

# **ETHICAL CODE**

**OF CONDUCT FOR LOCAL  
OFFICIALS IN SERBIA**

## **CODE OF CONDUCT FOR LOCAL ELECTED REPRESENTATIVES IN SERBIA**

### **Preamble**

The Assembly of the Standing Conference of Towns and Municipalities

*Convinced that the adoption of the code of conduct for local elected representatives in Serbia will foster development of trust between the politicians and local elected representatives and the citizens;*

*Aware that respect of ethical standards by local elected representatives and politicians is an indispensable condition for creating the relationship of trust between local officials and citizens;*

*Confident that a relationship of trust is essential for elected representatives to be able to perform their duties effectively;*

*Taking into consideration that legislation is increasingly and repeatedly supplemented by codes of conduct in very diverse areas of social activities;*

*Believing that it is the duty of local elected representatives to take similar steps and embrace such ethical obligations in performing their tasks;*

*Convinced that adoption of the code of conduct defining ethical obligations of local elected representatives in Serbia will clarify their role and duties and reaffirm importance of those duties;*

*Convinced that such a code must encompass, as fully as possible, all the work performed by local elected representatives;*

*Stressing that the rules of conduct implying those ethical imperatives must be respected;*

*Pointing out that the whole of society must be involved in creating and building a climate of confidence and emphasizing the role of citizens and the media in this process;*

*Supporting the efforts aimed at encouraging our country to join the European integration processes and apply European standards in all segments of social activities;*

*Taking into consideration the legislation currently in force in our country and the relevant documents proposed by the Council of Europe and the European Union and other international documents governing the activities of local authorities and local elected representatives,*

On the session held on 14<sup>th</sup> and 15<sup>th</sup> December 2004, adopts the Code of Conduct for local elected representatives in Serbia, recommends its adoption to assemblies of towns and municipalities and calls on all public officials of local authorities in Serbia to acknowledge and abide by these rules.

## **TITLE I - OBJECT AND GENERAL PRINCIPLES**

### **Article 1- Definition**

For the purpose of this Code of Conduct, the term local authority officer (hereinafter also referred to as official) is any elected, nominated or appointed representative in municipal, township, or the city of Belgrade authorities, public enterprises, institutions and other organizations founded by municipality, township or the city of Belgrade.

### **Article 2 – Object of the Code**

The object of this Code is to define the ethical standards of conduct that are binding for the local officials in the performance their duties and to inform the public of the standards of conduct that they have a right to expect of their local officials.

### **Article 3 – Primacy of Law and the Public Interest**

Officer of a local authority shall perform his function in accordance with the law. In performance of his duties the officer shall serve the public interest only, and not his personal, or any private, group of individuals or party interests.

### **Article 4 – Compliance with the Electoral Will of Citizens**

Local authority official shall carry out his duties within the framework of the law and in accordance with the mandate given to him by the electorate and he is accountable to the whole of the local population, including the voters who did not vote for him or election list where he was a candidate.

Respecting the will of voters, and especially if he was elected on a party list of candidates, local elected official should refrain, as far as possible, from changing the party he belongs to during his term in office.

### **Article 5 – Objectives of Fulfilling a Mandate**

Local authority official shall perform his public function with diligence, fairness, and impartiality and open willingness to account for his decisions and conduct.

Local authority official shall participate in promoting the local administration efficiency and sharing of experience organized by central or local authorities

In the course of his mandate, or while holding office, or in his personal life, local officer shall refrain from doing anything that may degrade the function he is performing.

### **Article 6 – Relations with Other Public Officials, Staff and Citizens**

In performing his duties, the local official shall respect the rights of all other public officials and servants. He will treat with courtesy and respect and without discrimination the citizens, colleagues, employees and the media

He shall not encourage or help any other public official or servant to breach the

principles presented herein when performing their functions.

The local official shall publicly disclose all cases of unlawful or unethical conduct and breach of the principles set forth herein.

## **TITLE II – STANDARDS OF PERFORMING THE FUNCTION**

### **Chapter 1 – General Principles**

#### **Article 7 – Ban on Conflict of Interests**

Local authority official shall not perform his function or use the prerogatives of his office to further his own private interest or personal interest of other individuals or groups of individuals.

Local official shall refrain from any behaviour that may favour private over the public interest, even if such behaviour is not explicitly prohibited.

#### **Article 8 – Declaration of Assets and Personal Interests**

Officer of the local authority shall abide by all regulations in force that require him to declare personal assets and interests.

#### **Article 9 – Limit on Concurrent Holding of Several Appointments**

Local authority official shall comply with any regulations limiting the number of public appointments an official may concurrently hold.

Local official shall refrain from accepting other public functions, or activities that impede performance of his duties.

### **Chapter 2 – Conduct of Elected Representatives Prior to Taking of Office**

#### **Article 10 - Election Campaign Rules**

The purpose of election campaign of a candidate for the elected representative office at the local level is to provide information and explanation of the political programs.

Candidate shall not attempt to secure votes by any means other than sound arguments.

Candidate shall not attempt to secure votes by slandering other candidates, by use of threats or violence, misuse of his office or by offering or promising favours in return.

#### **Article 11 – Election Campaign Spending**

Candidate shall keep his election campaign spending within reasonable limits.

Candidate shall give accurate and full information on the nature and amount of spending in financing his election campaign.

Candidate shall under no circumstances make use of public funds or assets for the purpose of his election campaign

### Chapter 3 – **Holding of Office**

#### Article 12 – **Incompatibility of Supervisory Functions**

Local authority official shall abstain from taking part in boards and bodies which entail supervision of his own functions.

Local official shall not accept appointments to boards and bodies that he is expected to supervise in his capacity of an elected public officer.

#### Article 13 – **Decision Taking**

In decision taking, local official will take into consideration, as far as possible, the position of local community expressed in public debates or otherwise.

Local official shall not, in making a decision, serve his personal or any private interest of other individuals or groups with the aim of deriving direct or indirect personal benefit for himself.

#### Article 14 – **Declaration of Conflict of Interests**

If local official has a direct or indirect personal interest in matters examined by the board or body of which he is a member, he shall undertake to make those interests known before deliberations are held, and latest before a vote is taken.

Local official shall abstain from any deliberation or vote on any issue in which he has a direct or indirect personal interest.

#### Article 15 – **Explaining Grounds for a Decision**

Local official shall give grounds for any decision he has taken, specifying facts and circumstances on which the decision is based and particularly referring to regulations that the decision complies with.

In the absence of relevant rules and regulations, grounds for a decision shall entail factors such as fairness, impartiality and compliance with public interest.

#### Article 16 – **Ban on Corruption**

In performing his function, local official shall refrain from any conduct, qualifying under current national or international criminal law as active or passive bribery.

Local public official shall actively participate in exposing and fighting corruption in any form whatsoever in the local community.

#### Article 17 – **Ban on Accepting and Giving Gifts**

Local official shall not seek or accept, or allow a third person to accept or give on his behalf gifts, favours, hospitality or any other personal benefit related to performance of his duties, other than symbolic gestures of appreciation of negligible value.

#### Chapter 4 – **Supervisory Measures**

##### Article 18 – **Observation of Budgetary and Financial Discipline**

In managing and putting to use public funds the local official shall act with due caution and care.

He shall undertake to observe budgetary and financial discipline, which warrants proper management of public funds, as defined by relevant legislation in force.

Local public official shall not do anything that may lead to public funds being used for direct or indirect personal purposes.

##### Article 19 – **Cooperation in Implementation of Supervisory Measures**

Local official shall not hinder the implementation of any supervisory measure, taken by the relevant internal or external control authorities, provided it complies with the law.

The official shall readily observe any interim or final decision brought by such authorities.

#### Chapter 5 – **Relations with Local Government Employees**

##### Article 20 – **Model Conduct**

Conduct of the local public official shall serve as a role model to all staff employed in the local government departments and services.

##### Article 21 – **Staff Employment and Appointments**

Regarding employment, appointments and promotions of the local staff, the public official shall take decisions only on the basis of their expertise and professional merit in accordance with the goals and needs of the service.

##### Article 22 - **Respect for the Role of Local Government Staff**

Local public official shall show respect for the role of the local government staff and will not require them to perform any illegal action, or take or omit to take any measure in their official capacity, so as to give advantage to him or other individuals or group of individuals, with the aim of deriving direct or indirect personal benefit therefrom.

## Article 23 – **Promotion of the Role of Local Government Staff**

Local public official shall ensure that the role and tasks of the local government staff are promoted to the full.

The official shall encourage and promote any measure and activity that foster improvements in the operating efficiency of the services under his responsibility and the motivation of the staff reporting to him.

Local public official shall undertake to take measures aimed at promoting conditions for his further education and expertise and skills of the staff concerned.

## Chapter 6 – **Relinquishing of Office**

### Article 24 - **Termination of Mandate**

Local public official shall not take any measure involving institutions or companies over which he exercised supervision while holding office, or that were established or awarded a contract during his mandate, that would result in personal advantage or professional benefit to him or others upon termination of his mandate.

## **TITLE III – RELATIONS WITH THE PUBLIC**

### Article 25 – **Transparency**

Local public official shall promote any measure which fosters transparency concerning his powers and duties and the functioning of the services and departments under his responsibility.

He shall respond to any request from the public concerning the performance of his function, grounds for his actions, or the functioning of services and departments coming under his responsibility.

### Article 26 – **Relations with the Media**

Local official shall respond diligently and accurately to any request from the media for information concerning the performance of his function, but shall not provide any confidential information or information concerning the private life of others.

The official shall promote any measure that fosters media coverage of the performance of his function and the functioning of the services and departments under his responsibility.

### Article 27 – **Acceptance of the Code of Conduct**

Local public official shall undertake to familiarize himself with the provisions of this Code of Conduct and will declare in writing that he will comply with said provisions in performance of his function.

**Article 28 – Dissemination of the Code to the Public**

Local public official shall encourage and promote any measure which fosters dissemination of this Code to the local staff reporting to him, the public and the media, aimed at awareness-raising concerning principles of the Code and importance of complying with them for proper functioning of local authorities.

**Article 29 - Implementation Follow Up**

A municipality assembly may establish a monitoring body with a task to follow up the implementation of this Code, provide explanation of its subject matter and particulars of its implementation to the officials, citizens and media.