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KORUPCIJA

USrbiji je korupcija tema o kojoj svi rado govore, imaju različite predloge kako joj stati na put, skoro nepogrešivo lociraju najveća njena žarišta, a stranke koje pretenduju da budu u Vladi se uvek uoči i tokom izbora zariču kako će joj konačno zavrnuti sve moguće slavine... I pored toga, svedoci smo da korupcije nikada nije bilo više.

Već se uveliko spremamo da otklonimo sve ono što može biti kočnica za dobijanje statusa kandidata za ulazak u EU i sigurno je da bankarski sistem tome neće biti smetnja. Naprotiv, on je jedini deo srpske ekonomije uređen po svetskim standardima, reorganizovan bez ijedne naznake da je bilo korupcije, nelegalnog procesa promene vlasništva i što je podjednako važno, došle su nam dobre banke koje su donele našem tržištu nove ili pokrenule već decenijski zaboravljene proizvode i usluge. Uz banke tu su isto tako dobro organizovane i druge finansijske institucije koje su doprinele da bankarski sektor bude uspešan, Narodna banka svojom adekvatnom kontrolnom funkcijom, Udruženje banaka kao stručna pomoć bankama uključujući tu i Kreditni biro koji je velika potpora bankama i Narodnoj banci kada su u pitanju sagledavanja stepena zaduženosti privrede i građana i brana enormnom prezaduživanju, a svedoci smo da su mnoge zemlje Centralne i Istočne Evrope podlegle pomami za kreditima posle decenijskog rigidnog bankarskog sistema koji je bio pod velikim uticajem nedemokratskih režima.

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In Serbia, corruption is a topic that everybody eagerly discusses, providing various proposals as to how to eradicate it, almost impeccably locating its biggest focal points, with the parties pretending to enter the Parliament pledging, in their pre-election campaigns, to seal, once and for all, each of its possible sources. Despite that, we bear witness to the fact that corruption has never been more present.

We are in the middle of preparations to remove everything that might be an obstacle to gaining the candidate status for EU membership, and it is certain that the banking system will pose no such impediment. On the contrary, it is the only segment of the Serbian economy regulated according to the global standards, having been reorganized without a single indication of any corruption or illegal change of ownership. What is equally important, solid banks have brought new products and services to our market, or re-launched the ones that were forgotten for decades. Alongside banks, other equally well organized financial institutions have contributed to the success of the banking sector, such as the National Bank, with its adequate supervisory function, the Association of Banks, providing professional assistance to banks, including its Credit Bureau, as a huge support to banks and the National Bank when it comes to assessing the indebtedness of retail and corporate sectors, and as a barrier for enormous over-indebtedness, bearing in mind

CORRUPTION

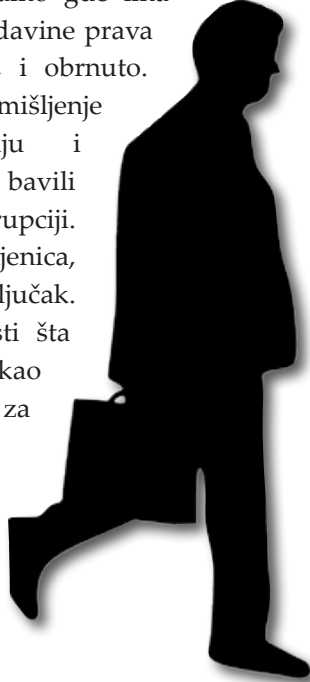
Nedavno smo mogli da pročitamo izjavu Matea Mekačija, predsednika Komisije za demokratiju, ljudska prava i humanitarna pitanja OEBS-a koji je veoma upućen u probleme koje donosi korupcija i koji je prošle godine za OEBS uradio izveštaj na ovu temu. On ističe da tamo gde ima više demokratije i vladavine prava ima manje korupcije, i obrnuto. Njegovo stručno mišljenje verovatno prihvataju i oni koji se nisu bavili istraživanjima o korupciji. Ovo je prosta činjenica, odnosno logičan zaključak. Interesantno je navesti šta Mekači preporučuje kao najdelotvorniji lek za suzbijanje korupcije:

"Najbolji lek za korupciju su prevencija i transparentnost koja podrazumeva da se što više podataka

iznosi u javnost, podataka o javnim nabavkama i ličnim podacima funkcionera. OEBS smatra da je borba protiv korupcije prvenstveno preventivna. Vrlo su važni poštovanje zakona i vladavina prava. Često smo imali prilike da vidimo da zakoni postoje ali se ne primenjuju."

Poslednja rečenica čini se najviše odgovara našim prilikama. Sa tim se, međutim, ne slažu u Agenciji za borbu protiv korupcije, koja kod nas postoji već nekoliko godina i naglašavaju da su rezultati mogli biti bolji da je bilo adekvatnih sistemskih mera i dovoljno zaposlenih. U navođenju šta sve rade ističu da postoji između 400 i 500 funkcionera čija je imovina predmet kontrole, a da će u ovoj godini predmet provere biti i direktori javnih preduzeća i gradonačelnici.

Najviše korupcije ima kod javnih nabavki. Prema nekim procenama, svaka peta nabavka u Srbiji je bila nezakonita, a vrednost javnih nabavki je oko 4 milijarde evra. Ako bi se nabavke sprovedile efikasnije i smanjila korupcija u toj oblasti, moglo bi se uštedeti 20 do 30 odsto. Za javne nabavke su nadležni Uprava za javne nabavke i Komisija za zaštitu ponuđača.



Očigledno da ni ovde nije bilo naročitih rezultata pa se najavljuje izmena Zakona o javnim nabavkama i ukidanje Uprave za javne nabavke i formiranje centralizovane institucije. Osnivanje centralizovane institucije za javne nabavke predviđeno je Strategijom razvoja javnih nabavki u Srbiji koja je prilagođena direktivama Evropske unije o ispunjavanju uslova za evrointegraciju. Očekuje se da će Nacrt izmena zakona o javnim nabavkama biti gotov do kraja septembra ove godine, a njegovo usvajanje do kraja 2011. Ostala podzakonska akta bez kojih nije moguća primena novih propisa planiraju se do kraja 2012. godine.

Akcioni plan Ministarstva finansija predviđa da se nakon ovih akata nova institucija formira 2014. godine, te je nejasno zašto se žuri sa ukidanjem Uprave za javne nabavke, bez obzira što se želi delotvornija i zakonski snažnija institucija, jer u sledeće tri godine može nastati pravna nesigurnost kod javnih nabavki. Razumljivo je da se krenulo u stvaranje zakonski osnažene borbe protiv korupcije, što je potpomognuto i sredstvima donacije Evropske unije od milion i po evra. I pored toga što se želi da se ova oblast uredi po evropskim standardima, ipak je potrebna

obazrivost. Na to ukazuje i mišljenje

Igora Šoltesa, predsednika Državne revizorske institucije Slovenije da Srbija ne treba

ishitreno da menja Zakon o javnim nabavkama jer se to i u Sloveniji pokazalo kao loša odluka. Verovatno je to iskustvo zemlje sličnog mentaliteta te se recept delotvornosti u drugim državama ne može uzeti kao uspešan i za naše uslove.

Kada se govori o borbi protiv korupcije, potrebno je skrenuti pažnju i na sve značajniju ulogu Državne revizorske institucije i njenog šireg delovanja.

Ova institucija, koja radi završni račun budžeta Srbije, dela Narodne banke, određenog broja lokalnih samouprava, javnih preduzeća i fondova socijalnog



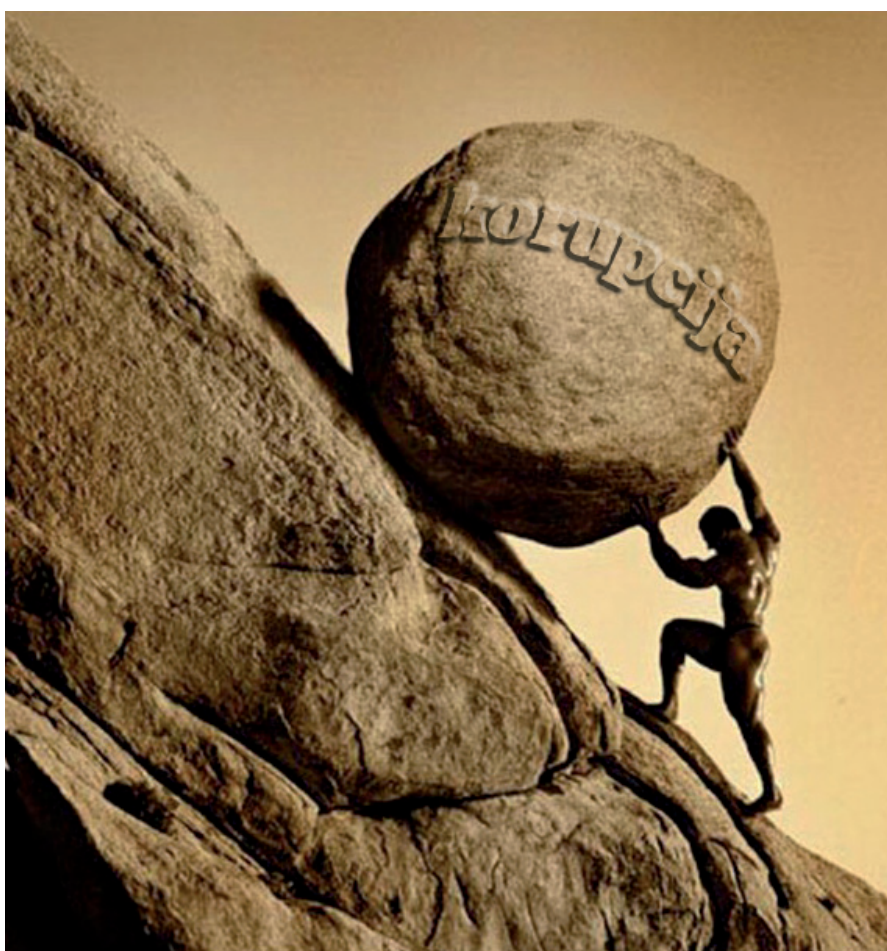
that we have witnessed many countries of the Central and Eastern Europe having succumbed to the mania for loans after decades of rigid banking systems under the strong influence of non-democratic regimes.

We have recently had a chance to read the statement of Matteo Mecacci, President of the OSCE General Committee on Democracy, Human Rights and Humanitarian Questions, who is well versed in the problems caused by corruption and who last year prepared a report for OSCE covering this topic. He underlined that where there is more democracy and rule of law, there is less corruption, and vice versa. His expert opinion is probably acceptable even to those who never did any research on corruption. It is a simple fact, and a logical conclusion. It is also interesting to note what Mecacci recommends as the most effective remedy against corruption: "The best remedy against corruption is prevention and transparency, which implies that the highest possible amount of data are to be disclosed to the public - the data on public procurements, along with the personal data of functionaries. OSCE believes that the fight against corruption is mostly preventive. It is of utmost importance to abide by the law and respect the rule of law. We have often had a chance to see that the laws exist, but are not being implemented in practice."

It seems that the last sentence best describes our own circumstances. This, however, is not the opinion of the Anti-Corruption Agency, which has been in existence in Serbia for several years now, and which underlines that the results could have been better, had

there been adequate systemic measures and enough employees. Listing its activities, the Agency highlights that there are among 400 and 500 functionaries whose assets are subjected to control, and that this year the directors of public companies and city mayors will also be under supervision.

The highest amount of corruption is present in respect of public procurement. According to some assessments, one in five procurements in Serbia was illegal, with the value of public procurements amounting to about 4 billion Euros. Were the procurements to be conducted more efficiently and were the corruption in this field reduced, we could save up to 20-30%. Public procurement is the responsibility of the Administration for Public Procurement, and Commission for Protection of Suppliers. Obviously, it was not here either that some particular results have been achieved, hence the announcement of the amendments to the Law on Public Procurement and the closure of the Administration for Public Procurement, instead of which a centralized institution is to be formed. The establishment of this





osiguranja, najavljuje od 2013. godine kontrolu kasa političkih stranaka kao što se to radi i u nama susednim zemljama Sloveniji, Hrvatskoj i Makedoniji. Na taj način Državna revizorska institucija Srbije će se snažnije uključiti u jačanje mehanizma odgovornosti u oblasti javnih finansija - kako glasi i naziv skupa regionalnih državnih revizora održanog septembra ove godine u Beogradu.

U borbu protiv korupcije mnogo jače treba da se uključe i druge institucije, kao što su policija, sudstvo, mediji... svi zajedno mogu dati rezultat koji se očekuje. Budimo optimisti, samo da li će takvi biti i nadležni u EU kada budu procenjivali da li smo ispunili uslove za status kandidata.

Glavni i odgovorni urednik
dr Veroljub Dugalić

A handwritten signature in blue ink, appearing to read 'Veroljub Dugalić', written over a faint, stylized signature graphic.

centralized institution for public procurement is envisaged according to the Public Procurement Development Strategy in Serbia, which is harmonized with the EU directives on fulfilling the preconditions for European integration. The Draft of Amendments to the Law on Public Procurement is expected to be finished by the end of September 2011, and its adoption by the end of 2011. Other accompanying by-laws, without which the implementation of new regulations is impossible, are planned to be prepared by the end of 2012.

Action plan of the Ministry of Finance envisages that, following these by-laws, the new institution is to be formed in 2014, hence it is unclear why rush into abolishing the Administration for Public Procurement, given that the objective is to have a more efficient and legally stronger institution, and this way, in the next three years we may face legal insecurity when it comes to public procurement. It is understandable that we have started the process of generating a legally empowered struggle against corruption, supported by the donation funds of the European Union, in the amount of million and a half Euros. However, despite wishing to regulate this field according to the European standards, certain amount of cautiousness is still required. This is also indicated by the opinion of Igor Soltes, President of the National Auditing Institution of Slovenia, who believes that Serbia should not impetuously amend its Law on Public Procurement, since the same thing has proved to be a bad decision in Slovenia. This is probably

an experience of a country similar in mentality, but the recipe of effectiveness in other countries cannot be taken as successful for our own circumstances.

When speaking about the fight against corruption, one must pay attention to the increasingly important role of the National Auditing Institution and its wide-ranging activities. This institution, which prepares the final account of the Serbian budget, of a part of the National Bank, certain number of local self-governments, public companies and social insurance funds, announces for 2013 the control over budgets of political parties, just as it has been done in our neighboring countries, Slovenia, Croatia and Macedonia. Thus, the National Auditing Institution of Serbia will be more powerfully involved in the strengthening of responsibility mechanisms in the field of public finance - which was the title of a meeting of regional national auditors, held in September 2011 in Belgrade.

The fight against corruption must also be vigorously joined by other institutions, such as the police, judiciary, media, etc. All together, they may achieve the expected result. Let us be optimistic - the question is only whether the competent EU authorities will be, too, when assessing whether we have met the preconditions to gain the candidate status.

Editor in Chief

Veroljub Dugalić PhD

