



"Implementation of Corruption Prevention Mechanisms"

December 13-14, 2018
Palace of Serbia, Bulevar Mihajla Pupina 2
- Serbia Hall/Belgrade Hall -

CONCEPT

Having recognized that transparent and accountable institutions reinforce public trust and are some of the key components of good governance, the OSCE participating States from the region developed aspiring anti-corruption legislation and policies and endorsed the OSCE Ministerial Council Decision on Prevention of Corruption, adopted in Basel, Switzerland on 5 December 2014. To a large extent, the successful implementation of anti-corruption legislation and policy relies on effective application of preventive anti-corruption measures, which address such key areas as the conflict of interest and asset declaration systems, the control of political parties financing, and strengthening of the integrity of public officials.

While the relevant legislation is already in place and continues to get improved, it is critical that preventive anti-corruption actions are carried out in an adequate and pro-active manner to take full advantage of their potential.

Recognizing the vital importance of international and regional co-operation among national anti-corruption bodies in addressing these issues, the Anti-Corruption Agency of Serbia, with support of the OSCE Mission to Serbia and the Embassy of Italy in Serbia is organizing this Conference to facilitate the exchange of best practices and knowledge among anti-corruption practitioners, and to provide a forum for further discussion of development of preventive measures in the key areas of fight against corruption.

The Conference has been supported by the Government of the Republic of Italy and the OSCE Mission to Serbia.

TENTATIVE AGENDA

Thursday, December 13/Serbia Hall

10:30 – 11:00	Registration of participants
11:00 – 11:45	<p><i>Opening remarks</i></p> <ul style="list-style-type: none"> • Dragan Sikimić, Director of the Anti-Corruption Agency of the Republic of Serbia • H.E. Andrea Orizio, Head of the OSCE Mission to Serbia • H.E. Carlo Lo Cascio, Ambassador of the Republic of Italy • Nicoletta Parisi, Member of the Board of the National Anti-Corruption Authority of the Republic of Italy • Marin Mrčela, President of the Council of Europe Group of States against Corruption • Nela Kuburović, Minister of Justice of the Republic of Serbia (TBC) <p>Master of Conference: Ivana Cvetković</p>
11:45 – 12:15	Coffee break
12:15 – 13:45	<p><i>Best Practices and Lessons Learned in Resolving Conflict of Interest</i></p> <ul style="list-style-type: none"> • Verka Atanasković, Assistant Director in the Sector for Resolving Conflict of Interest in the Anti-Corruption Agency of Serbia • Davorin Ivanjek, Deputy President of the Conflict of Interest Commission of Croatia • Laura Stefan, International Expert on Conflict of Interest <p><i>Discussion</i></p>
13:45 – 14:45	Lunch break
14:45 – 16:30	<p><i>Assets and Income Declaration in the Regional Context - Next Steps on the Way Forward</i></p> <ul style="list-style-type: none"> • Jovan Božović, Acting Assistant Director in the Sector for Control of Assets and Income of Officials and Acting upon Complaints in the Anti-Corruption Agency of Serbia • Ionuț Pîndaru, Head of the Analysis and Prevention Office in the National Integrity Agency of Romania

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	<ul style="list-style-type: none"> • Vladan Joksimović, Head of the Regional Anti-Corruption Initiative Secretariat <p><i>Discussion</i></p>
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Friday, December 14/Belgrade Hall

9:00 – 9:30	Registration of participants
9:30 - 9:45	<ul style="list-style-type: none"> • Prof. Paola Severino, Special Representative of the OSCE Chairperson-in-Office on Combating Corruption (TBC)
9:45 –11:15	<p><i>Bringing Corruption Risk Assessment to a Next Level – Existing Challenges and Success Stories</i></p> <ul style="list-style-type: none"> • Marijana Obradović, Assistant Director in the Sector for Prevention in the Anti-Corruption Agency of Serbia • Milan Tegeltija, President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina • Ilma Vranac, Expert Advisor for Development of Policies, Action Plans, Integrity Plans and Monitoring of Conflict of Interest in the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption of Bosnia and Herzegovina <p><i>Discussion</i></p>
11:15 – 11:30	Coffee break
11:30 – 13:00	<p><i>Preventing Corruption through Control of Financing of Political Activities</i></p> <ul style="list-style-type: none"> • Katarina Pavičić, Acting Assistant Director in the Sector for Control of Financing Political Activities in the Anti-Corruption Agency of Serbia • Savo Milašinović, Assistant Director in the Agency for Prevention of Corruption of Montenegro • Jacopo Leone, Democratic Governance Officer at OSCE Office for Democratic Institutions and Human Rights <p><i>Discussion</i></p>
13:00 – 13:30	<i>International cooperation- latest developments</i>

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	<ul style="list-style-type: none"> • Ivana Cvetković, Head of European Integration Group in the Anti-Corruption Agency of Serbia
13:30-13.45	Conclusions
13:45-14:45	Lunch break

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Opening remarks

Belgrade, 13 December 2018

by Nicoletta PARISI
Member of the Council of ANAC - Italy

Dear Director Sikimić,
Esteemed colleagues,
Ladies and gentlemen,

It is for me a particular pleasure to be among you today. I am always honored to be part of the Italian anticorruption authority (ANAC); but this week for me it's even more special, for reasons that I will explain to you shortly.

First of all, I wish to introduce to you our agency ANAC, and try to explain what we do and how.

ANAC was set up in 2014 by merging two already existing institutions:

- 1) the Commission for the transparency and integrity of public institutions and
- 2) the Authority for the Supervision of Public Contracts

In so doing the legislator chose to centralize the entire strategy of corruption prevention into the hands of one



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single and powerful institution also in a huge economic and strategic sector, exposed more than others to the risk of maladministration, the public procurement.

ANAC is an independent body. The authority is not under any Ministry, and the President reports annually to the Parliament on the previous year's activities.

Financially, ANAC is truly independent: in fact, each party to the public contracts (both the contract-ING and the contract-ED party) must purchase a so called CIG (a contract I.D.), which is a fee paid to ANAC for its service to monitor the contract and its transaction. This makes that ANAC receives a small fee for each and every public contract issued in Italy.

Concerning its mandate, ANAC is a purely preventive agency, governed by a Council supported by about 350 civil servants.

The Authority pursues its goals through a supervisory activity, regulatory activity, and an advisory function and, along with some inspection and sanctioning powers.

1) Concerning its supervisory powers ANAC has put in place a series of practices:

1.1) The “collaborative supervision”: instead of sanctioning illicit behaviour ex post, ANAC prefers preventing issues to occur, by guiding the institutions towards better and more transparent choices. It is a kind integrity “tutoring”, experimented for the first time during the EXPO of 2015. The



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tool can be applied to the organization of major events (like Olympic games and such). OECD officially recognized it as a best practice.

1.2) The “extraordinary and temporary management of contractors” in the event a company participating in a public contract is suspected of corruption, the President of ANAC can suggest the local Prefect to either renew the company’s corporate bodies or engage in the extraordinary and temporary management of the contracting company (limited to the complete execution of the single contract).

1.3) active judicial locus standi in the interest of law. ANAC is the watchdog of the legality and integrity of public procurement market. As such, the agency is entitled to judicially appeal regulations or measures issued by any contracting authority in violation of the Code.

1.4) The pre-litigation competence

ANAC has an important advisory power for public procurement parties. During tendering procedure, at the demand of the parties, ANAC can issue a professional advice. According to the new Public contract Code, if both parties solicit ANAC, the opinion becomes binding. The tool brings all the typical advantages of an arbitration mechanism: rapidity, clarity, proficiency and avoidance of traditional tribunals.

2) The regulatory function

ANAC issues guidelines in specific sectors, which demand particular attention.



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These tools of soft-law are used both in public procurement and in prevention and integrity. Examples of guidelines are those issued in the sectors of education, national health system as well as port authorities. Also, some guidelines served to clarify and better manage the discipline of the whistleblower protection and the same in the sector of transparency in State owned enterprises.

The use of guidelines shows a new approach in the implementation of the Code of PC: not throughout a ministerial decree (as in the past) but with second-level acts adopted by specifically dedicated authorities.

On the same page, I am glad to indicate that in the past year, ANAC has gathered a team of practitioners into an Italian working group aimed at issuing guidelines for the creation and implementation of codes of conduct for public institutions. The group has then reached out to fellow foreign experts as well as to 3 high-profile international organizations (namely the OECD, GRECO as well as the Office for Democratic Institutions and Human Rights of OSCE – which today I want to publicly thank for their instrumental support: thank you OSCE for all you're doing to facilitate our mandate). This, I believe, is a clear and rich example of how an energetic anti-corruption agency should take a pro-active role in seeking for international best practices and import, the relevant ones, into its own national guidelines.

Equally important are the other 2 projects that ANAC is carrying out with the European Union:



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- The first project aims at strengthening the Italian whistleblowing mechanism, by setting up a clear, solid and sustainable system for receiving, managing and swiftly respond to whistleblowers solicitations. This is, as you might know, in light of the recent modifications brought following the adoption of law 197 of 2017.
- The second activity concerns the promotion and setting up of the Italian community of officials "responsible for the prevention of corruption and transparency". This is a community of thousands of members, present within each public institution, including State owned enterprises, over the entire Italian territory. The goal is to create an active community of well-trained and motivated officers that are, each within his/her own institution, the local face of the institutional integrity. They are responsible for creating and implementing institutional plans for corruption prevention, including effective actions for the support and reaction to local whistleblowers.

And I conclude.

Last, but surely not the least, is the action that ANAC has carried out during the last year for the creation of a Network of corruption prevention Authorities. Following tight negotiations and a series of bilateral meetings, the initial Declaration for the creation of this Network was finally signed last October in Sibenik (Croatia) by the founding members. I am happy to report that last week in Strasbourg, at the margin of the GRECO plenary sessions, the Network



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has had its first meeting and that ANAC was elected Chair of this group. I am honored to announce that I will personally act as first Chair on behalf of ANAC.

Additionally, I want to congratulate Director Sikimic for the election of the Serbian anticorruption agency, together with the French authority AFA, as co-Vice Chair of the Network. This is a clear sign of their commitment to actively work for the international and regional co-operation for the prevention of corruption

Thank you.



Closing remarks

Thanks Ivana for the fantastic organization of the event and for giving me the floor for a short note.

1. As said yesterday, I confirm the friendship between Italian and Serbian anticorruption agencies, as well as our common goal for a closer and stronger regional cooperation.
2. On bilateral plan, we hope to continue the really positive experience started with the twinning project, that comes to end in January. I take this opportunity to thank our Twinning President Advisor, Judge Eugenio Turco, as well as director Sikimic for the trust in ANAC, as well as the European Union for its support.
3. On a multilateral plan, Ivana told us the main informations. I remind again the Network of corruption prevention Authorities, born by a common idea of former PACE member, Mr. Nicoletti together with my President Mr. Cantone. Its objective is to build effective cooperation on prevention of corruption, by setting a laboratory for the harmonization of principles and rules together with administrative requirements and a common methodology to better implement GRECO's recommendations through common efforts.
4. ANAC and I personally hope to continue the positive experience started with the twinning project. I am thinking about cultural activities in line with the objectives of EU and OSCE. Activities focused on training and education through schools and Universities, for instilling the culture of rules of law



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and integrity in the minds of young people, both students and civil servants. They are the future generation of high-rank public administration. Finally, we have a challenging work ahead and we are fully committed to win this challenge.