impact of measures taken to reduce corruption in areas of risk (health, taxes, customs, education, local self-government, privatisation, public procurement and police), taking corrective action where necessary, and organising initial records of measurable reductions of corruption in said areas.

The activities in question are Activities nos. 2.2.10.1, 2.2.10.2, 2.2.10.5, 2.2.10.6, 2.2.10.7, 2.2.10.10, 2.2.10.11, 2.2.10.12, 2.2.10.15, 2.2.10.16; 2.2.10.17; 2.2.10.18; 2.2.10.19; 2.2.10.20, 2.2.10.23, 2.2.10.24, 2.2.10.25, 2.2.10.26, 2.2.10.27, 2.2.10.28, 2.2.10.31, 2.2.10.32 and 2.2.10.33, which are presented individually below.

Activity 2.2.10.1³⁷

Develop a Methodology for drafting an Impact Assessment of measures taken to reduce corruption in health care.	
In charge of activity	- Anti-Corruption Agency - Ministry of Health
Deadline	Fourth quarter of 2020
Indicators of results	The methodology for drafting the Impact Assessment of measures taken to reduce corruption in health care has been developed and is based on clear criteria.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.10.1

The Agency has reported that the Methodology was developed in April 2021 in cooperation with experts engaged through the IPA 2013 Project “Prevention and Fight against Corruption”, including one representative of a civil society organisation. The process of collecting data from the competent institutions (which is under way), as well as the preparation of supporting documents, implies testing the Methodology, which is why it may be subject to changes to ensure its effective implementation. Having in mind that the preconditions for conducting the impact assessment in the form of a methodological framework have been met, the Agency assessed this activity as implemented.

³⁷ See footnote 33

Activity 2.2.10.2³⁸

Establish a Working Group to prepare an Impact Assessment of measures taken to reduce corruption in health care and collect all relevant data.	
In charge of activity	- Anti-Corruption Agency - In cooperation with competent institutions
Deadline	Second quarter of 2021
Indicators of results	The working group has been established and is operational. All data relevant for the preparation of the Impact Assessment have been collected.
Agency’s assessment	<i>The activity was implemented in the part referring to the establishment of the Working Group.</i>
	<i>The activity was not implemented in the part referring to collection of all relevant data.</i>

On the implementation of Activity 2.2.10.2

The Agency has reported that it sent a letter, on 13 May 2021, to the competent institutions that will be involved in assessing the impact of measures taken to reduce corruption in eight vulnerable areas (including health care). The letter asked the institutions to appoint members and deputy members of working groups, who will participate in the meetings and assist the Agency in the process of collecting data necessary for the preparation of the impact assessment. The first (constitutive) meeting for all working groups was held on 15 June 2021 in the Palace of Serbia. The meeting was attended by 24 representatives of relevant institutions.

In order to ensure the involvement of all stakeholders, on 23 April 2021 the Agency issued the first call for civil society organisations to express interest in participating in this process, with evidence of previous engagement in anti-corruption activities in areas that will be covered by impact assessment. As there was no response from civil society organisations, on 27 April 2021 the Agency issued a second call, with the same requirements, to which civil society organisations once again failed to respond.

The Agency then developed proposals for indicators and preliminary questionnaires, based on which it planned to collect data from institutions involved in the working groups in charge of eight vulnerable areas. In the period from 1 to 8 October 2021, the Agency organised meetings with representatives of the Public Procurement Office, Budget Inspection of the Ministry of Finance, the Ministry of Justice, the Republic Public Prosecutor’s Office, the Misdemeanour Court of Appeals, the Supreme Court of Cassation, the Ministry of Health, the Customs Administration, the Ministry of Economy, the Ministry of Interior, the National Body for Accreditation and Quality Assurance in Higher Education and the Tax Administration, at which preliminary questionnaires and data to be submitted to the Agency by the competent institutions in the process of impact assessment were considered. After the meetings with the competent institutions, the Agency developed improved versions of the questionnaires and submitted them to the members of the working groups in charge of eight vulnerable areas. Data collection is in progress.

38 See footnote 34

Having in mind that the working groups have been formed and are operational, the Agency assessed the activity, in the part referring to the establishment of the working group, as implemented. Since the data collection process is not yet over, the Agency assessed that part of the activity as not implemented.

Activity 2.2.10.5

Prepare and adopt an Operational Plan to combat corruption in health care.	
In charge of activity	- Ministry of Health - With the participation of civil society organizations
Deadline	Fourth quarter of 2021
Indicators of results	The Operational Plan to combat corruption in health care has been adopted.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.10.5

The Ministry of Health has reported that it has prepared the Operational Plan to Combat Corruption in Health Care and adopted it by Decision no. 119016901/202116 on 28 December 2021, which is why the Agency assessed the activity as implemented.

Activity 2.2.10.6³⁹

Develop a Methodology for drafting an Impact Assessment of measures taken to reduce corruption in the field of taxation.	
In charge of activity	- Anti-Corruption Agency - Tax Administration - Ministry of Finance
Deadline	Fourth quarter of 2020
Indicators of results	The methodology for drafting an Impact Assessment of measures taken to reduce corruption in the field of taxation has been developed, and is based on clear criteria.
Agency’s assessment	<i>The activity was implemented</i>

³⁹ See footnote 33

On the implementation of Activity 2.2.10.6

The Agency has reported that the Methodology was developed in April 2021 in cooperation with experts engaged through the IPA 2013 Project “Prevention and Fight against Corruption”, including one representative of a civil society organisations. The process of collecting data from the competent institutions (which is under way), as well as the preparation of supporting documents, implies testing the Methodology, which is why it may be subject to changes to ensure its effective implementation. Having in mind that the preconditions for conducting the impact assessment in the form of a methodological framework have been met, the Agency assessed this activity as implemented.

Activity 2.2.10.7⁴⁰

Establish a Working Group to prepare an Impact Assessment of measures taken to reduce corruption in the field of taxation and collect all relevant data.	
In charge of activity	- Anti-Corruption Agency - In cooperation with competent institutions
Deadline	Second quarter of 2021
Indicators of results	The working group has been established and is operational. All data relevant for the preparation of the Impact Assessment have been collected.
Agency’s assessment	<i>The activity was implemented in the part referring to the establishment of the Working Group.</i>
	<i>The activity was not implemented in the part referring to collection of all relevant data.</i>

On the implementation of Activity 2.2.10.7

The Agency has reported that it sent a letter, on 13 May 2021, to the competent institutions that will be involved in assessing the impact of measures taken to reduce corruption in eight vulnerable areas (including taxes). The letter asked the institutions to appoint members and deputy members of working groups, who will participate in the meetings and assist the Agency in the process of collecting data necessary for the preparation of the impact assessment. The first (constitutive) meeting for all working groups was held on 15 June 2021 in the Palace of Serbia. The meeting was attended by 24 representatives of relevant institutions.

In order to ensure the involvement of all stakeholders, on 23 April 2021 the Agency issued the first call for civil society organisations to express interest in participating in this process, with evidence of previous engagement in anti-corruption activities in areas that will be covered by impact assessment. As there was no response from civil society organisations, on 27 April 2021 the Agency issued a second call, with the same requirements, to which civil society organisations once again failed to respond.

The Agency then developed proposals for indicators and preliminary questionnaires, based on which it planned to collect data from institutions involved in the working groups in charge of eight vulnerable areas. In the period from 1 to 8 October 2021, the Agency organised meetings with representatives of the Public

⁴⁰ See footnote 34

Procurement Office, Budget Inspection of the Ministry of Finance, the Ministry of Justice, the Republic Public Prosecutor’s Office, the Misdemeanour Court of Appeals, the Supreme Court of Cassation, the Ministry of Health, the Customs Administration, the Ministry of Economy, the Ministry of Interior, the National Body for Accreditation and Quality Assurance in Higher Education and the Tax Administration, at which preliminary questionnaires and data to be submitted to the Agency by the competent institutions in the process of impact assessment were considered. After the meetings with the competent institutions, the Agency developed improved versions of the questionnaires and submitted them to the members of the working groups in charge of eight vulnerable areas. Data collection is in progress.

Having in mind that the working groups have been formed and are operational, the Agency assessed the activity, in the part referring to the establishment of the working group, as implemented. Since the data collection process is not yet over, the Agency assessed that part of the activity as not implemented.

Activity 2.2.10.10

Prepare and adopt an Operational Plan to combat corruption in the field of taxation.	
In charge of activity	- Tax Administration, Ministry of Finance - With the participation of civil society organizations
Deadline	Fourth quarter of 2020
Indicators of results	The Operational Plan to combat corruption in the field of taxation has been adopted.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.10.10

The Tax Administration has reported that it has prepared the Operational Plan to Combat Corruption in the Field of Taxes and adopted it on 31 December 2021, which is why the Agency assessed this activity as implemented.

Activity 2.2.10.11⁴¹

Develop a Methodology for drafting an Impact Assessment of measures taken to reduce corruption in education.	
In charge of activity	- Anti-Corruption Agency - Ministry of Education
Deadline	Fourth quarter of 2020
Indicators of results	The methodology for drafting an Impact Assessment of measures taken to reduce corruption in education has been developed and is based on clear criteria.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.10.11

The Agency has reported that the Methodology was developed in April 2021 in cooperation with experts engaged through the IPA 2013 Project “Prevention and Fight against Corruption”, including one representative of a civil society organisations. The process of collecting data from the competent institutions (which is under way), as well as the preparation of supporting documents, implies testing the Methodology, which is why it may be subject to changes to ensure its effective implementation. Having in mind that the preconditions for conducting the impact assessment in the form of a methodological framework have been met, the Agency assessed this activity as implemented.

Activity 2.2.10.12⁴²

Establish a Working Group to prepare an Impact Assessment of measures taken to reduce corruption in education and collect all relevant data.	
In charge of activity	- Anti-Corruption Agency - In cooperation with competent institutions
Deadline	Second quarter of 2021
Indicators of results	The working group has been established and is operational. All data relevant for the preparation of the Impact Assessment have been collected.
Agency’s assessment	<i>The activity was implemented in the part referring to the creation of the working group.</i>
	<i>The activity was not implemented in the part referring to the collection of all relevant data.</i>

41 See footnote 33

42 See footnote 34

On the implementation of Activity 2.2.10.12

The Agency has reported that it sent a letter, on 13 May 2021, to the competent institutions that will be involved in assessing the impact of measures taken to reduce corruption in eight vulnerable areas (including public education). The letter asked the institutions to appoint members and deputy members of working groups, who will participate in the meetings and assist the Agency in the process of collecting data necessary for the preparation of the impact assessment. The first (constitutive) meeting for all working groups was held on 15 June 2021 in the Palace of Serbia. The meeting was attended by 24 representatives of relevant institutions.

In order to ensure the involvement of all stakeholders, on 23 April 2021 the Agency issued the first call for civil society organisations to express interest in participating in this process, with evidence of previous engagement in anti-corruption activities in areas that will be covered by impact assessment. As there was no response from civil society organisations, on 27 April 2021 the Agency issued a second call, with the same requirements, to which civil society organisations once again failed to respond.

The Agency then developed proposals for indicators and preliminary questionnaires, based on which it planned to collect data from institutions involved in the working groups in charge of eight vulnerable areas. In the period from 1 to 8 October 2021, the Agency organised meetings with representatives of the Public Procurement Office, Budget Inspection of the Ministry of Finance, the Ministry of Justice, the Republic Public Prosecutor’s Office, the Misdemeanour Court of Appeals, the Supreme Court of Cassation, the Ministry of Health, the Customs Administration, the Ministry of Economy, the Ministry of Interior, the National Body for Accreditation and Quality Assurance in Higher Education and the Tax Administration, at which preliminary questionnaires and data to be submitted to the Agency by the competent institutions in the process of impact assessment were considered. After the meetings with the competent institutions, the Agency developed improved versions of the questionnaires and submitted them to the members of the working groups in charge of eight vulnerable areas. Data collection is in progress.

Having in mind that the working groups have been formed and are operational, the Agency assessed the activity, in the part referring to the establishment of the working group, as implemented. Since the data collection process is not over yet, the Agency assessed that part of the activity as not implemented.

Activity 2.2.10.15

Prepare and adopt the Operational Plan to combat corruption in the field of education.	
In charge of activity	- Ministry of Education - With the participation of civil society organisations
Deadline	Third quarter of 2021
Indicators of results	The Operational Plan to combat corruption in the field of education has been adopted.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.10.15

The Ministry of Education, Science and Technological Development has reported that the Minister had issued a Decision on the establishment of the Working Group for the implementation of activities in the field of education envisaged by the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, which was tasked with preparing the Operational Plan to Combat Corruption in the Field of Education for adoption. The Draft Operational Plan to Combat Corruption in the Field of Education was created based on the operational plans the members of the Working Group submitted for their own organisational units, and was adopted by the Decision of the Minister no. 02102126/202109 of 15 October 2021.

The implementation of activities contained in the Operational Plan to Combat Corruption in the Field of Education began in the fourth quarter of 2021.

Having in mind the above, the Agency assessed the activity as implemented.

Activity 2.2.10.16⁴³

Develop mechanisms to strengthen the integrity of police officers: a) Carry out a corruption risk analysis for job positions in the police; b) Create preconditions for normative regulation; strengthen integrity (change procedures and work methodology).	
In charge of activity	- Ministry of Interior
Deadline	Point a) - fourth quarter of 2021 Point b) - third quarter of 2020
Indicators of results	Analysis of the risk of corruption in the Ministry of Interior has been created. A register of risks has been created. Procedures of the methodologies of work and actions in the Sector have been created.
Agency’s assessment	<i>The activity was implemented in point b).</i>
	<i>The activity was not implemented in point a).</i>

On the implementation of Activity 2.2.10.16

The Ministry of Interior has reported that the work of working groups in the organisational units of the Ministry of the Interior related to corruption risk analysis was realised in the course of 2021.

The Ministry of Interior further reported that the Internal Control Sector has formed working groups to conduct risk analyses in all organisational units of the Police Administration, that the activities of most working groups at the Police Administration are nearing completion, and that activities of regional police administrations will be completed by end of the first quarter of 2022. The results of the conducted corruption risk analysis will serve as the basis for the development of the Integrity Plan of the Ministry of Interior.

⁴³ The Agency counted Activity 2.2.10.16 as two activities, because of the different deadlines for the implementation of the two activity’s segments. It first presented the assessment of implementation for point (b), since, according to the deadline set for implementation, it was the first that was due to be implemented.

Regarding item b), the Ministry of Interior has reported that, in addition to the already adopted by-laws prescribed by the Law on Police, and the Code of Police Ethics, the Ministry of the Interior also issued the Instruction on Gifts in the Ministry of Interior (on 24 August 2021).

In the third quarter, representatives of the Internal Control Sector participated in an online training for police officers of the Internal Control Sector and members of working groups charged with the corruption risk analysis at the Ministry of Interior of the Republic of Serbia, aimed at continuous monitoring of activities within working groups and acquiring additional experience in the field of corruption risk analysis. These trainings were intended for members of the newly formed working groups charged with conducting corruption risk analyses in the Ministry of Interior, and were held in cooperation with the OSCE Mission to Serbia and the Geneva Centre for Security Sector Governance (DCAF). The lecturers were a representative of the Anti-Corruption Agency and a representative of the Anti-Corruption Administration of the Romanian Ministry of Interior.

From 23 to 25 November and from 7 to 9 December 2021, two online trainings were held for police officers of the Internal Control Sector and members of working groups charged with conducting corruption risk analyses in regional police administrations, aimed at continuously monitoring the activities of the working groups and gaining additional experience in the field of corruption risk analysis. These trainings were held in cooperation with the OSCE Mission to Serbia and the Geneva Centre for Security Sector Governance (DCAF). The lecturers were a representative of the Anti-Corruption Agency, and a representative of the Anti-Corruption Administration of the Romanian Ministry of Interior, with which the Internal Control Sector and the OSCE Mission to Serbia have successfully cooperated for a number of years.⁴⁴

Given that the preconditions for strengthening integrity have been created, the Agency assessed point b) as implemented. However, it assessed point a) as not implemented because the corruption risk analysis is not fully completed.

Activity 2.2.10.17

Strengthen the capacity of the Internal Control Service in order to prevent and combat corruption in the police sector, in accordance with the analysis of and changes to the regulatory framework.	
In charge of activity	- Ministry of Interior
Deadline	Continuous, ending with the fourth quarter of 2021
Indicators of results	Capacities of the Police Internal Control Sector has been strengthened - the number of employees in the Police Internal Control Sector has been increased.
Agency’s assessment	<i>The activity was implemented</i>

⁴⁴ For additional information, see Activity 2.2.10.18

On the implementation of Activity 2.2.10.17

The Ministry of the Interior has reported that the Acting Assistant Minister, i.e. Head of the Internal Control Sector, signed the OSCE Mission Grant Agreement for the Internal Control Sector on 22 January 2021, in the form of a four-year license to use the Webex platform, with the aim of organising online workshops. These were planned as part of cooperation with the OSCE Mission, but were never implemented because of the coronavirus pandemic.

The Ministry of Interior also reported that, in the fourth quarter of 2021, the number of systemised job positions in the Internal Control Sector was increased by 8, reaching 179, and that the number of employees in the Sector is 159.

According to the quarterly reports of the Ministry of the Interior, there was a continuous increase in the number of employees in the Internal Control Sector throughout 2021 (149 in the second quarter; 151 in the third quarter, and 159 in the fourth quarter), which is why the Agency, in this reporting period, assessed the activity as implemented.⁴⁵

Activity 2.2.10.18

Continuous education of employees in the Internal Control Service and all employees in the Ministry of Interior on the topic of integrity.	
In charge of activity	- Ministry of Interior - Criminal Police Academy
Deadline	Continuous
Indicators of results	Trainings have been conducted. Percentage of employees in the Ministry of Interior trained on the topic of integrity, in relation to those in need of training.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.10.18

The Ministry of the Interior has reported that in the first and second quarters of 2021, representatives of the Internal Control Sector held meetings with representatives of the project “EU support for efficient border management”, to assess the need for training and develop a plan of trainings to be implemented as part of the aboveproject and in connection with the preventive mechanisms applied in the Ministry of Internal Affairs.

On 22 April 2021, representatives of the Internal Control Sector attended an online meeting on the use of TAIEX assistance (Office for Technical Assistance and Information Exchange within the Institution

⁴⁵ The Ministry of Interior reported earlier that in the previous Action Plan for Chapter 23 there were two analyses, conducted in 2015 and completed in 2016. These are: the analysis of the work and actions of the Internal Control Sector and analysis of the legal framework. Therefore, the capacity was strengthened in line with these analyses. In order to provide complete information, the Ministry of Interior also reported that capacity building was carried out in accordance with the change of the normative framework (as stated in this activity), i.e. with the Law on Amendments and Supplements to the Law on Police from 2018, as well as the by-laws that were adopted the same year, which have already been mentioned under Activity 2.2.10.16.

Building Unit of the EU Directorate General for Enlargement), which was organised by the Ministry of European integration for representatives of the Ministry of Interior.

In the third quarter, representatives of the Internal Control Sector participated in an online training for police officers of the Internal Control Sector and members of working groups charged with corruption risk analysis at the Ministry of Interior of the Republic of Serbia, aimed at continuous monitoring of activities of the working groups in the field of corruption risk analysis. These trainings were intended for members of the newly formed working groups charged with conducting corruption risk analysis in the Ministry of Interior, and were held in cooperation with the OSCE Mission to Serbia and the Geneva Centre for Security Sector Governance (DCAF). The lecturers were a representative of the Anti-Corruption Agency and a representative of the Anti-Corruption Administration of the Romanian Ministry of Interior.

In the period from 23 to 25 November and from 7 to 9 December 2021, two online trainings were held for police officers of the Internal Control Sector and members of working groups charged with conducting corruption risk analyses in regional police administrations, aimed at continuously monitoring the activities of the working groups and gaining additional experience in the field of corruption risk analysis. These trainings were held in cooperation with the OSCE Mission to Serbia and the Geneva Centre for Security Sector Governance (DCAF). The lecturers were a representative of the Anti-Corruption Agency, and a representative of the Anti-Corruption Directorate of the Romanian Ministry of Interior, with which the Internal Control Sector and the OSCE Mission to Serbia have successfully cooperated for a number of years.

Having in mind the above trainings, in this reporting period the Agency assessed the activity as implemented.

Activity 2.2.10.19⁴⁶

Develop a Methodology for drafting an Impact Assessment of measures taken to reduce police corruption.	
In charge of activity	- Anti-Corruption Agency - Ministry of Interior and relevant civil society organisations
Deadline	Fourth quarter of 2020
Indicators of results	A methodology for drafting an Impact Assessment of measures taken to reduce police corruption has been developed and is based on clear criteria.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.10.19

The Agency has reported that the Methodology was developed in April 2021 in cooperation with experts engaged through the IPA 2013 Project “Prevention and Fight against Corruption”, including one representative of a civil society organisations. The process of collecting data from the competent institutions (which is under way), as well as the preparation of supporting documents, implies testing the Methodol-

⁴⁶ See footnote 33

ogy, which is why it may be subject to changes to ensure its effective implementation. Having in mind that the preconditions for conducting the impact assessment in the form of a methodological framework have been met, the Agency assessed this activity as implemented.

Activity 2.2.10.20⁴⁷

Establish a Working Group to prepare an Impact Assessment of measures taken to reduce police corruption and collect all relevant data.	
In charge of activity	- Anti-Corruption Agency - In cooperation with competent institutions and relevant civil society organisations
Deadline	Second quarter of 2021
Indicators of results	The working group has been established and is operational. All relevant data for the preparation of the Impact Assessment have been collected.
Agency’s assessment	<i>The activity was implemented in the part referring to the creation of the working group.</i>
	<i>The activity was not implemented in the part referring to the collection of all relevant data.</i>

On the implementation of Activity 2.2.10.20

The Agency has reported that it sent a letter, on 13 May 2021, to the competent institutions that will be involved in assessing the impact of measures taken to reduce corruption in eight vulnerable areas (including the police). The letter asked the institutions to appoint members and deputy members of working groups, who will participate in the meetings and assist the Agency in the process of collecting data necessary for the preparation of the impact assessment. The first (constitutive) meeting for all working groups was held on 15 June 2021 in the Palace of Serbia. The meeting was attended by 24 representatives of relevant institutions.

In order to ensure the involvement of all stakeholders, on 23 April 2021 the Agency issued the first call for civil society organisations to express interest in participating in this process, with evidence of previous engagement in anti-corruption activities in areas that will be covered by impact assessment. As there was no response from civil society organisations, on 27 April 2021 the Agency issued a second call, with the same requirements, to which civil society organisations once again failed to respond.

The Agency then developed proposals for indicators and preliminary questionnaires, based on which it planned to collect data from institutions involved in the working groups in charge of eight vulnerable areas. In the period from 1 to 8 October 2021, the Agency organised meetings with representatives of the Public Procurement Office, Budget Inspection of the Ministry of Finance, the Ministry of Justice, the Republic Public Prosecutor’s Office, the Misdemeanour Court of Appeals, the Supreme Court of Cassation, the Ministry of Health, the Customs Administration, the Ministry of Economy, the Ministry of Interior, the National Body for Accreditation and Quality Assurance in Higher Education and the Tax Administration, at which preliminary questionnaires and data to be submitted to the Agency by the competent institutions

⁴⁷ See foosnote 34

in the process of impact assessment were considered. After the meetings with the competent institutions, the Agency developed improved versions of the questionnaires and submitted them to the members of the working groups in charge of eight vulnerable areas. Data collection is in progress.

Having in mind that the working groups have been formed and are operational, the Agency assessed the activity, in the part referring to the creation of the working group as implemented. Since the data collection process is not yet over, the Agency assessed that part of the activity as not implemented.

Activity 2.2.10.23⁴⁸

Establish a Working Group in the Ministry of Justice to consider the initiative of the Customs Administration (based on the Corruption Risk Analysis of the legal framework of the customs system) to amend the Criminal Procedure Code, and act in accordance with the conclusions (link: Activity 2.3.7.2).	
In charge of activity	- Ministry of Justice - Customs Administration, Ministry of Finance - Government of Republic of Serbia - National Assembly of the Republic of Serbia
Deadline	Creation of the working group: first quarter of 2021 Amendments and supplements to regulations: up to the fourth quarter of 2022
Indicators of results	The working group has been created. Amendments and supplements to the law have been adopted, in accordance with the conclusions of the working group.
Agency’s assessment	<i>The activity was implemented in the part referring to the creation of the working group.</i>

On the implementation of Activity 2.2.10.23

The Ministry of Justice has reported that, by the Decision of the Minister of Justice no. 11901126/202105 of 12 May 2021, a Working Group for the Analysis of the Criminal Procedure Code was established with the aim of identifying and eliminating its weaknesses and shortcomings, and drafting a working text of the Law on Amendments and Supplements to the Criminal Procedure Code based on the results of the Analysis. The Agency assessed the education activity of the Working Group as implemented. It did not however refer to the second part of the activity in this report, because it is due in 2022.

⁴⁸ In assessing this activity, the Agency referred only to the establishment of the Working Group, having in mind the deadlines for implementation.

Activity 2.2.10.24

Train customs officers in accordance with the new regulations.	
In charge of activity	- Customs Administration, Ministry of Finance
Deadline	Continuous
Indicators of results	Trainings have been conducted. Percentage of trained customs officers, in relation to those in need of training.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.10.24

The Customs Administration has reported that Activity 2.2.10.24 was conditioned by the amendments to the Criminal Procedure Code (Activity 2.2.10.23). As the Code has not been amended yet, it was not possible to implement Activity 2.2.10.24. Therefore, in this reporting period the Agency assessed the activity as not implemented.

Activity 2.2.10.25

Strengthen the capacity of the Internal Control Department by procuring adequate supporting equipment, IT equipment and uniforms, and by employing 15 people.	
In charge of activity	- Customs Administration, Ministry of Finance
Deadline	Continuous
Indicators of results	Capacities have been strengthened (appropriate supporting equipment, IT equipment, uniforms, etc.). The number of systemised job positions has been increased by 13 in 2021.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.10.25

The Customs Administration has reported that it has amended the Rulebook no. 11000307/3/202108 on 21 June 2021, systemising another job position in the Department for Internal Control, and that the total number of systemised job positions is 18.

The Customs Administration has taken steps to achieve the preconditions for strengthening staff capacity and has, accordingly, increased the number of systemised job positions. However, in this reporting period there were no specific capacity building activities, which is why in this reporting period the Agency assessed the activity as not implemented.

Activity 2.2.10.26

Install video surveillance in customs offices and at border crossings, with a centralised signal recorder in the Customs Administration and a possibility of the Customs Administration to access video surveillance in each facility in real time.	
In charge of activity	- Customs Administration, Ministry of Finance
Deadline	Fourth quarter of 2021
Indicators of results	Video surveillance has been installed.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.2.10.26

The Customs Administration has reported that, under Article 20 of the Law on Border Control,⁴⁹ the Republic Directorate of the Property of RS had taken over the construction, equipping and maintenance of road border crossings, starting from 1 April 2019.

The procurement of new cameras for the following border crossings was realised in 2020, in cooperation with the Ministry of the Interior: Djala, Vrška Čuka, Jaša Tomić, Prohor Pčinjski, Bajina Bašta and Neštin. Technical documentation has been prepared for the installation of video surveillance systems at the following border crossings: Vrbica, Strezimirovci, Ribarci, Uvac, Ljubovija and Bezdán.

As regards capital projects, the construction of border crossings Bajina Bašta and Kotroman is in progress. The preparation of technical documentation for border crossings Neštin and Kusjak has been agreed, and the realisation is in progress. The urban plan has been prepared in relation to the border crossing Bezdán. Urban plans are currently being prepared for border crossings Bogojevo, Mali Zvornik and Šid. Technical documentation is being prepared for the border crossing Uvac.

The Customs Administration has reported that at the moment it is not technically possible to access video surveillance at each facility in real time, via a single link, but that efforts are being made to enable this through the new Integrated Border Management Strategy, in the part of Inter-Agency Cooperation, where the establishment of video surveillance at all border crossings with a central sound recorder is already envisaged.

Considering that the central signal recorder has not been established yet, and that there are no technical possibilities for the Customs Administration to access video surveillance at each facility in real time, the Agency assessed the activity as not implemented.

⁴⁹ “Official Gazette of the RS”, no. 24/18

Activity 2.2.10.27⁵⁰

Develop a Methodology for drafting an Impact Assessment of measures taken to reduce corruption in the field of customs.	
In charge of activity	- Anti-Corruption Agency - In cooperation with the Customs Administration, Ministry of Finance
Deadline	Fourth quarter of 2020
Indicators of results	Methodology for drafting an Impact Assessment of measures taken to reduce corruption in the field of customs has been developed and is based on clear criteria.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.10.27

The Agency has reported that the Methodology was developed in April 2021 in cooperation with experts engaged through the IPA 2013 Project “Prevention and Fight against Corruption”, including one representative of a civil society organisations. The process of collecting data from the competent institutions (which is under way), as well as the preparation of supporting documents, implies testing the Methodology, which is why it may be subject to changes to ensure its effective implementation. Having in mind that the preconditions for conducting the impact assessment in the form of a methodological framework have been met, the Agency assessed this activity as implemented.

Activity 2.2.10.28⁵¹

Establish a Working Group to prepare an Impact Assessment of measures taken to reduce corruption in the field of customs and collect all relevant data.	
In charge of activity	- Anti-Corruption Agency - In cooperation with competent institutions
Deadline	Second quarter of 2021
Indicators of results	The working group has been established and is operational. All relevant data for the preparation of the Impact Assessment have been collected.
Agency’s assessment	<i>The activity was implemented in the part referring to the establishment of the working group.</i>
	<i>The activity was not implemented in the part referring to the collection of all relevant data.</i>

On the implementation of Activity 2.2.10.28

The Agency has reported that it sent a letter, on 13 May 2021, to the competent institutions that will be involved in assessing the impact of measures taken to reduce corruption in eight vulnerable areas (including customs). The letter asked the institutions to appoint members and deputy members of working groups, who will participate in the meetings and assist the Agency in the process of collecting data necessary for the preparation of the impact assessment.

50 See footnote 33

51 See footnote 34

The first (constitutive) meeting for all working groups was held on 15 June 2021 in the Palace of Serbia. The meeting was attended by 24 representatives of relevant institutions

In order to ensure the involvement of all stakeholders, on 23 April 2021 the Agency issued the first call for civil society organisations to express interest in participating in this process, with evidence of previous engagement in anti-corruption activities in areas that will be covered by impact assessment. As there was no response from civil society organisations, on 27 April 2021 the Agency issued a second call, with the same requirements, to which civil society organisations once again failed to respond.

The Agency then developed proposals for indicators and preliminary questionnaires, based on which it planned to collect data from institutions involved in the working groups in charge of eight vulnerable areas. In the period from 1 to 8 October 2021, the Agency organised meetings with representatives of the Public Procurement Office, Budget Inspection of the Ministry of Finance, the Ministry of Justice, the Republic Public Prosecutor’s Office, the Misdemeanour Court of Appeals, the Supreme Court of Cassation, the Ministry of Health, the Customs Administration, the Ministry of Economy, the Ministry of Interior, the National Body for Accreditation and Quality Assurance in Higher Education and the Tax Administration, at which preliminary questionnaires and data to be submitted to the Agency by the competent institutions in the process of impact assessment were considered. After the meetings with the competent institutions, the Agency developed improved versions of the questionnaires and submitted them to the members of the working groups in charge of eight vulnerable areas. Data collection is in progress.

Having in mind that the working groups have been formed and are operational, the Agency assessed the activity, in the part referring to the creation of the working group as implemented. Since the data collection process is not over yet, the Agency assessed that part of the activity as not implemented.

Activity 2.2.10.31⁵²

The assemblies of the autonomous provinces and local self-governments are adopting local action plans and establish permanent working bodies to monitor the implementation of local action plans.	
In charge of activity	For adoption: - Assemblies of the autonomous provinces and local self-governments For reporting: - Anti-Corruption Agency
Deadline	For the adoption: fourth quarter of 2020 For the reporting: continuous, until the local self-governments and autonomous provinces fulfil their obligations
Indicators of results	Local action plans have been adopted. Working bodies to monitor their implementation have been established. The assemblies of local self-government units and the territorial autonomy have adopted their anti-corruption plans and formed bodies to monitor their implementation in line with the model of the Anti-Corruption Agency.
Agency’s assessment	<i>The activity was not implemented in the part that refers to the adoption of local anti-corruption plans and the establishment of bodies to monitor their implementation.</i>
	<i>The activity was implemented in the part that refers to reporting on the adoption of local anti-corruption plans and the establishment of bodies to monitor their implementation.</i>

On the implementation of Activity 2.2.10.31

The Agency was informed that, from the beginning of April 2017, when it published the LAP Model, until 15 December 2021, a total of 107 local self-government units i.e. 74% of the 145 local self-government units that are subject to this obligation, have adopted the LAP (excluding the territory of Kosovo and Metohija). The Agency was informed by 32 local self-government units that they did not draft the LAP, while 6 of them did not submit data on the drafting of the LAP and the formation of a body to monitor its implementation.

Out of a total of 107 plans that were submitted to the Agency by the local self-government units, 90 were prepared in accordance with the Model, 12 were prepared partially in accordance with the Model, four adopted plans did not correspond to the Model in either form or content, and one local self-government unit did not provide sufficient data for assessing whether the LAP was drafted in accordance with the Model. The reasons for the partial compliance of some of the LAPs are reflected in the fact that during the development of some of the plans there were no representatives of civil society in the working groups for the development of LAP, in some reports on the adoption of LAP local governments did not not appropriately explain why they failed to use certain measures contained in the Model, activities were not well established, and so on.

⁵² The Agency assessed Activity 2.2.10.31 as two activities, because its segments were separated, both thematically and according to who is in charge.

A total of 37 local self-government units have formed bodies that will be in charge of monitoring the implementation of the LAP, of which 24 were formed mainly in line with the Model, one was formed partially in line with the Model, seven with significant deviations, while in case of five bodies there was no sufficient data to assess compliance. While forming the bodies to monitor the implementation of LAP, i.e. while electing members of said bodies, some of the commissions did not include representatives of the civil society, some self-government units had to re-announce the public competition for the election of body members because there were not enough candidates, while some municipalities formed a temporary body, in accordance with the supplemented Model, after two conducted public competitions in which no candidates applied.

The complete report on the development of the LAPs for the fourth quarter of 2021 is available on the Agency’s website at: <https://www.acas.rs/wpcontent/uploads/2021/12/IzvestajozradiLAPIVkvartal2021.godine.pdf?pismo=lat>, while the overview of the adoption of LAPs and the formation of bodies for their implementation is available on the Agency’s website at: <https://www.acas.rs/wpcontent/uploads/2021/12/TabelaLAPIVkvartal2021.godine..pdf?pismo=lat>.

Having in mind that the deadline for the adoption of the LAPs was the fourth quarter of 2020, and that not all local self-government units have fulfilled this obligation, the Agency assessed the first activity as not implemented. In this reporting period, the second activity was assessed as implemented because the Agency continuously monitors and reports on the adoption of LAPs, as well as on the establishment of bodies to monitor their implementation.

Activity 2.2.10.32⁵³

Develop a Methodology for drafting an Impact Assessment of measures taken to reduce corruption in local self-government.	
In charge of activity	- Anti-Corruption Agency
Deadline	Fourth quarter of 2020
Indicators of results	The methodology for drafting the Impact Assessment of measures taken to reduce corruption in local self-government has been developed and is based on clear criteria.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.10.32

The Agency has reported that the Methodology was developed in April 2021 in cooperation with experts engaged through the IPA 2013 Project “Prevention and Fight against Corruption”, including one representative of a civil society organisations. The process of collecting data from the competent institutions (which is under way), as well as the preparation of supporting documents, implies testing the Methodology, which is why it may be subject to changes to ensure its effective implementation. Having in mind that the preconditions for conducting the impact assessment in the form of a methodological framework have been met, the Agency assessed this activity as implemented.

⁵³ See footnote 33

Activity 2.2.10.33⁵⁴

Establish a Working Group to prepare an Impact Assessment of measures taken to reduce corruption in local self-government and collect all relevant data.	
In charge of activity	- Anti-Corruption Agency - In cooperation with competent institutions and relevant civil society organisations
Deadline	Second quarter of 2021
Indicators of results	A working group has been established and is operational. All relevant data for the preparation of the Impact Assessment have been collected.
Agency’s assessment	<i>The activity was implemented in the part referring to the establishment of the Working Group.</i>
	<i>The activity was not implemented in the part referring to the collection of all relevant data.</i>

On the implementation of Activity 2.2.10.33

The Agency has reported that it sent a letter, on 13 May 2021, to the competent institutions that will be involved in assessing the impact of measures taken to reduce corruption in eight vulnerable areas (including public procurement). The letter asked the institutions to appoint members and deputy members of working groups, who will participate in the meetings and assist the Agency in the process of collecting data necessary for the preparation of the impact assessment. The first (constitutive) meeting for all working groups was held on 15 June 2021 in the Palace of Serbia. The meeting was attended by 24 representatives of relevant institutions.

In order to ensure the involvement of all stakeholders, on 23 April 2021 the Agency issued the first call for civil society organisations to express interest in participating in this process, with evidence of previous engagement in anti-corruption activities in area that will be covered by impact assessment. As there was no response from civil society organisations, on 27 April 2021 the Agency issued a second call, with the same requirements, to which civil society organisations once again failed to respond.

The Agency then developed proposals for indicators and preliminary questionnaires, based on which it planned to collect data from institutions involved in the working groups in charge of eight vulnerable areas. In the period from 1 to 8 October 2021, the Agency organised meetings with representatives of the Public Procurement Office, Budget Inspection of the Ministry of Finance, the Ministry of Justice, the Republic Public Prosecutor’s Office, the Misdemeanour Court of Appeals, the Supreme Court of Cassation, the Ministry of Health, the Customs Administration, the Ministry of Economy, the Ministry of Interior, the National Body for Accreditation and Quality Assurance in Higher Education and the Tax Administration, at which preliminary questionnaires and data to be submitted to the Agency by the competent institutions in the process of impact assessment were considered. After the meetings with the competent institutions, the Agency developed improved versions of the questionnaires and submitted them to the members of the working groups in charge of eight vulnerable areas. Data collection is in progress.

⁵⁴ See footnote 34

Having in mind that the working groups have been formed and are operational, the Agency assessed the activity, in the part referring to the creation of the working group, as implemented. Since the data collection process is not over yet, the Agency assessed that part of the activity as not implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following recommendation from the Screening Report:

2.2.11. Ensure the involvement of civil society in the anti-corruption programme.

The activities in question are Activities no. 2.2.11.1; 2.2.11.2. and 2.2.11.3, which are individually presented below.

Activity 2.2.11.1

Implement joint activities to encourage citizens and make their participation in the fight against corruption more efficient.	
In charge of activity	- Office for Cooperation with Civil Society - Deadline Continuous
Deadline	Continuous
Indicators of results	Joint activities aimed at encouraging citizens and making their participation in the fight against corruption more efficient are continuously implemented.
Agency’s assessment	<i>The activity was implemented.</i>

On the implementation of Activity 2.2.11.1

The Ministry of Human and Minority Rights and Social Dialogue has reported that a consultative meeting with civil society organisations titled “How to more effectively involve civil society in the fight against corruption”, organised by the Ministry of Human and Minority Rights and Social Dialogue and the Anti-Corruption Agency, was held on 22 September 2021. On that occasion, the representatives of the Ministry reported on the involvement of civil society organisations in the process of adoption of regulations, the establishment of the institute of social dialogue, and on holding thematic meetings in various fields in which civil society organisations operate. They also talked about activities in drafting regulations and strategic documents from the purview of the Ministry, as well as activities related to transparent financing of civil society organisations. Representatives of the Agency presented their experiences from previous cooperation with civil society organisations in announcing public calls for projects whose topics were aligned with public interest and priorities from strategic and planning documents, conducting a survey among civil society organisations engaged mostly in combating corruption, the plan for further action, especially at the local level, and the activities that will ensure greater involvement of civil society in the anti-corruption programme, conducting public competitions and implementing projects in partnership with civil society organisations, and holding consultative meetings with civil society. Examples of good practice in this cooperation were also provided. Representatives of the civil sector, among other things, expressed critical views on the situation in the field of preventing corruption, insufficient involvement of the state sector in combating corruption, and lack

of cooperation on this topic, which – as they said – would benefit both sectors. Representatives of civil society organisations also mentioned some positive aspects of cooperation, recalling good experiences they had cooperating with the Anti-Corruption Agency. It was concluded that it is necessary to ensure greater involvement of the state sector, in order to improve the situation in this area and the importance and impact of civil society participation in this field, and that there is a need to organise much broader state sector discussions with civil society organisations in order to improve the situation in the field of prevention of corruption in the Republic of Serbia.

The Ministry of Human and Minority Rights and Social Dialogue further reported that, in cooperation with the Ministry of Justice, in December 2020 and January 2021 it announced a public call for civil society organisations to apply for membership in the Working Group charged with drafting the Operational Plan for Prevention of Corruption in Areas of Particular Risk. Based on the public call, four civil society organisations were selected and their representatives were proposed so that the Minister of Justice could appoint them as members in this Working Group.

In December 2021, the Ministry of Human and Minority Rights and Social Dialogue addressed the Ministry of Justice with a request to elect representatives of civil society organisations for membership in the Working Group charged with drafting the National Anti-Corruption Strategy for the period from 2022-2027, as well as the Action Plan for the implementation of the National Anti-Corruption Strategy 2022-2027. Preparatory activities related to the announcement of this public call are under way.

The Ministry of Human and Minority Rights and Social Dialogue recommended further cooperation in implementing the Conclusion on adopting the guidelines for including civil society organisations in working groups charged with drafting public policy proposals and draft regulations,⁵⁵ the Law on Planning System of the Republic of Serbia⁵⁶ and the Decree on the methodology of managing public policies, the impact analysis of public policies and regulations and the content of individual public policy documents⁵⁷ during the drafting of public policy documents and other regulations in the field of fight against corruption.

Since the Ministry of Human and Minority Rights and Social Dialogue has taken steps towards greater involvement of citizens in the fight against corruption, in this reporting period the Agency assessed the activity as implemented.

55 “Official Gazette of the RS”, no. 8/20

56 “Official Gazette of the RS”, no. 30/18

57 “Official Gazette of the RS”, no. 8/19

Activity 2.2.11.2

Further improve the system of transparent financing of civil society organisations, by: - Monitoring the implementation of the Decree on funds for stimulating programmes or the missing part of funds for financing programmes of public interest that are implemented by associations - Strengthening the capacity of public administration employees.	
In charge of activity	- Office for Cooperation with Civil Society
Deadline	Continuous
Indicators of results	The summary report of the Office for Cooperation with Civil Society contains relevant data on the implementation of the Decree. The number of trainings held for public administration employees, in relation to the number of planned trainings on the system of transparent financing of civil society organisations.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.11.2

The Ministry of Human and Minority Rights and Social Dialogue has reported that one of the main activities in the reporting period was work on improving the e-application Calendar of Public Competitions, which has significantly improved the transparency of funding for civil society organisations from budget funds since 2019, in the stage of planning the allocation of funds.

The e-application Calendar of Public Competitions, which contains information on all planned public competitions for financing projects and programmes of associations and other civil society organisations from the budget of the Republic of Serbia and public administration bodies from all three levels of government (republic, provincial and local) was created in accordance with the Decree on Incentive Funds for Programmes or the Missing Part of Funds for Financing Public Interest Programmes Implemented by Associations,⁵⁸ which stipulates the obligation of bodies of all three levels of government to submit their Annual Public Competition Plans.

The purpose of the creation of the Calendar of Public Competitions is to improve the transparency of public administration bodies in the field of financing civil society organisations. By publishing data on planned competitions at the beginning of each calendar year, the aim is to provide timely information to associations and other civil society organisations on planned public competitions to allow them to prepare their project and programme proposals, improve the visibility of public competitions for financing projects and programmes of civil society organisations and increase the number of potential users of funds from the budget of the Republic of Serbia.

In 2021, a total of 724 planned public competitions were announced at all three levels of government.

With the aim of raising the capacity of public administration employees to understand regulations and implement a transparent funding process, in cooperation with the Standing Conference of Towns and Municipalities (SCTM), the Ministry of Human and Minority Rights and Social Dialogue organised - from

⁵⁸ “Official Gazette of the RS”, no. 16/18

19 April to 6 May 2021 - four two-day accredited online trainings for employees in local self-government units on the topic “Cooperation with civil society organisations and financing of programmes of public interest implemented by associations”. The training was implemented within the project “Institutional Support to the SCTM - Third Phase”, which is supported by the Government of Switzerland and implemented by the SCTM. The trainings were realised according to the accredited programme of the National Academy of Public Administration and involved accredited lecturers. The aim was to train employees in local self-government units to develop cooperation between local self-governments and civil society organisations on the implementation of the procedure of financing programmes of public interest implemented by associations. Approximately 100 representatives of local self-government units participated, and those who have passed the final test will receive certificates from the National Academy of Public Administration.

The Ministry of Human and Minority Rights and Social Dialogue also recommended the promotion of the electronic application, to inform the public about allocations for civil society organisations from public funds.

Given the fact that the Ministry of Human and Minority Rights and Social Dialogue has provided information on the implementation of the Decree on Funds for Encouraging Programmes or Missing Part of Funds for Financing Programmes of Public Interest Implemented by Associations, and that it has organised capacity building activities for employees in local self-government units on transparent financing of civil society organisations, in this reporting period the Agency assessed the activity as implemented.

Activity 2.2.11.3

Conduct public competitions for the allocation of funds to civil society organisations for projects in the field of anti-corruption, for initiatives at the national and local level, as well as for media initiatives in the field of anti-corruption.	
In charge of activity	- Anti-Corruption Agency
Deadline	Continuous
Indicators of results	The civil sector is involved in the fight against corruption, based on conducted competitions for donations to civil society organisations for projects in this area.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.2.11.3

The Agency has reported that it has conducted two public competitions for the allocation of funds to civil society organisations in 2021. The competitions were announced with two specific objectives: 1) Improving the citizens’ awareness of the consequences of corruption on society, at the level of the Republic of Serbia, and 2) Supporting public authorities (in charge of the activities) in implementing activities from the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’.

Contracts were concluded with the Research Centre for Defence and Security, which was awarded RSD 1 million for the project “Publicly Against Corruption” (which ended in the reporting period), and with

the Bureau for Social Research (BIRODI), which was allocated RSD 1 million for the project “Improving integrity, transparency and accountability in the municipality of Kladovo” (still ongoing).

Having in mind the above, in this reporting period the Agency assessed the activity as implemented

4.3 Repression of Corruption

In this report, in the Section 2.2 of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, which refers to the repression of corruption, the Agency assessed the implementation of activities related to the following benchmark:

2.3.1. Serbia is revising its Criminal Code and providing an effective solution for dealing with crimes against the economy, especially the criminal act ‘abuse of office by responsible official’.

The activities in question are Activities no. 2.3.1.1; 2.3.1.2 and 2.3.1.3, which are individually presented below.

Activity 2.3.1.1

Monitor the implementation of the amended and supplemented Criminal Code, the part referring to corruption-related and economic crimes, with the obligation of the police, public prosecutor’s office and courts to submit to the Ministry of Justice annual statistical reports on initiated and completed proceedings. The Ministry of Justice compiles a single annual report and publishes it on its website.	
In charge of activity	- Ministry of Interior - Republic Public Prosecutor’s Office - Supreme Court of Cassation - Ministry of Justice (State Secretary in charge of corruption issues)
Deadline	Continuous
Indicators of results	Annual report has been published.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.3.1.1

The Ministry of Justice has reported that the Report for 2020 was prepared and published on its website: <https://www.mpravde.gov.rs/tekst/33769/statistikakoruptivnihkrivicnihdela.php>.

It further reported that, since the reports are prepared on an annual basis, the report for 2021 will be submitted in the second quarter of 2022.

The Ministry of Internal Affairs has reported that, in the first quarter, the statistics of recorded crimes, criminal reports and the number of perpetrators under Article 359 – ‘Abuse of official position’ of the Criminal Code of the Republic of Serbia, are as follows: number of acts - 57, number of criminal reports – 35, and number of perpetrators - 70. In the second quarter of 2021, a total of 26 criminal reports were filed, as well as one supplement to the criminal report; the number of criminal offences was 136 and the number of perpetrators - 155. In the third quarter, 19 criminal reports were filed under the jurisdiction of the Internal Control Sector on grounds for suspicion that a criminal offence of corruption was committed (Article 359 of the CC - Abuse of office; Article 367 of the CC - Accepting a bribe; Article 368 of the CC – Giving a bribe; and Article 366 of the CC - Trading in influence). The number of recorded criminal offences, criminal reports and the number of perpetrators under Article 359 of the CC - Abuse of office, within the competence of the Police Directorate, Criminal Police Directorate of the Anti-Corruption Department, are as follows: 18 criminal reports were filed, the number of criminal offences was 58, while the number of perpetrators was 75. In the period from 1 July to 17 September 2021, 77 criminal offences, 25 criminal reports and 86 perpetrators of criminal offences under Article 359 of the Criminal Code of the Republic of Serbia were recorded within the competence of the Sector for Analytics, Telecommunications and Information Technologies.

In the fourth quarter, 35 criminal reports were filed within the competence of the Internal Control Sector on grounds of suspicion that a corruption-related criminal act had been committed (Article 359 of the CC - Abuse of office; Article 367 of the CC – Accepting a bribe; Article 368 of the CC – Giving a bribe; Article 366 of the CC – Trading in influence). Within the purview of the Police Directorate, the number of recorded criminal offences, criminal reports and the number of perpetrators under Article 359 of the of the CC - Abuse of office, Article 366 of the CC - Trading in influence, Article 367 of the CC - Accepting a bribe, and Article 368 of the CC - Giving a bribe, is as follows: 47 criminal reports were filed, the number of criminal offences was 127, and the number of perpetrators was 102. From the domain of the Sector for Analytics, Telecommunications and Information Technologies, all organisational units of the Ministry of Internal Affairs recorded 96 criminal offences, 61 criminal reports and 88 perpetrators of criminal offences under Article 359 of the Criminal Code of the Republic of Serbia.

The Republic Public Prosecutor’s Office has reported that, in accordance with the Mandatory Instruction of the Republic Public Prosecutor A-146/2018 of 1 March 2018, the Prosecutor’s Office for Organised Crime and special departments for the suppression of corruption in high public prosecutor’s offices are submitting quarterly reports to the Republic Public Prosecutor’s Office on initiated and completed proceedings related to economic crime and corruption cases. Based on these reports, the Republic Public Prosecutor’s Office monitors the actions of prosecutor’s offices in this area and prepares statistical reports.

In its First Implementation Report, the Agency was unable to assess this activity. However, as it was convinced that this was a regular annual practice of the Ministry of Justice, as supported by the report for 2020 and the fact that reports for the previous year are prepared in the following year, in this reporting period the Agency assessed the activity as implemented.

Activity 2.3.1.2

Training of judges and prosecutors for the application of the Criminal Code.	
In charge of activity	- Judicial Academy
Deadline	Continuous
Indicators of results	Trainings have been conducted. Number of conducted trainings, in relation to the number of planned trainings.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.3.1.2

The Judicial Academy has reported that, due to the epidemiological situation, it was not able to carry out this activity, which is why in this reporting period the Agency assessed it as not implemented.

Activity 2.3.1.3

Monitor the application of the amended criminal offence ‘abuse of office by responsible official’, which includes the mechanism of ‘legal subsidiarity’, in effect since 1 March 2018, and monitor those criminal events from 1 March 2018.	
In charge of activity	- Ministry of Justice (State Secretary in charge of corruption issues) - Republic Public Prosecutor’s Office
Deadline	Continuous
Indicators of results	The annual report has been published.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.3.1.3

The Ministry of Justice has reported that the Report for 2020 was prepared and published on its website at: <https://www.mpravde.gov.rs/tekst/33769/statistikakoruptivnihkrivicnihdela.php>, and that the report for 2021 will be prepared in early 2022.

The Republic Public Prosecutor’s Office has reported that, in accordance with the Mandatory Instruction of the Republic Public Prosecutor A no. 146/2018 of 1 March 2018, the Prosecutor’s Office for Organised Crime and special departments for the suppression of corruption in high public prosecutor’s offices are to submit quarterly reports to the Republic Public Prosecutor’s Office on initiated and completed proceedings related to economic crime and corruption cases. Based on the above reports, the Republic Public Prosecutor’s Office monitors the actions of prosecutor’s offices in this area.

In its First Implementation Report, the Agency was not able to assess this activity. However, as it was convinced that this was a regular annual practice of the Ministry of Justice, as supported by the report for 2020 and the fact that reports for the previous year are prepared in the following year, in this reporting period the Agency assessed the activity as implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following benchmark

2.3.2: Prior to amending the Law on the Organisation and Competences of State Authorities in Combating Organised Crime, Corruption and Other Particularly Serious Crimes, Serbia has conducted an analysis of the organisational structure and state authorities. Serbia pays special attention to building the capacity of public prosecutor’s offices and the police, and provides the necessary financial and staff support and training. Inter-agency cooperation and the exchange of intelligence in a safe and secure manner are being significantly improved.

The activities in question are Activities nos. 2.3.2.1, 2.3.2.2, 2.3.2.3, 2.3.2.4, 2.3.2.6, 2.3.2.7, 2.3.2.8, 2.3.2.9, 2.3.2.10; 2.3.2.11, 2.3.2.12, 2.3.2.13 and 2.3.2.14, which are presented individually below.

Activity 2.3.2.1

Conduct an analysis of compliance of the RS normative framework with the FATF recommendations for conducting financial investigations in parallel with criminal investigations, on the basis of which a planning document in the field of combating financial crime will be prepared. (Link to AP 24, Activity 6.2.5.4)	
In charge of activity	<ul style="list-style-type: none"> - Ministry of Justice (State Secretary in charge of corruption issues) - Republic Public Prosecutor’s Office - Prosecutor’s Office for Organised Crime - Ministry of Interior - Anti-Money Laundering Authority
Deadline	For the analysis: fourth quarter of 2020 For the planning document: fourth quarter of 2021
Indicators of results	An analysis of the compliance of the normative framework with the relevant FATF recommendations has been made. A planning document in the field of fight against financial crime has been prepared.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.3.2.1

The Ministry of Justice has reported that a meeting of representatives of the Ministry of Justice and the Council of Europe was held on 6 September 2021 as part of the Project for the Prevention of Money Laundering and Terrorism Financing, for the purpose of implementing this project, financed by the Kingdom of Sweden. It was agreed at the meeting that the experts engaged in the preparation of the analysis of the compliance of the RS normative framework with the FATF recommendations for conducting financial investigations will prepare recommendations with the aim of developing a strategy for investigating financial crimes. As neither the analysis nor the planning document has been prepared, the Agency assessed this activity as not implemented.

Activity 2.3.2.2

Strengthen the capacity of the Financial Investigation Unit of the Ministry of the Interior, based on the results of the analysis. (Related activity from AP 24: Activity 6.2.5.3.)	
In charge of activity	- Ministry of Interior
Deadline	From the second quarter of 2016 on.
Indicators of results	The number of employees in the Financial Investigation Unit has been increased from 57 to 63 police officers. Trainings have been conducted. Percentage of trained personnel in the Financial Investigation Unit of the Ministry of the Interior, in relation to those in need of training.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.3.2.2

The Ministry of Interior has reported that 64 job positions were systemised in the Financial Investigation Unit as on 29 December 2021, and that the same number of job positions is currently filled.

In the reporting period, police officers of the Financial Investigation Unit participated in the following seminars: 1) webinar “Fight against Money Laundering” in February 2021, organised by the US Embassy; 2) webinar “Fight against Money Laundering” in March 2021, organised by the US Embassy; 3) two webinars on the topic “Fight against Money Laundering”, organised by the US Embassy and OPDAT; 4) webinar on “Tax Fraud, Net Worth Analysis, Money Laundering and Confiscation of Illegally Acquired Property”, organised by the US Embassy and OPDAT; 5) seminar in Bucharest, Romania on “Confiscation of Cryptocurrencies - Virtual Property”, organised by the Council of Europe within the project iPROCEEDS 2; 6) seminar on “Value Added Tax Evasion (VAT)”, organised by the US Embassy and the OSCE Mission to Serbia; 7) presentation of the “Manual on Confiscation of Assets Stemming from Criminal Gain”, organised by the US Embassy, OPDAT and the OSCE Mission; 8) training on the prevention of violent extremism and abuse of the non-profit sector for terrorist purposes, organised by the OSCE; 9) workshop on the use of the Internet in conducting investigations using open databases, organised by the OSCE; 10) workshop of the Working Group on the Assessment of Risk of Money Laundering and Terrorism Financing, organised by the OSCE; 11) thematic discussions of the Commission on Narcotic Drugs, organised by UNODC; 12) round table on the Law on the Organisation and Competences of State Authorities in the Suppression of Organised Crime, Terrorism and Corruption: Assessment of the Practical Application of the Law after Three Years, organised by the OSCE; 13) “Value Added Tax Evasion”, organised by the OSCE; 14) “Workshop on Good Practices in Investigations and Prosecution of Legal Entities for Corruption and Money Laundering”, organised by the Council of Europe.⁵⁹

⁵⁹ To specify the analysis on which this activity relies: the Ministry of Interior has previously provided information that this activity was related to the activity from the previous Action Plan for Chapter 24 (previous activity no. 6.2.5.6), which was related to strengthening the capacity of the Financial Investigation Unit based on the performed analysis of the work of said Unit. The analysis was conducted by OSCE expert Albert Perduca, Italian prosecutor who was engaged as an expert in May 2015.

As the number of employees has increased and all systemised job positions have been filled, and other measures have been taken to strengthen the professional capacities of the Financial Investigation Unit, in this reporting period the Agency assessed the activity as implemented.

Activity 2.3.2.3

Conduct professional training of employees with information exchange mechanisms at the international level in accordance with Framework Decision 2006/960/PUP in order to more efficiently seize, confiscate and manage property.	
In charge of activity	- Judicial Academy - Ministry of Interior
Deadline	Continuous, starting from the fourth quarter of 2021
Indicators of results	Training has been conducted. Percentage of employees trained on information exchange mechanisms at the international level, in relation to those in need of training.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.3.2.3

The Judicial Academy has reported that a one-day training was conducted in September 2021. The Handbook for Confiscation of Criminal Assets was presented at the training organised with the support of the US Embassy and the OSCE Mission to Serbia. The same training was organised in December 2021 in Novi Sad.

Since the Handbook also contains a segment that is dedicated to international cooperation and information exchange, in this reporting period the Agency assessed the activity as implemented.

Activity 2.3.2.4

Continuous training of police, public prosecutors and judges to conduct financial investigations, monitor cash flows, act proactively and use special investigative techniques. (Activity related to AP 24: Activity 6.2.5.2)	
In charge of activity	- Judicial Academy
Deadline	Continuous
Indicators of results	Trainings have been conducted. Percentage of police officers, public prosecutors and judges trained to conduct financial investigations, monitor cash flows, act proactively and use special investigative techniques, in relation to those in need of training.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.3.2.4

The Judicial Academy has reported that it has organised two webinars in cooperation with the OPDAT Office, the OSCE and the Republic Public Prosecutor’s Office, on 23 February and 10 March 2021, on the fight against money laundering, cash flows, and especially on the following topics: 1) Tax evasion and money laundering; analysis of the connection between these two crimes; 2) the Anti-Money Laundering Authority - competences and cooperation with the Public Prosecutor’s Office; 3) the Financial Investigation Unit - competences, financial investigation and confiscation of property.

The aim of the webinar (for judges of the High Court in Belgrade (3); deputy prosecutors at the High Public Prosecutor’s Office (8); prosecutors’ assistants in the High Public Prosecutor’s Office in Belgrade (2); representatives of the Ministry of the Interior (10) and representatives of the Anti-Money Laundering Authority) was to train public prosecutors, inspectors and professionals who encounter elements of money laundering and property derived from crime in their work, so that they could strengthen knowledge and skills required for their further work on cases that involve these elements.

Having in mind the above, in this reporting period the Agency assessed the activity as implemented.

Activity 2.3.2.6

Adopt the by-law from Article 16, paragraph 4 of the Law on Organisation and Competences of State Authorities in the Suppression of Organised Crime, Terrorism and Corruption, which will regulate deadlines, manner and ways of official communication between the police and the public prosecutor’s office in cases of organised crime and corruption. (Activity related to the AP 24: Activity 6.2.2.1)	
In charge of activity	- Ministry of Justice (State Secretary in charge of corruption issues) - Ministry of Interior, Service for the Fight against Organised Crime - Republic Public Prosecutor’s Office - Prosecutor’s Office for Organised Crime
Deadline	Fourth quarter of 2021
Indicators of results	The by-law has been adopted.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.3.2.6

The Ministry of Justice has reported that the process began with a meeting of representatives of the Ministry of Justice, the Republic Public Prosecutor’s Office and the Ministry of the Interior at the end of November 2021, in order to define the articles of the by-law. The drafting of the by-law is in progress.

As the deadline for passing this act has expired, the Agency assessed the activity as not implemented.

Activity 2.3.2.7

Strengthen the capacity of the Prosecutor’s Office for Organised Crime and special departments of high public prosecutor’s offices for combating corruption, by conducting trainings on the application of new mechanisms prescribed by the Law on Organisation and Competences of State Authorities for Combating Organised Crime, Terrorism and Corruption (liaison officers, task forces, financial forensics service). (Activity related to the AP 24: Activity 6.2.2.3.)	
In charge of activity	- Judicial Academy - Prosecutor’s Office for Organised Crime - Special departments high public prosecutor’s offices for combatting corruption
Deadline	Continuous
Indicators of results	Trainings have been conducted. Percentage of trained employees, in relation to those in need of training.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.3.2.7

The Judicial Academy has reported that a three-day workshop titled “Proactive Investigations of Corruption, Financial Fraud and Economic Crime: Value Added Fraud (Module 3)” has been held.

The Prosecutor’s Office for Organised Crime has reported that, in 2021, its representatives participated in or lectured at webinars and educational gatherings on the following topics: 1) Fight against money laundering; 2) Institutional capacities in preventing and fighting corruption; 3) Creating a Roadmap for the fight against corruption and illegal financial transactions for the Western Balkans; 4) Cross-border cooperation in criminal cases involving electronic evidence; 5) Money laundering through trade; 6) Joint investigation teams; 7) Tax evasion and money laundering; 8) Fraud investigation; 9) Seminar on money laundering; 10) Cryptocurrencies and money laundering; 11) Training for trainers (ToT) on the implementation of the training programme for deputy public prosecutors and prosecutors’ assistants on the topic “Drafting indictments”; 12) Preparation of the National Risk Assessment of Money Laundering and Terrorism Financing - FATF Recommendation no. 1; 13) Training on conducting a proactive investigation of fraud related to value added tax (two lecturers and two participants); 14) Workshop “Implementation of NKOS”; 15) Webinar: “Prosecution with EMPACT (European Multidisciplinary Platform Against Criminal Threats)”; 16) Training on the use of SAPO software; 17) Presentation of the Handbook for Confiscation of Criminal Assets; 18) Seminar “Information Security”; 19) Training on “Ethics and Integrity”; 20) lecturers on the prevention of fraud in the digital process and misuse of applications, and the latest trends in the prevention of fraud related to virtual currencies; 21) webinar “Fight against serious crime, step by step approach to a conviction for money laundering without proving the predicate criminal offence”; 22) webinar “Monitoring money in crypto space”; 23) Fifth Global Conference on Financial Crime and Cryptocurrencies; 24) lecture on financial audit; and 25) webinar “Raising the awareness of police, prosecutors and judges in connection with the new Law on Digital Property”.^{60 61}

⁶⁰ ‘Official Gazette of the RS’, no. 153/20

⁶¹ The trainings, attended by the financial forensic scientist of PPOOC. were presented in Activity 2.3.2.10

In accordance with the new Law on Organisation and Competences of State Authorities in Combating Organised Crime, Terrorism and Corruption, the coordination of special departments of high public prosecutor’s offices for combating corruption is to be performed by the Prosecutor for Organised Crime, who – in order to coordinate work – holds monthly meetings with the heads of Special Departments. The Prosecutor for Organised Crime and the Deputy Prosecutor, in charge of coordinating the work of special anti-corruption departments in the annual work programme, held three meetings (in February, March and June 2021) with the heads of these departments in high public prosecutor’s offices. Having in mind the restrictions caused by the Coronavirus pandemic, the Deputy Prosecutor, who is in charge of coordinating the work of special anti-corruption departments (based on the annual work programme), was in daily telephone/email communication with the heads of special departments, and has also met with each of them on several occasions.

Based on the competence to coordinate the work of special departments of high public prosecutor’s offices for combating corruption, the Prosecutor for Organised Crime was also involved in providing data necessary for a preliminary analysis of the needs of special departments of high public prosecutor’s offices, i.e. the assessment of the practical application of the Law on Organisation and Competences of State Authorities in Combating Organised Crime, Terrorism and Corruption.

Since the capacities of the Prosecutor’s Office for Organised Crime and special departments for the suppression of corruption of high public prosecutor’s offices were indeed strengthened through the above trainings, in this reporting period the Agency assessed the activity as implemented.

Activity 2.3.2.8

Draft and conclude cooperation agreements between those bound by the Law on Organisation and Competences of State Authorities Charged with the Suppression of Organised Crime, Terrorism and Corruption.	
In charge of activity	- Republic Public Prosecutor’s Office - Ministry of Interior - Authorities listed in Article 20 of the Law on Organisation and Competences of State Authorities in Charge of Combating Organised Crime, - Terrorism and Corruption
Deadline	First quarter of 2021
Indicators of results	Agreements have been signed.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.3.2.8

The Republic Public Prosecutor’s Office has reported that agreements had been concluded with the Central Securities Depository and Clearing House, the Directorate for the Property of RS, the Business Registers Agency, the Public Procurement Office, the National Bank of Serbia and the Anti-Corruption Agency. The final versions of the agreements with the Customs Administration, the Tax Administration - the Tax Police and the Republic Pension and Disability Insurance Fund have been aligned and their signing is in progress.

It also reported that the Agreement on Cooperation with the Anti-Money Laundering Authority which comprehensively regulated mutual cooperation had been concluded on 26 April 2017, and that, based on the assessment, there is currently no need to draft a new one. Agreements have not been concluded with the Republic Health Insurance Fund, the State Audit Institution and the Republic Geodetic Authority, because it was estimated that they were not necessary considering databases kept by these institutions and their public availability.

Assessing the essence of the activity, i.e. the fact that formal preconditions for cooperation with the above institutions have been achieved through the existing or newly signed agreements, the Agency assessed the activity as implemented.

Activity 2.3.2.9

Develop Methodology of work and the establishment of task forces. (Activity related to the AP 24: Activity 6.2.2.5)	
In charge of activity	- Republic Public Prosecutor’s Office - Prosecutor’s Office for Organised Crime - Ministry of Interior - Ministry of Justice (State Secretary in charge of corruption issues)
Deadline	First quarter of 2021
Indicators of results	Handbook on methodology of work and the formation of task forces has been developed and published.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.3.2.9

The Republic Public Prosecutor’s Office has reported that the Working Group has completed the text of the Methodology of Work and the Establishment of Task Forces, which was proofread, graphically designed and submitted to the printer with the support of the OSCE Mission to Serbia. Therefore, the Agency assessed the activity as implemented.

Activity 2.3.2.10

Strengthen the capacity of the Financial Forensics Service in the Prosecutor’s Office for Organised Crime and other authorities. (Activity related to AP 24: Activity 6.2.2.6)	
In charge of activity	- Ministry of Justice (State Secretary in charge of corruption issues) - Republic Public Prosecutor’s Office - Prosecutor’s Office for Organised Crime
Deadline	Continuous, starting from the fourth quarter of 2020
Indicators of results	A team of economic forensic experts has been formed in the Prosecutor’s Office for Organised Crime. Trainings of economic experts have been conducted. Number of conducted trainings, in relation to the number of planned trainings.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.3.2.10

The Prosecutor’s Office for Organised Crime has reported that the institution had one financial forensic expert in employment, and that he underwent appropriate required training. Another financial forensic expert is expected to be hired in the coming period.

In 2021, the financial forensic expert participated in the following educational activities: 1) participant in a webinar on “Cross-border cooperation in criminal cases involving electronic evidence”, which served to present the Guide to Cross-Border Electronic Evidence, prepared by UNODC (held on 24 February 2021); 2) participant at the final conference of the project “Prevention and Fight against Corruption”, which was implemented in the Republic of Serbia in the period 2018-2021; 3) participant in the webinar on “Money Laundering through Trade” organised by the FATF; 4) participant in the advanced training for the use of I2 Analyst Notebook, version 9, organised by the OSCE; 5) participant in “The Malta Workshops” organised by the Ministry of Foreign and Economic Affairs of Malta and the Maltese Coordinating Body for Combating Money Laundering and Terrorism Financing (topics: risks of preventing money laundering of high-value individuals; temporary nature of TSCP operations and related risks of money laundering and terrorism financing; importance of international cooperation in criminal proceedings for the purpose of confiscation of property and conviction for financial crime and the practice of supervision and licensing in sectors with minimal physical presence); 6) participant in workshops organised by the Association of Banks of Serbia - Week of Compliance Function in Banks (topics: GDGP, three years later (England); best relations between information and software for efficient onboarding and customer knowledge; how to use data, human resources and advanced technology in the service of fight against financial crime; anti-bribery management systems ISO 37001; assets and revenues of public officials - obligations of officials and banks - opportunity for cooperation between banks and the Anti-Corruption Agency; supervisory function of the Securities Commission); 7) participant in a webinar on cryptocurrencies and money laundering; 8) participant in the webinar “Risk and Capital Management in Banks” organised by the Association of Serbian Banks, Bank FinIng; 9) participant in the Erste Security & Fraud conference, organised by Erste Bank; 10) participant in a webinar on the prevention of fraud in the digital process and misuse of applications, and the latest trends in the prevention of fraud related to virtual currencies,

organised by the Association of Serbian Banks; 11) participant at the conference “Raising Awareness and Detecting Fraud”, organised by the ACFE branch in Serbia; 12) participant in the webinar “Fight against serious crime, step by step approach to a conviction for money laundering without proving a predicate criminal offence”, organised by CEPOL; 13) participant in the FINIZ conference organised by Singidunum University; 14) participant in the webinar “Fifth Global Conference on Financial Crime and Cryptocurrencies”, organised by the Basel Institute for Good Governance; 15) participant in a webinar on the topic of monitoring money in the crypto space, organised by CEPOL; as a lecturer, has participated in the following trainings: 1) fraud investigation - forensic audit, as part of continuous professional training for certified auditors entrusted to the Chamber of Certified Auditors; 2) on the topic “Conducting a proactive investigation of value added tax fraud”, organised by OPDAT; 3) at webinars, on the topic of the Law on Digital Property; 4) at a workshop on VAT fraud; 5) lecture for first to fourth year students of the Faculty of Economics on the topic of money laundering - professional money laundries in the country.

In 2021, the financial forensic expert had several contacts with the financial forensic expert from the Special Department for the Suppression of Corruption of the High Public Prosecutor’s Office in Belgrade regarding the methodology of working on cases.

The Ministry of Justice also submitted information on the implementation of this activity, which [information] have already been presented by the Prosecutor’s Office for Organised Crime.

The Republic Public Prosecutor’s Office has reported that, in accordance with the Rulebook on Internal Organisation and Systemisation of Job Positions, the Prosecutor’s Office for Organised Crime and the Special Department for the Suppression of Corruption in the High Public Prosecutor’s Office in Belgrade employ one financial forensic expert each. The financial forensic expert who was engaged by the Special Department for the Suppression of Corruption in the High Public Prosecutor’s Office in Novi Sad has returned - based on the Referral Agreement - to the Ministry of the Interior upon the completion of the referral period. The positions of financial forensic expert in the Special Departments for the Suppression of Corruption in the High Public Prosecutor’s Offices in Niš and Kraljevo, as well as Novi Sad now, are currently vacant.

Although the expansion of the human resources capacity is still necessary, measures have been taken to strengthen the existing ones, which is why the Agency, in this reporting period, assessed the activity as implemented.

Activity 2.3.2.11⁶²

Adopt a new Rulebook on the Systemisation of Job Positions in the Prosecutor’s Office for Organised Crime and special anti-corruption departments in accordance with the conducted analysis of human capacity needs in Prosecutor’s Office for Organised Crime and special anti-corruption departments of high public prosecutor’s offices. (Activity related to The AP 24: Activity 6.2.2.7)	
In charge of activity	- Ministry of Justice (State Secretary in charge of corruption issues) - Prosecutor’s Office for Organised Crime - Republic Public Prosecutor’s Office - High Public Prosecutor’s Offices in Belgrade, Novi Sad, Niš and Kraljevo - State Prosecutors Council
Deadline	Fourth quarter of 2020
Indicators of results	Needs analysis for staff capacity expansion has been conducted. Amendments to the Rulebook on the Systemisation of Job Positions have been adopted.
Agency’s assessment	<i>The activity was implemented in the part referring to the Public Prosecutor’s Office for Organised Crime.</i>
	<i>The activity was not implemented in the part referring to special departments for anti-corruption of high public prosecutor’s offices.</i>

On the implementation of Activity 2.3.2.11

The Ministry of Justice has reported that the Prosecutor’s Office for Organised Crime has conducted an analysis of staffing capacities and, based on the analysis, proposed a staffing plan. The Ministry of Justice accepted the proposed staffing plan of the Prosecutor’s Office for Organised Crime and adopted the staffing plan for all judicial bodies based on the consent of the Ministry of Finance.

It also reported that, since the special department of the High Public Prosecutor’s Office has been applying the Law on Organisation and Competences of State Authorities in Combating Organised Crime, Terrorism and Corruption for three years, what follows now is a period for evaluation and analysis of the higher public prosecutor’s offices.

The Ministry of Justice has analysed the staffing capacities of special departments of high public prosecutor’s offices. However, the analysis was conducted for a period of 8 months, and the Ministry of Justice - or the Republic Public Prosecutor’s Office for that matter - does not believe them to be qualitatively adequate.

Together with the Republic Public Prosecutor’s Office, the OSCE Mission has prepared an analysis of the implementation of the Law on Organisation and Competences of State Authorities in Combating Organised Crime, Terrorism and Corruption, based on which new actions will be taken regarding staff capacities of special departments of the high prosecutor’s offices.

The Republic Public Prosecutor’s Office has reported that a round table was held on 29 October 2021, with the support of the OSCE Mission to Serbia, at which the Report on the Assessment of the Practical Implementation of the Law on Organisation and Competence of State Authorities in Combating Organised

⁶² Since two institutions were in charge of the implementation, the Agency assessed Activity 2.3.2.11 as two activities.

Crime, Terrorism and Corruption was presented. At the initiative of the Republic Public Prosecutor’s Office, a procedure was initiated to select deputy public prosecutors who meet the requirements for work in special departments for combating corruption of the High Public Prosecutor’s Offices in Belgrade, Niš, Kraljevo and Novi Sad. Commissions have been formed in the Appellate Public Prosecutor’s Offices in Kragujevac and Niš, consisting of the Appellate Public Prosecutor, the High Public Prosecutor and the head of the special anti-corruption departments of the High Public Prosecutor’s Offices in Niš and Kraljevo, whose task is to compile a ranking list of deputy public prosecutors interested in working in special anti-corruption departments. Also, an extraordinary performance evaluation of interested candidates was performed based on the decision of the State Prosecutors Council. After conducting interviews with the candidates and insight into the cases in which the interested candidates had acted, and based on the results of their extraordinary performance evaluation, the commissions compiled a ranking list of candidates. Security vetting of interested candidates is underway, in accordance with Article 26 of the Law on Organisation and Competences of State Authorities in Combating Organised Crime, Terrorism and Corruption, after which decisions will be made on their deployment or referral to special departments for combating corruption. Based on the number of deployed deputies, the competent high public prosecutor’s offices in Kraljevo and Niš will draft amendments to the Rulebook on the Systemisation of Job Positions. In January, February and March 2022, identical activities will be carried out regarding the special anti-corruption departments in Belgrade and Novi Sad.

The Prosecutor’s Office for Organised Crime reported that it had prepared an Analysis of the organisational structure, authorisations, and the existing and required capacities of the Office, ending with the state of affairs in 2020. The analysis shows that in order to speed up and improve the quality and economy of criminal proceedings and prosecutorial investigations led by the Prosecutor’s Office for Organised Crime, intensive international cooperation, fulfilment of obligations undertaken in connection with the implementation of a number of strategic documents, as well as participation in the European integration process in negotiating Chapters 23 and 24, it is necessary to increase the number of employees as soon as possible, as follows:

- By reaching the envisaged number of 25 deputy prosecutors for organised crime (there are currently 5 vacancies), financial forensic experts (1 vacancy) and typists (1 vacancy);*
- By increasing the existing number of employed prosecutors’ assistants from 19 to 25, and by hiring two more typists/stenographers, two more entry-makers (Serbian: upisničar), and one more IT support technician;*
- By introducing new job positions relating to the European integration and strategic planning (1 job position), a translator for the English language (1 job position), for study and analytical work (2 jobs positions), for administrative and technical support, general affairs and human resources for administrative and technical support, general affairs and human resources (1 job position), and for data entry in the application for monitoring money laundering and terrorism financing cases (1 job position).*

This analysis was submitted to the Ministry of Justice with the aim of adopting a new Rulebook on the Systemisation of Job Positions in the Prosecutor’s Office for Organised Crime and the Staffing Plan. On 7 May 2021, the Office was informed that the Staffing Plan was adopted on 27 April 2021, envisaging an increase in the number of employees in accordance with the needs identified in the analysis. On 14 May 2021, the Ministry of Justice approved the new Rulebook on the Systemisation of Job Positions in the Prosecutor’s Office for Organised Crime and the Staffing Plan.

Considering that the needs analysis has been made and that the new Rulebook on the Systemisation of Job Positions in the Prosecutor’s Office for Organised Crime and the Staffing Plan have been adopted, the Agency assessed that part of the activity as implemented. Since the amendments to the Rulebook are yet to follow concerning the special departments for the suppression of corruption in high public prosecutor’s offices, in the part related to the special departments for the suppression of corruption in high public prosecutor’s offices the Agency assessed the activity as not implemented.

Activity 2.3.2.12

Fill the vacancies in line with the Rulebook on the Systemisation of Job Positions in Prosecutor’s Office for Organised Crime and special anti-corruption departments of high public prosecutor’s offices. (Activity related to the AP 24: Activity 6.2.2.8)	
In charge of activity	- Prosecutor’s Office for Organised Crime - State Prosecutors Council - Republic Public Prosecutor’s Office - Ministry of Justice (State Secretary in charge of corruption issues)
Deadline	Fourth quarter of 2021
Indicators of results	Administrative capacities of Prosecutor’s Office for Organised Crime and special anti-corruption departments have been filled in accordance with the new Rulebook on the Systemisation of Job Positions.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.3.2.1

As this activity is directly conditioned by the implementation of Activity 2.3.2.11, the Ministry of Justice again pointed to the information that was submitted as part of Activity 2.3.2.11 in connection with the Prosecutor’s Office for Organised Crime and special departments of high public prosecutor’s offices.⁶³

The Republic Public Prosecutor’s Office reported that the vacancies in the special departments of the high public prosecutor’s offices will be filled after the amendment of the Rulebook on the Systemisation of Job Positions and the implementation of Activity 2.3.2.11.

The Prosecutor’s Office for Organised Crime reported that staff capacity was increased in 2021, i.e. that two more deputy prosecutors, three prosecutors’ associates, one analyst and one record taker/stenographer have started working, and that preparatory activities are being undertaken to fill the remaining vacancies. It further reported that the current accommodation capacity is not sufficient to fill all the

⁶³ See Activity 2.3.2.11

planned job positions, and that this will be fully possible only after the construction of a new building, which will house the Prosecutor’s Office for Organised Crime in accordance with Activity 6.2.2.14 of the Action Plan for Chapter 24.

Bearing in mind that this activity, in essence, implies a longer process, and that the capacities of the Prosecutor’s Office for Organised Crime have been strengthened, although not in full, which is clear from the needs analysis and the new Rulebook on Internal Organisation and Systemisation under Activity 2.3.2.11, the Agency assessed the activity as not implemented. Since the part of the activity related to filling vacancies in special departments of high public prosecutor’s offices has not been implemented either, it assessed it as one activity.

Activity 2.3.2.13

Analyse the needs for technical equipment in the Prosecutor’s Office for Organised Crime and special anti-corruption departments of high public prosecutor’s offices. (Activity related to the AP 24: Activity 6.2.2.9)	
In charge of activity	- Ministry of Justice (State Secretary in charge of corruption issues) - Prosecutor’s Office for Organised Crime
Deadline	Fourth quarter of 2020
Indicators of results	The analysis of technical equipment needs has been made.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.3.2.13

The Ministry of Justice has reported that the needs analysis was conducted, and that, based on said analysis, the technical specification of the equipment was made and the public procurement JN 26/2021 was announced.

The Prosecutor’s Office for Organised Crime reported that the Analysis of Technical Capacities and Needs for Technical Equipment of the Prosecutor’s Office for Organised Crime was conducted and drafted in May 2021. The Analysis presented the current state of the information equipment (servers, computers, peripherals and other technical equipment) in the Prosecutor’s Office for Organised Crime, but it also defined the need for additional procurement of IT equipment and related software tied to the increased number of staff and the planned construction of the new building.

Having in mind the above, the Agency assessed the activity as implemented.

Activity 2.3.2.14⁶⁴

Procure technical equipment for the Prosecutor’s Office for Organised Crime and special anti-corruption departments of high public prosecutor’s offices in accordance with the results of the analysis. (Activity related to the AP 24: Activity 6.2.2.10)	
In charge of activity	- Ministry of Justice (State Secretary in charge of corruption issues) - Prosecutor’s Office for Organised Crime
Deadline	Fourth quarter of 2021
Indicators of results	Technical equipment for the Prosecutor’s Office for Organised Crime and special anti-corruption departments has been procured.
Agency’s assessment	<i>The activity was not implemented in the part referring to the Prosecutor’s Office for Organised Crime.</i>
	<i>The activity was implemented in the part referring to the equipment for special departments of high public prosecutor’s offices</i>

On the implementation of Activity 2.3.2.14

The Ministry of Justice has reported that, after the public procurement procedure, it concluded a contract with the best selected bidder on 21 September 2021 on the sale of technical equipment for the needs of special departments of public prosecutor’s offices, in the amount of RSD 69,090,038.82 including VAT. The contract has been mostly implemented, i.e. special departments of public prosecutor’s offices have received equipment worth RSD 47,593,140.88 including VAT, while the delivery of the remaining equipment (124 desktop computers and 133 monitors) is expected in the second half of February 2022. The delay was caused by manufacturers, which requested long delivery periods.

The Prosecutor’s Office for Organised Crime reported that, based on the Analysis of Technical Capacities and Needs for Technical Equipment of the Prosecutor’s Office for Organised Crime, part of the necessary equipment was procured through a donation from the US Embassy in Belgrade, which was realised in December 2021, and through a public procurement procedure conducted by the Ministry of Justice of the Republic of Serbia.

Having in mind that the procurement of equipment for the Prosecutor’s Office for Organised Crime was realised partially, the Agency assessed that part of the activity as not implemented, while it assessed the part of the activity that had to do with the procurement of equipment for special departments of high public prosecutor’s offices as implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following recommendation from the Screening Report:

2.3.3. Conduct effective investigations into all allegations of corruption in privatisation cases, and ensure full transparency and accountability to avoid similar cases in the future.

The activities in question are Activities nosno. 2.3.3.1. and 2.3.3.2, which are individually presented below.

⁶⁴ The Agency assessed Activity 2.3.2.14 as two activities, as it involves procurement of equipment for different institutions.

Activity 2.3.3.1⁶⁵

Create and implement the Programme of mutual professional development of authorities participating in the privatisation process and authorities in charge of prevention and criminal prosecution of corruption cases.	
In charge of activity	- Judicial Academy (Director) - Ministry in charge of economic affairs - Anti-Corruption Agency
Deadline	Fourth quarter of 2021
Indicators of results	Trainings have been conducted. Number of conducted trainings, in relation to the planned trainings on mutual professional development of authorities participating in the privatisation process and authorities in charge of prevention and criminal prosecution of corruption cases.
Agency’s assessment	<i>The activity was implemented in the part referring to the creation of the Programme for professional development.</i>
	<i>The activity was not implemented in the part referring to the realisation of the trainings.</i>

On the implementation of Activity 2.3.3.1

The Judicial Academy has reported that a training curriculum and a case study with working material had been developed with the support of the USAID GAI Project. They are an integral part of the basic training programme, and an analysis of further project improvement was made in the fourth quarter of 2021. The trainings were not held in the reporting period because of the Coronavirus pandemic.

Having in mind the above, and following the indicators of results, the Agency assessed the activity in the part referring to the creation of the Professional Development Programme as implemented, while in the part that referred to conducting these trainings it assessed it as not implemented.

Activity 2.3.3.2

Hold regular meetings of the Anti-Corruption Council with the Republic Public Prosecutor’s Office and the Prosecutor’s Office for Organised Crime in order to better implement the recommendations provided in the Council’s reports.	
In charge of activity	- Anti-Corruption Council - Republic Public Prosecutor’s Office - Prosecutor’s Office for Organised Crime
Deadline	Continuous
Indicators of results	Meetings are being held on a regular basis.
Agency’s assessment	<i>The activity was not implemented</i>

⁶⁵ The Agency assessed Activity 2.3.3.1 as two activities, because it includes two wholes, namely the creation of curricula and the implementation of trainings..

On the implementation of Activity 2.3.3.2

The Republic Public Prosecutor’s Office has reported that meetings with representatives of the Anti-Corruption Council and the Prosecutor’s Office for Organised Crime were not held because of the Coronavirus pandemic and the epidemiological measures and recommendations of the Government of the Republic of Serbia. Therefore, in this reporting period the Agency assessed the activity as not implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following recommendation from the Screening Report:

2.3.4. Improve the collection of uniform statistics on corruption, drawing clear distinctions between different criminal offences and providing the possibility of a detailed assessment of the length of cases, outcomes, and so on.

The activity in question is Activity no. 2.3.4.1, which is presented below.

Activity 2.3.4.1⁶⁶

Conduct an analysis of feasibility studies on the establishment of a single electronic register of corruption-related crimes, conducted under IPA 2013 “Prevention and Fight against Corruption” and USAID GAI projects.	
Act in line with the findings of the analysis in terms of the most feasible solution.	
In charge of activity	- Ministry of Justice (State Secretary in charge of corruption issues)
Deadline	Fourth quarter of 2021
Indicators of results	Feasibility study analysis has been conducted.
Agency’s assessment	<i>The activity was implemented in the part referring to the analysis of feasibility studies.</i>
	<i>The activity was not implemented in the part referring to acting in line with the findings from the analysis.</i>

On the implementation of Activity 2.3.4.1

The Ministry of Justice has reported that the analysis of the feasibility studies has been conducted, and that the Ministry will start searching for the most feasible solution based on said analysis.

This activity envisages the same deadline for two separate segments, which should not be the case.⁶⁷ For this reason, the Agency assessed it as two activities - as implemented, in the part that referred to the analysis of the feasibility studies, and as not implemented, in the part of acting in accordance with the findings of the analysis.

⁶⁶ The Agency assessed Activity 2.3.4.1 as two activities, since it includes the analysis and acting based on said analysis.

⁶⁷ See Section 5. Recommendations

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following recommendation from the Screening Report:

2.3.5. Ensure that the legislative and institutional frameworks allow for the effective temporary and permanent confiscation and management of criminal assets stemming from crime, which would lead to more asset confiscation cases, as well as the following benchmark:

Serbia is establishing an initial record of efficient and effective investigations (including financial investigations), prosecutions, convictions and confiscations of assets in corruption cases, including cases of high-level corruption. (Serbia is applying a zero-tolerance policy for information leakage in connection with planned or ongoing corruption investigations and imposes sanctions in the event of such situations - discussed in Box 2.3.7)

The activities in question are Activities nos. 2.3.5.1, 2.3.5.2 and 2.3.5.3, which are presented below.

Activity 2.3.5.1

Improve the capacity of the Directorate for the Management of Confiscated Property by holding trainings, especially in the part related to the management of property confiscated from legal persons.	
In charge of activity	- Ministry of Justice (State Secretary in charge of corruption issues) - Directorate for the Management of Confiscated Property
Deadline	Continuous
Indicators of results	Trainings have been conducted. Percentage of trained employees in the Directorate for the Management of Confiscated Property, in relation to those in need of training.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.3.5.1

The Ministry of Justice has reported that employees of the Directorate have attended the following trainings that were organised by the Judicial Academy in the third and fourth quarters of 2021: 1) “Proactive investigations of Corruption Cases, Financial Fraud Cases and Cases Involving Economic Crime: Value Added Tax Fraud”, held from 8 to 10 September 2021; 2) “International Certification for Fraud Investigators and Anti-Money Laundering Specialists”, held on 30 September 2021; and 3) “Presentation of the Handbook on Confiscation of Assets Stemming from Criminal Activity”, held on 16 September 2021 in Belgrade, on 22 October 2021 in Niš, and on 3 December 2021 in Novi Sad.

Considering that steps have been taken to strengthen the capacity of the representatives of the Directorate for the Management of Confiscated Property, in this reporting period the Agency assessed the activity as implemented.

Activity 2.3.5.2

Improve international cooperation by concluding agreements with directorates from countries in the region and the EU. (Activity related to the AP 24: Activity 6.2.6.6)	
In charge of activity	- Ministry of Justice (State Secretary in charge of corruption issues) - Directorate for the Management of Confiscated Property
Deadline	Continuous
Indicators of results	Number of contracts concluded with directorates from the countries of the region and the EU.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.3.5.2

The Ministry of Justice has reported that the implementation of the activity is in progress.

Although steps have been taken to implement the activity, in this reporting period the Agency assessed it as not implemented because the result indicator envisages the number of contracts concluded with directorates from the countries of the region and the EU.

Activity 2.3.5.3

Strengthen the capacity of the Directorate for the Management of Confiscated Property by hiring new people in accordance with the Rulebook on the Systemisation of Job Positions.	
In charge of activity	- Ministry of Justice (State Secretary in charge of corruption issues) - Directorate for the Management of Confiscated Property
Deadline	Fourth quarter of 2021
Indicators of results	Vacancies have been filled in accordance with the Rulebook on the Systemisation of Job Positions.
Agency’s assessment	<i>The activity was not implemented</i>

On the implementation of Activity 2.3.5.3

The Ministry of Justice has reported that the procedure of amending the Rulebook on the Systemisation of Job Positions is under way, which should provide the basis for the implementation of this activity. Therefore, the Agency assessed the activity as not implemented.

In this report, in the same section of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, the Agency assessed the implementation of activities related to the following benchmark:

2.3.7. Serbia is establishing initial records of efficient and effective investigations (including financial investigations, prosecutions, convictions and confiscation of assets in corruption cases, including cases of high-level corruption - discussed in Box 2.3.5). Serbia has a zero-tolerance policy on information leaks related to planned or ongoing corruption investigations and imposes sanctions in such situations.

The activities in question are Activities nos. 2.3.7.1, 2.3.7.2, 2.3.7.3. and 2.3.7.4, which are presented individually below.

Activity 2.3.7.1

Adopt new regulations and procedures in order to introduce control and control mechanisms in accordance with the analysis of the current state of affairs (normative, organisational and functional), and identify weaknesses and risks (level of data availability, with accurate determination of availability in terms of time and content).	
In charge of activity	- Ministry of Interior
Deadline	First quarter of 2021
Indicators of results	Amended or adopted new regulations and procedures have been amended, or new ones adopted, in accordance with the analysis.
Agency’s assessment	<i>Activity cannot be assessed.</i>

On the implementation of Activity 2.3.7.1

The Ministry of Internal Affairs has reported that the Law on Confiscation of Assets Derived from Crime⁶⁸ governs the conditions, procedure and authorities responsible for detecting, confiscating and managing the property of natural and legal persons derived from criminal offences. In accordance with this Law, an organisational unit responsible for financial investigation has been established in the Ministry of Interior, as a specialised organisational unit of the Ministry of Interior that detects property derived from crime and performs other tasks in accordance with the Law. In accordance with this Law, the Asset Recovery Office has been established in the Ministry of the Interior, which processes received and submitted requests within the framework of international cooperation for detecting and identifying property arising from criminal offences, with the aim of its temporary or permanent confiscation. The unit performs its duties ex officio, or by decision of the public prosecutor or the court.

The Anti-Corruption Department was formed based on the Law on Organisation and Competences of State Authorities in Combating Organised Crime, Terrorism and Corruption. The Department conducts its activities in coordination with four special departments for the suppression of corruption within the High Public Prosecutor’s Offices in Belgrade, Novi Sad, Niš and Kraljevo. The Department’s police officers act on the orders of the competent prosecutor’s offices, applying procedures prescribed by the Criminal Procedure Code.

When it comes to preventing the leakage of information related to the investigation of all criminal acts, not only those related to corruption, Article 7 of the Code of Police Ethics⁶⁹ prescribes protection of official data, according to which police officers are not allowed to disclose or use unauthorised data obtained on duty or in relation to duty, especially those that could jeopardise the course of legal proceedings or the rights of third parties. Article 12 of the Code stipulates that conduct contrary to the provisions of the Code is conduct that damages the reputation of the Ministry of the Interior and the police profession.

68 “Official Gazette of the RS”, ns. 32/13, 94/16 and 35/19

69 “Official Gazette of the RS”, no. 17/17

The Law on Police⁷⁰ stipulates that conduct that damages the reputation of the Ministry is a serious violation of official duty, so the disciplinary procedure serves to determine the disciplinary responsibility of a police officer for the violation of official duty in question.

The contextual part of the subchapter ‘Fight against Corruption’ of the Revised Action Plan for Chapter 23⁷¹ states the following: “The analysis of the normative, organisational and functional frameworks has been conducted regarding the measures to prevent leakage of confidential information related to criminal investigations to the media, with special reference to measures for the prevention of information leakage and repressive measures to combat the disclosure of information related to criminal proceedings. The “Ideal model for detecting perpetrators and proving the crime of revealing an official secret (‘leaking information to the media)’ has been developed. An integral part of the model is the Instruction on the obligation to protect and not reveal secret and confidential data, as well as the Statement on the protection of secret and confidential data for all employees in public prosecutor’s offices and the Ministry of the Interior. An analysis of the current level of IT security has been conducted as well, on the basis of which proposals were made regarding future steps to increase the level of IT protection and introduce early warning and alarm systems. The Republic Public Prosecutor’s Office and the Ministry of the Interior are continuously monitoring the sanctioning of violations of regulations pertaining to the prevention of disclosure of confidential information”.

According to the submitted information, the Ministry of Interior is applying the existing regulations and procedures, but the Agency did not have sufficient information on the basis of which it could conclude whether the procedures in question are those that have been changed, based on the above analyses. Therefore, in this reporting cycle the Agency was not able to assess the implementation of this activity.

70 “Official Gazette of the RS”, nos. 6/16, 24/18 and 87/18

71 See p. 126 of the Revised Action Plan for Chapter 23, at: <https://www.mpravde.gov.rs/files/Revidirani%20AP23%202207.pdf>

Activity 2.3.7.2⁷²

Establish a Working Group in the Ministry of Justice to consider initiatives of the Republic Public Prosecutor’s Office concerning the amendments and supplements to the Criminal Procedure Code (based on the Analysis of the normative, organisational and functional frameworks - measures to prevent information leaks and repressive measures to suppress unauthorised communication of criminal procedure data), the Criminal Code and the Law on Public Prosecutor’s Office (based on the Analysis of the legislative framework related to criminal, disciplinary and other types of liability in connection with unauthorised disclosure of information). Act in accordance with the conclusions of the working group. (Related to Activity 2.2.10.23)	
In charge of activity	- Ministry of Justice (State Secretary in charge of corruption issues) - Republic Public Prosecutor’s Office - Government of the Republic of Serbia - National Assembly of the Republic of Serbia
Deadline	For the creation of the Working Group: first quarter of 2021 For amendments and supplements: until the fourth quarter of 2022
Indicators of results	The Working Group has been established. The law has been amended and supplemented in accordance with the conclusions of the Working Group.
Agency’s assessment	<i>The activity was implemented in the part referring to the establishment of the Working Group.</i>

On the implementation of Activity 2.3.7.2

The Ministry of Justice has reported that, by the Decision of the Minister of Justice no. 11901126/202105 of 12 May 2021, a Working Group in charge of analysing the Criminal Procedure Code was established with the aim of identifying and eliminating its weaknesses and shortcomings, and drafting the working version of the Law on Amendments and Supplements to the Criminal Procedure Code based on the results of said analysis.

The Working Group for the Analysis of the Effectiveness of the Criminal Justice System was formed based on the Decision of the Minister of Justice no. 11901125/202105 dated 12 May 2021. The analysis is based on completed cases, aiming to identify and eliminate its weaknesses and shortcomings and draft the working version of the Law on Amendments and Supplements to the Criminal Code. It was further reported that the amendments and supplements to the Law on Public Prosecutor’s Office will be drafted after the adoption of the Constitutional Amendments.

In view of the prescribed deadlines, in this report the Agency assessed only the establishment of the Working Group. For this reason, it assessed that part of the activity as implemented.

⁷² Given the deadlines relating to the other part of the activity, in Activity 2.3.7.2 the Agency assessed only the part that referred to the establishment of the Working Group..

Activity 2.3.7.3

Increase the level of IT protection by creating the so-called early warning system and the alarm system.	
In charge of activity	- Ministry of Interior
Deadline	Continuous
Indicators of results	The level of IT protection has been increased. The so-called early warning system and alarm system has been established.
Agency’s assessment	<i>The activity was implemented</i>

On the implementation of Activity 2.3.7.3

The Ministry of the Interior has reported that, within the Computer Emergency Response Team (CERT) of the Ministry of the Interior, activities were carried out in the reporting period in accordance with the competencies and the normative framework in the field of information security, namely: 1) prevention of attacks using the system of early detection of potential attacks, as well as direct monitoring of the activities of the Monitoring Centre on the official websites of the President of the Republic of Serbia, the Government of the Republic of Serbia, the Assembly of the Republic of Serbia and nam60.rs; 2) monitoring of the ICT system of the Ministry of the Interior, as well as monitoring of WiFi networks for the needs of the Summit of the Non-Aligned Movement, held from 11 to 12 October 2021; 3) Coordination and management of the Monitoring Centre in cooperation with the Security-Intelligence Agency (BIA), Military Security Agency (VBA), Military Intelligence Agency (VOA), military units (MU), Ministry of Foreign Affairs (MoFA), Counter-Terrorism and Extremism Service (SBPTE) and the Office for Information Technology and e-Government (KITEU); 4) consolidation of the Reports of all members of the Monitoring Centre, in cooperation with the Analytics Department.

Protection against information leakage is included in the protection of the IT system of the Ministry of the Interior, which is why in this reporting period the Agency assessed the activity as implemented.

Activity 2.3.7.4⁷³

Monitor the sanctioning of violations of regulations to prevent the disclosure of confidential information and prepare the analysis of the application of regulations and recommendations.	
In charge of activity	- Ministry of Interior - Republic Public Prosecutor’s Office
Deadline	Continuous
Indicators of results	Number of violations of regulations that serve to prevent disclosure of information. Analysis of the application of regulations, with recommendations, has been prepared.
Agency’s assessment	<i>The activity was implemented in the part referring to the monitoring of sanctioning violations.</i>
	<i>The activity was not implemented in the part referring to the analysis of the application of regulations and recommendations.</i>

On the implementation of Activity 2.3.7.4

The Ministry of Interior has reported that in the Police Administration, Criminal Police Administration, Counter-Terrorism Service, one disciplinary procedure was initiated in the first quarter of 2021 for breach of official duty under Article 207, paragraph 1, item 10 of the Law on Police, and that one disciplinary procedure that is carried out on the same grounds is still under way.

According to the available data covering the period until 22 September 2021, a disciplinary procedure was initiated in the Police Administration in Kraljevo against a police officer for disclosing information bearing the mark of confidentiality under Article 207, item 10 of the Law on Police. Previously initiated proceedings are underway in the Police Administration for the City of Belgrade, the Police Administration in Zaječar, the Police Administration in Smederevo and the Police Administration in Novi Sad.

According to the available data covering the period until 29 December 2021, one disciplinary procedure was initiated in the Police Directorate, Directorate for Administrative Affairs, while one disciplinary procedure for violation of official duty under Article 207, paragraph 1, item 10 of the Law on Police is under way in the Criminal Police Directorate, Counter-Terrorism Service. Disciplinary proceedings conducted on these grounds are ongoing in the Police Administration for the City of Belgrade, and in the Police Administrations in Zaječar, Novi Sad and Smederevo (one disciplinary procedure in each police administration).

According to the report of the Republic Public Prosecutor’s Office, no notification was submitted to this institution in the reporting period on the existence of grounds for suspicion that a violation of the regulations on preventing the disclosure of information has been committed.⁷⁴

Looking at the result indicators, in this reporting period the Agency assessed the activity in the part that referred to monitoring the sanctioning of violations of regulations that govern disclosure of confidential information as implemented, while it assessed the part referring to the analysis of the implementation of regulations and recommendations as not implemented, because no such analysis has been made in the course of the reporting period.

⁷³ The Agency assessed Activity 2.3.7.4 as two activities, because it includes monitoring of sanctions imposed for violation of regulations, as well as the analysis of the application of regulations.

⁷⁴ The Republic Public Prosecutor’s Office has previously reported that the analysis was created in 2018, when an ideal model and instructions were made and forwarded to all prosecutor’s offices.

5.

RECOMMENDATIONS

5.1 Implementation

1. It is necessary to revise the deadlines for activities that consist of several different activities in one, so that they are not equally time-limited, especially in cases where one subactivity arises from another (e.g. conducting an analysis and acting in line with the analysis in the same time period);
2. It is necessary to take into account the duration of certain procedures, based on the positive regulations of the Republic of Serbia, and to align the deadlines for the implementation of activities (e.g. the procedure of filling vacant job positions);
3. It is necessary to align the deadlines related to the impact analysis on regulations, and the evaluation of the effects of these regulations, with the Law on the Planning System of the Republic of Serbia⁷⁵ (Articles 1, 2, 40 and 41 of the Law on the Planning System of the Republic of Serbia);
4. It is necessary to revise the deadlines in such a way that the activities that, in essence, precede and condition the implementation of others, are time-limited accordingly;
5. It is necessary to time-limit the activities that are, in essence, one-off, as one-off activities;
6. It is necessary to time-limit the activities that are, in essence, one-off, (e.g. procurement of technical equipment in line with the analyses that precede it) as one-off activities, to enable monitoring their implementation in future reporting cycles as well;
7. It is necessary to review the expediency of conducting analyses and/or adopting accompanying acts on an annual basis if the nature of the activities is such that it does not require them (e.g. drafting a new Instruction for the preparation of the programme budget);
8. If it is envisaged that a certain activity is to be implemented with the participation of civil society organisations, it is necessary to also submit information on whether civil society organisations were involved in the implementation of the activity or not.

5.2 Improving the Quality of Reporting

9. When submitting information, the reporting entities should be guided by the essence of the activity as well as the result indicator, and should provide complete information to allow for the assessment of its implementation;
10. In capacity building and training activities, which are by nature continuous, it is necessary that reporting entities submit information on the percentage of trained staff, in relation to those in need of training. This can be done by creating an annual plan with baseline and target values based on the analysis of training needs, and by submitting information to the Agency on the fulfilment of that plan, to enable monitoring how capacity building contributes to the implementation of institutional competencies, i.e. to the realisation of the goal to be achieved through the activity in question;
11. In the activities that involve conducting proceedings, it is necessary to also include information on the outcome of the proceedings that have been completed.

75 “Official Gazette of the RS”, no. 30/18

5.3 Closer Definition of Certain Activities, Those in Charge, and the Result Indicators

12. It is necessary to avoid repeating the same activities;
13. It is necessary to change the names of institutions that have been changed in the meantime (e.g. following the adoption of new regulations, such as the Law on Prevention of Corruption, the Law on Public Procurement and the Law on Ministries);
14. It is necessary to also consider the recommendations of the reporting entities listed in individual activities, and amend the document in line with the recommendations. In the event that some of them are found unacceptable, such a conclusion should be thoroughly explained and presented to the reporting entity in question;
15. In the case of result indicators that list only the report of a certain institution, it is necessary to change the result indicator so as to define the elements the report should contain, which arise from the activity itself, bearing in mind that the report itself is the source of data verification, but not an indicator of results in the narrow sense;
16. In the case of result indicators that list an article of a certain law that has not yet been adopted, it is necessary to amend this because it is not yet known which article of the amended law will refer to the competence of the reporting entity;
17. It is necessary to eliminate result indicators that include institutions that are not responsible for implementing the activity;
18. It is necessary to eliminate result indicators that are not directly related to the implementation of the activity, i.e. are not the responsibility of the institution listed as being in charge;
19. It is necessary to redefine the parts of the activity for which the already defined holder of the activity is not competent, i.e. to determine another, appropriate holder of said activity;
20. In activities that involve holding meetings, it is necessary to define in more detail the result indicators, so as to determine the outcome of meetings, in addition to them being held on a regular basis;
21. In the case of activities in which the institution has indicated that the analysis had already been carried out, it is necessary to clarify whether the analysis in question is an already existing or a new one. If the analysis has already been developed, it is necessary to eliminate this result indicator and adjust the activity, and if not, it is necessary to redefine the result indicator, with a clear indication of which institution should conduct the analysis.

6.

**GENERAL
REMARKS ON THE
SUPERVISION OF
IMPLEMENTATION**

6.1 Revision of the Action Plan for Chapter 23

At the third Intergovernmental Conference, held in Brussels on 18 July 2016, the Republic of Serbia opened negotiating Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security). Following the recommendations of the European Commission from the Screening Report for Chapter 23, made on the basis of conclusions from explanatory and bilateral meetings on the analytical review of legislative compliance and after consultations with relevant actors and civil society, the Government of Serbia adopted the Action Plan for Chapter 23 on 27 April 2016. One of the recommendations of the European Commission for the Republic of Serbia was to “adopt one or more detailed action plans with a harmonised schedule, set clear objectives and deadlines, as well as the necessary institutional framework and adequate estimates of costs and financial allocations, in the following areas: justice, the fight against corruption and fundamental rights.” Following the adoption of the Action Plan for Chapter 23, negotiations on this chapter were opened in July 2016. The Common Position of the European Union for Chapter 23, including 50 transitional criteria defined in order to assess the further progress of the Republic of Serbia, was presented at the above mentioned Intergovernmental Conference.

The revised Action Plan for Chapter 23 was adopted by the Government of the Republic of Serbia on 10 July 2020.⁷⁶

As stated in the Revised Action Plan for Chapter 23, the revision of the Action Plan for Chapter 23 was necessary in order to review the activities that clearly indicate future direction (with setting new, realistic deadlines), make interventions in the formulation of activities so that they properly reflect the recommendations from the Screening Report and the benchmarks, and eliminate the observed difficulties in the implementation and monitoring of the implementation of activities. During the process of revision, the aim was for the interventions to properly reflect the recommendations of the Screening Report and the benchmarks, taking into account the assessments of the fulfilment of activities provided by the Council for the Implementation of the Action Plan for Chapter 23, contributions of responsible institutions - holders of activities from the Action Plan for Chapter 23, as well as difficulties observed in the implementation and monitoring of the implementation of activities.

As also provided for in the Revised Action Plan for Chapter 23, the oversight of the implementation of activities provided for in this document has been entrusted to the Coordinating Body. The Secretariat of the Coordination Body provides the Body with professional and administrative-technical support in performing the entrusted tasks. The Coordinating Body conducts oversight by analysing and reviewing draft implementation reports, making recommendations for improving the implementation of the Revised Action Plan for Chapter 23, and initiating an early warning mechanism in case of delays or other implementation problems. This body adopts the implementation reports and forwards them to the European Commission, the Government of the Republic of Serbia and the National Assembly. Members of the Coordinating Body are appointed by the Government. Members of the Body are top-level officials who come from the institutions which are in charge of carrying out the main part of the activities of the Revised Action Plan for Chapter 23.

⁷⁶ See: <https://www.mpravde.gov.rs/files/Revidirani%20AP23%202207.pdf>

In 2020, the Government of the Republic of Serbia made a decision to establish the Coordination Body for the Implementation of the Action Plan for Chapter 23: Judiciary and Fundamental Rights, which was amended in 2021.⁷⁷

Three meetings of the Coordination Body were held in 2021: on 20 April, on 23 July, and on 29 November. The Coordination Body established a new way of reporting, based on result indicators, as well as the so-called Early Warning Mechanism, with the aim of special monitoring of activities whose implementation is delayed or expected to be delayed.

6.2 Supervision of Implementation

In the process of monitoring the implementation of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’ in 2021, the Agency submitted quarterly communications to the institutions responsible for implementing the subchapter ‘Fight against corruption’,⁷⁸ setting deadlines for them for the submission of quarterly implementation reports, in line with the Guidelines for Reporting on the Implementation and Supervision of the Implementation of the Revised Action Plan for Chapter 23 - Subchapter ‘Fight against Corruption’.⁷⁹ The Agency thus collected data on the first quarter until 15 April, on the second quarter - until 15 July, and on the third quarter - until 15 October 2021, following which it prepared three quarterly implementation reports. The Agency collected data for the entire year 2021 until 15 January 2022, having informed the institutions that they needed to submit a report on activities that were not implemented in 2020 along with the report on the status of implementation of continuous and activities due in 2021.

After the launch of the reporting application, the Agency submitted the Instructions for Use to the institutions, noting that the reports, during the testing phase of the application, should be submitted via e-mail and written communication (on paper).

Institutions that are in charge of carrying out individual activities, which in 2020 appointed persons authorised to coordinate, monitor the implementation and report on the implementation of activities from the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’, and which have experienced staff changes in 2021, informed the Agency thereof in a timely manner, which enabled the Agency to regularly update its internal records of activity holders, i.e. reporting entities.

Three quarterly reports and reports on the implementation of activities that became due in the period from 1 January to 31 December 2021, which are of a continuous nature, as well as those previously assessed as not implemented, were submitted to the Agency by all institutions that are responsible for the activities,

⁷⁷ “Official Gazette of the RS”, nos. 98/20 and 6/21

⁷⁸ Written communications were sent to the following institutions: Government of the Republic of Serbia; Ministry of Justice; Anti-Corruption Council; Republic Public Prosecutor’s Office; Prosecutor’s Office for Organised Crime; Ministry of Finance; Tax Administration; Customs Administration; Ministry of Health; Ministry of Education, Science and Technological Development; Ministry of Interior; Ministry of State Administration and Local Self-Government; Ministry of Human and Minority Rights and Social Dialogue; National Academy of Public Administration; Human Resources Management Service; High Civil Service Council; Judicial Academy; Public Procurement Office, and the Commissioner for Information of Public Importance and Personal Data Protection.

⁷⁹ See: www.acas.rs/wp-content/uploads/2020/12/Smernice_za_izveštavanje_ACAS_cir_final.pdf

including institutions that are not the primary activity holders but possess information that is relevant for the implementation and implementation monitoring.

Although certain institutions have taken a proactive approach and have reported on activities that have not yet become due, the Agency, for the purposes of this report, did not pay special attention to these activities since their implementation is under way, and will address them individually when they become due or once they have been completed. An exception was made only in cases where these were related to activities that did become due in this reporting period.

In addition, there are activities regarding which - although they were marked as continuous - it clearly follows that they should be evaluated during a certain period of time (e.g. continuously, starting six months after the adoption of amendments to the law), which, as such, have not yet become due, or the the period for the implementation of the previous, conditional activity has not yet started.⁸⁰

During the preparation of the report, the Agency requested additional information from certain institutions. If they possessed the requested information, they replied within the set deadlines. Additional information was requested to complete the rationale for the assessment of the activities provided by the Agency in the report.

6.3 Challenges in the Process of Supervision of Implementation

One of the key challenges in the process of implementation monitoring is related to certain shortcomings of the Revised Action Plan itself, which the Agency pointed out in recommendations provided both in the Second (this) Implementation Report and the First Implementation Report.⁸¹ In certain cases, these shortcomings significantly affected both the manner of implementation of activities and the manner of reporting on their implementation.

The challenge that can be singled out in the Second Implementation Report relates to activities that are conditioned by the implementation of others, which has caused significant delays or complete absence of implementation. These are activities that are conditioned by the adoption of a law or the implementation of analyses, which is why, in the event that a specific law was not adopted or the analysis was not carried out, in this reporting period they were assessed as not implemented. An example of such an activity is the adoption of a new normative framework in the field of control of the financing of political activities, due to whose absence in 2021 none of the other, conditioned activities have been implemented either (adoption of by-laws, capacity building, drafting of accompanying handbooks and so on).

The Coronavirus pandemic remained a challenge in the sense that it primarily affected capacity building activities and inter-institutional cooperation.

80 For example, the National Assembly of the Republic of Serbia adopted the Law on Amendments and Supplements to the Law on Free Access to Information of Public Importance on 3 November 2021. The Law entered into force on 16 November 2021 and will begin to apply three months after the date of its entry into force.

81 See: https://www.acas.rs/wp-content/uploads/2021/03/ASKpoglavlje_23web1.pdf

Some institutions did not fully address the result indicators; however, when it was obvious and clear from their reports that steps have been taken towards their implementation, the Agency assessed such activities as implemented, indicating in the recommendations how this challenge might be overcome. This especially refers to continuous activities, because the Agency will continue to monitor their implementation in other reporting cycles.

Many activities related to capacity building are in the form of training, and these are, for the most part, being worked on. However, the wording used to describe training in a particular area does not clearly explain how many trainings have been/are being organised, or for how many people. As stated in the recommendations, the implementation of trainings should be preceded by a needs analysis, followed by the creation of a curriculum, as an activity structured in this way would enable much easier implementation, as well as implementation control by monitoring the implementation of the curriculum.

There are activities regarding whose implementation certain institutions have declared themselves incompetent, which is another issue that has been mentioned in the recommendations as an area that needs to be regulated so that responsibility for implementation is assigned to institutions that are truly responsible for a particular area.

As it had announced in the First Implementation Report, in the Second Implementation Report the Agency tried to avoid not providing any assessment for a particular activity, except when it did not have sufficient relevant information to assess its implementation. Thus, in the First Report there were 10 unassessed activities, while in the Second Report the Agency was unable to assess four.

The conclusion remains that the quality of reporting is not uniform, although there is a noticeable improvement compared to the First Implementation Report in the sense that the institutions themselves are now identifying shortcomings, both in the structure of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’ and in the implementation and reporting on what they have, and what they have not, achieved in the reporting period, and are finding ways to overcome them where possible. This could be explained by the fact that the institutions are now better acquainted with the document, that continuity of reporting has been established, that they are aware of their obligations, that a Coordination Body has been established, and that, at its meetings, the Coordination Body spoke of the shortcomings in the process of implementation and reporting on implementation.

Still, it is important to note that there are examples of good practice of institutions that have submitted complete reports, covering in full both the essence of the activities and the indicators of results.

Other challenges are listed in the recommendations.

6.4 Methodological Framework

The methodological framework is based on the Guidelines for Reporting on the Implementation and Supervision of the Implementation of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’.

Oversight of the implementation of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’ means that the Agency: collects information on the implementation of activities from the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’; assesses the level of implementation of activities, and submits a report to the National Assembly.

In addition to monitoring the implementation of strategic documents and submitting a report to the National Assembly on their implementation, with recommendations for action, the Agency provides recommendations to the responsible entities on how to eliminate shortcomings in the implementation of strategic documents, and initiates amendments and supplements thereto.

In this regard, the Guidelines for Reporting on the Implementation and Supervision of the Implementation of the Revised Action Plan for Chapter 23 - subchapter “Fight against Corruption” include four key processes:

- 1) The manner in which the Agency collects information and data on the implementation of activities from the activity holders, i.e. the manner in which the activity holders report to the Agency;
- 2) The manner in which the Agency handles the received information and data and submits a report to the National Assembly;
- 3) The manner in which the Agency gives opinions with recommendations to the holders of activities for overcoming difficulties, i.e. improving the quality of reporting; and
- 4) The manner in which the Agency initiates amendments and supplements to the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’.

The reports of the reporting entities were the main source of information on which the Agency based its assessment of the status of the activities. For that reason, in the reporting form, the reporting entities were also asked to provide evidence that the activities were in fact implemented.

In addition to the reporting entities’ reports, other sources of information were also available to the Agency, to analyse the context in which certain activities are carried out and to better understand the situation in the reporting area, such as: research in a specific monitored area; reports of other independent state authorities on the state of affairs in certain areas; reports on the work of public authorities charged with implementing the activities, etc

The assessment of the status of the activities was supposed to provide an answer to the question of whether and to what extent the activities were carried out. Based on the reports submitted to the Agency by the reporting entities, and by comparing the responses from the reports with the essence of specific activities

and result indicators, in this report the Agency gave one of the following status assessments regarding each of the activities:

1. The activity has been implemented,
2. The activity has not been implemented, or
3. The activity could not be assessed.

based on the parameters presented in the table below using the so-called traffic light scale.

Preparing the report, the Agency used only data related to the reporting period, not to the activities that were carried out in the first quarter of 2022. Certain institutions subsequently submitted data on the implementation of these activities, i.e. on additional steps that were taken to complete the implementation of activities that became due in the reporting period. For the sake of consistency in reporting, the Agency will present them in the upcoming quarterly reports, and in the Third Implementation Report to be submitted to the National Assembly by 31 March 2023.

In order to ensure the methodological coherence of the report, the Agency always tried to assess the essence of the activity itself, as well as the result indicators. In situations where the result indicator was not appropriately defined, as explained in the recommendations, the Agency relied on the meaning of the activity itself, as well as the goal that should have been achieved, or should be achieved, by its implementation.

Although it contains certain inaccuracies, in the process of drafting this report, when entering individual activities, recommendations from the screening report and the benchmarks, the Agency used the already available translation of the Revised Action Plan for Chapter 23 - subchapter ‘Fight against Corruption’ into Serbian, published on the website of the Ministry of Justice.

6.5 Tabular Presentation of the Assessment of the Status of Individual Activities in the Second Implementation Report

Status of activity	Assessment criteria/Explanation
1. Activity was implemented	The activity is viewed as implemented because: <ol style="list-style-type: none"> 1) It was completed within the set deadline and in accordance with the steps planned for its implementation and defined result indicators; 2) The purpose of the activity indicates that steps have been taken towards its implementation (especially in the case of continuous activities), even if it is not fully in line with the result indicator.
2. Activity was not implemented	The activity is viewed as not implemented because: <ol style="list-style-type: none"> 1) It was not completed within the set deadline and in accordance with the steps planned for its implementation and defined result indicators; 2) The purpose of the activity indicates that no steps have been taken, or completed, towards its proper implementation; 3) It is conditioned by the implementation of some other activity, which is either not yet implemented or is currently in the process of being implemented.
3. Activity cannot be assessed	The activity could not be assessed because: <ol style="list-style-type: none"> 1) No data have been submitted from which it could be determined how the activity is being implemented; 2) The holder of the activity is not defined in an appropriate manner in all the aspects of the implementation of the activity; 3) The activity is not clearly defined and/or it cannot be established whether it has been implemented or not.

7.

LIST OF ABBREVIATIONS

Agency	Agency for Prevention of Corruption
First Implementation Report	First Report on the Implementation of the Revised Action Plan for Chapter 23 - subchapter Fight against Corruption
Second Implementation Report	Second Report on the Implementation of the Revised Action Plan for Chapter 23 - subchapter Fight against Corruption
Guidelines	Guidelines for Reporting on the Implementation and Supervision of the Implementation of the Revised Action Plan for Chapter 23 - subchapter Fight against Corruption
Council	Anti-Corruption Council
Mol	Ministry of the Interior
PPOOC	Prosecutor’s Office for Organised Crime
SAI	State Audit Institution
HRMS	Human Resources Management Service
Commissioner	Commissioner for Information of Public Importance and Personal Data Protection
CC	Criminal Code
IPA	Instrument for Pre-Accession Assistance of the European Union
USAID	United States Agency for International Development
OSCE	Organisation for Security and Cooperation in Europe
ODIHR	Office for Democratic Institutions and Human Rights
EU	European Union
SIGMA	Joint initiative of the European Union and the Organization for Economic Cooperation and Development to support for improvement in governance and management
GIZ	German Agency for International Cooperation
DCAF	Geneva Centre for Security Sector Governance
PCIB	Regional Police Cooperation and Integrity Building Programme in the Western Balkans
LAP	Local anti-corruption plan
Model	Model Local Anti-Corruption Plan
OPDAT	Office of Overseas Prosecutorial Development, Assistance and Training
CAMS	International certification programme in the field of prevention of money laundering
ACAMS	Association of Certified Anti-Money Laundering Specialists
CFE	International Certification Program for Certified Fraud Examiners
ACFE	Association of Certified Fraud Examiners
BIRODI	Bureau of Social Research
BC	Border crossing

FATF	Financial Action Task Force - an international body whose task is to develop and improve the fight against money laundering and terrorism financing
UNODC	United Nations Office on Drugs and Crime
PA	Police administration
UNDP	United Nations Development Programme
SPC	State Prosecutors Council
CERT	Information System Attack Response Centre
BIA	Security Intelligence Agency
VBA	Military Security Agency
VOA	Military Intelligence Agency
MU	Military units
MFA	Ministry of Foreign Affairs
OITEA	Office of Information Technology and Electronic Administration
EMPACT	European Multidisciplinary Platform Against Criminal Threats
VAT	Value added tax