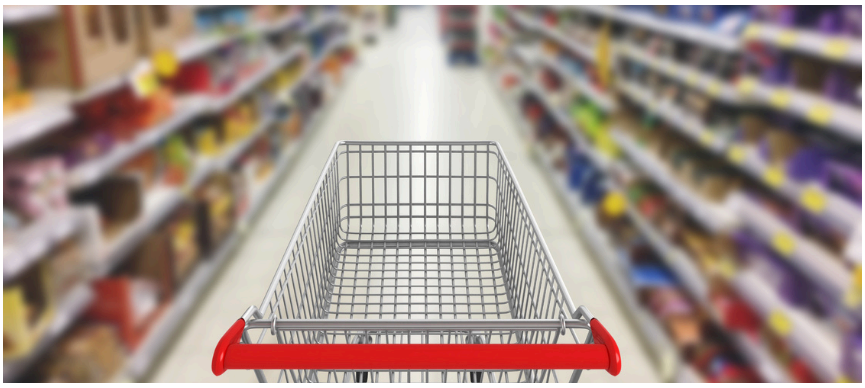
Last Days Before the Deadline: Compliance Checklist



Review ahead of September 1, 2026, deadline | For legal, compliance, procurement, commercial and finance teams

The Trade Practices Act for Certain Types of Products (Official Gazette of the Republic of Serbia No. 35/2026) (the “Act”) entered into force on May 1, 2026. Article 58 requires every participant in the supply chain for products covered by the Act to align its general terms and conditions, contracts, internal guidelines, and actual business practices within four months of the Act’s entry into force. If the compliance project is still open, you can use the final 48 hours for disciplined prioritization: stop the highest-risk conduct first, then clearly record what has been reviewed, what remains outstanding, and who owns the next action.

For the final scope review, you can use the current Government Decision listing the agricultural and food products and products of particular importance for market supply, including the amendment published in August 2026.

1. Confirm scope before spending time on detail

- ☐ Finalize the list of buyer–supplier relationships potentially falling within the territorial and product scope of the Act.
- ☐ Confirm the relevant product categories against the current Government Decision and map them to specific agreements, general terms and conditions and business units.
- ☐ For the purposes of assessing unfair trading practices, also assess the buyer’s significant bargaining power, including the statutory annual-revenue thresholds and other relevant circumstances.
- ☐ Identify active agreements, amendments, standard templates, purchase orders and practices used in day-to-day operations.
- ☐ For relationships treated as out of scope, retain a short record of the legal and factual basis.

The objective is not to repeat the entire applicability analysis at the last minute. It is to ensure that no relevant relationship has been omitted, and the assessment reflects the regulatory framework currently in force.

2. Stop identified black-list practices

- ☐ If a black-list practice has been identified, immediately stop agreeing, requesting and implementing it and begin removing the relevant provision from the contractual documentation. Do not wait for a formal amendment before stopping the practice.
- ☐ Check whether the same wording or business process appears in standard agreements, purchase orders, price lists or other business units.
- ☐ Tell the relevant legal, procurement, commercial and finance teams what must no longer be agreed, requested or implemented.
- ☐ Preserve evidence of when the practice was stopped and when the instruction was communicated.

3. Triage grey-list practices

- ☐ Confirm that each relevant practice has been clearly, unambiguously and expressly agreed in writing in advance between the trading partners. A standard clause in general terms and conditions or another form of unilateral imposition is not sufficient.
- ☐ For each relevant fee or arrangement, identify the specific statutory conditions that apply – including, depending on the practice, who requested or initiated the service and what was actually provided.
- ☐ Identify how the amount was calculated and whether objective material supports the calculation, proportionality, actual costs or genuine market value where those elements are relevant.
- ☐ Locate the written record supporting the agreement, request or initiative, actual counter-performance, calculation methodology and relevant approvals, depending on the practice involved.

4. Review sensitive contractual terms – and the practice behind them

- ☐ Payment periods and how they are calculated, taking account of the relevant product category and applicable statutory limit.
- ☐ Unilateral rights to change price, quantity, quality, timing, place or method of delivery and other key terms.
- ☐ Rebates, bonuses, listing and administrative fees, marketing and promotional contributions.
- ☐ Returns of unsold products, storage, other logistics-related charges, consumer complaints and quality-control costs.
- ☐ Mechanisms for determining and changing prices and other financial terms, including whether the methodology and criteria are predetermined, clear and objectively verifiable.
- ☐ Do not end the review with the contract wording. Compare it with invoicing, purchase orders, approvals, price lists, email communications and the way commercial teams actually implement the arrangement.

5. Issue short interim instructions

- ☐ Clearly distinguish black-list practices, which must not be agreed, requested or implemented, from grey-list practices and other sensitive arrangements for which the relevant statutory conditions must be confirmed and, where appropriate, additional legal review obtained.
- ☐ Create one clear escalation route for new fees, amendments, promotions, returns and other sensitive arrangements.
- ☐ Send the instruction to every function capable of creating, negotiating, approving or implementing a commercial term – not only legal.
- ☐ Keep the version circulated, date of circulation and recipient list.

An interim instruction does not replace a permanent policy, but it can prevent a prohibited or higher-risk practice from being reintroduced during the final stage of the compliance project.

6. Assign an owner and deadline to remaining gaps

- ☐ Record the responsible person, priority level, next action and closure deadline for each outstanding issue.
- ☐ Distinguish issues requiring an immediate operational stop from those requiring additional documentation, negotiation or process changes.
- ☐ Define closure evidence: a signed amendment, revised template, discontinued fee, approved procedure, completed training or documented sample-based review.
- ☐ Where an issue will not be closed by 1 September, document the legal assessment of the consequences and the decision as to whether the relevant practice must be suspended pending final resolution.
- ☐ An open issue without an owner and closure evidence can easily become a permanent compliance gap. An internal deadline falling after 1 September does not, by itself, remove regulatory exposure if non-compliant conduct continues.

7. Preserve the evidence trail

- ☐ Archive reviewed agreements and current versions of standard templates.
- ☐ Preserve decisions, legal approvals, internal instructions and relevant communications.
- ☐ Maintain a simple review log recording what was reviewed, by whom, when, the outcome and the next step.
- ☐ Separate open issues from closed items so management has an accurate picture of residual risk.

Compliance that cannot be reconstructed is harder to demonstrate. The final review should therefore test both the supporting record and the substance of the decision.

Final pre-deadline check

- ☐ We know which relationships and products are in scope and, where relevant to the unfair-trading-practices analysis, have assessed the buyer’s significant bargaining power.
- ☐ Identified black-list practices have been stopped.
- ☐ Grey-list practices are supported by documentation demonstrating compliance with the relevant statutory conditions or have been escalated for an urgent legal decision on how to proceed.
- ☐ Sensitive contractual terms and actual business practices have been reviewed.
- ☐ Relevant teams have clear interim instructions.
- ☐ Every remaining compliance gap has an owner, priority, next action and deadline.
- ☐ An evidence trail shows what was done, when and on what basis.

Important This checklist is a prioritization tool for a compliance project. It does not create a safe harbor or a presumption of compliance, replace a complete applicability and practice-specific legal analysis, or establish compliance merely because every box has been ticked. Higher-risk or unclear arrangements should be legally reviewed before they are further agreed upon or implemented.

This material is provided for general information only and does not constitute legal advice in relation to any specific matter.

Legal Basis Trade Practices Act for Certain Types of Products (Official Gazette of the Republic of Serbia No. 35/2026), in particular Articles 2–8, 58 and 61; Decision on the List of Agricultural and Food Products and Products of Particular Importance for Market Supply (Official Gazette of the Republic of Serbia Nos. 51/2026 and 73/2026); Guidelines of the Commission for Protection of Competition further regulating unfair trading practices (Official Gazette of the Republic of Serbia Nos. 57/2026 and 66/2026 – correction).

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