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**Review of implementation of the United Nations  
Convention against Corruption**

**Executive summary**

**Note by the Secretariat**

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## II. Executive summary

### Serbia

#### 1. Introduction: Overview of the legal and institutional framework of Serbia in the context of implementation of the United Nations Convention against Corruption

Serbia signed the United Nations Convention against Corruption on 11 December 2003 and ratified it on 20 December 2005. According to articles 16 and 194 of the Constitution, the Convention has become an integral part of Serbia's legal system following its ratification by the National Assembly. The Convention ranks high among statutory instruments, namely its provisions override any other contrary provision in domestic law, but they are inferior to the Constitution provisions.

Serbia's legal framework against corruption includes provisions from the Constitution, the Criminal Code (CC), as amended and entered into force in April 2013, and the Criminal Procedure Code (CPC), as amended. It further contains specific legislation, as indicated below under the different sub-sections.

The new CPC, replacing its version of 2006, was adopted by the National Assembly at its sitting of the 12th special session on 26 September 2011. Except for its provisions on organized crime and war crimes, which entered into force already on 15 January 2012, the main corpus of this new CPC for all criminal offences entered into force on 15 January 2013.

Bearing in mind the recent legislative initiatives in Serbia, the reviewers stressed that the legal amendments were designed for the purpose of ensuring consistency and legal certainty and improvement and were not meant to entail fragmentation or create confusion regarding the interpretation and implementation of the laws. The review team also stressed the significance of continuous political will to strengthen anti-corruption measures as a key factor for the efficiency and the effectiveness of implementation of the newly established legal instruments.

Serbia's institutional framework to address corruption include, among others, the Public Prosecutor's Office; the Anti-Corruption Agency; the Ministry of Justice in its various forms of engagement based on the competences of its different units; and the Ministry of Internal Affairs and its Police Directorate and Financial Intelligence Unit.

#### 2. Chapter III: Criminalization and law enforcement

##### 2.1. Observations on the implementation of the articles under review

###### *Bribery and trading in influence (arts. 15, 16, 18 and 21)*

Active and passive bribery in the public sector are criminalized through articles 368 and 367, paragraphs 1-2 CC respectively. Serbia also criminalizes passive bribery when the intended acts or omissions have already occurred (bribery *a posteriori* — article 367, paragraph 4 CC). This can make the prosecution of passive bribery easier in cases of repeated offences or when agreement has been reached that the bribe would be paid after the (non-) accomplishment of an official act and the prosecutorial authorities have difficulties to prove the existence of such an agreement.

The concept of “official” is defined in article 112, paragraph 3 CC, as revised after the recent amendments of the CC in December 2012, which came into force in April 2013. The definition covers persons carrying out official duties or exercising official functions in State bodies, irrespective of their type of contract and the temporary/permanent character of the functions performed.

The elements of “promising”, “offering”, “giving”, “solicitation” and “acceptance” are expressly reflected in the relevant provisions.

The bribery provisions do not explicitly use the term “undue” to define the advantage. Any “gift or other advantage or promise”, including immaterial advantage, may come under the scope of the bribery offences if its purpose is to influence a public official’s action in service.

Article 367, paragraph 1 CC on passive bribery specifies expressly that the offence can be committed “directly or indirectly”. Article 368 CC criminalizes the act of an intermediary in active bribery. Third-party beneficiaries are explicitly covered in article 367, but not in article 368 CC.

Bribery is criminalized for the legal or illegal performance or omission of a public official “within the scope of his/her competence”. After the recent amendments of the CC, the scope of the bribery offences was extended and now it additionally includes acts and omissions which are in connection with official duties.

The definition of “official” in article 112 CC includes a paragraph on a “foreign official” (paragraph 4), which was also expanded in December 2012. Thus, the constituent elements of, and the applicable sanctions against, bribery of domestic public officials apply accordingly. The review team noted that the definition of foreign official continued to lack explicit references to members of administrative authorities, as well as persons exercising public functions for a public enterprise, leaving room for uncertainty.

Bribery in the private sector is criminalized in its active form under article 368, paragraph 5 CC and in its passive form under article 367, paragraph 6 CC. A key concept in both provisions is that of the “responsible officer” in an enterprise, institution or other entity, who is further defined in article 112, paragraph 5 CC, as amended in December 2012. The “responsible officer” is also a person “entrusted with discharging of particular duties”, which covers the concept of a “person working in any capacity”, used in article 21 of the Convention against Corruption.

Trading in influence, in both in its active and passive forms, is criminalized through article 366 CC, which appears to be broader in scope than article 18 of the Convention against Corruption on two points: first, that the influence is exercised generally for the performance of an act that should not be performed or for the non-performance of an act that should have been performed; and, secondly, there is reference to “official or social position” as an alternative to the “genuine or presumed influence”.

*Money-laundering, concealment (arts. 23 and 24)*

Article 231 CC criminalizes money-laundering in line with article 23 of the Convention against Corruption. With regard to assisting a person who is involved in the commission of the predicate offence to evade the legal consequences of his/her

action, article 35 CC (aiding and abetting in the commission of a criminal offence) is used.

Concealment is criminalized through article 221 CC, which was found to be in full compliance with article 24 of the Convention against Corruption.

*Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)*

Embezzlement (in both the public and private sectors) is criminalized through articles 364 and 365 CC (appropriation and unauthorized use (diversion)) respectively of money, securities or other movables entrusted to the offender by virtue of office or position in a government authority, enterprise, institution or other entity or store).

The abuse of functions is criminalized through article 359 CC (abuse of office), as amended in December 2012, which was found to be in full compliance with article 19 of the Convention against Corruption.

Illicit enrichment is not criminalized in Serbia. Such incrimination would not be in line with fundamental legal principles of the domestic legal order such as the presumption of innocence.

*Obstruction of justice (art. 25)*

Article 336 CC domesticates article 25(a) of the Convention against Corruption. Article 25(b) of the Convention is implemented domestically through article 336b, paragraph 1 (with a focus on acts against the judiciary); article 322 on “Preventing an Official from Discharging Duties”; article 323 on “Attacking Officials Performing their Duties”; and article 324 on “Participating in a Group Preventing an Official in Performance of Duty” CC.

*Liability of legal persons (art. 26)*

Serbia has taken measures to establish the criminal liability of legal persons for their involvement in criminal offences (article 2 of the Law on Liability of Legal Entities for Criminal Offences).

Articles 12-13 of the Law define the sanctions against legal entities involved in criminal offences. Such sanctions include fines, termination of the status of a legal entity, suspended sentences and security measures.

*Participation and attempt (art. 27)*

Issues of participation and attempt are regulated in articles 33-36 and 30 and 37 CC respectively. The criminalization of preparation is reserved solely for the most severe criminal offences.

*Knowledge, intent and purpose as elements of the offence (art. 28)*

According to article 16 of the new CPC, the court has a duty to impartially evaluate all evidence, including “objective circumstances”. Taking into account that article 28 of the Convention against Corruption is of interpretative nature, the reviewers noted that the expansion of the scope and language of evidentiary rules in

CPC pursuant to article 28 would provide more solid guidance to the courts when implementing the criminalization provisions.

*Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)*

The sanctions applicable to natural and legal persons for most of the corruption offences were found to be, in general, adequate and dissuasive, although the lowest threshold of punishment in some cases (six months) may need to be further considered. The relevant sentencing provisions may need to be harmonized in order to remove disparity between sanctions for active and passive bribery and trading in influence. Although the CC provides sufficient criteria for assessing the “gravity” of the offence, there is no sentencing guidance to ensure consistency in practice. The existence of such guidance was deemed necessary.

For several categories of public officials enjoying immunity (members of Parliament, President, Prime Minister, members of the Government, judges of Constitutional Court), the procedure of lifting such immunity and initiating criminal investigations is subject to certain procedural requirements. The review team acknowledged that these requirements are meant to function as “institutional guarantees” for the unimpeded performance of the public functions and as a shield to avoid targeted prosecution. However, the review team encouraged the Serbian authorities to ensure in practice that these guarantees are in line with article 30, paragraph 2, of the Convention against Corruption.

The new CPC has given the public prosecutor the authorization and competence to conduct investigations (article 43). Articles 320-326 CPC also provide a detailed regulatory framework for “agreements on testifying of defendants”, thus implementing in a more coherent manner article 37 of the Convention against Corruption.

*Protection of witnesses and reporting persons (arts. 32 and 33)*

Serbia has put in place an ad hoc Law on the Protection Programme for Participants in Criminal Proceedings, which is also supplemented by the provisions of the new CPC (articles 102-112). The Law governs the terms and procedures for providing protection and assistance to participants in criminal proceedings and their close persons who are facing a danger due to testifying or providing information significant for the purpose of proving of a criminal offence. The Law defines broadly a “participant in criminal proceedings” to include “a suspect, defendant, witness collaborator, witness, injured party, expert witness and expert person” (article 3). Two competent authorities are established for the implementation of the Protection Programme: an ad hoc Commission and a protection unit within the Ministry of Internal Affairs.

The Protection Programme seems to be implemented only for participants in criminal proceedings relating to specific criminal offences, including crimes against the constitutional order and security and organized crime (article 5). Therefore the reviewers recommended the expansion of the scope of existing legislation on witness protection to ensure its applicability in corruption cases as well, taking into account existing and future resources.

At the operational level, the reviewers welcomed the reference made to the Balkan Agreement on related issues. This Agreement was viewed as a useful basis for exchange of experience, information and relocation of witnesses and was identified as a good practice.

As acknowledged by the national authorities, the provisions on whistle-blowers protection are scattered in the national legislation and they do not ensure the existence of a coherent protective framework. The reviewers encouraged the national authorities to avoid fragmentation in implementing related measures in practice and consider the introduction of a specific law on the protection of reporting persons.

*Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)*

The Law on Seizure and Confiscation of the Proceeds from Crime governs the requirements, the procedure and the authorities responsible for tracing, seizing/confiscating and managing the proceeds from crime. The Law allows, among others, for the conduct, at the order and under the management of the public prosecutor, of financial investigations when reasonable grounds exist to suspect that the owner possesses considerable assets deriving from a criminal offence (article 17). The Law further enables the “confiscation of assets” belonging to legal heirs or successors of beneficial owners (article 38 G). The legal framework is supplemented by the provisions of the new CPC on the seizure of objects (articles 147-151).

Article 8 of the Law establishes a Directorate for Management of Seized and Confiscated Assets as a body within the Ministry of Justice. The Directorate became operational on 1 March 2009.

The legal framework on seizure and confiscation of assets was found comprehensive, offering adequate legal tools to target proceeds derived from corruption offences. In this regard, it was identified and recommended as a good practice for other jurisdictions.

According to paragraph 1 of article 234 CPC, “the public prosecutor may request that a competent public authority, a bank or other financial organization perform a control of the commercial operations of persons suspected of having committed criminal offences punishable with custodial penalties of at least four years, and to deliver to him documentation and data which may serve as evidence of a criminal offence or proceeds from crime”. This threshold of four years of imprisonment was considered as a restrictive condition by the reviewers who concluded that the domestic legislation should *expressis verbis* stipulate that bank secrecy does not hamper the investigation of all corruption offences.

*Statute of limitations; criminal record (arts. 29 and 41)*

The statute of limitations period, which depends on the statutory maximum term of imprisonment that can be imposed for the offence in question (article 103 CC), was found adequate enough to serve the purposes of the proper administration of justice. This period of limitation is presumed to run from the time of commission of the offence. The statute of limitations may be interrupted or suspended “by each procedural action undertaken to detect the criminal offence or to detect and

prosecute the perpetrator for the commission of the offence” (article 104, paragraph 2 CC).

The Serbian authorities reported on the general principles on sentencing (article 54, paragraph 1 CC). However, no reference was made to the possibility of taking into account previous convictions in foreign jurisdictions. Therefore, the review team encouraged the national authorities to explore the possibility of amending the domestic legislation to address this issue.

#### *Jurisdiction (art. 42)*

Rules on jurisdiction, which are generally in compliance with article 42 of the Convention against Corruption, are laid down in article 6 CC (territorial jurisdiction); article 8 CC (active personality principle); article 9, paragraph 1 CC (passive personality principle). The criminal legislation of Serbia shall also apply to citizens of Serbia who commit other criminal offences in foreign states, if found on the territory of Serbia, or extradited to Serbia (article 8 CC). For offences committed abroad under articles 8 and 9, the fulfilment of double criminality requirement is required unless there is the consent of the Public Prosecutor or otherwise provided in international agreements (article 10, paragraph 2 CC). The latter condition was added through the latest amendments of the CC in December 2012.

#### *Consequences of acts of corruption; compensation for damage (arts. 34 and 35)*

Chapter XII of the 2011 CPC (articles 252-260) regulates issues on restitution claims, in line with articles 34 and 35 of the Convention against Corruption.

#### *Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)*

The Serbian authorities reported on the competences of the Prosecutor's Office for Organized Crime which also has a special unit on the fight against corruption. Articles 5 and 13 of the Law on Public Prosecution guarantee the independence of the body.

The Law established a new jurisdiction of the Prosecutor's Office for Organized Crime for high corruption cases.

The review team was informed about the function and competences of the Anti-Corruption Agency. Apart from its involvement in whistle-blowers protection, the core mandate of the Agency is of preventive nature, but channels of mutual cooperation with law enforcement bodies do exist.

On the basis of a protocol of cooperation between the Agency and other state institutions, a full system of online reporting has been established to enable the electronic exchange of information. The review team considered this as a good practice and invited the national authorities to continue fostering such cooperation.

Regarding the cooperation between the national authorities and the private sector, the new CPC (2011) expressly provides for the obligation of the bank or financial institutions to submit periodical reports to the public prosecutor for the purpose of monitoring suspicious transactions. However, during the country visit, problems have been reported regarding the networking and cooperation of the FIU with other authorities, mainly attributed to delays in exchange of information.

## 2.2. Successes and good practices

Overall, the following successes and good practices in implementing Chapter III of the Convention are highlighted:

- The criminalization of passive bribery in the public sector when the intended acts or omissions have already occurred (bribery *a posteriori* — article 367, paragraph 4 CC);
- The broad scope of application of article 366 CC (criminalization of trading in influence);
- The existence of a comprehensive confiscation and seizure regime, including confiscation of assets belonging to legal heirs or successors of beneficial owners;
- The establishment of a solid institutional framework for the management of seized and confiscated assets derived from criminal offences, including corruption offences;
- The establishment of criminal liability of legal persons;
- The participation in the Balkan agreement on witness protection; and
- The development of an on-line reporting system, based on a protocol of cooperation between the Anti-Corruption Agency and other national authorities with anti-corruption mandate, to allow for electronic exchange of information.

## 2.3. Challenges in implementation

The reviewers identified a number of challenges in implementation and/or grounds for further improvement and made the following remarks to be taken into account for action or consideration by the competent national authorities (depending on the mandatory or optional nature of the relevant requirements of the Convention against Corruption):

- Expand, for purposes of legal certainty and consistency, the scope of the provision on active bribery to explicitly cover third-party beneficiaries and, thus, ensure consistency with the corresponding provision on passive bribery;
- Ensure that the definition of foreign public officials, as prescribed in the domestic law, is expanded to cover explicitly officials working for administrative authorities, public institutions and enterprises;
- Expand the scope and language of evidentiary provisions in the national legislation to ensure that the knowledge, intent or purpose required as “subjective elements” (*mens rea*) of criminal offences, including corruption-related offences, are inferred from objective factual circumstances;
- Consider the need for ensuring uniformity and consistency in sanctions against corruption offences, particularly with a view to removing disparity between sanctions for active and passive bribery and trading in influence;
- Develop general guiding principles on sentencing to ensure consistency with regard to the imposition of sanctions in practice;



- Ensure in practice that procedural requirements for the lifting of immunities of public officials serve the purpose of striking an appropriate balance between these immunities or jurisdictional privileges and the possibility of effectively investigating, prosecuting and adjudicating corruption offences, in line with article 30, paragraph 2, of the Convention against Corruption;
- Expand the scope of existing legislation on witness protection to ensure its applicability in corruption cases as well, taking into account existing and future resources;
- Ensure coherence and efficiency of existing legislation on the protection of reporting persons, to provide for effective legal remedies for such persons, as well as avoid fragmentation in implementing related measures in practice, including in the private sector; in doing so, continue efforts to introduce a specific law on the protection of reporting persons, in line with article 33 of the Convention against Corruption;
- Expand the scope of application of the provisions of national legislation on bank secrecy to ensure that it can be lifted in the context of investigation of all corruption-related offences;
- Explore the possibility of amending the domestic legislation to ensure that previous convictions imposed in foreign jurisdictions are taken into account for the purpose of using such information in domestic criminal proceedings relating to corruption, in line with article 41 of the Convention against Corruption; and
- Continue efforts to address problems and delays encountered in the cooperation of the Financial Intelligence Unit with other state authorities, particularly with regard to the timely exchange of information between them.

### **3. Chapter IV: International cooperation**

#### **3.1. Observations on the implementation of the articles under review**

*Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)*

Extradition is regulated by the Law on Mutual Assistance in Criminal Matters (“MLA Law”) and is subject to the principle of reciprocity (article 8) and the double criminality requirement (article 7, paragraph 1, item 1). When applying the latter requirement, consideration is given to the underlying conduct and not the legal denomination of the offence. The review team considered this as a good practice.

Although Serbia does not make extradition conditional on the existence of the treaty, it considers the Convention against Corruption as a legal basis for extradition if there is no treaty on extradition with the other State party and if this State party makes extradition subject to the existence of the treaty. The national authorities have not notified the Secretary-General of the United Nations accordingly. The absence of a treaty or agreement on extradition renders the MLA Law applicable.

In practice, there have been no cases recorded of denying extradition for corruption offences on the ground that they are political offences. The review team encouraged the Serbian authorities to continue to ensure that any crime covered by the Convention against Corruption is not considered or identified as a political offence

that may hinder extradition, especially in cases involving persons “entrusted with prominent public functions”, whereby allegations of the political nature of the offence/political persecution in the requesting State may arise.

The average time of extradition proceedings may take 5-6 months. The detention of the person sought cannot last longer than one year from the date of detention. This was considered as a good practice by the reviewers. The law specifically regulates simplified extradition. The process of extradition lasts approximately 20 days.

The MLA Law does not define explicitly the issue of extradition for fiscal crimes. In this case, the provisions of international treaties are implemented directly (article 5 of the European Convention on Extradition, as replaced by article 2 of its Second Additional Protocol).

The extradition of nationals is prohibited, except when permitted by ratified international agreements. The obligation to take over the criminal proceedings for the purpose of prosecution by the competent authorities in case Serbia refuses to extradite a person is not explicitly defined by the law and is based on applicable bilateral or multilateral agreements.

Serbia has concluded several bilateral extradition treaties and is also a party to regional multilateral instruments (European Convention on Extradition and its three Additional Protocols).

The review team noted the lack — or limited availability — of statistics that would enable the easier monitoring of extradition cases. The review team invited the Serbian authorities to streamline their efforts to put in a place a case management system allowing the classification and use of statistics on extradition issues.

The transfer of sentenced persons is regulated on a treaty basis or, in the absence of multilateral or bilateral agreements, by virtue of reciprocity or domestic legislation. Serbia is a party to the Convention on the Transfer of Sentenced Persons of the Council of Europe (1983) and its Additional Protocol (1997). Serbia has concluded several bilateral agreements on mutual execution of criminal judgments.

The transfer of criminal proceedings is regulated in treaty arrangements (Serbia is a party to the European Convention on the Transfer of Proceedings in Criminal Matters of 1972) or in the domestic legislation (Chapter III of the MLA Law on “Assumption and Transfer of Criminal Prosecution”).

#### *Mutual legal assistance (art. 46)*

Mutual legal assistance is afforded by virtue of article 3, paragraph 1, of the MLA Law in relation to investigations, prosecution and judicial proceedings pertinent to criminal offences.

A good practice identified was that assistance can also be afforded in a proceeding instigated before the administrative authorities for crimes punishable under the legislation of the requesting or the requested State “in such case where a decision of an administrative authority may be the grounds for instituting criminal proceedings” (article 3, paragraph 2, of the Law).

Given that MLA is always subject to double criminality, the reviewers noted the need to depart from the rigid application of this requirement at least for assistance involving non-coercive measures.

The MLA Law is silent on the issue of fiscal offences, but no cases of refusal of assistance have been reported in practice. The reviewers favoured the inclusion of an explicit provision on this matter in the domestic legislation.

Bank secrecy is not an obstacle to granting mutual legal assistance, although this is not directly regulated by the Law. However, bilateral and multilateral treaties apply directly on this matter.

For the execution of MLA requests, the domestic legislation is applicable. As an exception, upon a request of the requesting State, assistance shall be provided in a manner foreseen in the legislation of the requesting State, unless contrary to basic principles of the legal system of Serbia.

The Ministry of Justice is the central authority in Serbia designated to deal with MLA requests. A relevant notification was submitted to the Secretary-General of the United Nations. The notification, however, does not include information on the acceptable working language for the of MLA requests.

Letters rogatory and other documents are transmitted through the Ministry of Justice or, if requested, through diplomatic channels. Subject to reciprocity, they can also be transmitted directly. In case of urgency, they may be transmitted through INTERPOL.

Serbia has concluded MLA agreements with 30 countries and is a party to the European Convention on Mutual Assistance in Criminal Matters (1959) and its two Additional Protocols.

*Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)*

Law enforcement cooperation with foreign counterparts is carried out either through domestic legislation (article 83 of the MLA Law: exchange of information, delivery of data without the letter rogatory) or on the basis of treaty arrangements.

According to article 96 of the same Law, joint investigative teams may be formed through an agreement between the competent authorities of Serbia and foreign countries.

The new CPC contains extensive provisions on “special evidentiary actions” (articles 161-187). An interesting technique is that of “simulated deals” (articles 174-177 CPC). It may have the form of a simulated purchase, sale or rendering of business services or a simulated offering or acceptance of bribes.

### **3.2. Successes and good practices**

Overall, the following points are regarded as successes and good practices in the framework of implementing Chapter IV of the Convention against Corruption:

- The comprehensive and coherent MLA Law which regulates in a detailed manner all forms of international cooperation;
- The fact that mutual assistance can be afforded in administrative proceedings where a decision of an administrative authority may be the grounds for instituting criminal proceedings;

- The interpretation of the double criminality requirement focusing on the underlying conduct and not the legal denomination of the offence;
- The duration of detention of the person sought, as prescribed by the law (up to one year) in extradition proceedings; and
- The simplified extradition process foreseen in the domestic legislation when the person sought consents to his/her surrender.

### **3.3. Challenges in implementation**

The following points are brought to the attention of the Serbian authorities for their action or consideration (depending on the mandatory or optional nature of the relevant requirements of the Convention against Corruption) with a view to enhancing international cooperation to combat offences covered by the Convention:

- Explore the possibility of relaxing the strict application of the double criminality requirement in cases of offences covered by the Convention against Corruption, in line with article 44, paragraph 2, of the Convention;
- Continue to ensure that any crime established in accordance with the Convention against Corruption is not considered or identified as a political offence that may hinder extradition, especially in cases involving persons “entrusted with prominent public functions”, whereby allegations of the political nature of the offence/political persecution in the requesting State may arise;
- Consider notifying the Secretary-General of the United Nations on the use of the Convention against Corruption as a legal basis for extradition;
- Notify the Secretary-General of the United Nations of the acceptable language for incoming MLA requests;
- Continue to make best efforts to ensure that extradition and MLA proceedings are carried out in the shortest possible period; in doing so, explore the possibility of developing guidance principles for internal use by competent authorities; continue the practice of establishing direct contacts with foreign counterparts to avoid mistakes in translation of requests and accompanying documents; use open channels of communication to expedite related proceedings at any stage, particularly before refusing extradition and MLA requests; and enhance coordination between the central authority and criminal justice authorities at the local level;
- Ensure that mutual legal assistance involving non-coercive measure is afforded even in the absence of double criminality, in line with article 46, paragraph 9(b), of the Convention against Corruption;
- Ensure that the domestic legislation includes an explicit provision stipulating that MLA requests may not be refused on the sole ground the offence in question is also considered to involve fiscal matters;
- Streamline efforts to improve law enforcement cooperation to cover corruption offences as well, including through the use of the Convention against Corruption as legal basis;

- Explore the possibility of reducing formalities in law enforcement cooperation to allow for direct and timely exchange of information;
- Streamline efforts to put in place an improved case management system to systematize and make best use of statistics, or, in their absence, examples of cases for both extradition and MLA, including on issues of using the Convention against Corruption as legal basis, which will provide a better picture of how the relevant legal framework is implemented in practice;
- Continue to explore opportunities to actively engage in bilateral and multilateral agreements with foreign countries (particularly non-European countries), with the aim to enhance the effectiveness of different forms of international cooperation;
- Further advance the engagement in consultations with competent foreign authorities to solve practical problems encountered in international cooperation casework, including arrangements for the sharing of costs arising from the execution of requests for international cooperation; and
- Consider the allocation of additional financial, technical and human resources to cope with the volume of incoming requests for international cooperation and generally strengthen the efficiency and capacity of international cooperation mechanisms.

#### **3.4. Technical assistance identified to improve implementation of the Convention**

The following technical assistance needs were identified by the Serbian authorities:

- Assistance in establishing a case management system to systematize and make best use of statistics, or, in their absence, examples of cases for both extradition and MLA;
  - Supporting capacity-building programmes to train competent officers and practitioners on legal and practical issues of international cooperation in criminal matters, particularly those linked to the application of the Convention against Corruption.
-