

# **MODEL GUIDELINES FOR THE IMPLEMENTATION OF THE CODE OF CONDUCT OF MEMBERS OF THE NATIONAL ASSEMBLY**





Republic of Serbia



REPUBLIC OF SERBIA  
THE AGENCY  
FOR PREVENTION  
OF CORRUPTION

# **MODEL GUIDELINES FOR THE IMPLEMENTATION OF THE CODE OF CONDUCT OF MEMBERS OF THE NATIONAL ASSEMBLY**

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**Model Guidelines for the Implementation of the Code of Conduct of Members of  
the National Assembly**

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# INTRODUCTION

Standardisation of conduct of members of the National Assembly (MPs) and adoption of ethical standards are important preconditions for establishing confidence in the efficiency, transparency and fairness of democratic systems of government.

The National Assembly is the highest representative body and the holder of the constitutional and legislative power in the Republic of Serbia. Being an MP is an honour and represents a great success in one's political career. On the other hand, being an MP also implies a special form of responsibility. MPs are elected representatives of citizens, which means that in their work, when making decisions, they should always keep the interest of the public in mind. The Code of Conduct, among other things, serves to ensure that MPs do not lose sight of this fact and allows citizens to judge how committed MPs are to the pursuit of the public interest.

One of the most important reasons for establishing ethical standards is raising the level of professionalism in the work of MPs. MPs come from different backgrounds, have different work biographies and professional experience, are of different professions and have worked in both the public and private sector. They also belong to different political parties and groups of citizens advocating for different ideologies. This diversity is important; it contributes to pluralism and provides the opportunity to hear different opinions and views, but it is equally important that all deputies in the National Assembly adhere to the same rules of conduct. Many professions have established rules or norms of expected behaviour that should guide their members (doctors, attorneys, journalists and others), so we can expect MPs to have their own professional code of conduct as well.

Another reason why adopting a code of conduct is important, is building an ethics culture. The National Assembly must build credibility as an institution that adheres to and nurtures ethical norms. Building an ethical culture requires time and dedication. The ethical culture of MPs is not important just in and of itself, but also because of the influence it has on the wider society.

Recent research<sup>1</sup> shows that citizens are dissatisfied with the work of the National Assembly; they believe that MPs are not available to citizens and that they care more about the interests of their political parties than those of the public. These data are quite warning, and show that it is necessary to introduce mechanisms to improve the current situation.

At the session held on 24 December 2020, the National Assembly adopted the Code of Conduct of Members of the National Assembly. This was the first step towards building the integrity infrastructure of this institution. In order for the Code to fully demonstrate its significance and potential, it is important to implement it and oversee its implementation. The guide in front of you aims to enable better understanding and application of the norms, clarify some of the doubts, and instruct MPs about desirable behaviour.

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<sup>1</sup> Opinion of the citizens of Serbia on participation in democratic processes, 2020, CRTA, Belgrade, March 2021, available at: <https://cрта.rs/istrazivanje-stavovi-gradjana-srbije-o-ucescu-u-demokratskim-procesima-2020-godine/>

**WHAT ARE  
VALUES AND  
WHY ARE THEY  
IMPORTANT?**

The Code of Conduct stipulates that MPs are obliged to respect the following general ethical values: truth, fairness, honesty, impartiality, responsibility, integrity, openness and accessibility.

Values are the most general principles, i.e. standards referring to what is desirable, proper, valuable. Values should guide the behaviour of individuals, members of a certain profession, in such a way that before making a certain decision or manifesting certain behaviour, they should assess the extent to which that decision or behaviour is in line with the values. Only when a certain value can be recognised in someone's behaviour can we say that a person possesses, nurtures and applies it. This means that, when someone answers questions patiently and gives complete and exhaustive answers (to citizens or parties), we can say that this person's behaviour shows openness as a value. Also, when someone is frequently in a hurry, avoids contacts and gives ambiguous and vague answers to the questions asked, we cannot characterise this person as open, i.e. say that openness is a value that this person manifests and nurtures in his/her behaviour.

Not even the best written acts, including those that govern conduct, such as codes, can predict all the situations we may encounter in our professional lives. Thus, neither the Code of Conduct of Members of the National Assembly can predict all challenges and all the "gray areas" that may turn out to be a real test of integrity for MPs. In these situations, the essence of values comes to the fore - they are a compass that always shows us which direction is the ethical one. So, if you cannot find a norm (in the Code) that could be applied in the specific situation you are in, just remind yourself of the values and ask yourself this question: If I act in a certain way, will I be respecting the values of the Code, will my behaviour reflect fairness, honesty, impartiality, responsibility...? If the answer is no, despite the fact that there is no norm in the Code that regulates a certain situation, you should refrain from acting in a certain way because such behaviour would not be in line with the values.



Due to their importance, each of the values contained in the Code of Conduct of Members of the National Assembly will be separately explained and illustrated with examples in the Guide.



## TRUTH

The **truth** requires that information of public importance not be hidden and that inaccurate data not be used.

### **Why is the truth important for the work of MPs?**

Truth is one of the fundamental values in one's both personal and professional life. It is the foundation and the main building block of trust between people. Just as in everyday life we do not trust people we have found not to be telling the truth, we can also expect citizens not to trust MPs if they do not adhere to facts and do not use arguments and data in debates, using half-true or inaccurate information instead. In the age of the Internet and much greater availability of information, information is much easier to verify. There are numerous sources citizens can use to verify whether something that an MP said is actually true. MPs are representatives of citizens and should not deceive or mislead them in any way. Also, the greater availability of information and the speed of their flow brought about new phenomena, which we did not have before, such as "fake news" and "post-truths". It is precisely because of these new modern society occurrences that one should be very careful when making statements, offering only information that has been proven to be true.

### **EXAMPLES<sup>2</sup>:**

Example 1: Based on the Law on Free Access to Information of Public Importance, an investigative journalism portal submitted a request to the National Assembly, asking to be provided with data on: salaries, parliamentary allowances, payment of petrol costs to Belgrade, accommodation in Belgrade and business trips within the country and abroad, all related to the MPs and concerning the last four years. Replying, the National Assembly submitted all the requested data in the form of a table, except for those related to the Speaker of the Assembly.

Explanation: The provisions of Article 19 of the Code of Conduct of Members of the National Assembly stipulate that MPs should strive to ensure the publicity of their work, and will respond to requests from media representatives for providing information regarding the discharge of parliamentary office. Truth requires that information of public importance not be hidden and that data not be manipulated. Information of public importance is information possessed by a public authority, created during the work or in connection with the work of a public authority, contained in a specific document and referring to any issue the public has a legitimate interest to know. Therefore, information on salaries, parliamentary allowances, petrol payments and everything else the portal asked the National Assembly to provide is information of public importance and the public has the right to be informed about it. Failure to submit the requested data concerning the Speaker of the National Assembly makes room for doubt as to the manner in which the money is spent. Not only is this not acting in accordance with the Law on Free Access to Information of Public Importance, it is also not acting in accordance with the Code of Conduct of MPs.

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<sup>2</sup> The aim of all the examples presented in the Guidelines is to illustrate situations to which it would be possible to apply the provisions of the Code of Conduct of Members of the National Assembly. Any resemblance to actual events and personalities is coincidental.

Example 2: During the discussion on the Law on the Confirmation of the framework Loan Agreement between the Republic of Serbia and the European Bank for Reconstruction and Development, which refers to the construction of a plant for the production of electricity from renewable sources, an MP said that the former Minister of Energy had received a sum of several tens of thousands of euros from a lobbying company from Brussels to ensure voting in favour of the Law on Renewable Sources of Electricity.

Explanation: The provisions of Article 8 of the Code of Conduct of Members of the National Assembly stipulate that MPs shall not use words, expressions and gestures that insult or underrate human dignity and jeopardise the dignity of the National Assembly, while the provisions of Article 9 prescribe that MPs are not allowed to abuse their parliamentary office for personal gain or for the benefit of a political party, or provide inaccurate information that could damage the reputation of the National Assembly. During a debate in the plenum, MPs should present data related to the subject of the debate and give their support to the decisions they take and vote for. Their presentations should be reasoned, clear and concise. An MP who provides information about persons who are not present in the National Assembly, particularly information that incriminates someone, is not acting in accordance with the Code of Conduct. An MP who possesses information about illicit actions of others should inform the competent institutions thereof, and should not do so during a debate in the plenum. Therefore, an MP who values the truth will never use unverified information about other people, because by doing so s/he not only belittles his/her own reputation, but also the reputation of the National Assembly.

## FAIRNESS

**Fairness** requires that work be done in such a way that equality and justice are not called into question.

### **Why is this value important for the work of MPs?**

Fairness implies that everyone is treated equally in the same or similar situations, and that treatment does not depend on any personal characteristics of the person to whom the rule applies. The great Greek philosopher, Aristotle, said that fairness is the only virtue that also involves the good of others “because it is directed directly at another: the other benefits from its exercise – be it a ruler or the community ... Therefore, the one who applies virtue to himself is not the best; it is the one who does it to another, because that is a difficult thing to do”.

### **EXAMPLES:**

Example 3: During the meeting of the Committee on Human and Minority Rights, during which the Subcommittee on Migrants was formed, a member of the committee, an MP, stated in his presentation that migrants are terrorists who attack our citizens and spread infectious diseases.

Explanation: The provisions of Article 8 of the Code of Conduct for Members of the National Assembly stipulate that MPs shall not incite hatred and violence with their speech, and that they are obliged, in their work and public appearances, not to act with prejudice or use or encourage stereotypes. By presenting value judgments about migrants, coloured by stereotypes and prejudices (migrants viewed as terrorists, perpetrators of violent crimes and carriers of infectious diseases), the MP from the above example acted in several ways contrary to the Code of Conduct, primarily by encouraging prejudice and thus insulting the human dignity of a vulnerable group.

Example 4: An MP received several e-mails from citizens who wanted to meet with him. In the signature of his e-mail, one of the citizens provided information that included the logo of the political party to which the MP also belonged. The next day, the MP sent a reply, proposing to meet only the citizen who had the logo of the political party as part of his signature.

Explanation: The provisions of Article 4 of the Code of Conduct of Members of the National Assembly stipulate that MPs are obliged to treat all citizens equally in the performance of their parliamentary office, without discrimination or privilege based on kinship, age, nationality, ethnicity, language, race, political and religious beliefs, physical disability, education, social status, gender, sexual orientation, marital or family status, or otherwise. By responding only to the citizen who was a member of the political party to which he himself belonged, the MP showed that he was not treating all citizens the same way, despite the fact that equality in treatment is an essential feature of fairness. In this example, the MP would have shown fair treatment if he had replied to all the citizens who addressed him, and organised meetings depending on his other obligations.

Example 5: During an election campaign, an MP handed out leaflets of the political party to which he belonged to employees of the National Assembly's professional services and attempted to persuade them to vote for his party in the upcoming elections, promising to ensure promotion for everyone who voted.

Explanation: The provisions of Article 18 of the Code of Conduct of Members of the National Assembly stipulate that, in performing parliamentary office, MPs must not endanger the principle of political neutrality of employees. There are many ways for an MP to be active during the campaign and to actively advocate for citizens to vote for the political party he belongs to: at public discussions, gatherings, conventions, stands, etc., but s/he should not be trying to convince employees of the National Assembly services how they should vote. On the other hand, employees in the services of the National Assembly should adhere to the principles of political neutrality prescribed in their own code of conduct (Code of Conduct of Civil Servants). Therefore, the MP from the example was not acting in accordance with the Code of Conduct, that is, he was not acting fairly. In addition to the fact that the above described behaviour is not in line with the Code of Conduct, it also constitutes a criminal offence under the provisions of Article 156 of the Criminal Code.

## HONESTY

**Honesty** implies that the private interest which is in conflict with the office must not be concealed, and that steps must be taken to prevent conflicts of interest in a way that protects the public interest. Also, it means that no decisions shall be made to realise financial or other benefit for oneself or a related person.

### **Why is this value important for the work of MPs?**

A situation where an MP has a private interest that affects, may affect, or appears to affect his/her conduct is called conflict of interest. An unresolved conflict of interest situation in most cases leads to corruption. Establishing mechanisms to prevent and manage conflicts of interest is one of the best ways to prevent corruption. Addressing the issue of conflicts of interest is related to the emergence of modern, parliamentary democracies. The MP is a guardian of the public interest and that is why honesty, as a value, is extremely important.

MPs, much like members of other professions, have several different social roles to play. Conflict of interest can occur in situations where some of these roles, especially from the sphere of private life, cross paths with those from the sphere of professional life. During our professional careers, we can all find ourselves in a situation of conflict of interest. What is important is to remember that being honest means that the private interest should always be reported, and that the situation of conflict of interest should be managed so that it does not lead to serious consequences for the MPs' integrity.

### **EXAMPLES:**

Example 6: The draft Law on the Legal Profession is on the agenda of the tenth session of the regular spring sitting of the National Assembly. The wife of one of the MPs is a well-known Belgrade attorney and the owner of a law office. After receiving the agenda of the tenth session, the MP informed the Speaker of the National Assembly in writing that he will not be participating in the debate, or voting, due to a possible and perceived conflict of interest. In addition, the MP submitted the same notification to the Agency for the Prevention of Corruption.

Explanation: The provisions of Article 12 of the Code of Conduct of Members of the National Assembly stipulate that an MP is obliged, immediately upon learning and no later than five days after learning, to report in writing to the Agency for Prevention of Corruption and the National Assembly the existence of a private interest s/he has in relation with the law or other act that is to be discussed and decided in the National Assembly. Before the beginning of the debate, the MP is obliged to orally inform the Speaker of the National Assembly and other MPs of the existence of his/her private interest in the subject matter of the law or act being debated or decided. The Law on the Legal Profession governs the attorney service, the requirements for practicing law, the forms of work of attorneys, the rights, obligations and responsibilities of attorneys, their trainees and

organisations, as well as the work of bar associations. The MP's wife is a person that is related<sup>3</sup> to him and this, together with the fact that she is also an attorney, can create the impression that the MP is in a conflict of interest, i.e. that there is a private interest that will affect the way he will vote. According to the provisions of Article 12 of the Code of Conduct, private interest is any benefit or convenience for an MP or another person related to him/her, in connection with a subject matter of the law or other act that is to be discussed or decided in the National Assembly. Considering all the above, the MP acted correctly and in line with the Code of Conduct. Even in situations when we have only a perceived conflict of interest, we must be aware that it too negatively affects the perception of citizens about MPs and the National Assembly. That is why it is important that, in situations of suspicion of a conflict of interest, you always keep in mind the public interest and act in accordance with the procedure prescribed by the Code.

**Example 7:** A debate on the proposed amendments to the Law on Customs was announced as part of one of the sessions of the National Assembly. The changes included, among other things, a reduction of seasonal customs rates for agricultural products. One MP was the majority owner of a company that imports and exports agricultural products in bulk; prior to taking office, he was also its director. In accordance with the Law on Prevention of Corruption, the MP had transferred management rights to his friend, but had kept the ownership share. After the discussion in the plenum, the MP voted for the amendments to the Law on Customs.

**Explanation:** Article 3 of the Code of Conduct for Members of the National Assembly stipulates that MPs, in performing their parliamentary office, shall act in the public interest so that the personal, private, or the interest of a group or political party is not above the public interest. The provisions of Article 12 of the Code of Conduct stipulate that an MP is obliged, immediately upon learning and no later than five days after learning of the existence of a private interest s/he has in relation to the law or other act to be debated and decided in the National Assembly, to report such interest in writing to the Agency for Prevention of Corruption and the National Assembly. In this example, we can best see how the roles we have, which involve certain interests, can come into conflict. On the one hand, the MP, as the majority owner of the company, has a private, personal interest in reducing the seasonal customs rates for agricultural products. Lower customs rates mean less levies to be paid, or in other words - higher profits. On the other hand, every MP should primarily take into account the public interest, i.e. the interest of all or most citizens. In order to act fairly and in accordance with the Code of Conduct, even in situations where the personal interest coincides with the public interest, an MP is obliged to address the Agency for the Prevention of Corruption and the National Assembly, report the existence of a private interest in the law which will be discussed and decided, and to wait for a reply as to how s/he should act in that specific situation. Only when the MP acts in accordance with the Code of Conduct will s/he eliminate all doubt about the existence of lucrative motives for voting.

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<sup>3</sup> A related party is a family member of a public official, a blood relative in the direct line, i.e. in the collateral line up to the second degree of kinship, as well as any natural or legal person who, based on other grounds and circumstances, can justifiably be considered connected to the public official.



Example 8: The president of a private university was elected an MP. Due to his experience in the field of higher education, he was appointed chairman of the Committee on Education, Science, Technological Development and Information Society.

Explanation: The provisions of Article 12 of the Code of Conduct of Members of the National Assembly stipulate that MPs are obliged to report in writing to the Agency for Prevention of Corruption and the National Assembly, immediately upon learning and no later than five days after learning, the existence of a private interest related to the law or another act that is to be discussed and decided in the National Assembly. The Committee on Education, Science, Technological Development and Information Society, among other things, monitors the implementation of laws and other acts. The Law on Higher Education regulates the process of accreditation of institutions and student programmes in the field of higher education. The Commission for Accreditation and Quality Assessment conducts this procedure and issues certificates of accreditation. The Committee determines the proposed amount of remuneration for the members of the Commission for Accreditation and Quality Assessment and considers reports on the work of the Commission. As a member of the Committee on Education, Science, Technological Development and Information Society, the MP decides on the amount of remuneration of the members of the Accreditation Commission and the report on its work, while the Commission decides on the accreditation of faculties and study programmes of faculties at the university of which the MP is president. When considering issues related to the work of the Commission for Accreditation, the MP can put the private interest above the public one, and that is why we say that he is in a situation of possible conflict of interest. In order to act in accordance with the values and Article 12 of the Code of Conduct, the MP was obliged to report in writing the existence of a private interest to the Agency for the Prevention of Corruption and the National Assembly immediately after he was elected chairman of the Committee. By acting in this way, the MP would have behaved in accordance with the proclaimed norms of the Code of Conduct and would have protected the public interest.

Example 9: An MP who was a retired law professor was invited to be one of the speakers at a two-day conference dedicated to the Criminal Code's penal system. The organiser of the conference - an international organisation dealing with the rule of law - informed all the speakers that the costs of travel and accommodation during the two days of the conference were covered, and that no fees were to be paid to the speakers. The conference was organised as part of a public debate dedicated to the amendments and supplements to the Criminal Code. The MP accepted the invitation to participate in the conference.

Explanation: The provisions of Article 10 of the Code of Conduct stipulate that an MP may not perform the office of MP or use the advantages of said office to achieve a benefit or convenience for him/herself or a related person. The provisions of Article 11 stipulate that an MP shall not seek, accept or receive any direct or indirect financial benefit or other reward in exchange for influence or voting on proposed acts and other issues on the agenda of a session of the National Assembly or its working body. In the above described situation, the MP who was invited to be one of the speakers at the conference had two roles: as a retired law professor he was an expert on penology, but there was also another social role he played – that of the elected representative of citizens in the National Assembly. Analysing the example, that is, if we want to determine whether the MP, by accepting the invitation to participate in the conference, acted in accordance with the Code of

Conduct, we must first determine whether the MP had a private interest. Article 12, paragraph 4 of the Code of Conduct stipulates that private interest is any benefit or convenience for the MP or another person related to him/her, in connection with a subject matter of a law or other act that is to be discussed or decided in the National Assembly. In the above example, we cannot speak of the existence of a private interest. There are no fees for conference speakers, so the MP will not make a financial profit; travel and accommodation costs are covered for all the speakers and therefore do not represent a privilege that is enjoyed only by the MP. What is essential for deciding whether there is a conflict of interest situation in this example is the question of whether the MP, i.e. the speaker at the conference, can encounter a situation where he will be deciding on the right or interest of the international organisation that is organising the conference in which he is to participate. As this is not the case, the MP did not violate the provisions of the Code of Conduct by accepting the invitation.

Example 10: An MP, a professor at the University of Belgrade and the author of a biology textbook for high school seniors, was invited to attend a conference dedicated to the Law on Textbooks, whose amendments and supplements have been pending for several months. The organiser of the conference was a well-known publishing house, a leader on the textbook market in the Republic of Serbia. This publishing house has published a biology textbook for high school seniors authored by the MP. The MP accepted the invitation to attend the conference.

Explanation: The provisions of Article 11 of the Code of Conduct stipulate that an MP shall not seek, accept or receive any direct or indirect financial benefit or other reward in exchange for influence or voting on proposed acts and other issues on the agenda of the National Assembly session or its working body. In this example, too, we have a situation where an MP has two social roles - the role of a university professor and the role of the elected representative of the citizens in the National Assembly. As the author of a biology textbook, the MP receives royalties from the sales and we can consider this a private interest, but it is much more important that the MP can find himself in a situation where he will be deciding on the right or interest of the publishing house that is organising the conference. Due to the fact that the MP will have the opportunity to vote on amendments and supplements to the Law on Textbooks, which regulates the rights and obligations of publishers, one of which happens to be the organiser of the conference, we have a situation where private interest can affect the public interest. If he intends to attend the conference, the MP is obliged to inform of his interest in the matter both the Agency for Prevention of Corruption and the National Assembly in writing immediately upon learning, and no later than five days after learning that the Law on Amendments and Supplements to the Law on Textbooks will be on the agenda of the National Assembly session.

Although the last two examples are very similar at first glance, the essential differences between them are:

1. The existence of a private interest in the second example;
2. The fact that the MP in the second example will be in a situation to decide on the right or interest of the organiser of the conference in which he participates (publishing house).

When in doubt as to whether a particular situation constitutes a conflict of interest situation, always keep in mind the two above listed criteria for recognising conflict of interest. Also, consult the members of the Ethics Committee.

## IMPARTIALITY

**Impartiality** strengthens honesty and relies on universal values that serve as guidelines in proposing and carrying out public affairs.

**Why is this value important for the work of MPs?**

### “Cash for questions”

In October 1994, the British daily “The Guardian” reported that London’s most famous lobbyist, Ian Greer, had bribed Conservative MPs to ask questions and do other things on behalf of Mohamed Al-Fayed, the owner of the “Harrods” department store. The article stated that parliamentarians Neil Hamilton and Tim Smith received 2,000 pounds for each question they asked, and they asked a total of 22. In addition to the above, Hamilton asked for and received a one-week stay at the “Ritz” Hotel in Paris, owned by Al-Fayed’s brothers, as well as a shopping spree at the “Harrods” department store.

Due to great public pressure, the then Prime Minister of Great Britain, John Major, formed the Committee for Standards in Public Life, better known as the Nolan Board, after its first president Lord Nolan. The Committee is an advisory body tasked with advising the prime minister on ethical issues, conducting general inquiries on standards of conduct in public life, making recommendations on what needs to be changed, and promoting seven public life principles: selflessness, integrity, objectivity, responsibility, openness, honesty and leadership. To act impartially means to look at the situation reasonably and objectively, assess only relevant facts, leave all direct or indirect personal, material interests aside, and make decisions that contribute to the well-being of all citizens. Impartiality also implies equal application of regulations to all, and equal treatment of all. MPs, as elected representatives of citizens, are expected to be impartial in their work and decision-making.



## EXAMPLES:

Example 11: Due to weather problems that significantly damaged the raspberry crops, the association of raspberry growers submitted a letter to an MP from Western Serbia who, during a tour of the village during the election campaign, promised the growers better working conditions. The letter listed all the future consequences of the weather conditions for the raspberry crops. On the last Thursday of the month, in the part of the session dedicated for asking parliamentary questions, the MP decided to orally ask a question about the anti-hail protection, as he told his parliamentary club colleagues during one of the lunch breaks he would. Three days before the beginning of the session, the president of the party called the MP and, among other things, told him that it would not be good if he asked any questions because the media had written extensively about the damage caused by the storm, and raspberry growers were planning to block the roads in protest. The MP explained that it was important for the public to receive an answer to the question about hail protection, and said that he would pose the question regardless.

Explanation: Pursuant to the provisions of Article 11 of the Code of Conduct of Members of the National Assembly, an MP shall decide, speak and vote based on his/her own convictions and shall not act or vote in the interest of a natural or legal person in a way that would jeopardise his/her freedom of voting. In the above example, the MP assessed that there was public interest in finding out what happened to the hail protection system before the storm occurred, i.e. that it was justified to inform the public what had caused damage to their crops. Also, the association of raspberry growers had addressed him and presented the problems it was facing, and an MP is a representative of the interests of the citizens in the Assembly. Therefore, taking into account all the facts, the MP had the right to ask a representative of the Government about the use anti-hail protection, as it is financed with the money of citizens.

Example 12: An MP was a member of the Health and Family Committee. The agenda of the Committee meeting included a discussion of the details of the draft Law on Medicines and Medical Devices. The draft law stipulated that when issuing or amending the license for a medicine, i.e. renewing a license for a medicine, as well as when submitting a request for inscription in the Register of Medical Devices, the Agency for Medicinal Products and Medical Devices had to issue certificates to economic entities so that they could export medicines and medical devices for which no fee is charged, in accordance with the recommendations of the World Health Organisation. One amendment was submitted to the draft law. It stipulated that economic entities needed to pay a fee, and the explanation stated that the reason for this was the modest budget of Serbia and the view that the pharmaceutical industry should pay its obligations and contribute to the improvement of the financial situation in the country. After the Minister of Health, who attended the debate, explained that this decision would actually stimulate the export of domestic drug manufacturers, a member of the Committee, an MP, raised the issue of why anyone would be exempt from paying a fee just on the basis of the recommendation of the World Health Organization. The MP added that, besides stimulating the export of domestic producers, the proposed legal solution would also result in a situation where foreign pharmaceutical companies would not have to pay a fee for inscription in the Register of Medical Devices, which will affect the budget. After the discussion ended, all the members of the Committee supported the draft law, but not the amendment, except for the MP who voted both for the draft law and the amendment, providing a dissenting opinion thereon.

Explanation: Pursuant to the provisions of Article 11 of the Code of Conduct of Members of the National Assembly, an MP decides, speaks and votes based on his/her own convictions and will not act or vote in the interest of a natural or legal person in a way that would jeopardise his/her freedom of voting. After hearing the explanations, the MP from the example came forward and voted based on his own conviction. During his presentation, he used facts and arguments, which is extremely important when we have in mind that an MP should be neutral, that is, objective. Taking into account all the above, the MP acted in accordance with the Code of Conduct.

## RESPONSIBILITY

**Responsibility** in discharging parliamentary office and, among other things, for decisions that are proposed and made, as well as readiness to be submitted to any control that is appropriate to the discharged office.

### Why is this value important for the work of MPs?

Responsibility is important for every job, and especially for the work of MPs, because the decisions they make are reflected in society as a whole. Responsibility implies accountability and responding to the public concerning the decisions made and actions taken. We can freely say that responsibility is the queen of the values, since all the other values are connected with it one way or another. Responsibility includes reflection about the consequences of decisions made by MPs, at three different levels:

- At the level of an individual, i.e. the consequences for the MP himself/herself;
- At the level of the institution, i.e. the consequences for the National Assembly as the highest representative body and the holder of the constitutional and legislative power in the Republic of Serbia; and
- At the level of society as a whole, i.e. the Republic of Serbia.

If we consciously think about the consequences before making a decision or taking a certain action, we are ready to submit to any form of control. Avoiding accountability for one's work and being subjected to control is a clear indicator that an MP is avoiding responsibility. Due to the importance of their role in society, the MPs are obliged to answer to the citizens and the public for all proposed and adopted decisions, and to accept that supervision and control of their work are implied in parliamentary democracies.

### EXAMPLES:

Example 13: An MP resides in a town in Serbia, outside of Belgrade. For the purposes of attending the sessions of the National Assembly, he uses his own car and receives reimbursement of petrol costs, in accordance with the Law on Remuneration of Deputies in the National Assembly of the Republic of Serbia and the decision of the Committee on Administrative and Mandate-Immunity Issues. In the second year of the MP's term of office, the children moved to Belgrade to study and

the family decided to purchase an apartment in the city. While the National Assembly is in session, the MP stays in the family apartment in Belgrade, but still charges petrol costs.

Explanation: The provisions of Article 15 of the Code of Conduct stipulate that an MP shall respect budgetary and financial discipline which guarantees proper management of public funds, that he is obliged to conscientiously, efficiently and economically manage and use material resources and the financial resources entrusted to him/her in the performance of his/her parliamentary function and prevent their illegal disposal, and that s/he is obliged to compensate the material damage s/he has caused to the National Assembly, intentionally or as a result of gross negligence. The provisions of Article 7 of the Code of Conduct stipulate that an MP needs to be a model of ethical conduct, by personal example. MPs who come to the sessions of the National Assembly and its working bodies using their own vehicles sign a statement confirming that they have used their own vehicle to attend the session, providing the vehicle registration number, the travel route, the number of kilometres travelled, and the date of the session of the National Assembly, i.e. meeting of the working body. The MP does not have to submit evidence in the form of petrol bills, which certainly leaves room for abuse. However, MPs should know that the fact that there is an opportunity for abuse does not justify the use of said opportunity. In such situations, MPs should be aware of the consequences of their actions, for themselves, the National Assembly and society as a whole. When this information reaches the public, the reputation of the MP can be completely destroyed because it is evident that s/he does not care about the public interest, but only his/her own personal/financial interest, while the reputation of the National Assembly is shaken because it does not act as an institution with ethical culture, but rather as an institution whose internal acts allow abuse. Finally, the consequences for society as a whole can also be very negative, because if we see this type of abuse in the work of the holders of constitutional and legislative power, citizens can justifiably also doubt the work of other public authorities. Due to all the above, MPs should act responsibly, which means that when they have an apartment in Belgrade, and when they remain in Belgrade, in their own apartments during the sessions, they should not charge petrol costs for attending the National Assembly sessions.

Example 14: Pursuant to Article 194, paragraph 2 of the Rules of Procedure of the National Assembly, the Committee on Constitutional Affairs and Legislation submitted to the National Assembly a proposal for an authentic interpretation of the provisions of Article 11, paragraphs 4, 5 and 6 of the Law on Electronic Media, asking that it be adopted by urgent procedure. The proposal contained an authentic interpretation, but there was no explanation. When the media representatives asked the Committee for an explanation, they did not receive an answer despite the fact that a month had passed.

Explanation: The provisions of Article 20 of the Code of Conduct of Members of the National Assembly stipulate that an MP is obliged to explain the reasons for his/her actions and the decision s/he stands for, and to state all the facts and circumstances on which the procedure and decision were based. The Rules of Procedure of the National Assembly stipulate that the provisions of the Rulebook on the Procedure for Passing Laws shall apply to the procedure involving authentic interpretation, while the provisions related to passing the laws stipulate that the authorised proposer shall submit the draft law in the form in which the law is to be passed, with an explanation. Therefore, an authentic interpretation of the law should also contain an explanation. The Chairman of the Committee on Constitutional Affairs and Legislation was supposed to provide, together with other

members of the Committee, an explanation along with the authentic interpretation. In addition to this formal reason, which is based on the Code of Conduct and the Rules of Procedure, there is also the essential reason why it is important to make explanations of authentic interpretations available to the public. Citizens and the professional public can find out from the explanation why it is necessary to change a certain regulation, what the problems in the interpretation are, and why certain legal provisions are unclear, imprecise, incomprehensible or their application in practice is difficult, sometimes even impossible. When all potential reasons are properly explained, the public does not doubt the motivation for adopting the authentic interpretation, i.e. their doubts that the regulation is being changed with a specific objective are eliminated.

## INTEGRITY

**Integrity** means that MPs must not commit themselves, financially or in any other way, to persons and organisations that could affect the performance of their duties.

### Why is this value important for the work of MPs?

The word integrity comes from the Latin language (*integritas, integritatis*) and means completeness, wholeness, indivisibility, impeccability, absence of vice, honesty. The word integrity can mean different things in different contexts, but when we talk about its meaning in the context of the professional behaviour of an MP, we can say that it is a behaviour that is completely in line with the values. Professional integrity means that the MP has autonomy that is built on values, and that values can be recognised in his/her speech and actions. Only when we have the unity and integrity of these three aspects (values - speech - behaviour), which do not depend on any external influence, can we say that the MP possesses professional integrity. The challenges that MPs face in their work are numerous. There are pressures from political parties, interest groups, various associations, lobbyists, etc., and they all pose a threat to their integrity. The professional integrity of an MP is a measure of the success of his/her term of office. If, during his four-year term of office, an MP does not act in accordance with the regulations, the Code and the values, then s/he is not actually acting in the public interest and is not representing citizens in the right way, i.e. is calling into question the very essence of parliamentary work. Due to all the above, integrity is extremely important for the office of MP.

### EXAMPLES:

Example 15: At a meeting held in the Chamber of Commerce, an MP runs into a friend from college with whom he has not been in contact for a long time. They exchange contact information and agree to soon see each other socially. While visiting, the MP learns that his friend from college has become the executive director of a large investment fund in Serbia. This fund invests in various industries, including construction. Due to the global economic crisis, the construction industry has suffered great losses. During one of the next meetings, at lunch in a newly opened exclusive restaurant, the MP's friend from college, the executive director of the investment fund, starts

asking when the Law on Planning and Construction and the Law on Land Conversion will be on the agenda of the National Assembly session. One of these laws envisages the payment of a fee for converting the right to use construction land into the right of ownership. The MP informs his friend that the National Assembly has an already established order of laws that are in procedure. The next time, the executive director invites the MP and his family to spend the weekend at a closed club. While there, he starts talking about the laws and explains that newly proposed legal solutions bring positive changes and that they are necessary in the process of joining the European Union. In the same conversation, the director tells the MP that he should think about his future after the end of the parliamentary term, which is nearing the end, that new managerial positions will be opening up in the investment fund in the coming period, and that his recommendation could open a door to the MP's future career. The MP thanks his friend for the offer and says that he is not interested in working in an investment fund.

Explanation: The provisions of Article 11 of the Code of Conduct of Members of the National Assembly stipulate that an MP shall not seek, accept or receive any direct or indirect financial benefit or other reward in exchange for influence or voting on proposed acts and other issues that are on the agenda of the session of the National Assembly or its working body. The MP's friend from college is a person whose private interest is for the Law on Planning and Construction and the Law on Land Conversion to be adopted as soon as possible. Paying a fee for converting the right to use construction land into the right of ownership would eliminate competition in the field of construction for a while, until the sale of already built residential complexes in which the investment fund has invested money. In order to achieve his interest, the director of the investment fund is ready to offer various types of benefits, but the MP should be aware that he was elected to protect the interest of the public. Integrity means behaving in accordance with values. Had the MP agreed to exert influence so that the above-mentioned laws would find themselves before his fellow MPs as soon as possible, he would have shown not only that he does not act in accordance with the values and endangers the autonomy of the MP's work, but also that he performs his duties in order to achieve financial gains on the side, which is absolutely unacceptable.

Example 16: When a delegation of the Parliamentary Assembly of the Council of Europe visited the National Assembly of the Republic of Serbia, a group of MPs were presented with the following gifts: a publication on the Parliamentary Assembly issued on the occasion of its 70 year anniversary, planners and pens.

Explanation: The provisions of Article 16 of the Code of Conduct of Members of the National Assembly stipulate that an MP shall not seek or receive, or allow another person to receive a gift on his behalf, or to his benefit, in connection with the performance of the office of MP, except for occasional and protocol gifts of legally acceptable value, given as part of the usual protocol courtesy. It also stipulates that the MP is obliged to inform the Speaker of the National Assembly of any gift s/he receives in connection with the performance of the parliamentary function, and to hand over to the Speaker any gift that exceeds the legally acceptable value. Gifts that are exchanged during official visits by domestic or foreign organisations are protocol gifts. If the value of the gift does not exceed the amount of 10% of the average monthly net salary in the territory of the Republic of Serbia, the MP is allowed to keep it. Regardless of the fact that the MP can keep this type of gift,



s/he should inform the Speaker of the National Assembly thereof in accordance with the Code of Conduct. The National Assembly should keep a record of the gifts received.

Example 17: A registered lobbyist sent a letter to an MP, chairman of the Committee on Economy, Regional Development, Trade, Tourism and Energy, with a proposal to meet. The topic of conversation would be the delayed implementation of the Law on Tourism. Along with the letter, the lobbyist submitted proof of registration in the Register of Lobbyists and the lobbying agreement. The law prescribes the ranking of travel organisers' licenses into different categories, as well as the type, amount and conditions of travel guarantees and the amount of deposits, depending on the license category. All this represents a great financial burden for tour operators, who have suffered enormous losses during the Coronavirus pandemic. At the beginning of the meeting, the lobbyist offered the MP his business card and a bag with his company's promotional materials. After the meeting, the MP looked at the contents of the bag and saw a leather pen case next to the brochure. Opening the box, the MP realised that inside was a gold-plated ballpoint pen made by a well-known Swiss manufacturer of men's watches, pens and jewellery. The MP made an official note and handed it over to the Speaker of the National Assembly, together with the unpacked pen.

Explanation: The provisions of Article 16 of the Code of Conduct of Members of the National Assembly stipulate that an MP shall not seek or receive, or allow another person to receive a gift on his behalf, or to his benefit, in connection with the performance of the office of MP, except for occasional and protocol gifts of legally acceptable value, given based on the usual protocol courtesy. It also stipulates that the MP is obliged to inform the Speaker of the National Assembly of any gift he receives in connection with the performance of the parliamentary function, and to hand over to the Speaker any gift that exceeds the legally acceptable value. In the described situation, the MP acted in accordance with the Code of Conduct. Since the market value of the pen exceeded the amount of 10% of the average net salary in the territory of the Republic of Serbia, it was the duty of the MP to notify the Speaker of the National Assembly of the gift and hand it over to him/her, which he did by making an official note and handing the pen to the Speaker. In this way, the MP did not put himself in a position of dependence, thus preserving his professional integrity.

## OPENNESS

**Openness** implies willingness to publicly explain the reasons for the proposed decisions and to exclude the public only when it is required by law.

### **Why is this value important for the work of MPs?**

Openness aims to contribute to the publicity of the work of MPs and the National Assembly. MPs should not demonstrate discretionary powers in their work; rather, they should try to explain decisions in a clear and understandable way, so that citizens can recognise the concern for the public interest in them. MPs are elected representatives of the citizens, and they owe them explanations for the decisions they make. Much like some other values, openness contributes to building citizens' trust in the work of the National Assembly.

## EXAMPLES:

Example 18: A meeting of the Committee on Finance, the Republic Budget and the Control of the Expenditure of Public Funds of the Serbian Assembly was held outside the Assembly building, in a five-star hotel near Belgrade. Members of the Committee discussed amendments and supplements to several laws. Although the media was initially notified that the meeting would be public, immediately before the beginning they were informed that it would in fact be closed to the public. When the journalists asked why the meeting was held outside the Assembly building, and why it was held in a hotel, none of the MPs wanted to answer the questions.

Explanation: The provisions of Article 19 of the Code of Conduct of Members of the National Assembly stipulate that an MP should strive to ensure the publicity of his/her work, and to respond to requests from media representatives for information related to the performance of his/her parliamentary office. The provisions of Article 21 stipulate that an MP should encourage any measure that increases openness to the public and any measure aimed at improving media coverage of his/her parliamentary activities and the functioning of the National Assembly. From the above, we can conclude that MPs should view representatives of the media as partners, and that they should make it possible for the public to follow their work without hindrance. If, for justified reasons, a discussion cannot be public, an explanation should be provided as to why that is so. In cases such as the above example, where the media representatives were initially informed that they would be able to attend the meeting, it is necessary to provide a reasonable explanation for the change of the decision. Also, if the members of the Committee on Finance, the Republic Budget and the Control of the Expenditure of Public Funds were not informed about the reasons why the meeting was held outside the National Assembly building, the chairman of the Committee should have certainly known the reasons and should have informed the media and the public thereof.

Example 19: At the meeting of the Committee for the Control of Security Services, the records of supervisory visits to the security services conducted by the Committee in the previous period were discussed and adopted. The meeting of the Committee was not open to the public.

Explanation: The provisions of Article 20 of the Code of Conduct of Members of the National Assembly stipulate that, if the facts and circumstances on which the procedure and decision are based are confidential, the MP shall explain the reasons in a way that will not jeopardise the confidentiality of information. At the meeting, the Committee for the Control of Security Services discussed the supervisory visits to the security services of the Republic of Serbia, and the information presented could not be made available to the general public due to their confidential nature. When Committee discusses information that are particularly sensitive and that are, pursuant to the law, marked as secret, there is a justifiable reason for not including the public. Once the meeting is over, the public can be briefly informed about the subject of discussion.

## ACCESSIBILITY

**Accessibility** implies MP's readiness to be in constant contact with citizens in order to provide information about his/her work and the work of the National Assembly.

### **Why is this value important for an MP?**

Modern representative democracy implies that citizens elect representatives, who then make decisions on their behalf. MPs are in fact representatives of citizens who have elected them in direct elections, by secret ballot, and that is why it is extremely important that they justify the given trust and maintain communication with citizens throughout their term of office. In everyday life, facing various problems, citizens can better notice certain dysfunctions and offer suggestions on how they can be eliminated, and how certain areas of life can be improved. By maintaining constant contact with citizens and other representatives of the civil society, MPs can influence the implementation of the received proposals and suggestions.

### **EXAMPLES:**

Example 20: An MP, chairman of the Committee on Education, Science, Technological Development and the Information Society received by e-mail a letter that was signed by citizens' associations dealing with Roma issues. The letter contained an initiative to amend the Law on Higher Education, in the part relating to the number of students enrolled based on affirmative action measures, so as to abolish quotas for the Roma student population. The Chairman of the Committee responded to the e-mail the same day, proposing a date for a meeting to discuss enrolment quotas.

Explanation: The provisions of Article 2 of the Code of Conduct of Members of the National Assembly stipulate that an MP should maintain constant and direct contact with citizens in parliamentary offices, at public discussions and other public gatherings, as well as by answering citizens' questions submitted by regular and electronic mail, and that an MP should hold meetings with representatives of non-governmental organisations, citizens' associations and other interest groups, endeavouring to affirm before the competent working bodies of the National Assembly the initiatives, suggestions and proposals received from citizens. The MP i.e. chairman of the Committee for Education, Science, Technological Development and Information Society, showed that he wished to make contact with the citizens' association, i.e. that he was accessible and that citizens can easily get in touch with him if they want to. In this way, the MP demonstrated accessibility, thus showing behaviour that is in line with the Code of Conduct.

Example 21: An MP participated in a panel discussion on environmental protection, in a small town in Serbia. The forum was organised by the local self-government unit and all interested citizens were allowed to attend. Based on the agenda, speakers were to answer questions at the end. One of the present citizens, a representative of a non-governmental organisation dealing with the protection of rivers, asked the MP why the National Assembly has not yet adopted the National Strategy for the Sustainable Use of Natural Resources and Goods from Article 12 of the Law on Environmental



Protection, and the National Environmental Protection Programme from Article 64 of the same Law. The MP refused to answer the question.

Explanation: The provisions of Article 8 of the Code of Conduct stipulate that an MP should treat citizens politely and with due care and respect, while the provisions of Article 19 stipulate that s/he shall strive to ensure the publicity of his/her work. The behaviour of an MP who refuses to answer a question is not only inconsistent with the principle of accessibility and the Code of Conduct for Members of the National Assembly, but also sends a bad message that MPs do not have to provide answers to citizens whom they represent. If the MP did not know the answer to the question, it would have been much better if he had just said so, adding that he would inform the citizens once he finds out the reasons. By refusing to answer the question, he left the impression of an arrogant person. Before an MP makes a public statement of any kind, s/he must consider whether his/her statement and conduct are in accordance with the rules.

## **CONFIDENTIAL ADVICE AND TRAINING ON THE APPLICATION OF THE CODE**

The Ethics Committee is in charge of the application of the Code of Conduct for Members of the National Assembly.

In addition to drafting the Guide to the Application of the Code, the Committee provides confidential advice to MPs regarding the application of the Code and organises and conducts trainings on said application.

The MP may address one of the members of the Ethics Committee who deals with confidential advice in case of doubts about the application of rules related to the existence of private interests that may be related to the law or other act under discussion or decision, as well as regarding other issues of importance for application of the Code.

## **SUPERVISION OF THE IMPLEMENTATION OF THE CODE AND MONITORING COMPLIANCE**

The Committee on Administrative-Budgetary and Mandate-Immunity Issues (hereinafter: the Committee) supervises the application of the Code, except for the provisions related to the obligation of the MPs to declare their private interests, compliance with regulations restricting the simultaneous discharge of two or more offices, prohibition of receiving gifts, and prohibition of the use of the office to achieve benefits or conveniences for oneself or a related person.

### **How to initiate the procedure**

The procedure for reporting a violation of the Code is initiated by submitting a written report which must contain the name and surname, contact address and personal signature of the applicant, as well as the explanation and written and other evidence on the basis of which the Committee will evaluate the allegations contained therein.

The report may be submitted by any natural or legal person. Prior to proceeding, the Committee may request additional information from the applicant.

The Committee rejects irregular and incomplete applications; it also dismisses reports that are found to show no evidence of violation of the provisions of the Code as unfounded, and notifies the applicant thereof in writing.

The Committee does not act on anonymous reports.

The Committee is obliged to decide within 30 days from the day of submission of the report.

### **Procedure following a report**

The submission of a report is followed by a debate, at which the MP against whom the report was filed has the right to make a statement and present his/her view of the facts and circumstances alleged in the report. The Committee is allowed to invite possible witnesses to the hearing. If it is determined that there are no grounds for further action, the Committee suspends the procedure for establishing the responsibility of the MP. If it is established that a violation of the provisions of the Code does exist, the Committee makes a decision on the violation of the Code and imposes a prescribed measure. The decision of the Committee is final.

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## **Measures in case of violation of the Code**

A reprimand and a public reprimand may be issued for non-compliance with the Code.

A public reprimand is published on the website of the National Assembly for a period of 30 days.

The decision on the issued measure is delivered to the MP on whom the Committee has imposed the measure, while the person who submitted the report is notified of the measure.

## **KEEPING RECORDS AND REPORTING**

The Committee keeps records of declarations of private interests of MPs, and the procedures and measures imposed for violating the Code. These records are published on the website of the National Assembly.

The Committee and the Ethics Committee compile a joint annual report on the application of the Code, which they submit to the National Assembly no later than March 31 of the current year for the previous year, and which is published on the website of the National Assembly.

# Appendix 1

## THE TRAINING PROGRAMME MODEL

<b>Title of the training programme</b>	<b>Code of Conduct of National Assembly Members'</b>
<b>Area of professional development</b>	Preventing corruption and strengthening integrity
<b>The reason that caused the adoption of the programme</b>	<p>The Group of States against Corruption (GRECO), which operates under the auspices of the Council of Europe, stated the following in the recommendations issued after the fourth round of evaluation:</p> <ul style="list-style-type: none"> <li>• Prompt action regarding the adoption of the Code of Conduct for MPs and provision of clear guidelines for avoiding and resolving conflicts of interest,</li> <li>• Ensuring that the public has easy access to the future Code and that it is effectively implemented in practice, including raising awareness among MPs about the standards expected of them; providing them with advice while maintaining confidentiality and targeted training.</li> </ul>
<b>Objective of the programme</b>	The objective of the training programme is to raise awareness of the importance of professional standards of conduct, the adoption of professional standards of conduct, and training for the effective implementation of the Law on Prevention of Corruption and the Code of Conduct of Members of the National Assembly.
<b>Description of the programme and its thematic units</b>	<p>I Obligations of MPs pursuant to the Law on Prevention of Corruption - Presentation of the Law on Prevention of Corruption (provisions that refer to the management of conflicts of interest of officials and declaration of property and income)</p> <p>II Code of Conduct of Members of the National Assembly - Presentation on the Code of Conduct of Members of the National Assembly</p> <p>III Guide for the application of the Code of Conduct of MPs - Panel discussion / group work</p>
<b>State authorities for which it is intended</b>	The National Assembly
<b>Target group for which the programme is intended</b>	Members of the National Assembly
<b>The minimum number and the optimal number of attendees</b>	15/25
<b>Projection of programme costs</b>	-
<b>Forms, methods and techniques of programme implementation</b>	Presentation, panel discussion, group work
<b>Implementers</b>	Employees of the Agency for Prevention of Corruption Members of the Ethics Committee

<p><b>Expected effects in raising the level of attendants' knowledge and skills</b></p>	<p>After the training, attendants will be able to:</p> <ul style="list-style-type: none"> <li>- Implement the provisions of the Law on Prevention of Corruption in the part related to the obligation of public officials to report conflicts of interest and declare property and income,</li> <li>- Identify the values of the Code of Conduct of Members of the National Assembly,</li> <li>- Use the norms of the Code of Conduct of Members of the National Assembly as guidelines for their own professional conduct,</li> <li>- Recognise the difference between public and private interest,</li> <li>- Apply conflict of interest management rules,</li> <li>- Apply the rules pertaining to receiving gifts, and</li> <li>- Apply the rules on the public nature of work.</li> </ul>
<p><b>Method of testing</b></p>	<p>The programme does not envisage testing</p>
<p><b>Attendance verification</b></p>	<p>Certificate</p>
<p><b>Duration of programme</b></p>	<p>Three hours</p>