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## Overview on anti-corruption rules and regulations in SERBIA

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**II. What is the anti-corruption legal framework in your country (including brief overview on active / passive bribery, bribery of foreign officials, and commercial bribery)?**

In Serbia, there is no specific national anti-corruption legislation. The anti-corruption framework is scattered between various legislation. The principal legislative enactment is the Criminal Code, which recognises both passive and active bribery (which applies both to private/commercial bribery and public bribery) and trading in influence.

**III. Does this framework also cover extra-territorial corruption?**

In principle, the Criminal Code of Serbia shall apply to anyone committing a criminal offence on its territory. However, Serbia is also no stranger to the extra-territorial application of the US Foreign Corrupt Practices Act (FCPA) and, to a lesser extent according to the practice so far, the UK Bribery Act,. Recent years have seen the investigation of, and subsequent DPAs on, bribery allegations concerning several multinational pharmaceutical companies.

Bribery and Trading in influence also extend to foreign officials, meaning that the foreign official who has committed the offence shall be liable under the same regime as the domestic official.

**IV. Is there a concept of corporate criminal liability?**

Yes, a Company is responsible for acts or omissions of their officers as long as: 1) They act in capacity of their engagement. To act within the scope of the engagement, the officer must have an actual or apparent authority to engage in a particular act. If a nexus exists between an officer's criminal behaviour and his corporate duties, the Company will be criminally liable for the officer's conduct; 2) If the officer acted, for the benefit of the Company. This requirement consists of two elements. First, the officer has to act with intent to benefit the Company; second, the officer acts for his or her own personal gain, and the Company ends up benefiting from the conduct.

**V. What are the penalties for legal entities (if applicable) and natural persons?**

For companies there are monetary penalties (up to 5 mio EUR) and a death penalty (erasing the company from the registry).

**VI. Which local authorities are competent for corruption investigations?**

The Prosecution and the Police.

**VII. Are there whistle-blower regulations?**

Yes. It regulates procedure, rights of whistleblowers, obligations of the state authorities and other authorities and organizations in relation to whistleblowing, as well as other issues of importance for whistleblowing and protection of whistleblowers. Whistle-blowers are protected when reporting suspicions relating to corruption, violation of human rights or the exercise of public authority contrary to the entrusted purpose, danger to life, public health, safety, environment, and prevention of major damage.

**VIII. Are there voluntary disclosure / self-reporting programmes and procedures?**

Yes, disclosure under whistle-blowers regulation is possible within one year from the day of the event subject to disclosure, and no later than ten years from the performance of such action. Under Criminal law provisions, In cases of active bribery, self-reporting means that the perpetrator may be remitted from punishment if he/she reports the offence before becoming aware that it has been detected.

**IX. What are the consequences for assessment of guilt or admission of wrongdoing for future business, work, permits e.a.?**

The consequences can vary, but mostly relate to bar to perform certain function, i.e. directorship.

**X. What are the latest developments in anti-corruption in your jurisdiction?**

The start of the application of newly adopted whistle-blowers' legislation, Law on Property Origin and the implementation of Financial Investigation Strategy. Under the whistle-blower legislation the breaches of whistle-blowers' rights, have as a consequence civil sanctions, not criminal. It is yet to be seen whether these will be included in the Criminal Code amendments, as announced.

## XI. The Author



Vladimir has worked with international and domestic clients, advising them on various procedural law matters. Vladimir advised clients in economic and corporate criminal law cases and provided representation in such matters. He also counselled and represented clients before courts and arbitration proceedings in Serbia and abroad.

Prior to establishing Hrle Attorneys, Vladimir worked with the law firms Schoenherr and Karanovic-Nikolic, and was actively involved in two high profile cases before the UN court (ICTY) in The Hague. Vladimir started his career with Dragoslav Cetkovic, an esteemed defence attorney in 2005.

Vladimir is a member of the Serbian and Belgrade Bar Association and one of the managers of the Anti-Corruption Working Group of the European Criminal Bar Association. He is active in the Balkans Regional Rule of Law Network of the American Bar Association (founding member), European Criminal Justice Observatory (deputy chair) and Fair Trails International. He also co-heads the Business Crime practice group of the Roxin Alliance (partner of the World Bank's Global Forum on Law, Justice and Development) and cooperates as a consultant with the International Finance Corporation of the World Bank Group.

Vladimir is a certified trainer of the Council of Europe's Human Rights Education for Legal Professionals Programme, after successfully finishing the Training of Trainers (ToT) in Strasbourg, France, with the aim of ensuring high-quality further training on the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights for legal professionals.

Vladimir received his law degree from Belgrade University and holds an LL.M. degree from University of Amsterdam. He authored several publications on business crime and did academic research at Amsterdam University on Corporate Criminal Liability under the mentorship of late Professor Bert Swart.

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