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# FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in  
central governments (top executive functions) and  
law enforcement agencies

## COMPLIANCE REPORT

# SERBIA



Adopted by GRECO  
at its 97<sup>th</sup> Plenary meeting (Strasbourg, 17-21 June 2024)



Group of States against Corruption  
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## **I. INTRODUCTION**

1. The fifth GRECO evaluation round concerns “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”.
2. This Compliance Report assesses the measures taken by the Serbian authorities to implement the recommendations made in the [Fifth Round Evaluation Report on Serbia](#) which was adopted by GRECO at its 90<sup>th</sup> plenary meeting (21-25 March 2022) and made public on 5 July 2022, following authorisation by Serbia.
3. As required by GRECO’s Rules of Procedure,<sup>1</sup> the Serbian authorities submitted a Situation Report containing information on measures taken to implement the recommendations in the Evaluation Report. That report was received on 28 December 2023 and, along with additional information submitted on 31 May 2024, served as a basis for this Compliance Report.
4. GRECO selected San Marino (in respect of top executive functions in central governments) and Türkiye (in respect of law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Giovanna CRESCENTINI, on behalf of San Marino, and Mr Furkan USTAOĞLU on behalf of Türkiye. They were assisted by GRECO’s Secretariat in drawing up this report.
5. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and gives an overall appraisal of the level of the member’s compliance with these recommendations. The implementation of any outstanding recommendations (partly or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after this Compliance Report is adopted.

## **II. ANALYSIS**

6. GRECO addressed 24 recommendations to Serbia in its Evaluation Report. Compliance with these recommendations is dealt with below.

*Preventing corruption and promoting integrity in central governments (top executive functions)*

### **Recommendation i**

7. *GRECO recommended laying down rules requiring that integrity checks take place prior to the appointment of ministers in order to identify and manage possible risks of conflicts of interest before joining government.*

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<sup>1</sup> The compliance procedure for the Fifth Evaluation Round is governed by GRECO’s Rules of Procedure as amended. See Rule 31 revised bis and Rule 32 revised bis.

8. The Serbian authorities reiterate the existing legal provisions on the prohibition of conflicts of interest and incompatibilities for members of Government and the President (Articles 6 and 126, Article 11 of the Law on the Government, Article 9 of the Law on the President). They indicate that the existence of a conflict of interest and the responsibility for its resolution are determined by the Constitution and the law.
9. GRECO takes note of the information provided. It refers to the domestic legal and constitutional provisions already in force at the time of the adoption of the Evaluation Report. It would appear that no measures have been taken or are even under consideration to implement the present recommendation. GRECO calls upon the authorities to initiate the necessary steps to introduce rules on integrity checks prior to the appointment of ministers to identify and manage possible risks of conflicts of interest, as the recommendation requires.
10. GRECO concludes that recommendation i has not been implemented.

#### **Recommendation ii**

11. *GRECO recommended that (i) chiefs of cabinet and advisers (including of the President) undergo integrity checks as part of their recruitment in order to avoid and manage conflicts of interests; (ii) the names and area of competence of all advisers in Government and in the President's cabinet be made public and easily accessible.*
12. The authorities indicate that the official website<sup>2</sup> of the President lists all the persons in office, including the advisers of the President, as well as the scope of their competence. The authorities also inform that all public officials in the Office of the President underwent training on "Ethics and Integrity" in the course of 2022. Further trainings on topics covered by the Fifth Evaluation Round of GRECO are currently being planned by the Agency for the Prevention of Corruption. They submit no further information regarding advisers in Government, or any integrity checks to which chiefs of cabinet and advisers must undergo as part of their recruitment.
13. GRECO takes note of the information provided. It notes that no information is provided in relation to the first part of the recommendation, i.e. integrity checks are still not carried out in respect of chiefs of cabinets and advisers, nor there appears to be any reflection in this regard. As to the second part, the names of the Secretary General, Chief of Staff and the six Advisors of the President are made public on the website of the President, which also provides a general description of their tasks.<sup>3</sup> As to chiefs of cabinet and advisers of the Prime Minister, Deputy Prime Minister and ministers, only

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<sup>2</sup> <https://www.predsednik.rs/en>

<sup>3</sup> For instance, the tasks of all six advisers are described as follows: "Advisors to the President of the Republic perform the most complex analytical, advisory and other related duties necessary to the President which pertain to the system of government, developing and functioning of the political system and initiatives for passing new laws as well as implementation of existing ones, economic trends and development of the economic system, defence and security, work of the National Assembly of the Republic of Serbia and the Government of the Republic of Serbia and other governmental bodies, relations between the Republic of Serbia and other countries and international organizations, briefings, cooperation with research and other institutions, enjoyment of civil and human rights and those of national minorities as well as other professional services."

the name of the Secretary General of the Government appears on the official website,<sup>4</sup> while no information is provided by the authorities regarding the names and areas of competence of chiefs of staff and advisers. GRECO acknowledges that some information regarding PTEFs of the Office of the President has been made public. However, the majority of measures recommended by GRECO (i.e. integrity checks of chiefs of cabinet and advisers, making the names and competence areas of Government advisers public) have not been addressed. It follows that the present recommendation cannot be considered as implemented more than partly.

14. GRECO concludes that recommendation ii has been partly implemented.

### **Recommendation iii**

15. *GRECO recommended that (i) strategic documents for preventing corruption amongst all persons with top executive functions be adopted for the Government and the Presidential administration, on the basis of risk assessments, and made public; (ii) the role of the Agency for the Prevention of Corruption be strengthened by making public its recommendations and the response of the Government and Presidential administration.*
16. The authorities submit that on 28 October 2022, in the framework of the third cycle of the Integrity Plan (2021-2024), the General Secretariat of the President adopted and submitted to the Agency for the Prevention of Corruption (APC) the Integrity Plan for the Office of the President. The preparation of this Integrity Plan was informed by a prior risk assessment for certain risky areas. A set of measures prescribed by the APC was adopted to improve the process in order to prevent corruption and strengthen integrity. In addition, in the course of 2022, the General Secretariat of the President conducted employee trainings on “ethics and integrity” attended by advisors of the President and most of its employees, a total of 38 persons. The authorities further submit that all recommendations of the APC are taken into consideration by the Administration of the President and acted upon within the competence of this institution. In addition, the authorities indicate that in 2024, the APC published on its website the “Guide for Public Officials”, listing the obligations of public officials. Finally, the authorities report that the procedure of adoption of the National Anti-Corruption Strategy for 2023-2028 will have to be initiated following the appointment, on 2 May 2024, of the new Government composition.<sup>5</sup>
17. GRECO takes note of the information submitted. While the adoption of the Integrity Plan for the Office of the President is encouraging, it is the only tangible step reported by the authorities in respect of the first part of the recommendation. The development of the draft National Strategy Anti-Corruption Strategy is at a very early stage. Further, GRECO notes that the draft National Strategy for 2023-2028 does not envisage to address

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<sup>4</sup> <https://www.srbija.gov.rs/sastav/en/10/members-of-government.php>

<sup>5</sup> In particular, the Ministry of Justice, responsible for coordinating the preparation of the National Strategy, has sent the draft Strategy to relevant institutions for their opinions. Upon receipt of these opinions, a consolidated draft National Strategy will be submitted to the Government.

preventing corruption and promoting of integrity amongst PTEFs.<sup>6</sup> No other measures have taken place to adopt strategic documents for preventing corruption amongst all PTEFs in the Government, or to carry out relevant risk assessments. As to the second part, GRECO notes that recommendations of the APC are followed by the Office of the President, but no information is provided as to the Government's response to recommendations issued by the APC. Therefore, the progress demonstrated by the authorities regarding this recommendation is insufficient to consider this recommendation as implemented more than partly.

18. GRECO concludes that recommendation iii has been partly implemented.

#### **Recommendation iv**

19. *GRECO recommended that (i) the remit of the Law on Prevention of Corruption be expanded to cover all persons with top executive functions (PTEFs), including the Prime Minister's and Deputy Prime Ministers' chiefs of cabinet as well as special and government advisers; (ii) a code of conduct applicable to PTEFs be adopted, covering integrity matters (e.g. conflicts of interest, contacts with lobbyists and third parties, post-employment restrictions, etc.), accompanied by sanctions for violations and appropriate practical guidance; and (iii) an appropriate document on conduct be developed for the President.*
20. The authorities report that the Ministry of Justice prepared the amendments to the Law on Prevention of Corruption (LPC) to address the requirements of this recommendation. In this regard, it is intended to amend Article 2, Item 3) of the LPC by expanding the definition of "public official" as follows:
- "3) "public official" is:
- (1) any person elected, appointed or nominated to a public authority, with the exception of persons who are representatives of private capital in managing bodies of companies that are public authorities;
  - (2) appointed civil servants, deputy director of the Agency for the Prevention of Corruption, chief of the Cabinet of the Prime Minister, chief of the Cabinet of the Deputy Prime Minister, adviser to the Prime Minister, adviser to the Deputy Prime Minister and special adviser to the Minister;
  - (3) director, member of the supervisory or executive board, representative in the assembly of a business company appointed, nominated, or proposed by a body of the Republic of Serbia, autonomous province, local self-government unit, or city municipality, or when proposed by the representative of the Republic of Serbia in the body of that business company."
21. The authorities indicate that, following public consultations from 3 to 22 August 2023 draft amendments to the LPC were submitted to Government, but the current technical mandate of the latter did not allow submitting the draft amendments to Parliament so

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<sup>6</sup> According to the authorities, the National Strategy is to cover the following areas: 1. Local self-government 2. Public sector management 3. Public enterprises and other state-owned enterprises 4. Privatization 5. Construction and spatial planning 6. Police 7. Customs system 8. Tax system 9. Public procurement 10. Education 11. Health 12 Financing of political activities 13. Repression against corruption (Police, prosecution and courts). In addition, the Strategy is to encompass lobbying and whistle-blowing procedures.

far. Further, the authorities refer to the Final Report of the OSCE/ODIHR Election Observation Mission,<sup>7</sup> which *inter alia* recommends improving legislation as regards the APC competences related to the control of the election campaign. A working group has been set up by Parliament with the aim of improving the relevant legislation to fulfil these recommendations. It is planned to address recommendations issued by GRECO and the OSCE/ODIHR through a single set of amendments to the Law on Prevention of Corruption, expected to be submitted to Parliament for adoption after their approval by the Government.

22. Further, the authorities report that on 18 October 2022, the Code of Ethics for the Administration of the President was approved by the Secretary General of the President and is applicable to all employees in the Office of the President. The objective of the Code is to determine in greater detail the standards of personal and professional integrity and rules of conduct expected of all the officials concerned, as well as to support them in complying with these standards. It defines principles and rules on the prevention of conflicts of interest, political neutrality, prohibition of abuse of authority and official position, concept of gifts, reporting and record-keeping procedures, conduct expected in response to illegal offers, as well as reporting obligations. It also sets out the consequences for violations of the Code. In addition, the authorities point out that the President, the Secretary General, the chief of the Cabinet and the advisors of the President are covered by the term “public official”, as defined by the LPC.
23. As regards developing an appropriate document on conduct in respect of the President, the authorities take the view that domestic legislation (Constitution, the Law on the President, the LPC) clearly define the competences and responsibilities of the President, the principles of publicity of his/her activities, incompatibilities, and conflict of interests. In the view of the authorities, these provisions, along with the fact that when assuming office, the President takes an oath before Parliament, guarantees to a sufficient extent that the President be seen as bound by the integrity standards expected of this office-holder.
24. GRECO takes note of the information provided by the authorities. With respect to the first part of the recommendation, it notes the authorities’ intention to amend the LPC so as to encompass chiefs of cabinet as well as special and government advisers and the action taken so far to advance the draft amendments in this respect. The provisions of the draft as it currently stands would adequately address the recommendation, but these amendments have not been adopted yet, as the adoption procedure had to be re-initiated following the approval of the new Government. Regarding the second part, GRECO notes that the PTEFs in the Office of the President are now bound by a code of conduct, but no information has been provided by the authorities regarding other PTEFs. It would appear that no code of conduct or other similar document covering integrity matters in respect of PTEFs in the Government (including ministries) is in preparation, or even being considered. GRECO recalls that this matter was considered as urgent already at the time of the adoption of the Evaluation Report (paragraph 42 of the

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<sup>7</sup> Final Report regarding Early Parliamentary Elections of 17 December 2023 published by the ODIHR Election Observation Mission on 28 February 2024, accessible via the following link: [https://www.osce.org/files/f/documents/1/3/563505\\_0.pdf](https://www.osce.org/files/f/documents/1/3/563505_0.pdf)

Evaluation Report) and regrets the absence of any progress. As to the third part of this recommendation, GRECO notes the adoption of the Code of Conduct addressed to all officials in the Office of the President.<sup>8</sup> While this is a positive step *per se*, it does not address the core of the recommendation. GRECO points out that the legal framework referred to by the authorities was already in place at the time of the evaluation, but was not considered sufficient for establishing rules on conduct and integrity of the President as the most highly-placed PTEF. Therefore, the need to develop an appropriate document on conduct, addressed to the President, has not been addressed.

25. GRECO concludes that recommendation iv has been partly implemented.

#### **Recommendation v**

26. *GRECO recommended that the advisory role of the Anti-Corruption Council in the institutional framework to combat corruption be fully acknowledged by ensuring that the Government engages with it, that all vacant posts of the Council be filled and that cooperation with the Agency for the Prevention of Corruption be formalised.*
27. The authorities report that, following consultations between the Director of the APC and the President of the Anti-Corruption Council (ACC), on 13 October 2023, a Memorandum on Cooperation on preventing corruption and promoting integrity in central government was signed between these two institutions. The Memorandum aims at building a system of continuous cooperation through a proactive approach to the prevention of corruption in the areas especially prone to corruption, as prescribed by the strategic documents of Serbia, for more efficient control of the implementation of regulations in these areas. In addition, the authorities submit that recently, the ACC actively participated in the work of working groups and has been invited to roundtable discussions, including in the Working Group for the preparation of the Draft National Anti-Corruption Strategy for 2023-2028 and the accompanying Action Plan. Further, on 23 May 2024, representatives of the APC and the ACC held a meeting where they discussed the respective activity and thematic reports of the two institutions to identify anti-corruption themes of common interest. As a result, it was agreed to examine complains received by the APC reflecting on systematic corruption issues, which can be usefully considered by the ACC when preparing specialised anti-corruption reports, to consolidate corruption-proofing of legislation, as well as to ensure participation of the ACC representatives in anti-corruption education and training activities, conducted by the APC. The representatives of the two institutions agreed to set out a plan of continuous meetings to ensure the effective implementation of the Memorandum of Cooperation.

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<sup>8</sup> Article 1 of the Code of Conduct provides as follows (unofficial translation): “This Code regulates the rules of ethical behaviour of employees of the General Secretariat of the President of the Republic (hereinafter: the General Secretariat) based on moral norms, professional standards and generally accepted values. The rules of this Code refer to officials, employees (civil servants and employees) and persons engaged in the General Secretariat (hereinafter: employees), who are obliged to observe the standards prescribed by the Code.”

28. As to the advisory role of the ACC, the authorities indicate that, unlike the APC,<sup>9</sup> the former is an *ad hoc* body of the Government, established under the Government's Rules of Procedure (Article 22), and its composition, tasks, duration of the mandate and relationship with the Government and ministries are determined by the Government. The authorities consider that the relationship of the ACC with other public bodies is regulated in an adequate manner. They also clarify that the membership on the ACC is a position of an advisory character, filled in accordance with the regulations on state administration.
29. GRECO takes note of the information submitted. It notes with satisfaction that the representatives of the ACC have participated in recent initiatives led by the Government, such as the Working Group tasked with preparing the National Anti-Corruption Strategy for 2023-2028. GRECO also welcomes the signature of the Memorandum of Cooperation between the ACC and the APC, thus formalising cooperation between the two institutions, and the enhanced coordination between them. While these positive developments respond to the requirements of this recommendation, one of its key aspects, i.e. filling all vacant posts of the ACC, has still not been addressed. Going forward, GRECO encourages the authorities to ensure continued engagement of the Government with the ACC, including regular publication of its recommendations and Government's responses (see recommendation iii above and paragraph 48 of the Evaluation Report), and provide it with the adequate human resources to carry out its tasks.
30. GRECO concludes that recommendation v has been partly implemented.

#### **Recommendation vi**

31. *GRECO recommended that (i) systematic briefing and training on all integrity standards be provided to all persons exercising top executive functions upon taking office and at regular intervals; (ii) confidential advice be available to the Prime Minister's and Deputy Prime Ministers' chiefs of cabinets as well as special and government advisers.*
32. The authorities report, in relation to the first part of the recommendation, that as of 2022, after the approval of the Government composition by Parliament, the APC prepared a compilation of provisions of the LPC of relevance for PTEFs<sup>10</sup> and distributed it to the Presidential Administration and the Government. This compilation was accompanied by hard copies of the Guide for Public Officials and the Manual for Recognition and Management of Conflict of Interest and Incompatibility Situations, both published on the APC website.<sup>11</sup> Further, the APC continued systematic briefings and advice (in person, by the phone, in writing) to public officials, including PTEFs, which has increased following the adoption of GRECO Evaluation Report. The authorities indicate

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<sup>9</sup> In this regard, the authorities reiterate that the LPC formalises cooperation between the APC, an independent state body, the Government (Article 2, paragraph 1, point 2) and all other public authorities to which the LPC applies.

<sup>10</sup> Selecting provisions on rights and obligations, deadlines to be complied with, etc.

<sup>11</sup> Guide for Public Officials: [https://www.acas.rs/storage/page\\_files/Guide%20for%20Public%20Officials.pdf](https://www.acas.rs/storage/page_files/Guide%20for%20Public%20Officials.pdf) and the Manual for Recognition and Management of Conflict of Interest and Incompatibility Situations: [https://www.acas.rs/storage/page\\_files/Manual%20on%20Conflict%20of%20Interest.pdf](https://www.acas.rs/storage/page_files/Manual%20on%20Conflict%20of%20Interest.pdf)



that during 2022-2023, two assistant ministers attended trainings<sup>12</sup> on resolving ethical dilemmas, organised by the National Academy for Public Administration and delivered by the APC.

33. In addition, in December 2023, the APC approved a training programme for public officials, including PTEFs. This programme consists of five topics: (i) Obligations of public officials in the field of preventing conflicts of interest;<sup>13</sup> (ii) Reporting the property and income of public officials, informing about entry and termination of public office, submission of records of gifts;<sup>14</sup> (iii) Lobbying;<sup>15</sup> (iv) Assessment of corruption risk in regulations and the obligation of state administration bodies to submit draft laws to the APC in areas particularly prone to corruption for the purpose of delivering opinions;<sup>16</sup> (v) Ethics and integrity.<sup>17</sup>
34. Following parliamentary elections held on 17 December 2023, the authorities report that on 2 May 2024, a new Government of Serbia has been approved with a composition of 32 members (including the Prime Minister, Deputy Prime Ministers and Ministers). Upon approval of the Government, the APC distributed copies of the Guide for Public Officials to the General Secretariat of the Government, as well as each minister, at the first session of the Government held on 16 May 2024. An electronic version of the Guide for Public Officials was also distributed, specifying that the APC can be contacted for all types of consultations. In addition, on 17 May 2024, the APC forwarded invitations for training sessions to the General Secretariat of the President and the General Secretariat of the Government. On 20 May 2024, the General Secretariat of the Government accepted the invitation and suggested that the above-mentioned training be held after the appointment of state secretaries, heads of cabinet, and advisors to the President and Vice President of the Government, as well as assistant ministers and directors of services.

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<sup>12</sup> More specifically, they attended training for civil servants entitled "Resolving Ethical Dilemmas" Provided under the project entitled "Strengthening the Professional Capacities of Civil Servants in Serbia" implemented in the framework of the EU for You initiative. Training topics included "The main foundations of ethics in the public sector - the main principles, why is it important?" "What is the special role of managers in fostering ethical behaviour?" "How does the role of a senior manager differ from the role of other employees in enforcing ethics?" "A step-by-step model for considering and resolving ethical dilemmas."

<sup>13</sup> Covering the provisions of the LPC Law relating to conflicts of interest and cumulation of functions, as well as public officials' rights and obligations, tailored to their respective categories and including practical examples on matters such as the obligation to seek consent for the performance of another public office; informing the APC about the performance of another duty or activity; notifying the APC of a conflict of interest situation; obligations of a public official during the election campaign, etc. Furthermore, training will include discussing the competences and procedures of the APC.

<sup>14</sup> Covering legal obligations of PTEFs as regards reporting of assets and income, notifying of assuming and terminating of public office, declaring and recording gifts, and the procedure for determining violations of the LPC.

<sup>15</sup> Including normative framework, competences of the APC, definition of lobbying and what does not constitute lobbying, participants in lobbying, lobbying procedure, obligations of lobbied persons and authorities.

<sup>16</sup> Covering normative framework, concept of corruption, corruption risks and risk factors in regulations, methodology for assessing corruption risks in regulations, obligations of the authorities.

<sup>17</sup> Including integrity (personal, institutional, social), impact of corruption risks on personal and institutional integrity, identifying and assessing corruption risks in the performance of the highest managerial positions and the implementation of work processes in the institution, the role and responsibility of PTEFs in the preparation and implementation of integrity plans etc.

35. GRECO takes note of the information submitted. It notes with satisfaction that the APC continues its awareness-raising initiatives for public officials regarding ethics and integrity and that an increasing number of officials are said to be benefiting from briefings and advice. The participation of some PTEFs in training dedicated to solving ethical dilemmas is also encouraging. GRECO further notes that a new training programme for PTEFs, covering anti-corruption matters, has been prepared by the APC, and its implementation is expected to begin once the relevant officials in the Government and ministries have been appointed. GRECO recognises the steps taken to provide training on integrity to an increasing number of PTEFs. This partly meets the requirements of the first part of the recommendation. However, these initiatives have not been accomplished yet. GRECO also recalls that training and briefings on integrity should cover all PTEFs upon taking office, but also during their career, and calls upon the authorities to proceed with the implementation of envisaged measures in practice. Finally, with reference to draft amendments to the LPC (paragraphs 20-21), the remit of the LPC has not yet been expanded to cover Prime Minister's and Deputy Prime Ministers' chiefs of cabinets and (special and government) advisers. Consequently, confidential advice from the APC remains inaccessible to them. Therefore, the steps taken so far allow GRECO to consider this recommendation as implemented only partly.
36. GRECO concludes that recommendation vi has been partly implemented.

#### **Recommendation vii**

37. *GRECO recommended that (i) requests for information lodged with the Government or Presidential administration not receiving a positive response be subject to appeal before the Commissioner for Information of Public Importance and Personal Data Protection and (ii) enforcement of related decisions be kept under systematic review.*
38. The Serbian authorities report that the Commissioner for Information of Public Importance and Personal Data Protection agrees with the importance of introducing an opportunity for individuals to appeal to this institution against decisions of the Government and the Office of the President not granting requests for public information. In the Commissioner's view, this would strengthen the legal position of those seeking access to public information. The Commissioner further suggests that such a right to appeal should not be limited to requests for information lodged with the Government and the President only but should aim at preventing the abuse of the right to access information of public importance in a broader sense, including in respect of the Government and other public authorities. However, the Ministry of Public Administration and Local Self-government, which monitors the implementation of the Law on Free Access to Information of Public Importance, informs that at present there are no plans to amend this Law. Finally, representatives of Administration of the President contest some of the findings of the Evaluation Report, indicating that since 2017, the Administration responded to some 112 requests for information on the basis of the Law on Free Access to Information of Public Importance.

39. GRECO takes note of the information submitted by the authorities. It notes the opinion of the Commissioner for Information of Public Importance and Personal Data Protection regarding the need to allow negative decisions on requests for information to be appealed with the Commissioner. That said, no measures have been taken, or are in the making, to address this recommendation. GRECO calls upon the Serbian authorities to take resolute action so as to improve access to public information in the executive, as recommended.

40. GRECO concludes that recommendation vii has not been implemented.

#### **Recommendation viii**

41. *GRECO recommended that (i) laws emanating from the Government be systematically submitted for public consultations, and (ii) revised bills presented before the National Assembly be systematically accompanied by an explanatory note giving the legislative footprint of the draft law.*

42. The authorities reiterate the legal provisions regarding the conduct of public consultations in respect of legislation emanating from the Government, as well as in Parliament. They submit no information regarding any new measures taken in relation to this recommendation.

43. GRECO takes note of the information provided. It notes that the legislation referred to by the authorities was already taken into account in place at the time of the Evaluation and regrets the absence of any progress in enhancing transparency of the law-making process in the executive.

44. GRECO concludes that recommendation viii has not been implemented.

#### **Recommendation ix**

45. *GRECO recommended that (i) the notion of lobbying encompassed in the Law on Lobbying be expanded to cover contacts with persons with top executive functions (PTEFs) whether they have been formalised in a written request or not; (ii) contacts between PTEFs and lobbyists/third parties that seek to influence the public decision-making process be disclosed as well as the names of the participants and the subject-matters discussed.*

46. The authorities report that the Ministry of Justice is planning to set up a working group tasked with preparing the necessary amendments to the Law on Lobbying so as to reflect present recommendation.

47. GRECO takes note of the information submitted. It notes the authorities' intention to amend the Law on Lobbying with a view to reflecting the requirements of the recommendation. However, the process has not been initiated yet. Therefore, no tangible progress has been achieved.

48. GRECO concludes that recommendation ix has not been implemented.

### **Recommendation x**

49. *GRECO recommended that all ministries be equipped with fully functioning internal audit units.*
50. The authorities submit that, in accordance with the Consolidated Annual Report on the Status of Public Internal Financial Control (the PIFC Report) for 2022, internal audit units were reported to have been established in 23 ministries and four administrations within ministries, out of which 15 internal audits were operational. Out of these, only seven employ at least three internal auditors, which meets the minimum prescribed by law. The 2022 PIFC Report further suggests that, compared to 2021, the number of posts allotted to internal audits has increased, but the actual number of auditors was 4% lower.
51. GRECO takes note of the information provided by the authorities. It notes that, according to 2022 data, 23 ministries have set up internal audits, but only 15 of them are functioning. In addition, a significant number of vacant posts in internal audits are still to be filled. GRECO calls upon the authorities to step up their efforts in order to provide all ministries with fully functioning internal audit units. In the current state of affairs, GRECO may consider this recommendation as implemented only to some extent.
52. GRECO concludes that recommendation x has been partly implemented.

### **Recommendation xi**

53. *GRECO recommended that (i) all persons with top executive functions be required to disclose ad hoc conflicts of interest; and (ii) the exception whereby they are dispensed of doing so in case of “danger of delay” in the decision-making process be removed from the law.*
54. The authorities inform that draft amendments to the LPC (see paragraphs 20-21) envisage modifying Article 42 of the Law by abolishing the exception allowing a public official to continue performing his/her duties in case of suspected conflict of interest.
55. GRECO takes note of the information provided by the authorities. It notes the intention to abolish the provision allowing public officials to continue performing their functions in cases of possible conflict of interest. This amendment would address the second part of the recommendation, but the amendments to the LPC have not been adopted yet (see paragraph 21 above). As to the first part, no progress has been reported on the introduction of the requirement for all PTEFs to disclose *ad hoc* conflicts of interest.
56. GRECO concludes that recommendation xi has not been implemented.

### **Recommendation xii**

57. *GRECO recommended that post-employment restrictions rules apply to all persons with top executive functions, including the President, the Prime Minister’s and Deputy Prime Ministers’ chiefs of cabinets as well as special and government advisers.*

58. The authorities reiterate the provisions of the LPC, setting out the two-year ban on public officials to engage, without the consent of the APC, in employment in the private sector which had a business relationship with the public authority where the official concerned was performing his/her functions. They recall that this prohibition does not apply to elected public officials. The authorities also refer to the provisions of the LPC making it mandatory for public officials to submit a report on assets and income upon termination of public office, as well as two years after termination of public office, if the assets and income have significantly changed compared to the previous year. The authorities conclude by taking the view that this recommendation is complied with as regards to the Administration of the President.
59. GRECO takes note of the information submitted. It notes that the provisions referred to by the authorities were in force at the time of the adoption of the Evaluation Report and were fully taken into consideration. The recommendation requires to ensure that post-employment restrictions apply to all PTEFs, with no exception. This has not been done.
60. GRECO concludes that recommendation xii has not been implemented.

### **Recommendation xiii**

61. *GRECO recommended that asset and income declarations of persons with top executive functions be subject to regular substantive control and that the Agency for the Prevention of Corruption be provided with adequate resources for that purpose.*
62. The authorities report that on 27 December 2022, the APC issued updated Guidelines<sup>18</sup> to regulate the procedure for conducting preliminary analysis by the APC, the procedure for determining public officials whose reports will be the subject to verifications according to the plan, and the time limits for drafting and approving the Annual Verification Plan. The Guidelines stipulate, *inter alia*, that when preparing Annual Verification Plans, particular attention should be paid to the inclusion of the categories of public officials entrusted with top executive functions. Thus, according to the Annual Verification Plan for 2023, out of 270 public officials included in the Plan, 66 are PTEFs (25%). Out of the planned 66 reports of PTEFs (assistant ministers) to be verified in 2023, checks have been completed in respect of 50 reports, while the remaining 16 reports are still examined. Further, the Annual Verification Plan for 2024, adopted on 25 January 2024, envisages verification of asset and income declarations of 280 public officials, of which 131 are PTEFs. The authorities conclude that, as of 2023, PTEFs have been included into the Annual Verification Plan of asset and income declarations, and their declarations will therefore be verified regularly.
63. As to the capacities of the APC, the authorities report that on 1 November 2023, the new Rulebook on internal organisation and systematisation of work positions in the APC entered into force, bringing the number of the APC staff responsible for verification of

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<sup>18</sup> Full title: "Guidelines for preparing the annual plan for the verification of assets and income reports", accessible via the following link (in Serbian): [https://www.acas.rs/storage/page\\_files/Godišnji%20plan%20provere%20Izveštaja%20o%20imovini%20i%20prihodima%20javnih%20funkcionera%20za%202023.%20godinu.pdf](https://www.acas.rs/storage/page_files/Godišnji%20plan%20provere%20Izveštaja%20o%20imovini%20i%20prihodima%20javnih%20funkcionera%20za%202023.%20godinu.pdf)

asset and income reports to 15.<sup>19</sup> Further, the authorities report that employees tasked with the verification of asset and income declarations of public officials were provided with additional training. In particular, during 2022, APC staff members attended a two-day workshop on digital assets in the context of the substantive control of declarations (20-21 October 2022), and a two-day workshop on offshore jurisdictions in the same context (27-28 October 2022), implemented in cooperation with the OSCE Mission in Serbia. Further, on 14-15 September 2023, a two-day training was conducted on fraud detection and investigation techniques for representatives of the APC.<sup>20</sup> Overall, four more trainings are envisaged under this project during 2023 and 2024 to be carried out by the International Anti-Corruption Academy (IACA).

64. Moreover, to expand the sources of information available to the APC for conducting substantive verifications of asset and income declarations, on 23 February 2023, the APC concluded a Cooperation Agreement with the National Bank of Serbia. The Agreement envisages an exchange of electronic data from relevant registers<sup>21</sup> maintained by the National Bank of Serbia. On 10 April 2023, the APC updated its previous Cooperation Agreement (in place since 2012) with the Republic Geodetic Authority (RGA – the land register), which aims at enhancing the implementation of the APC tasks by digitalising and simplifying declaration of immovables to the APC. Furthermore, on 12 July 2023, the APC and Serbian Business Registers Agency (SBRA) renewed their 2012 Agreement so as to enable regular access to data from the SBRA’s databases on business entities, beneficial owners, and related parties, with a view to preventing corruption. On 22 August 2023, the APC and Administration for Prevention of Money Laundering concluded a Cooperation Agreement to strengthen collaboration in the area of preventing corruption, money laundering and terrorism financing. On the basis of this Agreement, on 6 September 2023, a training<sup>22</sup> on reporting suspicious transactions was conducted for representatives of the APC and the Administration for Prevention of Money Laundering.
65. GRECO takes note of the information provided. The inclusion, as of 2023, of PTEFs in the Annual Verification Plan of the APC is to be welcomed. However, at present it only covers assistant ministers, while all other PTEFs remain outside the scope of verifications. As to providing adequate resources to the APC to perform its tasks, GRECO

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<sup>19</sup> To increase capabilities of entities responsible for asset declarations and their verification, the Sector for Registries and Records was merged with the Sector for Control of Assets. The new Sector for Registries, Records and Control of Assets has 15 employees, out of which 10 are dealing with the preliminary procedure of formal verification of asset and income declarations, (i.e. verifying timeliness and completeness of assets and income reports), while the other five are responsible with regular (targeted) and extraordinary substantial verification of timeliness, completeness, and accuracy of data contained in declarations. Depending on the outcome of verifications, the APC may conduct relevant proceedings such as issuing measures, filing requests for initiation of misdemeanour proceedings, or criminal charges.

<sup>20</sup> Implemented within the Project entitled “Facility Supporting Strengthening Rule of Law in the Republic of Serbia” - EU for Fight Against Corruption and for Fundamental Rights, jointly financed by the EU, the German Federal Ministry for Economic Cooperation and Development (BMZ), and the Austrian Development Cooperation (ADC), implemented by GIZ, ADA, CPMA and OSCE Mission to Serbia.

<sup>21</sup> The Single Register of current and other accounts of legal and natural persons, Single Register of Safe-deposit Boxes, Single Register of Payment Service Users for Remittances and Records of Virtual Currency Holders

<sup>22</sup> Within the Project “Preventing Money Laundering and Terrorism Financing”, implemented by the Council of Europe and supported by the Swedish International Development Cooperation Agency.

notes the revamping of internal organisation of the APC to establish a single entity with 15 staff members tasked with verification of asset and income declarations of public officials – a significant increase from six staff members at the time of the Evaluation (paragraph 92 of the Evaluation Report). In light of the increasing number of declarations to be verified annually, GRECO invites the authorities to keep under review the human resources allocated in the APC for this task and to ensure that it is adequate for the efficient discharge of the workload.<sup>23</sup> GRECO also notes the conclusion and/or renewal of cooperation agreements with several institutions so as to enhance APC's access to necessary information in the course of verification of declarations and acknowledges that the implementation of these agreements will facilitate the substantive verification of declarations. The recent training initiatives to enhance competences of the APC staff in performing their tasks are also to be noted. Overall, GRECO acknowledges the good progress in implementing the present recommendation and calls upon the authorities to expand the categories of PTEFs whose asset and income declarations will be subject to regular, substantive controls and verifications by the APC.

66. GRECO concludes that recommendation xiii has been partly implemented.

#### **Recommendation xiv**

67. *GRECO recommended that (i) the immunity provided to members of the government be revised in order to exclude explicitly corruption-related offences; (ii) the competence of the Prosecutor's Office for Organised Crime be extended to cover all persons with top executive functions, including the President, for criminal offences against an official duty and be staffed adequately to fulfil its role.*
68. The authorities, with regard to the first part, refer to Articles 134, 119, and 103 of the Constitution of Serbia, specifying that immunities of relevant public officials (President, member of the Government, member of Parliament) and the procedures for lifting immunities in the context of criminal or other proceedings, which require the approval of Parliament, or of the Government. The authorities take the view that the implementation of this recommendation would not be in accordance with the Constitution of Serbia. As to the second part, the authorities indicate that on 10 November 20203, a public competition has been announced for the selection of seven public prosecutors for the Public Prosecutor's Office for Organised Crime, and is expected to be completed by the end of 2024. Furthermore, under the Personnel Plan for 2024, the Ministry of Justice has allocated three additional positions for the Public Prosecutor's Office for Organised Crime, bringing the total number staff of this Office to 71. However, a competition for these three additional posts has not been announced yet, owing to the lack of facilities needed to accommodate all planned staff positions.
69. GRECO takes note of the position expressed by the Serbian authorities regarding the revision of immunities provided to members of the Government in the context of corruption-related offences. GRECO recalls that it has previously issued recommendations to several member States regarding the standard stipulating that *immunities should be limited to the extent necessary in a democratic society so as not to*

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<sup>23</sup> The Evaluation Report pointed to "rather limited human resources devoted to verification" (paragraph 96).

*hamper the investigation, prosecution or adjudication of corruption offences.*<sup>24</sup> This rule should also apply to criminal investigations with regard to PTEFs, involved in corruption offences. In several previous reports, GRECO has recommended limiting the privileges enjoyed by PTEFs with respect to prosecution for acts performed outside their official capacity and has stressed the importance of objective and fair criteria for lifting immunities. While GRECO acknowledges that constitutional amendments require a consolidated effort of the authorities' decision-making bodies in nearly all of its member States, such amendments are known to have been implemented in several countries. A possibility of providing adequate criminal justice response to corruption, when committed by the highest office-holders, is key for combating high-level corruption, establishing a credible accountability mechanism and, ultimately, strengthening public trust in the government. Therefore, it calls on the Serbian authorities to examine all legal and practical avenues to implement this part of the recommendation, and to take tangible steps for that purpose.

70. As to the second part, GRECO notes the on-going competition to fill the vacant posts of prosecutors in the Prosecutor's Office for Organised Crime, and the additional three posts of prosecutors within this Office, allocated in 2024. However, the recruitment process has not been completed yet, and the three additional new vacant posts have not been announced. In addition, GRECO received no information as regards the expanding the competence of the Prosecutor's Office for Organised Crime to cover all PTEFs, including the President, for criminal offences against an official duty. Overall, this recommendation cannot be considered as implemented, even partly.
71. GRECO concludes that recommendation xiv has not been implemented.

#### *Preventing corruption and promoting integrity in law enforcement agencies*

##### **Recommendation xv**

72. *GRECO recommended that a strategic document on corruption prevention in the police identifying risk areas and setting clear goals be adopted and made public as soon as possible.*
73. The authorities report that the Ministry of the Interior took part in the development of the National Anti-Corruption Strategy for the period 2023-2028 (to be adopted, see paragraph 16 above). In particular, upon proposal of the Ministry, the draft National Strategy and its accompanying Action Plan for 2023-2024 include 21 activities under the heading "Improving anti-corruption mechanisms in the work of the Ministry of Interior".<sup>25</sup> The authorities indicate that, bearing in mind the preparation of the National

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<sup>24</sup> Laid down in the Twenty Guiding Principles for the Fight against Corruption.

<sup>25</sup> The areas under this heading include preventing corruption in the police, identifies risk areas and set the goals within the National Strategy. The proposed activities include, among others, amending legislation for the selection, appointment and re-appointment of senior managers in the Ministry of Interior; training of police officers on the implementation of the complaints procedure; amending the provisions on valuation of gifts in the Ministry of the Interior; setting up of a risk register at workplaces with high risk of corruption; adopting rules on the deployment/relocation of police officers at the proposal of the managers; conducting internal/public tenders; adopting rules on the procedure for granting consent to employees of the Ministry of the Interior



Anti-Corruption Strategy, led by the Ministry of Justice, the Law on Planning system of Serbia precludes the Ministry of the Interior from adopting another strategic document in the area already covered by the National Anti-Corruption Strategy. Therefore, the strategic anti-corruption measures in relation to the Ministry of the Interior will be integrated in the National Strategy to be implemented by the Ministry, once the former is adopted.

74. The authorities further inform that the Internal Control Sector of the Ministry of the Interior is responsible for the implementation of the Corruption Risk Analysis as part of preventive activities. The corruption risk analysis implies the designing of a methodology for identifying, assessing and addressing corruption risks. The Internal Control Sector, in cooperation with the APC, assesses corruption risks in all organisational units of the Ministry of Interior. This assessment also includes recommendations and measures to prevent, mitigate and eliminate corruption and its consequences, as well as overseeing the implementation of mitigating measures. The outcome of the risk assessment should be the basis for the Integrity Plan for the Ministry. The authorities specify that, as a preventive anti-corruption measure, based on a self-assessment analysis of corruption risks faced by the Ministry, it is a non-public document, placed on the restricted section of the website of the APC. An updated Integrity Plan, once adopted, will build on the results of corruption risk assessment and will bring together the internal efforts undertaken by Ministry of the Interior to identify and prevent corruption.
75. GRECO takes note of the information submitted. It appreciates that the National Anti-Corruption Strategy, currently in preparation, will include a chapter relating to the Ministry of the Interior. Nonetheless, GRECO recalls that the Ministry of the Interior was working on an integrity plan since 2017 (paragraph 121 of the Evaluation Report). In spite of the significant time since this work has been initiated, no tangible progress has been achieved. GRECO notes the reference by the authorities to a restricted Integrity Plan of the Ministry of the Interior, but it remains unclear, whether this document has actually been adopted, and if so – when. GRECO takes the view that a strategic document on corruption prevention in the police, not necessarily targeting the Ministry of the Interior as a whole, could usefully complement the areas of action highlighted in the National Anti-Corruption Strategy by considering risk areas, setting detailed goals and timeframes for achieving them, and be subject to evaluation as regards its implementation. This has not been done. GRECO calls upon the authorities to take tangible steps towards developing, adopting and implementing strategic measures to prevent corruption in the police.
76. GRECO concludes that recommendation xv has not been implemented.

#### **Recommendation xvi**

77. *GRECO recommended that (i) the Code of Police Ethics be updated so as to cover in detail all relevant integrity matters (such as conflict of interest, gifts, contacts with third parties, outside activities, confidential information), be supplemented with guidance*

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regarding side activities and maintaining records of such activities; raising awareness in the area of whistleblower protection, including through dedicated training.

*illustrating all issues and risk areas with concrete examples and enforceable in case of breach, and (ii) that the code be made known and accessible to the public.*

78. The authorities report that on 5 October 2023, the Government adopted the Code of Police Ethics, which was published in the “Official Gazette” and on the website of the Ministry of the Interior.<sup>26</sup> The Code governs all relevant issues of integrity, such as: professionalism and non-submission to work, respect for the integrity of individuals and preventive action, respect for the right to equality before the Constitution and the law, prevention of corruption and illicit influence on police work, gifts, prevention of conflicts of interest, conduct outside of duty, the publicity of work and others. Breaches of the Code would constitute a violation of official duties. Further, the authorities indicate that a Guide for the implementation of the Code of Police Ethics is in the process of adoption. The Guide will contain the explanations of the terms used in the Code, as well as practical examples aimed at achieving a better understanding and application of the norms contained in the Code and directing police officials to responsible behaviour.
79. GRECO takes note of the information provided by the authorities. It welcomes the adoption of the Code of Police Ethics and its publication. The intention to issue a guiding document with specific examples to illustrate how the provisions of the Code are to be applied in practice is also encouraging, even though these guidelines have not been adopted yet. Pending the adoption of the guidelines, GRECO considers that most, but not all of the requirements of this recommendation have been complied with.
80. GRECO concludes that recommendation xvi has been partly implemented.

#### **Recommendation xvii**

81. *GRECO recommended that (i) compulsory training for new recruits and serving police officers be organised on the basis of the revised Code of Police Ethics; (ii) efforts be made to clarify to police officers how to obtain advice on integrity matters and to ensure that the confidentiality of such advice is kept.*
82. The authorities report that the Code of Police Ethics has been integrated in the Basic Training of Police Officers<sup>27</sup> and in the continuous professional development of police officers through the Professional Training Programme for Police Officers of the Ministry of Interior, adopted on an annual basis. Mandatory trainings on the revised Code of Police Ethics and guidelines for its application have been initiated as of 2024. The Professional Training Programme for police officers for 2023 included the topic “Commission for the implementation of standards of police behaviour in the field of torture prevention”, which covers the subject of “Ethics of police behaviour and the protection of human rights of persons deprived of their liberty” as part of mandatory classes. The authorities report that in 2023, some 27,568 police officers attended training on this subject. Further, during 2023, a compulsory training on the topic of

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<sup>26</sup> The Code of Police Ethics is accessible (in Serbian) via the following link: <http://www.mup.gov.rs/wps/portal/sr/dokumenti/Regulativa/Zakoni+i+uredbe>.

<sup>27</sup> As part of the curriculum of the subject “Police work in the community, human rights and the Code of Police Ethics”, also covering integrity of police officers.

“Protection of human rights of persons deprived of liberty and police officers”, which includes the thematic unit “Ethics of police behaviour and human first” was provided to 15,933 police officers. Further, the authorities submit that in the first quarter of 2024, training offered to police officers covered the new Code of Police Ethics and also included the previous two topics. During this period, trainings were attended by 6581 (first topic) and 6557 (second topic) police employees. In addition, the authorities indicate that the professional examination<sup>28</sup> for applicants for recruitment in the police with secondary and higher education also includes questions aiming to verify candidates’ knowledge of the Code of Police Ethics.

83. The authorities further indicate that Article 18 of the Code of Police Ethics foresees that the knowledge, skills and attitudes necessary for the application of the Code should be acquired by candidates for police officers and police officers continuously in the police education institutions, as well as through in-service training. The Code further envisages the setting up of the Commission for Police Ethics to oversee the implementation of the Code, which will be entitled to provide opinions and recommendations regarding appeals of police officers for confidential counselling on ethics and integrity.<sup>29</sup> The authorities indicate that the setting up of the Commission for Police Ethics is expected to be completed in near future.
84. GRECO takes note of the information submitted. With respect to the first part of the recommendation, GRECO welcomes the inclusion of the provisions of the recently updated Code of Police Ethics into compulsory initial and in-service training of police employees. The reported significant numbers of police officers undergoing training on integrity and ethics is also a positive trend. Bearing in mind that the training on new Code of Police Ethics has only been made mandatory as of 2024, GRECO encourages the authorities to implement these initiatives at regular intervals so as to ensure that the Code is embedded in police culture. As to the second part of the recommendation, GRECO notes the intention to set up the Commission for Police Ethics,<sup>30</sup> which will include among its tasks providing of advice and counselling, which is to be confidential. This would be a step in the right direction, but it has not yet been accomplished. What is more, no new information has been provided to demonstrate that police employees have been better informed of possibilities for obtaining confidential advice on ethics and integrity. Therefore, this aspect of the recommendation still needs to be complied with.
85. GRECO concludes that recommendation xvii has been partly implemented.

### **Recommendation xviii**

86. *GRECO recommended that measures be taken to prevent political appointments of top police officials and that the procedure leading to the appointment of the Chief of Police,*

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<sup>28</sup> Approved in accordance with the 2020 Regulation on the professional training of trainees and taking the professional examination in the Ministry of the Interior.

<sup>29</sup> Article 22 of the Code defines the procedure for police officers to appeal to the Commission on confidential counselling.

<sup>30</sup> On 14 June 2024, the authorities informed GRECO that the Commission for Police Ethics has been set up in March 2024. Its composition and tasks are stipulated by Articles 19 and 20 of the Code of Police Ethics.

*including in case of reappointment, and other senior management posts includes a more open and transparent competition.*

87. The authorities provide a detailed description of applicable legislation (including Articles 149 and 150 of the Law on Police as well as the 2019 Rulebook on the implementation of internal competition for filling the positions of police officers in the Ministry of Interior), which describe the procedure for appointing the Chief of Police and other senior police officials in Serbia, following a public competition. The authorities take the view that the current appointment procedures are laid out in a manner which ensures equal conditions for participation of all candidates, who are then ranked on the basis of grades scored in each stage of the competition. Therefore, they conclude, the recruitment and selection process is carried with due regard to the principle of competitiveness, and the appointments are made as a result of an objective selection process. Finally, the authorities report that the draft Law on Internal Affairs provides that the director of the police will be selected according to the regulations and procedure for the appointment of all other civil servants, which enables the competition to be more open and transparent.
88. GRECO takes note of the information submitted. It observes that the legal provisions presented by the authorities were in force at the time of the adoption of the Evaluation Report and were duly taken into consideration in the relevant analysis (paragraph 141 of the Evaluation Report). GRECO notes that a draft Law on Internal Affairs is in the making and is expected to introduce new rules on the selection and appointment of the Chief of Police and all civil servants in the police through a more open and transparent competition. However, GRECO did not have an opportunity to examine the text, and the Law on Internal Affairs has not been adopted yet. The overall objective of this recommendation is preventing political appointments in key positions in the police to the greatest extent possible, and removing any impression that such appointments are not made strictly on merit and competence. In this regard, GRECO refers to the Progress Report for 2023 of the European Commission on Serbia,<sup>31</sup> which takes the view that the “*legal framework is still insufficient to guarantee the operational autonomy of the police from the Ministry of the Interior during the pre-investigation and investigation phases.*”. It follows that, as no tangible measures have been reported in relation to this recommendation, it cannot be considered as implemented, even partly.
89. GRECO concludes that recommendation xviii has not been implemented.

#### **Recommendation xix**

90. *GRECO recommended that security checks relating to the integrity of police officers be carried out at regular intervals throughout their career.*
91. The authorities report that at present, the security checks with respect to officials of the Ministry of the Interior are carried out by the Internal Control Sector for mid-level managers (once every five years) and for appointed officials, i.e. high and strategic level

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<sup>31</sup> The EC Progress Report on Serbia for 2023 is accessible via the following link: [https://neighbourhood-enlargement.ec.europa.eu/serbia-report-2023\\_en](https://neighbourhood-enlargement.ec.europa.eu/serbia-report-2023_en)

managers (once every four years). The security checks may also be carried out at shorter intervals in case of suspected security concerns, and other cases prescribed by law. The authorities indicate that further measures to implement this recommendation will be taken once the new Law on Internal Affairs is adopted. In addition, the Ministry of the Interior proposed to include in the Anti-Corruption Action Plan for 2023-2024 for the implementation of the National Anti-Corruption Strategy for 2023-2028 an obligation to perform regular security checks for all police officers. According to this proposal, this objective should be achieved by the fourth quarter of 2024, and preparations for its implementation are in progress.

92. GRECO takes note of the information provided by the authorities. It notes the intention to incorporate the regular security checks of police officers in the draft Law on Internal Affairs, which has not been adopted yet (see paragraph 87 above). The objective to carry out security checks for all police officers, included in the Anti-Corruption Action Plan, is a step in the right direction, but has not been completed yet.

93. GRECO concludes that recommendation xix has not been implemented.

#### **Recommendation xx**

94. *GRECO recommended that an institutional system of rotation of police staff be put in place, which could be applied, as appropriate, in areas considered particularly exposed to corruption risks.*

95. The authorities report that once the high-risk corruption areas in different lines of police operation are determined and reflected in the risk register, the Logistics Department of the Ministry of the Interior intends, where necessary, or upon request, to prepare decisions on the deployment/relocation of police officers. Even though a risk register has not yet been established in the Police, corruption risk analyses were already completed by working groups established for this purpose in different Police units<sup>32</sup> and local Police departments.<sup>33</sup> In addition, the Ministry proposed to include in the Action Plan for 2023-2024 for the implementation of the National Anti-Corruption Strategy for 2023-2028 the following headings: "Create a Risk Register of workplaces in lines of work in which a high risk of corruption is determined" and "Preparation of the decision on the deployment/relocation of police officers at the proposal of the managers of the competent organizational unit in accordance with the applicable regulations". However, the authorities indicate that these proposals have not been approved yet..

96. GRECO takes note of the information submitted. Some future measures are envisaged to prepare an assessment and determine the high-risk areas in the police work, which should then be the basis of deployment/relocation decisions of police officers. However,

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<sup>32</sup> In particular, in the Emergency Situations Sector, the Traffic Police Directorate, the Border Police Directorate, the Special Anti-Terrorist Unit, the Helicopter Unit, the Gendarmerie, the Coordination Directorate for AP KIM, the Unit for the Security of Certain Persons and Facilities, the Directorate for Administrative Affairs.

<sup>33</sup> In particular, in the Police Departments of Belgrade, Požarevac, Subotica, Valjevo, Smederevo, Leskovac, Kikinda, Zrenjanin, Čačak and Novi Sad.

for the time being these initiatives produced no tangible results as far as the institutional system of rotation of police staff is concerned.

97. GRECO concludes that recommendation xx has not been implemented.

**Recommendation xxi**

98. *GRECO recommended that secondary activities of police officers be duly recorded and that regular checks be undertaken thereafter.*
99. The authorities report that that the Ministry of Interior proposed the inclusion into the Action Plan for 2023-2024 for the implementation of the National Anti-Corruption Strategy for 2023-2028 of the following two lines of action: “Establishing records of additional work of police officers, in accordance with current regulations”, to be implemented by the fourth quarter of 2024; and “Development of the Instruction on the procedure for granting consent to employees of the Ministry of Interior to perform additional work”, to be implemented by the third quarter of 2024.
100. GRECO takes note of the information provided by the authorities. It notes that some actions are envisaged to ensure that secondary activities of police officers (within the meaning of “additional work” under Article 168 of the Law on Police) are duly recorded, and regular checks are carried out in this respect. However, the information provided does not demonstrate any tangible progress in neither of the two aspects.
101. GRECO concludes that recommendation xxi has not been implemented.

**Recommendation xxii**

102. *GRECO recommended that a body responsible for recording and evaluating gifts be set up as soon as possible and that the value of occasional gifts that can be kept by police officers be considerably reduced.*
103. The authorities report, in relation to the first part of the recommendation, that the Instruction on Gifts, issued by the Minister of the Interior (see below) envisages the setting up of the Commission for the Registration of Gifts, whose members are to be appointed by the Minister for a period of three years. The Commission for the Registration of Gifts was established by the decision of the Minister of the Interior in accordance with the Decision No 4524/21-7 of 5 November 2021. The Commission is responsible, in particular, for keeping records of gifts received and of their disposal. As to the second part, the authorities report that on 14 January 2022, the Ministry of Interior issued a new Instruction on gifts (No. 4206/22-3 as amended by Instruction No. 9410/22-2 of 12 October 2022). The instruction stipulates, in particular, that “*a member of the Ministry has the right to keep a protocol or commemorative gift, the value of which does not exceed 10% of the average monthly salary without taxes and contributions in the Republic of Serbia, but so that the total value of the kept gifts does not exceeds in a calendar year the amount of one average monthly salary without taxes and contributions in the Republic of Serbia*”.

104. GRECO takes note of the information submitted. In relation to the first part of the recommendation, GRECO notes with satisfaction that a body tasked for recording and evaluating gifts has been set up in the Ministry of the Interior. Further, as to the second part, a new Instruction on Gifts in the Ministry of the Interior adopted in January 2022, modifies the threshold for gifts that can be kept by police officers from €680 (see paragraph 163 of the Evaluation Report) to not more than 10% of the average monthly salary in Serbia. According to information available from the Statistical Office of Serbia,<sup>34</sup> the average monthly net salary for October 2023 was RSD 86,738, or about €740. Therefore, the new threshold established by the Instruction allows keeping only those gifts, whose value does not exceed €74. This constitutes a significant reduction of the permissible threshold, as recommended. GRECO considers that both parts of this recommendation have been complied with.

105. GRECO concludes that recommendation xxii has been implemented satisfactorily.

#### **Recommendation xxiii**

106. *GRECO recommended that the safeguards applicable to the mechanisms for oversight of police misconduct be revised and to ensure that they provide for sufficiently independent investigations into police complaints and a sufficient level of transparency.*

107. The authorities report that the implementation of this recommendation is envisaged through the adoption of the draft Law on Internal Affairs (see paragraph 87 above).

108. GRECO notes that no tangible steps have been reported in relation to this recommendation. It will only be able to reassess its implementation once new information is available regarding the legal and practical measures taken in this respect.

109. GRECO concludes that recommendation xxiii has not been implemented.

#### **Recommendation xxiv**

110. *GRECO recommended that awareness of and training on whistleblower protection be strengthened in the police.*

111. The authorities on 3 May 2023, the Department for General Legal Affairs has been set up in the Ministry of Interior, which includes among its tasks providing support in whistleblowing procedures and protection against abuse at work. The task of the Department consists of monitoring the application of whistleblower protection and proposing measures for improvement, changes to existing regulations and adoption of new regulations and instructions regarding whistleblower protection. The Department also organises and participates in seminars and education activities to improve the application of regulations in the field of whistleblower protection and cooperates with other authorities and organisations to regulate and improve whistleblower protection.

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<sup>34</sup> <https://www.stat.gov.rs/en-us/vesti/statisticalrelease/?p=13919>

112. In addition, the authorities submit that the Professional Training Programme (see paragraph 82 above) for police officers for 2022 included the topic “Law on the Protection of Whistleblowers” among its twelve mandatory training topics for all police officers, implemented on the distance learning platform as part of the mandatory theoretical classes on the e-classroom of the Ministry of the Interior. According to the authorities, during 2022, some 30,309 police officers attended training on this subject. The same topic is foreseen for the Professional Training Programme for 2023. The professional development programme and its methodological instructions are adopted on an annual basis, building on analysis of training needs, which determine topics and categories of police officers to undergo mandatory and optional training sessions. Thus, the authorities indicate that as the topic “Implementation of the Whistleblower Protection Law” forms an integral part of the Professional Training Programme for police officers, training of police officers on whistleblower protection is carried out in a continuous manner.
113. GRECO takes note of the information submitted. It welcomes the inclusion of the topic relating to the protection of whistleblowers among topics for mandatory training of police officers, as well as the reported significant number of officers who received training on this subject.<sup>35</sup> GRECO also notes the setting up of a dedicated administrative entity, tasked with promoting the implementation of legal provisions on whistleblower protection in the Ministry of the Interior. However, no statistical information has been provided regarding the number of whistleblowers benefitting from protection measures since the setting up of the Department for General Legal Affairs of the Ministry of the Interior.<sup>36</sup> Further, information on the number of police officers who received training on whistleblower protection in 2023-2024 has not been provided. Without concrete evidence to substantiate the full compliance with this recommendation, GRECO cannot consider it as implemented more than partly.
114. GRECO concludes that recommendation xxiv has been partly implemented.

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<sup>35</sup> On 14 June 2024, the authorities informed that on the basis of needs assessment, the Professional Training Programme for Police Officers of the Ministry of the Interior Internal Affairs was approved on 4 March 2024. The Programme includes optional sessions on whistleblowers protection, provided through the e-learning platform. In addition, in April 2024 the authorised unit within the Sector for Logistics started to prepare trainings on implementation of the Law on Whistleblower Protection for employees authorised to receive reports on misconduct and other irregularities and conduct procedures related to these reports within the Ministry.

<sup>36</sup> On 14 June 2024, the authorities informed GRECO that authorisations were approved in March 2024, granting 205 employees in the Ministry of the Interior the ability to act upon information provided by whistleblowers. The authorised officials are to submit quarterly reports on their activities, which should contain information on the number of reports submitted, the number of reports assessed as justified, and irregularities determined, as well as the measures taken to remove irregularities. In the course of 2023, the Ministry of the Interior received a total of 10 internal reports were received, indicating a decrease in comparison with previous years (14 reports in 2022, 33 in 2021 and 36 in 2020). Out of these, three reports were assessed as justified and led to establishing irregularities, of which once was forwarded to the prosecution. No irregularities were established regarding the remaining six reports.



### III. CONCLUSIONS

115. **In the light of the foregoing, GRECO concludes that Serbia has implemented satisfactorily only one of the twenty-four recommendations set out in the Fifth Round Evaluation Report.** Of the outstanding twenty-three recommendations, ten have been partly implemented and thirteen have not been implemented.
116. More specifically, recommendation xxii has been implemented satisfactorily, recommendations ii-vi, x, xiii, xvi, xvii and xxiv have been partly implemented and recommendations i, vii-ix, xi, xii, xiv, xv, xviii-xxi and xxiii have not been implemented.
117. With regard to top executive functions, important steps have been taken to promote integrity among some PTEFs by adopting the Integrity Plan for the Administration of the President and a Code of Ethics applicable to all PTEFs in the Administration. Information regarding names and basic functions of Chief of Staff, Secretary General and advisers of President has also been made public. Legislative amendments, currently in the making, envisage enlarging the scope of the Law on the Prevention of Corruption to include chiefs of cabinet and Government advisers, which would be a step in the right direction. Further, cooperation between different bodies with anti-corruption responsibilities has been improved, and some progress has been made as regards verification by the APC of assets and income declarations of PTEFs. Finally, the increasing number of officials, including some PTEFs, benefitting from awareness-raising initiatives and advice provided by the APC on ethics and integrity are also positive developments, which could become systematic once new integrity training programme is launched by the APC. That said, much more needs to be done to address GRECO's recommendations in this area in a comprehensive manner. The rules on integrity checks prior to the appointment of ministers, chiefs of cabinets and advisers are still to be introduced. Information regarding chiefs of cabinet and advisers of the Prime Minister, Deputy Prime Minister and ministers, as well as their respective areas of competence, is still not publicly available. Integrity plans, codes of conduct and other strategic documents in respect of PTEFs in the Government are still lacking, and the draft National Anti-Corruption Strategy for 2023-2028 does not address corruption prevention and promoting of integrity amongst PTEFs. Even though new draft Law on Lobbying is in the making, no tangible steps have been taken to expand "lobbying" to cover contacts with PTEFs and to ensure that all such contacts, including their subject-matters, are systematically made public. The authorities are yet to ensure that all PTEFs are subject to ad hoc disclosure of conflicts of interest and are bound by post-employment restrictions. In addition, it remains incumbent on the authorities to provide key anti-corruption institutions (i.e. the APC, the Prosecutor's Office for Organised Crime) with adequate human resources to perform their tasks. Finally, no steps have been initiated to review the immunities provided to Government members to exclude corruption-related offences and to extend the competence of the Prosecutor's Office to cover all PTEFs, including the President.
118. With regard to the law enforcement agencies, some progress has been achieved in a limited number of areas. The adoption and publication of the Code of Police Ethics is a welcome development, and the expected adoption of practical guidelines would further assist officers in their understanding of integrity related provisions. GRECO also

welcomes the inclusion of the Code of Police Ethics into compulsory training for new and in-service police officers, as well as the numbers of officers undergoing training on integrity and ethics. The expected setting up of a dedicated body for confidential counselling and advice would clearly be a positive development. The setting up of a dedicated body tasked with recording and evaluating gifts in the Ministry of the Interior, and a significant reduction of the threshold for permissible gifts are to be welcomed. The protection of whistleblowers has been included among mandatory training topics for police officers and a dedicated administrative entity has been set up within the Ministry of the Interior to supervise the implementation of whistleblower protection legislation which are both important positive developments. Nonetheless, several significant measures remain to be addressed. While the National Anti-Corruption Strategy for 2023-2028 (not yet adopted) includes some objectives to be achieved by the Ministry of the Interior, no strategic document on corruption prevention in the police has been adopted. More determined action is needed to amend the rules on appointments in the police so as to provide for more open and transparent competitions and to prevent political appointments in key positions. The draft Law on Internal Affairs, currently in the making, is expected to address this issue as well, but has not been adopted yet. Regular integrity checks are planned for new and in-service police officers, risk-assessment initiatives are in the pipeline to inform future decisions of rotation of police officers, and some actions are envisaged to record and supervise their secondary activities. However, none of these have materialised yet. Finally, oversight mechanism of police misconduct remains to be revised to ensure that investigations into complaints against the police are sufficiently independent and transparent.

119. In the light of the foregoing, GRECO notes that further progress will need to be made within the next 18 months to achieve an adequate level of compliance with the recommendations. In accordance with Rule 31 revised bis, paragraph 8.2, of its Rules of Procedure, GRECO calls on the head of the delegation of Serbia to submit additional information with regard to the implementation of the outstanding recommendations, namely recommendations i-xxi, xxiii and xxiv by 31 December 2025.
120. GRECO invites the authorities of Serbia to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.