

# MODEL LAW ON THE ANTI-CORRUPTION AGENCY

## I BASIC PROVISIONS

### Scope of the Law

#### Article 1

This Law governs legal status, competencies, organisation and operation of the Anti-Corruption Agency (hereinafter: *the Agency*), rules concerning the prevention of conflict of interest in discharge of public offices, cumulation of public offices, disclosure of assets and incomes by persons discharging public offices, procedure and decision in case of violation of this Law, as well as other issues of relevance to the work of the Agency.

### Purpose of the Law

#### Article 2

The purpose of this Law is protection of public interest, reduction of corruption risk and promotion of integrity and responsibility of the public authority bodies and public officials.

### Meaning of Terms

#### Article 3

For the purpose of this Law the following terms shall mean:

- 1) “corruption” is a state based on an abuse of office, i.e. social status or influence, in public or private sector, with an aim to acquire personal benefits for oneself or another;
- 2) “public authority body” is a body of the Republic of Serbia, autonomous province, local self-government unit and town municipality; organisation that is entrusted with public authority; public service; public enterprise and other legal entity the founder of which or member is the Republic of Serbia, autonomous province, local self-government unit or town municipality; company in which public enterprise or other legal entity the founder of which or member is the Republic of Serbia, autonomous province, local self-government unit or town municipality possesses shares or stocks; subject of privatisation with regard to which privatisation is the contract on the sale of capital, i.e. of property terminated; subject of privatisation in restructuring; company in which subject of privatisation with regard to which privatisation is the contract on the sale of capital, i.e. of property terminated or subject of privatisation in restructuring possesses shares or stocks; the existent social enterprises and companies that operate with the social capital;
- 3) “official” is every person elected, appointed or nominated to the bodies of public authority;
- 4) “public office” denotes a function of public official based on election, nomination or appointment in the body of public authority;
- 5) “associated person” is a spouse or a common-law partner of the official, lineal blood relative of the official, lateral blood relative to the second degree of kinship, adoptive

parent or adoptee of the official, in-law relative concluded with first degree of kinship, as well as any other natural person or legal entity who, according to other grounds and circumstances, may be reasonably assumed to be associated in interest with the official;

6) “private interest” is any kind of benefit or advantage to the official or associated person;

7) “conflict of interests” is a situation where an official has a private interest which affects or may affect actions of an official in discharge of public office;

8) “undue influence” is a psychological or physical attack, threat, blackmail, pressure and any other form of undue interference in the work of an official which affects or may affect his actions and decision-making;

9) “complaint” is a written submission of the natural person or legal entity to the Agency, containing facts that indicate doubt over corruption in the work of the public authority bodies or the official;

10) “regulation in the anti-corruption area” is any regulation whose adoption, amendments or implementation is envisaged or whose existence is determined by the National Anti-Corruption Strategy (hereinafter: *the Strategy*) and the Action Plan for the implementation of the Strategy (hereinafter: *the Action Plan*), as well as law regulating the area which is subject to the ratified international treaties falling under the anti-corruption area;

11) “gift” is money, thing, right and service performed without adequate compensation and any other benefit given to the official or associated person in respect to discharge of public office;

12) “political entity” is political party, coalition or group of citizens within the meaning of the law regulating financing of political activities.

In accordance with gender equality principle, all the terms used in the text of this Law in the masculine gender shall comprise feminine gender forms as well.

## **II THE AGENCY**

### **Legal status of the Agency**

#### **Article 4**

The Agency is an autonomous and independent state body and is accountable to the National Assembly for performance of duties from its purview.

The Agency has the status of a legal entity.

### **Funds for the operation and functioning of the Agency**

#### **Article 5**

Funds for the operation and functioning of the Agency shall be provided in the budget of the Republic of Serbia, at the proposal of the Agency, and from other sources, in accordance with the law.

Annual funds for the operation and functioning of the Agency, being provided in the budget of the Republic of Serbia, shall be sufficient so as to enable effective and efficient performance of duties from its purview.

The Agency autonomously disposes with funds specified in paragraph 2 of this Article, in accordance with the law.

### **Seat and organisational units of the Agency** **Article 6**

The seat of the Agency is in Belgrade.

The Agency may establish organisational units outside its seat.

Organisational units specified in paragraph 2 of this Article do not have the status of a legal entity.

### **Competencies of the Agency** **Article 7**

The Agency:

- 1) supervises the implementation of the Strategy and the Action Plan and issues opinions with regard to their implementation;
- 2) issues directives, gives opinions, takes general stands and regulates forms for the implementation of this Law;
- 3) institutes proceedings and pronounces sanctions in accordance with this Law;
- 4) performs tasks in accordance with the law governing the financing of political activities;
- 5) files criminal charges, requests for motions of misdemeanor procedure and initiatives for motion of disciplinary procedure;
- 6) keeps register of officials;
- 7) keeps register of assets and incomes of officials and monitors property status of officials;
- 8) keeps separate records in accordance with this Law;
- 9) acts on complaints on natural persons and legal entities and upon its own initiative aimed at disclosure of corruption related acts;
- 10) acts on the employees in the public authorities bodies' complaints that indicate doubt over corruption in the public authority bodies where they work by implementing measures of protection of those persons;
- 11) organises coordination of the state bodies' operation in combating corruption;
- 12) co-operates with public authority bodies and other legal entities, with scientific organisations and civil society organisations, in the field of combating corruption;

- 13) autonomously and in cooperation with the other state bodies, conducts and monitors the international cooperation in the field of combating corruption;
- 14) launches initiatives for amending and enacting regulations in the field of combating corruption and participates in drafting of these regulations;
- 15) issues opinions on drafts and proposals of regulations in the field of combating corruption;
- 16) conducts corruption risk assessment in the work of public authority bodies and prepares reports with recommendations for eliminating these risks, in accordance with this Law;
- 17) issues guidelines, monitors adoption and implementation of integrity plans and drafts and publishes integrity assessments in public and private sector, in accordance with this Law;
- 18) introduces and implements education programs in the field of combating corruption, in accordance with this Law;
- 19) organises researches on state of corruption and
- 20) also performs other tasks set forth by this Law.

### **Bodies of the Agency** **Article 8**

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

### **Competencies of the Board** **Article 9**

The Board appoints and dismisses the Director, decides on appeals to Director's decisions in accordance to this Law, adopts the annual report on operation of the Agency and the report on the implementation of the Strategy and the Action Plan, issues general stands for the implementation of this Law, performs supervision over the work and property status of the Director, proposes budget funds for operation of the Agency, enacts the Board's Rules of Procedures, issues opinion on the Rule Book on internal regulations and job classification within the Secretariat of the Agency and performs other tasks set forth under this Law.

### **Election Requirements for a Member of the Board** **Article 10**

A person may be elected a member of the Board who meets the general requirements for employment in state bodies, holds university degree, has minimum nine years of work experience in the profession and has not been convicted for a criminal offence making him/her unworthy to discharge the office of member of the Board.

A member of the Board may not be a member of a political party, i.e. political entity and is subject to the same obligations and prohibitions applicable to officials under this Law.

## **Composition of the Board**

### **Article 11**

The Board is a collegiate body and shall have nine members.

Members of the Board shall be elected by the National Assembly following the nomination by:

1. the Administrative Committee of the National Assembly;
2. the Ombudsman;
3. the Republic Commission for the Protection of Rights in Public Procurement Procedures;
4. the Supreme Court of Cassation;
5. the State Audit Institution;
6. the Commissioner for Information of Public Importance and Personal Data Protection;
7. Social-Economic Council;
8. the Bar Association of Serbia;
9. the Associations of Journalists of the Republic of Serbia, in agreement.

A candidate for member of the Board who is nominated by nominators specified in paragraph 1, items 8) and 9) may be from the ranks of the nominators.

## **Term of Office of a Member of the Board**

### **Article 12**

The term of office of a member of the Board is four years and the same person may be elected member of the Board twice at most.

## **Termination of Office of a Member of the Board**

### **Article 13**

The office of a member of the Board shall terminate with expiration of his term of office, by resignation, if permanently incapacitated to discharge the office due to illness verified by a relevant medical institution, and by dismissal.

The nominators shall submit nominations for election of a new member of the Board three months prior to expiry of the term of office of a member of the Board.

If the office of a member of the Board terminates prior to the expiry of the term of his office, the nominator shall submit a list of candidates for a new member of the Board to the National Assembly within 30 days from the day of occurrence of circumstances specified in paragraph 1 of this Article.

## **Dismissal of a Member of the Board**

### **Article 14**

Decision on dismissal of a member of the Board is passed by the National Assembly at the motion of the Board.

A member of the Board shall be dismissed in case of negligent performance of duties, if he becomes a member of a political party, i.e. political entity, if his conduct and behaviour undermines independence and impartiality of the Agency, if convicted for a criminal offence making him unworthy of the office or if determined that he has violated this Law.

The procedure to determine whether there are reasons for dismissal of a member of the Board shall be initiated by the Board, following the proposal of the Chairperson of the Board, at least three members of the Board, Director of the Agency or the nominator of the relevant member of the Board.

The procedure referred to in paragraph 2 of this Article shall be conducted and the decision shall be made by the Board.

A member of the Board shall have the right to declare in the procedure in which it is determined whether there are reasons for his dismissal.

A member of the Board shall exempt himself from a debate and vote in a procedure determining reasons for his dismissal.

The Board may suspend its member who is undergoing proceedings which shall establish whether reasons for his dismissal exist, until the termination of the procedure for dismissal.

If the decision is brought by which it is determined that there are reasons for dismissal of a member of the Board, the Board shall with no delay inform the National Assembly.

## **Operation and Decision Making of the Board**

### **Article 15**

The work of the Board shall be managed by the Chairperson of the Board, elected by members of the Board amongst themselves.

The Board decides by a majority vote of all its members at the sessions presided by the Chairperson of the Board.

Issues regarding the operation and decision making of the Board are more specifically regulated by the Board's Rules of Procedures.

**Remuneration for the Work of the Board Member**  
**Article 16**

A member of the Board is entitled to monthly remuneration equal to two average monthly net salaries in the Republic of Serbia.

**Competencies of the Director**  
**Article 17**

The Director represents the Agency, manages its operation, organises and ensures lawful and efficient performance of duties from the Agency's purview, issues decisions on the violation of this Law and pronounces measures, gives opinions and directives for the implementation of this Law, prepares the annual report on the operation of the Agency and the report on the implementation of the Strategy and Action Plan that, after the acquired opinion of the Board, shall submit to the National Assembly, prepares the proposal of budget funds for operation of the Agency, passes general and individual acts, decides on the rights, duties and responsibilities of the Agency's staff and performs other tasks set forth under this Law.

**Election Requirements for the Director**  
**Article 18**

A person may be elected the Director who meets the general requirements for employment in state bodies, holds a degree in law, has a minimum nine years of work experience in the profession and has not been convicted for a criminal offence making him unworthy to discharge the office of the Director.

The Director may not be a member of a political party, i.e. political entity and is subject to the same obligations and prohibitions applicable to officials under this Law.

**Public Competition for Election of the Director**  
**Article 19**

The Director shall be elected through public competition announced and conducted by the Board.

The public competition shall be published in the *Official Gazette of the Republic of Serbia* and at least one public media with a state-wide coverage.

**Term of Office of the Director**  
**Article 20**

The term of office of the Director is five years and the same person may be elected the Director twice at most.

### **Termination of Office of the Director** **Article 21**

The office of the Director shall terminate with expiration of his term of office, by resignation, if permanently incapacitated to discharge the office due to illness verified by a relevant medical institution, and by dismissal.

The Board shall announce a competition for election of a new Director three months before the expiry of the term of office of the Director.

If the office of the Director terminates prior to expiry of the term of his office, the Board shall announce a competition for election of a new Director, within 15 days from the day of occurrence of circumstances specified in paragraph 1 of this Article.

### **Dismissal of the Director** **Article 22**

The Director shall be dismissed in case of unprofessional and negligent performance of duties, if he becomes a member of a political party, i.e. political entity, if his conduct and behaviour undermines independence and impartiality of the Agency, if convicted for a criminal offence making him unworthy of the office or if determined that he has violated this Law.

The procedure for dismissal of the Director shall be conducted by the Board.

The Director shall have the right to declare in the procedure for his dismissal.

The procedure specified in paragraph 2 of this Article is determined by the Board's Rules of Procedures.

The Board may suspend the Director if a procedure for his dismissal has been initiated, until the termination of the procedure for dismissal.

### **Deputy Director** **Article 23**

The Director shall have a Deputy Director that performs tasks within the purview of competencies defined by the Director and is a replacement in case of Director's absence or incapacity to perform his duties.



The Deputy Director shall be elected through public competition, announced by the Director within 15 days of his election, and conducted by the Board.

The Director shall select a Deputy Director from three proposed candidates from the list determined by the Board.

Decision on dismissal of the Deputy Director is passed by the Director.

The term of office of the Deputy Director shall terminate by election of a new Director.

All provisions referring to a Director shall be applied accordingly to the requirements for selection and termination of terms of office of a Deputy Director and proceedings for his dismissal.

### **Salary of the Director and the Deputy Director** **Article 24**

The Director is entitled to a salary equal to the base salary of a president of the Supreme Court of Cassation.

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

The base salary specified in paragraph 1 and 2 of this Article, due to particular complexity of tasks and responsibilities of the position, shall be increased by 50%.

The Director and the Deputy Director are entitled to a remuneration in lieu of a salary for the period of 6 months beginning on the day of the termination of office, in the amount valid on the day of the termination of office.

The right to the salary specified in paragraph 2 of this Article, shall cease before the expiry of six months if the former director or deputy director concludes an employment contract or retires.

### **Secretariat of the Agency** **Article 25**

The Agency has a Secretariat managed by the Director.

Internal organisation and job classification in the Secretariat of the Agency are determined with the general act brought by the Director, after the acquired opinion of the Board, with the approval of the committee of the National Assembly in charge for administration.

Duties and responsibilities of the employees in the Secretariat of the Agency that perform professional and administrative tasks for the Board shall be specified by the general act brought by the Director, after the acquired opinion of the Board.

A disciplinary procedure against the employees in the Secretariat of the Agency referred to in paragraph 3 of this Article as well as disciplinary sanction shall be issued by the Director, with the approval of the Board.

A disciplinary procedure referred to in paragraph 4 of this Article shall be specified by the general act brought by the Director, with the approval of the Board.

In a disciplinary procedure against other employees in the Secretariat of the Agency, provisions of the law that regulates rights and obligations of civil servants, shall directly be applied.

### **Status of Employees in the Secretariat of the Agency** **Article 26**

The regulations applying to civil servants shall also apply to the employees in the Secretariat of the Agency, unless differently specified by this Law.

The civil servants in the Secretariat of the Agency are subject to the same prohibitions and obligations applicable to officials under this Law, except the obligation from Article 46 paragraph 1 of this Law.

For a violation of this Law, to a civil servant in the Secretariat of the Agency shall be imposed a disciplinary punishment which, in accordance with the law governing the rights and duties of civil servants, may be imposed for serious violations of duties of employment.

The employees in the Secretariat of the Agency designated by the Director shall have official ID.

Shape, form and content of the official ID from paragraph 4 of this Article shall be regulated by a specific act brought by the Director.

### **Institutional Adjustments to Salaries** **Article 27**

The base salary of the civil servants in the Secretariat of the Agency, due to particular complexity of tasks and responsibilities of the position, shall be increased by 30% as related to base salary of civil servants whose positions are devised in the same rank.

With regard to other incomes of the civil servants in the Secretariat of the Agency, incomes are subject to regulations that define salaries, bonuses and other incomes of civil servants.

**Cooperation with Public Authority Bodies and other Legal Entities**  
**Article 28**

In performing tasks from its purview the Agency shall cooperate with public authority bodies and other legal entities, in a manner that does not undermine its independence.

**Obligations of Public Authority Bodies and other Legal Entities**  
**Article 29**

Public authority bodies and other legal entities shall be obliged to deliver all documents and information that are necessary for the Agency so as to perform duties from its purview, upon the request and within deadline set by the Agency, that can be no longer than 15 days.

Public authority bodies and other legal entities shall be obliged to enable to the Agency direct and unhindered access to the official record and documentation and to dispose all data that they have, and that are of importance for the procedure the Agency conducts.

Upon the request and within deadline set by the Agency, the public authority body, i.e. other legal entity shall be obliged to deliver copy of the official record and documentation referred to in paragraph 2 of this Article.

Tasks referred to in paragraph 2 of this Article can directly be performed by the employee of the Agency, with the use of official ID and based on special order issued by the Director.

With regard to obligations set in paragraph 1 and 2 of this Article prohibitions and restrictions set by other regulations shall not be applied.

The Agency's officials and the employees of the Agency shall be obliged to keep as a secret data to which they encounter while performing their office, i.e. official duty, that are set and marked with certain degree of secrecy by the law, other regulation or decision of the authorised body based on the law, even after the termination of the office, i.e. employment in the Agency.

**Reporting**  
**Article 30**

The Agency shall submit an annual report on its operation to the National Assembly, no later than 31 March of the current year for the preceding year, as well as extraordinary reports on its operation at the request of the National Assembly, i.e. on its own initiative.

The Agency may submit special reports on the state of corruption to the National Assembly on its own initiative.

The reports referred to in paragraph 2 of this Article the Agency shall submit to public authority bodies to which the reports refer and to public authority bodies which supervise their work.

### **III CONFLICT OF INTEREST**

#### **Basic Rules on Discharge of Public Office Article 31**

An official shall discharge public office in a manner which shall not subordinate the public interest to private interest.

An official shall totally comply with regulations concerning his rights and obligations and shall secure and maintain the trust of citizens concerning his conscientious and responsible discharge of public office.

An official shall not be in any dependant status towards the person that could influence his impartiality in discharging public office and shall not use the public office for any gain or benefit for him/herself or for associated person.

An official shall not use knowledges and information that he encounters while discharging public office, if those knowledges and information are not available to the public, for gaining any advantage or benefit for himself or other person or damaging others.

Prohibition referred to in paragraph 4 of this Article shall not cease even after the termination of the public office.

#### **Notifying the Agency on Existence of Private Interest Article 32**

The official that should make decision or participate in proceeding prior to decision making in which he or associated person has private interest, shall be obliged to notify the Agency, in written form, on existence of private interest, no later than the beginning of decision making, i.e. before undertaking any action in procedure prior to decision making.

This does not interfere to regulations dealing with exemptions that are foreseen by laws that regulate court, i.e. general administrative procedure.

**Procedure upon Notification on Existence of Private Interest**  
**Article 33**

If, acting upon notification from Article 32 of this Law, the Agency determines that there is a conflict of interest, it brings a decision that sets a deadline for the official, that shall be no less than 15 nor exceed 30 days, in which he is obliged to take measures for elimination of conflict of interest in a manner determined by the Agency and inform the Agency.

The decision referred to in paragraph 1 of this Article shall be brought by the Director against which an appeal may be lodged to the Board within 15 days from the day of deliverance.

The decision of the Board referred to in paragraph 3 of this Article is final against which administrative procedure may be initiated.

If the official fails to take measures for elimination of conflict of interest in a way and within deadline set in the decision, the Agency shall initiate procedure on determining the violation of this Law.

**Special Provisions on Notification of Director, i.e. Member of the Board**  
**of the Agency on Existence of Private Interest**  
**Article 34**

The Board shall act and make decision upon the notification of the Director, i.e. member of the Board on the existence of private interest.

The member of the Board shall be obliged to exempt himself from a debate and vote in a procedure in which decision is made on his notification.

**Annulment of Individual Legal Act, i.e. Contract**  
**Article 35**

The individual legal act, i.e. contract, in which adoption, i.e. conclusion the official has participated and had to exempt himself due to conflict of interest, shall be annulled.

The decision that determines the annulment of individual legal act, i.e. contract referred to in paragraph 1 of this Article shall be made by the Agency.

The decision referred to in paragraph 2 of this Article is an integral part of the decision that determines the existence of the violation of this Law and the measure of public announcement of the recommendation for dismissal from the public office, i.e. the measure of public announcement of the decision on the violation of this Law is pronounced to the official.

About decision referred to in paragraph 2 of this Article, the Agency, upon the finalisation of decision, with no delay, shall inform the public authority body in which the official discharges public office or person on which right or obligation is determined by the individual legal act, i.e. other contracted party.

The public authority body referred to in paragraph 4 of this Article shall be obliged to inform the Agency on the taken measures, within deadline of eight days, upon the reception of notification referred to in paragraph 4 of this Article.

### **Performing Other Job Article 36**

An official shall not perform other job if between the public office and that job exists a relation of dependence or other relation that endangers or may endanger impartial and efficient performance or reputation of public office, i.e. that it represents a conflict of interest or is envisaged by other law or other regulation that the official shall not perform that duty during discharge of public office.

Job referred to in paragraph 1 of this Article also envisages office that is not considered to be public in terms of this Law as well as freelance profession, proscribed by the separate regulation, that is not considered to be entrepreneurial in terms of the law governing the legal status of entrepreneurs.

### **Performing Counselling Duties Article 37**

An official shall not perform counselling duties of legal entities and natural persons with regard to the public office he discharges, regardless of the fact that those duties are paid or not paid for.

### **Performing Offices in Legal Entities with the Participation of Private Capital Article 38**

An official shall not be a representative nor member of the body of the legal entity with the participation of private capital.

### **Membership in bodies of associations Article 39**

An official shall not be a member of a body of association if between the public office and membership in the body of association exists a relation of dependence or other relation that endangers or may endanger impartial and efficient performance or reputation of public office, i.e. that it represents a conflict of interest or is envisaged by other law or other regulation that the official shall not perform that duty during discharge of public office.

### **Membership and Holding a Function in Political Party, i.e. Political Entity**

#### **Article 40**

An official may be a member and hold a function in a political party, i.e. political entity, provided that such engagement is not prohibited by the law.

An official may not use the public office and public resources for promotion of political parties, i.e. political entities.

Exceptionally from paragraph 2 of this Article, an official may use public resources for protection of personal security, if such use of public resources is envisaged by regulations from that field or by decision of services that are in charge of the officials' security.

An official is required at all times to unequivocally present to his interlocutors and the general public whether he is presenting the viewpoints of the public authority body in which he discharges public office or viewpoints of a political party, i.e. political entity.

Provisions of paragraph 4 of this Article shall not apply to MPs, deputies and council members.

### **Transferring of Managerial Rights**

#### **Article 41**

An official that at the moment of assuming public office possesses, i.e. during tenure of public office, gains shares or stocks in a company, is obliged, within 30 days from the election, nomination or appointment, i.e. gaining shares or stocks, to transfer his managerial rights in the company to legal entity or natural person that is not associated person, so that they would, in their name, and on the account of the official, exercise these rights until the termination of the public office of the official.

Within five days from the day of the transferring of managerial rights, official is obliged, to the authorised body of the company and to the Agency, to deliver data on person to which he has transferred managerial rights and evidences on managerial rights transfer.

A person to which the official has transferred managerial rights shall become associated person.

An official shall neither give information, directives and orders to the person to whom the managerial rights have been transferred, nor influence in any manner through him on exercising rights and obligations in the company.

An official shall have the right to be informed on the state of the company.

An official owning up to 3% shares or stocks in a company is not required to transfer his managerial rights to another legal entity or natural person.

#### **Article 42** **Entrepreneurial activities**

An official that performs entrepreneurial activities at the moment of assuming public office, i.e. commences entrepreneurial activities during tenure of public office is obliged, within 30 days from the election, nomination or appointment, i.e. entrepreneur registration, to transfer managing to other natural person, in accordance with the law governing the legal position of the entrepreneur.

#### **Notifying the Agency about participation in Public Procurement Procedure** **Article 43**

A legal entity in which an official owns more than 20% shares or stocks, if taking part in a public procurement procedure, privatisation procedure or other procedure which results in the conclusion of contract with a public authority body, other budget spending unit, i.e. other legal entity in which the Republic of Serbia, autonomous province, local self-government unit or town municipality owns more than 20% of the capital, shall accordingly notify the Agency, within 15 days from the day of undertaking first action in the procedure as well as of the final outcome of the procedure within three days of learning of its completion.

The Agency shall keep records of the legal entities and procedures specified in paragraph 1 of this Article.

Records from paragraph 2 of this Article are public.

More specific content of the notification referred to in paragraph 1 of this Article, the form and method for submitting shall be stipulated by the Director of the Agency.

The notification referred to in paragraph 1 of this Article not being submitted in accordance with paragraph 3 of this Article, shall be considered as not submitted at all.



**Notifying the Agency on Undue Influence on the Official**  
**Article 44**

An official shall be obliged to immediately notify the Agency, in written form, on the undue influence he is exposed to in discharge of public office.

Upon receipt of notification referred to in paragraph 1 of this Article, the Agency files to a competent authority the criminal charge, request for motion of misdemeanor procedure, i.e. initiative for motion of disciplinary procedures in accordance with the law.

The authority referred to in paragraph 2 of this Article shall be obliged to inform the Agency on the taken measures, within deadline of 90 days, upon the reception of notification referred to in paragraph 1 of this Article.

**Special Provisions on Undue Influence on the Official of the Agency**  
**Article 45**

On the undue influence he is exposed to in discharge of public office, a member of the Board informs the Board and the Director, the Director informs the Board, and the Deputy Director informs the Director.

Upon receipt of notification referred to in paragraph 1 of this Article, the Agency files to a competent authority the criminal charge, request for motion of misdemeanor procedure, i.e. initiative for motion of disciplinary procedures in accordance with the law.

The authority referred to in paragraph 2 of this Article shall be obliged to inform the Agency on the taken measures, within deadline of 90 days, upon the reception of notification referred to in paragraph 1 of this Article.

**Restrictions following Termination of Public Office**  
**Article 46**

During the period of two years after termination of public office, the official shall neither establish business relations with the public authority body in which he had discharged public office nor accept position within the legal entity, i.e. establish employment or business relation with the legal entity, entrepreneur or other natural person, having had business relation with the public authority body in which the official had discharged public office, in the course of his public office.

The prohibition referred to in paragraph 1 of this Article, shall not refer to an official elected directly by citizens.

Final decision determining violation of the paragraph 1 of this Article shall be submitted by the Agency to legal entity, i.e. entrepreneur or other natural person referred to in paragraph 1 of this Article.

#### **IV CUMULATION OF PUBLIC OFFICES**

##### **Prohibition of Discharging other Public Office Article 47**

An official may discharge only one public office, unless he is obliged by the law to simultaneously discharge two or more public offices.

An official may simultaneously discharge two or more public offices elected directly by citizens, unless in cases of incompatibilities set by the Constitution.

##### **Dismissal of Public Official Article 48**

An official that has been elected, nominated or appointed to the other public office contrary to provisions of this Law shall be dismissed from the later public office.

The decision on the dismissal of the official referred to in paragraph 1 of this Article shall be issued by the public authority body that had elected, appointed or nominated the official to later office, within deadline set by the Agency, that can be no less than eight days from the day of reception of the decision of the Agency determining that the official was elected, appointed or nominated to the other public office contrary to the provisions of this Law.

If an official has, contrary to the provisions of this Law, been elected directly by citizens to the later public office, he shall be dismissed from the public office on which he had been previously elected, appointed or nominated.

#### **V GIFTS**

##### **Prohibition of Accepting Gifts Article 49**

An official may not accept a gift related to discharge of public office, except for protocol or appropriate gift which may not be in money or securities.

An associated person may not accept a gift related to discharge of public office of the official with whom he is associated.

As an exception to paragraph 2 of this Article, an associated person may receive protocol gift.

### **Protocol Gifts Article 50**

Protocol gift shall be deemed a gift to the official from a representative of foreign state, international organisation or foreign natural person or legal entity, received during an official visit or on other similar occasions.

Protocol gift shall become public property.

The official shall be obliged to immediately, and no later than eight days from the gift reception day, i.e. from the arrival day in the country from abroad, hand over the protocol gift to the public authority body in which he discharges public office.

The public authority body referred to in paragraph 3 of this Article shall be obliged to hand over the protocol gift to the authority authorised for dealing with public property.

As an exception to paragraph 3 of this Article, the official shall have the right to retain the protocol gift if it stands for the appropriate gift the value of which does not exceed 10% of the value of the average monthly net salary in the Republic of Serbia, i.e. appropriate gifts the aggregate value of which does not exceed one average monthly net salary in the Republic of Serbia during a calendar year.

### **Appropriate Gifts Article 51**

The Director of the Agency shall stipulate measures to determine which gifts shall be deemed appropriate as well as competence and criteria for the assessment of their value.

An official may not keep the appropriate gift which value exceeds the amount of 10% of an average monthly net salary in the Republic of Serbia, i.e. appropriate gifts which value during a calendar year exceeds the amount of an average monthly net salary in the Republic of Serbia.

An appropriate gift referred to in paragraph 2 of this Article, shall become public property.

The official shall be obliged to immediately, and no later than eight days from the gift reception day, i.e. from the arrival day in the country from abroad, hand over the appropriate gift referred to in paragraph 2 of this Article to the public authority body in which he discharges public office.

The public authority body referred to in paragraph 4 of this Article shall be obliged to hand over the appropriate gift referred to in paragraph 2 of this Article to the authority authorised for dealing with public property.

### **Rejecting Gifts Article 52**

An official who has been offered a gift in relation to discharge of public office, in money or securities, i.e. not considered appropriate, shall reject the gift and inform the giver that he is not allowed to accept the gift.

The official shall immediately submit a written report, within deadline no longer than eight days from the gift rejection day, i.e. from the arrival day in the country from abroad, on the event referred to in paragraph 1 of this article to the public authority body in which he discharges public office and the Agency.

### **Catalogue of Gifts Article 53**

An official shall be obliged to immediately, and no later than eight days from the gift reception day, i.e. from the arrival day in the country from abroad, to inform the public authority body in which he discharges public office on every gift he has received.

The received gifts are listed in the record of gifts that is being kept by the public authority body in which official discharges public office.

The public authority body referred to in paragraph 2 of this Article shall be obliged to deliver a copy of the record of gifts to the Agency, no later than March 1 of the current year, for previous calendar year.

If, during the record of gifts examination, the Agency determines violation of this Law, the Agency shall inform about that the public authority body referred to in paragraph 1 of this Article.

Based on records of gifts the Agency shall make catalogue of gifts for previous calendar year and shall publish it on its internet presentation, no later than June 1 of the current year.

More specific content of the record of gifts, the form and method for submitting shall be stipulated by the Director of the Agency.

The record of gifts not being submitted in accordance with paragraph 6 of this Article, shall be considered as not submitted at all.

## **VI DISCLOSURE OF ASSETS AND INCOMES**

### **Register of Officials Article 54**

The public authority body in which the official discharges public office shall notify the Agency that the official has assumed public office or that the public office has terminated, within eight days from the day of assuming or terminating public office.

Based on notification referred to in paragraph 1 of this Article the Agency shall keep a Register of Officials.

Data from the Register of Officials shall be public.

More specified content of the notification referred to in paragraph 1 of this Article, the form and method for submitting shall be stipulated by the Director of the Agency.

The notification referred to in paragraph 1 of this Article not being submitted in accordance with paragraph 4 of this Article shall be considered as not submitted at all.

### **Regular Disclosure of Assets and Incomes Article 55**

An official shall, within 30 days from the day of election, appointment or nomination, submit to the Agency a report on his assets and incomes, and on assets and incomes of his spouse or common-law partner, his parents or adoptive parents and children or adoptees (hereinafter: *the Report*), with the status as of the day of election, appointment or nomination.

An official who has been re-elected, reappointed or renominated to the same public office shall not be obliged to submit the Report again, only if there were no changes to data from the previously submitted Report, but shall be obliged to inform the Agency about that, in written form, within the deadline referred to in paragraph 1 of this Article.

The Report shall also be submitted within 30 days from the day of termination of public office, with the status as of the day of the termination of public office.

Assets and incomes of associated persons referred to paragraph 1 of this Article the official reports according to available data and the Agency may, in the procedure of the Report verification, demand from the associated person, to deliver directly data on his assets and incomes, in a way and within deadline set by the Agency, if there is a doubt that the official covers the real value of his assets and incomes.

### **Extraordinary Disclosure of Assets and Incomes**

## **Article 56**

An official shall submit to the Agency the Report, no later than the expiration of the deadline for submitting the annual tax report for determination of the tax on the citizens income for the income achieved in previous year, with the status as of December 31 of the previous year, if a significant change occurred in respect of data from the previously submitted Report.

Significant change specified in paragraph 1 of this Article shall be deemed any change of data from the Report relating to assets and incomes which value exceeds the average annual net income in the Republic.

Change of data from the Report referred to in paragraph 2 of this Article shall mean increase and decrease of assets and incomes, i.e. change of property structure which value is over the amount referred to in paragraph 2 of this Law.

If there were changes of data from the Report relating to assets and incomes which value exceeds the amount of ten average annual net salaries in the Republic of Serbia, the official shall be obliged to submit a Report to the Agency within 30 days from the day the change has occurred.

An official whose public office has terminated, two years after the termination of the public office, shall be obliged to submit the Report to the Agency, no later than the expiration of the deadline for submitting the annual tax report for determination of the tax on the citizens income for the income achieved in the previous year, with the status as of December 31 of the previous year, if a significant change occurred in respect of data from the previously submitted Report.

**Officials Required to Submit the Report upon the Agency's Request**  
**Article 57**

Provisions of Article 55 and 56 of this Law shall not apply to council members and members of bodies of public enterprises, companies, institutions and other organisations the founder of which or member is municipality, town or town municipality.

The provision in paragraph 1 of this Article shall also refer to members of bodies of public enterprises, companies, institutions and other organisations the founder of which or member is the Republic of Serbia, autonomous province or the City of Belgrade, if remuneration arising from membership is not provided by the law, other regulation or other act.

The Agency may demand from the officials referred to in paragraph 1 and 2 of this Article to submit the Report, within deadline set by the Agency.

**Content of the Report**  
**Article 58**

The report contains data on property and incomes of official and associated persons from Article 55 paragraph 1 of this Law in the country and abroad, including data on:

- 1) ownership rights over real estate;
- 2) ownership rights over movables subject to registration;
- 3) ownership rights over movables of high value (valuables, collections, art objects et al.)
- 4) cash and securities;
- 5) deposits in banks (the name of the bank, type and number of the account and the amount of funds on the account);
- 6) shares and stocks in legal entity and other securities;
- 7) shares and stocks of legal entity in which the official possesses shares and stocks in other legal entity;
- 8) entrepreneurial activities;
- 9) incomes from copyright, patent and similar intellectual property rights;
- 10) debts (principal, interest and repayment period) and receivables;
- 11) incomes from the budget and other public sources (basis and amount of net incomes);
- 12) entitlement to use an apartment for official purposes;
- 13) other incomes (basis, source and amount of net incomes);
- 14) other data deemed by the official as relevant for the implementation of this Law.

More specific content of the Report, form and method for submitting shall be stipulated by the Director of the Agency.

The Report not being submitted in accordance with paragraph 2 of this Article, shall be considered as not submitted at all.

## **Register of Assets and Incomes of Officials**

### **Article 59**

The Agency shall keep a register of assets and incomes of officials, used to record data from the Report and to monitor property status of officials and associated persons from Article 55 paragraph 1 of this Law.

Data from the Report that shall be public are data on property and incomes of official in the country and abroad, including data on:

- 1) ownership rights over real estate, without specifying the address;
- 2) ownership rights on a vehicle, without specifying the registration number;
- 3) savings in banks, without specifying the name of the bank, type and number of the account and the amount of funds on the account;
- 4) incomes from the budget and other public sources (basis and amount of net incomes);
- 5) entitlement to use an apartment for official purposes.

Public shall also be data on assets and incomes of officials that are public in accordance to other regulations, as well as other data that official, i.e. associated person gives consent for publishing.

Exceptionally from provisions of the paragraph 2 and 3 of this Article, the data from the Report of officials in the state bodies from the law that sets the organisation and competencies of state bodies in combating organised crime, corruption and other especially serious criminal offences shall not be public until the expiration of deadline of two years upon the public office termination.

Data from the Report that are not public (hereinafter: *non-public data*) shall be used only in the procedure of the Report verification and in the procedure for deciding on the violation of this Law.

The Agency's officials and the employees of the Agency, as well as other persons that due to the nature of their job have access to non-public data, shall not report to third persons those data nor to enable access to those data.

Prohibition referred to in paragraph 6 of this Article does not cease not even after the termination of the status based on which the access to non-public data was acquired.

The Agency shall have the right to disclose non-public data to the court, public prosecutor's office, ministry in charge of internal affairs, body authorised for prevention of money laundering and tax administration, upon their request, in accordance to the law, i.e. with the aim of cooperation in performing activities from its competencies.

## **Report Verification**

### **Article 60**



The Agency verifies the timeliness of the submission of the Report and accuracy and completeness of data from the Report.

The accuracy and completeness of data from the Report the Agency verifies in accordance with the annual plan of verification issued by the Director, with the approval of the Board.

The Agency shall perform extraordinary verification of accuracy and completeness of data from the Report in case of doubt that the official in the Report did not report accurate and complete data.

Bank shall be obliged that upon request, within the deadline set by the Agency, that does not exceed eight days, to deliver data on all accounts of official (type and account number, account balance and flow of funds on the account and the persons authorised to dispose of funds on the account), as well as all other business relations of the official and persons that are deemed to be associated persons in terms of this Law and the bank.

Obligation referred to in paragraph 4 of this Article refers also to other financial institutions, as well as on the National Bank of Serbia.

With regard to obligation to deliver data set in paragraph 4 and 5 of this Article prohibitions and restrictions set by other regulations shall not be applied.

Data referred to in paragraph 4 of this Article the Agency may be used exclusively in procedure of the Report verification.

### **Monitoring of Property Status Article 61**

The Agency shall monitor property status of officials and associated persons from Article 55 paragraph 1 of this Law and in a procedure of the Report verification shall determine if there is a inconsistency between the increased value of their assets and incomes and their lawful and reported incomes, i.e. if there is a inconsistency between data from the Report and real state.

Should a inconsistency be determined in the procedure of the Report verification, the Agency shall ask the official, i.e. associated person to declare, within deadline of 15 days, on the reasons for inconsistency.

An official shall be obliged, upon the request of the Agency, to deliver data on assets and incomes of other associated persons who are not covered by the provision of Article 55

paragraph 1 of this Law, within 30 days from the day of deliverance, if there is a doubt that the official covers up the real value of his assets and incomes.

Until termination of the procedure of the Report verification the official shall have no right to have an insight to the case file and to be informed on the course of the procedure.

The rights referred to in paragraph 4 of this Article may be exercised after termination of the procedure of the Report verification, in person or by the proxy.

Should the rights referred to in paragraph 4 of this Article be exercised by the proxy, the authorization shall be notarized in accordance with the law governing signature notarization and shall include explicit powers in terms of having an insight to the case file and informing on the course of the procedure.

## **VII PROCEDURE FOR DECIDING ON THE VIOLATION OF THE LAW**

### **Initiation of procedure**

#### **Article 62**

The procedure for deciding on the violation of this Law shall be initiated by the Agency *ex officio*, at the request of the official or public authority body that had elected, nominated or appointed him to the public office.

The procedure referred to in paragraph 1 of this Article may also be initiated by the Agency upon the report of a natural person or a legal entity.

The report referred to in paragraph 1 of this Article shall be in writing and shall contain:

- 1) the name and registered office, i.e. the name and address of the plaintiff;
- 2) data on the official against whom the report is submitted: the name, public office that he discharges and public authority body in which he discharges a public office;
- 3) the facts that give rise to suspicion that there is a violation of this Law;
- 4) the signature of the plaintiff, if the report is submitted by a natural person, i.e. the signature of the representative and seal of the legal entity, if the report is submitted by a legal entity.

The procedure referred to in paragraph 1 of this Article may also be initiated by the Agency upon the anonymous report if the allegations from the report and the evidence attached thereto, either alone or in conjunction with other data available to the Agency indicate suspicion of violation of this Law.

### **Order**

#### **Article 63**

If the procedure has been initiated due to violation of this Law that can be eliminated, the Agency may, during the procedure, order the official to comply to this Law, within deadline no longer than 30 days, and in a manner set by the Agency.

If the official fulfils order referred to in paragraph 1 of this Article in a manner and within deadline set in the order, the Agency may, considering all circumstances, especially the level and consequences of the violation, suspend the procedure or continue with it and take into account fulfilment of order when imposing sanction.

Against the decision referred to in paragraph 1 of this Article a special complaint is not allowed.

### **Rights of Official Article 64**

In the procedure for deciding on the violation of this Law the official has the right, prior to the decision, to state on all facts and evidence against him and to present all facts and evidence in his favor.

The Agency shall notify the official of the initiation of the procedure and shall ask the official to deliver written declaration on the statements from the notification, within 15 days from the day of reception the notification.

If the official does not declare in a manner and in deadline referred to in paragraph 3 of this Article, the Agency shall continue with the procedure in accordance to the Law.

### **Rights and Obligations of the Plaintiff Article 65**

If upon receipt of the report reveals that there is no ground to proceed, the Agency shall notify the plaintiff.

The plaintiff shall be obliged, upon the request and within deadline set by the Agency, to deliver all available documents and information that are relevant to determine if there is ground to proceed, i.e. to determine if there is the violation of this Law, if the procedure was initiated.

The Agency shall be obliged to inform the plaintiff on the outcome of the procedure initiated upon the report, unless if the report is anonymous.

### **Protection of the Plaintiff Article 66**

The plaintiff shall suffer no consequences due to submitting the report, if he has submitted the report justifiably trusting that this Law was violated.

The Agency shall protect the anonymity of the plaintiff.

### **Decisions and Legal Remedies**

#### **Article 67**

The decision that determines the violation of this Law and pronounces sanction in accordance to this Law shall be brought by the Director.

Against the Director's decision referred to in paragraph 1 of this Article , appeal may be lodged to the Board, within 15 days from the day of deliverance.

The decision of the Board referred to in paragraph 2 of this Article is final and an administrative procedure may be initiated.

The decision of the Director to suspend the procedure is final and an administrative procedure may be initiated.

### **Public Character of Proceedings**

#### **Article 68**

The data on whether the procedure for deciding on the violation of this Law against the official was initiated, as well as data on the outcome of the procedure, are available to the public.

The decision that determines the violation of this Law and pronounces sanction in accordance to this Law shall be published on the Agency's website.

If, after the completion of the procedure, the Agency determines that there is no violation of this Law, data contained in the case file, except data on the outcome of the procedure and the data that are public in accordance to other regulations, may not be available to the public without the consent of the official to whom the data refer.

### **Public Hearing**

#### **Article 69**

The Agency may, prior to the final decision in a procedure for deciding on violation of this Law or the law governing the financing of political activities, hold a public hearing.

The participants of the procedure shall be invited to a public hearing to present their views and give necessary explanations, and may be invited the representatives of public

authority body that had elected, nominated or appointed the official to the public office and public authority body in which the public office is discharged, if it is of relevance for the estimation of the existence of the violation of this Law.

If necessary, public experts may be informed in an adequate way regarding holding of the public hearing.

The Agency shall prepare a report for the public hearing that shall be delivered to participants of the procedure and to other invited persons.

At the public hearing, the representative of the Agency shall present the facts regarding the issue that is a subject of the public hearing, not presenting the decision proposal, after which the participants of the procedure present and explain their views and give necessary information of importance for decision-making.

During the public hearing the representative of the Agency may, without presenting his opinion, ask questions and request explanations from the participants of the procedure and other invited persons, on the issue that is a subject of the public hearing.

The Agency may hold a public hearing even when the certain participants of the procedure are absent from the public hearing, or postpone or stop it due to obtaining necessary information, opinions and explanations, as well as in other justified cases.

### **Sanctions**

#### **Article 70**

For a violation of this Law, to the official that was elected to the public office by authority that had been directly elected by citizens, as well as to the official that was appointed or nominated to the public office, may be imposed: admonishment and measure of public announcement of the recommendation for dismissal from the public office.

For a violation of this Law, to the official that was elected to the public office directly by citizens and to the official whose public office was terminated, as well as to the associated person, may be imposed admonishment and measure of public announcement of the decision on the violation of this Law.

Admonishment shall be imposed if the Agency, considering all circumstances, especially the level and consequences of the violation, estimates that it would achieve the aim of this Law by admonishment imposing.

Measure of public announcement of the recommendation for dismissal from the public office, i.e. measure of public announcement of the decision on the violation of this Law

shall be imposed if it is evident that, by admonishment imposing, the aim of this Law can not be achieved or if the official after the imposed admonishment violates this Law again.

If a measure of public announcement of the recommendation for dismissal from the public office should be imposed to the official that discharges more than one public office, the measure shall refer to the public office to which the official was subsequently elected, appointed or nominated, i.e. the public office to which the official was not elected directly by citizens.

Authorities in charge of election, appointments and nominations shall be obliged to, prior to the decision on the election, appointment or nomination, check with the Agency whether a measure of public announcement of the recommendation for dismissal from the public office or a measure of public announcement of the decision on the violation of this Law has been imposed to the nominated candidate in last four years, in such a case, the authority in charge shall not bring a decision on election, appointment or nomination of the nominated candidate.

### **Initiative for Dismissal from Public Office** **Article 71**

If the measure of public announcement of recommendation for dismissal from the public office was imposed to the official, the Agency shall, after the final decision, with no delay submit an initiative for dismissal from the public office (hereinafter: *the Initiative*) to the public authority body that had elected, nominated or appointed the official to the public office.

The public authority body referred to in paragraph 1 of this Article shall be obliged to execute the recommendation for dismissal from the public office and, within deadline set by the Agency that shall be no longer than 60 days, to inform the Agency about that.

If the official was not dismissed from the public office within deadline referred to in paragraph 2 of this Article, the public authority body referred to in paragraph 1 of this Article shall be obliged to state reasons for not accepting the Initiative, and the Agency shall inform the public of that.

### **Obligation of Returning Material Gain** **Article 72**

If the Agency determines that an official was discharging other public office contrary to provisions of this Law, the official shall have to return a material gain acquired on that basis into the account of the budget of the Republic of Serbia, i.e. territorial autonomy or local self-government, and shall deliver evidence on that to the Agency within deadline of eight days from the day of the payment.

Material gain referred to in paragraph 1 of this Article shall mean net salaries, remunerations and other incomes that the official achieved based on discharge of public office.

The decision that sets the obligation of returning material gain is an integral part of the decision that determines the existence of the violation of this Law and the measure of public announcement of recommendation for dismissal from public office, i.e. measure of public announcement of decision on violation of this Law is pronounced to the official.

After the final decision referred to in paragraph 3 of this Article, the Agency shall issue a special decision that sets the amount of the obligation of returning a material gain and sets the deadline to the official, no longer than 30 days from the day of reception of this decision, that he shall be obliged to fulfil.

The public authority body in which the official discharged the other public office contrary to provisions of this Law, shall, upon the Agency's request, within eight days from the day of the reception of the request, deliver data on the net amount of salary, remunerations and other incomes that the official achieved based on discharge of public office.

The decision referred to in paragraph 4 of this Article is final and against it administrative procedure may be initiated.

If the official, within deadline set in the decision referred to in paragraph 4 of this Article, fails to fulfil an obligation of returning a material gain, the Agency shall, with no delay inform the authorised Public Attorney due to the payment of claims.

### **Suspension of Payment of Salaries, Remunerations and Other Incomes** **Article 73**

If the official after the final decision referred to in Article 72 paragraph 3 of this Law continues to discharge other public office contrary to provisions of this Law and based on that achieves a material gain, the Agency shall bring a decision on the suspension of payment of salaries, remunerations and other incomes that the official receives based on discharge of public office.

The decision referred to in paragraph 1 of this Article is final and against it administrative procedure may be initiated.

The Agency shall deliver the decision referred to in paragraph 1 of this Article, for the execution, to the public authority body in which the official discharges his public office.

### **Public Announcement of Decisions** **Article 74**

Disposition and concise explanation of the decision by which the measure of public announcement of the recommendation for dismissal from the public office, i.e. the measure of public announcement of the decision on the violation of this Law was pronounced, shall be published in the *Official Gazette of the Republic of Serbia*.

### **Deliverance of Writs** **Article 75**

When the official to whom needs to be delivered the writ is not present at the address stated in the Report, or there is no Report, it is considered that the writ was delivered when it has been delivered to the person who is designated to receive writs in the public authority body in which the official discharges the public office.

If the deliverer in prescribed working hours does not find the person who is designated to receive writs, the writs may be delivered to any person employed in the public authority body referred to in paragraph 1 of this Article who is found in their premises.

Provisions referred to in paragraph 1 and 2 of this Article refer to all decisions and other writs of the Agency, including decisions of which deliverance starts to run the deadline which can not be extended.

### **Application of the Law on General Administrative Procedure** **Article 76**

To the procedure before the Agency for deciding on the violation of this Law which is not regulated by this Law shall accordingly apply provisions of the law on general administrative procedure.

### **Reporting to Authorised Bodies on the Violations of the Law** **Article 77**

When, while performing tasks from its purview, the Agency establishes that there are grounds for suspicion that a criminal offence prescribed by this Law, or other criminal offence that are to be *ex officio* prosecuted, was committed, or if it determines a violation of other provision of this Law or finds out that there is a violation of duties of employment, the Agency shall submit to the competent authority a criminal charge, request for motion of misdemeanor procedure, i.e. initiative for motion of disciplinary procedure.

The authority referred to in paragraph 1 of this Article shall be obliged to inform the Agency on the taken measures, within deadline of 90 days, upon the reception of criminal charge, request for motion of misdemeanor procedure, i.e. initiative for motion of disciplinary procedure.



The Agency's decisions shall not prejudice criminal or material responsibility of an official.

**Special Provisions on the Procedure Against the Associated Person**  
**Article 78**

The procedure against the associated person shall be initiated by the Agency if there is a doubt that the associated person has received a gift in relation to discharge of public office of the official with whom he is associated (Article 49 paragraph 2 of this Law) and if the associated person, upon the request of the Agency within deadline set by the Agency, does not deliver data on his assets and incomes (Article 55 paragraph 4 of this Law).

In the procedure against the associated person the provisions of this Law relating to official shall apply accordingly.

**VIII ACTING UPON COMPLAINTS**

**Article 79**

The Agency acts upon complaints within its purview.

If, upon receipt of the complaint, the Agency finds that it is not authorised to act upon it, the complaint shall be, with no delay, forwarded to the competent authority and the plaintiff shall be notified on that.

The Agency may request from the plaintiff to, within deadline set by the Agency, deliver additional explanations, documents and information, for the purpose of inquiry of the allegations from the complaint.

The Agency shall be obliged to inform the plaintiff on the outcome of the complaint, unless if the complaint is anonymous.

The Agency shall protect the anonymity of the plaintiff.

More specific content of the complaint, the form and method for submitting, as well as the mode and rules of acting upon complaints shall be stipulated by the Director of the Agency.

If the complaint is not being submitted in accordance with paragraph 6 of this Article, the Agency shall ask the plaintiff to, within deadline of 15 days, edit the complaint.

If the plaintiff does not edit the complaint within deadline referred to in paragraph 7 of this Article, it shall be considered that he gave up from the complaint.

**Proceedings upon Anonymous Complaints**  
**Article 80**

The Agency shall act upon anonymous complaints, if the allegations from the complaint and the evidence attached thereto, alone or in conjunction with other data available to the Agency indicate suspicion of presence of corruption in the work of public authority bodies or officials.

**Protection of Employees in the Public Authority Bodies that Report the Suspicion  
of Presence of Corruption in the Public Authority Body where They Work**  
**Article 81**

Civil servant, i.e. other employee in the public authority body who in a good faith submits a complaint to the Agency that there is corruption in the public authority body where he works, shall suffer no consequences due to submitting the complaint.

In the aim of protection of persons referred to in paragraph 1 of this Article, the Agency shall provide necessary legal aid, in accordance to the law.

The Agency shall protect the anonymity of the person referred to in paragraph 1 of this Article.

Procedure of providing protection of the person referred to in paragraph 1 of this Article shall be more precisely defined by the rulebook brought by the Director.

**IX PREVENTION OF CORRUPTION**

**Giving Opinions**  
**Article 82**

Opinions in terms of the implementation of this Law shall be provided by the Agency upon the requests of natural persons and legal entities.

The Agency shall have the right to act preventively by providing opinions upon its own initiative in terms of the issues within its competences, with the aim of improving fight against corruption.

**Integrity Plan**  
**Article 83**

The integrity plan shall include legal and practical measures which prevent and eliminate possibilities for the occurrence and development of corruption, in particular:

- 1) assessment of exposure to corruption for a particular institution;
- 2) data on the person responsible for the integrity plan;
- 3) description of the work process, decision making procedures and identification of activities which are particularly exposed to corruption, as well as tasks an official may not perform during discharge of public office and manner of control thereof;
- 4) preventive measures for the reduction of corruption;
- 5) other parts of the plan defined in the guidelines for drafting and implementation of integrity plan, that are adopted by the Agency.

### **Obligation of Adopting and Implementing the Integrity Plan**

#### **Article 84**

The Agency shall draft and publish integrity assessment, i.e. shall make guidelines for development and implementation of the Integrity Plans, specifying time frames.

The Integrity Plans shall be brought and implemented by the following bodies, in accordance with the guidelines referred to in paragraph 1 of this Article: state bodies of Republic of Serbia, territorial autonomy bodies, local self-government units and town municipalities, bodies entrusted with public authority, public services, public enterprises and other legal entities the founder of which or member is the Republic of Serbia, territorial autonomy, local self-government unit or town municipality (hereinafter: *the entity obliged to adopt the Integrity Plan*).

The Agency shall monitor the adoption and implementation of the Integrity Plan.

The entity obliged to adopt the Integrity Plan shall be obliged to deliver a report on the implementation of the Integrity Plan, upon the Agency's request within the deadline not longer that 15 days from the day of reception of the request.

### **Responsibility for the Adoption and Implementation of the Integrity Plan**

#### **Article 85**

The head of entity obliged to adopt the integrity plan shall be responsible for the preparation and implementation of the Integrity Plan.

The head of entity obliged to adopt the integrity plan shall be obliged to nominate persons for drafting and integrity plan implementation monitoring.

The Agency shall provide training for the persons referred to in paragraph 2 of this Article.

### **Adoption of Integrity Plan by Other Legal Entities**

#### **Article 86**

Other legal entities may adopt an Integrity Plan in accordance with the guidelines for development and implementation of the Integrity Plans issued by the Agency.

Upon the proposal of legal entities specified in paragraph 1 of this Article, the Agency may assess the integrity.

The Agency shall provide assessment of integrity for public enterprises and legal entities specified in paragraph 1 of this Article at their expense.

### **Monitoring the Implementation of Strategy and Action Plan**

#### **Article 87**

The responsible entities set in the Strategy and the Action Plan (hereinafter: *the responsible entities*) shall be obliged to deliver to the Agency semi-annual reports on the implementation of the Strategy and the Action Plan, from the period from January 1 to June 30 and July 1 to December 31 of the current year, within 15 days upon the expiration period they refer to.

The obligation for reporting shall stop when the Agency confirms that all the obligations, referring to the responsible entities in the Strategy and the Action Plan, are fulfilled.

The responsible entities shall be obliged, for a period in which obligations for implementing activities are due, to deliver report referred to in paragraph 1 of this Law and evidences for statements on implemented activities from the Action Plan.

The responsible entity shall be obliged to come to the meeting, where public presence is allowed, and which the Agency organizes with regard to solving doubts in terms of fulfilling obligations of responsible entities from the Strategy and Action Plan.

### **Opinions with Regard to Implementation of Strategy and Action Plan**

#### **Article 88**

The Agency shall issue opinions with regard to implementation of the Strategy and Action Plan, out of which each is delivered to the responsible entity it refers to, to the organ that has elected, nominated or appointed his head, and may be made accessible to the public.

The responsible entity to which the opinion refers to, shall be obliged to, within 60 days from the day of delivery of opinion, hold public discussion on opinion and to inform the Agency and the public on the conclusions of the debate.

**Filing Initiatives for Changes and Adoption of Regulations and Participation in the Process of Drafting Regulations**

**Article 89**

With the aim of implementing the Strategy, Action Plan and ratified international treaties in the field of combating corruption, the Agency may submit initiative for amending and enacting of regulations in the field of combating corruption.

Authorized proposers of regulations referred to paragraph 1 of this Article shall be obliged to enable participation in all procedures of drafting legislation to the Agency.

**Filing a Report on the Implementation of the Strategy and Action Plan**

**Article 90**

The Agency shall submit the Report on the Implementation of the Strategy and Action Plan to the National Assembly, no later than March 31 of the current year for the previous year.

**Methodology for Risk for Corruption in Regulations Assessment**

**Article 91**

The Agency shall define the methodology for risk for corruption in regulations assessment and shall issue guidelines for the implementation of this methodology.

The proposer of the regulation, shall be obliged to, during the making of the regulation, apply methodology referred to in paragraph 1 of this Article, to state in the explanation of the proposal of regulation that he has completed assessment from corruption risk in regulation in accordance to this methodology, and shall deliver draft proposal of the regulation to the Agency.

The Agency shall issue opinions on the assessment of risk from corruption in the regulation proposal.

The opinion referred to in paragraph 3 of this Article the proposer of the regulations shall be obliged to deliver to the National Assembly with the regulations proposal.

**Corruption Risk Assessment in the Work of Public Authority Bodies**

**Article 92**

The Agency conducts corruption risk assessments in the work of public authority bodies and drafts reports with recommendations for elimination of the respective risks, upon its own initiative or upon request of public authority body.

The Report with recommendations referred to in paragraph 1 of this Article is submitted by the Agency to public authority bodies to which the recommendations refer and public authority bodies, pursuing monitoring and control of public authority bodies to which the recommendations refer.

Public authority body to which recommendations refer shall be obliged to, within 6 months of recommendation deliverance, notify the Agency on the measures taken due to elimination of corruption risks.

### **Cooperation in Prevention of Corruption Article 93**

The Agency within its purview, shall cooperate with scientific organisations and civil society organisations.

The cooperation referred to in paragraph 1 of this Article refers to mutual activities with regard to implementation of the Strategy and the Action Plan, implementation of the training program, analysis of the state of corruption, implementation of campaigns and other activities of importance for the corruption prevention.

### **Trainings in the Field of Combating Corruption Article 94**

The Agency shall prepare and issue training programs and guidelines for the implementation of trainings in the field of combating corruption, ethics and integrity (hereinafter: *trainings*), with deadlines for execution.

The Agency shall perform professional trainings of persons in charge of conducting training.

The public authority bodies shall be obliged to implement trainings for all employees and executives, according to programs and guidelines that shall be prepared and issued by the Agency.

The Agency shall follow implementation of trainings, and the public authority bodies shall be obliged to, on the Agency's request, deliver a report on their implementation, within 15 days from the day of request reception.

The head of the public authority body shall be responsible for the implementation of trainings.

The Agency shall conduct trainings for entities of public, civil and private sector, as well as other public entities and citizens, in accordance to annual training program plans.

### **Surveys on the State of Corruption**

#### **Article 95**

The Agency shall organize survey on the state of corruption, shall follow and analyse statistical data on the state of corruption and in combating corruption and shall propose changes of the way of filing statistical data of importance for the monitoring of the state of corruption .

## **X INTERNATIONAL COOPERATION**

### **Article 96**

The Agency, autonomously and in cooperation with other state bodies, shall have and monitor the international cooperation in the field of combating corruption.

The Agency shall, if necessary, organize coordination of the state bodies international activities, with the aim of improving cooperation with international institutions, organizations and initiatives in combating corruption.

The authorised state bodies shall be obliged to inform the Agency on all activities of international cooperation in combating corruption.

## **XI RECORDS AND DATA PROTECTION**

### **Records**

#### **Article 97**

The Agency shall keep the following records:

- 1) a Registry of public officials;
- 2) a Registry of public officials assets and incomes;
- 3) a list of legal entities in which an official owns over 20% of shares or interests;
- 4) a list of public procurement procedures;
- 5) a catalogue of gifts;
- 6) a list of final financial statements of political entities with reports in accordance with the law governing financing of political entities.

The data specified in paragraph 1, item 1 and 5 of this Article shall be deleted *ex officio* three years after the day public office of the official terminates.

The procedures pertaining to the keeping and storing of records specified in paragraph 1 of this Article shall be determined by the Director.

The Agency may also keep other records, in accordance with the Law.

**Data Protection**  
**Article 98**

When informing the general public, the Agency shall ensure protection of personal data of the official, associated persons and other person, in accordance to the Law, and, while informing the public, omit information which publishing could endanger the conduct of legally regulated procedure, person's privacy or other interest protected by the Law.

**Compensation of Damage**  
**Article 99**

The Agency shall be accountable in accordance with the law of obligations for damages made to the official, associated person or other person, i.e. body due to violation of Article 98 of this Law.

**XII PENAL PROVISIONS**

**Criminal Offence**

**Failure to report assets and incomes**  
**Article 100**

An official who fails to report assets and incomes to the Agency or gives false information about his assets and incomes, shall be punished by imprisonment for a period of six months to five years.

**Legal Consequences of Conviction**  
**Article 101**

A public official sentenced to imprisonment for the criminal offence referred to in Article 90, on day of final judicial decision, following legal consequences shall follow:

- 1) the termination of holding public office, i.e. termination of employment;
- 2) prohibition of gaining public office for the period of ten years from the day of the final judicial decision.

The official shall be removed from the public office once he has been sentenced to imprisonment for the criminal offence from Article 100 of this Law, until the final judicial decision.



## **Misdemeanours**

### **Article 102**

An official shall be fined from 100,000 to 150,00 RSD for the offence if:

- 1) shall act contrary to provisions of the Article 31 of this Law;
- 2) in the matter in which he or associated person has the private interest, fails to inform, about existence of private interest in written form, the public authority body that has elected, nominated or appointed him to public office and the Agency, no later than the start of decision-making, i.e. before undertaking any action in procedure prior to decision-making (Article 32, paragraph 1 of this Law);
- 3) performs other duty, so that between the public office and other duty exists a relation of dependence or other relation that endangers or may endanger impartial and efficient discharge and reputation of public office, i.e. that it represents a conflict of interest or is envisaged by other law or regulation that the official shall not perform that duty during performance of the public office (Article 36, paragraph 1 of this Law);
- 4) performs duties of counselling of legal entities and natural persons with regard to the public office he discharges (Article 37 of this Law);
- 5) being representative or member of the body of the legal entity with the participation of private capital (Article 38 of this Law);
- 6) being member of body of association so that between the public office and membership in the body of association exists a relation of dependence or other relation that endangers or may endanger impartial and efficient discharge or reputation of public office or constitutes conflict of interest or is envisaged by other law or regulation that the official shall not perform that duty while discharging public office (Article 39 of this Law);
- 7) being contrary to the Law member or performs a role in a political party, i.e. political entity, or uses the public office and public resources for promotion of political parties, i.e. political entities or fails to unequivocally present to his interlocutors and the general public whether he is presenting the viewpoints of the public authority body in which he discharges an office or viewpoints of a political party, i.e. political entity (Article 40, paragraph 1, 2 and 4 of this Law);
- 8) shall act contrary to provisions of the Article 41, paragraph 1, 2 and 4 of this Law;
- 9) fails to transfer business to other natural person, in accordance with the law governing the legal position of the entrepreneur within 30 days from the election, nomination or appointment, i.e. entrepreneur registration (Article 42 of this Law);
- 10) fails to immediately inform the Agency, in written form, on the undue influence, he was exposed to in discharge of public office (Article 44, paragraph 1 of this Law);
- 11) discharges two or more public offices contrary to the Law (Article 47, paragraph 1 of this Law);
- 12) accepts gifts in relation to the discharge of public office (Article 49, paragraph 1 of this Law);
- 13) fails to immediately, and no later than eight days from the gift reception date, i.e. from the arrival date in the country from abroad, hand over the protocol gift to the public authority body in which he discharges public office (Article 50, paragraph 3 of this Law);

14) keeps the appropriate gift which value exceeds the amount of 10% of an average monthly net salary in the Republic of Serbia, i.e. appropriate gifts which value during a calendar year exceeds the amount of an average monthly net salary in the Republic of Serbia or if fails to immediately, and no later than eight days from the gift reception date, i.e. from the arrival date in the country from abroad, submit the respective appropriate gift to the public authority body in which he discharges public office (Article 51, paragraph 2 and 4 of this Law);

15) fails to reject the gift in relation to his discharge of public office, in money or securities, i.e. not considered appropriate or fails to immediately submit a written report, within deadline not exceeding eight days from the gift rejection day, i.e. from the arrival date in the country from abroad, on that event to the public authority body in which he discharges public office and the Agency (Article 52 of this Law);

16) fails to immediately, and no later than eight days from the gift reception, i.e. from the arrival date in the country from abroad, inform the public authority body in which he holds the public office on gift he has received (Article 53, paragraph 1 of this Law);

17) fails to submit the Report to the Agency after the set deadline has elapsed (Article 55, paragraph 1 and Article 56, paragraph 1 and 4 of this Law);

18) informs the Agency that there were no changes to data from previously submitted Report after the set deadline has elapsed (Article 55, paragraph 2 of this Law);

19) upon request of the Agency fails to deliver data on assets and incomes and other associated persons, not encompassed by the Article 55, paragraph 1 of this Law, within the set deadline (Article 61, paragraph 3 of this Law);

20) fails to comply with the obligation of returning of material gain within deadline set by the Agency (Article 72, paragraph 4 of this Law).

The official submitting the Report to the Agency, upon its request, after the expiration of the deadline set by the Agency shall be fined in the amount referred to in paragraph 1 of this Article (Article 57, paragraph 3 of this Law) and misdemeanor referred to in paragraph 1, item 1 to 16 and item 20 of this Article.

The official whose public office has terminated shall be fined in the amount referred to in paragraph 1 of this Article:

1) if submits the Report to the Agency after the set deadline has elapsed (Article 55, paragraph 3 and Article 56, paragraph 5 of this Law);

2) if, during the period of two years after termination of public office, establishes business relations with a public authority body in which he had discharged public office or accepts position within the legal entity or establishes employment or business relation with legal entity, entrepreneur or other natural person, having had business relation with public authority body, in which public official had discharged public office, in the course of his public office (Article 46, paragraph 1 of this Article).

For the offence referred to in paragraph 1 of this Law in addition to fine the official may be issued a protective banning measure to the responsible person to pursue certain activities from 6 months to three years.

### **Article 103**

A legal entity – public authority body shall be fined from 500,000 to 2,000,000 RSD for an offence if it:

- 1) fails to submit upon the request and deadline set by the Agency all documents and information or fails to enable the Agency direct and unhindered access to the official record and documentation and to dispose all data that they have or fails to submit upon the request and within deadline set by the Agency copy of the official record and documentation (Article 29, paragraph 1, 2 and 3 of this Law);
- 2) fails to submit copy of gift record, within the set deadline (Article 53, paragraph 3 of this Law);
- 3) fails to notify the Agency that he has assumed office or that the office has terminated within eight days from the day of assuming or terminating office (Article 54, paragraph 1 of this Law);
- 4) fails to comply with the recommendation for dismissal and notify the Agency within the deadline set by the Agency or fails to state reasons for not accepting the Initiative (Article 71, paragraph 2 and 3 of this Law)

For the offence referred to in paragraph 1, item 1 of this Article other legal entity shall also be fined in the amount referred to in paragraph 1 of this Article.

For the offence pertaining to failure of the legal entity with an official owning more than 20% share or interest to notify the Agency on participation in public procurement procedure, i.e. other procedure in accordance with the Article 43, paragraph 1 of this Law, legal entity shall be fined in the amount referred to in paragraph 1 of this Article.

The legal entity which established business relations with a public authority body in which public official, whose public office has terminated, had discharged public office, in the course of his public office shall be fined in the amount referred to paragraph 1 of this Article if during the period of two years after termination of public office elects or nominates that public official to assume the position or establishes employment or business relation with him (Article 46, paragraph 1 of this Law).

For the offence referred to in paragraph 4 of this Article an entrepreneur shall also be fined from 150,000 to 500,000 RSD.

For the offence referred to in paragraph 4 of this Article other natural person shall be fined from 50,000 to 150,000 RSD.

### **Article 104**

Legal entity – public authority body, shall be fined from 200,000 RSD to 500,000 RSD, if it:

- 1) fails to notify the Agency on the measures taken (Article 35, paragraph 5, Article 44, paragraph 3, Article 77, paragraph 2 and Article 92, paragraph 3 of this Law);
- 2) fails to submit, upon the request of the Agency, the report on conducting trainings, within the set deadline (Article 94, paragraph 4 of this Law).

For the offence pertaining to failure to submit the report on the implementation of the Integrity Plan within the set deadline, the legal entity – organization entrusted with public authority, public service, public enterprise and other legal entity the founder of which or member is the Republic of Serbia, territorial autonomy, local self-government unit or town municipality shall be fined in the amount referred to in paragraph 1 of this Article (Article 84, paragraph 4 of this Law).

### **Article 105**

A responsible person shall be fined from 100,000 to 150,000 RSD in the public authority body if it:

- 1) fails to submit, upon the request and deadline set by the Agency all documents and information or fails to enable to the Agency direct and unhindered access to the official record and documentation and to dispose all data that they have or fails to deliver, upon the request and within deadline set by the Agency, copy of the official record and documentation (Article 29, paragraph 1, 2 and 3 of this Law);
- 2) fails to deliver a copy of the gift record within set deadline (Article 53, paragraph 3 of this Law);
- 3) fails to notify the Agency within eight days from the day of assuming or terminating office (Article 54, paragraph 1 of this Law);
- 4) acts contrary to provision of the Article 70, paragraph 6 of this Law;
- 5) fails to comply with recommendation of the Agency for dismissal from the public office and fails to notify the Agency in that regard within deadline set by the Agency or fails to state reasons for not accepting the Initiative (Article 71, paragraph 2 and 3 of this Law).

For the offence referred to in paragraph 1 a responsible person in legal entity - public authority body shall also be fined in the amount referred to in paragraph 1 of this Article.

For the offence referred to in paragraph 1, item 1 of this Article a responsible person in other legal entity shall be fined in the amount referred to in paragraph 1 of this Article.

For the offence pertaining to failure to adopt the Integrity Plan a responsible person in the legal entity – organization entrusted with public authority, public service, public enterprise and other legal entity the founder of which or member is the Republic of

Serbia, territorial autonomy, local self-government unit or town municipality shall be fined in the amount referred to in paragraph 1 of this Article (Article 84, paragraph 2 of this Law).

For the offence pertaining to failure of the legal entity with an official owning more than 20% share or interest to notify the Agency on participation in public procurement procedure, i.e. other procedure in accordance with the Article 43, paragraph 1 of this Law, a responsible person in the legal entity shall be fined in the amount referred to in paragraph 1 of this Article.

A responsible person in the legal entity which established business relations with a public authority body in which public official, whose public office has terminated, had discharged public office, in the course of his public office shall be fined in the amount referred to paragraph 1 of this Article if during the period of two years after termination of public office elects or nominates that public official to assume the position or establishes employment or business relation with him (Article 46, paragraph 1 of this Law).

For the offence pertaining to failure to submit report on the implementation of the Strategy and Action Plan and evidences within set deadline or fails to comply with the invitation to attend the meeting a responsible person in the legal entity – responsible entity set in the Strategy and Action Plan shall be fined in the amount referred to in paragraph 1 of this Article (Article 87, paragraph 1,3 and 4 of this Law).

### **Article 106**

The responsible person in the legal entity - public authority body shall be fined from 20,000 to 50,000 RSD if it:

- 1) fails to notify the Agency on the measures taken (Article 35, paragraph 5, Article 44, paragraph 3 and Article 77, paragraph 2, Article 92, paragraph 3 of this Law);
- 2) fails to submit, upon the request of the Agency, the report on conducting trainings, within the set deadline (Article 94, paragraph 4 of this Law).

For the offence pertaining to failure to submit the report on the implementation of the Integrity Plan within the set deadline, a responsible person in the legal entity – organization entrusted with public authority, public service, public enterprise and other legal entity the founder of which or member is the Republic of Serbia, territorial autonomy, local self-government unit or town municipality shall be fined in the amount referred to in paragraph 1 of this Article (Article 84, paragraph 4 of this Law).

### **Article 107**

An associated person shall be fined from 20,000 to 50,000 RSD if he:

- 1) accepts a gift in relation to discharging the public office of the official he is related to (Article 49, paragraph 2 of this Law);
- 2) fails to submit, upon the request and within deadline set by the Agency, data on his assets and incomes (Article 55, paragraph 4 of this Law);

### **Article 108**

For the offence pertaining to failure to submit all requested data, upon the request and within deadline set by the Agency, the bank and other financial institution shall be fined from 1,000,000 to 2,000,000 RSD (Article 60, paragraph 4 and 5 of this Law).

For the offence referred to in paragraph 1 of this Article the responsible person in the bank, other financial institution and the National Bank of Serbia shall be fined from 100,000 to 150,000 RSD.

### **Article 109**

A request for motion of the misdemeanor procedure for the offences envisaged by this Law shall be issued by the Director of the Agency.

A request for motion of the misdemeanor procedure due to offences envisaged in the provision of the Article 102, paragraph 1, item 1 to 16, Article 102, paragraph 3, item 2, Article 103, paragraph 4, 5 and 6, Article 105, paragraph 6 and Article 107, item 1 shall not be issued prior to decision of the Director of the Agency, determining violation of this Law.

### **Article 110**

The misdemeanor procedure for the offences envisaged by this Law may not be initiated after 5 years from the day of committing the offence.

## **XIII TRANSITIONAL PROVISIONS**

### **Current Procedures**

#### **Article 111**

Proceedings commenced due to violation of the Law on the Anti-Corruption Agency (“Official Gazette of the RS”, No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation), in which the decision of the Director has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of this Law.

Proceedings upon complaint to the decision of the Director, issuing the measure to the public official, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of the Law on the Anti-Corruption Agency (“Official Gazette of the RS”, No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation).

If in the procedure referred to in paragraph 2 of this Article the decision of the Director is annulled, in the repeated proceedings the provisions of this Law shall be applied.

Exceptionally from paragraph 1 of this Article, proceedings commenced due to violation of prohibition of establishing company or public service in the course of discharging public office, in which decision has not been made prior to the day of the commencement of implementation of this Law, shall be suspended.

Exceptionally from paragraph 2 of this Article, if in the proceedings upon complaint to the decision of the Director, issuing the measure to the public official due to violation of the paragraph 4 of this Article, the decision of the Board has not been made prior to the day of the commencement of implementation of this Law, the Board shall make decision repealing the decision of the Director.

If the appeal on the decision of the Director, issuing measure of warning to public official, thus ordering obligation he shall abide by, has been rejected and the official fails to comply with the issued measure of warning within deadline set by decision of Director, the proceedings shall be continued pursuant to this Law, and the issued measure of warning shall be considered as order as envisaged by the Article 63 of this Law.

The measure of warning ordering the official to comply with the Law in future, issued by the final decision of the Director, shall be considered as admonishment in proceedings that shall be initiated according to the provisions of this Law.

### **Procedures upon Requests for Consent for Discharging of Two or More Public Offices**

#### **Article 112**

The official, being granted consent for simultaneous discharging of two or more public offices by decision of the Director, which has become final prior to the day of the commencement of implementation of this Law, shall be obliged to decide which public office he will continue to discharge within 90 days as of the commencement of implementation of this Law and inform the Agency about it.

Proceedings upon request for consent for simultaneous discharging of two or more public offices, in which decision of the Director has not been made prior to the day of the commencement of implementation of this Law, shall be suspended thus obliging official

to decide which public office he will continue to discharge within 30 days as of submission of decision and to inform the Agency about it.

Decision of the Director granting consent to official for simultaneous discharging of two or more public offices, which has not become final prior to the day of the commencement of implementation of this Law, shall be repealed, thus obliging official to decide which public office he will continue to discharge within 30 days as of submission of decision and to inform the Agency about it.

Provisions referred to in paragraph 1, 2 and 3 of this Article shall not apply to official being obliged to simultaneously discharge two or more public offices according to the Law and official simultaneously discharging two or more public offices elected directly by citizens, unless in cases of incompatibilities set by the Constitution (Article 47 of this Law).

Decision of the Director referred to in paragraph 2 and 3 of this Article is final and administrative proceedings may be initiated against it.

Proceedings upon appeal on decision of the Director rejecting request for consent for simultaneous discharging of two or more public offices, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation).

If in the proceedings upon appeal on decision of the Director rejecting request for consent for simultaneous discharging of two or more public offices, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, the Board shall make decision repealing the decision of the Director thus obliging official to decide which public office he will continue to discharge within 30 days as of submission of decision and to inform the Agency about it.

Decision of the Board referred to in paragraph 7 of this Article is final and administrative proceedings may be initiated against it.

If in the procedure referred to in paragraph 6 and 7 of this Article the decision of the Director is annulled, in the repeated proceedings the provisions of this Law shall be applied.

If in proceedings referred to in paragraph 6 and 7 of this Article the Board determines simultaneous discharging of public offices to be allowed pursuant to provisions in the Article 47 of this Law, the Board shall indicate that in decision repealing decision of the Director.



If decision of the Director which has become final prior to the day of the commencement of implementation of this Law indicates termination of later public office of official by force of law and the public office has neither been terminated prior to the day of the commencement of implementation of this Law nor he terminated discharging the previous public office, i.e. on the day of the commencement of implementation of this Law still simultaneously discharges two or more public offices, the Agency, pursuant to provisions in the Article 71 of this Law, shall with no delay file the initiative for dismissal from the public office.

Proceedings upon appeal on decision of the Director indicating termination of later public office of official by force of law, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of the Law on the Anti-Corruption Agency (“Official Gazette of the RS”, No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation).

If appeal on decision of the Director indicating termination of later public office of official by force of law is rejected, the Agency, pursuant to provisions in the Article 71 of this Law, shall with no delay file the initiative for dismissal from the public office.

If in the procedure referred to in paragraph 12 of this Article the decision of the Director indicating termination of later public office of official by force of law is annulled, in the repeated proceedings the provisions of this Law shall be applied.

Exceptionally from paragraph 14 of this Article, if in proceedings referred to in paragraph 12 of this Article the Board determines simultaneous discharging of public offices to be allowed pursuant to provisions in the Article 47 of this Law, the Board shall indicate that in decision repealing decision of the Director.

### **Procedures upon Requests for Consent for Engaging in other Job or Activity** **Article 113**

Procedures pertaining to consent for engaging in other job or activity, except activity considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs, upon which decision has not been made prior to the day of the commencement of implementation of this Law, shall be considered as requests for granting opinion.

Proceedings upon appeal on decision of the Director refusing or denying request for consent referred to in paragraph 1 of this Article, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law shall be concluded in accordance with provisions of the Law on the Anti-Corruption Agency (“Official Gazette of the RS”, No 97/08, 53/10, 66/11- Constitutional Court Decision,

67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation).

If in the procedure referred to in paragraph 2 of this Article the decision of the Director is annulled, in the repeated proceedings the provisions of this Law shall be applied.

The official, being granted consent by decision of the Director which has become final prior to the day of the commencement of implementation of this Law for engaging in other activity considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs that fails to transfer business to other natural person prior to the day of the commencement of implementation of this Law, shall be obliged to do so within 30 days as of the day of the commencement of implementation of this Law and inform the Agency about it.

Procedures pertaining to consent for engaging in other activity, considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs, in which decision has not been made prior to the day of the commencement of implementation of this Law, shall be repealed, thus obliging official to transfer business to other natural person and to inform the Agency about it within 30 days as of submission of decision.

Decision of the Director referred to in paragraph 5 of this Article is final and administrative proceedings may be initiated against it.

Proceedings upon appeal on decision of the Director refusing or denying request of official for consent for engaging in other activity, considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be repealed, thus obliging official to transfer business to other natural person and to inform the Agency about it within 30 days as of submission of decision.

Decision of the Board referred to in paragraph 7 of this Article is final and administrative proceedings may be initiated against it.

**Procedures upon Notification on Engaging in other Job or Activity  
when Assuming Public Office  
Article 114**

Notifications on engaging in other job or activity, except activity considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs, upon which decision has not been made prior to the day of the commencement of implementation of this Law, shall be considered as requests for granting opinion.

In the procedure commenced pursuant to the Law on the Agency due to failure to submit notification referred to in paragraph 1 of this Article, in which decision has not been

made prior to the day of the commencement of implementation of this Law, the legality of officials' acting shall be assessed pursuant to the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation).

If in the procedure referred to in paragraph 2 of this Article decision of the Director has been made determining violation of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation), official shall be subject to sanction envisaged by this Law.

Proceedings upon appeal on decision of the Director determining that engaging in other job or activity not considered to be entrepreneurial, endangers the impartial discharge of public office, i.e. constitutes conflict of interest or the notification has been denied, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation).

If in the procedure referred to in paragraph 4 of this Article the decision of the Director is annulled, in the repeated proceedings the provisions of this Law shall be applied.

The official, being granted consent by decision of the Director which has become final prior to the day of the commencement of implementation of this Law for engaging in other activity considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs that fails to transfer business to other natural person prior to the day of the commencement of implementation of this Law, shall be obliged to do so within 30 days as of the day of the commencement of implementation of this Law and inform the Agency about it.

Proceedings upon notification on engaging in other activity considered to be entrepreneurial in terms of the Law governing the legal status of entrepreneurs, in which decision has not been made prior to the day of the commencement of implementation of this Law, shall be suspended thus obliging official to transfer business to other natural person and inform the Agency about it within 30 days as of submission of decision.

Decision of the Director referred to in paragraph 7 of this Article is final and administrative proceedings may be initiated against it.

Proceedings upon appeal on decision of the Director determining that engaging in other activity considered to be entrepreneurial endangers the impartial discharge of public office, i.e. constitutes conflict of interest or the notification has been denied, in which

decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be suspended thus obliging official to transfer business to other natural person pursuant to the Law governing the legal status of entrepreneurs and inform the Agency about it within 30 days as of submission of decision.

Decision of the Board referred to in paragraph 9 of this Article is final and administrative proceedings may be initiated against it.

### **Procedure upon Notification on Doubt in terms of Existence of Conflict of Interest Article 115**

Procedure upon notification on doubt in terms of existence of conflict of interest, in which decision has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of this Law.

In the procedure commenced due to failure to submit notification referred to in paragraph 1 of this Article, in which decision has not been made prior to the day of the commencement of implementation of this Law, the legality of officials' acting shall be assessed pursuant to the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation).

If in the procedure referred to in paragraph 2 of this Article decision of the Director has been made determining violation of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation), official shall be subject to sanction envisaged by this Law.

Proceedings upon appeal on decision of the Director determining the existence of conflict of interest in view of notification referred to in paragraph 1 of this Article and proposing measures for elimination of conflict of interest, in which decision of the Board has not been made prior to the day of the commencement of implementation of this Law, shall be concluded in accordance with provisions of the Law on the Anti-Corruption Agency ("Official Gazette of the RS", No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation).

If in the procedure referred to in paragraph 4 of this Article the decision of the Director is annulled, in the repeated proceedings the provisions of this Law shall be applied.

### **Passing general by-laws**

## **Article 116**

The Director shall pass general by-laws provided hereof within 90 days from the day this Law enters into force.

Until passing of the general by-laws as envisaged by this Law provisions of general by-laws passed in accordance with the Law on the Anti-Corruption Agency (“Official Gazette of the RS”, No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation) shall be applied, except for provisions contrary to this Law.

## **XIV FINAL PROVISIONS**

### **Article 117**

As of the day of entry into force of this Law, the Law on the Anti-Corruption Agency (“Official Gazette of the RS”, No 97/08, 53/10, 66/11 - Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 - authentic interpretation) shall cease to be in force.

The application of provisions in the Article 9, paragraph 2, item 2, 3 and 6 shall be postponed until termination of office of members of the Board elected pursuant to the Law on the Anti-Corruption Agency (“Official Gazette of the RS”, No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation) upon the proposal of the Government as well as the Ombudsman and Commissioner for Information of Public Importance and Personal Data Protection, in mutual agreement.

### **Article 118**

Members of the Board, Director and Deputy Director elected pursuant to the Law on the Anti-Corruption Agency (“Official Gazette of the RS”, No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation) shall continue to discharge their office until the completion of the term for which they were elected, i.e. until the termination of office due to other reason prior to completion of the term.

Upon the termination of the office of member of the Board elected pursuant to the Law on the Agency upon the proposal of the President of Republic, the new member of the Board shall be proposed by the Ombudsman.

Upon the termination of the office of member of the Board elected pursuant to the Law on the Agency upon the proposal of the Government, the new member of the Board shall

be proposed by the Republic Commission for the Protection of Rights in Public Procurement Procedures.

Upon the termination of the office of member of the Board elected pursuant to the Law on the Agency upon the proposal of the Ombudsman and Commissioner for Information of Public Importance and Personal Data Protection, in mutual agreement, the new member of the Board shall be proposed by the Commissioner for Information of Public Importance and Personal Data Protection.

### **Article 119**

This Law shall come into force within 8 days from the day it is published in the “*Official Gazette of the Republic of Serbia*“, with the exception of the provisions in the Article 9, paragraph 2, item 2, 3 and 6 of this Law that shall be applied as of the termination of the office of members of the Board elected pursuant to the Law on the Anti-Corruption Agency (“Official Gazette of the RS”, No 97/08, 53/10, 66/11- Constitutional Court Decision, 67/13 - Constitutional Court Decision, 108/13 - other law and 112/13 – authentic interpretation).