

LAW

ON RESPONSIBILITY OF LEGAL ENTITIES FOR CRIMINAL OFFENCES

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Part One

I BASIC PROVISIONS

Subject-matter of the Law

Article 1

This Law regulates the conditions of responsibility of legal entities for criminal offences, the criminal sanctions that may be imposed on legal entities, and the rules of decision-making procedure in matters of responsibility of legal entities, imposing of criminal sanctions, passing of decisions on rehabilitation, termination of a safety measure or a legal consequence of conviction, and on enforcement of court decisions.

Criminal Offences Involving the Responsibility of Legal Entities

Article 2

A legal entity may face the prosecution for criminal offences specified in the particular part of the Penal Code and in other laws if the conditions of responsibility specified by this Law have been fulfilled.

Exemption from and Restriction of Liability

Article 3

The Republic of Serbia (hereinafter: the Republic), the autonomous province and a local self-government unit and/or State agencies and agencies of the autonomous province and local self-government units shall not be held responsible for a criminal offence.

Other legal entities entrusted by law to exercise public powers shall not be held responsible for a criminal offence committed in exercising the public powers.

Conditions of Implementation of the Law

Article 4

This Law shall apply to a domestic and a foreign legal entity responsible for criminal offence committed in the territory of the Republic.

This Law shall apply to a foreign legal entity responsible for the criminal offence committed abroad to the detriment of the Republic, its citizen or a domestic legal entity.

This Law shall apply to a domestic legal entity responsible for the criminal offence committed abroad.

This Law shall not apply in cases specified in paragraphs 2 and 3 of this Article where special conditions have been fulfilled for the criminal prosecution specified in Article 10, paragraph 1 of the Penal Code.

Meaning of Terms

Article 5

Terms applied in this Law shall have the following meaning:

- 1) A legal entity shall be understood to mean a domestic or foreign legal entity considered by the positive law of the Republic as a legal entity.
- 2) A responsible person shall be understood to mean a natural person who, in terms of law or actually, is entrusted with specific set of tasks within the legal entity, as well as a person authorized, and/or the one for whom it may be deemed to be authorized, to act on behalf of the legal entity.

II GENERAL PART

1. Conditions of Responsibility of Legal Entity for Criminal Offence

Ground of Responsibility of Legal Entity

Article 6

A legal entity shall be responsible for a criminal offence committed within the scope of its affairs and/or powers by the person in charge with a view of acquiring a property benefit for the legal entity.

Responsibility of the legal entity referred to in paragraph 1 of this Article shall also exist where, due to lack of supervision or control by a person in charge, it became possible for a natural person,

acting under supervision and control by the person in charge, commit a criminal offence to the benefit of the legal entity.

Limits of Responsibility of Legal Entity

Article 7

Responsibility of a legal entity shall be based on the blameworthiness of a person in charge.

Under the conditions specified in Article 6 of this Law, a legal entity shall also be responsible for a criminal offence committed by the person in charge where criminal proceedings against the person in charge were suspended or the incrimination was rejected.

Termination or Status Change of Legal Entity

Article 8

Should a legal entity cease to exist prior to termination of criminal proceedings, a fine, a measure of safety and of confiscation of property benefit may be imposed to the legal entity which is its legal successor, if responsibility of the legal entity that ceased to exist has been previously established.

Should a legal entity cease to exist after the termination of final proceedings in which the responsibility was established and the sanction for the criminal offence imposed, the fine, the safety measures and the confiscation of property benefit shall be carried out against its legal successor.

Under the conditions specified in Article 6 of this Law, responsible for a criminal offence shall be a legal entity that has changed the legal form of its business activity after the commission of criminal offence.

Responsibility of Legal Entity in the Case of Bankruptcy

Article 9

A legal entity going bankrupt shall be responsible for a criminal offence committed prior to instituting or in course of conducting the bankruptcy proceedings.

Confiscation of property benefit or a safety measure of confiscation of an object shall be imposed to the legal entity referred to in paragraph 1 of this Article.

Attempt

Article 10

A legal entity shall be responsible for an attempted criminal offence under the conditions specified in Article 6 of this Law, should the law prescribe that attempt is indictable.

The punishment specified by this Law for an attempt may be imposed to the legal entity found responsible, while it may also be punished more leniently.

A legal entity that has prevented the completion of a criminal offence may be exonerated from punishment.

Multiple Criminal Offence

Article 11

A legal entity shall be responsible for a multiple criminal offence where, in conformity with Article 6 of this Law, it is accountable for several criminal offences committed by two or more persons in charge, with the proviso that these criminal offences make an entity in terms of Article 61, paragraph 1 of the Penal Code.

A stricter punishment of up to double amount, specified in Article 14 of this Law, may be imposed to the responsible legal entity for a multiple criminal offence.

2. Criminal Sanctions

Kinds of Criminal Sanctions

Article 12

The following criminal sanctions for a criminal offence may be imposed to a legal entity:

- 1) punishment;
- 2) suspended sentence;
- 3) safety measures.

a) Punishments

Kinds of Punishments

Article 13

The following punishments may be imposed to a legal entity:

- 1) fine;

2) termination of legal entity.

The fine and the termination of legal entity may be imposed as principal punishments only.

Amount of Fine

Article 14

A fine shall be imposed in a definite amount within the framework of the specified minimum and maximum extent of fine.

The fine shall not be under one hundred thousand dinars or above five hundred million dinars.

The fine shall be imposed at the following amounts:

- 1) of from one hundred thousand up to one million dinars for criminal offences threatened by the penalty of imprisonment of up to one year, or by a fine;
- 2) of from one million up to two million dinars for criminal offences threatened by penalty of imprisonment of up to three years;
- 3) of from two million up to five million dinars for criminal offences threatened by penalty of imprisonment of up to five years;
- 4) of from five million up to ten million dinars for criminal offences threatened by penalty of imprisonment of up to eight years;
- 5) of from ten million up to twenty million dinars for criminal offences threatened by penalty of imprisonment of up to ten years;
- 6) twenty million dinars at the minimum for criminal offences threatened by penalty of imprisonment exceeding ten years.

Meting out a Fine

Article 15

The court shall mete out a fine for a criminal offence committed within the limits specified by the law for such offence, taking in consideration the purpose of punishment and taking cognizance of all circumstances influencing the amount of penalty (attenuating and aggravating circumstances), and particularly: the degree of responsibility of the legal entity for the criminal offence committed, the size of legal entity, the position and number of persons in charge in the legal entity who have committed the

criminal offence, the measures taken by legal entity in order to prevent or detect the criminal offence, and the measures taken by it against the person in charge after the commission of the criminal offence.

Limits of Mitigation of Fines

Article 16

Should the conditions of mitigation exist, the court shall mitigate the penalty within these limits:

- 1) if one million dinars is specified as a minimum extent of penalty for a criminal offence, the fine may be mitigated down to one hundred thousand dinars;
- 2) if two million dinars are specified as a minimum extent of penalty for a criminal offence, the fine may be mitigated down to one million dinars;
- 3) if five million dinars are specified as a minimum extent of penalty for a criminal offence, the fine may be mitigated down to two million and five hundred thousand dinars;
- 4) if ten million dinars are specified as a minimum extent of penalty for a criminal offence, the fine may be mitigated down to five million dinars;
- 5) if twenty million dinars are specified as a minimum penalty for a criminal offence, the fine may be mitigated down to ten million dinars.

If authorized to exonerate a legal entity of punishment, the court may mitigate the penalty without the limits of mitigation of fines specified in paragraph 1 of this Article.

Meting out a Fine in the Case of Concurrence of Criminal Offences

Article 17

If a legal entity is responsible for the concurrence of criminal offences, the court shall impose a single fine amounting to the addition of the fixed fines, but such fine may not exceed the amount of five hundred million dinars.

Where all the criminal offences in concurrence are threatened by penalties of up to three years of imprisonment, the aggregate fine may not exceed the amount of ten million dinars.

Termination of Legal Entity

Article 18

The penalty of termination of a legal entity may be imposed where the activity of the legal entity is entirely or considerably involved in committing of criminal offences.

After the sentence ordering the penalty of termination of a legal entity becomes effective, the procedure of liquidation, bankruptcy or termination of the legal entity in some other mode shall be carried out.

The legal entity shall cease to exist after being stricken off the register kept by the competent agency.

Exemption from Punishment

Article 19

A legal entity may be exempted from punishment should:

- 1) it detect and report a criminal offence before becoming aware of instituting the criminal proceedings;
- 2) it voluntarily and without delay eliminate the damaging consequences, or restitute the unlawfully gained property benefit.

b) Suspended Sentence

Conditions of Imposing a Suspended Sentence

Article 20

The court may impose a suspended sentence to legal entity for a criminal offence.

By a suspended sentence the court fixes a fine of up to five million dinars to a legal entity, and at the same time orders that it shall not be enforced if the convicted legal entity, during the time ordered by court - that may not be shorter than one nor longer than three years (testing period) - does not become responsible for a criminal offence in terms of Article 6 of this Law.

In deciding whether to impose a suspended sentence, the court shall particularly consider the degree of responsibility of legal entity for the criminal offence committed, the measures taken by the legal entity in order to prevent and detect the criminal offence, and the measures taken against the person in charge after the commission of criminal offence.

Revocation of Suspended Sentence due to New Criminal Offence

Article 21

The suspended sentence shall be revoked by the court should the convicted legal entity during the probation period become responsible for one or more criminal offences for which the fine of five million dinars or the one exceeding that amount has been imposed to it.

Should during the probation period the convicted legal entity become responsible for one or several criminal offences for which a fine is imposed not exceeding five million dinars, upon

considering all circumstances relating to criminal offences committed and those relating to the legal entity, and particularly the similarity of criminal offences committed and their significance, the court shall decide whether to revoke the suspended sentence. In bringing the decision, the court shall be restricted by the prohibition of imposing a suspended sentence where a fine exceeding five million dinars (Article 20, paragraph 2) should be imposed to the legal entity both for criminal offences fixed in the suspended sentence and for new criminal offences.

In the event of revocation of the suspended sentence, and after applying the provisions of Article 17 of this Law, the court shall impose one aggregate penalty both for the previously committed and for the new criminal offence, taking the penalty from the revoked suspended sentence as an already fixed one.

In the event that it fails to revoke the suspended sentence, the court may with regard to the new criminal offence committed impose a suspended sentence or a penalty.

Should in regard to new criminal offence the court find that a suspended sentence should be imposed by applying the provisions of Article 17 of this Law, it shall impose one aggregate penalty for the new criminal offence as well, and shall order a new probation period that may not be shorter than one or longer than three years, commencing with the day of effectiveness of the new sentence. Should the convicted legal entity become responsible for a criminal offence during the probation period, the court shall revoke the suspended sentence and shall impose the penalty by applying the provision of paragraph 3 of this Article.

Suspended Sentence Combined with Protective Supervision

Article 22

The court may order that a legal entity given a suspended sentence be committed to protective supervision for a specified time within the probation period.

The protective supervision may include one or several following duties:

- 1) organizing the control in order to prevent a continued commission of criminal offences;
- 2) refraining from business activities should these provide an opportunity for a repeated commission of criminal offences;
- 3) elimination or reducing of damage caused by the criminal offence;
- 4) doing work in the public interest;
- 5) handing over to the agency in charge of enforcing the protective supervision the periodical reports relating to business operation.

c) Safety Measures

Kinds of Safety Measures

Article 23

The following safety measures may be imposed for criminal offences imputable to legal entities:

- 1) prohibition of exercising certain registered activities or affairs;
- 2) confiscation of objects;
- 3) public announcement of sentence.

Should conditions exist for their imposition in the law, the court may impose to a responsible legal entity one or several safety measures.

The safety measures of confiscation of objects and of public announcement of sentence may be imposed if a responsible legal entity is given a suspended sentence.

Prohibition to Exercise Certain Registered Activities or Affairs

Article 24

The court may order to a responsible legal entity the prohibition to exercise certain registered activities or affairs in relation to which the criminal offence has been committed.

The measure specified in paragraph 1 of this Article may be imposed for a period of from one to three years, counting from the day of effectiveness of the sentence.

Confiscation of Objects

Article 25

Objects used or destined for the commission of a criminal offence, or which resulted from the commission of the criminal offence, may be confiscated if they are owned by the legal entity.

Objects specified in paragraph 1 of this Article may be confiscated even if they are not owned by the legal entity when considerations of general safety or the reasons of morals so demand, but this shall not affect the right of third persons to redress the damage.

Compulsory confiscation of objects may be provided for by the law.

Public Announcement of Sentence

Article 26

The court shall impose a safety measure of public announcement of sentence after considering that it would be useful to inform the general public about the sentence, and particularly where announcing the sentence would contribute to elimination of danger for life and health of people, or to protection of general interest.

By considering the significance of a criminal offence and the need of informing the general public, the court shall decide on which public information media should publish the sentence, as well as whether the assignment of reasons of the sentence would be published in its entirety or in excerpts, taking also in consideration that the mode of publishing should be apt to inform all those in whose interest the sentence should be made public.

3. Legal Consequences Incident to Conviction

Coming into Effect of Legal Consequences Incident to Conviction

Article 27

Conviction of a legal entity for specific criminal offence may entail a legal consequence of termination and/or forfeiture of specific rights or prohibition to acquire specific rights.

Legal consequences may be provided only by the law and may take place only by the operation of the law providing them.

Kinds of Legal Consequences of Conviction

Article 28

Following shall be the legal consequences of conviction relative to the termination of specific rights or forfeiture of specific rights:

- 1) termination of exercising certain activities or affairs;
- 2) forfeiture of specific permits, approvals, concessions, subsidies or other forms of incentive that are granted by decisions of state agencies or agencies of the local government unit.

Following shall be the legal consequences consisting of the prohibition of acquiring specific rights:

- 1) prohibition to exercise specific activities or affairs;
- 2) prohibition to take part in public procurement procedure;
- 3) prohibition to take part in commercial entities privatization procedure;
- 4) prohibition to acquire specific permits, approvals, concessions or other forms of incentive that are granted by decisions of state agencies or agencies of the local government unit.

Commencement and Period of Duration of Legal Consequences of Conviction

Article 29

Legal consequences of conviction shall take place on the day of effectiveness of the sentence by which the fine has been imposed.

Legal consequences of conviction specified in Article 28, paragraph 2 of this Law may be prescribed to extend over a period not exceeding ten years.

4. Rehabilitation and Transmitting Information from Criminal Record

Statutory Rehabilitation

Article 30

Statutory rehabilitation shall be given only to that legal entity which, prior to conviction which was the subject of rehabilitation, was not convicted, or which was considered by the law as non-convicted.

Statutory rehabilitation shall take place if:

- 1) a legal entity which was found responsible, but was exempted from punishment, did not commit a new criminal offence within one year from the day of effectiveness of sentence;
- 2) a legal entity which is given a suspended sentence does not commit a new criminal offence during the probation period, and within a year after the expiration of the probation period;
- 3) a legal entity which is sentenced by a fine in the amount not exceeding five hundred thousand dinars does not commit a new criminal offence within three years from the day this punishment has been served, barred by lapse of time, or pardoned.

The statutory rehabilitation shall not take place during the period of duration of safety measures.

Judicial Rehabilitation

Article 31

Judicial rehabilitation may be given to a legal entity, sentenced by a fine of from five hundred thousand dinars to five million dinars, which does not commit a new criminal offence within ten years from the day this punishment has been enforced, barred by lapse of time, or pardoned.

In the case referred to in paragraph 1 of this Article, the court shall grant rehabilitation after finding that the convicted legal entity has deserved the rehabilitation through its behavior, and if it has redressed the damage occasioned by the criminal offence, and in addition, the court shall consider all other circumstances relevant for granting rehabilitation and particularly the nature and the significance of the offence.

Transmitting Information from Criminal Record

Article 32

The criminal record contains the following information relating to: title, registered office and line of business of legal entity, the register number and the individualized registration number, data relative to criminal offence committed, to penalty, suspended sentence, safety measure, data on the person in charge who committed the criminal offence because of which the legal entity has been convicted, data on the pardoned penalties relating to the legal entity filed in the criminal record, and those relative to legal consequences of conviction, subsequent changes of data filed in the criminal record, data on the punishment enforced, and those relative to annulment of records regarding an erroneous conviction.

Should this be necessary in exercising the tasks falling in their respective jurisdiction, the criminal record data may be transmitted only to the court, the public prosecutor and the police regarding criminal proceedings instituted against a legal entity that has previously been convicted, to the agency in charge of enforcement of criminal sanctions and to the

agency taking part in proceedings of granting amnesty, pardon, rehabilitation or deciding on the termination of legal consequences of conviction.

After submitting a reasoned request, criminal record data may be submitted also to a state agency or a legal entity if legal consequences of conviction or security measures are still in progress, or upon showing that a justifiable interest pursuant to law does exist to obtain the information.

At its request, the information regarding its being convicted or not convicted may be transmitted to a legal entity only should this be necessary for the purpose of exercising the rights.

Criminal record shall be kept by a first-instance court whose jurisdiction area includes the location of the registered office of a domestic legal entity and/or of regional or branch office of a foreign legal entity.

5. Bar by Lapse of Time

Bar to Execution of Punishment and of Safety Measure

Article 33

The execution of the punishment imposed shall be barred after the lapse of:

- 1) three years from the conviction to a fine;

- 2) eight years from the conviction to termination of a legal entity.

The execution of a safety measure shall be barred:

- 1) after the lapse of time for which, beginning with the day of effectiveness of the court decision, a legal entity was convicted to the measure of prohibition to exercise certain registered activities or affairs;
- 2) after the lapse of five years from the day of effectiveness of the sentence whereby the safety measure of confiscation of objects was ordered;
- 3) after the lapse of three months from the day of effectiveness of the court decision whereby the safety measure of public announcement of the sentence was ordered.

6. Applicability of General Part of Penal Code

Appropriate Application of the Penal Code Provisions

Article 34

Unless otherwise determined by this Law, the provisions of general part of the Penal Code relating to the following matters shall appropriately apply to legal entities: validity of criminal legislation in terms of time (Article 5), criminal offence (Article 14), commission of criminal offence by omission (Article 15), time of commission of criminal offence (Article 16), place of commission of criminal offence (Article 17), offence of slight importance (Article 18), extreme necessity (Article 20), incitement (Article 34), aiding (Article 35), limits of responsibility and punishing of accomplices (Article 36), punishing of inciters and assistants for an attempt and

for a misdemeanor (Article 37), purpose of punishing (Article 42), recidivism (Article 55), mitigation of punishment (Article 56), purpose of suspended sentence (Article 64), revocation of suspended sentence due to previously committed criminal offence (Article 68), revocation of suspended sentence due to failure to discharge particular obligations (Article 69), period of duration of protective supervision (Article 75), consequences of failure to discharge the obligation of protective supervision (Article 76), ground for confiscation of property benefit (Article 91), conditions and mode of confiscation of property benefit (Article 92), protection of the party injured (Article 93), termination of legal consequences of punishment (Article 101), bar to criminal prosecution (Article

103), running and interruption of the period of limitation to criminal prosecution (Article 104), running and interruption of the period of limitation to execution of punishment and of safety measures (Article 107), and meaning of terms (Article 112).

Part Two

I CRIMINAL PROCEDURE

1. General Provisions

Aggregate Proceedings

Article 35

As a rule, aggregate proceedings shall be instituted and conducted, as well as an aggregate sentence shall be passed, against a legal entity and a person in charge.

Should it be impossible, due to specific reasons prescribed by law, to institute or conduct criminal proceedings against a person in charge, the proceedings may be instituted and conducted against the legal entity only.

Should prior to instituting criminal proceedings a legal entity has ceased to exist, the proceedings may be instituted only against a person in charge.

Territorial Jurisdiction

Article 36

As a rule, territorially competent court shall be the one within whose area of jurisdiction the criminal offence has been committed or attempted.

Should the proceedings be instituted only against an accused legal entity, competent shall be the court within whose area of jurisdiction:

- 1) a domestic legal entity has its registered office;
- 2) a foreign legal entity has its regional or branch office.

Representative of Legal Entity

Article 37

An accused legal entity shall be advocated by a representative.

A representative shall be understood to be a person authorized on the ground of law, other regulations or decision on acting on behalf of the legal entity passed by a competent body.

A representative is authorized to take all actions for the benefit of the accused legal entity that may be taken by the accused.

The accused legal entity may have one representative only.

A representative of a foreign legal entity shall be understood to be a person managing the regional and/or branch office of the foreign legal entity operating in the Republic.

Challenging a Representative

Article 38

A person in charge prosecuted in criminal proceedings concerning the same criminal offence may not be a representative in the case, unless such person being the only one authorized to act on behalf of the accused legal entity.

A person called in the same legal matter as witness may not be a representative.

In the case referred to in paragraph 2 of this Article the court shall request the accused legal entity to appoint another representative and to notify the court on the matter in writing.

Appointing a Representative

Article 39

The court shall instruct the accused legal entity in the first writ of summons that its duty is to appoint a representative and to notify the court in writing on the matter within eight days from receipt of the writ of summons.

The court shall determine the identity of the representative of legal entity and shall find out whether he is authorized to take part in the criminal proceedings.

Should the accused legal entity fail to appoint a representative within the time limit specified in paragraph 1 of this Article, he shall be appointed by the court conducting the proceedings.

Should the accused legal entity cease to exist prior to effective completion of criminal proceedings, the

court shall subpoena the legal successor to appoint a representative. Should the legal successor fail to appoint a representative within eight days from receipt of the summons, the court conducting the proceedings shall appoint the representative.

Service of Court Decisions and Writs to Legal Entity

Article 40

The service of court decisions and other writs to an accused legal entity shall be effected to the representative’s address or to the registered office of the accused domestic legal entity, and/or regional or branch office of the foreign accused legal entity.

Apprehension of Representative

Article 41

Should a duly summoned representative of an accused legal entity fail to respond to the summons and should he fail to justify the default to appear, the court may order his apprehension.

Representation Costs

Article 42

Representation costs shall form part of the criminal proceedings costs.

Agency allowance and the necessary expenses of appointed representative for criminal offences prosecuted in the line of duty shall be paid in advance at the charge of means of legal defense of the agency conducting the criminal proceedings, and these shall subsequently be collected from persons obliged to redress them in conformity with provisions of the Code of Criminal Procedure.

The accused legal entity shall bear the criminal proceedings costs induced through the fault of its representative.

Defense Counsel of Legal Entity

Article 43

The accused legal entity may engage a defense counsel in course of criminal proceedings.

A representative may engage a defense counsel for the accused legal entity by issuing a written power of appointment or by verbal statement for the record kept by the agency conducting the criminal proceedings.

The accused legal entity and the person in charge may have a joint defense counsel only should this not collide with the interests of their defense

Provisional Measures

Article 44

Should there be a danger that a later confiscation of property benefit gained by means of criminal offence would be encumbered or made impossible, the court may impose, at the request of public prosecutor, a provisional security measure in terms of the Law on Execution Procedure.

Should there be reasonable doubt that a criminal offence could be committed within the accused legal entity, the court may impose, at the request of public prosecutor, in addition to measures specified in paragraph 1 of this Article, a temporary prohibition to the accused legal entity to exercise one or more registered activities or affairs.

The notation of the provisional measure specified in paragraph 2 of this Article shall be filed in the register kept by a competent agency.

At the request of public prosecutor, or proceeding in line of duty, the court may prohibit the status changes likely to cause striking off the legal entity from the register.

Competent to decide on the request referred to in paragraphs 1, 2, and 4 of this Article shall be the investigating judge, while after instituting the indictment - the president of the court.

Provisional measures referred to in paragraphs 1, 2, and 4 may continue until being necessary and, at the latest, until the effectiveness of the judgment. Proceeding in line of duty, the court shall check every two months whether the provisional measure is necessary.

An appeal may be lodged against the request for ordering provisional measures by the parties within three days from the day of receipt of the decision. The appeal shall not stay the enforcement of the decision.

2. The Course of Proceedings

a) Pre-criminal Proceedings

Dismissal of Criminal Complaint due to Reasons of Expediency

Article 45

The public prosecutor may dismiss a criminal complaint against a legal entity regarding criminal offences threatened by a fine or imprisonment of up to three years after finding that instituting the criminal proceedings would not be expedient.

In deciding about the decision specified in paragraph 1 of this Article, the public prosecutor shall consider one or more of the following circumstances:

- 1) that the legal entity has reported the criminal offence before becoming aware of the fact that prosecution authorities have detected the commission of criminal offence;
- 2) that the legal entity has prevented the occurrence of damage or redressed the loss and has eliminated other detrimental consequence of criminal offence;
- 3) that the legal entity has voluntarily recovered the property benefit gained by means of criminal offence;
- 4) that the legal entity has no property or that bankruptcy proceedings have been instituted against the legal entity.

b) Preliminary Criminal Proceedings

Content of Indictment Act

Article 46

In addition to elements specified by the Code of Criminal Procedure, the indictment and/or bill of indictment against a legal entity shall also include the title, the registered office and the line of business of legal entity, the register number and the individualized registration number of the legal entity, the name and surname of its representative, the citizenship and the passport number if the representative is a foreign citizen, and the ground of responsibility of the legal entity.

c) Main Criminal Proceedings

Evidence Procedure

Article 47

First to be examined at the main hearing shall be the accused person in charge, and then to be examined is the representative of the accused legal entity.

The representative of the accused legal entity who is not yet examined may not attend the examination of the accused person in charge.

Should their spoken testimonies fail to accord regarding the important facts, the court may order the confrontation between the person in charge and the representative of the accused legal entity.

Closing Arguments

Article 48

After the evidence proceedings are completed and after prosecutor's arguments stated and those of the person injured, the floor shall be given to the counsel of defense of the accused legal entity and the representative of the accused legal entity, and then to the counsel of defense of the accused person in charge and the accused person in charge.

Content of Judgment

Article 49

In addition to elements specified in the Code of Criminal Procedure, the judgment prepared in writing shall include:

- 1) in the preamble of judgment, the title, the registered office and the line of business of the legal entity, the register number and the individualized registration number of the legal entity, and the name and surname of its representative who attended the main hearing;
- 2) in the holding of judgment, the title, the registered office and line of business of the legal entity, the register number and the individualized registration number of the legal entity.

3. Particular Procedures

a) Procedure of Rendering Decision on Rehabilitation

Deciding by Virtue of Office on Statutory Rehabilitation

Article 50

Competent for keeping records on effective sentences passed in criminal proceedings shall be a first-instance court within whose area of jurisdiction a domestic legal entity and/or a regional or branch office of a foreign legal entity have their registered office.

Should rehabilitation take place by the operation of the existing law, the decision on rehabilitation shall be passed, by virtue of office, by the first-instance court judge specified in paragraph 1 of this Article.

Before passing the rehabilitation decision, the judge shall make corresponding verification and shall particularly check whether the accused legal entity is currently prosecuted for a new criminal offence committed prior to finalizing the statutory rehabilitation procedure.

Request for Passing a Decision on Statutory Rehabilitation

Article 51

Should the court fail to pass a decision on rehabilitation, a convicted legal entity may request ascertainment of the fact that rehabilitation has originated by the operation of law.

Should the court fail to proceed on the request of the accused legal entity within 30 days from the day of receipt of the request, the accused legal entity may enter a request for passing the decision on rehabilitation.

Competent for deciding on the request of the convicted shall be the extra-hearing bench of the first-instance court in charge of keeping criminal record. Prior to making the decision, the bench shall hear the public prosecutor.

Procedure for Passing a Decision on Judicial Rehabilitation

Article 52

The proceedings in matters of rehabilitation on the ground of court decision shall be initiated by a petition of the convicted legal entity.

The petition shall be applied to the court which proceeded in the first instance.

The judge shall examine whether the time necessary, specified by the law, has expired and shall subsequently conduct the appropriate fact-finding inquests relating to petitioner's arguments, and shall obtain evidence concerning all circumstances important for the decision.

After effecting the inquests and after hearing the public prosecutor, the judge shall furnish the case documents, including a well reasoned proposal, to

the extra-hearing bench of the court which proceeded in the first instance.

An appeal against the decision passed on the ground of petition for rehabilitation may be entered by the petitioner and the public prosecutor.

Should the court dismiss the petition since the accused legal entity, due to its behavior, did not deserve rehabilitation and did not, according to its potentiality, redress the loss incident to the criminal offence, a new petition may be applied one year after the day of effectiveness of decision on dismissing the previous petition.

b) Procedure in Matters of Termination of a Safety Measure or a Legal Consequence of Conviction

Course of Procedure on a Petition

Article 53

A petition regarding the termination of a safety measure on the prohibition of exercising certain registered activities or affairs, or the petition relating to termination of a legal consequence of conviction may be applied by the convicted legal entity to a court which proceeded in the first instance.

After making necessary inquests and establishing facts claimed by the petitioner, and after hearing the public prosecutor, the judge shall furnish the case documents, including a well reasoned proposal, to the extra-hearing bench of the court which proceeded in the first instance.

An appeal against the decision passed on the ground of petition may be lodged by the petitioner and the public prosecutor.

Should the court dismiss a petition for termination of a safety measure of prohibition to exercise certain registered activities or affairs, or a petition for termination of legal consequences of conviction, a new petition may be applied one year after the day of effectiveness of decision on dismissing the previous petition.

4. Applicability of the Code of Criminal Procedure

Appropriate Application of Provisions of the Code of Criminal Procedure

Article 54

Unless otherwise provided by this Law, the provisions of the Code of Criminal Procedure shall apply appropriately in criminal proceedings conducted against an accused legal entity.

II GIVING EFFECT TO COURT DECISIONS

1. Introductory Provisions

Conditions of Giving Effect to Decisions

Article 55

Decisions shall become effective after they become uncontestable by an appeal or should an appeal be not permitted.

Should there be no statutory impediments, an effective decision shall become final as of the day of its service. Where an appeal is not lodged or where the parties waived or renounced the right to appeal, the decision shall become final after the lapse of the deadline for appealing, and/or from the day of waiving or renouncing the appeal stated.

Ruling on Giving Effect to Decision

Article 56

Where conditions of giving effect specified in Article 55 of this Law are satisfied, the court which proceeded in the first instance shall, by virtue of office, pass a ruling on giving effect to a decision.

The ruling specified in paragraph 1 of this Article shall be served to the accused legal entity, his counsel of defense, the public prosecutor, the agency keeping the register the accused legal entity is filed in, and to the organization for compulsory collection.

Should the decision concern an accused legal entity which is not subjected to bankruptcy proceedings, the ruling specified in paragraph 1 of this Article shall be served to the agency authorized to decide on termination of that legal entity.

2. Giving Effect to Fine

Ruling on Giving Effect to Fine

Article 57

A ruling on giving effect to a fine shall be carried out by the court competent in conformity with provisions of the Law on Execution of Criminal Sanctions.

Time Limit for Giving Effect

Article 58

A final decision imposing a fine or deciding on refunding the costs of criminal proceedings shall be given effect after the lapse of the time limit specified in the decision on payment of fine and/or refunding the costs of proceedings.

The time limit specified in paragraph 1 of this Article shall be reckoned from the day of service of the final decision to the convicted legal entity or the person obliged to refund the costs.

Compulsory Collection

Article 59

Compulsory collection of a fine and of criminal proceedings costs shall be resorted to should the convicted legal entity fail to pay the fine within the specified time limit.

The costs of compulsory collection specified in paragraph 1 of this Article shall be born by the convicted legal entity.

Applicability of the Law on Payment Operations

Article 60

The procedure of compulsory collection of fine and criminal proceedings costs shall be governed by provisions on compulsory collection specified in the Law on Payment Operations.

Order of Collection

Article 61

Should there be a simultaneous collection of fine and criminal proceedings costs, the first to be collected shall be the criminal proceedings costs.

Should due to collection of fine the property of legal entity convicted become reduced to the extent making impossible the settlement of damages claimed by the party injured, such claim shall be settled from the collected fine, but only to the amount of fine.

Impossibility of Collection of Fine

Article 62

Where a fine is impossible to be collected in total amount, or at all, the court which passed the first-instance decision imposing the fine shall be notified accordingly.

3. Giving Effect to Punishment of Termination of Legal Entity

Striking the Convicted Legal Entity off the Register

Article 63

The punishment of termination of legal entity shall be given effect by means of striking the convicted legal entity off the register it was filed in.

Notice on Filing a Punishment in the Register

Article 64

Upon receipt of the ruling on giving effect to punishment of termination of legal entity, the agency keeping the register of legal entities shall enter up the punishment imposed and shall, without delay, notify thereof the agencies in charge of carrying out the proceedings of liquidation, bankruptcy or termination of legal entities in some other way.

Blocking of Accounts

Article 65

After receipt of the ruling on giving effect to punishment of termination of legal entity, the organization competent for compulsory collection shall order all banks to block the dinar and the foreign currency accounts of the convicted legal entity, to communicate the information on the position of these account, and not to open new accounts.

The report on the position of accounts of the convicted legal entity shall be forwarded by the organization competent for compulsory collection to the court which passed the first-instance sentence.

Conducting of Procedure of Termination of Legal Entity

Article 66

The procedure of liquidation or bankruptcy of a commercial company shall be conducted pursuant to rules specified by the law on liquidation procedure and/or rules prescribed for bankruptcy as a form of that procedure.

The procedure of liquidation or bankruptcy of a bank or insurance company shall be conducted in conformity with provisions of the law regulating the procedure of liquidation or bankruptcy of these legal entities.

The procedure of termination of a legal entity in some other way shall be conducted by founders of the legal entity on the ground of the act regulating the distribution of property regime, the procedure of settling creditors, and the mode of protection of their rights.

Powers of Public Prosecutor

Article 67

After a period of three months has elapsed from the date of entering in the register of legal entities the ruling on giving effect to punishment of termination of the legal entity, the agency keeping that register shall verify whether the proceedings of liquidation or bankruptcy have been instituted.

Should the proceedings of liquidation or bankruptcy be not instituted, the agency referred to in paragraph 1 of this Article shall notify accordingly the public prosecutor, who shall, for the purpose of protecting creditors' rights, institute the bankruptcy proceedings.

Competent for instituting the bankruptcy proceedings against the convicted entity shall be the public prosecutor whose demand was instrumental for conducting the first-instance criminal proceedings.

Notification of the Court

Article 68

After carrying out the proceedings of liquidation, bankruptcy or termination of the legal entity in some other way, the agency keeping the register of legal entities shall strike the convicted legal entity off the register.

Filing of the imposed punishment and striking the legal entity off the register shall be notified by the agency specified in paragraph 1 of this Article to the court which passed the first-instance sentence.

4. Giving Effect to Safety Measures

Giving Effect to Prohibition of Exercising Certain Registered Activities or Affairs

Article 69

For the purpose of making appropriate entries or recording needed for carrying out the measure, the court which imposed in the first instance a safety measure of prohibition of exercising certain registered activities or affairs shall forward the final decision to the agency competent for registration of legal entities.

The final decision specified in paragraph 1 of this Article shall be forwarded also to the agency competent for issuing permits or approvals for performing certain registered activity or affairs, where such an activity or affairs, pursuant to regulations, may be performed only on the ground of permit or approval issued by a competent agency.

The final decision specified in paragraph 1 of this Article shall also be forwarded, in order to make the entry in the prescribed record, to the police, whose area of competence includes

the location of registered office of a domestic legal entity, and/or location of a regional or branch office of foreign legal entity, as well as to the competent inspection agency.

Giving Effect to Public Announcement of Sentence

Article 70

Where a measure of public announcement of sentence is imposed, the court which proceeded in the first instance shall forward for publishing a final decision to the editor of public information media.

The costs of public announcement of sentence shall be born by the convicted legal entity.

Appropriate Application of the Law on Execution of Criminal Sanctions

Article 71

Unless otherwise provided by this Law, the execution of criminal sanctions shall be appropriately governed by provisions of the Law on Execution of Criminal Sanctions.

III CONCLUDING PROVISION

Article 72

This Law shall come into force on the eighth day from the day of publishing in the "Official Herald of the Republic of Serbia".