

GRECO: Fifth Round Evaluation Report on Serbia



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News

On 5 July 2022, GRECO published its [fifth round evaluation report on Serbia](#). The focus of this evaluation round is on preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies. The evaluation particularly tackles issues of conflicts of interest, the declaration of assets, and accountability mechanisms.

Serbia has been a member of GRECO since 2003 and has so far undergone four evaluation rounds, during which it has achieved initially positive results in the implementation of the recommendations: in the first and second joint evaluation rounds, 80% of the recommendations were fully implemented, and in the third evaluation round 93% (the rest was partially fulfilled in both cases). Serbia is currently in the fourth evaluation round for MPs, judges and prosecutors, where 61.5% of the recommendations have been fully implemented and 38.5% have been partially implemented.

Corruption is considered widespread in Serbia and the country is ranking low in various indices: in the Transparency International Corruption Perceptions Index, Serbia ranks 38th in 2020, and the House of Freedom downgraded the effectiveness of anti-corruption safeguards in 2021. In this context, it was noted that, despite an increase in arrests and prosecutions for corruption in recent years and several reports on corruption investigations involving members of the executive branch, arrests and prosecutions are very rare. One of the reasons is that prosecutors considered that the police had not provided sufficient evidence in cases against government ministers.

The report highlights that the Agency for the Prevention of Corruption (APC) plays a central role in many areas (e.g., public bodies' integrity plans to offset corruption, public officials' asset declarations, training and advice, lobbying rules, etc.). Its action is based on the Law on the Prevention of Corruption (LPC), which imposes requirements on public officials, and the Law on Lobbying. The notion of public officials within the LPC is broad and includes most persons with top executive functions (PTEFs). It does not cover, however, the Prime Minister's and Deputy Prime Ministers' chiefs of cabinets and advisers working for ministers, both roles being closely associated with government decision-making. In parallel with the APC, the report recommends to fully recognise and harness the role of the Anti-Corruption Council in analysing legislation and identifying systemic problems.

Regarding central governments, GRECO recommends:

- Laying down rules requiring integrity checks prior to the appointment of ministers/chiefs of cabinet and advisers in order to identify and manage possible risks of conflicts of interest;
- Adopting strategic documents for preventing corruption amongst all PTEFs for the government and the Presidential administration;

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- Strengthening the role of the APC by making public its recommendations and the government's response to them;
- Expanding the remit of the Law on Prevention of Corruption to cover all PTEFs, including the Prime Minister's and Deputy Prime Ministers' chiefs of cabinet as well as special and government advisers;
- Acknowledging (in full) the advisory role of the Anti-Corruption Council in the institutional framework to combat corruption;
- Providing systematic briefing and training on all integrity standards to all PTEFs when they take office and at regular intervals;
- Systematically submitted laws emanating from the Government for public consultations, and systematically accompanying an explanatory note to revised bills presented before the National Assembly;
- Expanding the scope of the Law on Lobbying to cover contacts with PTEFs whether they have been formalised in a written request or not;
- Obliging all PTEFs to disclose *ad hoc* conflicts of interest;
- Applying post-employment restrictions rules to all PTEFs.

With regard to law enforcement agencies, GRECO recommends:

- Adopting a strategic document with clear goals on corruption prevention in the police identifying risk areas;
- Updating the Code of Police Ethics so as to cover in detail all relevant integrity matters supplemented with specific examples;
- Organising compulsory training for new recruits and serving police officers on the basis of the revised Code of Police Ethics;
- Preventing political appointments of top police officials and including more open and transparent competition in the appointment procedure of the Police Chief;
- Carrying out security checks relating to the integrity of police officers at regular intervals throughout their career;
- Recording secondary activities of police officers with regular checks undertaken thereafter;
- Setting up a body responsible for recording and evaluating gifts and considerably reducing the value of occasional gifts that can be kept by police officers;
- Revising the applicable safeguards to oversight mechanisms of police misconduct with the aim to ensure sufficiently independent investigations into police complaints and a sufficient level of transparency;
- Strengthening awareness of and training on whistleblower protection in the police.

The implementation of the recommendations addressed to Serbia will be assessed by GRECO in 2023 through its compliance procedure.

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