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Serbia: The implementation of the new Anti-Corruption law has begun

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Regulatory

[Uroš Popović](#) & [Aleksandar Stojčić](#)

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The new Anti-Corruption Law (hereinafter "the Law") was adopted on 22 May 2019 and it regulates the legal status, competence and work organization of the Anti-Corruption Agency, introduces numerous novelties related to the conflicts of interest, cumulation of public functions, official's property and income registration, authorities and election of the governing bodies of the Agency.

The legal provisions specify and expand the competencies of the Agency, and having in mind that it is primarily a preventive body, as of today it changes the name to: Anti-Corruption Agency (hereinafter "the Agency").

Together with the previously adopted Law on Organization and Jurisdiction of Government Authorities in the Suppression of Organized Crime, Terrorism, and Corruption, the Law on Lobbying and the Law on the Examination of the Origin of Property, Serbia has significantly improved the normative framework for an even more effective fight against corruption.

Key novelties

The Law has created conditions for efficient examination of the property and income of public officials, clear regulation of the area of resolving and sanctioning conflicts of interest, and acting accordingly on the Agency's recommendations. Through further work, the Agency will contribute to the strengthening of both institutional integrity and the integrity of public officials, all with the aim of preventing corruption and protecting the public interest.

The new Law gives the Agency the right to have any time access to the bank accounts of public officials who, upon taking office, must declare their property and income, as well as the property of their spouses, children, parents and siblings. In case the official doesn't report the real state of their assets, he/she is subject to criminal liability.

The agency will also be obliged to act on anonymous reports, which was not possible beforehand. The Law also stipulates that public authority funds cannot be used in a political campaign, and the Agency is allowed to control it.

Among the most important innovations is the changed procedure for the election of the director of the Agency, from now on, the Ministry of Justice will announce a public competition for the election of the director.

The Ministry of Justice adds that the main goals of the new Law are the protection of public interest, the corruption risk reduction, strengthening of the integrity and responsibility of public authorities and public officials.