



REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

Tirana, 20 January 2011





REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

## **Rules concerning prevention of conflict of interest in discharge of public office**

- *The Law on Anti-Corruption Agency*  
(started to be implemented as from 1 January 2010,  
amendments to the Law entered into force on 6 August 2010)
  
- Anti-Corruption Agency – in charge for the implementation of the Law  
(establishment of the Agency:
  - × 15 April 2009, the constitution of the Board
  - × 19 July 2009, the election of the director)
  
- The director issues decisions on the violation  
of the Law and pronounces measures.
- The Board decides on appeals against decisions of the Director.





REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

→ “public office”

→ “official”

→ “conflict of interest”

→ “private interest”





REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

## Prohibition to discharge other public office

*one official - one public office*

### Exceptions:

- An official is obligated by Law or other regulation to discharge several public



REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

## Approval of the Agency

- the deadline for requiring consent from the Agency -  
3 days from the day of election, nomination or appointment
- the deadline for passing a decision on the request -  
15 days (otherwise, the request shall be deemed approved)

### The Agency shall not issue consent:

- if discharge of another public office compromises discharge of public office held by the official
- if it determines conflict of interest

An official elected, appointed or nominated to another public office contrary to provisions of this Act, the later function shall cease by force of law.





REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

## Performing other jobs or engagements

Prohibited if the tenure of public office require full-time work  
or permanent employment

### Exceptions:

- ✓ research, educational, cultural, humanitarian and sports activities (if it doesn't compromise impartial discharge and dignity of public office or represents a conflict of interest)
- ✓ approval of the Agency





REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

## **Prohibition of other employment or business relations following termination of public office**

- Two years after termination of the public office
- Employment or business cooperation with a legal entity, entrepreneur or or international organization engaged in activity relating to the office the official held

### Exceptions:

- ✓ Approval of the Agency
- ✓ An official elected directly by citizens





REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

## Holding of function in private legal entities during tenure of public office

**Prohibited** if the tenure of public office require full-time work  
or permanent employment

Exceptions:

- ✘ professional associations
- ✘ other associations if the Agency doesn't determine conflict of interest







REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

## Violation of the Law – Procedure

- ◆ by the Agency ex officio
- ◆ upon the request of an official and his/her immediate officer
- ◆ on the basis of the report of a legal entity or natural person

➔ The Agency shall notify the official of

---

---



REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

## Measures

- caution
- public announcement of recommendation for dismissal
- public announcement of the decision on the violation of the Law (an official elected to public office directly by citizens, an official whose public office has terminated and a related person)
- obligation of returning material gain

### **Decisions by the Director:**

- a decision establishing whether there is a violation of the Law and ordering the measure
- the deadline to appeal against this decision to the Board – 15 days

### **Decision by the Board:**

- final
- an administrative dispute may be instituted against this decision





REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

## Penalties for violation of the Law

- ◆ When the Agency establishes that an official has violated the Law, it shall notify the competent body for the purpose of instituting misdemeanor procedure.
- ◆ An official shall be fined from 50.000 to 150.000 RSD (from 475 to 1425 EUR).
- ◆ The security measure of banning the responsible person to perform specific jobs may be ordered against an official for a period of one year.





REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

## Amendments to the Law

- officials holding multiple public offices at the moment the Law started to be implemented who failed to opt for the public office
- requirement to notify the Agency on all public offices he/she is discharging





REPUBLIC OF SERBIA  
ANTI-CORRUPTION  
AGENCY

## Exceptions:

- public offices to which an official is elected directly by citizens
- public offices an official is obliged to discharge under law

➔ Anti-Corruption Agency's proposal for assessing the constitutionality of the