Reducing Corruption Risks in Serbia through Legislation

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Second Dimension Efforts in Serbia

- Economic Transparency Unit
  - Improvements in Public Procurement
  - Government transparency and accountability
  - Training of law enforcement in criminal investigation and prosecution
  - Improvement of Criminal Code

- Environmental Unit
  - Developing a sustainable partnership between the authorities and civil society on environmental issues
  - Capacity building for judiciary, police, local administrations, and other institutions to implement environmental legislation
  - Assists the authorities in developing their disaster preparedness and response system
Corruption in Serbia

2015 (2014)
- 35 (39) Slovenia
- 50 (61) Croatia
- 58 (69) Romania
- 61 (76) Montenegro
- 66 (64) Macedonia
- 69 (69) Bulgaria
- 71 (78) Serbia
- 76 (80) Bosnia-He
- 88 (110) Albania
- 103 (110) Kosovo

2012 UNDP Survey – 13.7% have direct/indirect experience with bribes
E&Y 2015 Fraud Survey – 84% of those surveyed believe corruption happens widely in business
World Justice Project Rule of Law Survey 2014 – 54 out of 99 but on corruption – 67 out of 99

USAID Business Survey: 2015 – 23% of businesses surveyed perceive bribery “as a regular part of inspection oversight”
2014 Citizens’ Survey of Inspectors -
Reducing the Demand Side of Bribery

- Why and when do Government officials demand bribes?
  - Low salaries
  - No fear of prosecution
  - Lots of red tape
  - Lots of discretion
  - Lack of transparency in procedures and requirements

- Serbia’s Law on Inspectors focuses on discretion and transparency

- Entered into force in April

Law on Inspection Oversight Increases Transparency

**Requirement for Public Availability of Information**

- 5(6) - ability of persons to obtain information from inspection bodies
- 10 - development and publication of inspection oversight plans
- 13 - publication of relevant laws and regulations, oversight plans, checklist forms, findings of serious risks, assured opinions, annual reports
- 14 - checklists specific to each type of inspection, applied consistently and updated annually
- 16 - inspection oversight warrant setting out parameters for inspection
Law on Inspection Oversight Increases Transparency

Requirement to provide information to the entities subject to inspection

- 24 – certificate of impoundment
- 31 – assured opinion
- 35 – comprehensive minutes of inspection, including checklist used and findings presented in a uniform manner
- 36 – right of entity to review and correct the minutes of inspection oversight
- 43 – maintenance of inspection records in uniform, electronic format

Law on Inspection Oversight Decreases Discretion

- 9 – Requirement for risk assessment
- 12 – coordination of inspection oversight to eliminate duplication and harmonize inspections
- 13 – Advisory visits
- 14 – use of checklists
- 16 – detailed warrant for inspection, including information on inspectors
- 17 – 3 days’ prior notice of inspection and applicable checklist

Risk HIGH
Heightened Scrutiny

Risk SLIGHT
No Inspections
Law on Inspection Oversight Decreases Discretion

- 20 - detailed provisions on rights of persons subject to inspection
- 31 – assured opinion
- 37 – use of precedents in procedural decisions or explanation why not
- 38 – consent by silence
- 43 – extensive record keeping requirements in uniform format and electronically

QUESTIONS??

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