

**WORK PROGRAM OF THE AGENCY FOR PREVENTION
OF CORRUPTION**

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INTRODUCTION

Strategic and program obligations of the Agency for Prevention of Corruption (hereinafter: the Agency) are numerous and complex. These obligations are prescribed by laws and the most important strategic documents, primarily, Revised Action Plan for Chapter 23- Judiciary and Fundamental Rights. In that sense, determination of the Republic of Serbia is to achieve significant improvement in the fight against corruption, by respecting democratic values, rule of law, and protection of fundamental human rights and freedoms.

The Republic of Serbia ratified all most important international instruments in the field of prevention and fight against corruption. The Agency monitors and actively participates in the evaluation of compatibility of the European and international organizations, such as the evaluation of the Group of States against Corruption (GRECO) and the United Nations Office for Drugs and Crime (UNODC).

With the aim of the comprehensive fight against corruption, it is necessary to define the work program of the Agency, which would contain concrete measures as to confirm what has been well done until now, previous results, and achievements, but also to foresee additional measures that would significantly improve efficiency and effectiveness of the Agency.

The legal framework for corruption prevention in the Republic of Serbia, inter alia, includes: Law on Prevention of Corruption (“Official Gazette of the RS“, No. 35/19, 88/19, 11/21 – authentic interpretation, 94/21 and 14/22), Law on Protection of Whistleblowers (“Official Gazette of the RS“, No. 128/14), Law on Financing Political Activities (“Official Gazette of the RS“, No. 14/22), Law on Lobbying (“Official Gazette of the RS“, No. 87/18 and 86/19 – other law), Law on Free Access to Information of Public Importance (“Official Gazette of the RS“, No. 120/04, 54/07, 104/09, 36/10 and 105/21), Law on Public Procurement (“Official Gazette of the RS“, No. 91/19), and other laws.

The Law on Prevention of Corruption governs the legal status, competencies, organization and operation of the Agency, rules concerning the prevention of conflicts of interest in discharge of public office, accumulation of public offices, assets and income declaration of public officials, the procedure for deciding on violations of this Law and other issues relevant for preventing corruption.

To implement the law, the Agency is established as an independent and autonomous state authority accountable to the National Assembly of the Republic of Serbia for the performance of work from its purview. Funds for the work of the Agency are provided from the special budget allocation of the Budget of the Republic of Serbia, as well as from other sources, in accordance with the law.

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

The Director represents and acts on behalf of the Agency, manages the work of the Agency’s Service, organizes and ensures lawful and efficient performance of the Agency’s activities, adopts general and individual enactments, decides on requests of public officials in accordance with this Law, takes decisions on violations of this Law and issues measures, provides opinions

and issues instructions concerning the implementation of this Law, submits to the National Assembly the annual report on the work of the Agency and the report on the implementation of strategic documents, prepares a proposal of budget funds required for the work of the Agency, decides on the rights, obligations and responsibilities of Agency employees, executes decisions of the Council of the Agency and performs other tasks specified by law.

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

In performing tasks within its purview, the Agency cooperates with public authorities and other legal persons. The Agency cooperates with scientific institutions and associations. The cooperation consists of joint actions in the implementation of strategic documents in the field of the fight against corruption, implementation of training programs, research into the state of corruption, and other activities important for the prevention of corruption.

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

Meaning of Specific Terms in this Law:

CORRUPTION is a relationship that occurs when a public office or social status or influence is used for acquiring personal benefits for oneself or another.

A CONFLICT OF INTEREST is a situation where a public official has a private interest that affects, may affect, or appears to affect the discharge of public office.

PRIVATE INTEREST is any benefit or advantage in favor of a public official or an associated party.

UNLAWFUL INFLUENCE ON A PUBLIC OFFICIAL IN THE AGENCY means every influence that is not based on the law or other regulation, that affects lawful and proper performance of the public official of the Agency in discharging public office.

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

INTEGRITY is a set of values and actions of public authorities, other organizations and legal persons that enable public officials, employees and persons engaged to perform tasks in public authorities to abide by the laws and codes of conduct and act ethically to avoid corruption and improve performance. The integrity plan is adopted after the assessment of one's own integrity and implemented to improve the assessed integrity.

Vision

Continuous development of the Agency, which is professionally and administratively strengthened, and infrastructurally equipped, to perform the competencies prescribed by the Law on Prevention of Corruption, and other laws (Law on Protection of Whistleblowers, Law on Lobbying, Law on Financing Political Activities), as well as for the implementation of strategic documents in this area and is ready to answer all challenges encountered.

Mission

Ensure prevention of corruption, influence, and conflict of interest in behavior and in the process of decision-making of public officials by strengthening the integrity, impartiality, and transparency in the public officials' performance, whose actions contribute to the establishment, nurturing and continuous strengthening of the public trust in the public authority's performance.

General Objective

The Agency as a key stakeholder in the preventive activities in the fight against corruption contributes to the development of a society with zero tolerance for corruption. With consistent, efficient, and professional performance and by the implementation of anti-corruption laws and strategic documents in this area, the Agency contributes to the strengthening of the integrity and transparency in the work of public office holders

Specific Objectives

1. Cleaning up its "own backyard" - strengthening the professional and administrative capacities of the Agency;
2. Raising the awareness of public officials on the consequences of their behavior, the need to prevent private influences on decision-making in the discharge of public office, the need to strengthen integrity, objectivity in the work, impartiality, and transparency in the discharge of public office;
3. Raising public awareness on the competencies and powers of the Agency as well as what citizens can and should expect from the Agency;
4. Strengthening cooperation with other public authorities in order to improve the work of the Agency.

Method and deadlines for implementation of specific objectives

Specific objective 1: Cleaning up its "own backyard" - strengthening the professional and administrative capacities of the Agency with the aim of its more efficient and effective work

State of play:

The existing organizational units are too fragmented, without adequately strong interconnection, and with an excessive number of managerial positions, insufficient number of executive job positions, as well as insufficient staffing in the sectors that are dealing with the Agency's key competencies. In addition, the structure of existing job positions and the distribution of official titles in which the tasks of those workplaces are performed, allow neither development of employees' competencies through the mentoring and similar methods, nor the renewal of the Agency's human capacities.

The way of achieving of the Specific Objective 1:

1.1. Amend the Rulebook on internal organization and systematization of work positions in terms of uniting certain sectors, reducing the number of internal organizational units, and redistributing executive capacities to increase the capabilities of sectors dealing with key competencies.

Implementation deadline: II quarter of 2023

1.2. Consider the establishment of the three regional organizational units in the cities where special departments of judicial authorities for the fight against corruption are located: Kraljevo, Niš, and Novi Sad. This can be done without a significant increase in costs, by using the facilities that are usually used by election campaign observers, and the technical prerequisites would be provided from the Agency's available equipment and through projects supported by international partners. Hereby, the Agency would become closer to citizens, but also to local civil society organizations, thus resulting in decreasing of the workload of employees at the Agency's headquarters in Belgrade. The employees in the regional units would concentrate on the competencies of the Agency concerning public officials and public authorities at the local self-government level, thus enabling the Agency at the headquarters in Belgrade to focus on public officials and public authorities at the republic and provincial level and the so-called high-level corruption.

Implementation deadline: II quarter of 2024 (because it requires the establishment of a working group for preparing draft law, conducting the expert/public hearings, and other sub-activities).

Taking a proactive approach to the work, eliminating the bureaucratic attitude towards work, and reaching the leadership role that the Agency should and must have, and what is expected from it in the prevention of corruption.

Implementation deadline: Continuously

Specific objective 2: Raising the awareness of public officials on the consequences of their behavior, the need to prevent private influences on decision-making in the discharge of public office, the need to strengthen integrity, objectivity in the work, impartiality, and transparency in the discharge of public office

State of play:

Until now, the Agency has drafted the Manual for Recognizing and Managing Conflicts of Interest and Incompatibility of Office Situations, and Guide for Public Officials, which have been published on the Agency's website. A video material showing potential conflicts of interest situations, including the dissemination and awareness-raising component, is available on the Agency's website, i.e. the official YouTube channel MyIntegrity, where the other educational video materials within the Agency's competence are also available. These video materials are also made available through the Agency's official social media accounts.

Public authorities are obliged to conduct training of employees and managers in accordance with the training program and training instructions, and to inform the Agency in writing about the implementation of the training in the field of the prevention of corruption and strengthening integrity. Since the beginning of the implementation of the Law on Prevention of Corruption until September 2022, approximately 76.750 participants successfully completed the online training on ethics and integrity.

In 2022, the Agency conducted the impact assessment of measures taken to reduce corruption in vulnerable areas (public procurement; privatization; health; taxes; education; police; customs; local self-government) and drafted the Report on findings which has been submitted to the National Assembly.

The way of achieving of the Specific Objective 2:

2.1. Drafting the Public Offices Catalog, as a measure in the fulfilling of the obligations that public officials have.

Implementation deadline: II quarter of 2023

2.2. Production of publications with information on legal obligations, prohibitions, and restrictions for public officials and their broad distribution.

Implementation deadline: III quarter of 2023

2.3. Consider the formation of training teams, composed of Agency's employees and experts in the specific fields for which the training is being conducted, independently and in cooperation with national and international partners (CoE, OSCE, UN, USAID).

Implementation deadline: II quarter of 2023

2.4. Training of public officials on obligations arising from the Law on Prevention of Corruption, and other laws and strategic documents in this area.

Implementation deadline: continuously, starting from III quarter of 2023

Specific objective 3: Raising public awareness on the competencies and powers of the Agency as well as what citizens can and should expect from the Agency

State of play:

The Agency continuously conducts activities in order to involve society in the prevention of corruption. For that aim, the role of the media in the fight against corruption is very important, especially in the part of raising citizens' awareness of the harmfulness of corruption, but also for strengthening cooperation with them. A very important segment is the continuous clarification of the role of the Agency in the system of the fight against corruption, and the understanding of the competencies of the Agency in a way that is accessible and comprehensible to the public.

In November 2021 the Agency organized the campaign „For Functions without Corruption” to raise public awareness about the importance of corruption prevention in Serbia as well as to present the Agency’s competencies and to familiarize the public with the new legal solutions. In addition, the Agency continuously conducts trainings on the application of the Law on Prevention of Corruption for representatives of the public authorities, media, and civil society organizations.

To improve citizens' anti-corruption awareness, consultative meetings are held with citizens' associations whereby operational conclusions are adopted.

As part of the enhancing of cooperation with civil society organizations, support for the implementation of projects and involvement of civil society in the prevention of corruption is provided (the Agency conducts a public call for projects, monitors and the civil society organizations in the implementation of projects to which the Agency has allocated funds). Consultative meetings with civil society organizations are also held.

Currently, improving the system of presenting the Agency's results to the public through web presentation and social media accounts is underway.

Work on citizens' raising awareness must include more activities on the implementation of the raising awareness campaigns, publication of information on the Agency's work, conducting of various training programs for different target groups on the Agency's competences, and the application of mechanisms for prevention of corruption, in cooperation with national and international partners.

The way of achieving of the Specific Objective 3:

3.1. Consider the formation of training teams, composed of Agency employees and experts in the specific fields for the training that is being conducted, independently and in cooperation with national and international partners (CoE, OSCE, UN, USAID). Organization of the panel discussion for the students on the most relevant provisions and principles arising from the Law on Prevention of Corruption, as well as from other laws and strategic documents in this area.

Implementation deadline: II quarter of 2023

3.2. Organization of the lectures for the students in secondary schools on the most relevant provisions and principles arising from the Law on Prevention of Corruption, as well as from other laws and strategic documents in this area.

Implementation deadline: Continuously, starting from III quarter of 2023

Specific Objective 4: Strengthening cooperation with other public authorities in order to improve the work of the Agency

State of play:

Currently, not all existing competencies of the Agency have been used or applied sufficiently.

In 2022, the existing IT system was upgraded by developing an internal data exchange platform, but it is not sufficiently directly connected to all databases of public authorities, in line with the Article 36 of the Law on Prevention of Corruption. This is why it is necessary to improve the existing applications for processing and verification of the reports on the assets and income of officials, based on identified deficiencies in performance. The aim is to improve the connection with other institutions which with the Agency exchanges data, and analysis of verification procedures and techniques, as well as improvement of prioritization in the process of drafting a plan for verification of the assets and income of officials.

The process of verification of assets and income is insufficiently automated, and there is a need to objectify the methodologies for planning and conducting regular and extraordinary verification of reports.

Regarding the obligations of public officials that refer to the submission of extraordinary reports on assets and income, there are legal inconsistencies that need to be eliminated.

In the area of corruption risk assessment in legislation carried out by the Agency, it is necessary not only to reinforce the insufficiently strong role of the Agency in the legislative procedure, but also to improve the mechanism.

Improvement of the capacity of authorized law proposers is currently underway. It is also planned to improve the capacity of MPs for adopting laws that do not contain the corruption risks in the legislation, including the component of protecting the EU's financial interest.

Internal guidelines for the application of the Methodology for Corruption Proofing have been developed. Opinions on corruption proofing are published on the Agency's website and there is a plan to draft report on the follow-up actions of authorized proponents based on the Agency's recommendations.

To enhance cooperation with misdemeanor courts, a round table was organized in September 2022. Still, it is necessary to work continuously on improving and establishing a new and more efficient form of cooperation with misdemeanor courts, special departments of higher prosecutor's offices, courts, and the Ministry of Internal Affairs. In addition, it is necessary to work continuously on improving cooperation as well as operationalization of the concluded agreements with the institutions with which the Agency has signed cooperation agreements at the national level.

Besides the Law on Prevention of Corruption, the Agency is also in charge of the implementation of the Law on Lobbying and the Law on Financing of Political Activities.

By entering into force of the Law on Lobbying on 14 August 2019, the necessary steps were taken to establish a normative framework and to strengthen the capacity to fight against corruption. At the same time, the commitments from the international acts and recommendations, above all the recommendations of the Council of Europe's Group of States against Corruption (GRECO) were fulfilled.

The way of achieving of the Specific Objective 4:

4.1. Further improvement of the existing IT system in the Agency through:

4.1.1. Direct connection to all databases of public authorities, in line with the Article 36 of the Law on Prevention of Corruption;

4.1.2. Objectivization of the methodologies for planning and conducting regular and extraordinary verification of reports;

4.1.3. Automatization of the verification of assets and income reports.

Implementation deadline: Continuously, starting from II quarter of 2023

4.2. Initiate the improvement of the normative framework for the Agency's work (Law on Prevention of Corruption, Law on Lobbying), which implies:

4.2.1. Elimination of the legal inconsistencies regarding the obligations of public officials that refer to the submission of extraordinary reports on assets and income;

4.2.2. Creation of opportunities for a more significant role of the Agency in the legislative procedure, both, when adopting legislation related to the prevention of corruption, and when giving opinions on the assessment of the corruption risks in laws;

4.2.3. Strengthening the obligations of lobbied persons and unregistered lobbyists to protect the public interest.

Implementation deadline: II quarter of 2024 (because it requires the establishment of a working group for preparing draft law, conducting the expert/public hearings, opinion of the Venice Commission, and other sub-activities).

Closing remarks

The Agency will monitor the implementation of the mentioned measures in this program and inform the Council of the Agency thereof.

Within the Revised Action Plan for Chapter 23-Subchapter “Fight against Corruption”, (Activity 2.2.1.2.), the Agency will conduct analysis of the effects of implementation of the new Law on Prevention of Corruption.

The implementation deadline for this activity is IV quarter of 2023.

The Agency now monitors the implementation of the strategic documents, submits to the National Assembly the report on the strategic document implementation with the accompanying recommendations for action, provides the responsible entities with recommendations for eliminating any identified omissions or shortcomings within the implementation of strategic documents and initiates amendments to the strategic documents. Up to date the Agency has drafted and submitted two reports on the implementation of the Revised Action Plan for Chapter 23-Subchapter “Fight against Corruption, for 2020 and 2021.

In addition, the Agency adopted its Strategic Plan for the period 2019-2023.

In accordance with GRECO recommendations from the Fifth round evaluation report, it is necessary to work on amendments and supplements to the Law on Prevention of Corruption and Law on Lobbying, as to cover all persons with top executive functions (PTEFs), including chiefs of the cabinet of the top executive officials as well as special and government advisers.

The notion of lobbying encompassed in the Law on Lobbying must be expanded to cover contacts with PTEFs whether they have been formalised in a written request or not, contacts between PTEFs and lobbyists/third parties that seek to influence the public decision-making process are to be disclosed as well as the names of the participants and the subject-matters discussed.