

TRADE LAW

1.25

WHITE BOOK BALANCE SCORE CARD

Recommendations:	Introduced in the WB:	Significant progress	Certain progress	No progress
Elimination of legal gaps in the regulatory framework, including, without limitation, by introducing above proposed amendments (defining the merchant, related merchants, extending the duration of the promotional sale, defining the minimal time period between two promotional sales);	2023			√
Harmonize Article 34 of the Law on Trade with the Food Safety Law and by-laws;	2023			√
Further engagement of the Ministry on strengthening consumer awareness and consumer education;	2024		√	
Simplification of the importation procedures;	2023			√

CURRENT SITUATION

The Law on Trade (Zakon o trgovini, Official Gazette of the RoS, no. 52/2019) (the “**Law on Trade**”), which occupies a central place among the regulations governing the trade of goods and services, has been applicable since 30 July 2019. On the same date the Amendments to the Law on Electronic Trade (Official Gazette of the RoS, no. 52/2019) entered into force.

While novelties introduced by the cited laws contributed to increase of legal certainty and the entire economic ecosystem in the Republic of Serbia, there is still room for improvement, which is why the Serbian Parliament should, without further delay, adopt the new Law on Trade. Adoption of the new Law on Trade would also be beneficial as it could be used to additionally harmonize the Serbian legal framework with EU regulations and standards. As this area has been constantly developing and adjusting to overall progress of technologies and trade, it is important that the Serbian regulatory framework keeps pace with current trends, particularly having in mind that the Law on Trade was not amended since its adoption (2019).

At the end of August, the Government of the Republic of Serbia adopted the Decree on Special Conditions for Trade in Certain Types of Goods (“Official Gazette of the Republic of Serbia”, No. 76/2025 and 78/2025) with application from 1 September 2025 and valid for a period of six months from the date of application. The aim of the regulation is to limit the trade margin to a maximum of 20 percent for 23 product categories. The adopted Regulation has raised a number of doubts for action in practice, bearing in mind

the lack of public consultations while the Regulation was in the draft phase and the extremely short time for the implementation of the Regulation. We will discuss the specific effects of the adopted Regulation in the next edition of the White Book.

POSITIVE DEVELOPMENTS

Positive steps were taken by adopting the cited laws, including, particularly:

- Better definition of sales incentives (by defining clear rules applicable for each type of sales incentives);
- introduction of definitions of types of distant trade;
- additional obligations concerning labelling requirements (i.e., making mandatory labelling data directly and permanently available);
- lifting the obligation of publishing the retail format (the traders are free to choose whether they will publish the retail format or not);
- introduction of concealed shopping as an additional mean of fighting the illegal trade;
- introduction of the concept of electronic store and electronic platform (which is particularly significant from the consumer rights protection point of view - because it should be clear to the buyer from whom he buys goods, with whom he enters into a contractual relationship, and whom he should refer to in the event of a complaint);

- introduction of the possibility to display product prices in foreign currencies as well (which is particularly important considering it makes it easier for domestic traders to open their offer to foreign markets – not only to regional markets, but also to other developed markets);

In 2024, merchants who organize and advertise sales incentives in electronic commerce continued to be controlled.

Among those who engage in fraud, the majority are those who sell goods through social networks, particularly Facebook, TikTok and Instagram. The National Consumer Organization of Serbia (NOPS) publishes a blacklist of traders on these networks based on consumer reports, although unfortunately not regularly (the last such report was from 2023).

In a digital age, education and raising public awareness about smart and safe online shopping are key to strengthening consumer awareness. In this regard, the relevant Ministry makes media campaigns aimed at consumer education, together with the introduction and implementation of new legal solutions.

Notwithstanding progress driven by the adoption of the Law on Trade (as well the Amendments to the Law on Electronic Trade), further improvement of the regulatory framework is essential to reach a satisfying level of legal certainty.

REMAINING ISSUES

The last few years have seen a significant increase in e-commerce traffic. The growth was certainly influenced by the increase in the number of merchants engaged in online commerce but also by the availability of more and more products online. On the other hand, there are also frequent abuses associated with this type of trade (including sales carried out by entities that do not have the status of a trader (legal subjectivity, prominent company, etc.), and which, accordingly, do not provide customers with guarantees in the domain of regulations on product safety, consumer protection, advertising, etc.).

While the Law on Trade has laid the foundations and greatly improved legal solutions regarding the circulation of goods and services, there is still room for additional improvement and filling in the key remaining gaps.

The work on the draft of the new Law on Trade is underway

for quite some time, and we believe that now, more than ever, is the right moment to improve certain solutions and enact the new Law on Trade for the benefit of the entire Serbian economy.

There is the existence of a serious legal gap due to the absence of a definition of a trader – i.e. subject that performs trade activities and to which this law primarily applies.

Also, there is a clear need to introduce a definition of related traders - primarily in the context of providing legal basis for liability for unfair market competition when these actions are carried out by affiliated company of a trader that is active on a market where its competitor (against whom the actions of unfair market competition are aimed) is not active.

To suppress the gray economy, it is necessary that the goods that are placed on the market, transported or used for the provision of services, at the time of inspection, are accompanied by prescribed documents that are directly related to their production, procurement, sale and transportation.

There is a need to extend the allowed duration of promotional sales to two months - which we believe would benefit both consumers and merchants. In addition, minimal time period between two promotional sales should also be defined, as there is a gap in the Law on Trade in this sense.

It is also particularly important to harmonize the relevant provisions of the Law on Trade (primarily Article 34) with the Law on Food Safety and accompanying by-laws.

Moreover, it is necessary to work even harder on the education of consumers by increased advocacy and more intense promotion of consumer rights granted by the Law on Trade and associated laws (such as Consumer Protection Law) – we think that it is of utmost importance that the Ministry and its agencies even more engage in media campaigns, thematic workshops and similar activities (such as regular publishing of newsletters or similar editions covering trade and consumer-related topics) aimed at strengthening consumer awareness and consumer education.

Finally, importation procedures should be simplified to increase competition amongst traders, for the benefit of consumers.

FIC RECOMMENDATIONS

- Prompt adoption of the new Law on Trade;
- Elimination of legal gaps in the regulatory framework, including, without limitation, by introducing above proposed amendments (defining the merchant, related merchants, extending the duration of the promotional sale, defining the minimal time period between two promotional sales);
- Harmonization of Article 34 of the Law on Trade with the Food Safety Law and by-laws;
- Further engagement of the Ministry on strengthening consumer awareness and consumer education;
- Simplification of the importation procedures;