

# THE LAW ABOUT LOBBYING

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## AND BASIC PROVISIONS

### Subject

#### Article 1

This law regulates the conditions and manner of lobbying, lobbying rules, the register and records related to lobbying and other issues of importance for lobbying.

### The notion of lobbying

#### Article 2

Lobbying is an activity that influences the bodies of the Republic of Serbia, autonomous provinces and local self-government units, bodies of holders of public authority, whose founder is the Republic of Serbia, an autonomous province or local self-government unit (hereinafter: government body), in the law-making process, other regulations and general acts, within the competence of these authorities, in order to achieve the interests of lobbying users, in accordance with the law.

### Activities that are not considered lobbying

#### Article 3

The following are not considered lobbying:

- 1) information, attitudes and opinions on laws, other regulations and general acts, proposals or draft laws, other regulations and general acts, published in the media and other means of informing the public;
- 2) activities of persons who publicly communicate their views, ie submit proposals and expert opinions to government bodies for initiating, preparing, considering, adopting and giving explanations of proposed solutions of laws, other regulations and general acts or participate at the invitation of government bodies with or without compensation or in within projects whose beneficiary is a public authority, in the preparation, consideration or provision of expert opinions on proposed solutions to laws, other regulations and general acts;
- 3) civic initiatives addressed to the authorities on proposed solutions of laws, other regulations and general acts;
- 4) activities of officials and employees of government bodies for the purpose of initiating, preparing, considering, adopting and giving explanations of proposed solutions of laws, other regulations and general acts, if these activities are performed in accordance with their powers.

### Lobbyist and legal entity that performs lobbying

#### Article 4

Lobbying may be performed by a natural person registered in the Register of Lobbyists in accordance with this Law (hereinafter: lobbyist) and a company or association registered in the Register of Legal Entities Performing Lobbying in accordance with this Law (hereinafter: : legal entity performing lobbying).

Lobbying may be performed by a natural person who is not registered in the Register of Lobbyists if he is a legal representative or is employed by a lobbying user or represents the interests of an association or company whose member is a lobbying user (hereinafter: unregistered lobbyist).

## **Lobbying user**

### **Article 5**

The lobbying user is a natural or legal person in whose interest the lobbying is performed.

## **Lobbying face**

### **Article 6**

A lobbyist is an elected, appointed, appointed, employed or otherwise employed person in a government body, as well as a person whose election, appointment or appointment is approved by the government body, and who participates in the process of preparing and passing laws, other regulations and general acts or may affect the content of the law of other regulations and general acts.

## **Principle of protection of public interest**

### **Article 7**

The lobbyist is obliged to prevent the occurrence of harmful consequences for the public interest that may arise as a result of lobbying.

## **The principle of integrity**

### **Article 8**

Lobbyists, legal entities that perform lobbying and unregistered lobbyists are obliged to act in accordance with the principle of integrity when lobbying.

The principle of integrity implies legality, transparency and accountability in work, as well as ethics, in order to preserve the personal reputation, the reputation of the legal entity that performs lobbying and the reputation of lobbying users, as well as lobbying.

A lobbyist, a legal entity conducting lobbying and an unregistered lobbyist may not represent two or more lobbying users who have conflicting interests in a particular case.

## **Code of conduct for lobbyists**

### **Article 9**

The Code of Conduct for Lobbying Participants contains ethical rules on the conduct of all lobbying participants in order to conduct lobbying transparently, in accordance with this law and the public interest.

The Code referred to in paragraph 1 of this Article shall be adopted by the Director of the Anti-Corruption Agency (hereinafter: the Agency).

## II CONDITIONS FOR LOBBYING

### Conditions for lobbying for an individual

#### Article 10

The following may be entered in the Register of Lobbyists:

- 1) who is a citizen of the Republic of Serbia;
- 2) who is fully business capable;
- 3) who has a university degree;
- 4) who has not been convicted of a criminal offense that makes him unfit to conduct lobbying;
- 5) to whom a security measure has not been imposed or has ceased, ie a protective measure prohibiting the performance of activities;
- 6) who has completed training for a lobbyist.

A foreign natural person may lobby in the Republic of Serbia if he is registered for lobbying in the country of which he is a citizen and if he is entered in a special record of foreign natural persons lobbying in the territory of the Republic of Serbia.

By entering in a special record, a foreign natural person acquires the same rights and obligations as a lobbyist.

### Conditions for lobbying for a legal entity

#### Article 11

A legal entity may be entered in the Register of Legal Entities Performing Lobbying if:

- 1) is entered in the register of economic entities, ie in the register of associations;
- 2) employs at least one lobbyist;
- 3) has not been convicted of a criminal offense or has not been imposed on him, ie if his security measure, ie protective measure prohibiting the performance of his activity has ceased;
- 4) the responsible person in the company or association has not been convicted of a criminal offense that makes him unfit to lobby and who has not been imposed or terminated a security measure, ie a protective measure prohibiting the performance of activities.

A foreign legal entity may lobby in the Republic of Serbia if it is registered for lobbying in the country in which it has its registered office and if it is entered in special records on foreign legal entities that lobby in the territory of the Republic of Serbia.

By entering in the special records, a foreign legal entity acquires the same rights and obligations as a domestic legal entity that performs lobbying.

### Prohibition of lobbying

## **Article 12**

An elected, appointed, appointed, employed or otherwise employed person in a public authority, as well as a person whose election, appointment or appointment is approved by the public authority, is prohibited from lobbying.

The ban on lobbying ends after the expiration of two years from the day of termination of office, ie termination of employment or employment.

## **Lobbyist training**

### **Article 13 \***

Lobbyist training is conducted by the Agency in accordance with the training program adopted by the Director of the Agency.

The Agency issues a certificate on the completed training for lobbyists.

The form of the certificate on the completed training for the lobbyist and the fee for conducting the training for the lobbyist shall be prescribed by the Director of the Agency.

## **Request for entry in the Register of Lobbyists**

### **Article 14**

The request for entry in the Register of Lobbyists is submitted to the Agency.

The request referred to in paragraph 1 of this Article shall contain the name and surname, the unique personal identification number of the citizen and the residence of the applicant.

The request referred to in paragraph 1 of this Article shall be accompanied by evidence of fulfillment of the conditions for lobbying.

The appearance and more detailed content of the request form referred to in paragraph 1 of this Article shall be prescribed by the Director of the Agency.

## **Request for entry in the Register of Legal Entities Performing Lobbying**

### **Article 15**

A legal entity submits to the Agency a request for entry in the Register of Legal Entities Performing Lobbying.

The request referred to in paragraph 1 of this Article shall contain the name and seat of the legal entity, identification number and tax identification number, as well as name and surname, unique identification number of citizens and residence of the authorized person.

The request referred to in paragraph 1 of this Article shall be accompanied by evidence of fulfillment of the conditions for lobbying for the legal entity.

The appearance and more detailed content of the request form referred to in paragraph 1 of this Article shall be prescribed by the Director of the Agency.

## **Deletion from the Register of Lobbyists**

## **Article 16**

The Agency makes a decision on deleting from the Register of Lobbyists:

- 1) at the request of the lobbyist;
- 2) if the lobbyist has been convicted of a criminal offense that makes him unfit to conduct lobbying;
- 3) if the lobbyist has been imposed a security measure or a protective measure prohibiting the performance of activities;
- 4) if the lobbyist acted contrary to the principle of integrity;
- 5) loss of business capacity of the lobbyist;
- 6) if the lobbyist becomes an official or gets a job, ie is employed in a government body.

## **Deletion from the Register of Legal Entities Performing Lobbying**

### **Article 17**

The Agency makes a decision on deleting from the Register of legal entities that perform lobbying:

- 1) at the request of a legal entity;
- 2) due to termination of the legal entity;
- 3) if the legal entity does not employ at least one lobbyist;
- 4) if the legal entity has been convicted of a criminal offense or has been imposed a security measure, ie a protective measure prohibiting the performance of activities;
- 5) if the responsible person in the legal entity has been convicted of a criminal offense that makes him unfit to perform lobbying, as well as if he has been imposed a security measure, ie a protective measure prohibiting the performance of activities;
- 6) if the legal entity has violated the provisions of this Law governing the principle of integrity.

## **Decision on entry and deletion from the register**

### **Article 18**

The decision on entry in the Register of Lobbyists, ie the Register of Legal Entities Performing Lobbying is made by the Director of the Agency within 15 days for natural persons, or within 30 days for legal entities, from the day of submitting a proper and complete request.

The decision on deletion from the Register of Lobbyists, ie the Register of Legal Entities Performing Lobbying shall be made by the Director of the Agency no later than 15 days from the day of learning of the reasons for deletion from the register.

Against the decision of the director of the Agency from para. 1 and 2 of this Article, an appeal may be lodged with the Board of the Agency.

The decision of the Board of the Agency is final and an administrative dispute may be initiated against it.

## **Register**

## **Article 19**

The Agency maintains the Register of Lobbyists and the Register of Legal Entities Performing Lobbying.

The register referred to in paragraph 1 of this Article shall be public and shall be published on the website of the Agency.

When keeping the register referred to in paragraph 1 of this Article, the Agency is obliged to respect the regulations governing the protection of personal data.

The manner of keeping and the form of the register referred to in paragraph 1 of this Article shall be regulated in more detail by an act of the Director of the Agency.

## **Contents of the Lobbyist Register**

### **Article 20**

Data on lobbyists are entered in the Register of Lobbyists, as follows:

- 1) number and date of entry in the Register of Lobbyists;
- 2) name and surname, unique personal identification number of the citizen and residence of the lobbyist;
- 3) number and date of the decision on entry in the Register of Lobbyists;
- 4) number and date of the decision on deletion from the Register of Lobbyists with data on the reasons for deletion.

## **Contents of the Register of Legal Entities Performing Lobbying**

### **Article 21**

Data on that legal entity shall be entered in the Register of Legal Entities Performing Lobbying, as follows:

- 1) number and date of entry in the Register of Legal Entities Performing Lobbying;
- 2) name and seat of the legal entity;
- 3) number and date of the decision on entry in the register of economic entities, ie the register of associations;
- 4) identification number and tax identification number of the legal entity;
- 5) name and surname, residence and unique personal identification number of the responsible person in the legal entity;
- 6) name and surname, residence and unique identification number of the citizen of the lobbyist employed in the legal entity;
- 7) number and date of the decision on entry in the register for the lobbyist of the employee in the legal entity;
- 8) number and date of the decision on deletion from the register with data on the reasons for deletion.

## **Obligation to notify of changes**

### **Article 22**

The lobbyist is obliged to inform the Agency about the change of residence data, and the legal entity that lobbies about the change related to the data from the register of economic entities, ie the register of associations, tax identification number, as well as changes related to the lobbyist employed in that legal entity. face.

The lobbyist, ie the legal entity that performs lobbying, is obliged to inform the Agency in writing about the changes referred to in paragraph 1 of this Article, within 15 days from the day the change occurred.

## **Entry of data in the register**

### **Article 23**

The Agency, ex officio, enters data into the register referred to in Article 19, paragraph 1 of this Law, immediately after the finality of the decision on entry or deletion from the register, as well as upon notification of changes referred to in Article 22 of this Law.

The Agency may request information from the body responsible for keeping criminal records that is important for the registration of a lobbyist and a legal entity that performs lobbying.

## **Special records on foreign natural and legal persons performing lobbying**

### **Article 24**

The Agency keeps special records on foreign natural and legal persons who perform lobbying on the territory of the Republic of Serbia.

The special records referred to in paragraph 1 of this Article shall contain the name and surname of the foreign natural person, ie the name of the foreign legal entity, as well as other data from the act of the foreign state body on the basis of which those persons lobby in the foreign state.

The manner of keeping and the form of records referred to in paragraph 1 of this Article shall be prescribed by an act of the Director of the Agency.

The special records referred to in paragraph 1 of this Article are public and are published on the Agency's website.

## **Application of the Law on General Administrative Procedure**

### **Article 25**

The provisions of the law governing the general administrative procedure shall apply to the procedure of making a decision on registration, ie deletion from the Register of Lobbyists and the Register of Legal Entities Performing Lobbying.

## **III LOBBYING**

### **Starting lobbying**

#### **Article 26**

Lobbying begins with addressing the lobbyist or unregistered lobbyist to the lobbyist in writing.

Along with the letter addressed to the lobbyist, the lobbyist is obliged to submit proof of entry in the Lobbyist Register, a lobbying contract without stating the amount of the agreed lobbying fee, as well as the name of the law, other regulation or general act for which he is lobbying.

## **Lobbying agreement**

### **Article 27**

The lobbyist, ie the legal entity that performs lobbying, can start lobbying only after the conclusion of the lobbying contract.

The lobbying agreement contains in particular:

- 1) data on the contracting parties (name, surname and residence of the natural person, ie name and seat of the legal entity);
- 2) subject of lobbying (description of the subject and goal of lobbying);
- 3) data on the manner and duration of lobbying;
- 4) the amount of the lobbying fee;
- 5) a statement by the lobbyist, ie the responsible person in the legal entity performing lobbying that he will act in accordance with the rules of lobbying prescribed by this Law and the Code of Conduct for participants in lobbying.

If the contracting party is a legal entity that performs lobbying, the lobbying agreement also contains the name and surname of the lobbyist employed by that legal entity that will conduct the lobbying.

A lobbyist, ie a legal entity that performs lobbying, cannot be bound by a contract to a certain outcome of lobbying.

## **Termination of the contract and termination of the lobbying procedure**

### **Article 28**

Termination of the lobbying agreement may be requested by either party at any time.

The lobbyist, ie the legal entity that performs lobbying, is obliged to terminate the lobbying procedure without delay and terminate the lobbying contract if:

- 1) suspect that they will violate the principle of integrity;
- 2) a lobbyist, ie a responsible person in a legal entity that performs lobbying, becomes an official, employee or otherwise employed in a government body.

## **Lobbyist rights**

### **Article 29**

After submitting the letter referred to in Article 26 of this Law, the lobbyist has the right to ask the lobbyist to receive him in a timely manner and to provide him with information related to the subject of lobbying.



The lobbyist has the right to be informed in a timely manner about all public hearings and other forms of public consultations related to the preparation and adoption of regulations for which he / she conducts lobbying.

## **Obligations of the lobbyist and the authorities**

### **Article 30**

The lobbied person is obliged to make a notification on the receipt of the letter referred to in Article 26 of this Law and to submit it to the Agency within 15 days from the day of receipt.

The Agency may request from the lobbyist the submission of extraordinary information on contacts he had during lobbying with the lobbyist, ie unregistered lobbyist.

Notice from para. 1 and 2 of this Article shall contain the name and surname of the lobbyist, data on his function, employment or employment, name, surname and residence of the lobbyist, ie name and seat of the legal entity performing lobbying, as well as other data relevant for notifying the Agency .

The Agency may use the data from the notification from para. 1 and 2 of this Article for the purpose of verifying the accuracy of the data stated in the report on the work of lobbyists.

Manner of submission, more detailed content and form of notification from para. 1 and 2 of this Article shall be regulated by an act of the Director of the Agency.

The authority is obliged to keep records of lobbying contacts for officials who have been elected, appointed, appointed, employed or otherwise employed in that body.

The records referred to in paragraph 6 of this Article shall contain the name and surname of the lobbyist, data on his function, employment or employment, name, surname and residence of the lobbyist, ie name and seat of the legal entity performing lobbying, as well as other information relevant for notifying the Agency. .

More detailed content and manner of keeping records referred to in paragraph 6 of this Article shall be regulated by an act of the Director of the Agency.

The Agency shall control the content and manner of keeping records referred to in paragraph 6 of this Article.

In case of violation of the obligation from para. 1, 2 and 6 of this Article and Article 33, paragraph 2, item 3) and paragraph 3 of this Law, the Agency may impose a measure on a lobbied person, ie a responsible person in a government body, in accordance with the law governing the prevention of corruption, ie initiate the initiation of disciplinary proceedings.

## **IV REPORTING**

### **Work report**

#### **Article 31**

The lobbyist, ie the legal entity that performs lobbying, is obliged to submit a written report on the work to the Agency, no later than January 31 of the current year.

Lobbyists, ie legal entities for which a decision on deletion from the register has been made, are obliged to submit a work report to the Agency within 15 days from the day the decision is finalized for the period from the last report to the day the decision is final.

## **Contents of the work report**

### **Article 32**

The work report contains:

- 1) number and date of the decision on entry in the register;
- 2) data on the user of lobbying in the reporting period (name, surname and residence of the natural person, ie name and seat of the legal entity);
- 3) data on lobbied persons and authorities with which lobbying was performed (name, surname, function, employment or employment of the lobbied person and name and seat of government bodies);
- 4) the subject of lobbying.

Detailed content and form of the work report shall be prescribed by an act of the Director of the Agency.

## **Check the report**

### **Article 33**

The accuracy of the data referred to in Article 32 of this Law shall be verified by the Agency.

For the purpose of verification referred to in paragraph 1 of this Article, the Agency may:

- 1) request from the lobbyist, ie the legal entity that performs lobbying, the submission of the lobbying agreement;
- 2) request information from lobbying users;
- 3) request information from lobbyists and authorities.

The lobbyist, the legal entity performing the lobbying, the lobbying user, the authority and the lobbyist are obliged to submit the requested data to the Agency within 15 days from the day of submitting the Agency's request.

## **V CRIMINAL ORDERS**

### **Violations of the legal entity that performs lobbying, lobbyists and lobbying users**

#### **Article 34**

A fine in the amount of 50,000 to 2,000,000 dinars will be imposed on a legal entity that performs lobbying, if:

- 1) fails to notify the Agency in writing of the change of data, no later than within 15 days on the day of the change (Article 22);
- 2) initiate the lobbying procedure before concluding the lobbying agreement (Article 27, paragraph 1);

3) fails to submit a written report on the work of the Agency, no later than January 31 of the current year for the previous year (Article 31, paragraph 1);

4) within 15 days from the day of finality of the decision on deletion from the register, fails to submit to the Agency a report on the work for the period from the submission of the last report to the date of finality of the decision (Article 31, paragraph 2);

5) if it does not submit the requested data to the Agency within the prescribed deadline (Article 33, paragraph 3).

For the misdemeanor referred to in paragraph 1 of this Article, the responsible person in the legal entity shall be fined in the amount of 30,000 to 150,000 dinars.

For the misdemeanor referred to in paragraph 1 of this Article, the lobbyist shall be fined in the amount of 30,000 to 150,000 dinars.

For the misdemeanor referred to in paragraph 1, item 5) of this Article, the legal entity user of lobbying shall be fined in the amount of 50,000 to 2,000,000 dinars.

For the misdemeanor referred to in paragraph 1, item 5) of this Article, a natural person user of lobbying, ie a responsible person in a legal entity user of lobbying, shall be fined in the amount of 30,000 to 150,000 dinars.

## VI FINAL PROVISIONS

### **Deadline for adoption of bylaws**

#### **Article 35**

Bylaws for the implementation of this law shall be adopted by the day this law enters into force.

### **The entry into force**

#### **Article 36**

This Law shall enter into force after the expiration of nine months from the day of its publication in the "Official Gazette of the Republic of Serbia".