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ODIHR OPINION ON THE REVISED DRAFT LAW AMENDING THE LAW ON FINANCING POLITICAL ACTIVITIES (AS OF MAY 2026)

SERBIA

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Based on an unofficial translation of the Draft Law provided by the National Assembly of the Republic of Serbia.



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EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS

On 19 May 2026, the Secretariat General of the National Assembly of the Republic of Serbia submitted to ODIHR an updated version of the Draft Law Amending the Law on the Financing of Political Activities (Draft Law). The revised Draft Law seeks to address comments and recommendations contained in ODIHR's 11 May 2026 Opinion on the Draft Law Amending the Law on Financing Political Activities.¹ This Opinion assesses the extent to which the recommendations set out in the previous ODIHR Opinion have been reflected in the revised Draft Law.

The revised amendments to the Law on the Financing of Political Activities (LFPA) incorporate a number of recommendations contained in the previous ODIHR Opinion and constitute a positive step towards enhancing the transparency and accountability of political party and campaign financing. In particular, the revised amendments fully or partially address recommendations concerning the regulations of loans, the reduction of donation limits for legal persons, the further lowering of campaign expenditure ceilings, the obligation to return donations exceeding the prescribed limits, the clarification of the role and investigative powers of the Agency for the Prevention of Corruption (APC), the shortening of deadlines for the adjudication of complaints and the further regulation of third-party campaigning.

At the same time, several recommendations remain unaddressed or have only been partially implemented. These concern, inter alia, the introduction of proportionate and sufficiently dissuasive sanctions, the adjustment of deadlines for the allocation of public funding so as to provide contestants with meaningful opportunities to campaign, the introduction of safeguards against the misuse of public resources, and the establishment of incentives to promote the active participation of women in political and public life.

More specifically, and in addition to what is stated above, ODIHR makes the following recommendations to further enhance or supplement the proposed amendments:

- A. To revise the deadlines for the distribution of public funding to provide electoral contestants with meaningful opportunities to campaign, and to further link the disbursement of the second instalment to effective oversight of campaign expenditures and compliance with the law.
- B. To further strengthen the regulation of third-party campaigning by lowering the expenditure threshold for reporting, clarifying the concept of non-affiliation to political parties, providing guidance on the notion of public interest, and establishing proportionate, effective and dissuasive sanctions for violations. The APC could also be mandated to issue guidelines in advance of elections and to

¹ [See the Opinion.](#)

develop a proactive monitoring strategy to enhance the transparency and oversight of third-party campaigning.

- C. To further reduce the applicable campaign expenditure limits, including for local elections, and to strengthen sanctions so as to ensure that they are proportionate to the nature and gravity of the violation and sufficiently dissuasive.
- D. To regulate contributions made from a candidate's own funds, including through appropriate transparency and reporting requirements.
- E. To supplement the Draft Law with additional performance-based incentives to promote women's political participation, including by linking a portion of public funding to measurable progress in women's representation within political parties and by earmarking funding for activities and initiatives aimed at advancing women's participation in political life.
- F. To more clearly define the APC's authority to proactively monitor election campaigns and campaign financing, and to initiate timely investigations where potential violations are identified, including through strengthening the role of the APC engaged "election campaign observers".
- G. To strengthen the complaints mechanism by further aligning procedures across different types of proceedings and establishing clear deadlines for the APC to initiate misdemeanour or criminal proceedings following the identification of potential violations.

As part of its mandate to assist OSCE participating States in implementing their OSCE human dimension commitments, ODIHR reviews, upon request, draft and existing laws to assess their compliance with international human rights standards and OSCE commitments and provides concrete recommendations for improvement.

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INTRODUCTION

1. On 13 March 2026, the Secretariat General of the National Assembly of the Republic of Serbia submitted a request to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) for a legal review of the Draft Law on Amendments to the Law on the Financing of Political Activities (LFPA). The Draft Law, comprising 20 articles, was submitted to the National Assembly by the Anti-Corruption Agency (APC) with the stated aim of implementing ODIHR recommendations related to the financing of election campaigns. ODIHR subsequently issued its Opinion on the Draft Law on 11 May 2026, containing a number of recommendations aimed at further strengthening the transparency, accountability and effectiveness of the campaign finance framework.²
2. On 19 May 2026, the Secretariat General of the National Assembly of the Republic of Serbia submitted to ODIHR a revised version of the Draft Law on Amendments to the Law on Financing of Political Activities (the Draft Law). The revised Draft Law seeks to address comments and recommendations contained in ODIHR's Opinion of 11 May 2026. In the context of the preparation of the present Opinion, ODIHR also held consultations with representatives of the Serbian authorities and civil society organizations.
3. This Opinion assesses the extent to which the recommendations contained in ODIHR's Opinion of 11 May 2026 have been reflected in the revised Draft Law. The analysis examines each of the recommendations set out in the previous Opinions and assesses the proposed amendments in light thereof. The present Opinion is limited to the revised Draft Law on Amendments to the Law on the Financing of Political Activities (LFPA) and should not be regarded as a comprehensive assessment of the broader legislative framework regulating elections and political parties in Serbia. The present analysis should also be read in light of the findings and recommendations from previous ODIHR election observation reports³ and the several opinions on electoral and political party legislation of Serbia published by ODIHR.⁴ It should also be read together with the ODIHR Urgent Opinion on the Draft Law Amending the Law on Prevention of Corruption dated 26 June 2026.
4. The review is based on the unofficial English translation of the Draft Amendments provided by the Serbian authorities, and therefore, errors from translation may occur.

² See ODIHR [Opinion](#) on the Draft Law Amending the Law on Financing Political Activities, 11 May 2026.

³ Available at: <[Elections in Serbia | Organization for Security and Co-operation in Europe](#)>.

⁴ See, in particular ODIHR, [Urgent Opinion on Draft Amendments to Several Pieces of Election-Related Legislation of Serbia](#), Recommendation D, paras. 32-33; ODIHR, [Opinion on the Draft Law Amending the Law on Financing Political Activities](#) (11 May 2026), Sub-Sections 2.11 and 2.12. See also ODIHR, [Report on Early Parliamentary Elections in Serbia](#), 17 December 2023, especially Recommendations 15-17. ODIHR-Venice Commission, [2022 Joint Opinion on the Constitutional and Legal Framework Governing the Functioning of Democratic Institutions, Electoral Law and Electoral Administration in Serbia](#), para. 103. See also ODIHR, [Informal Comments on Two Sets of Draft Amendments to the Law on Prevention of Corruption of the Republic of Serbia](#) (19 November 2024).

REVIEW OF THE REVISED AMENDMENTS

5. The revised Draft Law partially or fully incorporates most of the recommendations set out in ODIHR's previous Opinion, which are assessed individually below. To enhance clarity of the text, consideration could be given to further improving legal drafting and readability by dividing longer provisions into shorter paragraphs where appropriate. ODIHR has marked in this Opinion several circumstances in which the formulations could be revised to provide additional precision.

1. LOANS

Recommendation: *To shorten the deadline for the repayment of loans and credits to enhance transparency in funding.*

6. Article 1 of the revised Draft Law shortens the repayment period for loans related to the regular activities of political entities from three to two years. It further provides that loans used to finance election campaign expenses must be repaid by the deadline for the submission of the final report on election campaign costs. As such, **the above-noted recommendation has been fully addressed** in the revised Draft Amendments.

Recommendation: *To ensure clarity, the provision could further specify that the maximum amount of funds [one can obtain through loans] (up to 25 per cent) is calculated based on the allocation of public funding for the year in which the loan or credit agreement is concluded.*

7. Article 1 of the revised Draft Law amends paragraph 3 of Article 3 of the LPFA to clarify that the maximum amount of funds that may be obtained through loans or credits, capped at 25 per cent, is calculated on the basis of the funds allocated from the budget of the Republic of Serbia for the financing of the regular activities of political entities or election campaign expenses *in the year* in which the credit or loan agreement is concluded. **ODIHR welcomes this clarification, which addresses the recommendation.**

Recommendation: *To enhance clarity, the provision could specify that the three-year repayment period is calculated from the date the loan agreement is signed.*

8. The revised amendments specify that the repayment period is calculated from the date of conclusion of the credit or loan. **This amendment addresses ODIHR's recommendation.**

Recommendation: *To enhance transparency and ensure compliance with differing repayment deadlines, the law should more explicitly state that loans or credits obtained for a party's regular activities cannot be used for campaign purposes.*

9. Article 1 of the revised Draft Law introduces a new paragraph 6 to Article 3 of the LPFA, providing that funds obtained through loans or credits for the regular activities of political entities may not be used to finance election campaign activities. While **this amendment technically addresses ODIHR recommendation**, its effective implementation depends on adequate oversight and enforcement mechanisms to ensure that such funds are not used for campaign purposes in contravention of the law.

2. ALLOCATION OF SERVICES AND GOODS FROM PUBLIC SERVICES

Recommendation: *To establish an overarching criterion in the Law on the Financing of Political Activities for access to public services and goods, to be reflected in specific regulations.*

10. Article 2 of the revised Draft Law has been reworded compared to the previous version. Paragraph 2 of the amended provision stipulates that public goods and services should be provided under equal conditions, irrespective of whether they are paid or provided free of charge. **This amendment partially addresses ODIHR's recommendation.** However, as an additional safeguard for ensuring equal treatment in access to goods or services, the provision could refer to market-based conditions as a safeguard. In addition, the provision could further benefit from the inclusion of a non-exhaustive list of the types of goods and services covered, thereby enhancing legal clarity, predictability and effective implementation.
11. ODIHR also recommended that *the law could require that decisions to provide goods or services of the relevant entities are published on the websites of the respective institutions.* Paragraph 5 of the amended provision requires the competent authorities and organizations to publish decisions on such requests on their websites within one day of their adoption. **This amendment fully addresses ODIHR's recommendation.**
12. The authorities and organizations providing services or goods are required to prepare a special act to be published on their website setting out the regulations. ODIHR previously recommended that *the law could set a deadline for the adoption of these regulations following its entry into force.* The revised Draft Law now provides that these acts must be adopted within 60 days from the law's entry into force and published on the respective websites within 8 days of their adoption. **This amendment addresses ODIHR's recommendation.**

3. CONTRIBUTIONS BY INDIVIDUALS AND LEGAL PERSONS

Recommendation: *Consideration could be given to lowering the donation threshold for individuals, as well as the maximum thresholds for contributions limits during electoral years.*

13. The limits prescribed in Article 10 of the LFPA have been reduced for both natural and legal persons. The maximum donation limit for natural persons has been lowered from 10 average monthly salaries (AMS) to five AMS (some EUR 5,000), while the revised Draft Law maintains the reduction previously introduced for legal persons, setting the maximum donation limit at 10 AMS. **While these amendments address ODIHR's prior recommendation, consideration could be given to regulating contributions made from a candidate's own funds, which are currently not explicitly addressed by the LFPA.** As recommended in the Guidelines on Political Party Regulation, in order to ensure a level playing field for political participation, it is recommended to provide for limits of a candidate's own contributions as part of the total spending limit during the campaign period or set reasonable caps for individual candidate's contributions, while also requiring the disclosure of such contributions.⁵ A comprehensive framework governing such contributions would help distinguish self-financing from third-party donations and further strengthen the transparency and consistency of the campaign finance regime.⁶

⁵ See [ODIHR-Venice Commission Joint Guidelines on Political Party Regulation](#) (2020), para. 227.

⁶ Also see the ODIHR [2024 Final Opinion on the Law of Montenegro on Financing of Political Entities and Election Campaigns](#), para. 75.

14. Additionally, paragraph 2 of Article 22 of the LPFA has been amended to provide that, during an electoral year, natural and legal persons may contribute an additional amount of up to 50 per cent (instead of 100 per cent previously) of the maximum annual contribution limit. **This amendment addresses ODIHR's recommendation** by reducing the overall level of permissible contributions during electoral periods.
15. The revised Draft Law further provides in paragraph 3 of Article 22 of the LPFA that political entities must return monetary contributions received in contravention of paragraph 2 within 3 days of their receipt. **This amendment addresses ODIHR's recommendation and constitutes a positive step towards strengthening compliance with the campaign finance framework.** The Draft Law could also establish that funds are submitted to the APC in cases in which the political entity cannot return the contribution to the individual or legal entity.

Recommendation: *To reduce the risk of circumvention of the thresholds [by having a network of affiliated entities making donations], consideration could be given to introducing an aggregate threshold covering such cases, while requiring the identification and disclosure of beneficial ownership of legal persons making donations, in order to prevent the circumvention of limits by the fragmentation of donations across multiple legal persons controlled by the same individual.*

16. The revised Draft Law introduces additional safeguards aimed at preventing circumvention of contribution limits, and partially addresses ODIHR recommendation. Paragraph 3 of Article 10 of the LPFA now provides that the total annual value of contributions made by a company and its related persons, within the meaning of the law governing companies,⁷ for the financing of the regular activities of political entities may not exceed 10 AMS. In addition, paragraph 4 of Article 10 stipulates that a natural person who is an owner, co-owner, shareholder or holder of an equity interest in a company that has contributed to the financing of political entities during a given year may not make contributions to political entities in the same year. The recommendation was aimed at preventing the circumvention of contribution limits through the use of multiple legal entities controlled by the same beneficial owner, while allowing for an aggregate contribution threshold that would take into account donations made both as a natural person and through legal entities under that person's control. In this respect, the revised Draft Law adopts a more restrictive approach by effectively prohibiting donations by individuals connected to the company and potentially restricting donations from natural persons that have minimal or limited financial or decision-making stakes in companies. The scope of paragraph 4 appears broad and may encompass individuals holding only a minority share or equity interest in a company, irrespective of their degree of control over that entity. In general, restrictions imposed on legal persons during the election campaigns should be stricter than those related to natural persons. In some countries, contributions from legal persons are not allowed during the election campaign, due to the fact that these may be used as a method to influence decision makers and ensure economic benefits after the elections.⁸ Therefore, while an overall limit imposed for related legal entities contributes to implementing the recommendation, consideration could be given to reconsidering the restrictions imposed through paragraph 4 of Article 10. More generally, **the prohibition on making contributions for a broad category of individuals (all shareholders) related to a company could be reconsidered to ensure that they are proportionate to the objective pursued and appropriately targeted at preventing circumvention of contribution limits.**

⁷ See Article 62 of [the Companies Act](#).

⁸ See the [ODIHR and the Venice Commission Joint Guidelines on Political Party Regulation](#), para. 214.

17. The revised Draft Law amends paragraph 3 of Article 9 of the LFPA by requiring a contributor who is an owner or co-owner, shareholder or holder of an equity interest in a company to submit a declaration to the political entity confirming that the company in which the contributor holds such an interest has not made contributions to political entities during the same calendar year. **The amendment is in line with ODIHR's recommendation and introduces an additional transparency mechanism aimed at preventing the circumvention of contribution limits.** At the same time, certain legal entities may have complex ownership structures involving multiple shareholders or beneficial owners with varying degrees of ownership, control and access to information. As a result, not all persons holding shares or an equity interest in a company may necessarily be aware of contributions made by that company to political entities. In this regard, the effectiveness and proportionality of the provision may benefit from further consideration, particularly with respect to persons holding only a limited ownership interest or exercising no meaningful control over the legal entity. During consultations with ODIHR, the Serbian authorities indicated that it would be the responsibility of the donor to obtain information from the company as to whether it had made contributions as a legal entity. While this clarification is noted, consideration could be given to ensuring that the legal obligations imposed on individual contributors remain proportionate and realistically capable of being fulfilled in practice.

4. DISTRIBUTION OF FUNDS FROM PUBLIC SOURCES AND EXCEPTIONS FOR SUBMITTING A DEPOSIT

Recommendation: *To avoid uncertainty and potential misuse, the provision should be clarified to specify which entities are eligible (for receiving public funds without submitting a deposit) and the relevant timeframe for determining representation.*

18. Article 5 of the revised Draft Law amends several provisions of Article 21 of the LFPA. Paragraph 1 has been amended to provide that the first instalment of public funds is also allocated to groups of citizens, political parties and coalitions that are exempt from the requirement to submit an electoral deposit. This amendment provides additional clarity regarding the categories of electoral contestants eligible to receive the initial instalment of public funding.
19. Paragraph 2 of Article 21 has been amended to provide that the second instalment of public funds shall be allocated within five days of the issuance of the overall election results report to electoral contestants who have submitted a preliminary report on election campaign expenditure, irrespective of whether they made use of public funding during the campaign. **This amendment partially addresses ODIHR's recommendations concerning the introduction of safeguards against the misuse of public funds and the distribution of public funding.** At the same time, the timetable for the allocation of the first instalment of public funding, which represents 40 per cent of the total amount available, remains unchanged. Consequently, the recommendation to adjust the deadlines for the distribution of public funds so as to provide contestants with meaningful opportunities to campaign has only been partially implemented. *See comments in paragraph 61.*
20. Paragraph 5 of Article 25 of the LPFA further specifies the categories of electoral contestants exempt from the obligation to submit an electoral deposit in case they express the intention of using public funding for the campaign. In line with ODIHR's recommendation, **the revised Draft Law clarifies that the exemption applies to** groups of citizens, political parties that did not hold seats in the relevant representative body during the previous term, and coalitions whose constituent members did not hold seats in the relevant representative body during the previous term. **This amendment addresses ODIHR's recommendation by providing greater clarity regarding the entities eligible for the exemption.** At the same time, the regulation may give rise to situations in

which certain coalitions benefit from the exemption by including constituent parties that have recently held representation in elected bodies. *Consideration could therefore be given to introducing additional safeguards, such as explicitly providing that coalitions whose constituent parties were previously represented in elected bodies are not eligible for the exemption, or clarifying criteria to ensure that the exemption is applied consistently and does not create opportunities for circumvention of the deposit requirement.*

21. Additionally, paragraph 4 of Article 26 of the LFPA provides that electoral contestants exempt from the obligation to submit an electoral deposit are required to return the public funds if they fail to obtain at least one per cent of the valid votes cast /or a minimum 0.2 per cent in the case of political entities representing and advocating for the interests of national minorities. This amendment introduces an additional safeguard aimed at ensuring the proper use of public funds and strengthening accountability in their allocation.

Recommendation: *The legal drafters could consider supplementing the Draft Law with additional performance-based incentives, such as linking a portion of public funding to measurable progress in women's representation in party leadership structures, the setting-up or strengthening of a party women's section, the adoption and implementation of internal gender equality action plans by political parties, and/or provide for the ear-marking of allocated public funding to pursue activities and initiatives to promote women's political participation.*

22. **The amendments do not address the above-noted recommendation**, with respect to establishment of incentives to promote the active participation of women in political and public life, and the **recommendation is therefore reiterated**.

5. THIRD-PARTY CAMPAIGNING AND RESTRICTIONS FOR LEGAL ENTITIES

23. With regards to the restrictions set out in Article 23a of the LFPA concerning the use of political materials and other goods or services by legal entities in the absence of a contract concluded with the provider, ODIHR previously recommended that *paragraph 3 could be better linked to other provisions of the LFPA that regulate unlawful activities by political parties during election campaigns, ensuring greater legislative consistency and clarity*. **The revised Draft Law does not address this recommendation, which is therefore reiterated.**

24. The revised Draft Law further amends paragraph 3 of Article 23a by providing that, during an election campaign, political entities may not reuse materials produced by legal or natural persons for the purpose of promoting or opposing a political entity. The amended provision also links this restriction to the definition of third parties contained in paragraph 2 of Article 23b of the LFPA, **which is a positive clarification**. This amendment constitutes a positive clarification and contributes to greater consistency within the campaign finance framework.

Recommendation: *The law would benefit from a more comprehensive definition of eligible third-party campaigners. Furthermore, the law could clarify the types of activities that may be considered part of a third-party campaign.*

25. With regard to the definition of third parties, paragraph 1 of Article 23b of the LFPA provides that third parties may consist of a natural person, a legal person, or several legal and/or natural persons

acting jointly. **This amendment is in line with ODIHR’s recommendation and contributes to a more comprehensive definition of third-party campaigners.**

26. The second paragraph of Article 23b further provides that third-party campaigning may be conducted by a third party that is not affiliated with a political party and seeks to positively or negatively influence the electoral prospects of one or more political entities. It also includes a non-exhaustive list of activities that may constitute third-party campaigning, such as advertising, the distribution of promotional materials, the organization of gatherings and round tables, as well as other similar activities. **These amendments are in line with previous ODIHR recommendations to clarify the scope of third-party campaigning.** The notion of affiliation is further defined in paragraph 3 – *see comments below*.

Recommendation: *To capture a broader range of activities, consideration could be given to including in-kind contributions in the definition of third-party campaigning.*

27. The definition of the value of third-party campaigning includes both monetary and non-monetary contributions. The inclusion of non-monetary contributions is a positive development and addresses previous ODIHR recommendations. At the same time, the Draft Amendments do not specify how the value of such contributions should be assessed in practice. To enhance legal certainty and facilitate effective oversight, **consideration could be given to introducing clear criteria for the valuation of non-monetary contributions, for example, by requiring that goods and services be assessed on the basis of their market value.**

Recommendation: *To reduce the risk of circumvention through multiple payments below the threshold and to enhance transparency of campaign income and spending, consideration could be given to lowering the minimum threshold applicable to third-party campaigns.*

28. The threshold above which activities are considered third-party campaigning has been reduced from one average monthly salary to half of an average monthly salary (approximately EUR 500). This amendment responds to the previous ODIHR recommendation. At the same time, **consideration could be given to further reducing the threshold in order to capture a wider range of campaign activities and minimize the risk that significant influence on the electoral campaign is exerted through multiple expenditures that individually remain below the reporting threshold.**⁹

Recommendation: *To ensure clarity in the relationship between third-party campaigners and political entities, consideration could be given to further defining what constitutes non-affiliation.*

29. Paragraph 3 introduces a list of persons and entities that are considered affiliated with a political entity, and are therefore excluded from the definition of third-party campaigners. These include, inter alia, “a legal person that has concluded contracts with the political entity participating in the election campaign, members of a coalition participating in the election campaign, responsible persons and representatives of political entities, etc.”. The introduction of such criteria is a positive development and contributes to greater clarity regarding the relationship between third-party campaigners and political entities. At the same time, certain elements of the provision could

⁹ In Czechia, persons or entities intending to conduct third-party campaigning must register if they intend to incur election campaign expenditure, with a registration fee of CZK 3,000 (approximately EUR 123). In Ireland, registration is required for third parties that receive donations of more than EUR 100 for political purposes. In Germany, transparency requirements for third-party political advertising generally apply to advertising expenditures exceeding EUR 500.

benefit from further clarification. For example, it is not entirely clear whether the reference to “members of a coalition participating in the election campaign” pertains to the political entities forming the coalition, their members, candidates, or other associated individuals. More generally, while the list provides useful examples of affiliated persons and entities, consideration could be given to formulating it in a more comprehensive manner and providing additional guidance on the criteria used to determine affiliation.

Recommendation: *To ensure legal clarity, the Draft Law should be amended to align these provisions and ensure consistency across all relevant rules, including any related regulations that may establish additional prohibitions.*

30. The revised Draft Law expands the list of prohibited sources of funding for third-party campaigners by incorporating the general prohibitions set out in Article 12, paragraph 1, including donations from foreign or anonymous donors, public institutions, trade unions, associations and other non-profit organizations, churches and religious communities, the gaming industry or entities with outstanding public liabilities. **The introduction of these restrictions is welcome, as it limits opportunities to circumvent campaign finance regulations by channelling campaign support from prohibited sources through third parties.** A comprehensive assessment of the consistency of all relevant provisions, including any related regulations establishing additional prohibitions, would require a review of the broader legal framework.
31. Paragraph 4 provides that a third party “may not conclude a contract in its own name, and on behalf of a political entity, by which it would bear the costs or part of the costs of the election campaign of that political entity”.¹⁰ While Serbian authorities clarified the intended meaning of the provision during discussions with ODIHR, this clarification is not reflected in the text of the Draft Amendments. As the wording may give rise to different interpretations, the recommendation remains unaddressed. **Reformulating the provision to state explicitly that third parties may conclude contracts only in their own name would enhance legal certainty and facilitate consistent implementation.**
32. While approaches to regulating the relationship between third-party campaigners and political entities vary, ODIHR and Venice Commission Guidelines on Political Party Regulation define third parties as “*individuals and organizations who are not legally tied to, or acting in co-ordination with, any candidate or political party, but who nonetheless act with the aim of influencing the electoral result*”.¹¹ The Guidelines emphasize that third parties should maintain a degree of independence from the political entities they support, notwithstanding that their activities may benefit one or more political actors. At the same time, international standards recognize that third-party campaigners may take different forms, ranging from actors with relatively close links to political parties to those

¹⁰ In Latvia, third parties are natural persons, legal entities, or registered associations of such persons, not connected to political parties or their campaign activity, which conduct and pay for pre-election campaigning in their own name.

¹¹ See paragraph 219 of the [ODIHR and the Venice Commission Joint Guidelines on Political Party Regulation](#). According to [Guidelines](#) published by Elections Canada, third parties are those actions “not undertaken in concert, agreement, coordination or pursuant to a common plan with any direct participant”.

operating more independently.¹² In this context, clear criteria for determining affiliation are important to distinguish genuine third-party campaigning from activities that should be attributed to, or regulated as part of, the campaign of a political entity.

33. Comparative practice also highlights the importance of ensuring the independence of third-party campaigners. For example, the Canadian Elections Act in this sense, seeks to ensure that “*third parties operate independently to preserve the integrity of the political financing regime. Specifically, the Act directly prohibits collusion between third parties and registered parties, potential candidates, and candidates for the purpose of circumventing the party's or candidate's expense limits, or for the purpose of influencing third parties' regulated activities. As well, third parties must always be careful not to make ineligible contributions to a registered party, a candidate or other affiliated entities of a party by working too closely with them*”.
34. The Draft Law does not explicitly regulate the attribution of third-party campaign expenditures. According to the Law, and as explained by the Serbian authorities, the relationship between third parties and political competitors does not entail coordination, and third parties are therefore not required to inform competitors of their campaign activities.¹³ However, the Draft Law does not clearly establish whether expenditure incurred by third parties is to be considered independently or aggregated with the expenditure of the political party or candidate benefiting from such activities. Based on the current wording, it appears that third-party expenditure would be reported and calculated independently of the expenditure of political competitors. The reporting of third-party campaign expenditures independently allows for circumstances where the third-party’s campaign activities may benefit more than one competitor or may be more issue based rather than in favor of one competitor. **Still, for the sake of legal certainty, the Draft Law should explicitly clarify if third-party campaign expenditures are reported and calculated independently or attributed to, or aggregated with, the expenditure of a political party or candidate.**

Recommendation: *To avoid ambiguous interpretations, the provision should be reformulated to clarify that this amount refers to the total expenditure permitted for a third-party campaigner during an election campaign.*

¹² Paragraph 219 of the [ODIHR and the Venice Commission Joint Guidelines on Political Party Regulation](#) indicated that “regulators should take care to distinguish third parties that do not campaign in communication and collaboration with any of the contestants from affiliated persons or entities that are nominally separate from a party but in fact are related, directly or indirectly, to a political party or are otherwise under the control of a political party”. The ODIHR Note on the Regulation of Third-Party Campaigning in the OSCE Region distinguishes between: (i) issue advocacy conducted independently and without supporting or opposing a specific electoral contestant; (ii) independent campaigning in favour of or against a specific contestant; (iii) campaigning coordinated with a contestant; and (iv) campaigning conducted by entities formally affiliated with a political party, such as youth wings, women’s organizations or party-linked think tanks.

¹³ Under the Czech legal framework, third-party campaigners may conduct campaign activities independently of electoral contestants and without their prior knowledge. In such cases, the expenditures of the third party are accounted for separately and do not count towards the contestant’s expenditure limit. However, where campaign activities are coordinated with a contestant, the contestant must be informed and the value of the support provided, including in-kind contributions, is counted towards the contestant’s expenditure ceiling. Paragraph 218 of the [ODIHR/Venice Commission Guidelines on Political Party Regulation](#) refers to third party campaigners as “individuals and to organizations who are not legally tied to, or acting in co-ordination with, any candidate or political party, but who nonetheless act with the aim of influencing the electoral result. Third-party financing in relation to election campaigns has been defined as, “[c]ampaign expenditures made independently of a candidate or party with the aim of promoting or opposing a candidate or party, either directly or indirectly”.

35. Paragraph 5 specifies that third-party campaigning may be financed through the third party's own funds, loans and credits obtained for the purpose of financing the election campaign. **The clarification of permissible sources of funding is a positive development and contributes to greater legal certainty.** According to the Serbian authorities, donations were not included among the permissible sources of funding due to concerns relating to transparency and oversight. In addition, consideration could be given to clarifying that **entities acting as third-party campaigners may not use public funds received through other financing mechanisms to finance third-party campaign activities.**
36. The expenditure limit for third-party campaigners is set at 10 average monthly salaries (approximately EUR 10,000), irrespective of the number of elections concerned, thereby addressing the ODIHR recommendation. Nevertheless, comparative practice demonstrates that expenditure limits are often tailored to the type of election concerned. **Consideration could therefore be given to assessing whether different thresholds would be more appropriate for different categories of elections.**¹⁴
37. The Opinion also noted that a third-party campaigner may also make donations, and recommended *to better define the total value of contributions an individual or legal entity may make during an election campaign, the law could also establish additional thresholds for such specific cases.* **The recommendation was not addressed by the revised Draft Amendments, and is therefore reiterated.**

Recommendation: *To ensure proper implementation of the fundamental principles of free speech and the right to take part in the conduct of public affairs, the concept of “public interest” could be more clearly defined in guidelines, including examples of activities that do or do not constitute campaigns requiring declaration.*

38. **The recommendation was not addressed by the revised Draft Amendments, and is therefore reiterated.** Additional guidelines could be provided regarding what constitutes public interest.¹⁵ Furthermore, the provisions on third-party campaigning should be considered together with the applicable rules on who is prohibited from conducting third-party campaigning. For example, churches and religious communities appear to be excluded from acting as third-party campaigners under the current framework. Clarifying the relationship between these provisions could further strengthen legal certainty and facilitate consistent implementation.

¹⁴ For example, in Czechia, expenditure limits for registered third-party campaigners are set at approximately EUR 73,800 for elections to the Chamber of Deputies, approximately EUR 32,800 for presidential elections held in one round and EUR 41,000 where a second round is held, and approximately EUR 5,740 multiplied by the number of regions in which the third-party conducts campaign activities in regional elections. Third-party campaigning is not regulated in municipal elections.

¹⁵ See Paragraph 50 of the [ODIHR's Urgent Opinion on the New Law of Montenegro on Financing of Political Entities and Election Campaigns of July 2025](#) which states that “This safeguard may help ensure that the regulation of third-party activities does not unduly interfere with legitimate public debate and civic participation during election periods. At the same time, given the potentially broad and sensitive distinction between issue-based advocacy and regulated campaign activity, the effective implementation of this provision would benefit from further guidance by the competent oversight institution, including clear interpretative criteria and practical guidance to ensure consistent application of the Law and mitigate the risk of arbitrary or overly broad enforcement”. Paragraph 218 of the [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) refers to third party campaigners as “individuals and to organizations who are not legally tied to, or acting in co-ordination with, any candidate or political party, but who nonetheless act with the aim of influencing the electoral result. Third-party financing in relation to election campaigns has been defined as, “[c]ampaign expenditures made independently of a candidate or party with the aim of promoting or opposing a candidate or party, either directly or indirectly”.

Recommendation: *The Draft Law could further specify, similarly to the regulations applicable to political parties, that third parties may process income only through the declared bank account, and that violations of this requirement are subject to sanctions.*

39. **The recommendation was fully addressed by the revised Draft Amendments.** Paragraphs 7 and 8 regulate the use of bank accounts by third-party campaigners; violations of Article 23b are sanctioned for legal and natural persons. All payments related to third-party campaigning are required to be made through a dedicated bank account, which must be reported to the Agency within three days of its opening. The Draft Amendments further require third-party campaigners to identify the person responsible for submitting reports to the Anti-Corruption Agency, thereby strengthening accountability and facilitating oversight. **The designation of a responsible person is a positive step and increases the responsibility of the third parties.**

40. The revised Draft Amendments do not establish a deadline by which third-party campaigners must cease receiving funds or incurring campaign-related expenditures in relation to the election day. As such, the recommendation was not addressed. **To enhance clarity and legal certainty, the law could prohibit the possibility of receiving funds and incurring expenditures after election day, with the exception of remaining payments for already contracted services or goods.**

Recommendation: *Furthermore, the law could clarify obligations related to the bank accounts after the end of a campaign and the conclusion of reporting.*

41. Paragraph 9 establishes that a separate account must be used for each election campaign and closed by the date of the submission of the report, which is due 10 days after the election day. **The updated regulation addresses the ODIHR recommendation.** While the opening and management of bank accounts may be relatively straightforward for natural and legal persons, the law could further clarify the applicable procedure in the case of groups of persons. **For example, the persons designated as responsible for submitting the report could also be made responsible for the opening, management and closure of the account.**

42. Paragraph 10 requires third-party campaigners to submit a report to the APC within ten days of election day, including information on funds received and expenditures incurred. The reporting deadline has been reduced from 30 days, as provided in the previous version of the Draft Law, **which is a positive development and responds to the ODIHR recommendation.** At the same time, the current Draft Law removes the **requirement to submit a preliminary report five days before election day.** While reporting obligations should not become unduly burdensome, particularly for natural persons or entities with limited reporting capacity, preliminary reporting constitutes an important transparency safeguard and serves the public interest by providing voters with timely information before election day. Consideration could therefore be given to retaining the requirement for **preliminary reporting, at least for third party campaigners which collect and spend funds over a certain threshold.** *See also the section on reporting by political entities.*

Recommendation: *To enhance transparency and better reflect pre-election campaign expenditures, reports should cover the full scope of third-party campaign activity, and the reporting cut-off date should be set as close as possible to election day.*

43. Paragraph 11 further specifies that the final report must cover the period from the calling of elections until election day. **By extending the reporting period to include the full duration of the election campaign, the updated regulation addresses the ODIHR recommendation and**

contributes to a more comprehensive reflection of third-party campaign activities and expenditures.

Recommendation: *To ensure greater clarity and predictability, the law should also specify the types of records the APC maintains, the conditions under which they are kept, and which information is made publicly available.*

44. Paragraph 14 introduces provisions regulating the records maintained by the APC. The APC is required to maintain and publish records on third-party campaigners, including information on the election to which the campaign relates, the dedicated bank account, and the political entity supported by the third party. **The amendments partially address the recommendation** by specifying certain categories of information to be included in the records and made publicly available. To further enhance transparency and legal certainty, the law could clarify the timing of publication and provide that key information, including the list of registered third-party campaigners, be made publicly available promptly following registration, while ensuring compliance with applicable data protection requirements, particularly with respect to natural persons.

Recommendation: *Furthermore, the Agency could issue informal guidelines for entities acting as third-party campaigners, particularly given that this mechanism is newly introduced in Serbia.*

45. **The revised Draft Amendments do not address this recommendation.** Consideration could be given to providing that the APC is required to issue guidance or other types of by-laws for entities acting as third-party campaigners. This could facilitate the implementation of the new framework, particularly given that the regulation of third-party campaigning is being introduced for the first time in Serbia.¹⁶

Recommendation: *To enhance transparency and effectiveness of oversight, the law should be amended to extend the sanctions to cover all categories of third-party campaigners, including natural persons and groups of citizens.*

46. **Article 43 of the LPFA prescribes sanctions for natural and legal persons for violations of Article 23B of the LPFA.** While the law does not establish specific sanctions for groups of citizens acting as third-party campaigners, it requires the designation of a responsible person for reporting and overseeing the activities of the third party, who could be subject to the applicable sanctions. **The amendments, therefore, partially address the recommendation.** For greater legal certainty, the law could expressly clarify the application of sanctions to responsible persons acting on behalf of groups. **The Draft Law could further provide for differentiated sanctions for violations of the various provisions of Article 23b, ensuring that sanctions are proportionate, effective and dissuasive, taking into account the nature and seriousness of the violation.**

Recommendation: *To address the failure of third parties to comply with legal requirements and declare their activities, the APC could consider developing a dedicated, proactive monitoring strategy to identify entities that may be in breach of the law.*

47. **This recommendation was not addressed by the revised Draft Amendments.** The recommendations concerning the development of a proactive monitoring strategy, the strengthening of the APC's capacity to monitor compliance, and the issuance of guidance for third-

¹⁶ See the recent example of Guidelines [issued for third parties in Montenegro](#).

party campaigners remain to be addressed. Effective oversight of third-party campaigning can be particularly challenging due to the potentially large number and diverse nature of actors involved. In this regard, it is noteworthy that, unlike political entities, third-party campaigners are not subject to requirements concerning imprints on electoral campaign materials. Such requirements could enhance both transparency and the ability of the APC and other stakeholders to identify and monitor third-party campaign activities.¹⁷ **Consideration could therefore be given to introducing imprint requirements for promotional materials produced by third-party campaigners. To avoid imposing disproportionate obligations, the specific format and content of such imprints could be further regulated through secondary legislation or guidance issued by the APC.**

6. EXPENDITURE LIMITS

Recommendation: *To reduce the threshold for campaign finance expenditure, and make violations subject to proportionate and dissuasive sanctions.*

48. Overall, the recommendation has been partially addressed, as the expenditure thresholds have been reduced and certain sanctions have been introduced. However, **consideration could be given to further reducing the applicable thresholds, including for local elections, and to increasing sanctions to ensure that they are proportionate to the violations committed and sufficiently dissuasive.**

Recommendation: *To ensure a level playing field, the Draft Law should be further amended to lower the campaign expenditure ceilings. It could also clarify whether distinct rules apply when different types of elections are held simultaneously.*

49. The amendments to the previous version of the Draft Law reduce the expenditure ceilings for presidential and parliamentary elections from EUR 8 million to EUR 6 million, and for elections of members of the Assembly of an autonomous province from EUR 2 million to EUR 1.5 million, while the expenditure limits for city and municipal council elections remain unchanged. In the case of presidential elections held in two rounds, the maximum expenditure ceiling has been reduced from EUR 9 million to EUR 7 million. **These amendments partially address the recommendation.** Nevertheless, the expenditure ceilings remain comparatively high, and consideration could be given to further reducing the applicable limits, including for local elections.

Recommendation: *To ensure consistency, the limits could instead be defined as the equivalent of a specified number of average monthly salaries, which can be indexed according to economic changes in the election year.*

50. **The revised Draft Amendments do not address the recommendation.** The expenditure limits continue to be expressed as fixed monetary amounts rather than as a specified number of average

¹⁷ International practice offers examples of measures aimed at increasing the transparency and traceability of third-party campaigning. [Regulation \(EU\) 2024/900](#) on the Transparency and Targeting of Political Advertising requires political advertisements, including those disseminated by third parties, to contain transparency information identifying the sponsor and providing information on funding, targeting criteria and the electoral context of the advertisement. Similarly, in the Czech Republic, third-party campaigners are required to register with the Office for the Supervision of the Management of Political Parties and Movements ([ÚDHPŠH](#)) and receive a registration number, which must be displayed together with the name of the third party on campaign materials. Such measures may facilitate the identification of campaign actors and support more effective oversight of campaign activities.

monthly salaries that could be adjusted to reflect economic developments. Furthermore, the Draft Law expresses these amounts in EUR rather than in the national currency. While the law refers to the applicable exchange rate, the use of the national currency throughout the Draft Law would enhance consistency and legal clarity.

7. ANNUAL REPORT ON THE FINANCING OF A POLITICAL ENTITY

Recommendation: *To oblige all political entities to publish annual reports, with appropriate support provided to those entities that lack sufficient administrative capacity.*

51. The revised Draft Amendments add paragraph 5 to Article 28 of the LPFA, providing that political parties lacking sufficient financial means or administrative capacity may make their annual reports publicly available through alternative channels, such as official social media accounts or publication in the Official Gazette. **This amendment addresses the ODIHR recommendation by introducing additional means through which political entities may fulfil their publication obligations.** At the same time, consideration could be given to ensuring that reports are made available through platforms that enable both the public and the competent authorities to access and identify the relevant documents over the longer term. In this regard, publication solely through social media accounts may not sufficiently guarantee the accessibility, traceability and long-term availability of such information.

Recommendation: *To further improve transparency of reporting, the law could also require that documents be submitted in a machine-readable format, enabling external stakeholders, including civil society organizations or journalists, to process and analyze the data more efficiently and in a user-friendly manner.*

52. Paragraph 6 has been amended to provide that reports shall be made available in formats that enable the searching, analysis and downloading of data. **This amendment addresses the ODIHR recommendation** by facilitating access to, and the processing of, campaign finance information by the public, civil society organizations, journalists and other stakeholders.

Recommendation: *To ensure the effectiveness of this provision, proportionate and dissuasive sanctions could be introduced.*

53. Article 42, point 13, was amended, and the sanctions of RSD 200.000 RSD to 2.000.000 applied to political parties for a misdemeanour were extended to fully cover Article 28. **While the amendment addresses the recommendation made by ODIHR,** more dissuasive sanctions could be imposed for the intentional provision of false information, with a high impact on the integrity of the reporting process.

8. REPORT ON CAMPAIGN EXPENSES

Recommendation: *To extend the interim reporting period towards the end of the electoral campaign to better capture spending in the final stages and to shorten the deadlines for the publication of both interim and final reports.*

54. Paragraph 1 of Article 29 of the LPFA has been amended to reduce the deadline for the submission of the preliminary report from seven to five days before election day. In addition, the law provides that the preliminary report shall be submitted in electronic format, while the final report shall be

submitted in both written and electronic formats. **The reduction of the reporting deadline is in line with the ODIHR recommendation. Furthermore, the submission of the preliminary report exclusively in electronic format may facilitate compliance with reporting obligations and reduce the administrative burden on political entities.**

55. The preliminary period covers the period from the calling the elections until seven days before election day, compared to 10 days in the previous version of the Draft Law. **The revised Draft Amendments therefore address the ODIHR recommendation and enhance transparency by extending the reporting period closer to election day. Nevertheless, campaign activities and expenditures incurred during the final days of the campaign remain outside the scope of pre-election reporting.** This is particularly relevant given that significant campaign expenditures may occur shortly before election day and therefore may not be reflected in information available to voters prior to voting. In this regard, ODIHR would like to point to reporting models that provide more frequent disclosure of campaign income and expenditure during the campaign period. For example, in the Republic of Moldova, reporting is conducted on a weekly basis, while in Romania, information on campaign income and expenditure is published weekly throughout the campaign.¹⁸ Additionally, in the case of Moldova, the reports are published within 24 hours of receiving them. Such approaches may provide a more comprehensive and timelier overview of campaign finances and better reflect the full duration of the election campaign.

Recommendation: *While this amendment, which seeks to ensure that the second instalment of public funding (60 per cent) is reflected in campaign finance reports, may offer a more complete picture of the funds received by political parties, it does not address previous recommendations to align the disbursement of the second instalment with reporting and oversight deadlines, which would help strengthen the integrity of spending.*

56. The revised Draft Amendments make the payment of the second instalment of public funds conditional upon the submission of a preliminary report. According to the Serbian authorities, the purpose of the preliminary report is to enhance transparency, and enable both the public and the competent authorities to better understand how political entities use campaign funds. ODIHR was further informed that the APC reviews the preliminary reports, while a comprehensive assessment of compliance is conducted after the elections. **The introduction of this mechanism partially addresses ODIHR's recommendation. At the same time, consideration could be given to linking the allocation of public funds more closely to the effective oversight of campaign expenditure and compliance with the law.** Findings of non-compliance resulting from oversight activities and subsequent sanctions could, for example, be taken into account when determining eligibility for, or the amount of, public funding, as discussed in paragraph 23 of this Opinion.
57. **While the revised Draft Amendment constitutes a positive development, it does not fully address the recommendation, which aimed to align the disbursement of the second instalment with reporting and oversight mechanisms.** Under the current framework, the second instalment is linked to the submission of the preliminary report, but not to an assessment of the legality of campaign expenditure. To further strengthen transparency and accountability, consideration could be given to linking the allocation of public funds to compliance with campaign

¹⁸ According to the [ODIHR Statement of Preliminary Findings and Conclusions for the 28 September 2025 parliamentary elections](#), “all contestants must submit weekly financial reports to the CEC as well as a final report no later than three days after election day. The reports follow detailed templates with dedicated sections for online campaign expenses. The report notes that “no ODIHR EOM interlocutor complained about the required frequency of reporting”.

finance rules. Where violations are identified, proportionate financial consequences could be envisaged, including adjustments to the amount of public funding received.¹⁹

58. The newly added paragraph 8 of Article 21 of the LPFA provides that the APC shall notify the authority responsible for the distribution of public funds, whether the Ministry of Finance or a competent authority at the provincial or local level, when a political entity fails to submit a preliminary campaign finance report within five days of the applicable deadline. This amendment is welcome. However, the provision does not specify the consequences of such non-compliance in terms of allocation of funds. **Greater clarity could be provided regarding the measures to be taken where reporting obligations are not fulfilled, including any impact on the disbursement of public funds.**

Recommendation: *Given the fast-paced nature of election campaigns and the importance of timely public access to this information, consideration could be given to shortening these publication deadlines.*

59. Through paragraph 5, the revised Draft Amendments reduce the deadline for publication of preliminary reports on the APC website from three to two days following their receipt, and the deadline for the publication of final reports from seven to five days. In addition, reports are to be published in formats that enable the searching, analysis, and downloading of data. **The reduction of the publication deadlines addresses the ODIHR recommendation and contributes to more timely public access to campaign finance information.**

9. POWERS OF THE AGENCY AND FINANCING CONTROL

Recommendation: *The APC's powers and responsibilities could be more clearly defined and structured by consolidating them in a dedicated article within the law. (See complaints and investigative procedures)*

60. Article 32 of the LFPA, which regulates the powers of the APC, has been redrafted and now contains a more comprehensive list of the Agency's functions. In addition, Article 32a regulates the APC's authority to request information from political entities, public authorities and banks, complementing the general framework governing the Agency's oversight powers. **These revised Draft Amendments provide a more structured presentation of the APCs' responsibilities and partially address the ODIHR recommendation.** Nevertheless, consideration could be given to further clarifying and consolidating certain aspects of the APC's mandate, as explained in the following paragraphs, in order to strengthen the effectiveness of campaign finance oversight.
61. Beyond its role in receiving and reviewing reports, consideration could be given to defining more explicitly the APC's authority **to proactively monitor election campaigns and campaign financing, and to initiate investigations in a timely manner where potential violations are**

¹⁹ Comparative examples from other OSCE participating States demonstrate that the disbursement or reimbursement of public funds may be linked to compliance with campaign finance regulations and the submission of the required financial reports. For example, in Romania, campaign expenses are reimbursed only after verification of the legality of campaign income and expenditure, and funds spent in violation of the law are not reimbursed. In [Canada](#), reimbursement of election expenses is subject to compliance with reporting obligations and verification of the required documentation by Elections Canada, with only a partial initial reimbursement available before completion of the review process. Similarly, in [France](#), reimbursement of campaign expenses is conditional upon the timely submission and approval of campaign accounts, and the amount reimbursed may be reduced where irregularities in campaign financing are identified. These examples illustrate different approaches through which public funding can be linked to compliance with campaign finance rules and oversight mechanisms.

identified. Such powers could include the conduct of on-site investigations and the use of predefined risk indicators or red flags. In this regard, the 2024 ODIHR EOM Final Report for the local elections noted that “several interlocutors voiced a lack of trust in the APC, due to limited efforts undertaken by the agency to address alleged violations proactively.”

62. The law provides that the APC shall engage “election campaign observers” as field observers and co-ordinators for the purposes of monitoring political activities during the election campaign. According to the Serbian authorities, the role of these observers is regulated by an APC Rulebook, which will be updated following the entry into force of the amended legislation.²⁰ Observers collect information throughout the campaign and submit weekly reports to designated coordinators within the APC. ODIHR was further informed that, as a good practice, observer reports have been published on the APC’s website.²¹ Consideration could be given to further strengthening the role of these observers by clarifying that information collected through their activities **may serve as a basis for more responsive oversight and investigative actions, where appropriate. Additionally, the role of the observers could be strengthened to observe abuse of state resources and to cover new regulations introduced by the Draft Law, including on third party campaigners. The law could also explicitly provide for the publication of observer reports in order to enhance transparency.**
63. The Law could prescribe that the APC is required to publish an up-to-date oversight methodology, reflecting the amendments in the Law. The guidelines could include, among others, the scope of control, what types of documentation or information are verified, risk indicators and red flags regarding campaign finances and expenditures and how the verification process is administered. While the APC publishes control plans for elections and the regular activity of the political parties, a publicly available overall procedural methodology could provide a better understanding and predictability of APC’s work.
64. As noted in the May 2026 Opinion, consideration could be given to further regulating the APC’s powers to request and obtain information from very large online platforms and other providers of online services, particularly where such information may assist in identifying potentially unlawful third-party campaigning.

10. TAX CONTROL

Recommendation: *To clarify how APC’s reports may determine that taxpayers could become subject to tax control.*

To distinguish the respective roles, powers, and methodologies of the tax authorities and the APC in implementing tax control regulations, as well as to establish timelines for the implementation of such measures, as well as appropriate transparency mechanisms.

65. Article 36 of the LFPA has been amended to further clarify the relationship between the APC activity and the tax authorities. The amendments refine the criteria for including providers of resources, goods, and services to political entities in the annual tax control plan, and establish deadlines for the implementation of tax controls. **These revised Draft Amendments address the ODIHR recommendations by providing greater clarity regarding the respective roles of the**

²⁰ See the [Rules on election campaign observers](#). Data compiled by observers is used during the oversight process, when it is compared with the declarations of political entities.

²¹ See the APC [reports](#) for the 2026 local elections.

institutions involved, the applicable procedures and the timelines for conducting tax oversight.

66. Under the amended framework, tax controls are initiated on the basis of information provided by the APC. The law further provides that the APC shall notify the tax authorities when it identifies potential irregularities. At the same time, providers of resources, goods or services whose contributions exceed a value equivalent to 50 per cent of the maximum amount prescribed in paragraphs 1-3 of Article 10 of the LFPA, are subject to inclusion in the annual tax control plan, irrespective of whether specific irregularities have been identified. While the amendments provide greater clarity regarding the criteria for initiating tax controls, consideration could be given to complementing this approach with a more risk-based methodology, allowing oversight efforts to focus more effectively on cases presenting indicators of potential non-compliance. Additionally, the Law could further define the role of the tax control, which could be, *inter alia*, to verify the legality of income or to verify that donors can justify their contributions based on income.

Recommendation: *For greater clarity, the law could better delineate the respective roles of the tax authorities and the Agency in implementing these provisions, as well as set out how the two institutions should cooperate in practice.*

Paragraph 1 of Article 36 of the LFPA provides that the APC shall submit to the tax administration, within 15 days of the publication of the results of its review of the annual reports of political entities, a report on providers of financial resources, goods and services to political entities. The Serbian authorities informed ODIHR that the report will cover contributions relating both the regular activities of political entities and to election campaigns. **These revised Draft Amendments address the ODIHR recommendation by further clarifying the interaction between the APC and the tax authorities.** To enhance legal certainty, consideration could nevertheless be given to providing additional information regarding **the purpose, structure and content of the report.** The revised Draft Amendments further provide that the APC shall publish the report within eight days of its submission to the tax authorities.

Recommendation: *The LFPA could regulate a time for the implementation of such actions, as well as transparency mechanisms.*

67. Paragraph 2 of the revised Article 36 further introduces a timeline for the conduct of tax controls by providing that such controls shall be carried out within the time limit prescribed by the legislation governing tax procedure and administration. **These amendments address the ODIHR recommendation by clarifying the applicable timeframe for the implementation of tax control measures and thereby enhancing legal certainty and predictability.**

Recommendation: *In any event, the relevant methodologies and a system of risk indicators (red flags) should be clearly defined in the legislation.*

68. Paragraph 3 provides that the APC shall notify the tax administration, within 15 days of obtaining relevant evidence, where it identifies potential irregularities during the control of the financing of political entities. This amendment constitutes a positive development, as it strengthens co-operation between the APC and the tax authorities and facilitates the timely transmission of information concerning potential violations. However, **the amendment does not address the recommendation concerning the development of methodologies and risk indicators (red flags) to guide oversight and control activities.** Consideration could therefore be given to further

defining such methodologies and indicators in the legislation in order to enhance consistency, predictability and effectiveness in the implementation of tax control measures.

11. COMPLAINTS AND INVESTIGATION PROCEDURES

69. The revised Draft Amendments take into account a number of ODIHR recommendations and establish a more coherent procedural framework for the conduct of investigative proceedings. In particular, they introduce greater consistency across the different types of procedures regulated by the LFPA. At the same time, certain differences in applicable **deadlines and procedural rules remain, resulting in a framework that is not yet fully harmonized.**

Recommendation: *While this expedited deadline supports timely investigation during electoral periods, the law could establish clear deadlines for all types of proceedings.*

70. The revised Draft Amendments introduce, in paragraph 3 of Article 37 of the LPFA, a deadline for notifying political entities in proceedings that are not related to the election campaign. While the existing 24-hour deadline from receipt of a complaint for notifying political entities in election campaign-related proceedings is retained, a deadline of 15 days is now established for proceedings concerning violations unrelated to the election campaign, calculated from the date of receipt of the complaint or from the date on which the APC became aware of, or obtained evidence concerning a potential violation of the law. **These amendments address the ODIHR recommendation by establishing procedural deadlines for both categories of proceedings.** To further enhance consistency, consideration could be given to explicitly providing corresponding deadlines for the initiation of ex officio investigations in election campaign-related cases.

Recommendation: *To ensure the prompt investigation of potential violations of the law, the regulations could establish a deadline for the summoning procedures.*

71. Paragraph 4 provides that the notification initiating proceedings shall include information on the alleged violation, the facts indicating a potential breach of the law, and an invitation for the representative of the political entity to submit a statement in response. The deadline for responding is set at three days from receipt of the notification in election-related proceedings and eight days in other proceedings. In addition, paragraph 5 provides that the APC may summon the person concerned to provide further information within the time limits established in the preceding paragraph. **These revised Draft Amendments enhance procedural clarity and partially address the ODIHR recommendation by establishing deadlines applicable to the response and information-gathering stages of the proceedings. To further strengthen legal certainty, consideration could be given to specifying the timeframe within which the APC should issue such summonses following receipt of a complaint, in order to determine promptly whether the allegations are substantiated. Additionally, the APC could be empowered to summon not only complainants, but also the political entities concerned and other relevant stakeholders who may possess information pertinent to the proceedings.**

Recommendation: *To avoid uncertainty, the regulations could more clearly define the method and timing of notification confirmation, as well as ensure that communication is carried out promptly.*

72. While the revised Draft Law now specifies the content of the notification, as discussed above, it does not further regulate the method **by which notifications are to be delivered or the manner in which receipt is to be confirmed. As a result, the recommendation remains unaddressed.**

Greater clarity regarding notification procedures, including the use of electronic means of communication and the timing of conformation of receipt, could reduce the risk of procedural delays and contribute to the more efficient conduct of proceedings.

Recommendation: *Consideration could be given to reducing the deadline for the non-campaign-related complaints.*

73. The revised Draft Amendments reduce the deadline for issuing decisions in proceedings concerning violations unrelated to the election campaign from 30 days to 15 days. **These amendments address the ODIHR recommendation.**

Recommendation: *To ensure greater consistency in investigative procedures, the deadline for ex officio cases could be reduced and aligned more closely with other applicable timeframes.*

74. The revised Draft Amendments reduce the deadline for issuing decisions in *ex officio* investigations concerning election campaign-related violations from 15 to 8 days, calculated from the date of receipt of confirmation that the political entity has been notified of the initiation of the proceedings. **This amendment constitutes a positive development and partially addresses the ODIHR recommendation.** At the same time, a different deadline continues to apply in proceedings initiated on the basis of complaints. While the prioritisation of complaints submitted by external stakeholders may be justified in certain circumstances, maintaining different procedural timeframes for comparable election-related proceedings may affect the overall consistency of the framework. Consideration could therefore be given to further aligning the applicable deadlines.

Recommendation: *While this change does not generally affect overall transparency, the regulations could, in principle, ensure that decisions adopted in the final days before elections are published promptly, and in any case, before the election day.*

75. Paragraph 8 of the revised Draft Law provides that decisions shall be published on the APC website on the first working day following their adoption. It further specifies that decisions relating to elections shall be published prior to election day, provided that the conditions for such publication are met. **These amendments address the ODIHR recommendation** and contribute to the timely availability of information concerning election-related proceedings.

Recommendation: *The law could prescribe a swift deadline for the APC to provide the acknowledgment of the appeal and the response to the action. Additionally, consideration could be given to introducing an expedited and clearly defined appeal mechanism for all types of proceedings concerning violations of the LFPA during the election campaign.*

76. Paragraph 9 retains the existing provision according to which APC decisions are final and may be challenged through an administrative dispute. In addition, paragraph 10 provides that, within 24 hours of receipt of an action brought against a decision rendered on a complaint during an election campaign, the APC shall submit its reply and the relevant case file to the administrative court. The court is required to issue a decision within 72 hours of receiving the APC's reply and the accompanying documentation. **These amendments partially address the ODIHR recommendation by introducing expedited deadlines for appeal proceedings concerning complaint-based cases during the election campaign. At the same time, comparable expedited procedures do not appear to be available for other types of election-related proceedings under the LFPA.**

Recommendation: *The law could establish a specific deadline for the publication of court decisions in cases related to violations of the LPFA, especially for those related to the election campaign violations.*

77. Paragraph 12 provides that decisions of the administrative court rendered in proceedings concerning actions brought against decisions of the APC shall be published within eight days of their receipt. **The introduction of a specific publication deadline addresses the ODIHR recommendation. At the same time, given the time-sensitive nature of election-related disputes, consideration could be given to further reducing the publication deadline in order to facilitate more timely public access to such decisions.**

Recommendation: *To ensure the prompt investigation and sanctioning of potential violations, consideration could be given to impose deadlines for initiation of such proceedings by the APC.*

78. As noted in the May 2026 Opinion, where the APC identifies irregularities that may warrant the initiation of misdemeanour or criminal proceedings, the LPFA does not specify a timeframe or deadlines within which the APC must take such action, notwithstanding the existence of statutory limitation periods applicable to the respective proceedings.²² **The revised Draft Amendments do not address this recommendation.** The absence of clearly defined deadlines may affect the timely initiation of follow-up proceedings and, consequently, the effectiveness of the enforcement framework.

12. WARNING MEASURES

Recommendation: *To enhance legal certainty and consistency, the law could more clearly define the circumstances in which a warning measure may be applied.*

79. The revised Draft Amendments introduce a definition of warning measures, specifying that they apply to violations that have not resulted in significant harmful consequences and to deficiencies that may be remedied. In addition, paragraph 2 provides that failure to remedy the identified deficiency within the prescribed period shall result in the APC requesting the initiation of misdemeanour proceedings.

80. **The introduction of a definition of warning measures, together with the clarification of the consequences of non-compliance, addresses the ODIHR recommendation.**

Recommendation: *To increase transparency, consideration could be given to publishing the warnings on the APC website promptly.*

81. **The revised Draft Amendments do not address this recommendation. While the law now regulates the definition and application of warning measures, it does not provide for their publication on the APC website. The publication of warning measures could further enhance transparency, contribute to the consistent application of the law, and improve public awareness of the APC's oversight activities.**

²² The [procedures of the Moldovan Central Electoral Commission](#) establish in article 120 that “If, during the control operations, suspicions arise regarding the commission of criminal acts, at the proposal of the head of the Specialized Directorate, the president of the Central Electoral Commission, within a maximum period of 48 hours, notifies the criminal investigation bodies”.

13. SANCTIONS

Recommendation: *To ensure that all infringements are subject to sanctions that are both proportionate and dissuasive.*

82. The revised Draft Amendments strengthen the sanctioning framework by addressing certain gaps identified in the May 2026 Opinion and by introducing sanctions for additional violations of the LFPA. These amendments constitute a positive development. At the same time, **the levels of the applicable sanctions remain largely unchanged. Therefore, the Draft Law should be further amended to enhance the proportionality and dissuasiveness of the overall enforcement regime.**

Recommendation: *To ensure the integrity and transparency of the process, consideration could be given to including sanctions applicable to natural persons and other types of third parties that are not legal entities.*

83. **This recommendation has been largely addressed.** As discussed in paragraph 42 of this Opinion, the provisions ensure sanctions for legal and natural persons, while additional regulations for groups of citizens or entities could be provided.

Recommendation: *To improve effectiveness, the law could explicitly regulate sanctions for political entities that breach the expenditure limits set out in Article 24a.*

84. Article 42 of the LPFA was amended to provide that a fine ranging from RSD 200,000 to 2,000,000 (some EUR 1,700 to 17,000) shall be imposed on a political party for certain misdemeanours under the law. While the introduction of sanctions constitutes a positive development, **the fines may not be sufficiently proportionate and dissuasive in relation to the gravity of potential violations**, particularly where expenditure limits are exceeded by significant amounts. Furthermore, Article 42 refers only to political parties, whereas the LFPA generally regulates a broader category of political entities participating in elections. **The sanctioning framework could therefore be extended to ensure that proportionate and dissuasive sanctions apply to all categories of electoral competitors.**

Recommendation: *While this requirement enhances transparency, the law could be improved by specifying a clear and prompt deadline for such publication.*

85. The revised Draft Amendments provide that a request submitted by the APC under Article 48 of the LFPA concerning the suspension of public funding in cases involving criminal investigations or misdemeanour proceedings shall be published on the Agency's website within 15 days of its submission to the competent authority. **The introduction of a publication deadline addresses the ODIHR recommendation and enhances transparency regarding the use of this mechanism. At the same time, consideration could be given to shortening the publication deadline in order to ensure more timely public access to this information.**

[END OF TEXT]

ANNEX

DRAFT LAW

AMENDING THE LAW ON FINANCING POLITICAL ACTIVITIES

Article 1

In the Law on Financing Political Activities ("Official Gazette of the RS", No. 14/22), in Article 3, paragraph 3 shall be amended to read as follows:

"The maximum amount of credits and loans that political entities may borrow from banks and other financial organisations, on an annual basis, may amount to up to 25% of the funds provided from the budget of the Republic of Serbia for financing regular work or covering election campaign costs of political entities in the year in which the credit or loan agreement was concluded."

After paragraph 3, a new paragraph 4 shall be added, worded as follows:

"The repayment period for credits and loans referred to in paragraph 2 of this Article for financing regular work shall be no longer than two years from the date of conclusion of the credit or loan agreement, while the repayment period for credits and loans for covering election campaign costs shall be until the expiry of the deadline for submitting the final report on election campaign costs."

After former paragraph 4, which shall become paragraph 5, a paragraph 6 shall be added, worded as follows:

"Funds from credits and loans obtained by a political entity to finance regular work may not be used to finance an election campaign."

Article 2

Article 6 shall be amended to read as follows:

"Article 6

Services and goods from public sources are services and goods that authorities of the Republic of Serbia, autonomous provinces and local self-government units, as well as other organisations whose founders they are, provide or make available for use to political entities.

The services and goods referred to in paragraph 1 of this Article shall be provided under equal conditions to all political entities, regardless of whether they are provided subject to payment or free of charge.

The authorities and organisations referred to in paragraph 1 of this Article shall, by special act published on their website, determine the services and goods referred to in paragraph 1 of this Article and regulate in more detail their provision or their making available for use to political entities.

The authorities and organisations referred to in paragraph 1 of this Article shall respond to a request from a political entity for the use of a service or good within five days from the date of receipt

of the request, and during an election campaign within two working days from the date of receipt of the request, and in the event of the impossibility of providing the service or providing the good, they shall submit evidence of this to the political entity.

The authorities and organisations referred to in paragraph 1 of this Article shall publish the decision on the political entity's request for the use of services or goods on their website within one day from the date of adoption of the decision."

Article 3

In Article 9, paragraph 3, the words: "10, para. 1 and 2" shall be replaced with the words: "10 para. 1-3". At the end of the paragraph, a sentence shall be added, worded as follows: "A contributor referred to in Article 10, paragraph 4 of this Law shall, prior to making a contribution, submit to the political entity a declaration confirming that the company of which they are the owner or co-owner, or in which they hold an equity interest or shares has not made any contributions to political entities in that year."

Article 4

In Article 10, paragraph 1, the word "ten" shall be replaced with the word: "five".

In paragraph 2, the number: "30" shall be replaced with the word: "ten".

After paragraph 2, new paragraphs 3 and 4 shall be added, worded as follows:

"The total annual value of contributions that a company and its related persons, within the meaning of the law governing companies, may provide to a political entity for financing its regular work shall not exceed the amount referred to in paragraph 2 of this Article.

A natural person who is an owner or co-owner of, or holds an equity interest or shares in, a company that has made a contribution to political entities during a calendar year shall not, in the same year, be a contributor to political entities."

Former paragraphs 3 and 4 shall become paragraphs 5 and 6.

Article 5

In Article 21, paragraph 1, after the words: "paragraph 3 of this Law", the full stop shall be replaced with a comma and the following words shall be added: "or to a group of citizens, and to a political party and coalition that are not required to submit an electoral deposit in accordance with Article 25, paragraph 5 of this Law."

In paragraph 2, after the words: "seats won", the following words shall be added: "and who have submitted to the Agency a preliminary report on election campaign expenses,".

In paragraph 6, after the words: "If the nominators of the electoral lists", the words: "who are not exempt from the obligation to submit an electoral deposit in accordance with Article 25, paragraph 5 of this Law," shall be added.

After paragraph 7, a new paragraph 8 shall be added to read as follows:

"The Agency shall notify the authorities referred to in paragraph 7 of this Article of the political entities that have failed to submit the preliminary report on election campaign expenses within

five days from the expiry of the deadline for submitting preliminary reports on election campaign expenses."

Article 6

In Article 22, paragraph 2, after the words: "up to", the words: "50% of" shall be added and the words: "paragraphs 1 and 2" shall be replaced with the words: "paragraphs 1-3".

After paragraph 2, a new paragraph 3 shall be added, worded as follows:

"A political entity shall return any monetary contribution received contrary to paragraph 2 of this Article to the contributor within three days of the date of receipt."

In former paragraph 3, which shall become paragraph 4, after the word: "loans", the full stop shall be deleted and the words: "in accordance with Article 3, paragraphs 2, 3, 4 and 6 of this Law." shall be added.

Article 7

After Article 23, the titles of articles and Articles 23a and 23b shall be added, worded as follows:

"Promotion of political entities

Article 23a

A business entity may not, without a concluded contract for the provision of services to a political entity, carry out or enable the promotion of a political entity on its premises, at gatherings it organises or through the means it uses for communication with the public, clients and business associates.

By way of exception to paragraph 1 of this Article, the activities undertaken by a business entity that is the founder of a media outlet within the framework of performing public information tasks shall not be considered the promotion of a political entity.

During the election campaign, political entities are prohibited from downloading and publishing on their websites and social networks the activities of legal and natural persons that they carry out for the promotion of, or against, a political entity, in the form of giving gifts, material and immaterial goods and providing services, within the meaning of Article 23b, paragraph 2 of this Law.

Conduct of election campaigns by third parties

Article 23b

A natural person, a legal person, or several legal or natural persons (hereinafter referred to as: third parties), may also conduct an election campaign under the conditions prescribed by this Law.

An election campaign conducted by third parties (hereinafter referred to as: third-party campaign) shall mean a paid activity or non-monetary contributions whose total value exceeds 50% of one average monthly salary in the Republic of Serbia, which is conducted during the election campaign by a third party who is not affiliated with a political entity, and which aims to positively or negatively influence the election campaign of one or more political entities. A third-party campaign shall include

activities such as advertising and promotion through media outlets and social networks, online advertising, distribution of promotional materials, organisation of gatherings, conferences, round tables, and all other activities carried out for the purpose of favourable or unfavourable promotion of one or more political entities.

A third-party campaign shall not be conducted by state bodies, bodies of an autonomous province and a unit of local self-government, persons referred to in Article 12, paragraph 1 of this Law, persons affiliated with a political entity (a legal person with agreements concluded with a political entity participating in the election campaign, members of a coalition participating in the election campaign, responsible persons and legal representatives of political entities, etc.).

A third party may not conclude a contract in its own name, and on behalf of a political entity, by which it would bear the costs or part of the costs of the election campaign of that political entity.

A third party may use exclusively its own funds and funds from credits and loans to finance an election campaign, and may not spend more than a total of ten average monthly salaries in the Republic of Serbia, regardless of the number of election campaigns it conducts for all political entities in a calendar year.

The expression of views on issues of public interest by associations, religious organisations, media or individuals shall not be considered a third-party campaign.

A third party that intends to conduct a campaign in accordance with paragraphs 1 and 2 of this Article shall, before commencing its activities, open a separate bank account through which all payments of election campaign expenses are made.

A third party shall notify the Agency of the opening of a separate account referred to in paragraph 7 of this Article within three days from the date of opening the account, and submit, within the same period, the details of the contact person for the third party, that is, the person responsible for submitting the Report to the Agency.

The separate account referred to in paragraph 7 of this Article shall be opened for each election campaign separately and shall be closed by the date of submission of the report referred to in paragraph 10 of this Article.

The third party shall submit to the Agency a report on the funds collected and spent during the election campaign within ten days of the election day.

The report referred to in paragraph 10 of this Article shall cover the period from the date of calling the elections up to and including the election day, and shall be submitted to the Agency in electronic and written form, and it shall contain accurate and complete data on the origin, amount and structure of the funds collected and spent during the election campaign.

The content and manner of submitting the report referred to in paragraph 10 of this Article shall be regulated in more detail by a special act of the Director of the Agency.

The Agency shall publish the report referred to in paragraph 10 of this Article on its website on the next working day following its receipt."

The Agency shall keep and publish records of third parties, which shall include data on third parties, the elections in relation to which a third-party campaign is conducted, data on the separate

account, and data on the political entity in relation to which a positive or negative third-party campaign is conducted."

Article 8

After Article 24, the Article title and the new Article 24a shall be added, worded as follows:

"Limitation of election campaign expenses

Article 24a

For the implementation of activities within the framework of the election campaign, a political entity may use funds collected from public and private sources in a total amount of up to:

- 1) 6,000,000 euros, in the elections for the President of the Republic and members of parliament;
- 2) 1,500,000 euros, in the elections for members of the Assembly of an autonomous province;
- 3) 1,000,000 euros, in the elections for councillors of a city assembly;
- 4) 400,000 euros, in the elections for councillors of a municipal assembly or a city municipality assembly.

By way of exception to paragraph 1 of this Article, if the elections for the President of the Republic are held in two election rounds, the total amount of funds collected from public and private sources that the nominators of candidates for the President of the Republic participating in the repeat vote may use for the implementation of activities within the framework of the entire election campaign is 7,000,000 euros.

The amounts referred to in paragraphs 1 and 2 of this Article shall be determined according to the official middle exchange rate of the National Bank of Serbia on the day when the decision to call the elections entered into force."

Article 9

In Article 25, after paragraph 4, a paragraph 5 shall be added, worded as follows:

"By way of exception to the provisions of para. 1-4 of this Article, the obligation to submit an electoral deposit shall not apply to groups of citizens, political parties that did not win seats in the previous term of a representative body, nor to coalitions whose members did not win any seats in the previous term of a representative body."

Article 10

In Article 26, after paragraph 3, a paragraph 4 shall be added, worded as follows:

"Political parties, coalitions and groups of citizens exempt from the obligation to lodge an electoral deposit under Article 25, paragraph 5 of this Law, which do not win the number of votes referred to in paragraph 1 of this Article, shall return the funds received from public sources within 30 days from the date of adoption of the overall report on the election results."

Article 11

In Article 28, paragraph 1, after the words: "shall submit to the Agency", a comma shall be added and the words: "in electronic and written form,".

In paragraph 3, after the word "contain", the words "accurate and complete" shall be added.

After paragraph 4, a new paragraph 5 shall be added, worded as follows:

"A political entity lacking the financial means and sufficient administrative capacity to publish its annual report on its website shall ensure, within the deadline referred to in paragraph 4 of this article, public availability of the report by other appropriate means (by publishing it via its official social media accounts or in the official gazette)."

In the former paragraph 5, which shall become paragraph 6, after the words: "the Agency's website", the words "in a format that enables the searching, analysis, and downloading of data" shall be added.

Former paragraph 6 shall become paragraph 7.

Article 12

In Article 29, paragraph 1, the words: "no later than seven" shall be replaced with the words: "no later than five", after the words: "voting day", the words: "in electronic form" shall be added and after the words: "election results", a comma shall be inserted and the following words shall be added: "in electronic and written form."

Paragraph 2 shall be amended to read as follows:

"The reports referred to in paragraph 1 of this Article, which contain accurate and complete data on the origin, amount and structure of funds collected and spent from public and private sources, credits and loans, shall be submitted in the form and in the manner prescribed by the act referred to in paragraph 6 of this Article."

In paragraph 3, the words: "up to 15 days" shall be replaced with the words: "up to seven days".

In paragraph 4, after the words: "election results", the full stop shall be replaced with a comma and the following words shall be added: "and shall include the remaining funds from public sources referred to in Article 21 of this Law."

In paragraph 5, the words: "three days" shall be replaced with the words: "two days", the words: "seven days" shall be replaced with the words: "five days". At the end of the paragraph, a new sentence shall be added, worded as follows: "The Agency shall publish the preliminary and final reports in a format that enables the searching, analysis, and downloading of data."

Article 13

Article 32 shall be amended to read as follows:

"Article 32

In performing the tasks prescribed by this Law, the Agency shall:

- 1) verify and publish annual reports on the financing of political entities,
- 2) verify and publish reports on election campaign expenses referred to in Article 29 of this Law,
- 3) verify and publish reports on election campaign expenses of third parties,
- 4) exercise control over reports submitted by political entities in accordance with the control plans referred to in Article 33 of this Law,
- 5) exercise control over submitted reports on third-party expenses,
- 6) for the purpose of exercising control over the financing of political activities, collect data from political entities, third parties, service providers to political entities, state authorities, and persons referred to in Article 32a of this Law,
- 7) conduct proceedings for determining violations of this Law,
- 8) file requests for the initiation of misdemeanour proceedings, submit criminal complaints and reports to the competent public prosecution office,
- 9) issue decisions relating to election campaigns, impose warning measures referred to in Article 39 of this Law and issue decisions referred to in Article 45 of this Law,
- 10) issue opinions regarding the implementation of this Law,
- 11) organise and conduct training programmes for political entities,
- 12) engage election campaign observers for the purposes of monitoring political activities during election campaigns, and perform other tasks in accordance with this Law."

Article 14

After Article 32, an Article 32a shall be added, worded as follows:

"Article 32a

The Agency shall have the right to direct and unhindered access to the accounting records and documentation and financial reports of a political entity, as well as to engage appropriate experts and institutions. The Agency shall also have the right to direct and unhindered access to the accounting records and documentation of an endowment or foundation founded by a political party.

A political entity shall, upon request of the Agency, within a period determined by the Agency, which may not exceed 15 days, submit all documents and information that the Agency needs to carry out the tasks prescribed by this Law.

During an election campaign, a political entity shall, upon request and within a period determined by the Agency, which may not exceed three days, submit data that the Agency needs to carry out the tasks prescribed by this Law.

The authorities of the Republic of Serbia, autonomous provinces and local self-government units, banks, as well as legal and natural persons that finance political entities, or that have performed a certain service on their behalf and for their account, shall, at the request of the Agency and within a period that cannot exceed 15 days from the date of receipt of the request, and during the election

campaign it cannot exceed three days, submit all data that the Agency needs to perform the tasks prescribed by this Law.

In the procedure for controlling the financing of political activities, the Agency shall request from banks on the territory of the Republic of Serbia statements on the accounts of all registered political parties and groups of citizens that participated in the election campaign, or that have representatives in representative bodies, and the banks shall submit the requested statements to the Agency within the deadlines referred to in paragraph 4 of this Article.

With regard to the obligation to submit data referred to in paragraph 4 of this Article and the statement referred to in paragraph 5 of this Article, prohibitions and restrictions established by other regulations shall not apply."

Article 15

Article 36 shall be amended to read as follows:

"Article 36

The Agency shall submit to the Tax Administration a report on all providers of financial resources, goods, and services to political entities within 15 days from the date of publication of the results of the control of the annual reports of political entities.

In its Annual Tax Control Plan, adopted in accordance with the law governing tax procedure and tax administration, the Tax Administration shall include providers of financial resources, goods, and services to political entities from the report referred to in paragraph 1 of this article, whose annual value amounts to at least 50% of the maximum permitted value of contributions referred to in Article 10, paragraphs 1-3 of this Law. The Tax Administration shall conduct control of contributors within the time limits prescribed by the law governing tax procedure and tax administration.

The Agency shall notify the Tax Administration if, in the course of control of the financing of political entities, it establishes facts indicating irregularities falling within the competence of the Tax Administration, within 15 days from the date on which evidence of such irregularities was obtained.

The Agency shall publish the report referred to in paragraph 1 of this Article on its website within eight days from the date of submitting the report to the Tax Administration."

Article 16

Article 37 shall be amended to read as follows:

"Article 37

The procedure in which it is decided whether there is a violation of this Law and measures are imposed in accordance with this Law, shall be initiated and conducted by the Agency ex officio and based on a complaint by a natural or legal person.

The procedure in which it is decided whether there is a violation of this Law in an election campaign may be initiated ex officio, upon a complaint by a person referred to in paragraph 1 of this Article, as well as upon a complaint by a political entity that is the nominator of a proclaimed electoral list, or the nominator of election candidate.

The Agency shall notify the political entity against which the procedure has been initiated of the initiation of the procedure *ex officio* referred to in paragraphs 1 and 2 of this article, provided that the Agency notifies the political entity against which the procedure has been initiated of the initiation of the procedure referred to in paragraph 2 of this Article, within 24 hours of receiving the complaint, whereas in the case of proceedings initiated *ex officio* or upon complaints relating to violations of this Law not connected with an election campaign, the Agency shall notify the political entity within 15 days from the date of receipt of the complaint or from the date on which it became aware of, or collected facts concerning, the violation of this Law.

The notification on the initiation of proceedings referred to in paragraph 3 of this Article shall contain the alleged violation of the Law for which the proceedings have been initiated, the facts indicating a violation of this Law, as well as an invitation to the responsible person of the political entity to submit a statement regarding the allegations contained in the notification. The deadline for submitting a statement in proceedings referred to in paragraph 2 of this Article may not exceed three days from the date of receipt of the notification, whereas the deadline for submitting a statement in proceedings not related to an election campaign may not exceed eight days from the date of receipt of the notification.

The Agency may summon the person upon whose complaint the proceedings were initiated to provide information and necessary data for the purpose of determining whether a violation of this Law exists, within the time limits referred to in paragraph 3 of this Article.

The Agency shall, in respect of a complaint relating to a violation of this Law during an election campaign, issue a decision determining whether or not such a violation has occurred, within three days from the date of receipt of confirmation that the political entity has been notified of the complaint referred to in paragraph 2 of this Article. Where the submission of data has been requested, the decision shall be issued after the expiry of the time limit for the submission of data referred to in Article 32, paragraphs 3 and 4 of this Law. In respect of a complaint that does not relate to a violation of this Law during an election campaign, the Agency shall issue the decision within 15 days from the date of receipt of confirmation that the political entity has been notified of the initiation of the procedure. Where the submission of data has been requested, the decision shall be issued after the expiry of the time limit for the submission of data referred to in Article 32 paragraphs 2 and 4 of this Law.

In the procedure initiated *ex officio* due to a violation of this Law in an election campaign, the Agency shall, within eight days from the date of receipt of the confirmation that the political entity has been notified of the initiation of the procedure, issue a decision establishing whether or not there has been a violation of this Law in an election campaign.

The Agency shall publish the decisions referred to in paragraphs 6 and 7 of this Article on its website, on the first working day following their adoption and all and any decisions adopted upon complaints or *ex officio* during an election campaign shall be published prior to election day, provided that conditions for such publication are met.

The decisions issued by the Agency shall be final and an administrative dispute may be initiated against them.

The Agency shall, within 24 hours of the receipt of the action brought against the decision rendered on a complaint in an election campaign, submit to the Administrative Court its reply to the action and all the accompanying files.

Upon an action brought against a decision adopted by the Agency on the basis of a complaint submitted during an election campaign, the Administrative Court shall render its decision within 72 hours from the receipt of the reply to the action together with the accompanying files.

The Agency shall publish the decisions of the Administrative Court issued on actions brought against the Agency's decisions within eight days from the date of receipt of the decision."

Article 17

Article 39 shall be amended to read as follows:

"Article 39

The Agency shall issue a warning measure to the political entity where, in the course of supervisory procedure, it establishes violations of this Law that have not resulted in major harmful consequences and deficiencies that may be remedied.

If the political entity fails to comply with the warning measure by the expiration of the deadline specified in the decision, the Agency shall submit a request for initiating misdemeanour proceedings for failure to comply with the warning measure.

If the political entity, within one year from the date of issuing the warning measure referred to in paragraph 1 of this Article, repeats the violation of this Law for which the warning measure was issued, the Agency shall submit a request for initiating misdemeanour proceedings."

Article 18

In Article 41, paragraph 1, point 1), the words: "3 and 4" shall be replaced with the words: "5 and 6".

In paragraph 1, point 3), the words: "paragraph 4" shall be replaced by the words: "paragraphs 4 and 5".

Article 19

In Article 42, paragraph 1, point 1), the words: "para. 2 and 3" shall be replaced with the words: "para. 2, 3, 4 and 6".

In paragraph 1, point 8), after the number: "15", the words: "and Article 22, paragraph 3" shall be added.

In paragraph 1, point 9), after the words "contrary to", the following words shall be added: "Article 18, paragraph 2,".

In paragraph 1, point 10) shall be amended to read as follows:

"10) acts contrary to Article 23, paragraphs 8 and 9, Article 23a, paragraph 3, and Article 24a of this Law;".

In paragraph 1, point 13), the words: "Article 28, paragraph 1" shall be replaced by the words: "Article 26, paragraphs 2 and 4 and Article 28".

In paragraph 1, point 17), the number: "32" shall be replaced with the words: "32a;".

In paragraph 1, point 18), the number: "32" shall be replaced with the words: "32a;".

Article 20

In paragraph 43, paragraph 1, point 2), the number "32" shall be replaced with the words "32a;"

In paragraph 1, point 3), the words: "32, paragraph 4 of this Law." shall be replaced with the words "32a, para. 4 and 5 of this Law;"

In Article 1, after point 3), points 4) and 5) shall be added, worded as follows:

"4) if it acts contrary to Article 23a, paragraph 1 of this Law;

5) if it acts contrary to Article 23b of this Law."

Article 21

After Article 43, a new Article 43a shall be added, worded as follows:

"Article 43a

The responsible person in an authority of the Republic of Serbia, an autonomous provincial or local self-government unit, as well as other organisations founded by them shall be fined from 50,000 to 150,000 dinars for infringement:

1) if he or she acts contrary to Article 6, para. 2-6 of this Law;

2) if he or she acts contrary to Article 24a of this Law.

Article 22

In Article 48, after paragraph 4, a paragraph 5 shall be added, worded as follows:

"The request of the Agency referred to in paragraph 1 of this Article shall be published on the Agency's website within 15 days from the date of its submission to the competent authority."

Article 23

The authorities and organisations referred to in Article 2 of this Law that provide services or make goods available for use to political entities, shall adopt the special act on the provision of services or making goods available for use to political entities referred to in Article 2 of this Law within 60 days from the date of entry into force of this Law and publish it on their website within eight days from its date of adoption.

Article 24

This Law shall enter into force on the eighth day following the date of its publication in the "Official Gazette of the Republic of Serbia".

REVIEW OF THE AMENDED PROVISIONS
OF THE LAW ON THE PREVENTION OF CORRUPTION

Sources of Financing of Political Entities

Article 3

Political entities shall be financed from public and private sources.

Political entities may borrow exclusively from banks and other financial organizations in the Republic of Serbia, which are under the supervision of the National Bank of Serbia (hereinafter: credits and loans).

~~The maximum number of credits and loans to which political entities borrow from banks and other financial organizations, annually, may be up to 25% of funds provided from public sources to finance operation or cover the election campaigns spending of political entities, depending on whether political entities are in charge of financing operation or covering the election campaign spending, with a repayment period of up to three years maximum.~~

THE MAXIMUM AMOUNT OF CREDITS AND LOANS THAT POLITICAL ENTITIES MAY BORROW FROM BANKS AND OTHER FINANCIAL ORGANISATIONS, ON AN ANNUAL BASIS, MAY AMOUNT TO UP TO 25% OF THE FUNDS PROVIDED FROM THE BUDGET OF THE REPUBLIC OF SERBIA FOR FINANCING REGULAR WORK OR COVERING ELECTION CAMPAIGN COSTS OF POLITICAL ENTITIES IN THE YEAR IN WHICH THE CREDIT OR LOAN AGREEMENT WAS CONCLUDED.

THE REPAYMENT PERIOD FOR CREDITS AND LOANS REFERRED TO IN PARAGRAPH 2 OF THIS ARTICLE FOR FINANCING REGULAR WORK SHALL BE NO LONGER THAN TWO YEARS FROM THE DATE OF CONCLUSION OF THE CREDIT OR LOAN AGREEMENT, WHILE THE REPAYMENT PERIOD FOR CREDITS AND LOANS FOR COVERING ELECTION CAMPAIGN COSTS SHALL BE UNTIL THE EXPIRY OF THE DEADLINE FOR SUBMITTING THE FINAL REPORT ON ELECTION CAMPAIGN COSTS.

Funds from sources referred to in para. 1 and 2 of this Article shall be used by political entities to finance the costs of operation and election campaign spending.

FUNDS FROM CREDITS AND LOANS OBTAINED BY A POLITICAL ENTITY TO FINANCE REGULAR WORK MAY NOT BE USED TO FINANCE AN ELECTION CAMPAIGN.

Services and Goods from Public Sources

Article 6

~~Services and goods from public sources shall be services and goods defined under separate regulations given to political entities by authorities of the Republic of Serbia, autonomous province, and local self government units, as well as by other organizations founded by them.~~

~~It shall be obligatory to grant services and goods referred in paragraph 1 of this Article to all political entities under equal terms.~~

~~Authorities of the Republic of Serbia, autonomous province, and local self-government, as well as other organizations founded by them shall more specifically regulate granting of services and goods referred in paragraph 1 of this Article.~~

ARTICLE 6

SERVICES AND GOODS FROM PUBLIC SOURCES ARE SERVICES AND GOODS THAT AUTHORITIES OF THE REPUBLIC OF SERBIA, AUTONOMOUS PROVINCES AND LOCAL SELF-GOVERNMENT UNITS, AS WELL AS OTHER ORGANISATIONS WHOSE FOUNDERS THEY ARE, PROVIDE OR MAKE AVAILABLE FOR USE TO POLITICAL ENTITIES.

THE SERVICES AND GOODS REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE SHALL BE PROVIDED UNDER EQUAL CONDITIONS TO ALL POLITICAL ENTITIES, REGARDLESS OF WHETHER THEY ARE PROVIDED SUBJECT TO PAYMENT OR FREE OF CHARGE.

THE AUTHORITIES AND ORGANISATIONS REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE SHALL, BY SPECIAL ACT PUBLISHED ON THEIR WEBSITE, DETERMINE THE SERVICES AND GOODS REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE AND REGULATE IN MORE DETAIL THEIR PROVISION OR THEIR MAKING AVAILABLE FOR USE TO POLITICAL ENTITIES.

THE AUTHORITIES AND ORGANISATIONS REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE SHALL RESPOND TO A REQUEST FROM A POLITICAL ENTITY FOR THE USE OF A SERVICE OR GOOD WITHIN FIVE DAYS FROM THE DATE OF RECEIPT OF THE REQUEST, AND DURING AN ELECTION CAMPAIGN WITHIN TWO WORKING DAYS FROM THE DATE OF RECEIPT OF THE REQUEST, AND IN THE EVENT OF THE IMPOSSIBILITY OF PROVIDING THE SERVICE OR PROVIDING THE GOOD, THEY SHALL SUBMIT EVIDENCE OF THIS TO THE POLITICAL ENTITY.

THE AUTHORITIES AND ORGANISATIONS REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE SHALL PUBLISH THE DECISION ON THE POLITICAL ENTITY'S REQUEST FOR THE USE OF SERVICES OR GOODS ON THEIR WEBSITE WITHIN ONE DAY FROM THE DATE OF ADOPTION OF THE DECISION.

Donation

Article 9

A donation shall be a pecuniary amount, other than membership dues, that a natural person or legal entity voluntarily gives to a political entity, a gift, as well as services provided without compensation or under conditions deviating from market conditions.

A donation shall also be a credit, loan and other services provided by a bank or other financial organizations in the Republic of Serbia given under conditions deviating from market conditions, as well as write-off of debt.

A donor engaged in commercial activity shall forward to the political entity, when giving a donation and not later than the following day, a personal statement or attestation from the relevant authority that it has settled all obligations relative to public revenues, as well as a statement that it is not engaged in or has been engaged over the past two years in contracted activities of general interest. A legal entity, as donor, shall also submit data on its ownership structure. A donor shall forward a statement that it has not exceeded the donation ceiling specified in Article ~~10 paragraphs 1 and 2~~ 10 PARAGRAPHS 1-3 hereof not later than three days from the date of giving of donation. A CONTRIBUTOR REFERRED TO IN ARTICLE 10, PARAGRAPH 4 OF THIS LAW SHALL, PRIOR TO MAKING A CONTRIBUTION, SUBMIT TO THE POLITICAL ENTITY A DECLARATION CONFIRMING THAT THE COMPANY OF WHICH THEY ARE THE OWNER OR CO-OWNER, OR IN WHICH THEY HOLD AN EQUITY INTEREST OR SHARES HAS NOT MADE ANY CONTRIBUTIONS TO POLITICAL ENTITIES IN THAT YEAR.

The legal and natural person shall pay the amount referred to in paragraph 1 of this Article exclusively from his/her current account.

A political entity shall accept payment of pecuniary amount specified in paragraph 1 of this Article only from the donor's current account.

A political entity shall record the donation referred in paragraph 1 of this Article.

Exerting any form of pressure, threat, discrimination, or any other form of direct or indirect placement in disadvantageous position of a natural person or legal entity giving a donation to a political entity shall be prohibited.

Government authorities shall be required to prevent and punish any violence, violation of rights or threat to a natural person or legal entity for giving of a donation to a political entity.

Maximum Value of Donation

Article 10

Maximum value of donation at annual level that a natural person may give to political entities for operation shall not exceed ~~ten~~ FIVE average monthly salaries.

Maximum value of donation at annual level that a legal entity may give to political entities for operation shall not exceed ~~30~~ TEN average monthly salaries.

THE TOTAL ANNUAL VALUE OF CONTRIBUTIONS THAT A COMPANY AND ITS RELATED PERSONS, WITHIN THE MEANING OF THE LAW GOVERNING COMPANIES, MAY PROVIDE TO A POLITICAL ENTITY FOR FINANCING ITS

REGULAR WORK SHALL NOT EXCEED THE AMOUNT REFERRED TO IN PARAGRAPH 2 OF THIS ARTICLE.

A NATURAL PERSON WHO IS AN OWNER OR CO-OWNER OF, OR HOLDS AN EQUITY INTEREST OR SHARES IN, A COMPANY THAT HAS MADE A CONTRIBUTION TO POLITICAL ENTITIES DURING A CALENDAR YEAR SHALL NOT, IN THE SAME YEAR, BE A CONTRIBUTOR TO POLITICAL ENTITIES.

Donations exceeding one average monthly salary at annual level shall be published.

A political entity shall publish each donation referred in paragraph 3 of this Article on its website within eight days from the date the value of donation has exceeded the amount of one monthly average salary.

Allocation of Funds from Public Sources

Article 21

Funds specified in Article 20 hereof in the amount of 40% shall be allocated in equal amounts to submitters of proclaimed electoral lists who at the time of submission declared to use the funds from public sources to cover election campaign spending. These funds shall be paid within five days from the date of decision proclaiming the collective electoral list, to the political entity that has submitted the election bond within the period prescribed by Article 25, paragraph 3 of this Law, OR TO A GROUP OF CITIZENS, AND TO A POLITICAL PARTY AND COALITION THAT ARE NOT REQUIRED TO SUBMIT AN ELECTORAL DEPOSIT IN ACCORDANCE WITH ARTICLE 25, PARAGRAPH 5 OF THIS LAW.

The remaining part of the funds referred to in Article 20 of this Law (60%) shall be allocated to the submitters of electoral lists who won seats, in proportion to the number of seats won, AND WHO HAVE SUBMITTED TO THE AGENCY A PRELIMINARY REPORT ON ELECTION CAMPAIGN EXPENSES, within five days from the day of issuing the overall report on election results, regardless of whether they used public sources to cover election campaign spending.

In case of holding elections under the majority electoral system, the funds specified in Article 20 hereof in the amount of 40% shall be allocated in equal amounts to submitters of proclaimed electoral lists who at the time of submission declared to use the funds from public sources to cover election campaign spending. These funds shall be paid within five days from the date of decision proclaiming the list of candidates, to the nominator of the candidates that has submitted the election bond within the period prescribed by Article 25, paragraph 3 of this Law.

In case of holding the elections referred to in paragraph 3 of this Article, the remaining part of the funds referred to in Article 20 of this Law (60%) shall be allocated to the candidate's nominator who won the mandate, within five days from the day of issuing the overall report on

election results, regardless of whether they used public sources to cover election campaign spending.

In case of holding the elections referred to in paragraph 3 of this Article, the remaining part of the funds referred to in Article 20 of this Law (60%) shall be allocated to the candidate's nominator participating in the second round, in proportion to the number of votes won in the second round, within five days from the day of issuing the overall report on election results in the second election round, regardless of whether they used public sources to cover election campaign spending.

If the submitters of electoral lists WHO ARE NOT EXEMPT FROM THE OBLIGATION TO SUBMIT AN ELECTORAL DEPOSIT IN ACCORDANCE WITH ARTICLE 25, PARAGRAPH 5 OF THIS LAW, i.e. nominators of candidates who have given a statement that they will use funds from public sources to cover the election campaign spending do not submit an election bond within the deadline prescribed by Article 25, paragraph 3 of this Law, the part of the funds allocated to the submitters of electoral lists, i.e. nominators of candidates shall be transferred to the remaining part of the funds from para. 2 and 4 of this Article and shall be allocated to them in accordance with Article 25, paragraph 4 of this Law.

Funds for the election campaign from public sources shall be allocated by the ministry in charge of finance, i.e. the competent authority of the autonomous province or local self-government unit.

THE AGENCY SHALL NOTIFY THE AUTHORITIES REFERRED TO IN PARAGRAPH 7 OF THIS ARTICLE OF THE POLITICAL ENTITIES THAT HAVE FAILED TO SUBMIT THE PRELIMINARY REPORT ON ELECTION CAMPAIGN EXPENSES WITHIN FIVE DAYS FROM THE EXPIRY OF THE DEADLINE FOR SUBMITTING PRELIMINARY REPORTS ON ELECTION CAMPAIGN EXPENSES.

Financing Election Campaign from Private Sources, Credits, and Loans

Article 22

A political entity may raise funds from private sources for financing the election campaign spending.

Natural persons and legal entities may give donations in a single calendar year in which election are held, in addition to donations for operation, also for election campaign spending up to 50% OF maximum stipulated amount at annual level specified in Article 10, ~~paragraphs 1 and 2~~ PARAGRAPHS 1-3 hereof, regardless of the number of election campaigns in a calendar year.

A POLITICAL ENTITY SHALL RETURN ANY MONETARY CONTRIBUTION RECEIVED CONTRARY TO PARAGRAPH 2 OF THIS ARTICLE TO THE CONTRIBUTOR WITHIN THREE DAYS OF THE DATE OF RECEIPT.

A political entity may also use funds from credits and loans to finance election campaign spending, IN ACCORDANCE WITH ARTICLE 3, PARAGRAPHS 2, 3, 4 AND 6 OF THIS LAW.

PROMOTION OF POLITICAL ENTITIES

ARTICLE 23A

A BUSINESS ENTITY MAY NOT, WITHOUT A CONCLUDED CONTRACT FOR THE PROVISION OF SERVICES TO A POLITICAL ENTITY, CARRY OUT OR ENABLE THE PROMOTION OF A POLITICAL ENTITY ON ITS PREMISES, AT GATHERINGS IT ORGANISES OR THROUGH THE MEANS IT USES FOR COMMUNICATION WITH THE PUBLIC, CLIENTS AND BUSINESS ASSOCIATES.

BY WAY OF EXCEPTION TO PARAGRAPH 1 OF THIS ARTICLE, THE ACTIVITIES UNDERTAKEN BY A BUSINESS ENTITY THAT IS THE FOUNDER OF A MEDIA OUTLET WITHIN THE FRAMEWORK OF PERFORMING PUBLIC INFORMATION TASKS SHALL NOT BE CONSIDERED THE PROMOTION OF A POLITICAL ENTITY.

DURING THE ELECTION CAMPAIGN, POLITICAL ENTITIES ARE PROHIBITED FROM DOWNLOADING AND PUBLISHING ON THEIR WEBSITES AND SOCIAL NETWORKS THE ACTIVITIES OF LEGAL AND NATURAL PERSONS THAT THEY CARRY OUT FOR THE PROMOTION OF, OR AGAINST, A POLITICAL ENTITY, IN THE FORM OF GIVING GIFTS, MATERIAL AND IMMATERIAL GOODS AND PROVIDING SERVICES, WITHIN THE MEANING OF ARTICLE 23B, PARAGRAPH 2 OF THIS LAW.

CONDUCT OF ELECTION CAMPAIGNS BY THIRD PARTIES

ARTICLE 23B

A NATURAL PERSON, A LEGAL PERSON, OR SEVERAL LEGAL OR NATURAL PERSONS (HEREINAFTER REFERRED TO AS: THIRD PARTIES), MAY ALSO CONDUCT AN ELECTION CAMPAIGN UNDER THE CONDITIONS PRESCRIBED BY THIS LAW.

AN ELECTION CAMPAIGN CONDUCTED BY THIRD PARTIES (HEREINAFTER REFERRED TO AS: THIRD-PARTY CAMPAIGN) SHALL MEAN A PAID ACTIVITY OR NON-MONETARY CONTRIBUTIONS WHOSE TOTAL VALUE EXCEEDS 50% OF ONE AVERAGE MONTHLY SALARY IN THE REPUBLIC OF SERBIA, WHICH IS CONDUCTED DURING THE ELECTION CAMPAIGN BY A THIRD PARTY WHO IS NOT AFFILIATED WITH A POLITICAL ENTITY, AND WHICH AIMS TO POSITIVELY OR NEGATIVELY INFLUENCE THE ELECTION CAMPAIGN OF

ONE OR MORE POLITICAL ENTITIES. A THIRD-PARTY CAMPAIGN SHALL INCLUDE ACTIVITIES SUCH AS ADVERTISING AND PROMOTION THROUGH MEDIA OUTLETS AND SOCIAL NETWORKS, ONLINE ADVERTISING, DISTRIBUTION OF PROMOTIONAL MATERIALS, ORGANISATION OF GATHERINGS, CONFERENCES, ROUND TABLES, AND ALL OTHER ACTIVITIES CARRIED OUT FOR THE PURPOSE OF FAVOURABLE OR UNFAVOURABLE PROMOTION OF ONE OR MORE POLITICAL ENTITIES.

A THIRD-PARTY CAMPAIGN SHALL NOT BE CONDUCTED BY STATE BODIES, BODIES OF AN AUTONOMOUS PROVINCE AND A UNIT OF LOCAL SELF-GOVERNMENT, PERSONS REFERRED TO IN ARTICLE 12, PARAGRAPH 1 OF THIS LAW, PERSONS AFFILIATED WITH A POLITICAL ENTITY (A LEGAL PERSON WITH AGREEMENTS CONCLUDED WITH A POLITICAL ENTITY PARTICIPATING IN THE ELECTION CAMPAIGN, MEMBERS OF A COALITION PARTICIPATING IN THE ELECTION CAMPAIGN, RESPONSIBLE PERSONS AND LEGAL REPRESENTATIVES OF POLITICAL ENTITIES, ETC.).

A THIRD PARTY MAY NOT CONCLUDE A CONTRACT IN ITS OWN NAME, AND ON BEHALF OF A POLITICAL ENTITY, BY WHICH IT WOULD BEAR THE COSTS OR PART OF THE COSTS OF THE ELECTION CAMPAIGN OF THAT POLITICAL ENTITY.

A THIRD PARTY MAY USE EXCLUSIVELY ITS OWN FUNDS AND FUNDS FROM CREDITS AND LOANS TO FINANCE AN ELECTION CAMPAIGN, AND MAY NOT SPEND MORE THAN A TOTAL OF TEN AVERAGE MONTHLY SALARIES IN THE REPUBLIC OF SERBIA, REGARDLESS OF THE NUMBER OF ELECTION CAMPAIGNS IT CONDUCTS FOR ALL POLITICAL ENTITIES IN A CALENDAR YEAR.

THE EXPRESSION OF VIEWS ON ISSUES OF PUBLIC INTEREST BY ASSOCIATIONS, RELIGIOUS ORGANISATIONS, MEDIA OR INDIVIDUALS SHALL NOT BE CONSIDERED A THIRD-PARTY CAMPAIGN.

A THIRD PARTY THAT INTENDS TO CONDUCT A CAMPAIGN IN ACCORDANCE WITH PARAGRAPHS 1 AND 2 OF THIS ARTICLE SHALL, BEFORE COMMENCING ITS ACTIVITIES, OPEN A SEPARATE BANK ACCOUNT THROUGH WHICH ALL PAYMENTS OF ELECTION CAMPAIGN EXPENSES ARE MADE.

A THIRD PARTY SHALL NOTIFY THE AGENCY OF THE OPENING OF A SEPARATE ACCOUNT REFERRED TO IN PARAGRAPH 7 OF THIS ARTICLE WITHIN THREE DAYS FROM THE DATE OF OPENING THE ACCOUNT, AND SUBMIT, WITHIN THE SAME PERIOD, THE DETAILS OF THE CONTACT PERSON FOR THE

THIRD PARTY, THAT IS, THE PERSON RESPONSIBLE FOR SUBMITTING THE REPORT TO THE AGENCY.

THE SEPARATE ACCOUNT REFERRED TO IN PARAGRAPH 7 OF THIS ARTICLE SHALL BE OPENED FOR EACH ELECTION CAMPAIGN SEPARATELY AND SHALL BE CLOSED BY THE DATE OF SUBMISSION OF THE REPORT REFERRED TO IN PARAGRAPH 10 OF THIS ARTICLE.

THE THIRD PARTY SHALL SUBMIT TO THE AGENCY A REPORT ON THE FUNDS COLLECTED AND SPENT DURING THE ELECTION CAMPAIGN WITHIN TEN DAYS OF THE ELECTION DAY.

THE REPORT REFERRED TO IN PARAGRAPH 10 OF THIS ARTICLE SHALL COVER THE PERIOD FROM THE DATE OF CALLING THE ELECTIONS UP TO AND INCLUDING THE ELECTION DAY, AND SHALL BE SUBMITTED TO THE AGENCY IN ELECTRONIC AND WRITTEN FORM, AND IT SHALL CONTAIN ACCURATE AND COMPLETE DATA ON THE ORIGIN, AMOUNT AND STRUCTURE OF THE FUNDS COLLECTED AND SPENT DURING THE ELECTION CAMPAIGN.

THE CONTENT AND MANNER OF SUBMITTING THE REPORT REFERRED TO IN PARAGRAPH 10 OF THIS ARTICLE SHALL BE REGULATED IN MORE DETAIL BY A SPECIAL ACT OF THE DIRECTOR OF THE AGENCY.

THE AGENCY SHALL PUBLISH THE REPORT REFERRED TO IN PARAGRAPH 10 OF THIS ARTICLE ON ITS WEBSITE ON THE NEXT WORKING DAY FOLLOWING ITS RECEIPT."

THE AGENCY SHALL KEEP AND PUBLISH RECORDS OF THIRD PARTIES, WHICH SHALL INCLUDE DATA ON THIRD PARTIES, THE ELECTIONS IN RELATION TO WHICH A THIRD-PARTY CAMPAIGN IS CONDUCTED, DATA ON THE SEPARATE ACCOUNT, AND DATA ON THE POLITICAL ENTITY IN RELATION TO WHICH A POSITIVE OR NEGATIVE THIRD-PARTY CAMPAIGN IS CONDUCTED.

LIMITATION OF ELECTION CAMPAIGN EXPENSES

ARTICLE 24A

FOR THE IMPLEMENTATION OF ACTIVITIES WITHIN THE FRAMEWORK OF THE ELECTION CAMPAIGN, A POLITICAL ENTITY MAY USE FUNDS COLLECTED FROM PUBLIC AND PRIVATE SOURCES IN A TOTAL AMOUNT OF UP TO:

1) 6,000,000 EUROS, IN THE ELECTIONS FOR THE PRESIDENT OF THE REPUBLIC AND MEMBERS OF PARLIAMENT;

2) 1,500,000 EUROS, IN THE ELECTIONS FOR MEMBERS OF THE ASSEMBLY OF AN AUTONOMOUS PROVINCE;

3) 1,000,000 EUROS, IN THE ELECTIONS FOR COUNCILLORS OF A CITY ASSEMBLY;

4) 400,000 EUROS, IN THE ELECTIONS FOR COUNCILLORS OF A MUNICIPAL ASSEMBLY OR A CITY MUNICIPALITY ASSEMBLY.

BY WAY OF EXCEPTION TO PARAGRAPH 1 OF THIS ARTICLE, IF THE ELECTIONS FOR THE PRESIDENT OF THE REPUBLIC ARE HELD IN TWO ELECTION ROUNDS, THE TOTAL AMOUNT OF FUNDS COLLECTED FROM PUBLIC AND PRIVATE SOURCES THAT THE NOMINATORS OF CANDIDATES FOR THE PRESIDENT OF THE REPUBLIC PARTICIPATING IN THE REPEAT VOTE MAY USE FOR THE IMPLEMENTATION OF ACTIVITIES WITHIN THE FRAMEWORK OF THE ENTIRE ELECTION CAMPAIGN IS 7,000,000 EUROS.

THE AMOUNTS REFERRED TO IN PARAGRAPHS 1 AND 2 OF THIS ARTICLE SHALL BE DETERMINED ACCORDING TO THE OFFICIAL MIDDLE EXCHANGE RATE OF THE NATIONAL BANK OF SERBIA ON THE DAY WHEN THE DECISION TO CALL THE ELECTIONS ENTERED INTO FORCE.

Election Bond

Article 25

A political entity declaring intention to use funds from public sources to cover election campaign spending shall give election bond in the amount of funds specified in Article 21 paragraphs 1 and 3 hereof, allocated to such political entity.

Election bond referred to in paragraph 1 of this Article shall comprise of depositing cash, bank guarantee, government bonds or placing a mortgage covering the amount of bond on real property of the persons giving the bond.

The election bond specified in paragraph 2 of this Article shall be given to the ministry in charge of finance affairs and /or relevant authority of autonomous province or local self-government unit, within three days following the day of proclaiming all election lists and/or announcing the final list of candidates.

A political entity that has stated that it intends to use funds from public sources to cover the election campaign spending and does not provide an election bond, within three days following the day of announcement of all electoral lists, i.e. announcing the final list of candidates, shall be entitled to funds from public sources. to cover the election campaign spending, in the same amount allocated to the political entity that gave the election bond, if it wins at least 1% of valid votes or at least 0.2% of valid votes if the political entity represents the interests of a national minority, within five days from the day of issuing the overall report on the election results.

BY WAY OF EXCEPTION TO THE PROVISIONS OF PARA. 1-4 OF THIS ARTICLE, THE OBLIGATION TO SUBMIT AN ELECTORAL DEPOSIT SHALL NOT APPLY TO GROUPS OF CITIZENS, POLITICAL PARTIES THAT DID NOT WIN SEATS IN THE PREVIOUS TERM OF A REPRESENTATIVE BODY, NOR TO COALITIONS WHOSE MEMBERS DID NOT WIN ANY SEATS IN THE PREVIOUS TERM OF A REPRESENTATIVE BODY.

Return of Funds

Article 26

The election bond shall be returned to the political entity if winning at elections a minimum of 1% of valid ballots and/or minimum 0.2% of valid ballots if the political entity is representing and advocating for the interests of a national minority, within 30 days from the date of declaring final election results.

A political entity failing to win the number of votes specified in paragraph 1 of this Article shall return the funds for which he gave an election bond within 30 days from the date of proclaiming final election results.

If a political entity fails to return the funds for which it gave an election bond within the deadline set forth under paragraph 2 of this Article, the Republic of Serbia, autonomous province or local self-government unit shall collect such funds from the election bond.

POLITICAL PARTIES, COALITIONS AND GROUPS OF CITIZENS EXEMPT FROM THE OBLIGATION TO LODGE AN ELECTORAL DEPOSIT UNDER ARTICLE 25, PARAGRAPH 5 OF THIS LAW, WHICH DO NOT WIN THE NUMBER OF VOTES REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE, SHALL RETURN THE FUNDS RECEIVED FROM PUBLIC SOURCES WITHIN 30 DAYS FROM THE DATE OF ADOPTION OF THE OVERALL REPORT ON THE ELECTION RESULTS.

Annual Financial Report on Financing Political Entity

Article 28

Political entities that have representatives in representative bodies and registered political parties shall submit to the Agency, IN ELECTRONIC AND WRITTEN FORM, an annual report on the financing of the political entity, which shall also include data on contributions and assets, with previously obtained opinion of a certified auditor licensed in accordance with accounting and auditing regulations until April 30 of the current year for the previous year.

Registered political parties and groups of citizens who have an inflow or outflow of funds from accounts whose amount does not exceed one average monthly salary in the year for which they submit the annual report on financing shall be exempted from the obligation to submit opinions referred to in paragraph 1 of this Article.

The annual report on the financing of a political entity shall include ACCURATE AND COMPLETE data on the origin, amount and structure of all funds collected and spent from public and private sources, credits and loans.

Political entities referred to in paragraph 1 of this Article shall publish the report on their website within eight days from the day of submitting the annual report on the financing of the political entity to the Agency.

A POLITICAL ENTITY LACKING THE FINANCIAL MEANS AND SUFFICIENT ADMINISTRATIVE CAPACITY TO PUBLISH ITS ANNUAL REPORT ON ITS WEBSITE SHALL ENSURE, WITHIN THE DEADLINE REFERRED TO IN PARAGRAPH 4 OF THIS ARTICLE, PUBLIC AVAILABILITY OF THE REPORT BY OTHER APPROPRIATE MEANS (BY PUBLISHING IT VIA ITS OFFICIAL SOCIAL MEDIA ACCOUNTS OR IN THE OFFICIAL GAZETTE).

The annual report on the financing of a political entity shall also be published on the Agency's website, IN A FORMAT THAT ENABLES THE SEARCHING, ANALYSIS, AND DOWNLOADING OF DATA, within seven days from the day of receipt of an orderly and in the prescribed form submitted annual report on the financing of a political entity.

The content and manner of submitting the annual report on the financing of a political entity shall be regulated in more detail by the Director of the Agency.

Report on Election Campaign Spending

Article 29

A political entity participating in the election campaign shall submit to the Agency a preliminary report on election campaign spending ~~up to seven~~ NO LATER THAN FIVE days before the day of voting, IN ELECTRONIC FORM, as well as a final report on election campaign spending, which must be submitted within 30 days of publishing the overall election report, IN ELECTRONIC AND WRITTEN FORM.

~~The reports referred to in paragraph 1 of this Article shall include data on the origin, amount and structure of funds collected and spent from public and private sources, credits, and loans.~~

THE REPORTS REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE, WHICH CONTAIN ACCURATE AND COMPLETE DATA ON THE ORIGIN, AMOUNT AND STRUCTURE OF FUNDS COLLECTED AND SPENT FROM PUBLIC AND PRIVATE SOURCES, CREDITS AND LOANS, SHALL BE SUBMITTED IN THE FORM AND IN THE MANNER PRESCRIBED BY THE ACT REFERRED TO IN PARAGRAPH 6 OF THIS ARTICLE.

The preliminary report on the election campaign spending shall refer to the period from the day of calling the elections ~~up to 15 days~~ UP TO SEVEN DAYS before the day set for voting.

The final report on the election campaign spending shall refer to the period from the day of calling the elections to the day of publishing the overall report on the election results, AND SHALL INCLUDE THE REMAINING FUNDS FROM PUBLIC SOURCES REFERRED TO IN ARTICLE 21 OF THIS LAW.

The preliminary report on election campaign spending shall be published on the Agency's website within ~~three days~~ TWO DAYS following the day of receipt of the duly submitted report in the prescribed form, and the final report on election campaign spending shall be published on the Agency's website within ~~seven days~~ FIVE DAYS following the day of receipt of the duly submitted report in the prescribed form. THE AGENCY SHALL PUBLISH THE PRELIMINARY AND FINAL REPORTS IN A FORMAT THAT ENABLES THE SEARCHING, ANALYSIS, AND DOWNLOADING DATA.

The content and manner of submitting the report referred to in paragraph 1 of this Article shall be regulated in more detail by the Director of the Agency.

The Director of the Agency shall pass the act referred to in paragraph 6 of this Article within the deadline that ensures that the act enters into force no later than five days following the day of calling the elections.

Amendments to the act referred to in paragraph 6 of this Article may not be made during the election campaign.

Powers of the Agency and Financing Control

Article 32

~~Within the purview defined under this Law, the Agency shall have the right of direct and free access to bookkeeping records and documentation and financial reports of a political entity and to engage relevant experts and institutions. The Agency shall also be entitled to direct and free access to bookkeeping records and documents of an endowment or foundation founded by a political party.~~

~~A political entity shall at the Agency's request and within the time frame set by the Agency which may not exceed 15 days, submit to the Agency all documents and information necessary to the Agency to carry out tasks from its purview set forth under this Law.~~

~~In the course of election campaign, a political entity shall submit, upon the request of and within the time frame set by the Agency, which may not exceed three days, information necessary to the Agency to carry out tasks from its purview set forth under this Law.~~

~~Authorities of the Republic of Serbia, autonomous province and local self-government units, banks, as well as natural persons and legal entities financing political entities performing on their behalf and/or in their interests particular services, shall forward to the Agency at its request and within a period which may not be longer than 15 days from the date of receipt of~~

~~the request, and which, in the course of the election campaign cannot be longer than three days, all the data required by the Agency to discharge duties from its purview set forth under this Law.~~

~~The obligation to provide information from paragraph 4 of this Article shall supersede any other restriction or limitation that may appear in any other regulation.~~

ARTICLE 32

IN PERFORMING THE TASKS PRESCRIBED BY THIS LAW, THE AGENCY SHALL:

- 1) VERIFY AND PUBLISH ANNUAL REPORTS ON THE FINANCING OF POLITICAL ENTITIES,
- 2) VERIFY AND PUBLISH REPORTS ON ELECTION CAMPAIGN EXPENSES REFERRED TO IN ARTICLE 29 OF THIS LAW,
- 3) VERIFY AND PUBLISH REPORTS ON ELECTION CAMPAIGN EXPENSES OF THIRD PARTIES,
- 4) EXERCISE CONTROL OVER REPORTS SUBMITTED BY POLITICAL ENTITIES IN ACCORDANCE WITH THE CONTROL PLANS REFERRED TO IN ARTICLE 33 OF THIS LAW,
- 5) EXERCISE CONTROL OVER SUBMITTED REPORTS ON THIRD-PARTY EXPENSES,
- 6) FOR THE PURPOSE OF EXERCISING CONTROL OVER THE FINANCING OF POLITICAL ACTIVITIES, COLLECT DATA FROM POLITICAL ENTITIES, THIRD PARTIES, SERVICE PROVIDERS TO POLITICAL ENTITIES, STATE AUTHORITIES, AND PERSONS REFERRED TO IN ARTICLE 32A OF THIS LAW,
- 7) CONDUCT PROCEEDINGS FOR DETERMINING VIOLATIONS OF THIS LAW,
- 8) FILE REQUESTS FOR THE INITIATION OF MISDEMEANOUR PROCEEDINGS, SUBMIT CRIMINAL COMPLAINTS AND REPORTS TO THE COMPETENT PUBLIC PROSECUTION OFFICE,
- 9) ISSUE DECISIONS RELATING TO ELECTION CAMPAIGNS, IMPOSE WARNING MEASURES REFERRED TO IN ARTICLE 39 OF THIS LAW AND ISSUE DECISIONS REFERRED TO IN ARTICLE 45 OF THIS LAW,
- 10) ISSUE OPINIONS REGARDING THE IMPLEMENTATION OF THIS LAW,
- 11) ORGANISE AND CONDUCT TRAINING PROGRAMMES FOR POLITICAL ENTITIES,

12) ENGAGE ELECTION CAMPAIGN OBSERVERS FOR THE PURPOSES OF MONITORING POLITICAL ACTIVITIES DURING ELECTION CAMPAIGNS, AND PERFORM OTHER TASKS IN ACCORDANCE WITH THIS LAW.

ARTICLE 32A

THE AGENCY SHALL HAVE THE RIGHT TO DIRECT AND UNHINDERED ACCESS TO THE ACCOUNTING RECORDS AND DOCUMENTATION AND FINANCIAL REPORTS OF A POLITICAL ENTITY, AS WELL AS TO ENGAGE APPROPRIATE EXPERTS AND INSTITUTIONS. THE AGENCY SHALL ALSO HAVE THE RIGHT TO DIRECT AND UNHINDERED ACCESS TO THE ACCOUNTING RECORDS AND DOCUMENTATION OF AN ENDOWMENT OR FOUNDATION FOUNDED BY A POLITICAL PARTY.

A POLITICAL ENTITY SHALL, UPON REQUEST OF THE AGENCY, WITHIN A PERIOD DETERMINED BY THE AGENCY, WHICH MAY NOT EXCEED 15 DAYS, SUBMIT ALL DOCUMENTS AND INFORMATION THAT THE AGENCY NEEDS TO CARRY OUT THE TASKS PRESCRIBED BY THIS LAW.

DURING AN ELECTION CAMPAIGN, A POLITICAL ENTITY SHALL, UPON REQUEST AND WITHIN A PERIOD DETERMINED BY THE AGENCY, WHICH MAY NOT EXCEED THREE DAYS, SUBMIT DATA THAT THE AGENCY NEEDS TO CARRY OUT THE TASKS PRESCRIBED BY THIS LAW.

THE AUTHORITIES OF THE REPUBLIC OF SERBIA, AUTONOMOUS PROVINCES AND LOCAL SELF-GOVERNMENT UNITS, BANKS, AS WELL AS LEGAL AND NATURAL PERSONS THAT FINANCE POLITICAL ENTITIES, OR THAT HAVE PERFORMED A CERTAIN SERVICE ON THEIR BEHALF AND FOR THEIR ACCOUNT, SHALL, AT THE REQUEST OF THE AGENCY AND WITHIN A PERIOD THAT CANNOT EXCEED 15 DAYS FROM THE DATE OF RECEIPT OF THE REQUEST, AND DURING THE ELECTION CAMPAIGN IT CANNOT EXCEED THREE DAYS, SUBMIT ALL DATA THAT THE AGENCY NEEDS TO PERFORM THE TASKS PRESCRIBED BY THIS LAW.

IN THE PROCEDURE FOR CONTROLLING THE FINANCING OF POLITICAL ACTIVITIES, THE AGENCY SHALL REQUEST FROM BANKS ON THE TERRITORY OF THE REPUBLIC OF SERBIA STATEMENTS ON THE ACCOUNTS OF ALL REGISTERED POLITICAL PARTIES AND GROUPS OF CITIZENS THAT PARTICIPATED IN THE ELECTION CAMPAIGN, OR THAT HAVE REPRESENTATIVES IN REPRESENTATIVE BODIES, AND THE BANKS SHALL SUBMIT THE REQUESTED STATEMENTS TO THE AGENCY WITHIN THE DEADLINES REFERRED TO IN PARAGRAPH 4 OF THIS ARTICLE.

WITH REGARD TO THE OBLIGATION TO SUBMIT DATA REFERRED TO IN PARAGRAPH 4 OF THIS ARTICLE AND THE STATEMENT REFERRED TO IN PARAGRAPH 5 OF THIS ARTICLE, PROHIBITIONS AND RESTRICTIONS ESTABLISHED BY OTHER REGULATIONS SHALL NOT APPLY.

~~Article 36~~

~~The annual plan of tax control, which is adopted in accordance with the Law governing the tax procedure and tax administration, shall include the control of providers of financial resources, i.e. goods and services to political entities.~~

~~The selection of the provider of financial resources, i.e. goods and services referred to in paragraph 1 of this Article shall be made on the basis of the report of the Agency.~~

ARTICLE 36

THE AGENCY SHALL SUBMIT TO THE TAX ADMINISTRATION A REPORT ON ALL PROVIDERS OF FINANCIAL RESOURCES, GOODS, AND SERVICES TO POLITICAL ENTITIES WITHIN 15 DAYS FROM THE DATE OF PUBLICATION OF THE RESULTS OF THE CONTROL OF THE ANNUAL REPORTS OF POLITICAL ENTITIES.

IN ITS ANNUAL TAX CONTROL PLAN, ADOPTED IN ACCORDANCE WITH THE LAW GOVERNING TAX PROCEDURE AND TAX ADMINISTRATION, THE TAX ADMINISTRATION SHALL INCLUDE PROVIDERS OF FINANCIAL RESOURCES, GOODS, AND SERVICES TO POLITICAL ENTITIES FROM THE REPORT REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE, WHOSE ANNUAL VALUE AMOUNTS TO AT LEAST 50% OF THE MAXIMUM PERMITTED VALUE OF CONTRIBUTIONS REFERRED TO IN ARTICLE 10, PARAGRAPHS 1-3 OF THIS LAW. THE TAX ADMINISTRATION SHALL CONDUCT CONTROL OF CONTRIBUTORS WITHIN THE TIME LIMITS PRESCRIBED BY THE LAW GOVERNING TAX PROCEDURE AND TAX ADMINISTRATION.

THE AGENCY SHALL NOTIFY THE TAX ADMINISTRATION IF, IN THE COURSE OF CONTROL OF THE FINANCING OF POLITICAL ENTITIES, IT ESTABLISHES FACTS INDICATING IRREGULARITIES FALLING WITHIN THE COMPETENCE OF THE TAX ADMINISTRATION, WITHIN 15 DAYS FROM THE DATE ON WHICH EVIDENCE OF SUCH IRREGULARITIES WAS OBTAINED.

THE AGENCY SHALL PUBLISH THE REPORT REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE ON ITS WEBSITE WITHIN EIGHT DAYS FROM THE DATE OF SUBMITTING THE REPORT TO THE TAX ADMINISTRATION.

Procedure

~~Article 37~~

~~The procedure to establish violation of this Law and to pronounce measures in accordance with this Law shall be launched and conducted by the Agency *ex officio* and on the basis of a complaint filed by a natural person or legal entity.~~

~~The procedure in which it is decided whether there is a violation of this Law in the election campaign may be initiated *ex officio*, upon the report of the person referred to in paragraph 1 of this Article, as well as on the report of a political party, coalition of political parties or group of citizens, the submitters of the electoral lists, i.e. the nominator of the candidate in the elections.~~

~~The Agency shall notify the political entity against which proceedings have been launched within 24 hours from the reception of the report of the initiation of the proceedings referred to in paragraph 1 of this Article.~~

~~The Agency may summon the authorized person as well as the person on whose complaint the proceedings were launched to obtain information as well as request forwarding necessary data in order to decide whether there is a violation of this Law.~~

~~The Agency shall be bound, acting upon the report referring to violation of this Law in the course of the election campaign, and within five days from the date of reception of the certificate stating that a political entity has been notified of the report from paragraph 2 of this Article and, if requested, upon expiry of the deadline for the submission of data from Articles 32, paras. 3 and 4 of this Law, to pass a decision deciding on whether or not a violation of this Law in the course of the election campaign, has occurred.~~

~~The Agency shall be bound to have the decision from paragraph 5 hereof, published on its website within 24 hours from its adoption.~~

ARTICLE 37

THE PROCEDURE IN WHICH IT IS DECIDED WHETHER THERE IS A VIOLATION OF THIS LAW AND MEASURES ARE IMPOSED IN ACCORDANCE WITH THIS LAW, SHALL BE INITIATED AND CONDUCTED BY THE AGENCY EX OFFICIO AND BASED ON A COMPLAINT BY A NATURAL OR LEGAL PERSON.

THE PROCEDURE IN WHICH IT IS DECIDED WHETHER THERE IS A VIOLATION OF THIS LAW IN AN ELECTION CAMPAIGN MAY BE INITIATED EX OFFICIO, UPON A COMPLAINT BY A PERSON REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE, AS WELL AS UPON A COMPLAINT BY A POLITICAL ENTITY THAT IS THE NOMINATOR OF A PROCLAIMED ELECTORAL LIST, OR THE NOMINATOR OF ELECTION CANDIDATE.

THE AGENCY SHALL NOTIFY THE POLITICAL ENTITY AGAINST WHICH THE PROCEDURE HAS BEEN INITIATED OF THE INITIATION OF THE PROCEDURE EX OFFICIO REFERRED TO IN PARAGRAPHS 1 AND 2 OF THIS ARTICLE, PROVIDED THAT THE AGENCY NOTIFIES THE POLITICAL ENTITY AGAINST WHICH THE PROCEDURE HAS BEEN INITIATED OF THE INITIATION OF THE PROCEDURE REFERRED TO IN PARAGRAPH 2 OF THIS ARTICLE, WITHIN 24 HOURS OF RECEIVING THE COMPLAINT, WHEREAS IN THE CASE OF PROCEEDINGS INITIATED EX OFFICIO OR UPON COMPLAINTS RELATING TO VIOLATIONS OF THIS LAW NOT CONNECTED WITH AN ELECTION CAMPAIGN, THE AGENCY SHALL NOTIFY THE POLITICAL ENTITY WITHIN 15 DAYS FROM THE DATE OF RECEIPT OF THE COMPLAINT OR FROM THE DATE ON WHICH IT BECAME AWARE OF, OR COLLECTED FACTS CONCERNING, THE VIOLATION OF THIS LAW.

THE NOTIFICATION ON THE INITIATION OF PROCEEDINGS REFERRED TO IN PARAGRAPH 3 OF THIS ARTICLE SHALL CONTAIN THE ALLEGED VIOLATION OF THE LAW FOR WHICH THE PROCEEDINGS HAVE BEEN INITIATED, THE FACTS INDICATING A VIOLATION OF THIS LAW, AS WELL AS AN INVITATION TO THE RESPONSIBLE PERSON OF THE POLITICAL ENTITY TO SUBMIT A STATEMENT REGARDING THE ALLEGATIONS CONTAINED IN THE NOTIFICATION. THE DEADLINE FOR SUBMITTING A STATEMENT IN PROCEEDINGS REFERRED TO IN PARAGRAPH 2 OF THIS ARTICLE MAY NOT EXCEED THREE DAYS FROM THE DATE OF RECEIPT OF THE NOTIFICATION, WHEREAS THE DEADLINE FOR SUBMITTING A STATEMENT IN PROCEEDINGS NOT RELATED TO AN ELECTION CAMPAIGN MAY NOT EXCEED EIGHT DAYS FROM THE DATE OF RECEIPT OF THE NOTIFICATION.

THE AGENCY MAY SUMMON THE PERSON UPON WHOSE COMPLAINT THE PROCEEDINGS WERE INITIATED TO PROVIDE INFORMATION AND NECESSARY DATA FOR THE PURPOSE OF DETERMINING WHETHER A VIOLATION OF THIS LAW EXISTS, WITHIN THE TIME LIMITS REFERRED TO IN PARAGRAPH 3 OF THIS ARTICLE.

THE AGENCY SHALL, IN RESPECT OF A COMPLAINT RELATING TO A VIOLATION OF THIS LAW DURING AN ELECTION CAMPAIGN, ISSUE A DECISION DETERMINING WHETHER OR NOT SUCH A VIOLATION HAS OCCURRED, WITHIN THREE DAYS FROM THE DATE OF RECEIPT OF CONFIRMATION THAT THE POLITICAL ENTITY HAS BEEN NOTIFIED OF THE COMPLAINT REFERRED TO IN PARAGRAPH 2 OF THIS ARTICLE. WHERE THE SUBMISSION OF DATA HAS BEEN REQUESTED, THE DECISION SHALL BE ISSUED AFTER THE EXPIRY OF THE TIME LIMIT FOR THE SUBMISSION OF DATA REFERRED TO IN ARTICLE 32,

PARAGRAPHS 3 AND 4 OF THIS LAW. IN RESPECT OF A COMPLAINT THAT DOES NOT RELATE TO A VIOLATION OF THIS LAW DURING AN ELECTION CAMPAIGN, THE AGENCY SHALL ISSUE THE DECISION WITHIN 15 DAYS FROM THE DATE OF RECEIPT OF CONFIRMATION THAT THE POLITICAL ENTITY HAS BEEN NOTIFIED OF THE INITIATION OF THE PROCEDURE. WHERE THE SUBMISSION OF DATA HAS BEEN REQUESTED, THE DECISION SHALL BE ISSUED AFTER THE EXPIRY OF THE TIME LIMIT FOR THE SUBMISSION OF DATA REFERRED TO IN ARTICLE 32 PARAGRAPHS 2 AND 4 OF THIS LAW.

IN THE PROCEDURE INITIATED EX OFFICIO DUE TO A VIOLATION OF THIS LAW IN AN ELECTION CAMPAIGN, THE AGENCY SHALL, WITHIN EIGHT DAYS FROM THE DATE OF RECEIPT OF THE CONFIRMATION THAT THE POLITICAL ENTITY HAS BEEN NOTIFIED OF THE INITIATION OF THE PROCEDURE, ISSUE A DECISION ESTABLISHING WHETHER OR NOT THERE HAS BEEN A VIOLATION OF THIS LAW IN AN ELECTION CAMPAIGN.

THE AGENCY SHALL PUBLISH THE DECISIONS REFERRED TO IN PARAGRAPHS 6 AND 7 OF THIS ARTICLE ON ITS WEBSITE, ON THE FIRST WORKING DAY FOLLOWING THEIR ADOPTION AND ALL AND ANY DECISIONS ADOPTED UPON COMPLAINTS OR EX OFFICIO DURING AN ELECTION CAMPAIGN SHALL BE PUBLISHED PRIOR TO ELECTION DAY, PROVIDED THAT CONDITIONS FOR SUCH PUBLICATION ARE MET.

THE DECISIONS ISSUED BY THE AGENCY SHALL BE FINAL AND AN ADMINISTRATIVE DISPUTE MAY BE INITIATED AGAINST THEM.

THE AGENCY SHALL, WITHIN 24 HOURS OF THE RECEIPT OF THE ACTION BROUGHT AGAINST THE DECISION RENDERED ON A COMPLAINT IN AN ELECTION CAMPAIGN, SUBMIT TO THE ADMINISTRATIVE COURT ITS REPLY TO THE ACTION AND ALL THE ACCOMPANYING FILES.

UPON AN ACTION BROUGHT AGAINST A DECISION ADOPTED BY THE AGENCY ON THE BASIS OF A COMPLAINT SUBMITTED DURING AN ELECTION CAMPAIGN, THE ADMINISTRATIVE COURT SHALL RENDER ITS DECISION WITHIN 72 HOURS FROM THE RECEIPT OF THE REPLY TO THE ACTION TOGETHER WITH THE ACCOMPANYING FILES.

THE AGENCY SHALL PUBLISH THE DECISIONS OF THE ADMINISTRATIVE COURT ISSUED ON ACTIONS BROUGHT AGAINST THE AGENCY'S DECISIONS WITHIN EIGHT DAYS FROM THE DATE OF RECEIPT OF THE DECISION.

Measure

~~Article 39~~

~~The Agency shall issue a warning measure to a political entity in case it identifies deficiencies during control, which may be corrected.~~

~~If the political entity fails to act upon the measure before the deadline specified in the Agency's decision expires, the Agency shall initiate misdemeanour proceedings.~~

ARTICLE 39

THE AGENCY SHALL ISSUE A WARNING MEASURE TO THE POLITICAL ENTITY WHERE, IN THE COURSE OF SUPERVISORY PROCEDURE, IT ESTABLISHES VIOLATIONS OF THIS LAW THAT HAVE NOT RESULTED IN MAJOR HARMFUL CONSEQUENCES AND DEFICIENCIES THAT MAY BE REMEDIED.

IF THE POLITICAL ENTITY FAILS TO COMPLY WITH THE WARNING MEASURE BY THE EXPIRATION OF THE DEADLINE SPECIFIED IN THE DECISION, THE AGENCY SHALL SUBMIT A REQUEST FOR INITIATING MISDEMEANOUR PROCEEDINGS FOR FAILURE TO COMPLY WITH THE WARNING MEASURE.

IF THE POLITICAL ENTITY, WITHIN ONE YEAR FROM THE DATE OF ISSUING THE WARNING MEASURE REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE, REPEATS THE VIOLATION OF THIS LAW FOR WHICH THE WARNING MEASURE WAS ISSUED, THE AGENCY SHALL SUBMIT A REQUEST FOR INITIATING MISDEMEANOUR PROCEEDINGS.

Misdemeanours of a Political Entity

Article 41

A political party shall be fined from 200,000 to 2,000,000 RSD for a misdemeanour if it:

- 1) fails to publish donation in accordance with Article 10, para. ~~3 and 4~~ 5 AND 6 of this Law;
- 2) opens several accounts contrary to Article 18 of this Law;
- 3) fails to publish the annual report on the financing of the political entity on the website within the deadline prescribed in Article 28, ~~paragraph 4~~ PARAGRAPHS 4 AND 5 of this Law;
- 4) fails to appoint an authorised person, fails to report a change of authorised person, or fails to notify the Agency, in accordance with Article 31 of this Law.

For the offenses referred to in paragraph 1 of this Article, the authorised person in a political party or other political entity shall also be fined from 20,000 to 100,000 dinars.

Article 42

A fine of 200.000 to 2.000.000 dinars shall be imposed on a political party for a misdemeanour if it:

- 1) acts contrary to the provisions of Article 3, ~~para. 2 and 3~~ PARA 2, 3, 4 AND 6 of this Law;
- 2) receives funds contrary to Article 8, paragraph 3 of this Law;
- 3) acts contrary to Article 11 of this Law;
- 4) acquires non-monetary funds contrary to Article 12 para. 1 and 3 of this Law;
- 5) acts contrary to the prohibition referred to in Article 12, paragraph 4 of this Law;
- 6) acts contrary to the prohibition referred to in Article 13 of this Law;
- 7) earns income contrary to Article 14 of this Law;
- 8) does not return the funds in accordance with Article 15 AND ARTICLE 22, PARAGRAPH 3 of this Law;
- 9) uses funds contrary to ARTICLE 18, PARAGRAPH 2, Art. 19 and 23 and Article 24 para. 3 and 4 of this Law;
- ~~10) acts contrary to the provisions of Article 23 para. 8 and 9 of this Law;~~
- 10) ACTS CONTRARY TO ARTICLE 23, PARAGRAPHS 8 AND 9, ARTICLE 23A, PARAGRAPH 3, AND ARTICLE 24A OF THIS LAW;
- 11) fails to open a special account for financing election campaigns in accordance with Article 24 of this Law;
- 12) does not keep records in accordance with Article 27 of this Law;
- 13) fails to act in accordance with ~~Article 28, paragraph 1~~ ARTICLE 26, PARAGRAPHS 2 AND 4 AND ARTICLE 28 of this Law;
- 14) fails to submit a preliminary report on election campaign spending in accordance with Article 29 of this Law;
- 15) fails to submit a final report on election campaign spending in accordance with Article 29 of this Law;
- 16) acts contrary to Article 30 of this Law;
- 17) fails to provide the Agency with access in accordance with Article ~~32~~, 32A, paragraph 1 of this Law;
- 18) fails to submit to the Agency documents, information, and data in accordance with Article ~~32~~, 32A para. 2 and 3 of this Law;
- 19) fails to act in accordance with the imposed warning measure (Article 39, paragraph 2).

For the offenses referred to in paragraph 1 of this Article, the responsible person in a political party or other political entity shall also be fined from 50,000 to 150,000 dinars.

Funds obtained by committing a misdemeanour from paragraph 1, items 2) - 9) and 16) of this Article shall be confiscated.

Other Misdemeanours

Article 43

A legal entity shall be fined with 200,000 to 2,000,000 RSD if it:

- 1) gives a contribution to a political entity contrary to Art. 9 and 10, Article 12, para. 1, 3 and 5 and Article 22, paragraph 2 of this Law;
- 2) fails to ensure access to the Agency in accordance with Article ~~32~~ 32A, paragraph 1 hereof;
- 3) fails to submit data to the Agency pursuant to Article ~~32~~, paragraph 4 32A, PARA. 4 AND 5 hereof;
- 4) IF IT ACTS CONTRARY TO ARTICLE 23A, PARAGRAPH 1 OF THIS LAW;
- 5) IF IT ACTS CONTRARY TO ARTICLE 23B OF THIS LAW.

The authorised person of a legal entity shall also be fined with 50,000 to 150,000 RSD for misdemeanour specified in paragraph 1 of this Article.

An entrepreneur shall be fined with 100,000 to 500,000 RSD for misdemeanour specified in paragraph 1 of this Article.

A natural person shall be fined with 50,000 to 150,000 RSD for misdemeanour specified in paragraph 1 of this Article.

Funds obtained through commission of misdemeanour specified in paragraph 1 item 1) of this Article shall be confiscated.

Article 43a

THE RESPONSIBLE PERSON IN AN AUTHORITY OF THE REPUBLIC OF SERBIA, AN AUTONOMOUS PROVINCIAL OR LOCAL SELF-GOVERNMENT UNIT, AS WELL AS OTHER ORGANISATIONS FOUNDED BY THEM SHALL BE FINED FROM 50,000 TO 150,000 DINARS FOR INFRINGEMENT:

- 1) IF HE OR SHE ACTS CONTRARY TO ARTICLE 6, PARA. 2-6 OF THIS LAW;
- 2) IF HE OR SHE ACTS CONTRARY TO ARTICLE 24A OF THIS LAW.

Suspension of Transfer of Funds from Public Sources

Article 48

After initiating criminal proceedings for a criminal offense referred to in Article 40 of this Law or misdemeanour proceedings for a misdemeanour referred to in Art. 41 and 42 of this Law, at the request of the Agency, the ministry in charge of finance, i.e. the competent administrative authority of the autonomous province, i.e. local self-government unit, shall make a decision on

temporary suspension of transfer of funds from public sources to a political entity until a final decision is made in the misdemeanour proceedings.

The decision of the competent administrative authority of autonomous province, and/or local self-government unit referred in paragraph 1 of this Article may be appealed with the relevant authority of the autonomous province and/or local government.

Administrative dispute may be instituted against the decision of the ministry referred in paragraph 1 of this Article and the decision of the competent authority of autonomous province and/or local self-government unit referred in paragraph 2.

The administrative court shall decide within 30 days from the date of filing of complaint in administrative dispute referred in paragraph 3 of this Article.

THE REQUEST OF THE AGENCY REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE SHALL BE PUBLISHED ON THE AGENCY'S WEBSITE WITHIN 15 DAYS FROM THE DATE OF ITS SUBMISSION TO THE COMPETENT AUTHORITY.