

ANTI-CORRUPTION AGENCY ACT¹

I GENERAL PROVISIONS

Article 1

This Act governs establishment, legal status, competencies, organization and operation of the Agency for combating corruption (hereinafter "the Agency"), rules concerning prevention of conflicts of interest in discharge of public office and property disclosure reports of persons holding public office, introduction of integrity plans, as well as other issues of relevance for the work of the Agency.

Meaning of Terms

Article 2

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

- "corruption" is a relation based on abuse of office or social status and influence, in the public or private sector, with the aim of acquiring personal benefits for oneself or another;
- "official" is every person elected, appointed or nominated to the bodies of the Republic of Serbia, autonomous province, local self-government unit, bodies of public enterprises and companies, institutions and other organisations whose founder, and/or member is the Republic of Serbia, autonomous province, local self-government unit and other person elected by the National Assembly;
- "public office" denotes a function in the bodies of the Republic of Serbia, autonomous province, local self-government unit, bodies of the public enterprises and companies, institutions and other organisations whose founder, and/or member is the Republic of Serbia, autonomous province, local self-government unit as well as functions of other persons elected by the National Assembly and implies managing, decision-taking and enactment of general and individual acts authority.
- "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, as well as any other legal entity or natural person who may be reasonably assumed to be associated in interest with the official.
- "private interest" is any kind of benefit or advantage to the official or associated person.
- "conflict of interests" is a situation where an official has a private interest that affects, may affect or may be perceived to affect actions of an official in discharge of office or official duty in a manner that compromises public interest;

- "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;
- "protocol gift" is a gift to the official from a foreign state, its body or organization, international organization or foreign legal entity, received during a visit or on other similar occasions.

II THE AGENCY

Article 3

The Agency is an autonomous and independent state body.

The Agency is accountable to the National Assembly of the Republic of Serbia for performance of duties from its purview.

The Agency has the status of a legal entity.

Provisions of the law governing administrative procedure shall accordingly apply to procedure before the Agency not regulated hereunder.

The funds for operation 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 law.

The Agency autonomously disposes with funds specified in paragraph 5 of this Article, in accordance with law.

Seat and organisational units of the Agency

Article 4

The seat of the Agency is in Belgrade.

The Agency may establish organizational units outside its official seat.

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

Competencies of the Agency

Article 5

The Agency:

- supervises implementation of the National Strategy for Combating Corruption (hereinafter "the Strategy"), the Action Plan for Implementation of the National Strategy for Combating Corruption (hereinafter "the Action Plan") and sector action plans;
- institutes proceedings and pronounces measures for violation of this Act;
- rules on conflict of interest;
- performs tasks in accordance with the law governing financing of political parties, and/or political entities;
- issues opinions and directives for enforcing of this Act;
- launches initiatives for amending and enacting regulations in the field of combating corruption;
- gives opinions related to implementing of the Strategy, Action Plan and sector action plans,
- monitors and organises coordination of the state bodies in the fight against corruption;
- keeps a register of the officials;
- keeps a register of property and income of officials (hereinafter "Property Register");
- extends expert assistance in the field of combating corruption;
- cooperates with other state bodies in drafting regulations in the field of fight against corruption;
- issues guidelines for developing integrity plans in the public and private sector;
- co-operates with research organisations and civil society organisations in implementing corruption prevention activities;
- introduces and implements education programs concerning corruption, in accordance with this Act;
- keeps separate records in accordance with this Law;
- acts on complaints submitted by legal entities and natural persons;
- acts on reports by civil servants, and/or employees in organs of the Republic of Serbia, autonomous province, local government and bodies of public enterprises, institutions and other organisations whose founder is the Republic of Serbia, autonomous province or local government, and/or bodies of companies whose founder, and/or member is the Republic of Serbia, autonomous province or local government and employees of state organs and organisations;
- organises research, monitors and analyses statistical and other data on the state of corruption;
- in collaboration with competent state bodies monitors international cooperation in the fight against corruption;
- performs other tasks set forth by law.

Agency Bodies

Article 6

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

a) Board

Article 7

The Board appoints and dismisses the Director of the Agency, decides on salary increase of the Director, decides on appeals against decisions of the director pronouncing measures in accordance with this Law, adopts the annual report on operation of the Agency which it submits to the National Assembly, performs supervision over the work and property status of the Director, proposes budget funds for operation of the Agency, enacts the Agency Rules of Procedure and perform other tasks set forth under this Act.

The Board may, at the proposal of the Director, establish advisory or working bodies of the Agency.

Election Requirements for Member of the Board

Article 8

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

A member of the Board may not be a member of a political party, and/or political entity and is subject to the same duties and prohibitions applicable to officials under this Act, except the ban specified in Article 30, paragraph 1 hereof.

Composition of the Board

Article 9

The Board 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 President of the Republic;
3. the Government;
4. the Supreme Court of Cassation;
5. the State Audit Institution
6. the Protector of Citizens and Commissioner for Information of Public Importance, through joint agreement;

7. the Social and Economic Council;
8. the Bar Association of Serbia;
9. the Associations of Journalists of the Republic of Serbia, in mutual agreement.

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

Term of Office of Member of the Board

Article 10

The term of office of member of the Board is four years.

The same person may be elected member of the Board twice at most.

Emoluments for the Work of the Board Member

Article 11

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

Termination of Office of the Board Member

Article 12

The office of member of the Board shall terminate with expiration of the term of office, by resignation, permanent incapacity to discharge the function due to illness and on basis of findings of the relevant medical institution and by dismissal.

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

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

Dismissal of Board Member

Article 13

A member of the Board shall be dismissed in case of dereliction of duty, if he/she becomes a member of a political party, and/or political entity, discredits the reputation or

political impartiality of the Agency, if convicted for a criminal offence making him/her unworthy of the function of member of the Board or if determined that he has committed a violation of this Act.

The procedure to determine whether there are grounds for dismissal of a member of the Board shall be conducted by the Board.

The procedure referred to in para 2 of this article may be initiated following the proposal of the Chairman of the Board, at least three members of the Board, Director of Agency, and/or the nominator of the relevant member.

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

The Board may suspend its member who is subject to proceedings to establish whether grounds for dismissal exist.

Decision Taking

Article 14

The Board decides by majority of votes of all its members.

The work of the Board shall be managed by the Chairman, elected by the members of the Board among their number.

b) Director

Article 15

The Director shall represent the Agency, manage operation, organise and ensure lawful and efficient discharge of tasks of the Agency, issue decisions on the violation of this law and pronounce measures, give opinions and instructions for implementation of this law, prepare the annual report on operations of the Agency, drafts the proposal of budget funds for operation of the Agency, pass general and individual acts, decide on the rights, duties and responsibilities of the Agency staff, enforce decisions of the Board and perform other tasks determined by law.

Election Requirements for Director

Article 16

The Director may be a person who meets the general requirements for employment in state bodies, holds a degree in law and has minimum nine years of experience, is not convicted of a criminal offence making him unworthy of office of the Director.

The Director may not be a member of a political party, and/or political entity and shall be subject to the same obligations and limitations that pertain to officials under this Act.

Public Competition for Election of Director

Article 17

The Director is elected by public competition announced by the Board.

The public competition is published in the "Official Gazette of the Republic of Serbia" and at least one public media with state-wide coverage.

Term of Office of Director

Article 18

The term of office of Director is five years.

The same person may not be elected more than twice as Director

Termination of Office of Director

Article 19

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

The Board is required to publish a competition for election of a new Director three months before expiry of the term of office.

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

Dismissal of the Director

Article 20

The Director shall be dismissed in case of negligent performance of duties, if he/she becomes a member of a political party, and/or political entity discredits the reputation or political impartiality of the Agency, if convicted for a criminal offence making him

unworthy of the function or if determined that he/she has committed a violation of this Act.

The procedure to determine whether grounds exist for dismissal of the Director is conducted by the Board.

The procedure specified in para 2 of this article is initiated following the motion of the Board Chairman or at least three members of the Board.

Deputy Director

Article 21

The Agency shall have a Deputy Director, selected through public vacancy announcement.

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

The Deputy Director is dismissed by the Director.

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

The Deputy Director shall perform tasks within the purview of competencies defined by the Director.

Salary of Director and Deputy Director

Article 22

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

The base salary specified in paragraph 1 of this article, due to particular complexity of tasks and responsibilities of the position, may be augmented up to 20% by decision of the Board.

The Deputy Director is entitled to a salary equal to the base salary of an Appellate Court judge.

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

The right to salary specified in para 2 of this article shall cease before the expiry of six months if the ex director or deputy director concludes an employment contract or retires.

Secretariat of the Agency

Article 23

The Agency shall have a Secretariat that will be managed by the Director of the Agency.

Principles for internal organisation and job classification in ministries and special organisations shall apply to the internal organization and job classification of the Agency unless certain operational procedures at the Agency require different type of organization.

The Director, after obtaining the opinion of the Board and with the approval of the National Assembly committee in charge of administration, shall pass the Rules on Internal Organization and Job Classification of the Agency Secretariat.

Status of Secretariat Employees

Article 24

The regulations pertaining to civil servants and nominated officials shall also apply to the Secretariat employees.

The director may issue a special Code of Conduct for the Secretariat staff.

d) Obligations of Other Bodies and Organizations

Article 25

In performing tasks from its purview the Agency shall cooperate with other state bodies and organisations, territorial autonomy and local self-government bodies, public services and other legal entities.

State bodies and organisations, territorial autonomy and local state bodies, public services and other legal entities with administrative authority shall be required to forward within 15 days, at the request of the Agency, all documents and information necessary to the Agency to perform the tasks from its purview.

Other legal entities with duties defined by the Strategy, Action Plan and Sector Action Plans shall also have the duty to forward documents and information specified in paragraph 2 of this Article.

Reporting

Article 26

The Agency shall submit an annual report on its operations to the National Assembly not later than 31 March of the current year for the preceding year.

The report referred in paragraph 1 of this Article also contains a report on implementation of the Strategy, Action Plan and Sector Action Plans.

The Agency may also submit special reports at request of the National Assembly the Agency or at own initiative.

The Agency submits the report specified in paragraph 1 and 2 of this Article to the Government.

III CONFLICT OF INTEREST

Article 27

An official shall discharge the duties of public office in a manner that shall not subordinate the public interest to private interests.

An official shall observe the regulations concerning his rights and duties and shall secure and foster and maintain the trust of citizens concerning his conscientious and responsible discharge of public office.

An official shall avoid creating of relations of dependency towards persons that may influence his impartiality in discharge of public office and if such relation cannot be avoided or already exists he shall undertake everything that is necessary to protect the public interest.

An official must not use public office to acquire any benefit or advantage for himself or any associated person.

Prohibition to Discharge Other Public Office

Article 28

An official may hold only one public office unless obligated by law or other regulation to discharge several public functions.

As an exception to paragraph 1 of this Article an official may hold other public office with approval of the Agency.

An official elected to public office directly by citizens may, without seeking approval from the Agency, hold other public offices to which he/she is elected directly by citizens, except in cases of incompatibility determined by the Constitution.

An official who is elected, nominated or appointed to another public office and who intends to discharge multiple public functions concurrently, is required to request consent from the Agency, within three days from the day of election, nomination or appointment. The official shall attach with the request a positive opinion obtained from the authority electing, nominating or appointing him/her to public office, whilst an official elected to public office directly by citizens shall submit a positive opinion of the relevant body of the authority wherein he/she holds office.

The Agency is required to pass a decision on the complete and proper request specified in paragraph 4 of this Article within 15 days of receiving the official's request. The Agency shall not issue consent for discharge of another public office if discharge of such office compromises discharge of public office held by the official, i.e. if it determines conflict of interest, in which case it shall issue a reasoned decision.

Should the Agency fail to pass a decision on submitted request within the period of time stipulated in paragraph 5 of this Article, the request shall be deemed approved, unless the official is prohibited from concurrent discharging of these two public offices by other regulation separate.

In respect of an official elected, appointed or nominated to another public office contrary to provisions of this Act, the latter function shall cease by force of law.

The decision on termination of office in the case specified in paragraph 7 of this article is taken by the authority, i.e. standing body of the authority electing, nominating or appointing the official to the latter office, within eight days from the day of receiving the ruling of the Agency determining that the official is elected, nominated or appointed to another public office contrary to this Act.

For certain categories of officials the Director of the Agency may, by general act, determine other public offices that may be discharged by officials without consent from the Agency specified in paragraph 5 of this article.

Holding a Function in Political Party, and/or Political Entity

Article 29

An official may performs a function in political party, and/or political entity and participate in its activities if this shall not impede efficient discharge of the public office, provided that such engagement is not prohibited by law.

An official may not use the public resources and public meetings that he attends in capacity of official for promotion of any political parties, and/or political entities.

As an exception to paragraph 2 of this Act an official may use public resources for personal security if use of such resources is governed by relevant regulations or decision of the services tasked with security of officials, and/or political entity.

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 body in which he holds an office or viewpoints of a political party, and/or political entity.

Provisions of paragraph 4 of this article shall not apply to officials elected directly by citizens.

Engaging in Other Job or Activity

Article 30

An official may not perform other jobs or engagements during his tenure in public office that require full-time working hours or full-time employment.

As an exception to paragraph 1 of this Article, an official may engage in research, educational, cultural, humanitarian and sports activities without Agency approval if by doing so he does not compromise efficient and impartial discharge and dignity of public office. An official is required to report incomes from these activities to the Agency.

If the Agency determines that engagement or job referred to in paragraph 2 of this Article compromises impartial discharge of public office or represents a conflict of interest it shall set a deadline wherein the official is required to cease such engagement or job.

With the exception of engagements and/or activities specified in paragraph 2 of this article, the Agency may, at the request of the official, give consent for performing also other engagements and/or activities. The official shall attach to the request a positive opinion of the authority electing, nominating or appointing him/her to public office. A civil servant holding office is required to attach to the request consent from his/her direct supervisor. The Agency is required to decide on the complete and proper request within 15 days of receiving the request.

If the Agency fails to issue approval within the timeframe referred in paragraph 4 of this Article it shall be deemed that it has given approval to perform other engagement or job.

The Director of the Agency may define by general act jobs or engagements for certain categories of public officials that they may engage in without approval referred in paragraph 4 of this Article.

Other law or regulation may prescribe also other jobs or engagements that a public official may not perform during tenure of office.

Engaging in Other Employment or Occupation at the Time

of Taking Public Office

Article 31

The official engaged on other job or activity at the moment of taking public office is required to, within 15 days of assuming public office, notify the Agency on the other job or activity.

Upon receiving of notification the Agency determines whether performing of job and/or activity compromises unbiased discharge of public office, i.e. represents conflict of interest.

If the Agency determines that performing of job and/or activity specified in paragraph 2 of this article compromises impartial discharge of public office, i.e. represents conflict of interest, it shall issue a decision defining the deadline, which shall not exceed 60 days, wherein the official is obliged to cease performing this job and/or activity.

If the official fails to act within the timeframe specified in paragraph 3 of this article, the Agency shall conduct proceedings to determine violation of law.

If the Agency fails to notify the official within 30 days from the date of receiving the notification specified in paragraph 1 of this article of the existence of conflict of interest, it shall be deemed that the official may continue performing the other job or activity.

Provisions of this article do not refer to a member of managing or supervisory board of a public enterprise and public institutions from the ranks of employees.

The Director of the Agency may stipulate by general act certain categories of officials, i.e. certain jobs or activities that do not require submission of notification specified in paragraph 1 of this article.

Duty to notify of conflict of interest

Article 32

On taking the office and during discharge of public office, the official shall notify in writing his superior and the Agency within eight days regarding any doubts concerning his conflict of interest or an associated person's conflict of interest.

The Agency may summon the official and request submitting of necessary data, for the purpose in order to obtain information on conflict of interest specified in paragraph 1 of this Article.

Should the Agency establish that a conflict of interest specified in paragraph 1 of this Article exists, it shall accordingly notify the official and the body wherein such official holds public office and propose measures for eliminating conflict of interest.

Provisions of paragraph 1 and 3 of this Article do not preclude application of provisions on disqualification set forth in other laws governing judicial or administrative procedures.

An act whose passing involved the official who was disqualified due to conflict of interest shall be null and void.

Prohibition of Establishing and Holding Of Function in Commercial Company

During Tenure of Public Office

Article 33

During tenure of public office an official whose public office requires full time work or permanent engagement may not establish a commercial company or public service, nor commence engagement in private occupation, in terms of the law governing entrepreneurship.

An official whose public office demands full time work or permanent engagement may not hold management, supervisory or representation office in a private capital company, private institution or other private legal entity.

Membership in Associations and Bodies of Associations

Article 34

As an exception to Article 33, paragraph 2 hereof an official may hold a post in bodies of professional associations. An official may be a member of bodies of other associations if the Agency does not determine conflict of interest.

Provisions of article 31 hereof shall accordingly apply to determination of conflict of interest specified in paragraph 1 of this article.

An official who is a member of an association may not receive reimbursement or gifts deriving from membership in the association, except travel and other costs.

Transfer of Managing Rights for Duration of Public Office

Article 35

Within 30 days of election, appointment or nomination, an official shall transfer his managing rights in any commercial company to a legal entity or natural person who is not an associated person, which rights shall be discharged by such legal entity or natural person on behalf of the official until termination of his term in office.

An official may exceptionally transfer his/her management rights in a company to another natural person or legal entity who is a founder - member or director of the company wherein the official has management rights.

Within five days from the date of transfer of the managing rights, the official shall submit relevant data and proof to the competent bodies of the commercial company and the Agency concerning the person to whom the managing rights have been transferred. The official is required to notify the commercial company of reasons for transfer of managing rights. The person to whom the official has transferred the managing rights shall become an associated person.

An official may not give information, directives and orders to the person to whom the managing rights have been transferred in accordance with provisions of paragraph 2 of this Article, or otherwise influence exercising of rights and duties in the commercial company through such person. The official is entitled to receive information on business operations of the commercial company.

Exceptionally, an official owning up to 3% share in a company is not required to transfer his/her managing rights to another legal entity or natural person.

Duty to Notify the Agency in Public Procurement Procedure

Article 36

A legal entity in which an official owns more than 20% shares or stock that is taking part in privatization, public procurement or other procedure whose outcome is conclusion of contract with an organ of the Republic, territorial autonomy, local government, other

budget spending unit and/or other legal entity founded by an organ of the Republic, territorial autonomy or local government or a legal entity wherein more than 20% of the capital is in public ownership is obliged to accordingly notify the Agency within three days from the day of undertaking the first actions in the procedure, as well as on the final outcome of the procedure within three days of learning of its conclusion.

The Agency shall keep records of the legal entities specified in paragraph 1 of this Article. These records are public.

As an exception to paragraph 5 of this Article an act whose passing involved the official who reported conflict of interest in accordance with this Act shall not be null and void if it was not possible to appoint another person to participate in passing of the act.

Prohibition of Influence on an Official

Article 37

An official is obliged to promptly notify the Agency of any prohibited influence to which he has been subjected in the course of discharge of a public office.

The Agency notifies the competent body of the official's allegations referred in paragraph 1 of this Article to institute disciplinary, misdemeanour and criminal proceedings, in accordance with law.

The body specified in paragraph 2 of this Article shall within 30 days from the day of receiving the notification inform the Agency on undertaken measures.

Prohibition of Other Employment or Business Relations

Following Termination of Public Office

Article 38

During the period of two years after termination of the public office, the official whose office has ceased may not take employment or establish business cooperation with a legal entity, entrepreneur or international organisation engaged in activity relating to the office the official held, except under approval of the Agency.

The official whose office has ceased shall, prior to employment or business cooperation specified in paragraph 1 of this Article, seek approval of the Agency, which shall pass decision on this request within 15 days.

Should the Agency fail to pass a decision specified in paragraph 2 of this Article within the deadline, it shall be deemed that approval for employment or business cooperation has been given.

The ban referred in paragraph 1 of this Article does not refer to an official elected directly by citizens.

IV GIFTS

Article 39

An official may not accept gifts in connection with discharge of a public office, except for protocol or other appropriate gifts, however, even in such cases the gift may not be in money or securities.

An official is required to hand over the protocol gift to the body competent to manage property in public ownership, unless the value of the gift does not exceed 5% of the value of the average net salary in the Republic of Serbia.

An official may not retain an appropriate gift whose value exceeds 5% of the average monthly net salary in the Republic of Serbia and/or appropriate gifts received during a calendar year whose aggregate value exceeds one average net salary in the Republic of Serbia.

The criteria for establishing what is deemed an appropriate gift and the duty of reporting and recordation thereof is determined by the Agency.

If necessary, the Agency establishes the value of the gift.

Rejecting Gifts

Article 40

An official who has been offered a gift that he is not allowed to accept shall reject such offer or promise and inform the giver that the gift, if accepted, will become public property.

If the official could not reject the gift, he/she shall hand over the gift to the body competent to manage property in public ownership.

An official is required to submit a written report on the event specified in paragraph 1 of this Article to his direct superior and the Agency, as soon as possible.

Duty to Report and Maintain Records of Gifts

Article 41

An official is obliged to report any gift received in connection with discharge of the public office to the state or other body, organisation or public service wherein he holds public office.

The state or other body, organisation or public service referred in paragraph 1 of this Article are obliged to keep separate records on the gifts specified in paragraph 1 of this Article. A copy of the records for the previous year shall be submitted to the Agency not later than 1 March of the current year.

The Agency shall notify the state or other body, organisation or public service referred in paragraph 1 of this Article of any determined violation of law.

The Agency shall publish a catalogue of the gifts for the previous year and notifications specified in paragraph 2 of this Article by 1 June of the current year.

Prohibition of Receiving Gifts by Associated Person

Article 42

An associated person may not receive gifts in connection with discharge of the public office of the official with whom such person is associated.

As an exception to paragraph 1 of this Article an associated person may receive a protocolary gift.

An official shall not be held responsible if he can prove that he could not affect the behaviour of the associated person who received the gift or that the gift received is not related to discharge of his public office.

A gift specified in paragraph 1 of this Article shall be subject to provisions of Articles 39 and 41 of this Act.

V PROPERTY DISCLOSURE REPORT

Article 43

The body in which the official holds an office is obliged to notify the Agency that the official has taken office and/or of termination of office, within seven days from the date of taking or termination of office. The Agency shall keep a Register of Officials.

The official is obliged to submit to the Agency within 30 days of election, appointment or nomination, a disclosure report concerning his property and income, or entitlement to use a flat for official purposes, and on the property and income of spouse or common-law partner, as well as of under-age children if they live in the same household (hereinafter "the Report"), on the day of election, appointment or nomination.

Should the official fail to submit the report within the deadline specified in paragraph 2 of this Article, the Agency shall accordingly notify the body in which the official is holding a public office.

A Report is also filed within 30 days from the day of termination of office with the status as of the day of termination of office.

Extraordinary disclosure report

Article 44

The official shall file the Report not later than 31 January of the current year with the status as of 31 December of the previous year if any significant change occurs in respect of data from the Report filed previously.

Significant change specified in paragraph 1 of this Article is any change of data from the Report relating to property that exceeds the average net income in the Republic.

The official whose public office has ceased is required to file annually the Report on significant changes relative to data from the previous Report over a period of two years following termination of public office.

Officials Not Required to File the Report

Article 45

Provisions of Article 43, paragraphs 2 through 4 and Article 44 hereof shall not apply to an official who is a council member and/or member of the managing or supervisory board of a public enterprise, institution and other organisation founded by a municipality or town.

The provision in para 1 of this article also refers to an official who is a member of the managing or supervisory board of a public enterprise, institution and other organisation founded by the Republic, autonomous province or the City of Belgrade, if he/she is not entitled to remuneration arising from membership.

Exceptionally, the Agency may demand the official or categories of officials specified in paragraphs 1 and 2 of this Article to file the Report.

Content of the Report

Article 46

The Report shall contain the following data:

- 1) property rights on real estate at home and abroad;
- 2) property rights on movable property subject to registration with the relevant authorities in the Republic of Serbia and abroad;
- 3) property rights on and movables of high value (valuables, art collections et al);
- 4) deposits in banks and other financial organisations, at home and abroad;
- 5) shares and stocks in legal entities and other securities;

- 6) rights deriving from copyright, patent and similar intellectual property rights;
- 7) debts (principal, interest and repayment period) and receivables;
- 8) source and amount of income from discharge of public office, or public functions;
- 9) entitlement to use a flat for official purposes;
- 10) source and amount of other net incomes;
- 11) other public functions, jobs or activities discharged in accordance with law and special regulations;
- 12) membership in civic association bodies;
- 13) all other data and evidence deemed by the official as relevant for the implementation of this Act.

The director of the Agency shall specify the content, form and filing procedure of the Report.

Property Register

Article 47

The Agency shall keep a Register of property containing all data from the Report and shall exercise oversight of the property of the officials.

The information on salary and other entitlements received by the official from the budget and other public sources and information on the public functions he/she discharges is public.

In addition to the information referred to in paragraph 2 of this Article, the information concerning the official's property as follows is also public:

- ownership right on real property in the country of residence or abroad, without specifying the address of such property;
- ownership right on a vehicle, without specifying the registration number;
- savings deposit, without specifying the bank and account number;
- right to use a flat for official purposes.

Public information is also information about the property of an official if it is public in accordance with other regulations, as well as other information that may be disclosed with the consent of the official or spouse or common-law partner.

The information referred to in paras 2 - 4 of this article shall be published on the Agency's web site.

Information from the report not deemed public may not be used for other purposes except in proceedings deliberating whether a violation of law has occurred.

Annual Plan of Verification of Property from the Report

Article 48

The Agency checks due filing of Report and accuracy and completeness of information.

The Agency checks as mandatory the accuracy of information in the Report pursuant to the annual verification schedule for a certain number and category of officials.

To carry out the checks specified in paragraphs 1 and 2 of this Article the Agency may request from competent authorities to obtain data from financial organisations, companies and other persons.

Oversight of Property Status of Official

Article 49

Should a discrepancy be revealed in the oversight procedure of an official's property between the data presented in the Report and actual situation or that there is a discrepancy between the increased value of an official's property and his/her lawful and reported income, the Agency shall establish the cause of such discrepancy and notify the body wherein the official holds office, and/or other competent bodies.

The Agency may request the official to submit information on property and income of other associated persons within 30 days; if there is reasonable doubt that the official is concealing the real value of his assets.

In the case referred to in paras 1 and 2 of this article, the Agency shall summon the official or an associated person in order to obtain information on the real value of the official's assets.

The bodies specified in paragraph 1 of this Article shall notify the Agency on the measures that have been taken within three months from receiving the notice.

VI PROCEDURE AND DECISION MAKING IN CASE OF VIOLATION OF LAW

Article 50

The procedure to establish whether there is a violation of this Act and order measures pursuant to this Act shall be initiated by the Agency *ex officio*.

The procedure referred to in para 1 of this article is also initiated upon the request of an official, their immediate superior officer, and may also be initiated on the basis of the report of a legal entity or a natural person.

The Agency shall notify the official specified in para 1 of this article of initiating the procedure.

The Agency may summon the official, an associated person or the person who filed the report initiating the procedure in order to collect information, as well as request that they submit the necessary data, with the aim of establishing whether there is a violation of this Act.

The official must have an opportunity to give a statement in the procedure before the Agency.

The procedure before the Agency is closed to the public.

Measures

Article 51

Measures that may be pronounced against an official due to a violation of this Act are caution and public announcement of recommendation for dismissal.

The measure of caution and the measure of public announcement of the decision on the violation of this Act may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or a related person.

If the person referred to in paras 1 and 2 of this article fails to comply with the measure of caution within the time period that is specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Act shall be pronounced against him.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body that elected, appointed or nominated the official. The competent body shall notify the Agency of the measures that body has undertaken in view of the pronounced measure of public announcement of recommendation for dismissal or initiative, within 60 days of pronouncing the measure.

Decision by the Director

Article 52

The Director shall take a decision establishing whether there is a violation of this Act and ordering the measure specified in article 51 of this Act.

An appeal may be initiated against the decision referred to in para 1 of this article with the Board, within 15 days of the delivery.

Decision by the Board

Article 53

The decision of the Board specified in article 52, para 2 is final.

An administrative dispute may be instituted against this decision.

Public Announcement of Measures

Article 54

The Agency shall publicly announce a measure that is pronounced due to a violation of this Act, except for caution.

The enacting terms and summarized reasoning of the decision pronouncing the measure of public announcement of the decision on the violation of this Act or a recommendation for dismissal shall be published in the "Official Gazette of the Republic of Serbia" and other media.

Costs of publication of decision referred in paragraph 2 of this Article are borne by the official against whom the measure is pronounced.

Obligation of Returning Material Gain

Article 55

Should it be established that an official, contrary to provisions of this Act, has discharged other public office, job or activity, the official shall be obliged to pay any material gain acquired there from into the account of the budget of the Republic of Serbia, or territorial autonomy or local government, within 15 days from the date of the delivery of the decision establishing violation of this Act.

Protection of the Person filing the Report and Other Persons in the Procedure

Article 56

The person whose report was used to initiate the proceedings or other person who gives a statement in the proceedings referred to in article 50 hereof may not suffer consequences.

A civil servant, i.e. employee in bodies of the Republic of Serbia, autonomous province, local government and bodies of public enterprises, institutions and other organisations whose founder is the Republic of Serbia, autonomous province or local government, i.e. bodies of companies whose founder, and/or member is the Republic of Serbia, autonomous province or local government, who in good faith files a report with the Agency with good intention that corruption exists in the body wherein he/she is employed, may not sustain detrimental consequences for doing so.

With the aim to protect the persons specified in paras 1 and 2 of this article the Agency extends him/her necessary assistance, in accordance with law.

The Agency shall protect anonymity of persons specified in paras 1 and 2 of this article.

The Director issues specific regulations governing the procedure to extend assistance to the person specified in paras 1 and 2 of this article.

Notification of Competent Bodies on Violations of this Act

Article 57

When the Agency establishes that an official has violated provisions of this Act, it shall notify the competent body for the purpose of instituting a disciplinary, misdemeanour or criminal procedure, in accordance with law.

Decisions of the Agency shall not prejudice criminal and material accountability of the official.

The bodies referred to in para 1 of this Article are obliged to notify the Agency on the measures they have undertaken within 90 days from the date of notification.

VII INTEGRITY PLAN

Article 58

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

- assessment of exposure to corruption for a particular institution;
- data on the person responsible for the integrity plan;
- description of the work process, decision making procedures and identification of activities that are particularly exposed to corruption, as well as tasks and activities, i.e. functions an official may not perform during discharge of public office and manner of control thereof;
- preventive measures for the reduction of corruption;
- other parts of the plan defined in the guidelines.

The Obligation of Adopting Integrity Plan

Article 59

Integrity plans are adopted by the state bodies and organisations, territorial autonomy bodies and local state bodies, public services and public companies.

The Agency shall make and publish assessments of integrity, i.e. guidelines for development and implementation of integrity plans, specifying time frames.

State, territorial autonomy and local state bodies and organisations, public services and public companies shall adopt integrity plans in accordance with the guidelines referred to in paragraph 2 of this Article and notify the Agency thereof.

The Agency shall monitor the adoption and implementation of the integrity plan.

State bodies and organisations, bodies of autonomous province and local government, public services and public enterprises are required to submit at the request of the Agency a report on implementing integrity plans within 15 days from the date of receiving the request.

Person Responsible for the Preparation and Implementation of Integrity Plan

Article 60

State bodies and organisations, territorial autonomy and local government bodies, public services and public companies shall appoint a person in charge of the preparation and implementation of integrity plan.

The Agency shall provide training for the person responsible for the integrity plan.

Adoption of Integrity Plan by Other Legal Entities

Article 61

Other legal entities may adopt integrity plans in accordance with the guidelines issued by the Agency.

Upon the proposal of legal entities specified in para 1 of this Article, the Agency may assess the integrity and give recommendations for enhancing integrity.

The Agency shall provide assessment of integrity for legal entities specified in para 1 of this Article at the expense of legal entities.

VIII PREVENTION OF CORRUPTION

Article 62

The Agency shall supervise implementation of the Strategy, Action Plan and sectoral action plans.

Incumbents defined by the Strategy, Action Plan and sector action plans are required to forward to the Agency quarterly reports on their implementation.

For the purpose of implementation of the Strategy, the Agency may issue initiatives for amending regulations and makes proposals for implementation of measures contained in the Action Plan and sector action plans.

The Agency shall issue opinions in connection with the implementation of the Strategy, Action Plan and sector action plans.

Cooperation in Fighting Corruption

Article 63

In performing tasks from its purview, the Agency shall cooperate with research organizations, the media and associations.

Cooperation specified in para 1 of this Article pertains to joint activities in the implementation of the Strategy, Action Plan and sector action plans, educational programs, analyses of corruption, media campaigns and other activities that are relevant for prevention of corruption.

Training

Article 64

The Agency may take part in the preparation and/or prepare corruption-related training programmes in state bodies and organizations, territorial autonomy and local government bodies, public services and other legal entities.

The bodies specified in para 1 of this article shall carry out training programmes for civil servants and staff in cooperation with the Agency.

The Agency may participate in corruption-related training programmes in the media and private sector.

Complaints

Article 65

The Agency shall accept complaints from legal and natural persons, within its purview. The Agency shall not proceed on anonymous complaints.

The Agency may request from the party submitting a complaint to provide additional information, explanations and documentation.

The Agency shall notify the complainant of the outcome of the complaint.

Research

Article 66

The Agency shall organize research on the state of corruption and combating corruption, monitor and analyze statistical data, carry out other analyses and research and suggest changes in the procedure for collection and processing of statistical data that are relevant for monitoring of the state of corruption.

International Cooperation

Article 67

The Agency shall, in cooperation with competent state bodies, monitor, and, if necessary, take part in the coordination of international cooperation activities in combating corruption carried out by state bodies and organizations, territorial autonomy and local government bodies.

The competent state bodies shall notify the Agency of all international cooperation activities in combating corruption.

IX RECORDS AND DATA PROTECTION

Article 68

The Agency shall keep the following records:

- Registry of public officials
- Registry of Property
- list of legal entities in which an official owns a share or stock in excess of 20%;
- catalogue of gifts;
- annual financial statements of political parties, and/or political entities with reports in accordance with the law governing financing of political parties, and/or political entities.

The data specified in para 1, lines 1 and 4 of this Article shall be deleted *ex officio* after a period of three years from the date of termination of public office of the official concerned.

The procedures pertaining to the records specified in para 1 of this Article shall be determined by the Director of the Agency.

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

Personal Data Protection

Article 69

When informing the general public, the Agency shall ensure protection of personal data, and especially the data on officials and related persons regarding situations where no violation of this Act has been established, in accordance with special regulations.

Restriction of Information

Article 70

When informing the public, or replying to complaints of legal entities and natural persons, the Agency shall restrict such information that may affect conducting of a proceeding provided under law, privacy or any other interest protected by the law.

Compensation of Damages

Article 71

For damages caused by the Agency to an official, related person or other person or body through violation of articles 70 and 71 hereof, the Agency is accountable in accordance with the law governing obligations.

X penal provisions

Criminal Offence

Failure to report property or reporting false information

Article 72

An official who fails to report property to the Agency or gives false information about the property, with an intention of concealing facts about their property, shall be punished with imprisonment from six months to five years.

Legal Consequences of Conviction

Article 73

The office or employment of a public official who is sentenced to imprisonment for the criminal offence referred to in article 72 hereof shall terminate in accordance with the law.

A public official who is sentenced to imprisonment for the criminal offence referred to in article 72 hereof shall be banned from entering public function for a period of ten years after the court decision becomes final.

Article 74

An official shall be fined from 50,000 to 150,000 RSD for the following offences:

- 1) accepting of another public office contrary to article 28 hereof;
- 2) acting contrary to the provisions of Article 29, paras 2 and 4 hereof;
- 3) performing of a job or activity contrary to the provisions of articles 30 and 31 hereof;
- 4) failure to notify in writing his immediate superior and the Agency about the facts referred to in article 32, para 1 hereof, when taking office or in the course of discharging public function;
- 5) acting contrary to the provisions of article 33 hereof;
- 6) accepting of a reward or gift contrary to article 34, para 3 hereof;
- 7) acting contrary to the provisions of article 35 hereof;
- 8) acting contrary to provisions of Articles 39 and 40 hereof;
- 9) failure to notify of receiving of gift (article 41, para 1);
- 10) influencing an associated person to receive a gift in connection with the discharge of public function (article 42, para 3);
- 11) failure to report property in the manner and within deadlines provided under articles 43 and 44 hereof;
- 12) failure to pay the material gain specified in Article 55 hereof.

For an offence referred to in para 1 of this article, the security measure of banning the responsible person to perform specific jobs may be ordered against an official for a period of one year.

A fine specified in paragraph 1 of this Article shall be imposed on the responsible person of a state body or organization, territorial autonomy or local government body, public service or other legal entity performing public function, if they fail to:

- 1) submit all the documents and information within the specified deadline (Article 25, para 2, hereof);

2) issue decisions on termination of office within the timeframe specified in article 28, para 8 hereof;

3) submit a copy of the record for the previous calendar year within the specified deadline (article 41, para 2);

4) notify the Agency whenever an official has taken or terminated office, within the specified deadline (article 43, para 1).

Article 75

A legal entity shall be fined from 200,000 to 2,000,000 RSD if it has employed or established cooperation with an official whose public office has been terminated, without the approval of the Agency (article 38, para 1).

For the offence specified in para 1 of this article, an entrepreneur shall be fined ranging from 100,000 to 500,000 RSD.

For the offence specified in para 1 of this article, the responsible person of a legal entity and an official whose office was terminated shall be fined from 50,000 to 150,000 RSD.

Article 76

A legal entity that fails to notify the Agency as required under provisions of Article 36, para 1 of this Act shall be fined from 100,000 RSD to 500,000 RSD.

For an offence specified in para 1 of this article, the responsible person of a legal entity shall also be fined from 10,000 to 50,000 RSD.

XI TRANSITIONAL AND FINAL PROVISIONS

Article 77

With entering into force of this Act, the Law on the Prevention of Conflict of Interest in Discharge of Public Office ("Official Gazette of the Republic of Serbia", No. 43/04) shall be revoked.

Article 78

Proceedings commenced before the Republic Board for the Resolution of Conflict of Interest in which no decision has been passed by the day of commencement of application of this Act shall be concluded in accordance with the provisions of this Act.

Article 79

The authorised nominators shall submit to the National Assembly a list of candidates for the members of the Board of the Agency within 30 days from the date of entering into force of this Act.

Until such time as the Supreme Court of Cassation becomes operational, the Supreme Court of Serbia shall carry out the powers of this authorised nominator.

The eldest member of the Board shall convene and chair the first session of the Board within 15 days of electing the seventh member of the Board, whereby the Board shall be deemed constituted.

The Board shall adopt the Rules of Procedure within 30 days of convening the first session.

The Board shall elect Director and Deputy Director within 60 days from constitution.

Article 80

The Director shall issue the Rules on Internal Organisation and Job Classification of the Agency's Secretariat within 60 days of appointment.

The Director shall pass by-laws provided under this Act within 60 days of appointment.

Article 81

As of the first day of application of this Act, the Agency shall take over from the Republic Board for the Resolution of Conflict of Interest all staff as well as the rights and obligations, assets, equipment, means for work and archives that are necessary to discharge the responsibilities from the Agency's purview.

Article 82

An official holding multiple public offices on 1 January 2010 who failed to opt for the public office he/she would continue to discharge by 1 April, is required to notify the Agency, not later than 1 September 2010, on all public offices he/she is discharging.

Upon receiving the notification specified in paragraph 1 of this article the Agency determines whether discharge of multiple public offices compromises impartial discharge of public office, and/or whether this represents conflict of interest. If it is determined that discharge of multiple public offices compromises impartial discharge of public office, and/or represents conflict of interest, the Agency issues a decision defining a deadline, not less than 30 days, wherein the official is required to cease discharging incompatible offices.

As an exception to para 2 of this article an official may continue discharging one public office together with public offices to which he/she is elected directly by citizens, as well as public offices he/she is obliged to discharge under law.

Article 83

This Act shall come into force on the eighth day of publication in the "Official Gazette of the Republic of Serbia" and shall apply as of 1 January 2010.

1 The Law was published in the "Official Gazette of the RS", No. 97/08 from 27 October 2008 and started to be implemented as from 1 January 2010.

Amendments to the Law were published in the "Official Gazette of the RS", No. 53/10 from 29 July 2010 and entered into force on 6 August 2010.