

LEGAL FRAMEWORK

In relation to the areas elaborated in the White Book's part dealing with the legal framework in general, recently, there has been a certain legislative improvement i.e. a couple of new laws have been brought into force, which can be considered as a step forward in the relevant areas (despite the impression that legislative activity has slowed down in the most recent period, having in mind the establishment of the new Government).

Concerning the novelties, the new Consumer Protection Law entered into force, which made a significant progress from the perspective of solving the consumer disputes. With the new legal solutions, a mechanism for the extra-judicial resolution of consumer related disputes was introduced, which works adequately in practice, unlike the previous solution. Also, the new Law on the Protection of Trade Secret represents a notable development – the new Law specifies various matters more precisely, deals more with the trade secret protection from the perspective of intellectual property protection, and represents an even greater alignment with EU regulations. It is worth mentioning that, when it comes to legislative progress in general, important new laws have been adopted in other areas covered by the White Book as well (as the Law on the Use of Renewable Energy Sources and Capital Markets Law).

Notwithstanding the mentioned legislative activity, it is required to adopt new laws in various additional areas, as it is the case with the new Law on Protection of Competition. Of course, in the same manner, it is also necessary to continue improving the existing regulations, such as laws regulating the personal data protection, civil and bankruptcy procedure, foreign exchange, etc. In this regard, it is important to note that, lately, there were certain legislative changes that did not actually contribute to the investors protection and legal certainty - a good example is one of the amendments to the Companies Law (as one of the „main and umbrella“

laws), which introduced a controversy with respect to the reliance on the public registry (APR) by investors when acquiring a company, i.e. a share in the company.

Generally, it should be emphasized that laws are constantly passed and changed in Serbia in order to harmonize the domestic regulatory framework with the EU regulatory framework. However, even so, it seems that there is a lot of space for progress and improvement when it comes to the implementation of (new) statutory provisions, which the FIC Legal Committee, together with all its partners, will continue to work on. In this sense, it is necessary to:

- have more unified practice of the Serbian courts, as well as a generally greater efficiency of the judiciary and regulatory authorities. Although certain efforts have been made, the duration of the court proceedings is still one of the biggest problems in terms of creating a more favorable environment for the investors.
- work more on, and to provide additional funds for authorities specialization and creation of adequate mechanisms for the implementation of the laws, taking into account a bigger number of new and specific areas that are important in the business environment (as it is the case with, for example, the competition protection law or IP rights protection).
- make more efforts in public education with respect to the statutory provisions and available options (e.g. consumers and potential whistleblowers);
- provide more practical solutions for the implementation of various laws (as it would be the case with introducing the “foreign” e-signatures, which would significantly facilitate business operations in Serbia).