

## Standard Summary Project Fiche – IPA centralised programmes

### Project number 5: Fight against Corruption

#### 1 BASIC INFORMATION

- 1.1 CRIS Number: [2008/020-406](#)
- 1.2 Title: **Fight against Corruption**
- 1.3 ELARG statistical code: 01.36
- 1.4 Location: Republic of Serbia

#### Implementing arrangements:

- 1.5 Contracting Authority: EC Delegation to the Republic of Serbia
- 1.6 Implementing Agency: EC Delegation to the Republic of Serbia
- 1.7 Beneficiary (including details of project manager):

Ministry of Justice, Nemanjina 22-26, Belgrade

The main beneficiary of the project will be the Anti-Corruption Agency.

The Project Manager is the Assistant Minister of the Ministry of Justice of the Republic of Serbia.

A Steering Committee will comprise representatives from the EC Delegation in Serbia and representatives from the Anti-Corruption Agency, the Ministry of Justice, the Ministry of Interior, the Ombudsman's office, the Council of Europe, Anti-Corruption Council, the Republican Committee for Resolving Conflicts of Interest, NGO representatives and any other relevant government departments or stakeholders that are deemed appropriate by the Agency. The Steering Committee will meet every six months, or as needed, and will be chaired by the Project Manager.

#### Financing:

- 1.8 Overall cost: **2,500,000 EUR**
- 1.9 EU contribution: **2,500,000 EUR**
- 1.10 Final date for contracting: 3 years after the signature of the Financing Agreement
- 1.11 Final date for execution of contracts: 5 years after the signature of the Financing Agreement
- 1.12 Final date for disbursements: 6 years after the signature of the Financing Agreement

#### 2 OVERALL OBJECTIVE AND PROJECT PURPOSE

##### 2.1 Overall Objective:

To promote good governance and strengthen institutions in the Republic of Serbia which are instrumental in the fight against corruption.

## 2.2 Project purpose:

To contribute to reducing the level of corruption by supporting the operational functioning of a comprehensive Agency that will coordinate the fight against corruption.

## 2.3 Link with AP/NPAA/EP/SAA

The European Partnership envisages that it is necessary for the Republic of Serbia to adopt and implement a comprehensive Anti-Corruption Strategy, detailed Action Plans, as well as to harmonise these with the UN Convention against Corruption. The UN Convention against Corruption is the first global, legally binding instrument in the area of combating corruption which sets new foundations for fighting corruption and for the return of illegally obtained assets. Serbia is one of the first countries that ratified the Convention. Article 6 of the Convention envisages an obligation to establish an independent State body for combating corruption.

## 2.4 Link with MIPD<sup>1</sup>

The MIPD for Republic of Serbia 2007-2009 emphasises support for a zero tolerance policy against corruption as a priority and objective for further EU assistance (Political requirements, page 16). Also, under Strategic Choices, section 2.1, the MIPD states that, "Progress in key reform areas such as . . . the fight against corruption and organised crime has to be stepped up" (page 13).

While there is presently an Anti-Corruption Council at the State level in Serbia, this body has had no authority to undertake measures that address identified acts of corruption. The main tasks of this advisory body are to examine activities related to the fight against corruption, to propose to the government measures that would promote more efficient policies against corruption and to follow their implementation. Once the new Anti-Corruption Agency is established, the proposed project will help to build its capacity and thus ensure that this Agency is able to exercise far-reaching authority in monitoring the implementation of the Anti-Corruption Strategy and Action Plan, as mandated in the Law on the Anti-Corruption Agency which will be adopted before the project's start.

## 2.5 Link with National Development Plan (where applicable) n/a

## 2.6 Link with national / sectoral plans

As a co-ordinator of activities of the Serbian Government to combat corruption, the Ministry of Justice has developed the National Anti-Corruption Strategy, drafted in co-operation with experts and in compliance with the Council of Europe methodology. In December 2005, the National Assembly adopted the Decision on Establishing the **National Anti-Corruption Strategy**. During August 2006, work on developing the **Strategy Implementation Action Plan** was finalised. In December 2006, the Government of the Republic of Serbia adopted this Action Plan. The proposed Law on the Anti-Corruption Agency is due to be submitted to the Parliament for adoption before the end of 2008

The Law on the Anti-Corruption Agency will incorporate the establishment of an autonomous and independent body which will be able not only to independently analyse and describe the situation of corruption in Serbia, but also to take specific measures that will more rigorously endeavour to combat corruption.

The Anti-Corruption Agency as an autonomous and independent body will have the following responsibilities:

### 1. Implementing the Strategy and Action Plan

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<sup>1</sup> Multi-Annual Indicative Planning Document

2. Enforcing regulations relating to conflict of interest resolution for officials in all branches of the government
3. Controlling implementation of regulations governing the financing of political parties and election campaigns
4. Monitoring the work of bodies engaged in the battle against corruption
5. Developing integrity plans in the public sector

The objective of the Strategy is to reduce corruption and achieve an anti-corruption culture which is aligned with developed European countries, by accomplishing the following goals:

- Conclusively eliminate the conditions which allow for the occurrence and development of corruption;
- Establish a legal and institutional framework for the prevention and reduction of corruption;
- Consistently introduce criminal and moral liability for illegal acts;
- Set appropriate ethical standards and efficiently introduce international anti-corruption standards;
- Ensure transparency in the funding of political parties, elections and election campaigns;
- Prevent conflict of interest in the public sector;
- Assure the legal and responsible execution of decisions;
- Increase the efficiency of bodies responsible for the implementation of laws;
- Reform of public administration, with the aim to enhance professionalism and transparency;
- Institute open and transparent procedures of planning and using budgetary funds, as well as public monitoring of budgetary expenditures;
- Provide training and support to the private sector in the implementation of anti-corruption measures;
- Define the role of the media in combating corruption;
- Stimulate citizens to participate in the fight against corruption;
- Promote co-operation and raising of public awareness about the authorities and obligations of State bodies, economic entities, civil society and citizens with regard to combatting corruption; and
- Encourage participation in the regional and international fight against corruption.

The **National Judicial Reform Strategy** includes reforms of constitutional, substantial and procedure laws, as well as reforms in the position of holders of judicial functions and relations between the judiciary and the general public. The strategic goal of the reform is to raise the quality of judicial practice to the level which corresponds to modern European countries. The overall objective is the rule of law. The judiciary necessitates independent, impartial and competent staff in order to achieve the highest standards for the protection of human rights and freedoms.

The **Serbian National Strategy for Joining the EU** puts emphasis on the necessity to take effective measures for prevention of corruption – raising public awareness and promoting ethical behaviour; facilitating co-ordinated and uniform punitive regulation of corruption, both at the national and international level (so called “norm identity”); creating conditions for those responsible for the prevention, investigation, prosecution and sentencing in corruption matters to have the benefit of the independence and autonomy that are essential to their

functions; provision of appropriate measures for seizure and confiscation of proceeds from crimes related to corruption; introduction of criminal liability of legal entities, i.e. implementation of measures to prevent legal entities from being used during corruptive acts. Moreover, it is necessary to promote the specialisation of individuals and bodies responsible for combating corruption, with a provision of appropriate resources for their permanent education and improvement; insisting on continuous scientific research of corruption; development of the widest possible international co-operation at all levels for combating corruption; and creating conditions for the media to have full liberty in reporting on corruption cases, observing only those restrictions which are necessary in every democratic society.

Furthermore, the Serbian National Strategy for Joining the EU underlines that for most measures which have to be taken in the forthcoming period in order to fulfil set demands, it is not necessary to initiate additional legal reforms. A great number of anti-corruption measures are not linked to legislative acts, but rather to the more active involvement of society in the promotion and further strengthening of democratic social relations, as well as in the building of the independence of judges, prosecutors and police, particularly in the widest educational context aimed at the development and affirmation of positive moral values.

The **Poverty Reduction Strategy** also underscores that a successful battle against corruption calls for a comprehensive approach with consistent, ongoing and dynamic activities to ensure implementation, based on previously defined and understood rules and responsibilities.

### **3 DESCRIPTION OF PROJECT**

#### **3.1 Background and justification:**

Corruption in Serbia is a serious social problem, as is indicated in results of public opinion polls, declared priorities of political parties and analyses carried out by international organisations. The extent of corruption cannot be precisely determined hence public opinion polls and analyses of the perception of corruption, carried out on a qualified sample, are being used to assess its extent.

Combating corruption is an organised and long-term process of implementation of purposefully defined measures for corruption prevention and reduction. Despite the fact that the National Anti-Corruption Strategy has been adopted, as well as some important anti-corruption laws, the fight against corruption has not shown adequate results. The number of prosecuted corruption cases is in disaccord with the number of dubious occurrences to which public attention was drawn. Combating corruption to date has mainly focused on an improvement of the legal and institutional framework. Some anti-corruption measures had been agreed before the adoption of the Anti-Corruption Strategy, consequently these should be made more compatible.

According to the statistical data of Statistical Office of the Republic of Serbia for the period 2000-2003, criminal acts with the element of corruption amounted to 4-5% of the total number of reported criminal acts. Around 15% of these complaints led to conviction. An impression gained on the basis of data from other sources is that in regard to these offences, the so called "dark figure on the extent of crime" is high.

Statistics on criminal acts of corruption where temporary measures of seizure of assets have been taken is not in compliance with the existing methodology of keeping records on criminal acts, so it is not possible to determine the number of cases in which the seizure had an epilogue in court.

Citizens are a subject of the anti-corruption strategy, but also its object. Using their right to vote, citizens can monitor and "punish" those in power if they are not satisfied with their ethical principles or results, i.e. to "award" those who have been honourable and successful.

Therefore, it is necessary to work on raising citizens' awareness and their knowledge in order for the broader population to be aware of the threat of corruption and its devastating consequences.

Although the adoption of the Law on the Anti-Corruption Agency will probably encounter a number of financial, organisational and staffing problems, the establishment of such a body would give Serbia a unique institution which will be able to not only independently analyse and describe the situation, but also to take specific measures to enhance the fight against corruption.. The Agency: supervises implementation of the National Strategy for Combating Corruption, the Action Plan for Implementation of the National Strategy and sector action plans and accordingly informs the public; institutes proceedings and pronounces measures for violation of this Act and law governing financing political parties; rules of conflict of interest; performs tasks in accordance with the law governing financing of political parties; issues opinions and directives for enforcing this Act; launches initiatives for amending and enacting regulations in the field of combating corruption; monitors and organizes coordination of the government bodies in the fight against corruption; keeps a register of the officials; keeps a register of property and income of officials; extend expert assistance in the field of combating corruption; cooperates with other government bodies in drafting and harmonization of regulations in the field of fight against corruption; develops integrity plans in the public and private sector; introduces and implements education programmes concerning corruption; keeps separate records in accordance with this Law; acts on complaints submitted by legal entities and natural persons; organizes research, monitors and analyses statistical and other data on the state of corruption; in collaboration with other government bodies monitors international cooperation in the fight against corruption; performs other tasks set forth by the law. In order to carry out a wide scope of complicated anti-corruption tasks, staff training is necessary, as well as significant financial support There is a need for continual professional education in various areas, such as law, economy, finances, accountancy, etc, in order to achieve adequate results in the prevention, investigation and prosecution of corruptive behaviour.

The Council of Europe's Group of States against Corruption (GRECO) has in its Joint I and II Evaluation Report on Serbia (2005) presented recommendations on steps that need to be undertaken to strengthen the fight against corruption. A number of these could be facilitated by the work of an independent Anti-Corruption Agency which will have the authority and the professional capacity to coordinate the implementation of the Anti-Corruption Strategy and Action Plan while ensuring that these documents are updated over time, as needed. The proposed project will help to ensure that the Agency receives key support in its early stages of development.

The Republic of Serbia has ratified the following international conventions: United Nations Convention against Corruption, United Nations Convention against Transnational Organised Crime (the Palermo Convention), Council of Europe Criminal Law Convention on Corruption, Council of Europe Additional Protocol to the Criminal Law Convention on Corruption, Civil Law Convention on Corruption, Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the European Convention on Mutual Assistance in Criminal Matters with Additional Protocols.

In May 2006, the Parliament of Serbia and Montenegro (a short time before the referendum and separation of Montenegro) adopted the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters.

The direct beneficiary of the proposed project is the Ministry of Justice of Republic of Serbia and particularly the Anti-Corruption Agency once it is established as an autonomous and independent State institution.

Supplementary beneficiaries of the project are State institutions such as judicial bodies, the Ministry of Interior, other line Ministries, the Anti-Corruption Council and other relevant institutions which are dealing with the fight against corruption.

The final beneficiaries of the proposed project are citizens of the Republic of Serbia since combating corruption will contribute to a strengthening of democratic institutions and a stimulation of the market economy.

### **3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact (where applicable)**

Implementation of the project will ensure that those responsible for prevention, investigation, prosecution and sentencing in corruption matters have the benefit of the independence and autonomy becoming their functions, that they are protected from inappropriate influences and that they have at their disposal efficient resources for gathering evidence, protecting persons who assist authorities in combating corruption and preserving confidentiality in investigations. In addition, the project will secure appropriate measures in every aspect of the fight against corruption; possible liaisons with organised crime and money laundering have to be taken into consideration. The proposed project will establish conditions that will encourage corruption reduction to be kept in mind in the process of organising, functioning and decision making of public organisations, particularly by creating essential preconditions for transparency, which is in compliance with achieving necessary efficiency.

The initial budget for establishing the Anti-Corruption Agency will be provided for in the Law on the Budget of the Republic of Serbia for 2009, or by a rebalance of the budget for 2008 if legislation is adopted earlier. The Anti-Corruption Agency, once it is established, will estimate what funds are necessary for financing its remaining activities and funds will be incorporated into subsequent years' budgets for this purpose.

As evidenced by the recent prosecution of several high profile cases of corruption and organised crime, media coverage of these events has had an effect on public perception of the potential positive impact of combating organised crime. The media will continue to be instrumental in boosting public awareness as it reports on cases that will be part of the Anti-Corruption Agency's efforts which will be supported by the proposed project. This will be expected to have a catalytic effect in encouraging greater public participation in the battle against corruption.

### **3.3 Results and measurable indicators**

- 1) Anti corruption Agency fully operational with trained staff at all levels in line with the EU best practice in the anticorruption area
- 2) Integrated IT system established with appropriate software for management and tracking of cases and complaints
- 3) Increased coordination amongst relevant State bodies involved in the fight against corruption
- 4) Better understanding of Corruption and mechanisms for prevention of it by the citizens and relevant other target groups

### **3.4 Activities:**

- 1) Draft training curricula and conducting the training for staff of the Agency and other State institutions
- 2) Delivery of Services and procurement of supplies which are necessary for setting up an integrated IT system
- 3) Preparation of manual that describe a clear division of responsibilities among the State institutions involved and organization of joint seminars and workshops for all relevant institutions on a quarterly basis

#### 4) Public awareness campaign

#### **Contracting Arrangement:**

This project will be implemented through one service contract and one supply contract.

### **3.5 Conditionality and sequencing:**

- Adoption of the proposed Law on the Anti-Corruption Agency in the Parliament of Republic of Serbia
- Establishment of the Anti-Corruption Agency
- State institutions respect the authority delegated to the Agency by the Law on the Anti-Corruption Agency
- High level of commitment among Agency staff to work on combating corruption
- Provision of adequate financial resources and human capacities
- Transparent work procedures of the Agency through engagement of media and civil society

### **3.6 Linked activities**

The Project against Economic Crime is being implemented within the Ministry of Justice, and financed by the EC through the European Agency for Reconstruction (EAR). The project is being implemented by the Council of Europe in the period from December 2005 until May 2008. The aim is to build capacities for preventing and combating commercial crime in the Republic of Serbia in accordance with European and international standards and best practices.

### **3.7 Lessons learned**

Conclusions from the Conference on Promoting Incorporation of International Anti-Corruption Standards into Serbian Legislation, held in Belgrade in September 2005, organised by the OSCE Mission to Serbia and Montenegro in co-operation with the Stability Pact for South Eastern Europe, move in two directions:

Firstly, all International Anti-Corruption instruments adopted in the last ten years now constitute a comprehensive set of standards which help legislators and policy makers to draft laws and improve practice in accordance with the principles of good administration.

Secondly, emphasis was put on the progress that the Republic of Serbia has achieved by adopting some of the key regulations for combating corruption: in the last few years, new laws were adopted in the area of money laundering, public acquisitions, funding of political parties, preventing conflict of interest and free access to information of public interest. Experts and practitioners pointed out the remaining gaps in domestic legislation, particularly those in the area of incrimination and efficient investigation, prosecution and sanctioning of criminal acts of corruption.

In December 2001, the Serbian Government Anti-Corruption Council was established. The Serbian Government and the Serbian Association of Judges established the Judicial Training Centre. The following bodies were also formed: Directorate for Prevention of Money Laundering, Directorate for Combating Organised Crime, Directorate for Public Procurement,

Special Prosecution Unit and a Special Unit of the Belgrade District Court for suppression of organised crime, as well as the Commissioner for Information of Public Importance

For the purpose of further awareness raising of public officials in relation to the importance of implementation of the Law on Prevention of Conflict of Interest and gaining support from the general public, the Republic Committee for Solving Conflict of Interest Cases has organised a number of seminars in Niš (November 2005), Novi Sad (December 2005), Valjevo (February 2006), Krusevac (April 2006) and Belgrade (April 2006). Seminars were organised in co-operation with nongovernmental organisations. These seminars were well attended and have contributed to clarifying certain doubts that local officials had in regard to duties and proscriptions envisaged by the Law. Especially significant was the publishing of the manual – *Guide through Legal Acts on Prevention of Conflict of Interest*. The Guide contains, among other things, a selection of legal opinions of the Republic Committee on the most important issues significant for interpretation and implementation of the Law.

#### 4 INDICATIVE BUDGET (AMOUNTS IN €)

|                      |        |         | SOURCES OF FUNDING  |                            |            |                           |       |                 |                         |              |                      |       |
|----------------------|--------|---------|---------------------|----------------------------|------------|---------------------------|-------|-----------------|-------------------------|--------------|----------------------|-------|
|                      |        |         | TOTAL EXP.RE        | IPA COMMUNITY CONTRIBUTION |            | NATIONAL CONTRIBUTION     |       |                 |                         |              | PRIVATE CONTRIBUTION |       |
| ACTIVITIES           | IB (1) | INV (1) | EUR (a)=(b)+(c)+(d) | EUR (b)                    | %(2)       | Total EUR (c)=(x)+(y)+(z) | % (2) | Central EUR (x) | Regional/ Local EUR (y) | IFIs EUR (z) | EUR (d)              | % (2) |
| Activity 1           |        |         |                     |                            |            |                           |       |                 |                         |              |                      |       |
| contract 1.1         | x      |         | 1.500.000           | 1.500.000                  | 100        |                           |       |                 |                         |              |                      | -     |
| Activity 2           |        |         |                     |                            |            |                           |       |                 |                         |              |                      |       |
| contract 1.2         |        | x       | 1.000.000           | 1.000.000                  | 100        |                           |       |                 |                         |              |                      | -     |
| .....                |        |         |                     |                            |            |                           |       |                 |                         |              |                      |       |
| TOTAL IB             |        |         | 1.500.000           | 1.500.000                  | 100        |                           |       |                 |                         |              |                      |       |
| TOTAL INV            |        |         | 1.000.000           | 1.000.000                  | 100        |                           |       |                 |                         |              |                      |       |
| <b>TOTAL PROJECT</b> |        |         | <b>2.500.000</b>    | <b>2.500.000</b>           | <b>100</b> |                           |       |                 |                         |              |                      |       |

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the **Total** Expenditure (column (a))

#### 5 INDICATIVE IMPLEMENTATION SCHEDULE

| Contracts             | Start of Tendering | Signature of contract | Project Completion |
|-----------------------|--------------------|-----------------------|--------------------|
| Service Contract 1.1  | T + 1Q             | T + 3Q                | T + 11Q            |
| Supplies Contract 1.2 | T + 4Q             | T + 7Q                | T + 12Q            |

## **6 CROSS CUTTING ISSUES**

### **6.1. Equal Opportunity**

Equal opportunities for men and women will be guaranteed as an integral part of the implementation of this project. It is expected that gender equity will be fully observed in the recruitment of Agency staff so all capacity building activities will be available equally to men and women in the Agency. Training will be equally available to men and women staff members in the Anti-Corruption Agency as well as to staff in State institutions, accordingly. All research and analyses will be conducted using gender-sensitive methodologies, and gender will be mainstreamed in all activities related to the implementation of the Anti-Corruption Strategy and Action Plan.

### **6.2. Environment**

This project is harmonised with national environmental regulations and standards. It will not have any negative impact on the environment nor jeopardise environment, health and security in the future. The project will be delivered in the most environmentally friendly way possible, including the recycling of paper and the reduction of paper-based filing through the establishment of an electronic database and IT system.

### **6.3. Minorities**

Minorities and vulnerable groups are always the first to suffer from corruption and poverty. A reduction of corruption is expected to lead to a general improvement in the socio-economic environment of Serbia, which will be particularly beneficial for such groups. Good governance will be strengthened through the implementation of various anti-corruption measures. Public awareness campaigns will help to empower minorities and vulnerable groups to participate in and contribute to anti-corruption efforts. This will in turn enhance civic responsibility among these groups which are often marginalised and socially excluded.

## ANNEX I: Logical Framework Matrix

|  |  |   |  |
|--|--|---|--|
| <b>Fight against Corruption</b>  |  | Contracting period expires 3 years after the signature of the Financing Agreement<br><br>Total budget :<br><b>€2,500,000</b>  | Disbursement period expires 6 years after the signature of the Financing Agreement<br><br>IPA budget:<br><b>€2,500,000</b>   |
| <b>Overall Objective</b>   | <b>Objectively Verifiable Indicators</b>   | <b>Sources of verification</b>  | <b>Assumptions</b>   |
| To promote good governance and strengthen institutions in the Republic of Serbia which are instrumental in the fight against corruption.   | An increased number of corruption cases are disclosed and prosecuted<br><br>Laws and bylaws relevant to the fight against corruption are passed at the Parliamentary and Ministerial levels<br><br>Citizens have more trust in their governmental institutions   | Text of laws and bylaws<br><br>Official reports of the Agency<br><br>Reports on level of corruption in Serbia prepared by the EU and international institution as well as NGOs<br><br>Public opinion surveys    |  |
| <b>Project Purpose</b>   | <b>Objectively Verifiable Indicators</b>   | <b>Sources of verification</b>  | <b>Assumptions</b>   |
| To contribute to reducing the level of corruption in Serbia by supporting the operational functioning of a comprehensive Agency that will coordinate the fight against corruption. | The Anti-Corruption Agency is established and fully functional<br><br>Improved coordination in the fight against corruption among all relevant stakeholders<br><br>Protocols of cooperation between State agencies prepared and fully implemented in practice<br><br>Means of control and identification of corruption in public administration implemented<br><br>Level of support of citizens for specific branches of the public administration | Text of laws and bylaws<br><br>Official reports of Parliament and line ministries<br><br>Official police, courts and prosecutors statistics<br><br>Official reports of the Agency<br><br>Public opinion surveys | Agency established and its basic structure is formalized<br><br>Time required for integrity of newly established institutions to be realised<br><br>Risk that there will be very high expectations regarding the amount of time required to reduce the level of corruption |

| Results   | Objectively Verifiable Indicators   | Sources of verification   | Assumptions  |
|---|---|---|--|
| <p>1) Anti corruption Agency fully operational with trained staff at all levels in line with the EU best practice in the anticorruption area</p> <p>2) Integrated IT system</p> | <ul style="list-style-type: none"> <li>▪ Analysis of existing legislation completed by 6 months from the start of the project</li> <li>▪ Analysis of the areas which are most exposed to corruption completed by 6 months from the start of the project</li> <li>▪ Training curricula developed by 6 months from the start of the project</li> <li>▪ All Agency staff complete the training programme by 18 months after the start of the project</li> <li>▪ Staff from targeted State institutions complete the training programme by 18 months after the start of the project</li> <li>▪ Relevant staff from government bodies that are responsible for implementation of legislation complete the training programme by 18 months after the start of the project</li> <li>▪ At least 50% of interventions described in the Action Plan are implemented in a timely fashion through coordination by the Anti-Corruption Agency</li> <li>▪ A database for tracking files and registers is operational by project completion</li> <li>▪ A software system for tracking files</li> </ul> | <p>Text of laws and bylaws</p> <p>Official reports of Parliament and line ministries</p> <p>Analysis of existing legislation published</p> <p>Analysis of the areas most exposed to corruption published</p> <p>Statistical reports of the courts and prosecutor offices</p> <p>Official reports of the Agency</p> <p>Interviews with other stakeholders</p> <p>Official statistics from the police, courts and prosecutors</p> <p>Texts of work protocols</p> <p>Press clippings and media monitoring</p> <p>NGO reports</p> | <p>Capacity of all stakeholders to be actively involved in implementation of new legislative framework</p> <p>Risk that there will be slow implementation of measures proposed by the Agency</p> |

|  |   |  |  |
|--|---|--|--|
| <p>established with appropriate software for management and tracking of cases and complaints</p>                                 | <p>and registers is operational by project completion</p>   |  |  |
| <p>3)Increased coordination amongst relevant State bodies involved in the fight against corruption</p>                           | <ul style="list-style-type: none"> <li>▪ End-users of the new IT system have been trained in its use by project completion</li> <br/> <li>▪ Recommendations for improvement of relations and coordination among the institutions that are dealing with corruption are completed by the end of the first year of project implementation</li> <br/> <li>▪ Manuals published and distributed by 18 months after the start of the project</li> <br/> <li>▪ Joint seminars and/or workshops are held quarterly during project implementation</li> <br/> <li>▪ Greater number of initiatives on different levels targeted to fight corruption in specific segments of administration</li> </ul> |  |  |
| <p>4)Better understanding of Corruption and mechanisms for prevention of it by the citizens and relevant other target groups</p> | <ul style="list-style-type: none"> <li>▪ Analysis of public opinion shows greater awareness about corruption reflected at the end of project implementation as compared to the baseline</li> <br/> <li>▪ At least 3 integrity plans developed and have started implementation by the end of the sixth month of project implementation</li> </ul>  |  |  |

|  | <ul style="list-style-type: none"> <li>▪ Increased number of cases in which citizens supported State authorities in the fight against corruption</li> <li>▪ Analysis completed and sector action plans developed with regard to the areas that are most exposed to corruption by 18 months after the start of the project</li> </ul>  |   |   |
|--|---|---|---|
| <b>Activities</b>  | <b>Means</b>  | <b>Costs</b>  | <b>Assumptions</b>  |
| <p>1) Draft training curricula and conducting the training for staff of the Agency and other State institutions</p> <p>2) Delivery of Services and procurement of supplies which are necessary for setting up an integrated IT system</p> <p>3) Preparation of manual that describe a clear division of responsibilities among the State institutions involved and organization of joint seminars and workshops for all relevant institutions on a quarterly basis</p> <p>4) Public awareness campaign</p> | <p>Project implementation team</p> <p>Contracting of long and short term international and domestic experts for preparation of analyses, best practices internal and inter-sectoral work protocols</p> <p>Design, organisation and delivery of training courses</p> <p>Organisation of workshops, conferences and working groups meetings</p> <p>Organisation of study tours</p> <p>Procurement of IT equipment and necessary infrastructure</p> <p>Design, installation, testing and training for implementation of case management system for the Agency</p> <p>Design and publication of anti corruption manuals and flyers</p> <p>Organisation of awareness raising campaigns</p> | <p><b>Service contract: €1,500,000</b></p> <p><b>Supplies: €1,000,000</b></p> | <p>Case management system compatible with similar systems in connected institutions (ministries, courts, etc)</p> |

**ANNEX II: Contracted and disbursed by quarter for the project amounts (in €)**

| <b>Contracted</b> | <b>Q1</b> | <b>Q2</b> | <b>Q3</b>        | <b>Q4</b> | <b>Q5</b>      | <b>Q6</b> | <b>Q7</b>        | <b>Q8</b> | <b>Q9</b>        | <b>Q10</b> | <b>Q11</b>       | <b>Q12</b>       | <b>TOTAL</b>     |
|-------------------|-----------|-----------|------------------|-----------|----------------|-----------|------------------|-----------|------------------|------------|------------------|------------------|------------------|
| Contract 1.1      |           |           | 1,500,000        |           |                |           |                  |           |                  |            |                  |                  | <b>1,500,000</b> |
| Contract 1.2      |           |           |                  |           |                |           | 1,000,000        |           |                  |            |                  |                  | <b>1,000,000</b> |
| <b>Cumulated</b>  |           |           | <b>1,500,000</b> |           |                |           | <b>1,000,000</b> |           |                  |            |                  |                  | <b>2,500,000</b> |
| <b>Disbursed</b>  |           |           |                  |           |                |           |                  |           |                  |            |                  |                  |                  |
| Contract 1.1      |           |           | 150,000          |           | 337,500        |           | 337,500          |           | 337,500          |            | 337,500          |                  | <b>1,500,000</b> |
| Contract 1.2      |           |           |                  |           |                |           | 450,000          |           |                  |            | 450,000          | 100,000          | <b>1,000,000</b> |
| <b>Cumulated</b>  |           |           | <b>150,000</b>   |           | <b>487,500</b> |           | <b>1,275,000</b> |           | <b>1,612,500</b> |            | <b>2,400,000</b> | <b>2,500,000</b> | <b>2,500,000</b> |

### **ANNEX III: Description of Institutional Framework**

The Ministry of Justice is in charge of implementation and monitoring of this project. The work, mandate and authorization of the Ministry are regulated by the Law on Ministries (adopted on May 15, 2007 (Official Gazette of Republic of Serbia no. 48/07)) – i.e. Article 7.

The Ministry of Justice consists of the following departments:

Judiciary and Misdemeanour Sector

Normative Affairs and International Cooperation Sector

IT Sector

Finance Sector

Directorate for Execution of Legal Sanctions

Ministry Secretariat

Commission for the Implementation of the National Strategy for Fight against Corruption

Public Procurement Office

Republican Committee for Resolving Conflicts of Interest

Commissioner for Information of Public Importance

Ombudsman

In addition to this, Ministry of Interior has two Sections which are responsible for fighting against Organized Crime. Namely, the Ministry of Interior has the Service for the Fight against Organized Crime within which is an Anti-Corruption Section and also, under the new Law on the Police the Office of the Inspector-General has been transformed into the Internal Control Sector.

The Anti-Corruption Agency will be established before the start of project implementation as an independent body responsible for fighting against corruption.

## **ANNEX IV: Reference to laws, regulations and strategic documents:**

### **Reference list of relevant laws and regulations**

Key laws, regulations and strategic documents in the area of judiciary:

#### *General:*

- Constitution of the Republic of Serbia
- Law for the Implementation of the Constitution of the Republic of Serbia
- National Strategy for Serbia and Montenegro's Accession to the European Union
- Action Plan for the Implementation of the European Partnership
- National Strategy for Fight against Corruption
- Action Plan for the Implementation of the National Strategy against Corruption

#### *Judiciary:*

- Civil Procedure Code (Official Gazette of Republic of Serbia 125/05)
- Criminal Procedure Code (Official Gazette of Republic of Serbia 85/05)
- Law on Civil Enforcement Procedure (Official Gazette of Republic of Serbia 125/05)
- Law on Organisation of Courts (Official Gazette of Republic of Serbia 46/06)
- Law on Public Prosecutor (Official Gazette of Republic of Serbia 106/06)
- Court Rules of Procedure (Official Gazette of Republic of Serbia 50/06)
- Law on Public Procurement (Official Gazette of Republic of Serbia 39/02)
- Law on the Prevention of Conflicts of Interest in the Performance of Public Functions (Official Gazette of Republic of Serbia 43/04)
- Law on Free Access to Information of Public Importance (Official Gazette of Republic of Serbia 120/04 and 54/07)
- Law on the Ombudsman (Official Gazette of Republic of Serbia 79/05)
- Law on the Police (Official Gazette of Republic of Serbia 101/05)
- Law on the Anti-Corruption Agency (it is envisaged that the Law will be into effect on 1 January 2009.).

### **Reference to AP /NPAA / EP / SAA**

The European Partnership envisages that it is necessary for the Republic of Serbia to adopt and implement a comprehensive Anti-Corruption Strategy, detailed Action Plans, as well as to harmonise these with the UN Convention against Corruption. The UN Convention against Corruption is the first global, legally binding instrument in the area of combating corruption which sets new foundations for fighting corruption and for the return of illegally obtained assets. Serbia is one of the first countries that ratified the Convention. Article 6 of the Convention envisages an obligation to establish an independent State body for combating corruption.

The **SAA (Article 80 Reinforcement of institutions and rule of law)** underlines the importance of consolidating the rule of law and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular.

### **Reference to MIPD**

The MIPD for Republic of Serbia 2007-2009, emphasizes the support for a zero tolerance policy against corruption as a priority and objective for further EU assistance (Political requirements, page 16). Also, under Strategic Choices, section 2.1, the MIPD states that, “Progress in key reform areas such as . . . the fight against corruption and organised crime has to be stepped up” (page 13).

### **Reference to national / sectoral plans**

National Anti-Corruption Strategy.

National Anti-Corruption Strategy Implementation Action Plan

National Judicial Reform Strategy

Serbian National Strategy for Joining the EU

Poverty Reduction Strategy

## **ANNEX V: Details per EU funded contract**

Tasks associated with the Service Contract for Technical Assistance will include:

- Conduct a comprehensive analysis of existing legislation
- Design (develop relevant curricula), organise and deliver various trainings
- Organisation of study visits
- Prepare and publish manuals on clear division of responsibilities among State institutions involved
- Organise joint seminars and workshops
- Organise media campaigns and public campaigns related to raising awareness on corruption in certain sectors
- Prepare and disseminate flyers to inform the public about the responsibilities and duties of State bodies
- Conduct baseline and end-of-project analyses of the complaints that citizens report to the Agency with an aim to assess citizens' attitudes on the level of corruption
- Conduct an analysis of the areas which are most exposed to corruption
- Develop sector action plans for each of these areas
- Follow up on the implementation/application of the sector action plans
- Develop integrity plans
- Implement the integrity plans
- Develop technical specifications for the procurement of supplies
- Develop the database and software through which the Agency will track case files and registers
- Organise training courses for the end-users

### Supplies Contract

Specifications for the procurement of supplies will be developed by experts working under the Service Contract for TA.