

ANTI-CORRUPTION INSTITUTIONS IN SERBIA

Introduction

Within the context of the Rule of Law, corruption can be defined as the abuse of public power as a means for private interest. Due to the wide spectrum of activities that can fall under this category (i.e. grand corruption, petty corruption, political and economic corruption, organized crime) this fact sheet provides a brief overview of the most important existing institutions that deal with preventing of corruption.

The Anti-corruption Agency

According to Article 3 of the Law on the Agency for Combating Corruption, the Agency is an autonomous and independent state body accountable to the National Assembly of Serbia. Some of the main tasks of the Agency include supervising the implementation of the National Strategy for Combating Corruption, the action plan for implementation of the National Strategy for Combating Corruption and sector action plans; resolution of conflicts of interest; controlling of financing of political parties; issuing guidelines for development and implementation of integrity plans and monitoring their adoption and implementation, as well as monitoring and coordination of government bodies and international cooperation in the fight against corruption.

Public Procurement Office

Pursuant to Article 18 of the Public Procurement Law, the Public Procurement Office was established on 15 January 2003 as an independent governmental body accountable directly to the Prime Minister. According to the new Public Procurement Law that entered into force in January 2009, some of the main tasks of the PPO include: participating in drafting regulations pertaining to public procurement; providing consulting services to contracting authorities and bidders; informing the body in charge of public fund auditing, budget inspection and other bodies competent for the initiation of proceedings of irregularities in regard to public procurement procedures; issuance of certificates to public procurement officers, as well as keeping a register of public procurement officers who have been issued certificates and formation and maintenance of the Public Procurement Portal for the purpose of improving general information provision to procuring entities and bidders.

Republic Commission for Protection of Rights in the Public Procurement Procedures

The Commission was established under the auspices of the Public Procurement Office in 2003. According to Article 100 of the new Public Procurement Law (adopted in December 2008), the Commission is an autonomous and independent body of the Republic of Serbia, that will ensure the protection of bidders' rights and public interest in public procurement procedures and is responsible for its work to the National Assembly. The Commission is comprised of a Chairperson and four members, elected by the National Assembly upon the Government's proposal for a five-year period.

The State Audit Institution

The Law introducing the SAI was adopted on 21 November 2005; however the election of the members of the SAI council did not take place until September 2007. Since then, the council has appointed two auditors and has adopted rules of procedure. In 2010 an amendment to the law was initiated to increase the salary of members of the council and auditors in order to attract better qualified staff.

The Anti-Corruption Council

Pursuant to Article 26 of the Law on Government of the Republic of Serbia, the Anti-Corruption Council was established on 2 October 2001 as a governmental advisory body. Some of the main tasks of the Council include: monitoring and analyzing existing forms of corruption, aiding the Government in creating a strategy for fighting corruption, coordinating the work of expert groups and linkages with institutions dealing with corruption, assesses proposals of the government and other state institutions and organizes panel discussions and consultations. The Council is comprised of a president, a deputy, eight council members and two administrative assistants.

Administration for the Prevention of Money Laundering

The Administration for the Prevention of Money Laundering (Serbia's Financial Intelligence Unit or FIU) is responsible for the implementation of the Law on the Prevention of Money Laundering and Terrorism Financing. The Administration collects, analyzes, and stores data and information obtained from obligors. When it suspects money laundering in a transaction or with respect to an individual or entity, the Administration notifies competent State authorities (police, judicial, and supervisory authorities) so that they undertake actions and measures within their competence. The Administration actively participates in the work of Money VAL, one of the Council of Europe committees comprising experts for anti-money laundering, which functions on the principle of mutual evaluations of member states. The Administration also has been a member of the international association of FIUs – Egmont Group – since July 2003.

Tax Administration (Tax police sector)

The Tax Administration of Republic of Serbia is the government administration authority that carries out the assessment, audit and collection of public revenues. It works to detect tax crimes, uncover perpetrators of crimes and subsequent enforcement. The Tax Administration provides tax assessments as well as delivers decisions on appeals on the assessment of taxes. It also institutes and conducts first and second instance offense proceedings and adjudications for tax crimes.

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Useful Links:

Anti-corruption Agency:
<http://www.acas.rs/>
Administration for the Prevention of Money Laundering (Financial Intelligence Unit):
<http://www.apml.org.rs/>
Anti Corruption Council:
<http://www.antikorupcija-savet.gov.rs/>
Public Procurement Office:
<http://www.ujn.gov.rs/>
Commission for Protection of Rights (only Serbian version available):
<http://www.kjn.gov.rs/sr.html>
Tax Administration:
<http://www.poreskauprava.gov.rs/>
OSCE RoL/HR Department
<http://www.osce.org/serbia/43342>