

Pursuant to Article 38, Paragraph 1 of the Law on the Planning System of the Republic of Serbia ("Official Gazette of the RS", number 30/18),

The Government adopts:

THE NATIONAL ANTI-CORRUPTION STRATEGY FOR THE PERIOD 2024-2028

1. Introduction

The adoption of the National Anti-Corruption Strategy for the period 2024-2028 (hereinafter: the Strategy) was motivated by the need to plan and organize the processes aimed at fighting corruption in a comprehensive and systematic way.

There is no doubt that corruption is a negative social phenomenon that destroys the foundations of society, civil liberties, principles of democracy and basic rights of citizens. Corruption represents a negative phenomenon that does not happen “overnight”,¹ and to a large extent undermines the social, economic, legal and political foundations of every state. The processes that lead to the creation of a corrupt environment are long-lasting, so in climates like ours, they are linked to war events, political changes, the weakening of the economic system, economic models of privatization, bankruptcy and other procedures for changes in state ownership and in general all other forms of transitional politics. The legal and economic aspects of corruption are manifested through a series of rules and procedures based on which private interests can be favored at the expense of public ones. However, the sociological dimension of this phenomenon is far more complex and deeper, because in addition to its manifestations, it examines the causes and environment for the emergence of corruption on a general, social and systemic level. That system includes social, legal, and moral norms of socially (in)adequate behavior. Given that eradicating corruption is practically impossible, especially when it takes on organized forms of action, great attention is paid to its prevention. This, of course, does not mean that suppression has no effect, however, the preventive treatment of corruption is achieved with social reaction in the narrower sense. In this regard, with the growing danger of illegal actions, the need to react to the created corruption risks grows even before they take on more serious forms, such as the commission of criminal acts. In any case, the social costs of corruption far exceed the value of the assets that are appropriated in this way by persons who undertake corrupt actions. Therefore, corruption and financial crime weaken trust in government institutions, harm private investors and prevent the efficient functioning of poverty reduction mechanisms, as well as public service programs in a wide variety of areas (“local” governance, health, education, security, etc.). Thus, a dysfunctional social relationship is built among all citizens, which leads to uneven socio-economic development of society in general. Being mindful of this, one of the key methodological questions of a strategic approach in the fight against corruption is: How can one prevent, reduce, channel and suppress risks and harm that have systematically arisen as part of corrupt activities? This is especially in view of the comment from the beginning - that corrupt processes have deep roots in the social community and that as such they are long-lasting, and consequently the process of a valid response to them lasts for a long time.

¹ For the sake of illustration, Vuk Stefanović Karadžić's “Serbian Dictionary” in both editions - both in 1818 and 1852 – included words related to corruption (which originates from the Latin language) in the forms (offering a bribe, greasing): mititi, podmititi, podmićivanje, podmićivati, potkupljivanje, potkupljivši, potkupiši, podmazati, podmazivanje i podmazivati, (edition from 1818), i.e.: mito, mititi, podmita, podmititi, podmićivanje, podmićivati, potkupiti, potkupljivanje, potkupljivati, podmazati, podmazivanje, podmazivati (ed. from 1852).

Therefore, the fight against corruption is one of the key strategic priorities of the Republic of Serbia, as well as part of the European integration process. The process of aligning national anti-corruption legal systems with European Union (hereinafter: EU) standards, as well as their implementation, represent one of the biggest challenges not only for candidate states, but also for member states.

Acknowledging earlier efforts to improve the fight against corruption through the adoption of strategic documents, the adoption of this strategy is the result of a strategic determination to build a democratic society based on the principles of the rule of law, transparency and responsibility, in which the system of integrity prevents corruption. Along with the continuous implementation and upgrading of existing anti-corruption mechanisms, the purpose of the new strategic document is to strengthen existing and create new systemic corruption prevention tools at all levels and raising awareness of the harms of corruption, as well as creating conditions for more effective detection, prosecution and sanctioning of corrupt crimes.

One of the expected effects of the Strategy is that its implementation contributes to the fulfillment of 14 interim benchmarks for Chapter 23: Judiciary and fundamental rights, which refer to the Subchapter: Fight against corruption, and especially the interim benchmark related to the alignment of the normative framework with GREKO (Group of States of the Council of Europe against corruption) recommendations, strengthening cooperation with the Anti-Corruption Council, improving the implementation of anti-corruption regulations such as the Law on the Protection of Whistleblowers, the Law on Financing Political Activities and the Law on Free Access to Information of Public Importance. In terms of suppression measures, the Strategy will refer to the preparation of an analysis of the need for amendments to the Law on the Organization and Jurisdiction of Government Authorities in the Suppression of Organized Crime, Terrorism and Corruption, as well as to the improvement of the results of investigations, the prosecution of criminal offences, the increase in the number of convictions and the resulting forfeiture of criminal assets. The first Action Plan for the period 2024-2025 included only part of the GREKO recommendations and interim benchmarks for Chapter 23, while the second Action Plan for the period 2026-2028 contains activities aimed at fulfilling all interim benchmarks, as well as GREKO recommendations. Thus, the Action Plan that will be prepared for the period 2026-2028, will concern the implementation of GREKO recommendation I from the Fourth round of evaluation and recommendations I, II, III, IV, VI, VII, VIII, X, XI, XII, XIII, XIV, XVII and XX from the Fifth round of evaluation. On the other hand, the activities of the Action Plan for the period 2024-2025, will contribute to full implementation of GREKO recommendations I, VIII and IX from the Fourth Round of Evaluation, which have been partially acted upon, as well as recommendations V, IX, XV, XVI, XVIII, XIX, XXI, XXIII and XXIV from the Fifth round of evaluation. Recommendation XXII has been fully put into practice, as stated in the Compliance Report on the Republic of Serbia in the Fifth Round of Evaluation, which was adopted at the 97th plenary session of GREKO, which was held from June 17 to 21, 2024, and which was published on July 4 in 2024.

With regard to interim benchmarks of Chapter 23, subchapter *Fight against corruption*, activities of the Action Plan for the period 2024-2025, aim at fulfilling and improving interim benchmarks no. 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, while the Action Plan for the period 2026-2028 implies fulfilling all the mentioned interim benchmarks.

In the previous period, the fight against corruption in the Republic of Serbia was defined by multi-year strategic documents: the National Anti-Corruption Strategy in the Republic of Serbia² which was adopted in 2005 with the accompanying Action Plan for 2006,

² "Official Gazette of the RS", number 109/05.

and the National Anti-Corruption Strategy in the Republic of Serbia³ for the period from 2013 to 2018 with the accompanying Action Plan⁴ that was revised in 2016⁵. Through the implementation of activities of the aforementioned Action Plan, and the preparation of a report on its implementation, the Republic of Serbia fulfilled the goal set by interim benchmark 22: “The Republic of Serbia implements the Action Plan as part of the National Anti-Corruption Strategy for the period 2013 - 2018.” In addition to these two strategic documents, the revised action plan for Chapter 23: Judiciary and fundamental rights, subchapter Fight against corruption of 2016, which was revised in 2020, also plays a significant role.⁶

The revised Action Plan for Chapter 23: Judiciary and Fundamental Rights anticipated the adoption of the Operational Plan for the Prevention of Corruption in Areas at Special Risk, which would bridge the period between the two national strategies.

The revised Action Plan for Chapter 23: Judiciary and Fundamental Rights anticipated the adoption of the Operational Plan for the Prevention of Corruption in Areas at Special Risk, which would bridge the period between the two national strategies.⁷ A special part of this planning document is dedicated to the measures and activities that must be implemented in order to adequately prepare the future national anti-corruption strategy and the accompanying action plan. This group of measures and activities was formulated on the basis of lessons learned from the process of drafting and implementing previous planning documents on the fight against corruption and recommendations for approaching the mentioned issues from the Baseline for the preparation of the Operational Plan.⁸ As part of the preparatory activities, the Agency for the Prevention of Corruption has prepared the Methodology for corruption risk assessment for all areas that are the subject of the Strategy, which was used to identify the jurisdiction in a certain sector/area that is particularly exposed to the corruption risk and to determine which circumstances enable the emergence of corruption/irregularities in the use of public authority.

In accordance with the Operational Plan, on July 15, 2022, the Ministry of Justice established a Working Group for the preparation of the National Anti-Corruption Strategy for the period 2023-2028 and the accompanying Action Plan. Given that a new Government was elected in October 2022, due to the appointment of new and changes to existing members of the working group, the Ministry of Justice issued a new decision on the formation of the working group on February 21, 2023.

The working group identified 13 risk areas covered by the Strategy: health, education, taxes, customs, local self-government, public sector management, construction and spatial planning, public procurement, privatization, public enterprises and other state-owned legal entities, police, financing political parties and suppression.

Within the working group, in March 2023, five subgroups were formed for the areas covered by the Strategy: 1) privatization, construction and spatial planning and public procurement; 2) taxes, customs and financing of political parties; 3) local self-government, public sector management and public enterprises; 4) health and education and 5) suppression of corruption. The composition of subgroups was determined by members of the working

³ “Official Gazette of the RS”, number 57/13.

⁴ “Official Gazette of the RS”, no.79/13.

⁵ “Official Gazette of the RS”, no. 61/16.

⁶ Republic of Serbia - Negotiating Group for Chapter 23: Judiciary and Fundamental Rights, Revised Action Plan for Chapter 23 July 2020, p. 114, available at <https://www.mpravde.gov.rs/files/Revidirani%20AP23%202207.pdf>

⁷ Operational Plan for the Prevention of Corruption in Areas at Special Risk. Document available at: [https://www.acas.rs/storage/page_files/Operativni%20plan%20za%20spre%C4%8Davanje%20korupcije%20u%20oblastima%20od%20posebnog%20rizika%20\(1\).pdf](https://www.acas.rs/storage/page_files/Operativni%20plan%20za%20spre%C4%8Davanje%20korupcije%20u%20oblastima%20od%20posebnog%20rizika%20(1).pdf)

⁸ The baseline for the drafting of the Operational Plan was prepared in February 2021 with the support of the European Union’s project "Prevention and Fight Against Corruption". The document is available at: <https://www.mpravde.gov.rs/tekst/33766/polazne-osnove-za-izradu-operativnog-plana-za-sprecavanje-korupcije-u-oblastima-od-posebnog-rizika-ph>

group, considering authorities and organizations that should be involved in the activities of the subgroups, taking into account all bodies and organizations with jurisdiction that covers the issues that are the subject of discussion within the subgroups. In addition to the members of the working group, representatives of relevant bodies and organizations participated in the work of the subgroups.⁹

The subgroups prepared reports on corruption risk assessment for each risk area separately, in accordance with the Methodology, based on which an *ex ante* analysis of the situation in the area of the fight against corruption was prepared. Corruption risk assessment, as a systemic tool, was used to determine the areas that are particularly at risk for the emergence corruption and develop effective strategies for managing such risks.

In the period from April to July 2023, 48 subgroup meetings were held. The working group met three times March 20 2023, March 31, 2023, as well as in the period from August 1, 2023 to August 4, 2023. Taking into account the provisions of the Law on the Planning System of the Republic of Serbia, and especially Article 13, which prescribes the content of the strategy and limits the number of special objectives, the working group made a decision to apply a horizontal approach, which meant that sectoral risks for the emergence of corruption should be covered by special objectives which are common to all sectors. By including areas at risk, the working group sought to enable the fulfillment of the interim benchmark of Chapter 23: “The Republic of Serbia implements and evaluates the impact of measures taken to reduce corruption in vulnerable areas (health, taxes, customs, education, local self-government, privatization, public procurement and the police), undertakes corrective measures where necessary and organizes the initial record of a measurable reduction in the level of corruption in the mentioned areas”.

As part of the public discussion, which was held in the period from August 16, 2023. until September 5, 2023 (21 days), on August 22, 2023, a round table was held which involved members of the Working Group for the Preparation of the National Anti-Corruption Strategy for the period 2023-2028, representatives of the EU Delegation, representatives of the Embassy of the Federal Republic of Germany, representatives of international organizations (OSCE and Council of Europe), as well as representatives of civil society organizations. The improved version of the Strategy, which was revised in line with the comments, proposals and suggestions received during the public discussion and with the comments received from the European Commission, was presented to civil society organizations at the meeting on 21 February 2024.

1.1. Relevant planning documents and legal framework

Given that by its very nature the Strategy uses a horizontal approach in the fight against corruption, certain areas to which it refers are already covered to a greater or lesser extent by certain valid public policy documents, and above all by key documents related to accession negotiations with European Union, as well as public administration reform. Specifically, the Strategy is aligned with valid public policy documents: the Strategy of Public Administration Reform in the Republic of Serbia for the period 2021-2030,¹⁰ the Judicial Development Strategy for the period 2020-2025,¹¹ the National strategy against money laundering and the financing of terrorism for the period 2020-2024,¹² Strategy for the development of the public

⁹ The participant list of each subgroup is part of the Corruption Risk Assessment Report.

¹⁰ “Official Gazette of the RS”, no. 42/21 and 9/22.

¹¹ “Official Gazette of the RS”, no. 101/20.

¹² “Official Gazette of the RS”, no. 14/20.

information system in the Republic of Serbia for the period 2020-2025,¹³ Strategy for creating a stimulating environment for the development of civil society in the Republic of Serbia for the period 2022-2030,¹⁴ and the Public Finance Management Reform Program 2021-2025. Compliance of various strategic documents was also ensured through the participation of the Public Policy Secretariat, while all competent authorities and organizations were included in the working group and subgroups and involved in the drafting of priority measures and activities.



Figure 1. Links between the Anti-Corruption Strategy and other relevant planning documents

One of the goals of the Public Administration Reform Strategy in the Republic of Serbia for the period 2021-2030 is the improvement of responsibility and transparency at all levels of government. During the drafting of the Anti-Corruption Strategy, special attention was paid to the manner in which the issues of “improving proactive disclosure of data in the possession of public administration bodies, strengthening integrity and ethical standards in public administration” were regulated. In addition, the Public Administration Reform Strategy in the Republic of Serbia for the period 2021-2030 also aims at “improving the recruitment process in the public administration, including more transparent employment procedures, as well as merit-based selection of high-ranking officials”, so these issues are not regulated in detail by the Strategy.

During the preparation of the Strategy, activities provided in the Judicial Development Strategy for the period 2020-2025, that are related to strengthening the independence of the judiciary and the independence of the public prosecutor's office, as well as activities aimed at achieving the goal of improving the impartiality and responsibility of the judiciary, were taken into account.

Corruption and organized crime make it possible to acquire illegal assets of great value that need to be made legal. During the preparation of the Strategy, the working group considered relevant activities related to the prevention of money laundering and confiscation of illegally acquired property. The goals of the Strategy on Combating Money Laundering and the Financing of Terrorism for the period 2020-2024 were the baseline for the above mentioned

¹³ “Official Gazette of the RS”, no. 11/20.

¹⁴ “Official Gazette of the RS”, no. 23/22.

activities especially in the part related to the improvement of the effectiveness of authorities responsible for detection, prosecution and trial for the criminal offense of money laundering.

Although the Strategy recognizes the role of the media in raising citizens' awareness of the harmful effects of corruption, the independence of public media is addressed by the Strategy for the Development of the Public Information System.

The importance of civil society is recognized in the part that concerns the improvement of the transparency of the public sector, although this issue is covered in more detail in the Strategy for creating a stimulating environment for the development of civil society, which pays special attention to these issues, as well as transparent financing and sustainability of civil society organizations.

The strategy is aligned with the Revised action plan for Chapter 23: Judiciary and Fundamental Rights - Subchapter - Fight against corruption, as the most important anti-corruption strategic document, which contains interim benchmarks of the Common Position of the European Union. Activities of the Revised action plan for Chapter 23 - Judiciary and fundamental rights established in 2024 which have not been implemented will be included in the action plans for the implementation of the Strategy. In addition to the Revised action plan for Chapter 23 - Judiciary and fundamental rights, there is another relevant strategic document concerning the fight against corruption and organized crime, and particularly criminal asset forfeiture - the Revised action plan for Chapter 24: Justice, Freedom and Security that was considered, or in other words, the relevant activities related to the strengthening of the capacity of the police, the public prosecutor's office and the judiciary were taken into account during the preparation of the Strategy.

In the Republic of Serbia, numerous regulations containing anti-corruption provisions have been adopted in order to prevent and suppress corruption, but the Strategy includes only the most significant regulations that were adopted in the past five years.

The Law on the Prevention of Corruption¹⁵ ("Official Gazette of the RS", No. 35/19) expanded the powers of the Agency for the Prevention of Corruption. The adoption of a new law regulating the work of the Agency is part of the completed activities within the interim benchmark of Chapter 23: Judiciary and fundamental rights, in order to ensure its clear mandate. The law regulates the legal position, jurisdiction, organization and work of the Agency for the Prevention of Corruption, conflict of interest rules for public officials, accumulation of public offices, assets and income declaration for public officials, the procedure for deciding whether there is a violation of the law and other issues which are important for preventing corruption. This law prescribes certain suppression powers of the Agency (pressing misdemeanor and criminal charges), the elements of the criminal offense of failure to declare assets and income or providing false information about assets and income (Article 101 of the Law on the Prevention of Corruption), as well as corruption misdemeanors committed by public officials and responsible persons in public authorities. Among other things, it is therefore important to continuously monitor the implementation of the Law on the Prevention of Corruption and to consider the implementation of the suppression powers of the Agency and the modalities of support for the Agency helping it implement these powers. Amendments to the Law on the Prevention of Corruption were adopted in September 2021 based on GREKO recommendations from the IV round of evaluation regarding conflict of interest situations.

The Law on the Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Terrorism and Corruption was adopted in 2016 and its implementation began in 2018. The law was adopted in order to implement activities indicated in the Financial Crime Investigation Strategy for the period 2015-2016 and the National Anti-Corruption Strategy for the period 2013-2018. This law was passed to establish a more

¹⁵ "Official Gazette of the RS", no. 35/19, 88/19, 11/21 – authentic interpretation, 94/21 and 14/22.

effective detection, investigation and prosecution of corruption crimes, as well as better coordination and cooperation of government authorities in this area. The law regulates the education, organization, jurisdiction and powers of government bodies and special organizational units of government bodies for the purpose of detection, prosecution and trial for corruption crimes prescribed by this law. The analysis of the implementation of this law conducted by the Organization for European Security and Cooperation indicates certain problems, and gives recommendations on how to address them and indicates the need for more consistent implementation of the Law. Also, the practice has shown that the above-mentioned new mechanisms had been used in a small number of cases, and there is a need to encourage consistent implementation of the Law on the Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Terrorism and Corruption in the coming period.

The Law on the Financing of Political Activities¹⁶ regulates the sources and methods of financing, keeping records, and controlling the financing of political activities of political parties, coalitions and groups of citizens. The law also prescribes the rights and obligations of political subjects, the powers of the Agency for the Prevention of Corruption, as well as sanctions for violations of this law. The implementation of the Law on financing of political activities showed that certain changes are needed, such as, among other things, making provisions more precise and clear, introducing sanctions for natural persons who illegally collect funds, introducing criteria for the selection of controlled providers of financial resources. More specifically, the newly drafted criteria must define which of the contributors will be subject to audit by the Tax Administration, based on the report submitted by the Agency for the Prevention of Corruption to the Tax Administration. In addition, it is necessary to require drawing up of a preliminary report on the expenses of the election campaign and to prescribe a longer period covered by this report, and to require publication of the reports of field observers during the election campaign.

The Law on the Protection of Whistleblowers¹⁷ was adopted in 2014 with the aim of providing comprehensive and effective protection of whistleblowers, and the obligation to pass this law was foreseen by the National Anti-Corruption Strategy for the period 2013-2018 and the accompanying action plan. The accompanying action plan was adopted in 2014 with the aim of providing comprehensive and effective protection of whistleblowers, and the obligation to pass this law was foreseen by the National Anti-Corruption Strategy for the period 2013-2018 and the accompanying action plan. However, since the beginning of the implementation of this law, a decreasing trend of the number of cases initiated for the protection of whistleblowers before the courts in the Republic of Serbia can be observed.¹⁸ In the 2022 report, the European Commission¹⁹ points out that it is necessary for the Republic of Serbia to provide protection to whistleblowers and investigate allegations of corruption in order to strengthen trust in government authorities.

The Law on Criminal Asset Forfeiture²⁰ prescribes the conditions and procedure for extended confiscation of proceeds of crime. With this law, the burden of proof of the legal origin of the property is transferred to the defendant if a manifest disproportion between the legal income and the value of the property owned by the person is established. This law was first passed in 2008 and it was repealed by the current Law on Criminal Asset Forfeiture, which was adopted in 2013 and was amended and supplemented in 2016 and 2019. However, despite relatively frequent amendments and additions, the procedure for asset forfeiture has not yet

¹⁶ "Official Gazette of the RS", number 14/22.

¹⁷ "Official Gazette of the RS", number 128/14.

¹⁸ Report on the implementation of the Law on the Protection of Whistleblowers 2021, Ministry of Justice. The report is available at: <https://www.mpravde.gov.rs/tekst/36946/izvestaj-o-primeni-zakona-o-zastiti-uzbunjivaca-za-2021-godinu.php>

¹⁹ Report available at: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Serbia%20Report%202022.pdf>

²⁰ "Official Gazette of the RS", number 32/13, 94/16 and 35/19.

been clearly defined by this law, and in practice a small number of financial investigations are conducted.

In August 2019, the Law on Lobbying²¹, which was adopted in November 2018, entered into force. The purpose of the law is to ensure transparency and protection of public interest in the process of exerting influence on public officials and authorities. However, the Law does not ensure full transparency of lobbying activities, because there is an obligation to submit a report to the Agency for the Prevention of Corruption, but not to publish the particular information. The law also does not introduce an obligation to report “informal” lobbying. In addition, the Agency for the Prevention of Corruption, which is in charge of implementing this law, is not required to provide public access to the activities of lobbied persons to whom the lobbyists addressed.

As for the Law on Free Access to Information of Public Importance, the amendments of 2021 were made to bring the Law into line with SIGMA's recommendations.²² Among the adopted recommendations, it is important to highlight the amendment of the Law in order to enable the Commissioner for Information of Public Importance and Personal Data Protection to file requests to sanction non-compliance with the law directly with the misdemeanor court. Effective monitoring of the right to public information is also enabled by the fact that the Commissioner for Information of Public Importance and Personal Data Protection will ensure that all authorities who are required to do so file their reports to the Commissioner.

The Law on Public Procurement²³ was adopted in December 2019, to achieve alignment with the legal acquis of the European Union in this area. However, there are unclear provisions and the number of procurements that are excluded from the implementation of the Law has increased due to the increase in the threshold for public procurement and the introduction of new exceptions. It is necessary to prepare an analysis of the Law on Public Procurement and, based on it, improve the Law in order to reduce the number of public procurements that are excluded from the application of the law to a minimum.

Although the recommendations of the European Commission, the Council of Europe's Group of States against Corruption (GRECO), the Venice Commission, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), FATF and other relevant institutions were followed during the preparation of the regulatory framework, there remains a need for harmonization with the EU acquis concerning the fight against corruption.

2. Overview and analysis of the current situation

The Republic of Serbia is in a post-transitional period, while negotiations on the accession of the Republic of Serbia to the European Union are still ongoing. One of the basic requirements in this process is ensuring the rule of law, and anti-corruption efforts as its integral part. According to the latest report on the global ranking of countries according to the perception of corruption in the public sector, which is published every year by Transparency International, Serbia is still in the group of countries with an extremely high level of corruption, ranking 104th among 180 countries,²⁴ with a score of 36 out of 100. According to the impact assessment done for strategic anti-corruption documents prepared by the Agency for the Prevention of Corruption,²⁵ a negative trend is visible in 3 out of a total of 4 measured impact

²¹ “Official Gazette of the RS”, no. 87/18 and 86/19 – new law.

²² Principles of Public Administration, Monitoring Report, Republic of Serbia, SIGMA, November 2021.

²³ “Official Gazette of the RS”, no. 91/19 and 92/23.

²⁴ Transparency International Report, 2022. The document is available at <https://www.transparency.org/en/cpi/2022>

²⁵ Report on the Assessment of the Impact of Strategic Anti-Corruption Documents, Agency for the Prevention of Corruption, June 2022. The report is available at: https://www.acas.rs/storage/page_files/Izve%C5%A1taj%20o%20proceni%20uticaja%20strate%C5%A1kih%20dokumenata%20u%20oblasti%20borbe%20protiv%20korupcije.pdf

indicators, while one was neutral. From the impact analysis, it can be concluded that the public policy embodied in the strategic anti-corruption documents did not achieve the desired level of effectiveness, that is, that its social effect was not significant.

All of the above points to the need to create a comprehensive strategic document that would enable a coordinated response to corruption and the elimination of its systemic causes.

During the period of validity of the previous strategic anti-corruption documents, the institutional and regulatory anti-corruption framework was established or strengthened through reform activities. However, it is still necessary to work on its improvement.

In the Republic of Serbia, a significant number of authorities have been established that are responsible for the fight against corruption. The establishment of the Anti-Corruption Agency, as part of the reform activities, an independent government authority responsible for corruption prevention that was renamed in 2020 the Agency for the Prevention of Corruption, was significant.

A significant innovation in the institutional framework for the fight against corruption was the establishment of special anti-corruption departments in higher public prosecutor's offices and special departments in higher courts in Belgrade, Novi Sad, Kraljevo and Niš, which were introduced in March 2018. These departments were established to improve the operations and build the capacity of public prosecutor's offices and courts through specialization to more efficiently combat corruption.

In addition to the above, the introduction of the forensic accounting service within the Organized Crime Public Prosecutor's Office was also significant, as well as prescribing the possibility of placing forensic accountants in special anti-corruption departments, which should enable better and more efficient conduct of financial investigations, i.e. investigations of financial affairs related to criminal activity, in order to reveal the scale of criminal networks, that is, the scale of crime; discover proceeds of crime, instrumentalities or any other property that is or could become subject to confiscation, as well as to trace that property; obtain evidence that can be used in criminal proceedings. In 2021, the Supreme Public Prosecutor's Office started working closely with the School of Economics of the University of Belgrade in order to develop and implement a certified study program for forensic accountants at the School of Economics in Belgrade. The training, which began in 2023, was completed by the first generation of the accredited master's program - Forensic Accounting, which is the result of a project involving all relevant authorities.

In 2022, the Organized Crime Public Prosecutor's Office opened criminal cases against 277 persons, on top of pending charges against 214 persons remaining from previous years. In terms of 227 persons, an order was issued to conduct an investigation, and an indictment was brought against 137 persons after the investigation. A guilty verdict was pronounced against 144 persons, and a prison sentence was imposed on 117 persons, and a conditional sentence was imposed on 24 persons, and 2 persons were imposed a security measure, while 1 person was released from punishment.

Conducting a financial investigation in parallel with a criminal investigation, the Organized Crime Public Prosecutor's Office collects data on the financial profile of the defendants, including data on their income, movable and immovable assets, as well as data on money flows related to the execution of specific criminal offense, in order to determine the specific gain/damage caused by the execution of a criminal offense, in order to confiscate the property obtained by the criminal offense by a final judgment.

At the same time, an organizational unit was established within the Interior Ministry - the Anti-Corruption Department in the Criminal Police Directorate, and today this unit has nine departments in: Belgrade, Zaječar, Kragujevac, Kraljevo, Niš, Novi Sad, Subotica, Užice, as well as the Coordination and Planning Department.

In the Interior Ministry, the Internal Affairs Sector is responsible for the fight against corruption, if the perpetrator of the criminal offense is an employee of the Interior Ministry and if the criminal offense was committed at work or in connection with their work, as well as the Service for the Fight against Organized Crime, if the Organized Crime Public Prosecutor's Office is responsible for the prosecution of the perpetrator of the corruption crime.

For better coordination of anti-corruption authorities, the key progress has been made with the introduction of liaison officer in certain state authorities for more efficient cooperation and exchange of information.

For complex cases that require the continuous participation of officials of several government bodies and a multidisciplinary approach, the Law on the Organization and Jurisdiction of Government Bodies in the Suppression of Organized Crime, Terrorism and Corruption provides for the formation of task forces in order to detect and prosecute criminal acts of corruption.²⁶ However, in 2022 one task force was formed, and five previously formed task forces continued their operations, while two task forces were formed in 2021, and three in 2020.²⁷

A significant challenge for the efficient and effective functioning of the institutional framework in the previous period was the lack of resources, namely financial, human and infrastructural. In 2022, a total of 61 deputy public prosecutors and 35 assistant public prosecutors were employed in special anti-corruption departments. Special anti-corruption departments of public prosecutor's offices had challenges in hiring forensic accountants and finding public prosecutors (former deputy public prosecutors) who would be assigned to these departments to address the pending cases. The technical services of the Agency for the Prevention of Corruption, include 93 persons out of a total of 163 employees that are engaged based on the act on the job classification.

There are also certain challenges that the Organized Crime Public Prosecutor's Office (JTOK) is facing, given the complexity of the cases under the jurisdiction of this public prosecutor's office. JTOK has a total of 70 employees, of which 20 are public prosecutors (former deputy public prosecutors), 20 assistant public prosecutors and 29 members of the administrative and technical staff. In order to conduct investigations in a more efficient manner, JTOK uses a highly efficient and specialized SIDDA/SDINA system for document management and visual analysis. This advanced system is used for case management, document storage, search, as well as for analytical processing of all data contained in cases that are being processed in public prosecutor's offices.

In addition to the large number of training courses that were held for judicial officials, employees of the Interior Ministry, the Agency for the Prevention of Corruption and other bodies involved in the fight against corruption, further strengthening of the competencies of civil servants is necessary.

The cooperation of a large number of government authorities is necessary for the eradication and effective investigation of corruption, which is recognized by the introduction of liaison officers and task forces. In accordance with the revised action plans for chapters 23 and 24, in September 2019, the Agreement on the establishment and development of the National Criminal Intelligence System (NCIS) was concluded, the development of which will enable secure communication and electronic data exchange between all competent authorities in order to faster and more effectively fight against corruption. Also, in 2022, a web application for money laundering and terrorist financing cases was introduced to keep uniform records. The application should enable monitoring of money laundering and terrorist financing cases, provide increased efficiency and support in collecting, exchanging and storing data, creating

²⁶ "Official Gazette of the RS", no. 94/16, 87/18 – new law and 10/23.

²⁷ The activities of public prosecutor's offices aimed at combating crime and protecting constitutionality and legality in 2022, Republic Public Prosecutor's Office, March 2023, p. 84.

and maintaining a register, risk analysis, data analysis and reporting. For the time being, the application does not allow generation of the necessary statistical reports that would be used to analyze the efficiency and effectiveness of the system. Despite the efforts made, challenges in coordination still exist and need to be overcome in order to achieve the expected results, especially in the area of the fight against grand corruption and forfeiture of proceeds of crime.

According to the assessment of the European Commission, the National Anti-Corruption Strategy in the Republic of Serbia for the period from 2013 to 2018 resulted in certain positive but limited effects. According to the assessment of the Agency for the Prevention of Corruption regarding the implementation of the Revised Action Plan for the period 2013-2018, 37% of activities were implemented in accordance as required by the indicator, 60% of activities were not implemented or were not implemented in accordance with the indicator and 3% of activities were not evaluated by the Agency for the Prevention of Corruption.²⁸

One of the main reasons for the low percentage of implementation of strategic documents is the lack of coordination in implementation, while the second reason is the lack of capacity of responsible entities to implement complex measures, which required thorough planning, preparation and internal coordination of the implementation of activities.

In practice, it has been shown that it is difficult to objectively measure the actual impact of the aforementioned strategic document on the reduction of corruption²⁹. The Agency for the Prevention of Corruption indicates that the goals determined by the strategy are formulated in such a way that it is not possible to conclude with certainty what purpose (social change) they can achieve and how the possible (non)occurrence of such change will be detected³⁰.

Also, the National Anti-Corruption Strategy in the Republic of Serbia for the period 2013-2018 was designed to treat nine special areas. It should be noted that the reports and analyzes of international institutions indicate that the new strategic document should be comprehensive and not limited to certain areas.

According to the Agency for the Prevention of Corruption, 60% of the activities indicated in the Action Plan for Chapter 23 - Subchapter Fight Against Corruption were implemented, 36% were not implemented, while 4% could not be evaluated.³¹ In the 2022 report, the European Commission finds that concerning Chapter 23 - Subchapter Fight Against Corruption, the Republic of Serbia has made some progress, but that it is necessary to determine further efforts in the fight against corruption with a new strategic document and accompanying action plan.

Unlike the Anti-Corruption Strategy for the period 2013-2018, the Operational Plan for the Prevention of Corruption in Areas at Special Risk was adopted for a period of 15 months, from September 2021 to the end of 2022. One of the objectives of the Operational Plan is to ensure the conditions for adequate preparation of the future national anti-corruption strategy and the accompanying action plan. Although the measure was not fulfilled, eight out of nine planned activities were implemented. It was shown that 76.1% of the activities were implemented, although the Operational Plan was adopted in a relatively short period of time.³²

Despite the implementation of a significant number of reform activities in the previous period, the effects of their implementation are absent. According to the results of the Corruption

²⁸ Report on the implementation of the National Anti-Corruption Strategy in the Republic of Serbia and the Revised Action Plan for its implementation for 2018, Anti-Corruption Agency, March 2019.

²⁹ Report IPA 2013 project "Prevention and Fight against Corruption", GAP Analysis.

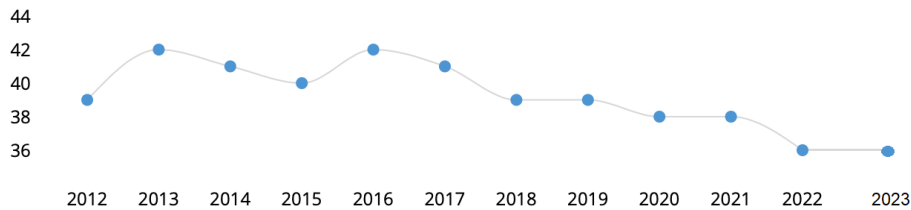
³⁰ Report on the Assessment of the State of Strategic Anti-Corruption Documents, June 2022, Belgrade.

³¹ Report on the Implementation of the Revised Action Plan for Chapter 23: Judiciary and Fundamental Rights - Anti-Corruption Subchapter, Anti-Corruption Agency, March 2022.

³² Final Report on Monitoring the Implementation of the Operational Plan for the Prevention of Corruption in Areas at Special Risk with a presentation of the status of all measures, implementation of all activities and recommendations for further action in connection with future strategic documents in this area, Agency for the Prevention of Corruption, April 2023.

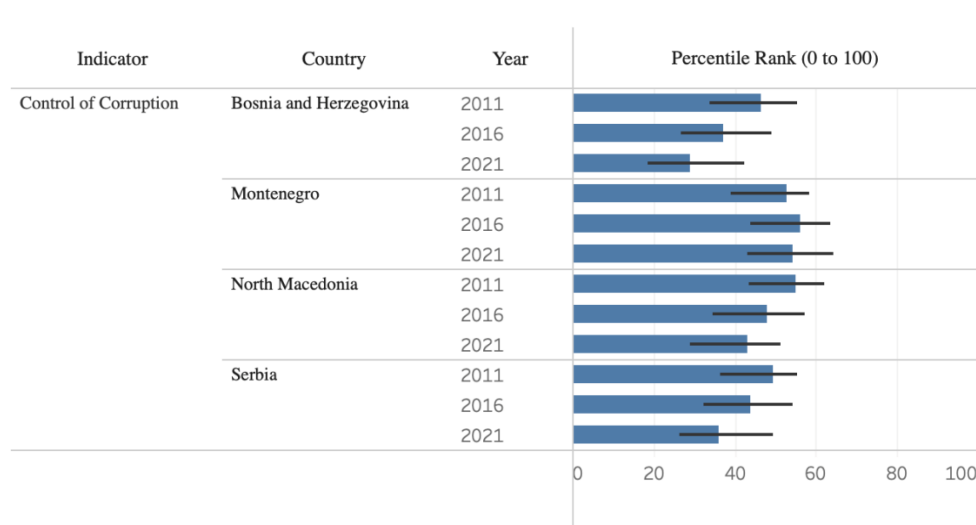
Perception Index, there has been no significant change in the level of perceived corruption in the public sector in the past decade. From 2012 to 2023, the score of the Republic of Serbia fluctuated between 39 and 42 on a scale of 0 to 100, where 100 is the desired score.

Figure 2. Corruption Perception Index score in the period 2012-2023



A similar picture is provided by the corruption control indicator, which considers petty and grand corruption. On a scale of -2.5 (weak) to 2.5 (strong control effect), the Republic of Serbia had a score of -0.23 at the optimal point in 2014, and -0.36 in 2022.

Figure 3. Trend of corruption control indicator results (2011-2021) and comparison with countries in the region



And the assessment of the impact of strategic anti-corruption documents of 2022, prepared by the Agency for the Prevention of Corruption, arrived at similar results as the global indices.³³

The perception of corruption is also influenced by the results of investigations and criminal prosecutions in the case of corruption, especially grand corruption. According to the data of the Organized Crime Public Prosecutor's Office, the number of indictments has been decreasing in the last five years, from 50 in 2017 to 21 in 2022.³⁴ During 2022, special anti-

³³ Report on the Assessment of the Impact of Strategic Anti-Corruption Documents, Agency for the Prevention of Corruption, June 2022. Available at:

https://www.acas.rs/storage/page_files/Izveštaj%20o%20proceni%20uticaja%20strateških%20dokumenata%20u%20oblasti%20borbe%20protiv%20korupcije.pdf

³⁴ In 2022, the Organized Crime Public Prosecutor's Office opened criminal cases against 277 persons, on top of pending charges against 214 persons remaining from previous years. In terms of 227 persons, an order was issued to conduct an investigation, and an indictment was brought against 137 persons after the investigation. A guilty verdict was pronounced

corruption departments pressed charges against 431 persons for corrupt criminal acts, and convictions were handed down against 83 persons, and assets were confiscated from 63 persons for corrupt acts based on Art. 91 and 92 of the Criminal Code.³⁵ Also, the perception of citizens is influenced by the work of the Agency for the Prevention of Corruption, given its widely regulated jurisdiction, as well as the communication of competent authorities with the public and the media.

In addition to the European Commission's report on the progress of the Republic of Serbia, the findings and recommendations of GREKO, which monitors compliance with the Council of Europe's anti-corruption instruments, are significant for the area of the fight against corruption. The Republic of Serbia has so far been evaluated through five rounds of evaluation and received recommendations on the prevention and fight against corruption in various areas. In the Fourth Round of evaluation related to the prevention of corruption in relation to deputies, judges and public prosecutors, GREKO sent 13 recommendations to the Republic of Serbia, of which, according to the Second Interim Compliance Report, five recommendations were partially implemented.³⁶ The recommendations that need to be implemented at a satisfactory level relate to the transparency of the legislative process,³⁷ the composition of the High Prosecutorial Council,³⁸ the selection and advancement of public prosecutors based on clear and objective criteria,³⁹ and the system of performance appraisal of public prosecutors.⁴⁰ In the Fifth Round of Evaluation, the Report contains 24 recommendations aiming at preventing corruption and strengthening integrity in central authorities (highest executive roles) and law enforcement authorities. When it comes to the recommendations of GREKO from the Fifth Round of Evaluation, the Republic of Serbia should take measures to prevent corruption in relation to persons in the highest positions in the executive power, including the Prime Minister, Ministers, State Secretaries, Assistant Ministers, Chiefs of Cabinet of the President and Deputy Prime Ministers and special advisers to ministers and advisers to the President, as well as representatives of the police, but also to increase awareness of training on

against 144 persons, and a prison sentence was imposed on 117 persons, and a conditional sentence was imposed on 24 persons, and 2 persons were imposed a security measure, while 1 person was released from punishment.

³⁵ During 2022, the Special Anti-Corruption Departments processed criminal reports against 7,419 persons, of which 2,651 reports concerned persons reported to have been committed corruption crimes. Special departments dismissed criminal charges against 2,353 persons. The order to conduct the investigation was issued against a total of 179 persons for corruption crimes. Indictments were filed against 246 persons for corruption crimes, 16 persons were charged with corruption crimes by indictment without conducting an investigation, and after the investigation indictments were raised against 141 persons for corruption crimes. First-instance courts rendered decisions against 321 persons for corruption crimes, of which 279 were convicted, 25 were acquitted, and indictments for 17 persons were rejected. A prison sentence was imposed on 117 persons, a suspended sentence on 161 persons, a fine as the main sentence was imposed on 3 persons, and as a secondary sentence on 27 persons.

³⁶ Report available at: <https://rm.coe.int/-greco-greco-90-/1680a5ff35>

³⁷ Recommendation 1. It is necessary to further improve the transparency of the legislative process (1) by ensuring that proposed laws, amendments to such proposals and agendas and results of sessions are published in a timely manner, that there are adequate time limits for submitting amendments, and that the urgent procedure is applied as an exception rather than the rule, and (2) by further working on the rules on public discussions and public hearings and ensuring their implementation in practice.

³⁸ Recommendation 8. (1) Changing the composition of the State Prosecutorial Council (SPC), especially by excluding the National Assembly from the election of its members, ensuring that a significant part of its members are prosecutors elected by their colleagues, and by abolishing the membership of ex officio representatives of the executive and legislative authorities (2) Taking appropriate measures to further develop the role of the State Prosecutorial Council as an actual self-governing body that acts proactively and transparently.

³⁹ Recommendation 9. Reform of the procedure for hiring and promoting public prosecutors and deputy public prosecutors, especially by excluding the National Assembly from the process, limiting the Government's discretion and ensuring that decisions are made based on clear and objective criteria in a transparent manner, and that the job of public prosecutors (i.e. heads of public prosecutor's offices) is performed by acting public prosecutors only for a short time.

⁴⁰ Recommendation 10. Revise the performance appraisal system of public prosecutors and deputy public prosecutors (1) by revising the quantitative indicators and ensuring that the evaluation criteria are mainly qualitative indicators and (2) by abolishing the rule that the unsatisfactory performance of public prosecutors systematically leads to their dismissal and by ensuring that prosecutors have adequate opportunities to contribute to the evaluation process.

whistleblower protection. The link between the individual recommendations and the Anti-Corruption Strategy is specified in the sections dealing with specific objectives and measures.

The research mentioned in the Report on the Impact Assessment of Strategic Anti-Corruption Documents shows that the percentage of those who are ready not to pay if they were to be asked for a bribe is decreasing, and the number of those who are ready to report corruption is decreasing.⁴¹ Thus, in 2021, only 21% of citizens would not offer a bribe, while 16% would report corruption to the police/law enforcement authorities, and 13% would report it to the management of the authority whose employee demanded a bribe. The research was conducted three times, in 2013, 2018 and 2021, but the results in all three cycles show the same trend. The above shows that it is necessary to undertake a series of measures to raise the awareness of citizens about the harms of corruption for society as a whole.

By looking at the submitted analyzes on the implementation of previous strategic documents, and the analyzes of corruption risks in 13 areas, and taking into account the documents of international bodies, especially the GREKO reports, the need to improve the regulatory and institutional framework in many areas can be seen.

There is room for improvement at the level of laws and by-laws dealing with prevention and fight against corruption, the institutional capacity of all actors involved in the fight against corruption could be improved, the competencies and the number of employees as well, but also financial and infrastructural resources that limit the efficiency and quality of work. The issue of integrity in the public sector is often mentioned as an extremely sensitive area, as well as the issue of transparency, but also the quality of management and the decision-making process.

Given the identified challenges in the fight against corruption, which are significant for all risk areas, special objectives are defined horizontally, while risk areas are included in each of the special objectives.

3. Vision and overall goal

The vision of the Strategy is to build a democratic society based on the principles of the rule of law, transparency and accountability, in which the system of integrity prevents corruption.

The Strategy defines the general goal and objectives, as well as the principles on which their achievement is based, through the implementation of the measures foreseen by the Strategy.

The general goal that must be achieved by this Strategy is **the continuous commitment of public authorities and political entities to the suppression of corruption and the efficient and consistent implementation and continuous improvement of anti-corruption rules, timely detection and adequate punishment of corrupt behavior and strengthening of awareness of the causes, state and harms of corruption.**

The general goal of the Strategy supports comprehensive development of the fight against corruption, as part of the accession negotiations with the European Union, which will improve the rule of law in the Republic of Serbia.

Impact indicators	Initial value	Target value
Corruption Perception Index Transparency International	36 (2023)	43 (2028)

⁴¹ Report on the Assessment of the Impact of Strategic Anti-Corruption Documents, Agency for the Prevention of Corruption, June 2022. Available at:

https://www.acas.rs/storage/page_files/Izveštaj%20o%20proceni%20uticaja%20strateških%20dokumenata%20u%20oblasti%20borbe%20protiv%20korupcije.pdf

At the time when the starting points and reasons that were behind the drafting of the Strategy were considered, two alternative options were considered in terms of the capacity to fulfill the general goal. The options considered are *the status quo* and the adoption of a new anti-corruption strategy.

The conclusions of that analysis are that the general goal can be achieved at the highest possible level with the adoption of the anti-corruption strategy, taking into account the level of consistency of public policies, the comprehensiveness and sustainability of the effects of its implementation, as well as the level of coordination in the implementation of measures and their monitoring.

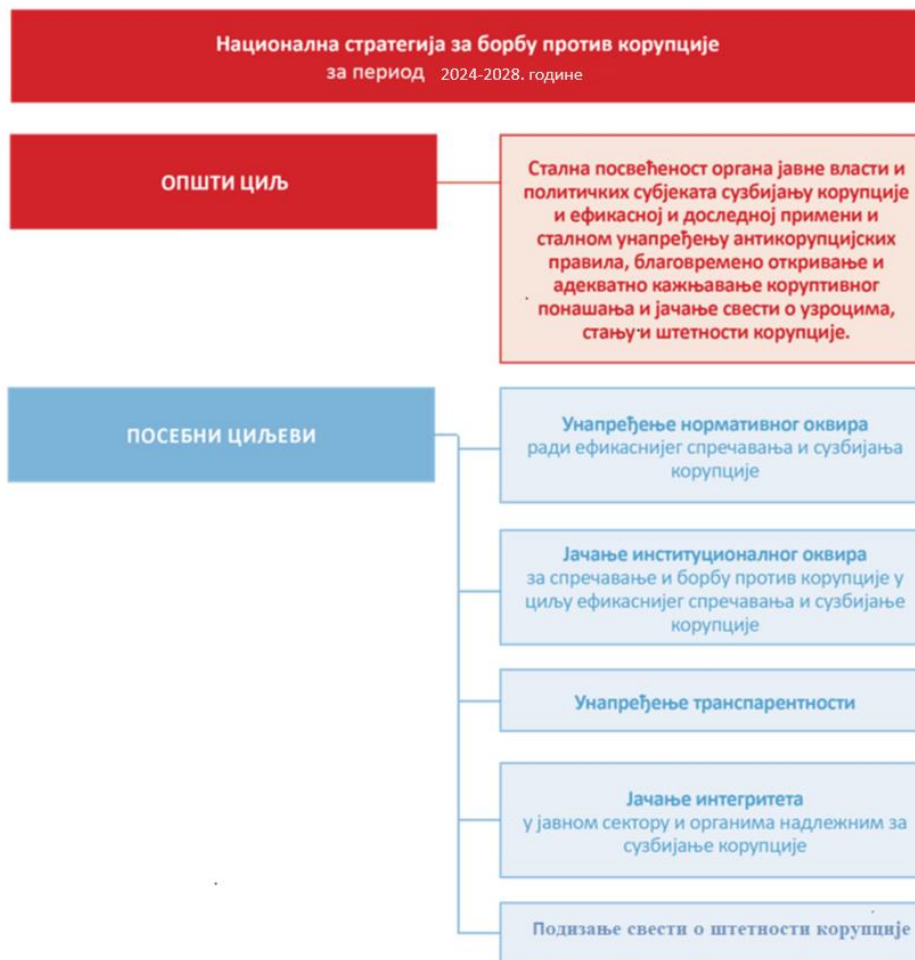
4. Objectives and measures

Achieving the overall goal of the Strategy includes five objectives.

The objectives are as follows: 1. improvement of the regulatory framework, 2. strengthening the institutional framework for preventing and fighting corruption, 3. improving transparency, 4. strengthening integrity, and 5. raising awareness about corruption.

Considering the particularities of the Strategy, within each existing goal, the established corruption risks in certain areas are presented, in order to better understand the connection behind the proposed measures.

Figure 4. Structure of the National Anti-Corruption Strategy for the period 2024-2028



Objectives:

4.1. Improvement of the regulatory framework for more effective prevention and suppression of corruption

Regulations are one of the key elements of the comprehensive fight against corruption and the prevention of corruption.

In order to achieve effects of the above efforts, regulations must be effective, deterrent and clear. The implementation of anti-corruption regulations must be regularly analyzed in order to determine the effects and potential challenges in implementation. In addition, it is necessary to ensure the participation of civil society organizations in the process aimed at improving the regulatory framework, through participation in working groups, public consultations and public debates, which is in accordance with the implementation of the recommendation from the Screening Report “Ensure the involvement of civil society in the anti-corruption program”.

Although steps have been taken in the past two decades to improve laws and by-laws related to the fight against corruption, their implementation has shown that there are still certain shortcomings and challenges that need to be eliminated. Also, relevant organizations, such as GREKO and the OSCE Office for Democratic Institutions and Human Rights, pointed out the necessity of improving certain regulations.

They should regulate the prevention of corruption in detail, as well as the detection and prosecution of corruption crimes, in areas that are at risk - areas related to the election, nomination and appointment of public officials, discharging one’s office, handling disciplinary responsibility and having a clear penal policy that emphasizes the need to protect the public interest.

Outcome indicators	Initial value	Target value
Progress recognized by the European Commission in the Annual Progress Report on Serbia's Fight Against Corruption	NO	YES
Percentage of compliance with GREKO recommendations from the fourth round of evaluation related to regulatory changes	76,92%	90%
Percentage of compliance with GREKO recommendations from the fifth round of evaluation related to regulatory changes	4,17%	35%
United Nations Office on Drugs and Crime (UNODC) reports on compliance with the United Nations Convention against Corruption	NO	YES

In order to achieve Objective 1, the following measures are foreseen:

4.1.1. Improvement of the regulatory framework in the fight against corruption for more effective detection and prosecution of corrupt crimes

In order to improve the detection, investigation and prosecution of corruption, it is necessary to analyze the provisions of the Law on the Organization and Jurisdiction of Government Bodies in the Suppression of Organized Crime, Terrorism and Corruption, the Criminal Code⁴² and the Code of Criminal Procedure⁴³. To that end, it is necessary to analyze the implementation of the Law on the Organization and Jurisdiction of Government Bodies in Suppressing Organized Crime, Terrorism and Corruption in terms of jurisdiction, organizational structure, powers of the heads of special anti-corruption departments in public prosecutor's offices and chief judges, as well as the security check of judges or public prosecutors to be – namely it is necessary to specify the methods and procedures for data collection, to enable the person subjected to the security check to read the resulting report. These activities are also in accordance with interim benchmark 33. “The Republic of Serbia is conducting an analysis of the organizational structure of government bodies before the amendment of the Law on the Organization and Jurisdiction of Government Bodies in Suppressing Organized Crime, Corruption and Other Particularly Serious Crimes.”⁴⁴ and interim benchmark 35. “The Republic of Serbia revises its Criminal Code and provides an effective solution for handling cases of criminal offenses against the economy, especially the criminal offense of “abuse of the position of a responsible person”. In addition, the mentioned activity is in accordance with Recommendation XIV from the Fifth Round of the GREKO evaluation, which refers to the change in the immunity of members of the Government for the commission of corruption crimes, as well as the expansion of the jurisdiction of the Organized Crime Public Prosecutor's Office to all persons in the highest executive positions. For this reason, the next action plan should contain activities that include an analysis of needs and options with the aim of possible changes to the regulatory framework that regulates the existence of immunity of members of the Government, in cases of corruption crimes. On the other hand, the Action Plan for the period 2024-2025 contains activities that foresee the analysis of the Law on the Organization and Jurisdiction of Government Bodies in Suppressing Organized Crime, Terrorism and Corruption (which, among other things, prescribes the jurisdiction of the Organized Crime Public Prosecutor's Office in prosecuting corruption crimes) with a view to future amendments to the law, as well as the formation of the working group.

In addition, the implementation of the Code of Criminal Procedure should be analyzed, in order to prescribe in more detail the relationship between the public prosecutor and the police in the pre-investigation procedure. Due to the length of the procedure, it is necessary to consider prescribing new or expanding existing measures that would increase procedural discipline and prevent unnecessary delays during the trial. In addition to the above, it is necessary to improve the procedure for the enforcement of sentences in the part of the collection of the restitution claim, the confiscation of assets and the enforcement of the security measure of confiscation of objects, with closer direct cooperation with the Directorate for the Administration of Seized Assets.

⁴² “Official Gazette of the RS”, no. 85/05, 88/05 - corrected, 107/05 - corrected, 72/09, 11/09, 121/12, 104/13, 104/13, 108/14, 94/16 and 35/19

⁴³ “Official Gazette of the RS”, no. 72/11, 101/11, 121/12, 32/2013, 45/13, 55/14, 35/19, 27/21 – CC and 62/21 – CC.

⁴⁴ Part of the interim benchmark related to the capacity building, resources and cooperation is included in Objective 2 (“The Republic of Serbia pays special attention to capacity building for public prosecutor's offices and the police and provides the necessary financial support, staffing and training. Interagency cooperation and exchange of intelligence are significantly improved and done in a safe and secure manner.”).

The provisions of the Law on Criminal Asset Forfeiture do not distinguish between separate procedures for asset forfeiture (criminal, civil, administrative), instead assets are forfeited in one procedure, which leads to problems when the time comes to manage the seized assets. In order to eliminate the identified deficiencies, it is necessary to review certain provisions, consider lowering or abolishing the threshold that concerns assets, as well as clarifying the correlation of the procedure for temporary and permanent confiscation of assets. "Ensure that legislative and institutional frameworks enable effective temporary and permanent confiscation and management of proceeds of crime, which would increase the number of asset forfeiture cases".

4.1.2. Improving the regulatory framework in order to reduce the possibility of corrupt behavior in the public sector and in interactions between the public and private sectors

In order to improve the regulatory framework, in 2023 and 2024, by-laws relevant to special anti-corruption departments in designated public prosecutor's offices and courts were adopted, such as the Rules of Procedure of the Complaints Commission addressing objections against mandatory instructions on handling particular cases, objections against decisions on substitution and objection against decisions on devolution; Rulebook on Disciplinary Bodies of the High Prosecutorial Council and the Disciplinary Procedure; Code of Conduct of the members of the High Prosecutorial Council; Rules of Procedure of the Ethics Committee of the High Prosecutorial Council; Rules of Procedure of the High Prosecutorial Council in connection with undue influence on officials of public prosecutor's offices and the public prosecution service; Code of Conduct of the members of the High Judicial Council, Rules of Procedure for determining the disciplinary responsibility of judges and chief judges, etc. In 2024, two more by-laws will be adopted supporting special anti-corruption departments in designated public prosecutor's offices and courts: the Court Rules of Procedure and the Rules on Administration in the Public Prosecutor's Office.

Considering the risks and challenges in their work, police officers are particularly exposed to corruption risks. Some sectors have already been identified as particularly exposed, especially the traffic police and border police, but also other sectors dealing with particularly sensitive areas. All this undoubtedly indicates the need for regular security checks of employees in the mentioned sectors. This phenomenon is addressed in recommendation XIX from the Fifth Evaluation Round of GREKO which indicates that background checks concerning the integrity of police officers should be carried out at regular intervals throughout their career and will be contained in the Action Plan for the implementation of the Strategy for the period 2026-2028. Also, the Law on Police does not stipulate the obligation to record the side jobs of employees in the Interior Ministry, nor regular verification of the fulfillment of legal requirements for getting a side job. Side jobs are not prescribed by the Code of Police Ethics either, so there are no guidelines on the conditions under which side jobs are permitted. This issue is addressed in recommendation XXI from the Fifth Evaluation Round of GREKO.

The Law on the Prevention of Corruption does not prescribe the obligation of the Government to state in the explanation of the proposed law whether the recommendations of the Agency for the Prevention of Corruption to eliminate corruption risk have been considered, and in the event that some recommendations have not been adopted, the reasons for this. At the same time, the Law on the Prevention of Corruption and other relevant regulations do not prescribe how will compliance with the Agency's recommendations for eliminating corruption of the regulations be monitored, nor do they prescribe the obligation to explain the reasons for non-compliance with those recommendations. The Law on the Prevention of Corruption does not stipulate the obligation to publish data on the corruption risk assessment in the regulations, i.e. the obligation to publish the opinions of the Agency for the Prevention of Corruption and

data on the actions of state administration bodies taken to act upon the opinions of the Agency. Eliminating these deficiencies is in accordance with recommendation III from the Fifth Evaluation Round of GREKO, recommendation IV from the Fifth Evaluation Round of GREKO, recommendation XI of the Fifth Evaluation Round of GREKO, as well as recommendation XII of the Fifth Evaluation Round, which imply the adoption of a strategic document for the prevention of corruption among highest-ranking executives, the adoption of the Code of Conduct that applies to highest-ranking executives, the introduction of the obligation to report conflict of interest situation of highest-ranking executives, as well as the prescription of rules on restrictions upon termination of employment for highest-ranking executives. In this regard, through the Action Plan for the period 2026-2028, it is necessary to foresee activities that include an analysis of the needs and possibilities for the possible adoption of a strategic document for the prevention of corruption among highest-ranking executives, which would define a clear goal in preventing political corruption; adoption of the Code of Conduct for highest-ranking executives; analysis of the needs and options for possible changes to the regulatory framework that regulates the obligation to report conflict of interest situations, as well as the rules on the prohibition or restriction of the employment of highest-ranking executives after termination of their office.

The law on lobbying contains certain shortcomings that need to be eliminated after a detailed analysis of its effects. The law does not ensure full transparency of lobbying activities, does not prescribe the obligation to report “unofficial” lobbying. The regulatory framework will be improved while taking care to put into practice recommendation IX from the GREKO report for the Fifth Evaluation Round, which is contained in activity 1.2.6. from the Action Plan for the period 2024-2025. The stated activities are aimed at reaching interim benchmark 31: “The Republic of Serbia effectively implements the new Law on the Protection of Whistleblowers and monitors its implementation”.

The stated activities are aimed at reaching interim benchmark 31: “The Republic of Serbia effectively implements the new Law on the Protection of Whistleblowers and monitors its implementation”. The improvement of the regulatory framework regarding the prevention of conflict of interest situations by means of special laws partially corresponds to the interim benchmark: “The Republic of Serbia provides initial records that show an increase in the number of observed and resolved cases of conflict of interest, including sanctions for deterrence.” The Republic of Serbia conducts training and raises the level of awareness in order to ensure the best possible understanding of the concept at all levels”.

One of the established risks of the healthcare system is the non-compliance of the provisions on conflict of interest referred to in Article 41 of the Law on the Prevention of Corruption and Article 234 of the Law on Health Care. Article 234, Paragraph 10 of the Law on Health Care prescribes a broad competence of the Ethics Committee of a health care institution, and in this way the competences overlap, that is, the mechanisms that deal with the conflict of interest are multiplied. That is why it is necessary to harmonize the provisions of the Law on Health Care, which prescribe conflict of interest, with the Law on the Prevention of Corruption, that is, the provisions of the Law on Health Care with the provisions of the Law on the Prevention of Corruption.

The corruption risks of the health system are: a) doctor - patient relationship, b) contracting and subcontracting of health services, v) donations of medical devices, medicines and medical supplies, g) donations of non-medical means (equipment and services), d) relationship with pharmaceutical industry, because the Law on Health Care and the Criminal Code must prescribe sanctions regarding the doctor-patient relationship and precisely determine the procedure for donations of devices, medicines and medical devices.

Other recognized corruption risks in the health care system, which are specified in the Labor Law, are: 1) supplementary work of health care workers/associates, 2) acceptance, value and handling of gifts of all employees who do not perform a public function, 3) the procedure for appointing directors and acting directors of a publicly owned health institutions and 4) the conflict of interest of health workers and associates, i.e. persons who perform functions and do not have the status of a public official in the sense of the Law on the Prevention of Corruption, must be amended, i.e. must be specified so that there are no doubts about what the specific norm was intended to prescribe.

The conclusion of contracts for the procurement of goods or the provision of services without conducting a public procurement procedure, payment for services that have not been performed and exerting undue influence on a public official or a person who has political or economic power on a manager or employee in local self-government to do so represent corruption risks that have a negative impact on the public interest. The Law on Public Procurement prescribes the misdemeanor liability of the contracting authority if it awards a public procurement contract without conducting the public procurement procedure (Article 236). The prescribed misdemeanor fine for the manager ranges from 30,000 to 80,000 dinars, which is not an effective deterrent sanction, if one takes into account the personal benefit that can be achieved through direct price negotiation for goods and services without competition. In order to ensure a more efficient suppression of corruption, the Office for Public Procurement, thanks to inter-institutional cooperation, files with the competent public prosecutor's office copies of submitted requests for the initiation of misdemeanor proceedings, so the competent public prosecutor's office, if the legal requirements are met, can, instead of misdemeanor proceedings, initiate other appropriate proceedings for which a stricter sanction is prescribed than that for a misdemeanor as referred to in the Law on Public Procurement.

The relevant laws⁴⁵ do not contain sufficiently precise provisions on the procedure and criteria for decision-making by managers on the conclusion of contracts on the employment of persons and the engagement of external associates for the provision of consulting services. At the same time, the obligation of the authorities to regulate these issues in detail is not prescribed.

The corruption risk exists due to inappropriate implementation of the Law on Public Enterprises in practice,⁴⁶ especially in the parts related to the status of acting directors, as well as wide discretionary powers in the procedure for appointing acting directors of public companies.

The analysis of the corruption risk in the by-laws adopted on the basis of the Law on Privatization, which is focused on issues of transparency and access to information⁴⁷ prepared by the Agency for the Prevention of Corruption, indicates the risks that should be eliminated.

A significant number of local self-government units have not adopted a document requiring public debates on proposals or draft documents, i.e. public policy documents prepared by local self-government unit bodies, or publishing proposals and suggestions that arrive during public debates through the webpage. It is necessary to change the regulations in order to overcome the identified risk.

The financing of political parties is prescribed by the Law on the Financing of Political Activities, which entered into force on February 8, 2022, while the supervision of its

⁴⁵Law on Civil Servants, ("Official Gazette of the RS" No. 79/05, 81/05 – corrected, 83/05 – corrected, 64/07, 67/07 – corrected, 116/08, 104/09, 99/ 14, 94/17, 95/18, 157/20, 142/22), Law on Employees in Autonomous Provinces and Local Self-Government Units, ("Official Gazette of the RS", No. 21/16, 113/17, 113/17 – new law , 95/18, 114/21) and the Law on Public Agencies ("Official Gazette of the RS", no. 18/05, 81/05 - corrected and 47/18).

⁴⁶ "Official Gazette of the RS", no. 15/16 and 88/19.

⁴⁷ Analysis of corruption risk in by-laws adopted on the basis of the Law on Privatization, which is focused on issues of transparency and access to information, prepared by the Agency for the Prevention of Corruption 014 number: 153-03-0011/21-09-2 dated September 16, 2022.

implementation is entrusted to the Agency for the Prevention of Corruption. Although the recommendations of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) - Election Observation Mission⁴⁸ as well as the Venice Commission were taken into account when drafting the regulations,⁴⁹ certain risk areas were identified: a) status of political subjects; b) source of financing; c) use of public resources; d) volume and distribution of budget funds; e) use of funds of the political entity for political activities; f) promotion by third parties and other types of indirect financing; g) keeping records and reporting; h) oversight, supervision and audit; i) prevention, detection and punishment of irregularities and j) disclosure of data. Also, the interim benchmark includes the obligation of the Republic of Serbia to: “amend the Law on the Financing of Political Activities and work on strengthening the independence and administrative capacity of the relevant supervisory bodies, especially the State Audit Institution and the Republic Election Commission”. The Republic of Serbia provides initial records of adequate implementation of the law, including deterrent measures where necessary,” so that the planned activities are aimed at reaching this interim benchmark.

On the other hand, according to the opinion of the Agency for the Prevention of Corruption, the status of political entities is clearly prescribed, while the control of reports is carried out by the Agency in accordance with the plan that is publicly disclosed together with the control results. In addition, the Agency conducts training, gives opinions and advice to political entities regarding their obligations, and if it determines the existence of a violation of the Law, it takes appropriate measures.

The Law on Planning and Construction⁵⁰ ensures the implementation of the principles of public participation through public viewing. However, without an appropriate by-law that would regulate in more detail the conditions for real and simplified participation of citizens and other subjects in the planning process, it is not possible to ensure adequate public participation in the process of drafting planning documents. Currently, there is a lack of regulations - rulebooks on the conditions, methods and control mechanisms of public participation in the process of drafting planning documents, which leads to the fact that the maker of the plan does not carry out the procedure of early public viewing in a transparent manner. When it comes to the process of issuing building permits, several irregularities were observed that can create a basis for the emergence of corrupt activities, namely: a) lack of sanctions for decision-making about the request for a building permit (decision to issue a building permit) significantly beyond the deadline provided by this law, b) making a decision to reject the request for a building permit for reasons not provided for by this law and by-laws c) making a decision to issue a building permit without accepting the environmental impact assessment study of the project that must be accompanied by one.

The corruption risk has been identified due to the insufficient information of candidates for public office about the obligations they have when entering public office, and it is necessary to change the regulations in order to prescribe the obligation for state authorities and bodies that nominate candidates for public office to inform them about the resulting obligations referred to in the Law on the Prevention of Corruption.

⁴⁸ OSCE Office for Democratic Institutions and Human Rights, Observation Mission - Presidential and Early Parliamentary Elections, April 3, 2022. Available at: https://www.osce.org/files/f/documents/0/0/524385_0.pdf

⁴⁹ Joint opinion of the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights on the constitutional and regulatory framework on electoral law and electoral administration, approved at the 75th meeting of the Council for Democratic Elections in Venice on December 15, 2022, adopted at the 133rd plenary session of the Venice Commissions, 16-17, December 2022.

Available at: <https://www.osce.org/files/f/documents/7/e/535266.pdf>

⁵⁰ “Official Gazette of the RS”, no. 72/09, 81/09 – corrected, 64/10 – CC, 24/11, 121/12, 42/13 – CC, 50/13 – CC, 98/13 – CC, 132/14, 145/14, 83/18, 31/19, 37/19 – new law, 9/20, 52/21 and 62/23.

4.1.3. Improvement of the regulatory framework for the selection/appointment procedure in public companies and other publicly owned companies

The Law on Public Enterprises⁵¹ stipulates that an acting director of a public company can hold office until the director is appointed based on a public competition, and that period cannot be longer than one year. Pursuant to the aforementioned law, the same person cannot be appointed acting director twice. The person who is appointed an acting director must meet the legal requirements for the appointment of a director of a public company. In order to improve the process of selecting directors and reduce the number of acting directors, it is necessary to analyze the existing legal framework in order to amend and supplement regulations in this area.

Passing or amending the job classification document and filling vacancies for the purpose of employment, promotion and termination of the employment relationship; termination of employment; referral to a lower position, as well as favoritism for employment, without conducting a public competition, represents corruption risk. According to the answers to the questionnaire filled out by the public authorities during the preparation of integrity plans in the third cycle, almost 40% of public companies do not prepare a needs analysis before the adoption/amendment of the job classification document and filling of vacancies.

In order to overcome the identified challenges, it is necessary to analyze the regulatory framework, and establish the risks that must be eliminated by amending the regulations. The measure will contribute to the fulfillment of interim benchmark 30: “The Republic of Serbia ensures the prevention of corruption through the introduction of an effective internal system of control and strengthening the responsibility of managers in the public sector.”

4.1.4. Improvement of the regulatory framework in order to eliminate corruption risk in the selection/appointment and employment and promotion procedures in the public sector, including local self-government

One of the identified risks is represented by insufficiently clear conditions and criteria for the selection and appointment of managers in public services and other organizations founded or financed by the local self-government unit, which results in wide discretionary powers.⁵² An additional challenge is the dismissal of public officials if an initiative for dismissal is submitted on the basis of enforceable and final decisions of competent authorities due to violations of the law.

The lack of prior verification of the integrity of candidates for public office, which would be carried out by the authorities responsible for selection and appointment, results in the illegal accumulation of public offices, incompatibility and conflict of interest at the beginning of public office. In the Fifth Evaluation Round, GREKO indicated in recommendations I and II, that it is necessary that at the central level of government, rules be prescribed that require an integrity check before the election of ministers, in order to determine and manage possible risks of conflicts of interest, and that cabinet heads and advisors should also be subjected to integrity check.

⁵¹ Law on Public Enterprises (“Official Gazette of the RS”, no. 15/16 and 88/19).

⁵² The risk refers to cultural institutions established by the local self-government unit, social protection institutions, institutions in the field of sports and public services. Art. 23 and 35 of the Law on Culture (“Official Gazette of the RS”, no. 72/09, 13/16, 30/16 – corr., 6/20, 47/21, 78/21 and 76/23); Law on Social Protection (“Official Gazette of the RS”, no. 24/11 and 117/22 - CC); Article 110 of the Law on Sports, (“Official Gazette of the RS”, number 10/16); Article 18 of the Law on Public Services (“Official Gazette of the RS”, No. 42/91, 71/94, 79/05 – new law, 81/05 – corr. new law, 83/05 – corr. new law and 83 /14 – other law).

4.1.4. Harmonization of the anti-corruption regulatory framework with the EU acquis and relevant international standards, principles and best practices

As a candidate for membership in the European Union, the Republic of Serbia undertook to harmonize its national legislation with the EU acquis. Given that the protection of the financial interests of the European Union, the protection of whistleblowers, mutual legal assistance in criminal matters is of great importance in EU Criminal Law, it is necessary to carry out a detailed analysis of the compliance of national regulations with the EU acquis, in order to enable alignment. The measure is aimed at achieving interim benchmark 23: “The Republic of Serbia conducts a comprehensive assessment of its legislation in comparison with the legal acquis of the European Union and the United Nations Convention against Corruption and makes changes to its legislation where necessary.”

4.2. Institutional capacity building to more effectively prevent and combat corruption

Coordination of authorities responsible for preventing and fighting corruption is necessary for the effective implementation of anti-corruption measures and regulations.

It is necessary for the Republic of Serbia to establish an efficient mechanism of coordination and operationalization of the fight against corruption, and increase efforts towards asset forfeiture in corruption cases. It is noted that the number of indictments and the number of trial court verdicts for grand corruption cases have slightly increased compared to last year.

Authorities must have sufficient resources available to detect and investigate cases of corruption. The knowledge and skills of persons in state authorities responsible for conducting investigations must be at a high level, in order to increase the number of confirmed indictments, trial court’s and final verdicts for corruption cases, especially at a high level, as well as permanent confiscation of assets related to corruption cases.

Outcome indicators	Initial value	Target value
The disposal rate of criminal cases in relation to the number of filed and resolved cases based on the CEPEJ Dashboard report	Over 100%	Over 100% (2028)

In order to achieve Objective 2, the following measures are foreseen:

4.2.1. Strengthening the administrative capacity and financial resources of government authorities responsible for the fight against corruption

The measure is fully aimed at achieving the interim benchmark “The Republic of Serbia pays special attention to building the capacity of public prosecutor's offices and the police and provides the necessary financial support, staffing and training. Interagency cooperation and the exchange of intelligence in a safe and secure manner are being improved to a significant extent.”

In 2022, 61 deputy public prosecutors worked in the Special Anti-Corruption Departments in higher public prosecutor's offices, of which 23 deputy public prosecutors were temporarily assigned. Deputy public prosecutors were supported in their work by 35 assistant public prosecutors, and there were 50 administration staff members.

In order to conduct financial investigations more efficiently, it is necessary to provide all special anti-corruption departments with at least one financial forensic accountant, and enable adequate resources for this position that will motivate experts in this field to engage. Also, it is necessary to provide more meaningful and efficient mechanisms in the detection, prosecution and processing of corruption crimes through constant inter-sectoral cooperation, by forming permanent task forces for priority areas, through a common platform for data exchange and reporting. In addition to the significant number of organized training courses, it is necessary to ensure further specialization of judges, public prosecutors, as well as judicial and prosecutorial assistants of special anti-corruption departments through advanced training and enabling them to exclusively handle cases of corruption and economic crimes. It is necessary to improve the technical equipment in courtrooms and use the advantages of audio and video recording of hearings. In addition to the above, special public prosecutor's departments, must adopt internal strategies for prioritizing cases in order to increase the number of proceedings against high-ranking state officials and proceedings in which the perpetrators obtained large illegal financial benefits.

In order to improve detection of corruption crimes, the public prosecution service should continuously follow the reports of the Anti-Corruption Council, the State Audit Institution and other authorities and regulatory bodies that can serve as a source of information indicating that a criminal offense has been committed, i.e. there is a basis for suspicion to initiate criminal proceedings. To that end, the Anti-Corruption Council needs to be supported with staff and financial resources. Also, it is necessary to strengthen the connection of the Anti-Corruption Council with the Government and ensure a greater degree of cooperation between the Government and the Council in order to successfully fight against corruption. It is stated in accordance with interim benchmark 24: "The government is engaged in a constructive relationship with the Anti-Corruption Council, seriously considers its recommendations and takes them into account to the greatest extent possible."

In order to improve the effectiveness of the system and more efficiently solve criminal offenses in the sphere of economic crime and corruption, and to raise awareness that financial investigations are not only about asset forfeiture, but should have a wider scope of implementation, it is necessary to update the existing or create new standard operating procedures of the public prosecutor's office and the police for conducting financial investigations and conducting training to strengthen the capacity to conduct financial investigations alongside criminal investigations. The capacity of the public prosecutor's office should be improved so that it can always initiate the procedure to forfeit assets and perform "extended" confiscation of assets if the conditions for this have been met, through the implementation of the Law on Criminal Asset Forfeiture. The foreseen activities contribute to the fulfillment of interim benchmark 34: "The Republic of Serbia establishes an initial record of efficient and effective investigations (including financial investigations), criminal prosecutions, judgments and confiscation of assets in cases of corruption, including cases of grand corruption."

4.2.2. Strengthening the capacity of authorities and bodies responsible for preventing corruption

The experts of the Agency for the Prevention of Corruption have been facing challenges in terms of staffing capacity and accommodation for years. In 2022, the expert service of the Agency employed 93 people, out of a total of 163 filled positions, so the Agency handles its mandate with less than 60% of positions filled. Also, the employees of the Agency need to strengthen their knowledge and capacities, especially in terms of how to check the property status of public officials in the field of forensic accounting. The improvement of the Agency's

capacity is in accordance with recommendation XIII from the Fifth Evaluation Round of GREKO, as well as interim benchmark 25: “The Republic of Serbia ensures that the Anti-Corruption Agency continues to enjoy the necessary independence, receiving adequate financial resources, staffing and training with a strong connection with other relevant authorities (including access to their databases). The Republic of Serbia ensures that all bodies that do not submit their reports and refuse cooperation with the Agency are held liable. The Republic of Serbia provides an initial record of the effective implementation of asset declaration and verification system, including sanctions for deterrence in cases of non-compliance, as well as appropriate follow-up measures (including criminal investigations where necessary) in cases where the declared assets do not correspond to the actual situation” in line with interim benchmark 27: “The Republic of Serbia provides an initial record of the effective implementation of asset declaration and verification system, including punitive measures for deterrence in cases of non-compliance, as well as appropriate follow-up measures (including thorough investigations where necessary) in cases where the declared assets do not correspond to the actual situation”.

The resources of the Anti-Corruption Council are limited. Currently, there are only 6 elected members of the Council out of 13 members. Also, administrative support and financial resources available to the Council should be improved. Improving the capacity of the Council, the regulatory framework governing its operations, as well as cooperation with the Government contributes to the implementation of recommendation V from the Fifth Evaluation Round of GREKO.

4.2.3. Capacity building for inspection and internal control of inspectorates

One of the challenges is the insufficient capacity of the Budget Inspectorate for oversight. Bearing in mind that inspections are carried out, first of all, on the basis of reports, petitions, objections and requests for inspection, and that in the Republic of Serbia there are more than 6,000 direct and indirect budget users who may be subject to inspection, the staffing and financial capacity of the Budget Inspectorate must be continuously improved.

Most of the ministries that have an established system of internal control have not defined internal procedure for the work of the internal auditor. There is no systematic approach to the control of the field work performed by inspectors, especially when it comes to inspectorates that carry out inspection of citizens and economic entities (construction, sanitary, market, labor inspectorate, etc.). A systemic approach would mean that the internal control unit has a sufficient number of trained people, who have adequate powers, independence in work, a position that does not put them in a relationship of dependence towards the entity they control, as well as having adequate equipment and working conditions. The measure is in accordance with interim benchmark 30: “The Republic of Serbia employs and manages the career civil servants on the basis of clear and transparent criteria, with an emphasis on performance appraisal and demonstrated skills.” The Republic of Serbia is developing and implementing a mechanism for the effective implementation of the Code of Conduct for Civil Servants. The Republic of Serbia provides an initial record of sanctions applied in cases of violations of the aforementioned Code. The Republic of Serbia ensures the prevention of corruption through the introduction of an efficient system of internal control and strengthening of the accountability of managers in the public sector”.

4.2.4. Strengthening the efficiency of the customs system

The complexity of the customs system and the wide jurisdiction contain the risk of corruption, which needs to be eliminated. Customs regulations are characterized by a high

degree of freedom and the ability to make discretionary decisions in handling, which are reduced in a certain way by the use of technology in the control system of both the persons who are in the customs procedure and the customs officials themselves. In addition, the customs regulations do not prescribe a high degree of responsibility of officials (less serious and more serious violations of discipline) in relation to the actions they undertake and the decisions they make. Actions taken during the initiation and implementation of procedures, as well as actions that officials take in general may result in decisions that may adversely affect the public interest.

Also, the regulations and procedures are characterized by deficient mechanisms on which the customs check is based, such as insufficiently clear procedures that should be precisely regulated through by-laws, other internal documents and instructions applied by the Customs Administration in its work.

The above-mentioned activities also contribute to the fulfilment of interim benchmark 32: “The Republic of Serbia applies and estimates the influence of measures undertaken to curb corruption in vulnerable areas (health, taxes, customs, education, local self-government, privatization, public procurement and police), undertakes corrective measures where is necessary and organizes initial records of measurable reduction of the degree of corruption in mentioned areas”.

4.2.5. Strengthening the capacity of the Tax Administration

The Operational Plan of the Tax Administration for the Prevention of Corruption recognized the need to increase the efficiency of the Tax Administration, especially through the strengthened capacity of internal control and tax inspectors, as an addition to the activities that will be implemented on the basis of the Revised Action Plan, and foresaw measures dedicated to the further improvement of the corruption prevention mechanism.

The Internal Control Department plays a central role in the modernization of the Tax Administration, especially when it comes to establishing anti-corruption measures, respecting the code of conduct and professional ethics for effective fight against corruption and leading by example.

The activities of officials cannot often be adequately supervised or be under regular control of the Tax Administration at other levels. Procedures related to the implementation of jurisdiction in areas at risk are mostly closed and beyond the reach of the public, including only officials and persons who are subject to control, or involve activities that depend on the decision of officials, without adequate disclosure that could be the basis for further control.

The aforementioned activities also contribute to the achievement of interim benchmark 32: “The Republic of Serbia applies and assesses the impact of measures taken to reduce corruption in vulnerable areas (health, taxes, customs, education, local self-government, privatization, public procurement and police), undertakes corrective measures where necessary and organizes an initial record of a measurable reduction in the level of corruption in the mentioned areas”.

4.2.6. Improving and formalizing the cooperation of government authorities in the fight against corruption

Work on preventing and fighting corruption requires the involvement of a large number of different government authorities, which must act in concert. The cooperation of individual bodies is regulated to a certain extent by laws, such as the cooperation of the police and the public prosecutor's office, but many practical issues remain unsettled, which can represent an obstacle to the effective everyday operations. Therefore, the Law on the Organization and

Jurisdiction of Government Bodies in Suppression of Organized Crime, Terrorism and Corruption prescribes the passing of a by-law that will regulate the deadlines, procedure and official communication between the police and the public prosecutor's office in cases of organized crime and corruption. In addition, it is necessary to ensure that the recommendations of the Agency for the Prevention of Corruption and the findings of the Anti-Corruption Council are followed.

In addition to mutual cooperation, an additional challenge is the lack of interoperability of databases for criminal investigations, i.e. a secure system for the electronic exchange of information between the public prosecutor's office, the police, the Customs Administration, the Tax Administration, the Agency for the Prevention of Corruption and other authorities that possess databases of importance for combating corruption.

4.2.7. Strengthening of international cooperation in the detection and prosecution of cross-border fraud and embezzlement of European Union funds

The Republic of Serbia, as a candidate country for membership in the European Union, undertook the obligation to harmonize its national legislation with the legislation of the European Union, as well as the obligation to establish all authorities and bodies necessary for the proper implementation of all obligations arising from membership.

The protection of financial interests is a measure that implies institutional upgrading, by which the Republic of Serbia shows its willingness to provide effective protection of the European Union's funds, to the same extent and under the same treatment as if it were its own budget funds. The Anti-Fraud Coordination Service (AFCOS) was established in the Ministry of Finance, as a central contact point for cooperation with the European Anti-Fraud Office (OLAF), as well as other authorities and bodies of the European Commission. This department is also the central contact point for cooperation with the authorities of the Republic of Serbia (primarily with the Supreme Public Prosecutor's Office, the Interior Ministry, the Agency for the Prevention of Corruption) in the area of protection of EU financial interests.

The field of criminal law cooperation in the European Union has been developing intensively in recent decades, in order to enable direct communication between the judicial systems of member states and more effective detection and prosecution of perpetrators of certain criminal acts, including those that harm the financial interests of the European Union. The Republic of Serbia has already signed a Cooperation Agreement with Eurojust, the EU Agency for Criminal Justice Cooperation, in November 2019. In June 2021, the Office of the European Public Prosecutor began operating as a new institution of the European Union in the field of criminal justice, and the Republic of Serbia is yet to establish cooperation with this authority.

4.2.8. Strengthening the political finance monitoring system

Although the Republic of Serbia adopted a new Law on the Financing of Political Activities, there are still certain activities that need to be undertaken in order to improve the implementation of this law, as well as the supervision of the financing of political activities. The Venice Commission and the OSCE Office for Democracy and Human Rights made recommendations for improving the oversight mechanism through comprehensive control of fundraising and expenses, identifying illegal practices and proportionally and effectively sanctioning actions that do not comply with regulations. The measure is in accordance with interim benchmark 28: "The Republic of Serbia amends its Law on the Financing of Political Activities and works to strengthen the independence and administrative capacity of the relevant

supervisory bodies, especially the State Audit Institution and the Republic Election Commission. The Republic of Serbia provides initial records of adequate implementation of the law, including deterrent measures where necessary”.

4.3. Improving transparency

Transparency in decision-making is important for preventing corruption and building citizens' trust in government bodies. Transparency should be achieved through disclosure of information by public authorities. In that process, a systemic approach in the use of new technologies is important in order to enable easier participation of citizens and a higher level of transparency of the public sector.

Improving access to information and increasing the participation of various stakeholders in decision-making and policy-making reduces opportunities for corrupt practices and strengthens democracy. The measures and activities provided for under Objective 3 are aimed at reaching interim benchmark 29: “The Republic of Serbia amends the Law on Free Access to Information of Public Importance, strengthens the administrative capacity of the Commissioner for Information of Public Importance and Personal Data Protection, provides training on handling requests for access to information and initial records of improved access to information, including privatization affairs, activities of government owned enterprises, public procurement procedures, public spending and donations to political parties sent from abroad”.

The improved transparency includes the improved publication of regulations and smaller number of regulations that are adopted in an urgent procedure, so as part of a special goal, attention will be paid to implementing recommendation I from the Fourth Evaluation Round and recommendations VIII from the Fifth Round of GREKO evaluation, which will be foreseen in the Action Plan for the period 2026-2028, which will foresee that laws proposed by the Government will be systematically presented at public consultations, and supplemented with appropriate explanations, when they are proposed to the National Assembly. In this regard, it should be pointed out that the existing procedure for proposing laws already includes the mentioned measures, especially as all laws proposed by the Government are subject to public consultations and that draft laws are accompanied by appropriate explanations. In this regard, the Action Plan for the period 2026-2028 should contain activities aimed at analyzing the existing procedure for proposing laws prescribed by the Rules of Procedure of the Government (Article 41) and the procedure for passing laws prescribed by the Rules of Procedure of the National Assembly (Articles 151-155).

It was observed that local self-government does not show the same degree of transparency as the central government administration, this is also true for the inclusion of citizens. Cities and municipalities have no obligation to use the E-consultation Portal for amendments to general policy documents and strategic and planning documents, so in order to increase transparency, it is necessary to introduce such requirement in the Law on Local Self-Government.

Outcome indicators	Initial value	Target value
SIGMA indicator: Access to information of public importance	22/30 (2021)	30/30

In order to achieve Objective 3, the following measures are foreseen:

4.3.1. Strengthening the capacity of anti-corruption authorities to communicate with the public

In order to ensure greater visibility of the work of the public prosecutor's office and the judiciary in terms of an efficient approach to the fight against corruption and to build public trust in the work of anti-corruption authorities, it is necessary to improve their transparency. This can be achieved by hiring spokesperson-coordinators for the media in courts and public prosecutions, regular publication of trial schedules and judgments, holding press conferences, communication with the media and civil society, etc.

4.3.2. Strengthening the capacity of the media to report on the work of anti-corruption authorities

The analysis of media reporting, has shown that there is a lack of continuous communication between the authorities responsible for the fight against corruption and journalists and the media. It is necessary to take steps towards the establishment of regular channels of communication with the aim of educating the public about the procedures for reporting, detecting and prosecuting corrupt criminal acts.

4.3.3. Improvement of statistical reporting on the fight against corruption

The public is not sufficiently familiar with the work of special anti-corruption departments, so it is necessary to improve transparency in order to ensure greater visibility of their efforts to apply an effective approach to the fight against corruption and build public trust. This can be achieved by hiring spokesperson-coordinators for the media in courts and public prosecutions, regularly publishing trial schedules and judgments, holding press conferences, communicating with the media and civil society, encouraging whistleblowers to report corruption cases, etc. However, there are certain difficulties with statistical reporting on corruption crimes, especially if data on non-standard nomenclatures are requested, and therefore it is necessary to adopt appropriate reporting guidelines of the High Judicial Council and the High Prosecutorial Council, as well as binding instructions of the Supreme Public Prosecutor's Office. Also, it is necessary to enable the use of the Electronic Register of Corruption Cases as a reporting tool, and to enable the data on corruption cases to be maintained in a uniform manner in all special departments by preparing the Rulebook on Uniform Data Entry and Conducting Training. The planned activities contribute to the implementation of the recommendation from the Screening Report: "Improve the collection of uniform statistical data on corruption, while making a clear distinction between different actions that can constitute the crime along with possibility to add detailed estimate about the duration of cases, results, etc."

4.3.4. Strengthening the proactive publication of data of public interest, as well as data in an open format

Transparency needs to be improved in areas at risk, such as the financing of political activities, employment and appointment of civil servants, public procurement, public and other publicly owned enterprises, local self-government.

When it comes to the control of the privatization process, it is necessary to increase the transparency of the control process in accordance with the Risk Analysis of the Agency for the

Prevention of Corruption, which indicates the need to publish the decisions of the Commission for Control of Fulfilment of Buyer's Obligations, i.e. data suitable for public disclosure, bearing in mind the regulations on protection of data confidentiality. In addition to the publication of data, it is also necessary to determine the status of all criminal investigations into allegations of corruption in privatization cases and take measures for improvement, which is in accordance with the recommendation from the Screening Report: "Conduct effective investigations of all allegations of corruption in privatization cases and ensure full transparency and accountability in order to avoid similar cases in the future". The above-mentioned activities also contribute to the fulfillment of interim benchmark 32: "Republic of Serbia applies and estimates influence of the measures undertaken to curb corruption in vulnerable areas (health, taxes, customs, education, local self-government, privatization, public procurement and police), undertakes corrective measures where is necessary and organizes initial records of measurable reduction in the degree of corruption in mentioned areas".

In order to achieve the recommendation from the Screening Report (2.2.4), the Ministry of Justice will continue with the implementation of its obligation provided for in the Revised Action Plan for Chapter 23 (activity 2.2.4.1), which includes monitoring the implementation of the Criminal Code and the Law on the Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Terrorism and Corruption, and will continue drawing up reports on the number of initiated and completed procedures. The annual report is published on the website of the Ministry of Justice.

It was noticed that local self-government units lack information about their work on the official webpages of the LG. They do not publish dates of the sessions of assemblies and councils, materials for the sessions, proposed public policies and other documents, adopted decisions, other documents and procedures, as well as other important data, which are an integral part of the LG's Basic Information Tool. There are no procedures that would precisely prescribe what all local governments should publish and who is responsible for it.

Insufficient transparency and inclusiveness in the local decision-making process represents a corruption risk. Namely, the Law on Local Self-Government⁵³ stipulates that it is mandatory to conduct a public discussion procedure during the preparation of statutes, budgets (in the part of investment planning), strategic development plans, determining the rate of self-generated revenues, spatial and urban plans, as well as other general documents based on the proposal of a qualified number citizens or the request of one third of councilors. On the other hand, according to the answers to the questionnaire filled out by public authorities during the preparation of integrity plans in the third cycle, more than 48% of local self-government units do not publish drafts or proposals of documents, that is, public policy documents prepared by local self-government bodies.

To a large extent, the Tax Administration is still a closed system, without regular reporting on its work, with a lot of statistical indicators related to the success in the implementation of tasks, but not in relation to received reports or corruption problems within the system. The public is left without answers to numerous questions about their work. The largest number of internal documents and policies that regulate important internal procedures are not public, except for policies that more closely regulate public procurement and internal whistleblowing.

4.3.5. Capacity building for the implementation of the Law on Free Access to Information of Public Importance

⁵³"Official Gazette of RS", no. 129/07, 83/14 - new law, 101/16 - new law, 47/18 and 111/21 - new law.

In 2021, the Republic of Serbia amended and supplemented the Law on Free Access to Information of Public Importance⁵⁴ in order to improve access to information of public importance. The Commissioner for Information of Public Importance and Personal Data Protection organized training on access to information of public importance, however, considering the large number of taxpayers, it is necessary to continue with these activities. The implementation of the Law on Access to Information of Public Importance showed that there is still a problem of administrative enforcement of the Commissioner's decisions. Also, it is necessary to improve the implementation of the Law by implementing recommendation VII from the Fifth Evaluation Round of GREKO.

4.3.6. Improving the transparency of the allocation of financial resources to programs and projects implemented by civil society organizations and the media

Misuses during the allocation of funds intended to finance projects of civil society organizations and the media at the republic, provincial and local levels, as well as during the allocation of public company funds, represent an additional corruption risk. Insufficient transparency and insufficiently precise criteria for the allocation of public funds affect that process. The aforementioned deficiency at the local level is confirmed by data from the Local Self-Government Transparency Index – LTI survey⁵⁵ which shows that there is not enough information on the websites of local self-government units about the allocation of money in tenders (media, associations) and especially about the implementation of funded projects. Allocating funds to civil society organizations in a transparent and objective manner also contributes to the implementation of the recommendations from the Screening Report: “Ensure the involvement of civil society in the anti-corruption program”.

4.4. Strengthening integrity in the public sector and anti-corruption authorities

Building and strengthening a culture of integrity is a strategic response to corruption. Integrity implies behavior in accordance with moral and ethical principles and standards accepted by both individuals and institutions. Integrity prevents corruption.

The integrity of individuals and bodies is the basis of a democratic society and is crucial for strengthening citizens' trust in institutions. In the interest of preserving public trust in institutions, officials are expected to adhere to essential principles in resolving conflict of interest situations for the purpose of affirming integrity in the performance of official duties and responsibilities. For this reason, it is necessary to further improve the regulatory framework that regulates the issue of integrity for the holders of the highest functions of the executive power, through activities in the next Action Plan.

Outcome indicators	Initial value	Target value
Percentage of compliance with GREKO recommendations from the Fourth Evaluation Round related to strengthened integrity	76,92%	90%
Percentage of compliance with GREKO	4,17%	35%

⁵⁴ “Official Gazette of the RS”, no. 120/04, 54/07, 104/09, 36/10 and 105/21.

⁵⁵ Information on the Local Self-Government Transparency Index is available at: <https://www.transparentnost.org.rs/sr/istraivanja-o-korupciji/lti>

recommendations from the Fifth Evaluation Round		
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In order to achieve Objective 4, the following measures are foreseen:

4.4.1. Improvement of anti-corruption mechanisms applied by the public prosecutor's offices

The fourth evaluation round of GREKO refers to the prevention of corruption and public prosecutors. The prevention issues addressed refer to the procedure for selecting and promoting public prosecutors and chief public prosecutors, evaluating the work of public prosecutors and chief public prosecutors, issues of ethics and integrity.

In February 2023, the Law on Public Prosecution Service and the Law on the High Prosecutorial Council were adopted, amending the provisions on selection, promotion, evaluation, disciplinary procedure, ethics and undue influence on the public prosecutor's office officials. Given that all the above-mentioned issues are directly related to the prevention of corruption; a large number of by-laws have been adopted to regulate these issues. It is necessary to adopt other by-laws for the implementation of the law and ensure their effective implementation.

4.4.2. Improvement of anti-corruption mechanisms applied by courts

The fourth evaluation round of GREKO refers to the prevention of corruption and judges. The prevention issues refer to the procedure for electing and promoting judges and chief judges, performance evaluation of judges, issues of ethics and integrity.

In February 2023, the Law on Judges, the Law on the Organization of Courts and the Law on the High Judicial Council were adopted, amending the provisions on selection, promotion, evaluation, disciplinary procedure, ethics and undue influence on a judge or chief judge.

Given that all the above-mentioned issues are directly related to the prevention of corruption; a large number of by-laws have been adopted to regulate them. It is necessary to adopt other by-laws for the implementation of the law and ensure their effective implementation.

4.4.3. Improvement of anti-corruption mechanisms applied by the Interior Ministry

Eliminating the corruption risk in the police is of crucial importance for establishing public trust in the authorities and strengthening the rule of law. The Interior Ministry is at the very top of the list of bodies that garner special attention of the public due to the nature of their work and the challenges they are exposed to. In the area of human resource management in the police, there is still a corruption risk in connection with promotion, transfer, and sanctioning of police officers. When it comes to the organization, leadership and management of the Interior Ministry, the activities at risk are: a) direct and indirect oversight over legality, timeliness, responsibility, professionalism and efficiency in the work and behavior of employees in organizational units, as well as b) coordination and guidance in individual cases. Corruption risks identified in accordance with the recommendation of the GREKO report from the Fifth Evaluation Round, which indicates that it is necessary to take measures to prevent the political deployment of police officers to the highest positions, as well as that the procedures

for the appointment of the police chief, including re-appointment for a second consecutive term, as well as other senior management positions should include a more open and transparent public competition.⁵⁶ The mentioned risks will be eliminated by undertaking activities aimed at changing the regulatory framework for the selection, appointment and re-appointment of senior managers of the Interior Ministry, education of police officers, creation of a register of workplaces for which a high risk of corruption has been determined and activities within the Action Plan for the period 2024-2025 dedicated to the implementation of certain recommendations from the Fifth Evaluation Round of GREKO.

When it comes to preventing corruption in the police in areas that are at particular corruption risk, the Interior Ministry defined a special strategic measure 4.4.3 - Improvement of anti-corruption mechanisms applied by the Interior Ministry, with activities directly aimed at reducing the corruption risk in the Interior Ministry with clearly set goals. In addition, the Interior Ministry adopted the integrity plan based on the Law on the Prevention of Corruption, which defined additional activities, directly aimed at areas at particular corruption risk in the Interior Ministry. The mentioned solutions were determined in order to put into practice recommendation XV from the Fifth Evaluation Round, which anticipates the adoption of a strategic document on preventing corruption in the police with identified risk areas and clearly set goals.

For the implementation of further activities aimed at strengthening integrity in the police, it is necessary to ensure and improve the provision of advice to police officers on issues of integrity and to ensure the confidentiality of such advice. These activities will be foreseen in the Action Plan for the period 2026-2028. In this regard, the Action Plan for the period 2026-2028 should contain activities aimed at organizing regular training for police officers when it comes to receiving advice in order to strengthen integrity. On the other hand, the Action Plan for the period 2024-2025 contains a series of activities aimed at implementing the recommendations from the Fifth Evaluation Round of GREKO:

- *Formation of the Commission for Police Ethics, in accordance with the new Code of Police Ethics, which is fully in line with recommendation XVI from the Fifth Evaluation Round of GREKO;*
- *Increasing the number of conducted integrity tests in the Interior Ministry by at least 10% per year;*
- *Carrying out regular background checks for all police officers, which is fully in line with recommendation XIX from the Fifth Evaluation Round of GREKO;*
- *Amendment of the regulatory framework for the selection, appointment and re-appointment of senior managers in the Interior Ministry, which is partially in line with recommendation XVIII from the Fifth Evaluation Round of GREKO;*
- *Preparation of decisions on the deployment/relocation of police officers at the proposal of the managers of the competent organizational unit in accordance with current regulations;*
- *Implementation of internal/public tenders in accordance with current regulations;*
- *Preparation of the Risk Register of workplaces for which a high corruption risk has been determined, which is partially in line with recommendation XX from the Fifth Evaluation Round of GREKO;*
- *Development of an operational plan for the prevention of corruption in the police;*
- *Training of police officers in the implementation of the complaint procedure, which would be attended by authorized persons for addressing complaints, members and presidents*

⁵⁶ See: <https://www.mpravde.gov.rs/sr/tekst/23513/izvestaji-o-uskladjenosti-republike-srbije-sa-greko-preporukama.php>

of the Complaints Commission, which is partially in line with recommendation XXIII from the Fifth Evaluation Round of GREKO;

- *Preparation of the Instruction on the Procedure for Granting a Second Job Consent to Employees of the Interior Ministry;*

- *Establishing records of second jobs of police officers, in accordance with current regulations, which is fully in line with recommendation XXI from the Fifth Evaluation Round of GREKO;*

- *Strengthening the awareness of employees in the Interior Ministry of whistleblower protection through regular notification about the rights prescribed by the Law on the Protection of Whistleblowers;*

- *Implementation of training on the implementation of the Law on the Protection of Whistleblowers, which is fully in line with recommendation XIV from the Fifth Evaluation Round of GREKO.*

Action plan for the period 2026-2028 should also contain activities that further elaborate the goals achieved by the Action Plan for the period 2024-2025, in order to foresee the implementation of the recommendations from the Fifth Evaluation Round of GREKO, which were not originally included.

“The Republic of Serbia applies and assesses the impact of measures taken to reduce corruption in vulnerable areas (health, taxes, customs, education, local self-government, privatization, public procurement and police), undertakes corrective measures where necessary and organizes an initial record of a measurable reduction in the level of corruption in the mentioned areas”.

4.4.4. Improvement of anti-corruption mechanisms applied by the public sector

Unauthorized accumulation of public functions, incompatibility with another public function, activity or duty, conflict of interest at the moment of appointment to public office, performing a second job without the consent of the Agency, i.e. activities done in parallel with public office at the moment of appointment, were observed as potential corruption risks. Such risks are a consequence of the lack of prior verification of the integrity of candidates entering public office by the authorities responsible for their appointment. The regulations do not prescribe a mandatory preliminary check of the integrity of candidates entering public office, which would be carried out by the authorities responsible for the appointment at the local level. The aforementioned risk was identified by recommendations I and II from the Fifth Evaluation Round of GREKO,⁵⁷ therefore, the activities planned for the elimination of this risk will also help act in line with the recommendations.

Most of the bodies and public enterprises of the local self-government unit do not have an internal document that regulates the management of the conflict of interest of employees. Also, the members of the commissions that carry out the procedure of alienation, assignment for use, leasing of real estate in public ownership do not sign a statement that they have no private interest in relation to the applicant.

In the field of education, it was observed that there is not enough transparency in registration, taking exams and evaluation in all educational institutions. The adopted regulations governing the work of the educational inspection, the process of accreditation and

⁵⁷ Recommendation I: “Establishing rules that require integrity checks to be carried out before the appointment of ministers, in order to determine and manage possible risks of conflicts of interest, before they join the Government”; Recommendation II: “That (1) chiefs of staff and advisers (including advisers to the president) undergo an integrity check as part of their engagement, in order to avoid and manage conflicts of interest; (2) the names and areas of competence of all advisors in the Government and in the President's cabinet are publicly and easily available”.

subsequent control of the fulfillment of conditions for state-owned and private schools are not sufficiently transparent and based on clear, objective and predetermined criteria. The process of accreditation and subsequent control of the fulfillment of conditions for state-owned and private schools is not sufficiently transparent and based on clear, objective and predetermined criteria.

These activities also contribute to the achievement of interim benchmark 32: “The Republic of Serbia implements and assesses the impact of measures taken to reduce corruption in vulnerable areas (health, taxes, customs, education, local self-government, privatization, public procurement and police), undertakes corrective measures where necessary and organizes an initial record of a measurable reduction in the level of corruption in the mentioned areas”.

4.4.5. Strengthening the ethical infrastructure in the health sector

The health system is under special attention and at risk of corruption. The healthcare system in the Republic of Serbia stretches across both the public and private sectors.

During the development of the Strategy, risks were identified in the health sector that will be eliminated by implementing activities from the Action Plan. The risks refer to: a) the doctor-patient relationship; b) contracting and subcontracting of health services; c) public procurement; g) donations of medical devices, medicines and medical devices; d) donations of non-medical resources; f) relationship with the pharmaceutical industry; e) employment; h) supplementary employment; z) waiting lists; i) accepting, value and handling of gifts of employees who are not in public office; j) the procedure for appointing directors and acting directors of health institutions established by the Republic of Serbia, autonomous provinces and local self-government units; k) conflict of interest of healthcare workers and associates, i.e. persons who perform public functions, but do not have the status of a public official within the meaning of the Law on the Prevention of Corruption.

These activities also contribute to the achievement of interim benchmark 32: “The Republic of Serbia implements and assesses the impact of measures taken to reduce corruption in vulnerable areas (health, taxes, customs, education, local self-government, privatization, public procurement and police), undertakes corrective measures where necessary and organizes an initial record of a measurable reduction in the level of corruption in the mentioned areas”.

4.4.6. Improving the enforcement of whistleblower rules

Whistleblowing and protection of whistleblowers represent a horizontal corruption risk. The protection of whistleblowers, that is, the effective implementation and monitoring of the implementation of the Law, represent one of the interim benchmarks for Chapter 23: Judiciary and fundamental rights, which indicates the importance of this issue, so the measure is also aimed at the achieving interim benchmark 31: “The Republic of Serbia effectively implements the new Law on the Protection of Whistleblower and monitors its implementation”. In addition, the European Commission in its annual progress reports on the Republic of Serbia, including the Annual Report of October 2022, pointed out the need for the Republic of Serbia to improve the protection of whistleblowers and to investigate allegations of grand corruption cases, in order to increase citizens' trust in the work government bodies.

4.4.7. Establishment of effective oversight over the public sector’s public procurement in all stages

Tender documentation drawn up by the contracting authority is certainly the most important document in the public procurement procedure, as the entire course of the procedure

depends on it. Tender documentation can be challenged by a request for the protection of rights submitted by a business entity, candidate, or bidder with standing to sue, who has an interest in the award of a specific contract. However, whether a request for the protection of rights will be submitted, or whether the audit of the content of tender documentation will be carried out at the earliest stage of the procedure, depends on the will, ability and readiness of those persons to participate in the procedure for the protection of rights. With the adoption of the Law on Budget Inspection⁵⁸ which entered into force on January 1, 2023, the conditions were created for the exercise of the jurisdiction of the mentioned state authority in terms of oversight of public procurement procedures. The Public Procurement Office, the State Audit Institution and the competent attorney's office, based on Article 211, Paragraph 2 of the Law on Public Procurement, can submit a request for the protection of rights in the public interest, but the number of such requests is small in practice. Also, so far no principled legal position of the Republic Commission for the Protection of Rights in Public Procurement Procedures has been adopted since the entry into force of the Law on Public Procurement which was adopted in 2019, which could, among other things, contribute to the elimination of irregularities in the implementation phase of the public procurement procedure. The measure and activities are aimed at fulfilling interim benchmark 32: "The Republic of Serbia implements and assesses the impact of measures taken to reduce corruption in risk areas (health, taxes, customs, education, local self-government, privatization, public procurement and police), undertakes corrective measures where necessary, and organizes an initial record of a measurable reduction in the level of corruption in the mentioned areas".

4.4.8. Improving the monitoring of the implementation of the regulatory framework for conflict of interest management and record keeping

The Law on the Prevention of Corruption prescribes rules on preventing conflict of interest situations in public office, as well as the accumulation of public offices. Unauthorized accumulation of public offices and the incompatibility of performing other work, duties or activities that are incompatible with the public office, conflict of interest when entering public office; being engaged in a second job without the consent of the Agency, i.e. activities upon entering public office, were observed as potential corruption risks.

In addition to the conflict of interest in public office, there is also a conflict of interest among civil servants, as well as among employees in the bodies of autonomous provinces and local self-government units. The Law on Employees in Autonomous Provinces and Local Self-Government Units does not provide adequate internal and external control of the conflict of interest management of persons participating in local self-government units in making decisions on the management of public assets.

In order to overcome the identified corruption risks, it is necessary to improve the monitoring of the implementation of the regulatory framework and record keeping. The measure is in accordance with interim benchmark 26: "The Republic of Serbia provides initial records that cause an increase in the number of observed and resolved cases of conflict of interest, including sanctions for deterrence. The Republic of Serbia conducts training and raises the level of awareness in order to ensure the best possible understanding of the concept at all levels".

4.5. Raising awareness about the harms of corruption

⁵⁸ "Official Gazette of the RS", no 118/21.

For the effective implementation of anti-corruption regulations, it is necessary for society and citizens to have more information about the phenomenon of corruption, regulations related to the prevention and fight against corruption, and anti-corruption instruments. The results achieved by the Republic of Serbia within the framework of international corruption perception indices do not reflect the positive developments implemented. Although such surveys are of a subjective nature, their value lies in the fact that they indicate the level of trust of citizens in the authorities and indicate the need for improvement in the area of anti-corruption policies. The purpose of publishing these indexes point is to raise awareness about the harms of corruption, but also about the existing anti-corruption tools and measures taken by the government.

Considering the above, there is a need to further strengthen the transparency of everything that is planned and implemented based on anti-corruption strategic documents, as well as on the results of implementation.

The media has a significant role in raising awareness about the harms of corruption, and monitoring the results of competent authorities.

In order to raise awareness about the harms of corruption, it is necessary to launch a national campaign, which would include both citizens and employees in the public sector, and special attention should be directed to children and young people, as well as to areas at risk of corruption.

Outcome indicators	Initial value	Target value
Share of citizens who reported corruption in relation to the number of those who had experience with corruption	29%	33%

In order to achieve Objective 5, the following measures are foreseen:

4.5.1. Raising the awareness of employees in the public sector about the forms, harms and ways of reporting corruption

When it comes to employees in the public sector, due to the movement of employees and the natural outflow, it is necessary to continue the work on raising awareness about the forms and harms of corruption.

The National Academy for Public Administration continuously works on the development and implementation of training programs in the field of corruption prevention aimed at civil servants in executive positions and civil servants in public offices. A special thematic area of the annual general training programs for civil servants, adopted by the Government at the proposal of the National Academy for Public Administration, includes the training program: Prevention of conflict of interest situations of public officials; Transfer of management rights and restrictions upon termination of public office; Lobbying; Verification of property and income of public officials and registers; Ethics and integrity; Drafting, implementation and monitoring of the implementation of integrity plans; The right to access information of public importance; Whistleblower protection, Whistleblower protection - advanced level; Irregularities in public procurement procedures. Also, the Manager Training Program contains, in the part of training intended for continuous professional development of officials in public office, training programs: Manager as a driver of institutional integrity and figure of authority to address ethical dilemmas.

The National Academy for Public Administration will continue with the development and implementation of various training programs in the field of corruption prevention for employees in the administration, so the implementation of this measure will ensure the putting into practice recommendation VI from the Fifth Evaluation Round of GREKO, which will be included in the Action Plan for the period 2026-2028, which foresees the provision of systematic informational meetings and training on integrity standards for all persons who are in the highest executive positions, as well as the availability of confidential advice to the heads of the Cabinet of the President and Vice President of the Government and special and governmental advisors. In this sense, the Agency for the Prevention of Corruption has already foreseen training strictly intended for the highest holders of executive power, on the topic of conflict of interest situations, in addition to regular training that the Agency for the Prevention of Corruption holds in accordance with its statutory obligations and powers. Action plan for the period 2026-2028 should also include activities aimed at analyzing and proposing possible amendments to the law in order to regulate the availability of confidential advice for the heads of the cabinet of the President and Vice President of the Government, as well as special and government advisers.

4.5.2. Raising the awareness of employees in courts and public prosecutor's offices about the forms, harms and methods of reporting corruption

The survey of experience and perception in the judiciary, prepared by the World Bank in cooperation with the European Commission in 2021, shows that judges, public prosecutors and employees in courts and public prosecutor's offices believe that there are different types of corruption. More than 90% of judges and public prosecutors believe that there are corrupt practices in the judiciary. Corrupt practices very rarely involve a monetary transaction, but represent a form of trading in influence. Very often, these types of informal practices are not recognized as harmful, so it is necessary to raise awareness in the courts and public prosecutor's offices about the forms, harms and ways of reporting corruption.

4.5.3. Raising the awareness of citizens about the forms, harms and ways of reporting public sector corruption

By Article 13 of the United Nations Convention against Corruption, the Republic of Serbia undertook to take appropriate measures to raise public awareness of the existence, causes and seriousness of corruption and the threat it represents, within the limits of its capabilities, by undertaking public information activities that contribute to the intolerance of corruption, as well as public education programs, including school and optional programs.

The research mentioned in the Report on the Impact Assessment of Strategic Anti-Corruption Documents shows that the percentage of those who are ready not to pay if they were to be asked for a bribe is decreasing, and the number of those who are ready to report corruption is also decreasing.

In addition to the anti-corruption authorities (police, public prosecutor's office), the Agency for the Prevention of Corruption is competent to act on citizens' reports pointing out irregularities that create opportunities for corruption in the public sector. In 2022, the Agency for the Prevention of Corruption received 213 reports from natural and legal persons. At the end of the procedure, the Agency is obliged to inform the applicant about the outcome of it all.

The above points to the need to continuously work on raising citizens' awareness of the forms and harms of corruption, as well as ways of reporting corruption.

5. Institutional framework and monitoring plan

The institutional framework for monitoring the implementation of the Strategy will include two mechanisms, political, which will include the working body of the Government, and professional, which will be represented by the Agency for the Prevention of Corruption. In accordance with Article 6, Paragraph 1, Item 1) of the Law on the Prevention of Corruption, the Agency for the Prevention of Corruption is authorized to supervise the implementation of strategic documents and to submit reports to the National Assembly on their implementation with recommendations for action, while the working body coordinates the work of the bodies responsible for implementation measures and activities indicated in the Strategy, providing support to the Agency for the Prevention of Corruption for more efficient implementation of the Strategy and action plans.

A working body is established by the Government and it will coordinate monitoring of the implementation of the National Strategy; this task begins no later than 30 days after the adoption of the National Strategy, and lasts until the end of its validity. When appointing the members of the working body, special attention will be paid to the representation of all relevant authorities responsible for the implementation of the planned activities indicated in the action plans.

The members of the working body will be of the highest political level, and the body will be chaired by the Prime Minister, which will ensure an effective influence on the implementation of the Strategy.

Members of the working body will not receive compensation for their work.

The working body will meet at least twice a year and analyze the results of the implementation of the Strategy based on the reports of all the relevant authorities that participate in its implementation. In its minutes, the working body, defines the conclusions and recommendations to the competent authorities on coordination in order to successfully implement the activities, and reports the results of the implementation to the Government every six months. The recommendations of the working body will be published on the website of the Ministry of Justice. The tasks and functioning of the working body are regulated in more detail by the Rules of Procedure. Administrative and technical support to the working body is provided by the Ministry of Justice.

The working body reports to the Government on the results of the implementation of the Strategy no later than 120 days after the end of every third calendar year from the date of adoption, and submits a final report to the Government no later than six months after the end of the implementation of the Strategy.

The Agency for the Prevention of Corruption will, in accordance with the Law on the Prevention of Corruption, supervise the implementation of the Strategy, submit to the National Assembly a report on the implementation with recommendations for action and give the responsible entities recommendations on how to eliminate shortcomings in the implementation of the Strategy and, if necessary, initiate amendments to the Strategy.

The Agency for the Prevention of Corruption has an established mechanism for monitoring the implementation of strategic documents, and the Instruction on Reporting on the Implementation of Strategic Documents⁵⁹ more closely regulates the manner in which responsible entities report to the Agency for the Prevention of Corruption on the implementation of activities indicated in strategic documents. All authorities are required to designate a person to handle reporting and to notify the Agency thereabout.

In order to ensure transparency, the Agency for the Prevention of Corruption will regularly publish reports on the implementation of the Strategy on its website.

⁵⁹ "Official Gazette of the RS", no. 145/20.

In accordance with the above, the Agency for the Prevention of Corruption will monitor the implementation of the activities formulated in the action plans and will coordinate the work of all authorities for the implementation of the activities and collect the data on the implementation of the said activities. On the other hand, the working body, which represents a political mechanism for monitoring the implementation of action plans, is not authorized to draw up reports on the implementation of action plans, but to review them at its meetings and give recommendations for removing potential obstacles, as well as guidelines for the implementation of specific activities.

The Agency for the Prevention of Corruption submits the Report on the Implementation of the Strategy with recommendations for action to the National Assembly as part of its Annual Work Report, no later than March 31 of the current year for the previous year, and submits extraordinary reports at the request of the National Assembly or on its own initiative.

In this way, the Republic of Serbia ensures continuity in the implementation of the goals provided for in interim benchmark 22: “The Republic of Serbia implements the Action Plan as part of the National Anti-Corruption Strategy for the period 2013 to 2018. Implementation is strictly monitored and corrective measures are taken when necessary. The Republic of Serbia will conduct an assessment of the impact of its results in 2018.”

6. Information on the consultations carried out with stakeholders

Pursuant to Article 77 of the Law on State Administration, and the methodology contained in the Law on the Planning System of the Republic of Serbia, the process of adopting the Strategy was preceded by a consultative process in which all anti-corruption authorities, civil society organizations and a team of external experts supported by the German Organization for International Cooperation - GIZ through the project “Strengthening the Rule of Law in the Republic of Serbia - European Union for the Fight Against Corruption and Fundamental Rights”.

The Ministry of Justice informed the public on its website about the start of drafting the Strategy, about the composition of the working group tasked with drafting the text of the Draft Strategy and the Action Plan, as well as the Draft Strategy.⁶⁰

When the working group for drafting the National Anti-Corruption Strategy for the period 2023-2028 and the accompanying action plan was formed, a Public Call for the involvement of civil society organizations was announced and this whole activity was organized in cooperation with the Ministry of Human and Minority Rights and Social Dialogue, in the period from February 16 to March 10, 2022.

A total of five civil society organizations applied to the Public Call and a total of five organizations had their representatives in the working group: Center for Integrity from Niš, Center for Democracy Foundation, “Kareja” Institute for Corruption Research, “RERI” Regulatory Institute for Renewable Energy and Environmental Protection and “Transparency Serbia”. Although some of the applications of civil society organizations were incomplete or untimely, the Committee for the Selection of Civil Society Organizations for Membership in the Working Group for the Development of the National Anti-Corruption Strategy and the accompanying Action Plan made a proposal to the Minister of Justice to appoint representatives to the working group of all registered civil society organizations. In addition to the above-mentioned five civil society organizations, representatives of the National Alliance for Local

⁶⁰ Link to reports by sector and the decision to form the working group <https://www.mpravde.gov.rs/tekst/39384/nacionalna-strategija-za-borbu-protiv-korupcije-za-period-od-2023-2028-godine-.php>; Link to public discussion <https://www.mpravde.gov.rs/sekcija/53/radne-verzije-propisa.php> ; Link to e-Consultations <https://ekonsultacije.gov.rs/topicOfDiscussionPage/168/1>

Economic Development (NALED), the Foreign Investors Council and the Standing Conference of Towns and Municipalities were appointed to the working group. The working group also involved representatives of the Ministry of Justice, the Government, the Supreme Court of Cassation, the Supreme Public Prosecutor's Office, the Belgrade High Court, the Novi Sad High Court, the Kraljevo High Court, the Niš High Court, the High Public Prosecutor's Office in Belgrade, the High Public Prosecutor's Office in Novi Sad, the High Public Prosecutor's Office in Kraljevo, the High Public Prosecutor's Office in Niš, the Anti-Corruption Council, the Commissioner for Information of Public Importance and Personal Data Protection, the Republic Secretariat for Public Policies, the Office for Public Procurement, the Republic Commission for the Protection of Rights in Public Procurement Procedures, the Ministry of Finance, the Central Harmonization Unit, the Administration for the Prevention of Money Laundering, the Customs Administration, the Tax Administration, the Interior Ministry, the Ministry of Construction, Transport and Infrastructure, the Ministry of Economy, the Ministry of Education, the Ministry of Health, the Ministry of State Administration and Local Self-Government, the Ministry of Internal and Foreign Trade, the Ministry of Public Investment, the Fiscal Council and the Chamber of Commerce and Industry of Serbia.

Civil society organizations actively participated in the sessions of the working group, and at their suggestion, additional areas at risk of corruption were included in the Strategy, and covered by the corresponding subgroups and they were presented in the corruption risk assessment report. As suggested by the members of the subgroups, the Ministry of Justice invited some additional representatives of civil society bodies and organizations to join the group and give their contribution as members of the subgroups. Invitations were sent to the National Convention on the European Union, in order to include all interested civil society organizations in the subgroups.

7. Assessment of financial resources needed for the implementation of the Strategy and analysis of financial effects

The adoption of the Strategy does not require any additional financial resources, while the assessment of financial resources needed for the implementation of measures indicated in the Strategy will be determined within the framework of its action plans, based on a detailed assessment for each individual planned activity. This approach ensures a higher level of precision in the assessment of the financial resources required for the implementation of the Strategy, as well as the assessment of the results of the implementation thereof.

8. Action plans

In order to more effectively implement the Strategy, action plans will be adopted, which will include planned activities, deadlines for the implementation of activities, entities responsible to implement them and indicators of success. Taking into account the period for the implementation of the activities, within 90 days from the day of adoption of this strategy, the Action Plan for the implementation of the Strategy for the period 2024-2025 is adopted. At the end of 2025, the Action Plan for the implementation of the Strategy for the period 2026-2028 will be adopted.

9. The final part

The strategy is to be published on the Government's website, on the e-Government Portal and on the website of the Ministry of Justice, within seven working days from the date of adoption of the Strategy.

The strategy is to be published in the “Official Gazette of the Republic of Serbia”.

05 Number: 021-7002/2024

In Belgrade, July 25, 2024

THE GOVERNMENT

PRIME MINISTER

Miloš Vučević