

## ANTI-BRIBERY POLICY

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serbia

## LEGAL STATUS

Zajednička advokatska kancelarija Bojanović i partneri is a Serbian legal practice organised and registered before the Belgrade Bar Association [in Serbian: “Advokatska komora Beograda”] in the form of a joint law office with the registered seat [in Serbian: “registrovano sedište kancelarije”] at Vlajkovičeva street no. 12, 11000 Belgrade, Republic of Serbia. The full registered name of the joint law office is “Zajednička advokatska kancelarija Bojanović i partneri” (hereinafter: “Bojanovic & Partners” or “we” or “BOPA”).

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Bojanovic & Partners is inscribed before the relevant registry of the Belgrade Bar Association by the respective decision of the Belgrade Bar Association number 4316/2016, in line with the Law on Advocacy, Statute of the Serbian Bar Association [in Serbian: “Statut Advokatske komore Srbije”] (Official Gazette of RS 85/2011, 78/2012 and 86/2013), Statute of the Belgrade Bar Association [in Serbian: “Statut Advokatske komore Beograda”] (Official Gazette of City of Belgrade 93/2016) and Code of Professional Ethics of Attorneys [in Serbian: “Kodeks profesionalne etike advokata”] (Official Gazette of RS 27/2012) (hereinafter: “Applicable Legislation”).

Pursuant to the Applicable Legislation, Vladimir Bojanovic, Attorney at Law [in Serbian: “Advokat”], is a managing partner [in Serbian: “Rukovalac”] of the joint law office (hereinafter: “Managing Partner”), having PIB No: 106347071 and Statistical No: 57304278.

Pursuant to the Applicable Legislation, the joint law office does not have legal subjectivity. Consequently, the legal assistance is provided by the founders of the office and (on a case to case basis) by other Attorneys at Law engaged in line with the Applicable Legislation by the founders of the joint law office, with the assistance of legal trainees [in Serbian: “advokatski pripravnici”] (hereinafter jointly: “Lawyers”).

## SCOPE OF THE POLICY

This Anti-Bribery Policy (hereinafter: “Policy”) applies to all BOPA Lawyers and other personnel, including but not limited to Partners, Attorneys at Law, and Associates. This Policy also applies to all sub-contractors engaged by BOPA on an

ad-hoc basis. Furthermore, all persons engaged in any way by BOPA, including those conducting tasks, shall observe this Policy (hereinafter: “BOPA Personnel”).

### **GENERAL OVERVIEW**

#### **Notion of Bribery**

In general, bribery is offering, giving, promising someone, whether an official or a third party, a financial or other benefit in order to encourage that person to perform his function or activity unlawfully in order to gain an illicit advantage. In other words, it is a relation where one person offers another person a consideration in order to unlawfully receive certain benefits and advantages.

Corruption is, in general, an abuse of someone’s entrusted powers, which are usually public powers, for unlawful benefits, undue advantages and other unlawful gains. Corruption has several forms, and it can be divided into grand corruption, corruption occurring at highest level of establishment, and petty or administrative corruption, occurring at a lower level of establishment. Corruption can be manifested, inter alia, as bribery.

Given its adverse effects, the Criminal Code of the Republic of Serbia (“Official Gazette of RS” no. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2018) incriminates bribery, as well as other similar activities such as brokerage in bribery and others.

#### **Costs and Effects of the Bribery and Corruption**

Corruption has severe impacts on society. In particular, it affects the quality of services provided by public entities, hinders economic development, reduces foreign investments, lowers trust in public institutions and seriously weakens the rule of law. Therefore, corruption seriously threatens society at both an institutional as well as economical level.

### **TYPES OF BRIBERY AND CORRUPTION PROHIBITED**

#### **Bribery by a Public Official (Passive Bribery)**

Passive bribery occurs when an official directly or indirectly demands, receives a gift or other benefit or accepts a gift, promise or other benefit for himself/ herself or other person in order to perform an act, which he/ she may not perform, or not to perform an act which he/ she must perform, which is within his/ her competences or in relation to his/ her competences.

## **Bribery of a Public Official or Another Person (Active Bribery)**

Active bribery occurs when a person gives, offers, or promises a gift or other benefit to a public official or another person in order for a public official to perform an act, which he/ she may not perform, or not to perform an act which he/ she must perform, which is within his/ her competences or in relation to his/ her competences. Acting as an intermediary in the given acts is also considered to be active bribery.

## **ENSURING COMPLIANCE**

### **Anti-Bribery Rules and Measures**

BOPA Personnel may not give, offer or promise any benefit, reward, financial advantage or any other consideration to any official, foreign official or any third person, if such act would pose as unlawful or unethical conduct.

BOPA Personnel may not demand, request, accept or receive any benefit, reward, financial advantage or any other consideration, if such act would pose as unlawful or unethical conduct.

BOPA Personnel may not in any way intervene or participate in any form of bribery or corruption.

BOPA Personnel shall fully observe and comply with the prohibition of dishonest or other forbidden solicitation of clients stipulated in the Code of Professional Ethics of Attorneys ("Official Gazette of RS" no. 27/2012).

BOPA Personnel are obliged to inform the Managing Partner of any act or circumstance which raises suspicion of corruption.

BOPA will immediately inform the competent authorities of any act or circumstance which raises suspicion of corruption.

### **Breach of Anti-Bribery Rules and Measures**

In case of breach of any of the above anti-bribery rules, the Managing Partner will apply appropriate measures in order to ensure general and special prevention of such misconduct among BOPA Personnel.

## **Training and Education**

BOPA will take all necessary steps to ensure that its personnel are well acquainted with all forms of corruptive and dishonest behaviors, circumstances in which there exists a high risk of bribery and their obligations in that regard.

## **Reporting and Monitoring**

BOPA will duly and timely amend the Policy in order to adjust it to changes in legal and social context of bribery. Therefore, the Policy shall always be fully applicable and effective so that it removes any risk of exposure of BOPA to corruptive behaviors.

This Policy is applicable as of 1st October 2016.