

## Serbia: 2014-2016 End of Term Report

Little progress was made during the second half of the action plan cycle. This is partially attributed to the early parliamentary elections in April 2016, and the lengthy process of forming a new government. On the other hand, the IRM SMART recommendations from the Progress Report 2014-2015 were incorporated to a certain extent into the next action plan to improve cooperation with civil society. However, there is still space for improving the level of collaboration and further involving the private sector in addition to civil society organizations.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report summarizes the results after the second year of implementation from July 2015 to June 2016 of Serbia's first action plan, including new information received through the draft of the government's self-assessment report in September 2016.

The Ministry of Public Administration and Local Self-Government (MPALSG) coordinates the OGP process in Serbia. The 2014-2016 action plan was developed from December 2013 to December 2014. During the second year of implementation, consultations for civil society inputs and public awareness were weak. Additionally, the awareness of OGP in other government bodies was limited. The MPALSG did not have adequate human or financial resources to lead the OGP process, which, in conjunction with the early parliamentary elections, led to a generally low level of completion of action plan commitments.

However, the MPALSG currently is finalizing a new action plan that was prepared through an Inter-Ministerial Working Group (IWG) established in December 2015. The working group includes civil society representatives and has incorporated comments from multiple open consultation events. Most of the commitments of the new action plan are not connected to the previous action plan, which may signify lower consistency in the OGP process in Serbia. Nonetheless, the 2014-2016 plan was

<b>Table 1: At a Glance</b>		
	<b>Midterm</b>	<b>End-of-term</b>
Number of commitments	13	
<b>Level of completion</b>		
Completed	2 (15%)	4 (31%)
Substantial	6 (46%)	4 (31%)
Limited	5 (39%)	5 (39%)
Not started	0 (0%)	0 (0%)
<b>Number of commitments with:</b>		
Clear relevance to OGP values	12 (92%)	
Transformative potential impact	1 (8%)	
Substantial or complete implementation	8 (62%)	8 (62%)
<b>All three (☺)</b>	0 (0%)	0 (0%)
<b>Did It open government?</b>	Major	2
	Outstanding	0
<b>Moving forward</b>		
Number of commitments carried over to next action plan:	2 (15%)	

Serbia's first action plan, and relevant government representatives stated that lessons were learned in that process. Additionally, the new action plan has been developed with more inputs from civil society compared to the first action plan<sup>i</sup>. However, as new drafts of the action plan were being developed, government inputs gained more primacy and new commitments not related to civil society proposals were put into the action plan. Still, this represents extensive progress in terms of civil society engagement compared to the first process and overshadows the fact that few commitments were carried over.

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<sup>i</sup> Open Government Partnership (OGP), *Public Consultations for the 2016-2018 Open Government Partnership Action Plan* (Report), [Serbian] <http://bit.ly/2gaCezv>

## Consultation with civil society during implementation

Countries participating in the OGP follow a process for consultation during development and implementation of their OGP action plan. No official consultation events took place during Serbia's implementation of the 2014-2016 action plan. Additionally, as one member of the Inter-Ministerial Working Group (IWG) for OGP<sup>1</sup> pointed out, the 2014-2016 action plan was mentioned only during the first IWG meeting, when it was discussing whether certain commitments from the plan should be carried over. Hence, there was no consultation with civil society during implementation of the 2014-2016 action plan.

However, interviews with both government and civil society stakeholders revealed that the level of awareness of OGP was raised with the new action plan and that more government and civil society stakeholders are involved in its development. The newfound level of involvement with civil society, as demonstrated by the level of collaboration on the 2016-2018 action plan cycle,<sup>2</sup> could be a sign that consultation will improve in the second action plan.<sup>3</sup> Further details and analysis of the outcome of this new level of involvement in the development of the new action plan will be assessed in the 2016-2018 Serbian Action Plan Progress Report.

**Table 2: Action Plan Consultation Process**

<b>Phase of Action Plan</b>	<b>OGP Process Requirement (Articles of Governance Section)</b>	<b>Did the Government Meet This Requirement</b>
During Implementation	Regular forum for consultation during implementation?	No
	Consultations: Open or Invitation-only?	N/A
	Consultations on IAP2 spectrum	N/A

<sup>1</sup> The Inter-Ministerial Working Group (IWG) for OGP was set up in a transparent manner. The call for civil society members of the group was published online and contained a clear description of the OGP initiative in Serbia, as well as the criteria to be an IWG member. "Public Invitation," Republic of Serbia, [Serbian] <http://bit.ly/2fRuXnb>. Almost a month after the deadline of the call, on 29 December 2016, the Office for Cooperation with Civil Society published the results and explained why they chose specific civil society representatives. "Results," Office for Cooperation with Civil Society, [Serbian] <http://bit.ly/2gyb3IC>. On 20 January 2016, the Ministry of Public Administration and Local Self-Government (MPALSG) published the decision that established the IWG. Republic of Serbia, "Decision," MPALSG, [Serbian] <http://bit.ly/2fgYgRK>

<sup>2</sup> *Public Consultations for the 2016-2018 Open Government Partnership Action Plan*, [Serbian] <http://bit.ly/2gaCezv>

<sup>3</sup> A reputable CSO regularly updates the OGP Serbia website. This CSO offered an authorization to the MPALSG to manage the website jointly and in that way promote cooperation between the government and the civil society sector in Serbia. The goal of the website is to "promote the basic values and principles of the OGP" "OGP," Republic of Serbia, [Serbian] <http://ogp.rs/>

## Progress in commitment implementation

All of the indicators and method used in the IRM research can be found in the IRM Procedures Manual, available at (<http://www.opengovpartnership.org/about/about-irm>). One measure deserves further explanation due to its particular interest for readers and usefulness for encouraging a race to the top between OGP-participating countries: the “starred commitment” (★). Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.
2. The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of access to information, civic participation, or public accountability.
3. The commitment would have a "transformative" potential impact if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

Based on these criteria, at the midterm report, Serbia’s action plan contained no starred commitments. At the end of the term, based on the changes in the level of completion, Serbia’s action plan also contained no starred commitments.

Commitments assessed as star commitments in the midterm report can lose their starred status if, at the end of the action plan implementation cycle, their completion falls short of substantial or full completion. That would mean they have an overall limited completion at the end of the term, per commitment language.

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Serbia, see the OGP Explorer at [www.opengovpartnership.org/explorer](http://www.opengovpartnership.org/explorer).

### About “Did it Open Government?”

Often, OGP commitments are worded vaguely or are not clearly related to opening government, but they actually achieve significant political reforms. Other times, commitments with significant progress may appear relevant and ambitious, but fail to open government. In an attempt to capture these subtleties and, more importantly, actual changes in government practice, the IRM introduced a new variable, “Did it open government?”, in End of Term Reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice changed as a result of the commitment’s implementation. This can be contrasted to the IRM’s “starred commitments” which describe *potential* impact.

IRM researchers assess the “Did it open government?” variable with regard to each of the OGP values relevant to this commitment. It asks, did it stretch the government practice beyond business as usual? The scale for assessment is as follows:

- Worsened: worsens government openness as a result of the measures taken by commitment.
- Did not change: did not change status quo of government practice.
- Marginal: some change, but minor in terms of its impact over level of openness.
- Major: a step forward for government openness in the relevant policy area, but remains limited in scope or scale.
- Outstanding: a reform that has transformed “business as usual” in the relevant policy area by opening government.



Whistleblower protection trainings and campaigns																										
7. Draft law regulating inspections in public administration		✓			Unclear						✓								✓							
8. E-government portal awareness and mobile application			✓		✓	✓		✓			✓														✓	
9. Public administration website harmonization and amendments to the Law on Free Access to Information of Public Importance				✓	✓	✓		✓				✓													✓	
10. New technologies to improve citizen services			✓		✓			✓			✓								✓							
11. Cooperation with civil society organizations in public policymaking			✓		✓	✓					✓														✓	
12. Citizen participation in local government affairs			✓			✓					✓														✓	
13. Civil society participation in monitoring the Public Administration Reform Strategy				✓	✓	✓		✓			✓														✓	

## General overview of commitments

As part of OGP, countries are required to make commitments in a two-year action plan. End of term reports assess an additional metric: “Did it open government?” The tables below summarize the completion level at the end of the term and progress on this metric. For commitments that were already complete at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the “did it open government?” variable. For additional information on previously completed commitments, see Serbia’s IRM midterm progress report.<sup>1</sup> Serbia’s action plan had four key thematic areas, namely, fiscal transparency, fight against corruption, access to information, and public participation. The commitments were grouped in these thematic areas by the government, and the IRM researchers kept the categorization when drafting the end of term report.

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<sup>1</sup> OGP, *Independent Reporting Mechanism (IRM) Progress Report 2014-2015: Serbia* by the European Policy Centre (Progress report, Washington, D.C., 2015), <http://bit.ly/2gbcQcF>

## I. Fiscal Transparency

### Commitment I. Transparency in monitoring budget expenditures

#### Commitment Text:

1. Publication of the Annual Report on the work of Budget Inspection submitted to the Government for consideration and adoption
  - a. Annual Reports published on the website of the Ministry of Finance and available to all interested parties.
2. Publication of the Report on Budget Execution which Minister, i.e. local self- government unit department responsible for finance, submit at least twice a year to the Government, i.e. to the competent authority of local self-government unit, for consideration and adoption, and submitting the same to the National Assembly, or Parliament of the local self-government.
  - a. Reports published on the websites of state administration authorities and local self-government units, and available to all interested parties.
3. Publication of Civil Budget Document which in clear, simply, and understandable way, concisely summarizes the Budget of the Republic of Serbia to citizens.
4. Publication of Civil Budget Document which in clear, simply, and understandable way, concisely summarizes the Budget of the local self-government.

Responsible Institution(s): Ministry of Finance

Supporting Institution(s): The competent finance authorities of local self-government units (LSUs) and civil society organizations (CSOs)

Start Date: Quarter I 2015

End Date: Ongoing

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsens	Did Not Change	Marginal	Major	Outstanding
				✓	✓					✓				✓				✓			

#### Commitment aim:

This commitment aimed at enhancing fiscal transparency by raising the wider public’s knowledge and understanding about local- and central-level budget spending. Furthermore, this commitment intended to increase the transparency of budget expenditures by providing the public with annual budget documents that are clear and understandable.

## Status

### Midterm: Substantial

Annual reports were published on the website of the Ministry of Finance and the Civil Budget Document of the Republic of Serbia was also published in the first year of the action plan cycle, although the publication of annual reports was not completed within the envisioned timeline. The publication of local self-government<sup>1</sup> units' (LSU) budget execution reports and of the local self-government Civil Budget Document, which focused on the LSUs, was limited. Concerning the publication of the self-government budget execution reports, only 46 percent of LSUs published their budget execution reports. With regards to the Civil Budget Document of the local self-government, the midterm report used a random sample of LSUs and found that none published a civil budget document. For more information, please see the 2014-2015 Serbian midterm IRM report.

### End of term: Substantial

The Ministry of Finance continues to release budget execution reports and makes these updates monthly.<sup>2</sup> However, the publication of the self-government budget execution reports is similar to the progress made for the midterm report. A random sample taken by the IRM researchers of 48 LSUs<sup>3</sup> revealed that less than 50 percent of units published budget execution reports. The same sample of self-government units was used to assess the completion of the publication of the Civil Budget Document. The IRM researchers found that some progress has been made, given that the previous sample had not revealed any self-government unit with a published Civil Budget Document. The current sample found two units published these documents. Additional research found that, 10 self-government units released their Civil Budget through a civil society project titled "Participative budgeting."<sup>4</sup> Given the small percentage of local municipalities that required documents, progress on these two local-level milestones remains limited. Hence, although the commitment was completed in relation to the central level, overall completion remains substantial.

### Did it open government?

#### Access to information: Marginal

The general public in Serbia is not well acquainted with budget planning or expenditures processes at the central or local level. According to the Open Budget Index,<sup>5</sup> the Serbian Government provides "limited budget information," and this commitment intended to change this trend. The government aimed to increase the transparency of budget spending and the public's understanding of budget planning and expenditures by publishing budget execution reports and civil budget documents. Because of the amount of new government information provided, this commitment provided a positive step toward enabling CSOs to monitor and evaluate budget expenditures. It also is a positive step toward informing the wider public through the civil budget documents.

Given that the level of completion of the two milestones remained limited by focusing on the LSUs, access to information changed only marginally. More extensive progress was made at the central level because the national civil budget and national budget execution reports continue to be published.

### Carried forward?

During the course of the pre-publication review, Serbia adopted their action plan for 2016-2018. In accordance with the latest document, none of the activities from this commitment were carried over.

<sup>1</sup> In accordance with the Law on Self-Government, local government in Serbia is divided into local self-government units (LSUs) (Nos. 129/2007 and 83/2014), which is the terminology used in Serbia's 2014-2015 Action Plan and used throughout this report.

<sup>2</sup> Republic of Serbia, *Budget Execution Report* (Report, June 2016), [Serbian] <http://bit.ly/2flbMhQ>

<sup>3</sup> The random sample used for this report was different from the one used for the midterm report. The difference was to assure an objective comparison on local level progress on these milestones. Additionally, in accordance with the Regulation on Establishing a Unified List of Regional Development and Local Government Units for 2014, there are four local self-

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government units categorized in terms of their economic development. The random sample accounted for these differences by using an equal number of units from each category.

<sup>4</sup> A list of LSUs and their civil budget documents can be found online. Balkan Investigative Reporting Network, "First Citizens' Guide of the Budget in 10 Local Communities in Serbia," 28 April 2016, [Serbian] <http://bit.ly/2gy9ALW>; "Citizens Choose Favourite [sic] Projects in Participatory Budgeting," Balkan Investigative Reporting Network, 30 December 2015, <http://bit.ly/2gyiVDs>

<sup>5</sup> "Serbia," Open Budget Index, International Budget Partnership, <http://bit.ly/2g7gzGW>

## Commitment 2. Law on Financing Political Activities

### Commitment Text:

1. Amending the Law on Financing Political Activities in order to clearly define and delineate the responsibilities of Anti-corruption Agency, State Audit Institution, and other bodies involved in the control of political activities, and to precisely determine the mechanisms for transparency in financing the political subjects.

a. Submitting the Draft Law to the Government for consideration and formulation of the Bill

Responsible Institution(s): Ministry of Finance

Supporting Institution(s): Ministry of Justice; Anticorruption Agency; State Audit Institution; CSOs

Start Date: Not specified

End Date: Quarter I 2015

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsens	Did Not Change	Marginal	Major	Outstanding
			✓		✓					✓						✓					

### Commitment aim:

In Serbia, political financing is one of the key issues for the fight against corruption, given that public funds are the biggest funding source for financing political campaigns. This commitment aimed at closing loopholes in the legal framework in the context of financing political activities with the goal of making this process more transparent. It also aimed to make political subjects more accountable by precisely defining their obligations in the context of spending public funds.

### Status: Complete at mid-term

The commitment was implemented within the first year of the action plan cycle in accordance with the set timeline. For more details, see the Serbia IRM Progress Report 2014-2015. The Ministry of Justice submitted a draft amended law, but it has yet to be adopted. The deadline for its adoption, according to the government’s self-assessment report, was Quarter III of 2016.<sup>1</sup> Additionally, CSOs and the Anticorruption Agency disagreed about some of the provisions in the draft amendments. Most notably, organizations disagreed with the proposal to use of public funds for purchasing property.<sup>2</sup>

**Did it open government?****Access to information: Did not change****Public accountability: Did not change**

Public funds in Serbia make up 48 percent of political campaign finances,<sup>3</sup> and the level of transparency about how political subjects use these funds is relatively low in practice.<sup>4</sup> However, by envisaging only the submission of a draft law to the government, this commitment has not changed government openness given that the law has not been adopted. Hence, as of June 2016, it had no impact on government openness either in terms of access to information or public accountability.

Additionally, Serbia already has a comprehensive regulatory framework regarding political financing. The challenges arise mostly in practice. According to the “Money, Politics and Transparency” indices, Serbia ranks much better on its regulatory framework than practice in the context of political financing.<sup>5</sup> The letter of the law and the results in practice will not be addressed until the final implementation of the law. Therefore, although this commitment was completed in the first year of the action plan cycle, its potential effects on government openness in terms of the management of public funds and public spending will be visible only in the long term, if the law is adopted and its stipulations implemented.

**Carried forward?**

The commitment was completed, and no commitments regarding the financing of political activities were included in the 2016-2018 action plan adopted in November 2016.

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<sup>1</sup> *Self-Assessment on the Implementation of the Serbian Open Government Partnership Action Plan for 2014-2015* (Report), [Serbian] <http://bit.ly/2gyghOh>

<sup>2</sup> “CSO Held Consultative Meeting on Open Government in Serbia,” European Policy Centre, 21 September 2015, <http://bit.ly/2eU95eb>

<sup>3</sup> “Report on the Financing of Political Activities During the Election Campaigns in the First Half of 2014,” Anticorruption Agency, October 2014, “Novac I Izbori [Summary of the Report],” Vreme, 11 November 2014, [Serbian] <http://bit.ly/1K76IsO>

<sup>4</sup> “Serbia,” Money, Politics and Transparency, <https://data.money politicstransparency.org/countries/RS/>

<sup>5</sup> “Serbia,” Money, Policies and Transparency, <https://data.money politicstransparency.org/countries/RS/>

### Commitment 3. Transparent public procurement procedures

#### Commitment Text:

1. Improving the Public Procurement Portal by introducing new features: ability to publish purchasers' procurement plans, publishing procurements carried out according to international procedures, the English version of the ePortal, improvement of searching Decisions made by Republic Commission for the Protection of Rights in Public Procurement Procedures, set up of the registry of public contracts, establishment of the reporting system to Public Procurement Office

a. Improved Public Procurement Portal by establishing all mentioned functions

b. Improving call center to provide technical assistance to users of the Public Procurement Portal

c. Training for e-portal users (2 trainings per year)

2. Improving the system for electronic public procurement

a. Analysis of the existing legal and institutional frameworks for the implementation of e-procurement in the RS (e-tenders, e-auctions, e-dynamical system of procurement, e-catalogs ...)

b. Analysis of technical solutions and options that are in use or under development in the EU Member States in the field of e-procurement (e-tender, e-auctions, e-dynamical system of procurement, e-catalogs ...)

Responsible Institution(s): Public Procurement Office

Supporting Institution(s): Human Resource Management Office; CSOs; Ministry of Trade, Tourism, and Telecommunications; and Administration for Joint Services of the Republic Bodies (for Activity 2)

Start Date: Not specified

End Date: Ongoing

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Did It Open Government?						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Midterm	End of Term	Worsens	Did Not Change	Marginal	Major	Outstanding
															Substantial	Completed					
			✓		✓	✓				✓				✓					✓		

**Commitment aim:**

This commitment aims to improve the Public Procurement Portal and the system for electronic procurement. Transparent public procurement procedures better inform bidders and the general public, enable civil society monitoring, and limit the scope of corruption in the procurement processes. This OGP commitment complements Serbia's efforts to improve its procurement procedures by aligning them with the legal framework of the European Union. The commitment also enhances the transparency and efficacy of these procedures by implementing the Strategy of Development of Public Procurement for 2014-2017.

**Status****Midterm: Substantial**

During the first year of implementation of the action plan, the public procurement portal was improved in accordance with the Law on Public Procurement and the Law on Amendments to the Law on Public Procurement. Various trainings and workshops were conducted for users. However, the IRM researchers consider that objective to improve call centers that provide technical assistance to Public Procurement Portal users lacked sufficient clarity to provide an objective assessment of the level of implementation. Regarding the improvement of the system for electronic public procurement, while the government's self-assessment report indicated that the two analyses were conducted, the analyses were not made available online. For more information on the status of this commitment at the midterm level, see the Serbia's 2014-2015 IRM progress report.

**End of term: Complete**

The public procurement portal was improved, not only in accordance with the legal obligations, as stipulated in the commitment, but also through the provision of open data on the portal. With regards to improving the system for electronic public procurement, the government produced and published online the two analyses: one on the existing legal and institutional frameworks for the implementation of e-procurement<sup>1</sup> and the other on technical solutions and options utilized in the EU member states in the field of e-procurement.<sup>2</sup> Both are available on the Public Procurement Office website.

**Did it open government?****Access to information: Major****Civic participation: Did not change**

This commitment represents a relevant step in Serbia's efforts to establish an efficient e-procurement system. Transferring public procurement processes online and providing trainings for users has made these processes less bureaucratic and less discriminatory by enabling a wider array of contractors to access the bidding process. Additionally, it has made procurement processes more transparent and allowed CSOs to monitor government procurement better. Interviews the IRM researchers conducted with members of CSOs identified that the increase in information available on public procurement was welcomed. They also outlined the need for more information to be readily accessible, in particular the size of contracts. In relation to the activities envisaged in the second milestone, the IRM researchers considered that the two analyses produced through the improvement of the system for electronic public procurement could gain significance in the future by helping the government make procurement more transparent and allowing monitoring and evaluation. However, currently it is not possible to assess this objectively. While the analyses were conducted and are available online, their effect on open government in Serbia can be seen only in the long term.

In terms of access to information, data received from the government indicated that the traffic on the portal increased by approximately 34 percent from the end of 2014 to June 2016. The Public Procurement Office received the following information: (a) website traffic at the end of 2014 amounted to 483,241; (b) website traffic at the end of 2015 amounted to 592,383; and, (c) website traffic by the end of June 2016 amounted to 648,496. Furthermore, the procurement portal was improved through the addition of new features.<sup>3</sup> While there could be more enhancements to the

English version of the website and it could include more information in open data, the current portal has made significant improvements. For more information regarding the timeline of this process, see the 2014-2015 Serbian IRM midterm report. The improved version allows access to procurement data in open data format, which is a major change in government openness.

However, a change in government practice toward civic participation has not occurred with this commitment. The higher level of transparency of the system of public procurement should enable more civic and public participation. Yet, more information regarding larger contracts in particular needs to be included in the portal. The open data version does not include the value of contracts, which significantly affects the usefulness of open data for civil society, academics, policy researchers, and private stakeholders. As civil society representatives interviewed by the IRM researchers pointed out, this not only would increase transparency, but also would enable CSOs to identify “red flags” in procurement. Nevertheless, this is a result of an increase in openness in access to information. The government has not implemented new or improved practices to promote or to engage public stakeholders to use this data.

### **Carried forward?**

The commitment was completed and no related commitments with regards to the Public Procurement Portal are included in the 2016-2018 action plan.

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<sup>1</sup> Republic of Serbia, “Analysis of the Existing Legal and Institutional Frameworks for the Implementation of E-Procurement in the Republic of Serbia,” Public Procurement Office, September 2015, <http://bit.ly/2g7i47U>

<sup>2</sup> Republic of Serbia, “Analysis on the Technical Solutions and Options Utilized in the EU Member States in the Field of E-Procurement,” Public Procurement Office, September 2015, <http://bit.ly/2gye0mk>

<sup>3</sup> Screenshot Comparisons of the New and Old Portal, <https://flic.kr/s/aHskDN1vN2>



training to civil servants on how to cooperate with CSOs and on how to ensure that funding is transparent.

## Status

### Midterm: Limited

During the first year of implementation of the action plan, this commitment had limited completion. The preparation of annual summary reports on the expenditure of funds to support programs and projects activities lagged behind the set timeline. Moreover, there was no evidence of the summary reports on expenditure being available online at the time of writing the IRM progress report. Obligatory publishing on e-government portal was unclear, and there were no indications that implementation had begun in the first year of the action plan cycle. Lastly, while the capacity-building trainings were conducted as a part of the third commitment, the Guide for Transparent Financing was prepared only for internal use and was not formally adopted or published.

### End of term: Substantial

Since the midterm report, the IRM researchers found that some progress was made on the three activities described in the commitment. Regarding the reports on annual expenditures, only the report for 2013 was published in October 2015.<sup>1</sup> The report for 2014 was not available online, but government sources indicated that progress on the report has been made and that it should be published late in 2016. No evidence was found to show progress of the obligatory publishing of calls and tenders on the e-government portal. The e-government portal does not feature most of the documents envisioned in the commitment yet. Moreover, the Guide for Transparent Financing still exists only as an internal document and has not been published. The Office for Cooperation with Civil Society has the 2013 version of the guide available on its website.<sup>2</sup>

According to the government, 211 civil servants were trained from 70% of municipalities. Although the IRM researcher verified that the trainings happened, there is no detailed information available aside from three short paragraphs in the annual report of the Office for Cooperation with Civil Society for 2015 that indicate only the number of participants, percentage of local self-government units included, timespan, and goals of the training. The detailed report on the trainings is not available online and there is no evidence of evaluation of these trainings, nor analysis of their impact<sup>3</sup>.

## Did it open government?

### Access to information: Marginal

### Public accountability: Did not change

Multiple media and civil society investigations in Serbia revealed that public resources destined to fund programs in CSOs were allocated without open calls to organizations affiliated to political parties and overall lack of transparency.<sup>4</sup> Given that the progress of implementation of this commitment has been largely internal, for example the 2014 report and revised Guide were not published, nor were there any reports on the success of the civil servants trainings, this commitment had only a marginal effect on access to information in terms of the greater number of publicly available documents such as the 2013 expenditure report and trainings provided to civil servants.

Regarding public accountability, this commitment had no impact given that there were no mechanisms put in place for civil society and the wider public to engage with civil servants regarding the new information provided through the commitment activities.

## Carried forward?

Although this commitment was not directly carried over to the 2016-2018 action plan, a commitment related to transparent financing of CSOs was included, namely, Commitment II: Development of a uniform methodology for planning, monitoring and performance evaluation of programmes and projects implemented by civil society organisations and monitoring the spending of allocated funds.

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<sup>1</sup> Republic of Serbia, "Consolidated Annual Report on Expenditures," 2013, [Serbian] <http://bit.ly/2cshGEJ>

<sup>2</sup> Republic of Serbia, "The Guide for Transparent Financing," 2013, [Serbian] <http://bit.ly/2gaPQux>

<sup>3</sup> The website of the Office for Cooperation with Civil Society indicates that ten trainings were held between January and April 2015. However, the link for a report about these trainings does not work: <http://civilnodrustvo.gov.rs/%D0%BF%D0%BE%D1%87%D0%B5%D1%82%D0%BD%D0%B0.122.html> (access attempted in July and September 2016, and again in January 2017). The only other available information on the trainings is in the annual report on the work of the Office for Cooperation with Civil Society for 2015, which indicates that these ten trainings encompassed 211 civil servants covering 73% of local self-government units.

<sup>4</sup> Branka Pavlovic, "Serbia: Transparency in Spending Local Public Funds for CSOs Activities," Reports, Technical Assistance for Civil Society Organizations (TASCO), 6 September 2011, <http://tacso.org/documents/reports/?id=5316>

## I. Prevention and Fight Against Corruption

### Commitment 5. Extending and clarifying responsibilities of the Anticorruption Agency

#### Commitment Text:

*1. Improve the provisions of the Law on the Anti-Corruption Agency so as to clearly distinguish and regulate concepts of cumulation of functions (to prevent performing multiple public functions which are interconnected in a conflict of interest) and conflicts of interest (to eliminate private interest in exercising public powers), and to expand the circle of related persons for whom a public official is required to submit a declaration on assets and income, as well as to authorize the Agency by law, to carry out extraordinary control of assets, and to act upon anonymous notifications.*

- a. Establishment of the Special Working Group;*
- b. Preparation of Draft Law on Amendments to the Law on the Anti-Corruption Agency;*
- c. Determination and publishing of Public Hearing Program;*
- d. Conducting public debate;*
- e. Submitting Draft Law to the Government for consideration and determination of the Bill*

Responsible Institution(s): Ministry of Justice

Supporting Institution(s): Anticorruption Agency; CSOs

Start Date: Quarter I 2015

End Date: Quarter IV 2015

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	End of Term						
																	Worsens	Did Not Change	Marginal	Major	Outstanding		
			✓		✓	✓				✓			✓					✓					

#### Commitment aim:

The fight against corruption in Serbia is regulated through numerous documents that lead to conflicts of interest and an unclear division of responsibilities. This commitment intends to enhance the fight against corruption by tackling these issues through amendments to the Law on the Anticorruption

Agency. The amendments clarify the law's functions and authorize it to carry out administrative controls, among others.

## Status

### Midterm: Limited

The working group to prepare the draft amendments to the Law on the Anticorruption Agency was established. There was little evidence of the work's meetings and progress on preparing the amendments, as well as progressing on the remaining three sub-activities. For more information, see Serbia's 2014-2015 midterm IRM report.

### End of term: Limited

Apart from the establishment of the working group, which occurred in the first half of the action plan implementation cycle, and the working group's meetings, the IRM researchers could not find further attempts by the responsible institution to make progress on the overall activities within the timeline envisaged in the commitment. However, the draft law and the Public Hearing Program were created, and the Public Hearing was approved on 28 September 2016,<sup>1</sup> which falls out of the research period of this report. Additionally, according to the government's justification of the draft law,<sup>2</sup> the draft law and the Public Hearing Program were not a part of Serbia's OGP efforts. They were framed in the context of the National Anticorruption Strategy 2013-2018,<sup>3</sup> the National Anticorruption Strategy Action Plan,<sup>4</sup> and the Chapter 23 Action Plan of the EU accession negotiation process in Serbia.<sup>5</sup> Hence, the implementation level for this commitment in the OGP context in Serbia and at the end of the reporting term remained limited.

## Did it open government?

### Access to information: Did not change

### Public accountability: Did not change

The fight against corruption has been high on the government's official list of priorities.<sup>6</sup> However, there are still basic legislative issues with how responsibilities for preventing and fighting corruption are defined and allocated. The commitment intended to amend the Law on the Anticorruption Agency to allocate more administrative control to the Agency, as well as to define better its functions. However, this commitment did not lead to changes in access to information or public participation. Its level of implementation was limited, and the draft law neither was produced within the action plan timeline nor could produce any effect on government openness, in terms of either access to information or public accountability, without Parliament passing the law.

## Carried forward?

This commitment was not carried over to the 2016-2018 action plan, and its implementation is planned to occur outside of the framework of OGP.

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<sup>1</sup> Republic of Serbia, *Government Decision on the Public Hearing Program of the Draft Law* (September 2016), [Serbian] <http://bit.ly/2fdIKCU>

<sup>2</sup> Republic of Serbia, *The Government's Justification for the Draft Law*, [Serbian] <http://bit.ly/2fRP5p6>

<sup>3</sup> Republic of Serbia, "The National Anti-Corruption Strategy in the Republic of Serbia for the Period 2013-2018," 1 July 2013, <http://bit.ly/2gaNdJf>

<sup>4</sup> Republic of Serbia, "The Action Plan for the Implementation of the National Anti-Corruption Strategy in the Republic of Serbia for the Period 2013-2018," 25 August 2013, <http://www.mpravde.gov.rs/obavestenje/2837/akcioni-plan-za-sprovođenje-nacionalne-strategije-za-borbu-protiv-korupcije.php>.

<sup>5</sup> Republic of Serbia, *The Action Plan for Chapter 23: Draft* by the Negotiation Group for Chapter 23, (April 2015), <http://bit.ly/2fRLFmr>

<sup>6</sup> Prime Minister Aleksandar Vucica, "Framework Exposé," Exposé, Republic of Serbia, 2014, [Serbian] <http://bit.ly/1fIXhk9>

**Commitment 6. Whistleblower protection trainings and campaigns**

**Commitment Text:**

1. *Conducting professional training of civil servants in the state administration bodies, and employees at local self-government units, on procedures and importance of protection of whistleblowers, as prevention of corruption*
  - a. *developing a professional training program for civil servants and local self-government units employees*
  - b. *conducting the professional training of civil servants and local self-government units employees*
2. *Conducting campaign for raising awareness of citizens about rights and protection of whistleblowers;*
  - a. *developing a program for the campaign*
  - b. *adoption of the program for the campaign*
  - c. *implementation of the campaign program*

Responsible Institution(s): Ministry of Justice

Supporting Institution(s): Anticorruption Agency; Human Resource Management Office; CSOs

Start Date: Quarter II 2015

End Date: Ongoing

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	End of Term		Worsens	Did Not Change	Marginal	Major	Outstanding
															Substantial	Completed					
			✓		✓					✓					✓			✓			

**Commitment aim:**

The commitment aimed at improving the knowledge of civil servants and local self-government employees on the rights and protections of whistleblowers through adequate trainings conducted by the Human Resource Management Office. It also aimed to inform the wider public through an awareness-raising campaign.

## Status

### Midterm: Substantial

While the government's self-assessment report indicated that trainings were conducted for civil servants, the IRM researchers could not find reliable answers on whether trainings for local self-government employees were conducted, how many were held, if at all, how long they were, or how many civil servants attended. The awareness-raising campaign on the Law on the Protection of Whistleblowers was conducted in June 2015 with the support of the USAID Judicial Reform and Government Accountability Project (JRGA).<sup>1</sup> The campaign website provides clear and concise information about the role, rights, and protection of whistleblowers. For more information, see the Serbian 2014-2015 midterm IRM report.

### End of term: Substantial

While the awareness-raising campaign was completed substantially in the first year, and completely after the campaign was concluded, the trainings for civil servants remained with limited completion. The IRM researchers were not able to confirm how many trainings were held for civil servants and local self-government employees, but media sources confirm that over 500 trainings for judges were conducted.<sup>2</sup> The trainings were intended to continue in 2016, and the next training organized by the Human Resource Management Office is planned for 25 October 2016.<sup>3</sup>

## Did it open government?

### Access to information: Marginal

### Public accountability: Marginal

Whistleblowers are key actors in the fight against corruption, yet the level of their protection and awareness of their rights has discouraged potential whistleblowers. A law to protect whistleblowers was adopted only in 2014. With regards to this commitment's aims, the trainings established in the commitment are still ongoing and the campaign's impact can only be comprehensively assessed in the long term. Assessing the impact of the awareness-raising campaign would require longitudinal data about whistleblowing trends in Serbia, which currently are not available given that the law is still fairly new and data exists only for 2014 and 2015. Serbia's Ombudsman evoked this conclusion in his 2015 annual report. Namely, the Ombudsman stated that it was too early to assess the impact of the law, but that the number of individuals seeking protection under the law increased from three individuals in 2014 to 13 individuals in 2015.<sup>4</sup> However, the effects of this commitment were limited given that, in the IRM's consultative meeting in September 2015, civil society representatives outlined issues with the law.<sup>5</sup> CSO representatives noted that it might not be good enough to convince citizens to become whistleblowers because it emphasized preventing corruption rather than protecting citizens,<sup>6</sup> and the law was not precise enough to protect them if they do report corruption.<sup>7</sup>

Overall, this commitment had a marginal effect on access to information in the context of awareness-raising and enabling the protection of whistleblowers. The marginal effect is best seen in the limited increase in individuals seeking protection under the law. It can be explained by the facts that the campaign lasted for a short period of time and that the campaign's promotional website, although it is concrete, informative, and accessible, does not provide space for interaction with citizens (e.g. for posing questions or doubts).<sup>8</sup>

By encouraging the prevention of corruption through the legal framework, but with limited awareness, this commitment has had a marginal effect on the number of individuals engaging in whistleblowing, with 10 additional individuals compared to the previous year.

Nonetheless, the IRM researchers noted that long-term effects of this commitment and its related activities could increase government openness. That largely depends on how the law is enforced. More precisely, the commitment's impact could increase with adequate enforcement and when citizens and government representatives grow accustomed to the legal framework, the practice of whistleblowing, and the protection of whistleblowers, a relatively new concept in Serbia given that the Law on the Protection of Whistleblowers came into force only in 2014.<sup>9</sup>

## Carried forward?

Although the commitment was not completed, neither the commitment nor commitments related to whistleblower protections are included in the 2016-2018 action plan.

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<sup>1</sup> Campaign Website, [Serbian] <http://uzbunjivaci.rs/postupak.html>

<sup>2</sup> "Prva Presuda u Korist uzbunjivača u Novom Sadu," RTV, 19 September 2016, <http://bit.ly/2gaLeEH>

<sup>3</sup> The website does not give detailed information on past trainings. "Training Schedule," Human Resource Management Office, Republic of Serbia, <http://bit.ly/2g7ioTY>

<sup>4</sup> Protector of Citizens: Ombudsman of Serbia, "Annual Report 2015," Republic of Serbia, 15 March 2016, <http://bit.ly/2eUdkGE>

<sup>5</sup> "CSO Held Consultative Meeting on Open Government in Serbia," <http://bit.ly/2eU95eb>

<sup>6</sup> "CSO Held Consultative Meeting on Open Government in Serbia," <http://bit.ly/2eU95eb>

<sup>7</sup> "Zaštita Uzbunjivača u Srbiji [*Protection of Whistleblowers in Serbia*]," Center for Euro-Atlantic Studies (CEAS), June 2015, [Serbian] <http://bit.ly/2fdJDLI>

<sup>8</sup> Campaign Website, [Serbian] <http://uzbunjivaci.rs/postupak.html>

<sup>9</sup> Igor Jovanović, "Whistleblowers Get Better Protection in Serbia," News, Balkan Insight, 5 June 2015, <http://bit.ly/2gaPAfd>

**Commitment 7. Draft law regulating inspections in public administration**

**Commitment Text:**

- I. Improvement of the legal framework regulating inspection oversight
  - a. Submitting Draft Law to the Government for consideration and formulation of the Bill

Responsible Institution(s): Ministry of Public Administration

Supporting Institution(s): State administration authorities performing inspection control; USAID

Start Date: Not specified

End Date: Quarter IV 2015

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsens	Did Not Change	Marginal	Major	Outstanding
	✓				Unclear					✓					✓						

**Commitment aim:**

This commitment is intended to address Serbia’s lack of systematic legislation regarding inspection oversight. Regulating inspection activities in general is intended primarily to improve the business and investment environment, to address the shadow economy, and to increase the transparency of these activities. However, the IRM researchers coded this commitment, as it was written, as unclear in terms of OGP values given that it does not have a public-facing element. Activities envisaged through the commitment and their effect appeared fully internal.

**Status: Complete at mid-term**

The Law on Inspection Supervision entered into force on 29 April 2015 and has been in effect since 30 April 2015. For more information, see the IRM Serbia 2014-2015 Progress Report.

**Did it open government?**

**Access to information: Did not change**

The Law on Inspection Oversight is an important step for both the private sector and the wider public, who have indicated their need for increased inspection oversight standards and a clear legal framework to regulate inspection activities.<sup>1</sup> Nonetheless, the commitment, as written, appeared internal and with no direct impact on open government. Hence, its OGP value relevance was coded as unclear in the midterm IRM report. However, the law does provide the basis for establishing an

information system for inspections, E-Inspector. The E-Inspector could allow citizens to follow inspection activities online and to increase the transparency of the overall inspection process. The potential of this commitment to contribute to open government in Serbia can be assessed only in the long term. Thus, although completed, the commitment did not contribute directly to government openness. The IRM researchers believe that, in the long term, this law could have a major effect on increasing access to inspection oversight information. This depends on how the information system is implemented and whether the inspection activities are transparent through this process. The effect of this commitment in the long term is too uncertain to assess whether it will have an impact in the context of open government.

### **Carried forward?**

The commitment was completed, and no directly related commitments were included in the 2016-2018 action plan adopted in November 2016.

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<sup>1</sup> "Modernizing Inspection Oversight - Prevention Before Repression," press release, USAID, 6 March 2015, <http://bit.ly/1SVMPu4>

### III. Access to Information

#### Commitment 8. E-government portal awareness and mobile application

##### Commitment Text:

1. Raising awareness and knowledge regarding the operation and use of eGovernment portal:
  - a. training for all categories of portal users (processors, persons which generate services, users from technical inspection, driving schools that use the system, appointed individuals from public authorities that sets public hearings, etc ...).
  - b. General training of civil servants on e-government and e-Government portal.
  - c. Implementation of promotional activities and campaigns regarding the eGovernment portal.
2. Improving eGovernment Portal to enable the use by mobile phones and other mobile devices:
  - a. development of applications for mobile phones by which it will be possible to access and use the portal through a mobile phone

Responsible Institution(s): Ministry of E-Government

Supporting Institution(s): Human Resources Management Office; CSOs

Start Date: Ongoing

End Date: Ongoing

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsens	Did Not Change	Marginal	Major	Outstanding
			✓		✓	✓	✓			✓				✓					✓		

##### Commitment aim:

This commitment intended to increase the number of stakeholders using the Serbian public administration system’s online public services, the e-government portal.

##### Status

##### Midterm: Limited

One of the activities this commitment proposed, trainings for portal users and civil servants, was completed substantially in the first year. However, awareness-raising through promotional activities and campaigns led to a lack of specificity in the commitment as well as the inability to assess the impact of these activities in the short term. Mobile phone applications were not developed due to

budgetary constraints, and it was unclear whether they would be developed in the upcoming period. For more information, see the 2014-2015 Serbian midterm IRM report.

### **End of term: Substantial**

With regards to raising awareness, progress was found in the second year in terms of implementing promotional activities and campaigns. Namely, an analysis of the media coverage of the portal reveals that the portal's use increased extensively in the past year. This is best demonstrated by the portal's two-millionth citizen service request in March 2016.<sup>1</sup> Additionally, for example, from October 2015 to March 2016, the number of registered users increased by almost 12 percent.<sup>2</sup> Mobile applications were not developed according to the second milestone. The IRM researchers tried using the portal on both Android and iOS devices and found that, on mobile phones and similar devices, the portal is not user-friendly, is a time-consuming, and is a demanding process. Significant progress could have been made if the e-government portal had been optimized for mobile use; however, given that the e-government portal cannot be accessed easily by mobile phones or other mobile devices,<sup>3</sup> the overall completion level of this commitment is substantial rather than fully completed.

### **Did it open government?**

#### **Access to information: Major**

#### **Civic participation: Marginal**

Increasing the use of online public services on the e-government portal in Serbia is a necessary step for removing excessive burdens on citizens, businesses, and civil servants and for enabling more transparent public services. While the completion of the awareness-raising activities created a major boost in the awareness of the portal, as demonstrated through the increased number of users and public service requests on the portal, users cannot access the online services on their mobile devices. However, an ICT expert who has worked with a number of ministries indicated that the application would not necessarily be a successful and cost-efficient strategy because it may not significantly improve accessibility to the online public services or increase the number of citizens using these services.

With regards to the portal, civil society representatives reported different experiences that ranged from successful access to services to failed attempts of using the available services. Failed attempts ended up requiring more of citizens' time because civil servants in the public administration did not take into account the results of online services (e.g. scheduling a meeting) and required citizens to repeat the process online.<sup>4</sup> However, there is a trend of successful services. For example, the service of signing up children for kindergarten in Belgrade<sup>5</sup> was one of the most commended by the media. The service allowed parents to go through the process in one electronic form and without financial costs, which was not the case in previous years where multiple forms needed to be collected and submitted in person.<sup>6</sup> The way the portal placed emphasis on services more widely used or needed by citizens demonstrates a positive, although marginal, effect on civic participation.

Overall, even with the partial implementation of this commitment, it produced a fairly extensive effect on civic participation and majorly affected access to information, given that the number of awareness-raising promotional activities and trainings significantly affected the level of knowledge and awareness of the online public services available through the e-government portal.

### **Carried forward?**

The commitment was not carried forward, nor are other commitments directly related to the e-government portal included in the 2016-2018 action plan, although the e-Government Directorate is in charge of commitment 8, which aims at developing a central Open Data Portal.

<sup>1</sup> "Na Portal eUprava Stigao Dvomilioniti Zahtev [E-Government Portal Receives Two-Millionth Request]," B92, 18 March 2016, <http://bit.ly/2fRLDuD>

<sup>2</sup> "Na Portal eUprava Stigao Dvomilioniti Zahtev [E-Government Portal Receives Two-Millionth Request]," <http://bit.ly/2fRLDuD>

<sup>3</sup> E-Government Portal, Republic of Serbia, <http://www.euprava.gov.rs/>.

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<sup>4</sup> These experiences came out of interviews and consultations the IRM researchers had with civil society representatives, entrepreneurs, and citizens, and appear to be more prevalent on the local level, although this was not assessed quantitatively but solely qualitatively.

<sup>5</sup> “New electronic service - Online Applications for Kindergarten in Belgrade Available from 9 May,” E-Government Portal, 4 May 2016, [Serbian] <http://bit.ly/2gaPa8v>

<sup>6</sup> M. Simić Miladinovic, “Onlajn Upis u Vrtiće [*Online Applications for Kindergarten*],” *Politika*, 4 May 2016, [Serbian] <http://bit.ly/2gyutqA>

**Commitment 9. Public administration website harmonization and amendments to the Law on Free Access to Information of Public Importance**

**Commitment Text:**

1. Harmonization of public administration authorities', and local self-government units' websites, according to the Guidance for website design:
  - a. Expand the scope of assessment of harmonization according to Guidance to local self-government units
  - b. Annual report on website harmonization that should be adopted by the Government
2. Improve the provisions of the Law on Free Access to Information of Public Importance so to determine the obligation of public authorities to develop and maintain a website with all the information about the work of the Authority in accordance with applicable regulations, to establish the obligation of public authorities to submit draft legislation to the Commissioner for opinion, and to authorize the Commissioner to file misdemeanor charges for violation of the right of access to information.
  - a. Preparation of Draft Law on amendments to the Law on Free Access to Information of Public Importance;
  - b. Determination and publishing of Public Hearing Program;
  - c. Conducting public debate;
  - d. Submitting Draft Law to the Government for consideration and formulation of the Bill

Responsible Institution(s): Ministry of E-Government; Ministry of Public Administration

Supporting Institution(s): CSOs

Start Date: Quarter IV 2014

End Date: Quarter IV 2015

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial		Completed	End of Term				
				✓	✓	✓	✓				✓			✓				Worsens	Did Not Change	Marginal	Major	Outstanding

**Commitment aim:**

The level of information provided on LSU websites varies to a great extent. This commitment aims to increase the level of transparency of public authorities as well as to enhance and to enforce access

to information on the authorities' websites. Additionally, the commitment intends to tackle compliance issues. In the context of the Law on Free Access to Information of Public Importance, this is an issue that impedes the Commissioner for Information of Public Importance and Personal Data Protection's efficacy and success in enforcing the right to free access to information.

## **Status**

### **Midterm: Limited**

The harmonization of public administration authorities' and LSUs' websites was substantially completed. The scope of assessments was expanded and the annual report on website harmonization was adopted, although outside the scope of the midterm report. However, the improvements set out in the draft amendments to the Law on Free Access to Information of Public Importance were not started, despite the fact that three of the four activities should have been completed before the midterm period, according to the action plan timeline. For more information, see the 2014-2015 Serbian midterm IRM report.

### **End of term: Substantial**

The expansion of the scope of assessment of harmonization of websites, according to the Guidelines for the Development of Websites for Public Administration Bodies and Local Self-Government Units ("Guidance"), was completed in the first year of implementation. The annual report was adopted in July 2015.<sup>1</sup> Therefore, expanding the scope of harmonization was completed within the timeline in the action plan. At the same time, limited progress was made on the draft amendments to the Law on Free Access to Information. Although a working group for drafting the amendments was formed on 31 March 2015, no other activities in the commitment were completed. Overall, the level of completion of this commitment remains substantial, but not completed.

## **Did it open government?**

### **Access to information: Marginal**

### **Civic participation: Did not change**

On one hand, the completion of the process of harmonization would have had a moderate effect on increasing the level of transparency of public authorities' work. On the other hand, the amendments to the Law on Free Access to Information could have had a transformative effect on raising the level of transparency. Nonetheless, both civil society and expert opinions received through interviews and consultations with the IRM researchers revealed that progress has been made in terms of the amount and quality of information. For example, information on current activities implemented by an institution was available on government websites, as well as up-to-date publishing. Only a minority of institutions followed the Guidance to a substantial degree vis-à-vis their websites. The government's assessments are comparable to the statements of civil society and experts. For example, a recent government report outlines the areas in which local self-government websites need to be improved.<sup>2</sup>

The overall opinion from interviews and consultations is that accessibility and ease of use need to be improved. This is because of the extensive amount of information that government institutions have to publish. Nevertheless, as an ICT expert who previously worked for the government noted, civil servants do not have enough skills and knowledge to organize it in a user-friendly manner.<sup>3</sup> Because none of the activities within the process of drafting the amendments to the law were implemented, the harmonization has had only a marginal effect on access to information.

Civic participation was not affected by the commitment progress made up to June 2016. More precisely, given that the public debate is late, the commitment might affect public participation, depending on how and whether the inputs of the public are taken into account.

## **Carried forward?**

Serbia's 2016-2018 action plan contains a commitment for amending the Law on Free Access to Information of Public Importance (Commitment 7), as well as a commitment on improving the guidelines and criteria for the evaluation of government websites (Commitment 9).

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<sup>1</sup> The adopting document was previously available here:

[http://www.digitalnaagenda.gov.rs/media/docs/Zakljucak\\_Vlade\\_Izvestaj\\_o\\_ocenjivanju\\_za\\_2014.pdf](http://www.digitalnaagenda.gov.rs/media/docs/Zakljucak_Vlade_Izvestaj_o_ocenjivanju_za_2014.pdf)

<sup>2</sup> Ljiljana Mihajlović and Ivan Branisavljević, “Podrška Unapređenju EUsluga na Lokalnom Nivou u Republici Srbiji,” Republic of Serbia, April 2016, <http://bit.ly/2g7rnor>

<sup>3</sup> Ivan Branisavljević, consultation with the IRM researchers, October 2016, Belgrade.

**Commitment 10. New technologies to improve citizen services**

**Commitment Text:**

1. Establishing “Electronic Bulletin Board“ in all police departments and stations, and Ministry of Interior
  - a. To set up kiosks in police stations where citizens can get the information on procedures for obtaining services, or submit the request for services from eGovernment portal
  - b. Providing payment of administrative fees via credit cards, at kiosks
2. The realization of electronic services related to issuance of personal documents to a level limited by the obligatory presence of citizens due to identification and biometric data
  - a. Procurement of equipment and installation
  - b. Service getting started

Responsible Institution(s): Ministry of E-Government

Supporting Institution(s): Ministry of the Interior; CSOs

Start Date: Ongoing

End Date: Quarter IV 2015

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsens	Did Not Change	Marginal	Major	Outstanding
			✓		✓		✓		✓				✓				✓				

**Commitment aim:**

This commitment was designed to improve the provision of public services and, eventually, to reduce bureaucratic costs for citizens and public authorities. This commitment targets public services provided by the Ministry of Interior. Specifically, the Ministry could issue personal documents and other services quicker and services could be made more easily accessible to the citizens.

**Status**

**Midterm: Limited**

Both activities in the commitment stalled around the testing stage, and no progress was made toward completion within the first year of the implementation cycle. Interviews the IRM researchers

conducted with relevant stakeholders indicated that the activities represented significant challenges for the Directorate for E-Government because there was not enough available funding to implement the technology-focused activities. For more information, see the 2014-2015 Serbian midterm IRM report.

**End of term: Limited**

A government source who preferred to remain undisclosed, stated in early September 2016 that the commitment to establish an “Electronic Bulletin Board” was abandoned due to financial constraints. The source identified financial constraints as the reason for no progress on electronic issuance of personal documents. However, a government source and an independent ICT expert indicated that progress was made in terms of foundations for the services, but that the implementation of the services still requires work. Hence, the overall level of completion of this commitment within the researched time frame remains limited.

**Did it open government?**

**Access to information: Did not change**

The efficiency of public services in Serbia ranks relatively low in comparison with neighboring EU Member States.<sup>1</sup> Furthermore, online public services that should be available to citizens and Serbian government entities’ information systems lack the improvements needed to raise their usage and efficiency. For the IRM researchers, this commitment, as written, had limited relevance for OGP values given that the second milestone had no public-facing element. Hence, while the “Electronic Bulletin Board” could have increased access to information, the fact that work on the bulletin board was halted means that no change in government openness was achieved. Overall, taking into consideration the stage of the first milestone and the unclear OGP-relevance of the second, this commitment resulted in no changes in government openness in Serbia.

**Carried forward?**

Neither the commitment as written, nor a similar commitment, are included in the 2016-2018 action plan.

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<sup>1</sup> “Public Sector Efficiency Index in Post-Transitional European Countries for 2015,” <http://bit.ly/2gaObFm>

## IV. Public Participation

### Commitment I I. Cooperation with civil society organizations in public policymaking

#### Commitment Text:

1. *Drafting the National Strategy for the Enabling Environment for the Development of Civil Society for the period 2014-2018, and Action Plan for implementation of the Strategy, through a wide consultative process with all stakeholders throughout Serbia.*
  - a. *Preparation of the text of working version of National Strategy and Action Plan*
  - b. *Conducting 10 consultative meetings throughout Serbia with representatives of local and regional institutions, civil society organizations, and business sector*
  - c. *Determination and publishing of Public Hearing Program*
  - d. *Conducting public debate*
  - e. *Submitting Proposal National Strategy and Proposal Action Plan to the Government for consideration and adoption*
2. *Amending the Law on Local Self-Government, so to especially consult the Standing Conference of Towns and Municipalities with the aim of cooperation between state administration authorities and local self-government units*
  - a. *Submitting Draft Law to the Government for consideration and formulation of the Bill*

Responsible Institution(s): Ministry of Public Administration; Office for Cooperation with Civil Society; Ministry of Local Self-Government

Supporting Institution(s): CSOs

Start Date: Quarter III 2014

End Date: Quarter II 2015

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsens	Did Not Change	Marginal	Major	Outstanding
			✓		✓	✓				✓				✓				✓			

**Commitment aim:**

This commitment aimed to improve the processes of collaboration and cooperation mechanisms between government and civil society stakeholders. The milestones to achieve this aim were the drafting of the National Strategy for the Enabling Environment for the Development of Civil Society for the period 2014-2018 and the related action plan, which were to be created in a collaborative manner, including both civil society and the wider public. Additionally, the Law on Local Self-Government was supposed to be amended in consultation with the Standing Conference of Towns and Municipalities (SCTM).

**Status****Midterm: Substantial**

All of the activities related to the national strategy were completed, including holding consultative meetings and public discussion, except the Proposal of the National Strategy and the Proposal of the Action Plan to the Government was not submitted for consideration. The amendment of the Law on Local Self-Government had more limited completion given that, although the law was amended, the amendments were not fully aligned with those envisioned in the action plan. For more information, please see the 2014-2015 Serbian midterm IRM report.

**End of term: Substantial**

The strategy and action plan were not submitted to the Serbian Government for consideration and adoption. The Law on Local Self-Government was amended,<sup>1</sup> but it does not include the Standing Conference of Towns and Municipalities, which was supposed to facilitate collaboration between the central and local administrative levels. Its “limited” completion level could be viewed as a generous rating. However, because efforts were made in the amendment process, the commitment could not be rated “not started.” Hence, the overall completion level of this commitment remains substantial, with no significant developments after the midterm-reporting period.

**Did it open government?****Access to information: Marginal****Civic participation: Marginal**

Serbia’s approach to improving civil society and government participation and collaboration, as well as creating a participatory policymaking process, is not systematic. It leads to civil society participation that is often ad hoc, untimely, and reactive, rather than truly participatory.<sup>2</sup>

The process of drafting the national strategy and its implementation was supposed to enhance the participatory framework for CSOs, especially given the fact that CSOs were consulted on both the strategy as well as the action plan. Moreover, the amendment of the Law on Local Self-Government was supposed to introduce the Standing Conference of Towns and Municipalities as an intermediary institution and catalyst for the cooperation between local government and civil society stakeholders. However, the national strategy draft was substantially completed, while the amendment of the law remained at a limited completion level; thus, this commitment had only a marginal effect on creating a participatory policymaking environment in Serbia and enabling more access to information.

The marginal effect on access to information and civic participation stems from the participatory manner in which the first milestone was implemented. The three public discussions<sup>3</sup> and 10 consultative meetings<sup>4</sup> organized as a part of this milestone presented a step toward more open policymaking in Serbia. Hence, the IRM researchers recognize that the national strategy draft adds to the foundations of the civil society and government collaboration process. Further, the effects may increase in the long term if the national strategy is adopted. The strategy is available on a website, but the IRM researchers found the page was last updated on 19 August 2015, confirming that little progress was made on this milestone.<sup>5</sup>

### Carried forward?

The commitment was substantially completed and was not directly carried over to the 2016-2018 action plan. However, the action plan contains a complementary commitments focused on providing civil servants and CSO representatives with quality consultation processes. Namely, commitments 1, 2, 3, 4, and 5 aim at improving the consulting process of public policy documents with the civil sector at the national and local level, as well as increasing the role of citizens in the public policy management system.

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<sup>1</sup> Republic of Serbia, "Law on Local Self-Government," Official Gazette of the Republic of Serbia, No. 129/2007 and 83/2014, [Serbian] <http://bit.ly/2gbtx7t>

<sup>2</sup> Amanda Orza, "Civil Society and Government: Participatory Policy Formulation in Serbia," European Policy Centre, 2014, <http://bit.ly/2flo8qy>

<sup>3</sup> Public discussion, Belgrade, 30 July 2015; Public discussion, Novi Sad, 3 August 2015; Public discussion, Niš, 19 August 2015.

<sup>4</sup> Consultative meetings, ten different cities, October to November 2014. The schedule of the consultative meetings held can be accessed here [Serbian]: <http://strategija.civilnodrustvo.gov.rs/javni-pozivi/onlajn-konsultacije-o-strategiji-otvorene-1-12-2014-godine>.

<sup>5</sup> National Strategy for the Enabling Environment for the Development of Civil Society, <http://strategija.civilnodrustvo.gov.rs/>

**Commitment 12. Citizen participation in local government affairs****Commitment Text:**

1. *Signing Additional Protocol to the European Charter of Local Self-Government which guarantees participation of citizens in public authority affairs at local level*
  - a. *Preparation of Draft Law on Ratification of the Additional Protocol to the European Charter of Local Self-Government*
  - b. *Submitting Draft Law to the Government for consideration and formulation of the Bill*
2. *Strengthening the capacity of local self-governments in the areas of cooperation with civil society and transparent funding of CSOs from the budgets of local governments*
  - a. *Organizing training for the local self-government units' employees, on the application of the Guidelines for the inclusion of civil society organizations in the process of adopting regulations and transparent funding of CSOs from the budget funds.*

Responsible Institution(s): Ministry of Local Self-Government

Supporting Institution(s): Office for Cooperation with Civil Society; CSOs

Start Date: Quarter I 2015

End Date: Quarter II 2015

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial		Completed	Worsens	Did Not Change	Marginal	Major	Outstanding
			End of Term																			
			✓			✓				✓				✓				✓				

**Commitment aim:**

This commitment intended to strengthen the legal framework by signing the Additional Protocol to the European Charter of Local Self-Government. It would increase the capacities of LSUs to consult and collaborate adequately with CSOs by organizing trainings for civil servants working in LSUs.

**Status****Midterm: Substantial**

This commitment's level of completion was limited. The Serbian Government carried out only preparatory tasks for signing an additional protocol. The training for LSU employees was completed, although slightly later than the action plan timeline had envisioned the implementation. For more information, see the 2014-2015 Serbian midterm IRM report.

**End of term: Substantial**

The IRM researchers did not find evidence of progress on the additional protocol, which the government's self-assessment report indicated would be implemented in Quarter I of 2016. Given that the training for LSU employees was complete in the first year of the implementation cycle, this commitment remains only substantially completed.

**Did it open government?****Civic participation: Marginal**

Regular civil society participation in local government is restricted to a number of LSUs. The LSUs state that they cooperate with CSOs in their strategic planning processes and that they have developed specific procedures for this type of cooperation. According to research conducted in 2014 by the Center for Equitable Regional Development, only 13 percent of LSUs state that they have a procedure for regulating and enabling the inclusion of CSOs and citizens. Seventy-nine percent indicate that they include civil society representatives as members of working groups for creating strategic documents.<sup>1</sup> Trainings for 211 LSU employees from 120 LSUs was successfully completed in the first year of the implementation cycle.<sup>2</sup> However, given the limited progress toward a signed additional protocol, and given the fact that evaluating civil society and government cooperation in strategic planning requires a long-term perspective, the effect of this commitment on government openness currently is marginal.

**Carried forward?**

This commitment was partially carried forward into the 2016-2018 action plan. Namely, commitment 1 aims to “develop a model of job description or part of job description of an officer responsible for cooperation with civil society in local administration,” while commitments 2 and 3 are focused on the provision on trainings for both public administration officers and civil society representatives in order to improve the consultative process when adopting public policy documents.

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<sup>1</sup> Vanesa Belkić, Danijela Jović, Petar Đurović, Peđa Martinović, and Dušan Vukajlović, “Učešće Civilnog Sektorau Dosadašnjem Strateškom Planiranju Razvoja na Lokalnom Nivou u Srbiji,” Stalna Konferencija Gradova i Opština (SKGO), October 2014, [Serbian] <http://bit.ly/1OCRAVf>

<sup>2</sup> Government of the Republic of Serbia and the Office for Cooperation with Civil Society, *Toward Further Development and Sustainability of the Civil Society in Serbia* by Jovana Timotijević, Tljana Stojiljković Rolović, and Marina Tadić, (Report, September 2016), <http://bit.ly/2gbt7hn>

**Commitment 13. Civil society participation in monitoring the Public Administration Reform (PAR) Strategy**

**Commitment Text:**

- I. *Establishing a coordination system for monitoring the PAR Strategy*
  - a. *Establishment of an Inter-ministerial Project group consisting of civil servants from state administration authorities and representatives of civil society organizations*
  - b. *Training of members of Inter-ministerial Project group*
  - c. *Regular meetings of the Inter-ministerial Project group (at least 4 times a year)*

Responsible Institution(s): Ministry of Public Administration

Supporting Institution(s): CSOs

Start Date: Quarter II 2015

End Date: Ongoing

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	End of Term		Worsens	Did Not Change	Marginal	Major	Outstanding
															Substantial	Completed					
				✓	✓	✓				✓					✓			✓			

**Commitment aim:**

This commitment aimed at increasing the collaboration between civil society and government stakeholders in the context of the Public Administration Reform (PAR). Most importantly, the commitment intended to help CSOs engage in coordinating and monitoring PAR through the establishment of an Inter-Ministerial Project Group composed of civil servants and civil society representatives.

**Status**

**Midterm: Substantial**

An Inter-Ministerial Project Group was established and its members were trained within the first year of the implementation cycle. The Group was established on 23 February 2015.<sup>1</sup> Training was completed and two meetings were held. For more information, see the 2014-2015 Serbian midterm IRM report.

**End of term: Completed**

The IRM researchers interviewed two members of the Inter-Ministerial Project Group, someone from a government institution and a civil society representative. The interviews confirmed that the group met four times within the previous year and that the meeting topics and discussions became more specific over time, indicating that the commitment was completed. However, the interviewees also added that meetings were less regular in 2016. This was due largely to the early parliamentary elections, but the group planned to return to its meeting routine since the new government formed in August 2016.

**Did it open government?**

**Access to information: Marginal**

**Civic participation: Marginal**

**Public accountability: Did not change**

Monitoring the complex reform of the public administration system requires the collaboration of both relevant government and civil society stakeholders. However, until the establishment of the Inter-Ministerial Project Group, there was no mechanism to ensure this collaboration occurs in a systematic and effective manner. Given that the project group was established relatively recently and that the number of its meetings was limited in 2016 due to the parliamentary elections,<sup>2</sup> this commitment's effect on government openness in Serbia, to date, is marginal.

More specifically, by creating an inclusive environment through the project group, the government provided civil society with access to relevant and updated information regarding the public administration reform. However, given the relatively small number of meetings, the effect of the project group has been marginal. Civic participation's impact also is marginal, although it was enhanced through the training and collaboration of government and civil society actors in the project group. As a couple of the civil society members of the group noted in interviews, the topics covered in the group's meetings do not leave much space for civic participation because they focus on internal administrative issues pertaining to the implementation of certain aspects of PAR.

Although the impact of this commitment is marginal at the moment, the IRM researchers believe that the Group could have a major effect on how civil society and government collaborate, how much information is shared with civil society representatives, and how effectively the PAR is monitored and evaluated in Serbia. The Group's effect depends on whether it continues with regular meetings or expands the range of its topics. Additionally, the way CSOs monitor and report on this process could have a long-term impact on access to information and participation by making the public policy monitoring process inclusive and by monitoring information more readily available to the wider public.

**Carried forward?**

The commitment was completed and no similar commitments regarding the Inter-Ministerial Project Group are included in the 2016-2018 action plan.

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<sup>1</sup> "Decision on the Creation of the Inter-Ministerial Project Group for Expert Affairs in Coordinating and Monitoring the Implementation Process of the Public Administration Reform Strategy in the Republic of Serbia for the Period 2015-2017," Republic of Serbia, [Serbian] <http://ogp.rs/wp-content/uploads/2016/02/Resenje-o-osnivanju-RG-final.pdf>.

<sup>2</sup> Danijela Bozovic, interview with the IRM researchers, Belgrade, August 2016.

## METHODOLOGICAL NOTE

Commitments are clustered based on the original OGP action plan. This report is based on desk research and analysis of draft laws, published government and civil society reports, analysis of the commitments, interviews and written consultations with government and civil society stakeholders, as well as monitoring the elaboration process of the second action plan. The IRM researchers were careful to take into account how the early parliamentary elections in 2016 and other contextual factors influenced implementation of the action plan.

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

