

Independent Reporting Mechanism (IRM): Serbia End-of-Term Report 2016–2018

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Overview: Serbia

Independent Reporting Mechanism (IRM) End-of-Term Report 2016–2018

The Serbian Action Plan addressed many core open government issues, including access to information and civic space. The Government made significant improvement in open data reform and institutionalizing public consultation on draft legislation. Future action plans could better link commitments with relevant European Union accession requirements.

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 of the period October 2017 to September 2018.

Serbia began participating in OGP in 2012 and has so far implemented two Action Plans. The Ministry of Public Administration and Local Self-Government (MPALSG) officially coordinates the national OGP process, but lacks staff dedicated to the role, and authority over other institutions in the process, to induce more robust engagement. MPALSG was responsible for implementing half of the commitments from the current Action Plan. Implementation of other commitments were led by the Public Policy Secretariat (PPS), the Office for Cooperation with Civil Society (OCCS), and the Ministry of Trade, Tourism and Telecommunication (MTTT). Six civil society organizations were members of the working group tasked with developing the 2016–2018 action plan.

Implementation of four of the 14 commitments has produced major changes in government practices and improved the standards for citizen participation and the open data ecosystem in Serbia. The Government completely implemented 7 of 14 commitments by the end of the assessment period. Commitments related to the freedom of information have the lowest completion due to delays in passing draft amendments to the law.

The Government published the End-of-Term Self-Assessment Report on the MPALSG's and OCCS' web pages on 24 October 2018.¹ The MPALSG invited the public to submit comments on the report up until 8 November 2018.²

The Government has not yet published the new Action Plan, the third, covering the 2018–2020 period. The MPALSG envisages the plan to be adopted by end of 2018.³

Table 1: At a Glance		
	Mid-term	End-of-term
Number of Commitments	14	
Level of Completion		
Completed	1	7
Substantial	5	5
Limited	8	2
Not Started	0	0
Number of Commitments with...		
Clear Relevance to OGP Values	13	13
Transformative Potential Impact	1	1
Substantial or Complete Implementation	6	12
All Three (🎯)	0	0
Did It Open government?		
Major	4	
Outstanding	0	
Moving Forward		
Number of Commitments Carried Over to Next Action Plan	N/A	

¹ Self-Assessment Report, MPALSG, <http://mduls.gov.rs/partnerstvo-otv-upravu-2017.php>

² Call for comments on government self-assessment, Cooperation Office with Civil Society, <http://civilnodrustvo.gov.rs/poziv/javni-poziv-za-dostavljanje-komentara-na-kona%C4%8Dni-izve%C5%A1taj-%E2%80%93-samoprocenu-o-implementaciji-akcionog-plana-za-sprovo%C4%91enje-inicijative-partnerstvo-za-otvorenu-upravu-u-republici-srbiji-za-2016-i-2017-godinu.39.html?invitationId=550>

³ Dragana Brajovic, MPALSG, Interview with IRM Researcher, 13 September 2018.

Consultation with Civil Society during Implementation

Countries participating in OGP follow a process for consultation during development and implementation of their Action Plan.

A special inter-ministerial working group to develop the 2016–2018 Action Plan and monitor its implementation had not formally met since adoption of the plan in November 2016 until the beginning of 2018. The group comprised representatives from government and civil society following an official public call for CSO membership¹ and act of government that established the working group.² According to a working group member, discussion regarding specific activities continued through email correspondence and within smaller ad hoc meetings of responsible persons, while MPALSG continued to provide information, for example on the publishing of the six-month self-assessment report and the IRM report.³

In March 2018, the new government working group was established to develop and implement the 2018–2020 Action Plan, replacing the 2016–2018 working group. The Government, as it did previously, published an open call for civil society to join the new group and selected six CSOs through a transparent procedure, of which three were new to the OGP process.⁴ The working group has 34 participating institutions: 21 central administration bodies, five local government institutions (city/town municipalities), an international organization, one chamber of commerce, and six CSOs. Although primarily tasked with developing the next Action Plan, the group also discussed implementation of the 2016–2018 Action Plan, given that most members (including state and non-state actors) remained the same.⁵ Comparing the official lists of members of the previous and the current working groups,⁶ on the other hand, the IRM researcher found 15 new member organizations. So far, the new working group has met regularly—seven times between March and September 2018.

During the implementation of the 2016–2018 Action Plan, civil society was consulted through other channels aimed at collecting suggestions and inputs from the public on the Government’s self-assessment report. In June 2017, the MPALSG and OCCS organized an open meeting for CSOs that was outside of the scope of the working group. They presented the six-month self-assessment report and discussed implementation with working group members.⁷ Additionally, MPALSG and Civic Initiatives organized meetings on the local level (e.g., in Subotica and Zajecar) during 2017, mainly to present the Action Plan and its results to the local authorities and CSOs.⁸

Following the first year of implementation, the MPALSG and OCCS launched a call for comments on the mid-term self-assessment report online over a two-week period in October 2017.⁹ The draft report and the comment form were included in the call. However, the MPALSG representative stated that there were no significant comments submitted.¹⁰

In sum, the working group for 2016–2018 did not formally meet after the Action Plan was adopted. Discussion with civil society during implementation was done through wider, ad-hoc consultation events. Following the establishment of the new working group for 2018–2020 cycle, members (including CSOs) met seven times between March and September 2018 and discussed implementation of the 2016–2018 Action Plan. At the time of writing of this report, implementation consultations have not been extended to broader civil society outside of the scope of the current working group. The level of public influence during implementation is “consult” because civil society was able to provide comments on the Government’s self-assessment reports.

Table 2: Consultation during Implementation

Regular Multistakeholder Forum	Midterm	End-of-Term
I. Did a forum exist?	Yes	Yes

2. Did it meet regularly?	No	Yes
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Table 3: Level of Public Influence during Implementation

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.¹¹ This spectrum shows the potential level of public influence on the contents of the Action Plan. In the spirit of OGP, most countries should aspire for “collaborative.”

Level of Public Influence during Implementation of Action Plan		Midterm	End-of-Term
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.	✓	✓
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

¹ See https://ogp.rs/wp-content/uploads/2016/02/javni_poziv_PRG_OGP.pdf

² See <https://ogp.rs/wp-content/uploads/2016/02/Resenje-o-osnivanju-RG-final.pdf>

³ Sanja Nasevski, UNDP, Interview with IRM Researcher, 7 September 2018.

⁴ Decision on establishing the working group, available at <http://mduls.gov.rs/partnerstvo-otv-upravu-2018.php> (Accessed on 10 September 2018).

⁵ Dragana Brajovic, MPALSG and Bojana Selakovic, Civic Initiatives, Interviews with IRM Researcher, 13 and 17 September 2018.

⁶ Lists are contained in the Government decisions on establishing the Working groups, available at <http://mduls.gov.rs/doc/otv.uprava/Resenje-RG-OGP.pdf> (for 2018–2020) and <https://ogp.rs/wp-content/uploads/2016/02/Resenje-o-osnivanju-RG-final.pdf> (for 2016–2017). Accessed on 10 September 2018.

⁷ Highlights of the event are available at the webpage of Civic Initiatives, accessed on 10 September 2018: <https://www.gradjanske.org/predstavljanje-izvestaja-o-pracenju-akcionog-plana-za-sprovodjenje-inicijative-partnerstvo-za-otvorenu-upravu/>

⁸ See news articles (in Serbian) about the meetings: <https://www.gradjanske.org/u-subotici-predstavljen-akcioni-plan-za-otvorenu-upravu/> and <https://www.gradjanske.org/partnerstvo-za-otvorenu-upravu-u-zajecaru/>

⁹ The calls are available at the webpages of MPALSG and OCCS, accessed on 10 September 2018:

<http://mduls.gov.rs/partnerstvo-za-otvorenu-upravu.php#a90> and <https://bit.ly/2Qa4DqB>

¹⁰ Dragana Brajovic, MPALS, Interview with IRM Researcher, 13 September 2018.

¹¹ http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

About the Assessment

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹ One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Starred commitments will have “medium” or “high” specificity. A commitment must lay out clearly defined activities and steps to make a judgment about its potential impact.
- 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.
- The commitment would have a “transformative” potential impact if completely implemented.²
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Starred commitments can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation period.

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

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for Serbia, see the OGP Explorer at www.opengovpartnership.org/explorer.

About “Did It Open Government?”

To capture 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 has changed as a result of the commitment’s implementation.

As written, some OGP commitments are vague and/or not clearly relevant to OGP values but achieve significant policy reforms. In other cases, commitments as written appear relevant and ambitious, but fail to open government as implemented. The “Did It Open Government” variable attempts to capture these subtleties.

The “Did It Open Government?” variable assesses changes in government practice using the following spectrum:

- **Worsened:** Government openness worsens as a result of the commitment.
- **Did not change:** No changes in government practice.
- **Marginal:** Some change, but minor in terms of its effect on 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.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

Readers should keep in mind limitations. IRM end-of-term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed

in government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

¹ IRM Procedures Manual, <http://www.opengovpartnership.org/about/about-irm>.

² The International Experts Panel changed this criterion in 2015. For more information, visit <http://www.opengovpartnership.org/node/5919>.

Commitment Implementation

General Overview of Commitments

As part of OGP, countries are required to make commitments in a two-year action plan. The tables below summarize the completion level at the end of term and progress on the “Did It Open Government?” metric. For commitments that were 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 further details on these commitments, please see the Serbian IRM progress report 2016–2018.¹

Serbia’s 2016–2018 Action Plan included 14 commitments within six thematic areas: public participation (3), access to information (2), open data (2), public integrity (1), fiscal transparency (2), and service delivery (2). Although focused primarily on public participation and transparency, the plan’s scope has mostly been limited to amending and adopting legislation, with little perceived direct benefit for citizens and a lack of clear a commitment to general government accountability.

There are strong linkages between certain commitments, especially in cases where different commitments contribute to a shared objective. For instance, commitments related to public participation and government integrity share the same goals and tackle a common problem, as do those related to access to information and open data. As this means they contribute to an overall result, the IRM researcher has reorganized the commitment analysis accordingly. This should make the report more oriented towards analyzing results and make it less repetitive to the reader. The commitments are organized in the following way:

- Public participation and government integrity (Commitments 1–5 and 10, where Commitments 2 and 3, as well as 5 and 10, are analyzed together)
- Access to information (Commitments 6 and 7)
- Open data (Commitments 8 and 9, analyzed together)
- Fiscal transparency (Commitments 11 and 12, analyzed together)
- Public services (Commitments 13 and 14)

Table 4: Assessment of Progress by Commitment

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	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Develop model job description of				✓		✓			✓					✓	✓		✓				

civil society liaison																			
2. Organize Trainings for Public Servants				✓		✓				✓					✓				✓
3. Organize Civil Society Trainings				✓		✓				✓					✓				✓
4. Improve collections of citizen and business initiatives			✓			✓		✓		✓					✓				✓
5. Standards for Civic Participation				✓	✓	✓					✓						✓		✓
6. Opening Information Booklet Data				✓	✓			✓				✓			✓			✓	
7. Amend Access to Information Law				✓	✓		✓				✓				✓			✓	
8. Development of an Open Data Portal				✓	✓			✓			✓				✓				✓
9. Draft bylaws for Evaluation of Websites				✓	✓			✓			✓				✓				✓
10. Public Hearings on Drafting of Laws				✓	✓	✓					✓				✓				✓
11. Develop Monitoring and Evaluation Instructions for Government CSO funding			✓		✓					✓					✓				✓
12. Amend Regulations on Funding Civil Society Programs			✓		✓					✓				✓					✓
13. Law on Electronic Documents and ID				✓				Unclear			✓				✓			✓	
14. Public register of administrative procedures and other conditions for			✓		✓			✓			✓			✓					✓

pursuing a
business
activity



¹ <https://www.opengovpartnership.org/report/serbia-mid-term-report-2016-2018-year-1>

I. Develop model job description of civil society liaison

Commitment Text:

Title: Develop a model of job description or part of job description of an officer responsible for cooperation with civil society in local administration

Prepare and submit a model job description or part of a job description for a post in charge of civil society liaison for all LSGUs in the Republic of Serbia. The model job description should include a description of duties and a designation of job complexity and responsibility, with recommended civil service title, required level and type of education, qualifications and skills.

*Editorial Note: For full commitment text, please refer to National Action Plan at <https://www.opengovpartnership.org/documents/serbia-second-national-action-plan-2016-2018-english>

Responsible institution: Ministry of Public Administration and Local Self-Government (MPALSG), Standing Conference of Towns and Municipalities (SCTM)

Supporting institution(s): Office for Cooperation with the Civil Society, Local self-government units (LSGUs), Civic Initiatives

Start Date: October 2016

End Date: December 2017

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	Complete	Worsened	Did Not Change	Marginal	Major	Outstanding	
I. Develop Model Job Description of Civil Society Liaison			✓		✓				✓						✓			✓				

Commitment Aim:

Commitment I aimed to standardize job requirements across local governments and create a new CSO liaison position that would work proactively to foster and nurture cooperation with civil society at the local level. Activities included developing a model job description, distributing the job description across the local government units, and monitoring uptake.

Status

Midterm: Substantial

Following the first year of the plan, this commitment's implementation was substantial. The MPALSG and Standing Conference of Towns and Municipalities (SCTM) developed the model job description together with the Office for Cooperation with Civil Society (OCCS) and Civic Initiatives. The key responsibilities of the CSO liaison were to improve cooperation with CSOs, help organize debates

and consultations, ensure participatory local budgeting, collect best practices, and report on results. The envisaged rank of the model officer was, however, at the lower to medium level of seniority. This limited their decision-making capacity in the formal hierarchy. At the time when the midterm report was being written, monitoring the model's application was the last remaining activity and the SCTM was finalizing its analysis on the increase in the number of bodies with a liaison position foreseen in the organizational structure.

End-of-Term: Complete

Implementation is complete. The SCTM has tracked the number of local governments (town and municipal administrations) that embedded the function into their legal acts on internal organization and job classification.¹ The SCTM finalized the analysis in December 2017, finding that only half of the towns, and 12 percent of municipalities, envisage jobs related to cooperation with CSOs within their organizational structures.² The analysis was done on a sample of 51 municipalities (out of 119) and 18 towns (out of 26).

Did It Open Government?

Civic Participation: Did Not Change

Prior to implementation of this commitment, civic participation on the local level was limited to few public debates and ad hoc, poorly managed mechanisms for cooperation with civil society. Despite completion of this commitment, the level of civic participation (i.e., opportunities to impact decision-making) has remained unchanged.

The CSO liaison was intended to perform several tasks. The liaison would be tasked with organizing public debates, CSO consultations, and meetings between local authorities and CSOs. They would also be tasked to ensure civic participation in local budgeting, consider financing of CSOs' projects, establish a database of local CSOs, and identify good practices and obstacles to cooperation. Finally, they would produce reports on achievements and foster networking within the local civil society.

The model was proposed as a voluntary measure for local authorities, considering that their constitutionally and legally given autonomy to adopt legislation governing their work. Therefore, mechanisms to enforce compliance were not possible, which its challenge implementation from the outset.

There is still no analysis of the actual number of employees working as CSO liaison officers. SCTM argues that lack of financial and human resources, including existing staff lacking competency and being overburdened with work, were the key reasons why a large number of towns and municipalities decided not to create the position.³ The SCTM analysis points out that positions for equally significant portfolios, such as managing public investments, issuing energy permits, spatial planning, were also not institutionalized for similar reasons.

There is no publicly available evidence that indicates that the small percentage of those local governments that designated a CSO liaison has changed government civic engagement practices. In those administrations that have implemented such model, liaisons lack sufficient autonomy and decision-making powers to tangibly shift practices. The low-to-medium rank of the liaison, who is placed in the very formalistic departments for general administrative affairs, has hindered their potential influence. A more senior civil servant may be able to influence the decisions of the local administration's leadership, to reach the head of the administration personally and internally advocate for a more inclusive approach to local decision-making. On the other hand, entrusting this position to junior administrators demonstrates low priority given to the work with CSOs. During the midterm assessment, an MPALSG representative confirmed that this position would not have enough authority and autonomy to design and implement strong cooperation mechanisms.⁴

Municipalities face resource constraints in creating and funding positions within the administration. However, SCTM expects the number of CSO liaison officer positions to increase, owing indirectly to the new Law on Local Self-Governments.⁵ The law aims to stimulate citizen activism and provide space for participation in local decision making,⁶ which means that more public servants will be needed to coordinate the processes.

Considering the voluntary nature of this commitment, the inadequate positioning of the liaison in the formal hierarchy, and a general lack of capacity at the local level, the IRM researchers assess that this commitment is not an optimal solution to effect changes in government openness and current practice.

Carried Forward?

At the time of writing of this report, the Government is still drafting the next Action Plan. There have been no indications to the IRM researcher that this commitment will be carried forward. MPALSG may continue to help local authorities understand the benefits of maintaining sustainable relationships with local civil society. Additional analysis should be done to determine the actual number of employees that correspond to the prescribed model, as a baseline for further monitoring. The MPALSG, together with non-state actors, could start monitoring appointments of new liaisons, what authority they are given, and what resources are made available to them. Finally, it would be useful to monitor and assess the needs of those units that have established a dedicated liaison to identify areas for improvement of civic participation on the local level.

¹ Marko Tomasevic, Standing Conference of Towns and Municipalities, Interview with IRM Researcher, 17 September 2018.

² SCTM, “Analiza primene modela pravilnika o sistematizaciji radnih mesta u opstinskoj i gradskoj upravi i pravobranilastvu, strucnim sluzbama i posebnim organizacijama”, Belgrade, December 2017, p. 34 and 52.

³ SCTM, “Analiza primene modela pravilnika o sistematizaciji radnih mesta u opstinskoj i gradskoj upravi i pravobranilastvu, strucnim sluzbama i posebnim organizacijama”, Belgrade, December 2017, p.23.

⁴ Sasa Mobic, Ministry of Public Administration and Local Self-Government, interview with IRM researcher, 5 September 2017.

⁵ Marko Tomasevic, Standing Conference of Towns and Municipalities, Interview with IRM Researcher, 17 September 2018

⁶ For example, Art. 68 of the Law on Local Self-Government (Official Gazette of the Republic of Serbia 129/2007-41, 83/2014-22 (др. закон), 101/2016-9 (др. закон), 47/2018-3) introduces the obligation to the local governments to announce the start of drafting of each act, and provides the citizens with the possibility to gather 100 signatures for submitting a request for a public debate.

2. Organize Trainings for Public Servants

Commitment Text:

Title: Organise trainings for public administration officers in connection with the application of the Guidelines on Inclusion of Civil Society Organisations in the Process of Passing Regulations

Plans have been made for up to 5 training events for representatives of public administration that would address the importance and potential modalities of cooperation with civil society organisations in the process of developing and implementing regulations and other public policy documents.

The trainings will be organised in collaboration with the Human Resource Management Service and other public administration services. The minimum planned number of participants is 20, including officers in charge of drafting regulations, as well as officers in charge of financing and cooperation with civil society organisations.

Responsible institution: Office for Cooperation with the Civil Society

Supporting institution(s): Human Resource Management Service, Civil society organizations

Start Date: December 2016

End Date: December 2017

3. Organize Civil Society Trainings

Commitment Text:

Title: Organise trainings for CSO in connection with application of the Guidelines on Inclusion of Civil Society Organisations in the Process of Passing Regulations

The plan is to collaborate with Civic Initiatives to make a public call for interested CSOs and hold 4 training events for CSO staff in connection with application of the Guidelines on Inclusion of Civil Society Organisations in the Process of Passing Regulations in several cities in the Republic of Serbia. Minimum 30 representatives of CSOs are expected to undergo this training.

Responsible institution: Office for Cooperation with the Civil Society

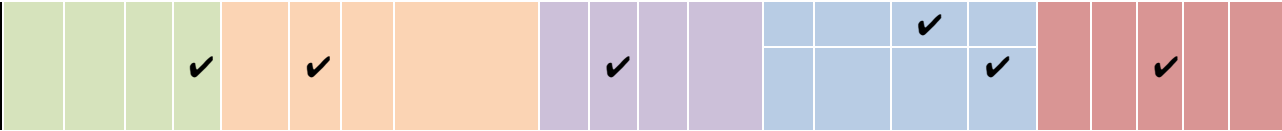
Supporting institution(s): LSGU; Civic Initiatives; Civil society organizations

Start Date: December 2016

End Date: December 2017

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	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Organize Trainings for Public Servants				✓		✓				✓					✓				✓		

3. Organize Civil Society Trainings



Commitment Aim:

To advance cooperation between the state and non-state actors, the Government proposed training both officials and CSOs on the *Guidelines on Inclusion of Civil Society Organisations in the Process of Passing Regulations*, as well as enhancing mutual trust. Up to five training sessions for public administration and four training sessions for CSOs were envisaged. The intention was to train public servants to better understand CSO needs and identify what mechanisms could facilitate more consistent cooperation in decision-making processes. The CSO training aimed to increase their legal knowledge about available participatory mechanisms and help them to demand greater involvement. Both commitments included the development of training programs, organizing and holding training sessions, and publishing reports on the sessions.

Status

Commitment 2

Midterm: Substantial

Commitment 3

Midterm: Substantial

Both commitments were substantially implemented at the midterm assessment. OCCS developed the training programs for both target groups, which focused on introducing the institutional and legal frameworks for cooperation and financing of CSOs, explaining the guidelines for the inclusion of civil society in policymaking, and presenting a four-level model of cooperation. The levels of cooperation included informing CSOs, seeking expert advice from them, involving them in decisions, and establishing partnerships.

The OCCS had conducted two training sessions for public administration representatives by midterm, gathering a total of 39 trainees from 19 local governments and town municipalities. Additionally, the OCCS prepared and published a report on prior training sessions which included recommendations for further advancement. The remaining activities were to hold training sessions for civil servants in the central government and sessions for CSOs, as well as to draft the reports on those trainings. None of the CSO training sessions had taken place by the midterm assessment.

Commitment 2

End-of-Term: Substantial

Commitment 3

End-of-Term: Complete

There is no evidence to indicate that training of public servants has changed since the midterm assessment. The Government did not hold the remaining two sessions targeting the central-level civil servants. The IRM researcher contacted the National Academy for Public Administration (the institution that officially took over the mandate for training of civil servants from the HRM Office once NAPA was established). No reply was received by the time this report was finalized.

Implementation of the commitment related to training CSOs has been completed. The OCCS, supported by a local CSO, Civic Initiatives, organized and conducted all four sessions in Belgrade, Nis, Sabac, and Krusevac.¹ A total of 69 representatives from 55 CSOs participated in the training sessions during October and November 2017. The training introduced the legal and institutional framework for cooperation between the state and civil society, presented the Guidelines for Inclusion of Civil Society in the Adoption of Legislation, and featured interactive group work about the levels of CSO involvement in decision making (informing, advising, inclusion, and partnership). In some instances, introductory sessions hosted local governments representatives—participants of the

same trainings for public servants. They provided their own views on the challenges of cooperation and areas for improvement and responded to CSO representatives' questions.

The OCCS published a report on the training sessions online. The OCCS also published a series of news articles on the activities and results of each session, clearly linking the activities to the OGP process.² Based on the trainings, the OCCS created a database with contacts of the local-level organizations, which will serve for better networking and future cooperation.³

Did It Open Government?

Commitment 2 & Commitment 3

Civic Participation: Marginal

While civil society involvement in decision-making processes has generally increased in the recent years, it has remained limited and ad hoc. Both commitments lacked ambition and only had a marginal impact in changing government practice around improving civic participation to inform or influence decision making.

The six training sessions (two for public servants and four for CSOs) had limited impact on the opportunities for civil society to influence decision making. Overall, one-off trainings have limited potential to influence long-term practices, particularly if they are not followed up by strong incentives to implement newly acquired skills. At the same time, this commitment lacked additional measures to stimulate enforcement after the training sessions. The IRM researcher identified one positive example: a local CSO that participated in the training session that hosted a local authority speaker eventually got included in the local anti-corruption council.⁴ However, it was not possible to ascertain whether this happened as a direct result of the training.

The IRM researcher assesses the training content as adequate given the target groups, as well as identified problems and needs. Simultaneously, a more advanced training program that goes beyond reviewing the legal and institutional frameworks, incorporates real cases and examples, combined with more training hours, could increase the potential impact of these commitments. CSO participants evaluated the training favorably for the methods used, goals achieved, and matching the training contents to the CSO needs.⁵ Some CSOs expected to find out more about funding opportunities from the local government during these trainings as they considered such information part of their capacity building to cooperate with public administration in policy making.⁶ A representative of Civic Initiatives commended the collaboration with the OCCS and confirmed that CSOs had acquired relevant new information, but also added that this commitment lacked potential for instigating a tangible change.⁷

The commitments lacked ambition in the number of participants targeted for the trainings given the missing training for the central administration civil servants—a crucial target group, being part of the national policymaking institutions. Furthermore, training CSOs and public official separately continues the separation of the two sectors in the decision-making process. And, while the OCCS monitors cooperation on the provincial and central levels, it still needs mechanisms for monitoring the effects of these training efforts on the local level.

According to a representative of Civic Initiatives, training alone is a deficient tool for creating change, and may even risk wasting energy and resources because they target people who are already aware of the available mechanisms for participation but lack authority. The IRM Researcher interviewed two CSO representatives that participated in the training sessions in Nis, as this was the only city where there were separate trainings for both target groups. They pointed out that, while calls for participation have increased in the past year, actual participation has not improved due to short deadlines or rejection of CSO inputs. Moreover, they perceive that local authorities provide support in words, but senior decision-makers often fail to respond to invitations for cooperation or participation in public events or discussions. Interviewed CSOs representatives also said that training low-level, operational officials would be ineffective as they only execute decisions, rather than make them.

Carried Forward?

The Government has not released a new Action Plan at the time of writing of this report. The IRM researcher recommends that any future training and educational activities should focus strongly on raising awareness among political leadership and senior public servants, in addition to including lower-level public servants. Ensuring that high-level public servants (e.g., managers) participate in training sessions, as well as increasing the number of training hours and trainees, would be one further step to change government practice in this area. Training sessions and other capacity and awareness-raising activities should ideally gather the two target groups and thus increase their socialization and help improve communication through interactive group work and other joint activities. Additionally, administration could develop smarter impact assessment plans with indicators of success, measuring if departments proactively publish more information, if CSOs participate more actively, perception/satisfaction surveys with CSOs, etc.

¹ Report on the conducted trainings, available at the OCCS web page: <http://civilnodrustvo.gov.rs/podsticajno-okruzenje/obuke/izvestaji-sa-obuka.468.html> (accessed on 11 September 2018)

² Four news articles about the training for CSOs are available here: <https://bit.ly/2CFklHH>, <https://bit.ly/2Mge5p9>, <https://bit.ly/2OaK8sc>, <https://bit.ly/2CCR9Rn>

³ Danilo Rodic, Office for Cooperation with Civil Society, Interview with IRM Researcher, 22 August 2018.

⁴ Ibid.

⁵ Report on the conducted trainings, available at the OCCS web page: <http://civilnodrustvo.gov.rs/podsticajno-okruzenje/obuke/izvestaji-sa-obuka.468.html> (accessed on 11 September 2018)

⁶ Bojana Selakovic, Civic Initiatives, Interview with IRM Researcher, 17 September 2018.

⁷ Ibid.

4. Improve the collection of citizen and business initiatives

Commitment Text:

Title: Improve the system for collecting initiatives from citizens and businesses

Different models should be available for enabling the participation of citizens and businesses in the decision-making process. An improved system for soliciting initiatives from citizens and businesses would be a key mechanism for the decision-making process. This commitment will require the installation of appropriate online software and provision of functionalities on the website of the Republic Secretariat for Public Policies (RSPP) through better, faster and easier access of citizens and businesses to the content of RSPP's website. There are also plans to establish a Forum for Initiatives for Amendment of Inefficient Regulations in the Legislative Process. This system would enable citizens and businesses to submit initiatives to amend any existing regulations or initiatives to pass new regulations. For this system to be able to function properly, it will be necessary to build the capacities of the RSPP staff in charge of these duties.

Responsible Institution(s): Republic Secretariat for Public Policies

Supporting Institution(s): Ministry of Public Administration and Local Self-Government – eGovernment Directorate, Ministry of Economy, Civil society organisations and companies

Start Date: Ongoing

End Date: 2Q 2017

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		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	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Improve collections of citizen and business initiatives			✓			✓	✓		✓						✓				✓		

Commitment Aim:

This commitment aimed to develop and improve instruments for citizens and businesses to use to influence government decision making. The Government committed to developing an online portal for collecting initiatives that would amend/propose legislation or abolish red tape. The intention was to encourage interaction among the users and direct contact with PPS, the main responsible institution for administering the portal and forwarding the initiatives to the responsible policy-making institutions. Users would be able to monitor the status of proposed initiatives and their outcomes. An additional planned activity was the establishment of a forum for stakeholders to discuss the initiatives that had been collected, while a final activity involved developing internal procedures for PPS to process the initiatives.

Status

Midterm: Substantial

This commitment was substantially implemented by midterm. The Government established the online portal, “Adminhack,” at the end of 2016 and piloted it within the information and communications technology (ICT) community. All submitted initiatives, their status, and the institutional response were publicly accessible and available for monitoring. RSPP organized roundtable meetings with ICT sector representatives to present and promote the portal.

The portal had received 17 submitted initiatives at the midterm, of which three had been solved/implemented. Interaction among users was limited because only four employees of PPS were responsible for administering the portal, and all had other responsibilities.

An analogous physical forum had yet to be constituted and there was no consistent message regarding its composition, working methods, or expected results. The last remaining activity was to develop internal procedures for processing initiatives and integrating/aligning them with the general procedures the RSPP used for submissions received through email and postal mail.

End-of-Term: Complete

A physical forum for discussing proposed initiatives among the state and non-state actors was established, an activity within a project that the PPS has been implementing with NALED, a non-state actor.¹ The aim has been to enhance a dialogue between relevant government institutions and six selected business associations or CSOs.² At the beginning of 2018, three associations³ were selected to participate in the dialogue on one of the following topics: flat-rate taxation, improving organic production, and beekeeping. PPS representatives said that the project team was developing plans to improve policies related to each of these three areas.⁴

The project team had started organizing round tables which, within this commitment, serve as the “forums.” So far, four meetings have been organized to discuss the flat-rate taxation, two in Belgrade, one in Niš, and one in Novi Sad.⁵ Attendees included representatives of the Tax Administration, PPS, NALED, Entrepreneurship Development Association, Policy Research Centre, Pausal.rs portal, along with other business associations and entrepreneurs interested in this topic.

The public-private dialogue project and the “Adminhack” online portal do not have any links. The web page for the dialogue introduces a different web portal where stakeholders can indicate shortcomings in legislation and in practice regarding flat-rate taxation, organic production, and beekeeping.⁶ At the same time, the Adminhack portal remains accessible and contains 17 submitted initiatives, six of which have been solved or implemented. According to a PPS representative, this portal is not being used. The PPS is not promoting it⁷ because it has proved complicated to administer for technical reasons related to the communication with foreign web developers. The PPS intends to build a similar portal that will become an integrated part of this institution’s webpage, while Adminhack might serve other purposes in the future, such as providing an online forum for discussing initiatives. Finally, according to the representative, there are other options to submit initiatives online—the portal of the public-private dialogue project, the “ePaper” portal, (see Commitment 14) along with the option of providing submissions via email.

The internal procedures for processing online initiatives has been completed. The last edit of the procedures was done in the second quarter of 2018.⁸

Did It Open Government?

Civic Participation: Marginal

This commitment has created some new opportunities for entrepreneurs to influence decision making and voice their needs. This was initially done by means of the “Adminhack” online portal, which created a channel for the ICT sector to engage relevant institutions. Although initiatives could previously be submitted the PPS via email, the portal was a step towards increased interaction with a focus on the ICT sector. Moreover, the project saw PPS partner with NALED, which maintains a large network of contacts and associates from the private sector, which allowed wide outreach to the potential stakeholders to encourage participation. The willingness of government actors to engage in a process of gathering key institutions to discuss improving their respective areas in a systematic and planned manner represents a positive practice. However, as NALED, rather than the

Government, has been responsible for implementing the project, it remains a one-off initiative rather than an institutionalized government practice.

All activities within this commitment have targeted the entrepreneur community or involved topics related to entrepreneurship, from the promotion the portal's purpose,⁹ to the forum's topics and the results of the meetings. Although some CSOs were included, the opportunity to produce a meaningful output for ordinary citizens and the wider CSO community was missed. Similarly, since the Adminhack online portal was abandoned and proactive interaction was instead handled through face-to-face meetings, engagement opportunities for the entrepreneur community were limited to the number of associations and individuals that were able to get directly involved. Furthermore, NALED administered the website for the ongoing project rather than the government; while interviewees mentioned it as a potential substitute for Adminhack, it cannot be considered as a government's tool for proactive interaction with the stakeholders. Therefore, the IRM researcher assessed the change in government practice for civic participation as marginal, as there are no mechanisms to ensure institutional responsiveness to initiatives submitted by stakeholders and the focus has largely been on entrepreneurship issues. Thus, there are limited opportunities for the public to influence decision making.

Shifting the focus from "Adminhack" to new portals could send a message that continuity and commitment is lacking, which may result in lower trust among end users. Therefore, there is a risk that people will be less motivated to engage because of uncertainty that it will result in any change. The possibility of several different portals with similar goals and target groups running concurrently may also confuse end users and create the impression of inconsistency, despite notionally increasing the government's reach. As these portals are outside of the scope of the OGP commitments, the PPS could consider consolidating them in a single, central portal for collecting initiatives from a range of stakeholders, including citizens.

Finally, the PPS lacks mechanisms to oblige institutions to consider the initiatives, so success largely relies on a case-by-case basis. Government bodies have sometimes been unresponsive or provided rather vague answers.¹⁰ This attitude can create additional discouragement for initiators and limit the openness of the government.

Carried Forward?

At the time of writing this report, the next Action Plan had not been published. Any future commitments that build on this one could be better streamlined and more focused on PPS initiatives that engage the public and the private sector in ways that ensure continuity and build trust. For example, a future commitment could establish accountability mechanisms for public authorities to respond and act on public proposals, which would add relevance to public accountability (which Serbia's current Action Plan lacks).

¹ National Alliance for Local Economic Development. See more at: <http://naled.rs/>

² Project webpage: <http://jpd.rs/o-projektu.php>

³ Entrepreneurship Development Association, Association of Beekeeping Organizations of Serbia and Agrocluster of Serbia.

⁴ Ninoslav Kekic, Public Policy Secretariat, interview with IRM Researcher, 6 September 2018.

⁵ Individual news articles about the events are available here: <http://jpd.rs/odrzan-prvi-okrugli-sto-u-okviru-kampanje-mesec-pausalaca.php>, <http://jpd.rs/u-nisu-odrzan-drugi-okrugli-sto-na-temu-pausalnog-oporezivanja.php>

⁶ The portal is available at <http://jpd.rs/ukljuci-se-u-dijalog.php>

⁷ Ninoslav Kekic, Public Policy Secretariat, interview with IRM Researcher, 6 September 2018.

⁸ Ibid.

⁹ See: <https://startit.rs/pokrenut-adminhack-rs-traze-se-predlozi-it-industrije-za-smanjenjeadministrativnih-prepreka/>; <http://socijalnoukljucivanje.gov.rs/rs/ukljuci-se-i-kreiraj-svoje-poslovnookruzenje/>; <https://www.vesti.rs/Dobre-vesti/Ponudite-predlog-za-smanjenje-administrativnihprepreka.html>; <https://www.rnids.rs/publikacije/RNIDSinfo34.pdf>

¹⁰ Ninoslav Kekic, Public Policy Secretariat, interview with IRM Researcher, 6 September 2018.

5. Standards for Civic Participation

Commitment Text:

Title: *Introducing standards for civic participation in the public policy management system*

The key aspect of this commitment is to provide for consultations, i.e. to impose a duty on state administration bodies to hold consultations when drafting proposals of public policy documents. A legal framework should be put in place to define the consultation process, set out the criteria for determining the appropriate type and scope of consultations, specify the criteria for choosing representative members of the public and the business community who are knowledgeable on the subject matter and could take part in the consultations and provide for a duty to make public calls for participation of stakeholders and target groups.

Another important form of civic participation in the decision-making process is public hearing. It is necessary to set out methodological rules for the conduct of public hearings, standardise the public hearing process and ensure appropriate participation of stakeholders and target groups in the process of passing of public policy documents.

Responsible Institution(s): Republic Secretariat for Public Policies

Supporting Institution(s): Ministry of Finance, Ministry of Public Administration and Local Self-Government, Secretariat General, Republic Secretariat for Legislation, Office for Cooperation with the Civil Society

Start Date: Ongoing **End Date:** June 2017

10. Public Hearings on Drafting of Laws

Commitment Text:

Title: *Improve the institute of public hearing in the drafting of laws*

Amendments to the Law on Public Administration and the Government’s Rules of Procedure as they pertain to mandatory public hearings in the drafting of laws.

Responsible Institution(s): Ministry of Public Administration and Local Self-Government, Government’s Secretariat General, Republic Secretariat for Legislation

Supporting Institution(s): Anti-Corruption Agency, Republic Secretariat for Public Policies, Civil society organization

Start Date: Q4 2016 **End Date:** Q2 2017

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		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	Worsened	Did Not Change	Marginal	Major	Outstanding
				✓	✓	✓				✓					✓				✓		

documents. The Regulatory Impact Assessment attached to the law proposal also pledged to amend the RoP, prepare administrators to be able to conduct consultations according to the new rules, and communicate the changes to the public.³ At the time of writing of this report, however, there are no initiatives to change the RoP. A MPALSG representative again confirmed that this activity will remain unimplemented because of a narrowed focus on improving the consultation process, which is prescribed by the Law and not the RoP.⁴ The government maintains that the objectives of the commitment can be achieved without rule changes, though the law does clearly reference the RoP for matters related to regulating official public debate.

Regarding the Guidelines, the law prescribes that the MPALSG and PPS will prepare and enact a rulebook providing good practice guidelines on improving public participation in developing legislation.⁵ According to the Action Plan for Implementation of Public Administration Reform Strategy, this activity is planned for the last quarter of 2019.⁶ An MPALSG representative confirmed to the IRM researcher that the activities on developing the guidelines started began in August 2018 as part of a German Corporation for International Cooperation (GIZ) project.

Did It Open Government?

Public participation in policymaking and legal drafting has regularly been limited to occasional public debates. Consultations with civil society were sporadic. These two commitments effected major changes in government practices through amended legislation.

Commitment 5

Access to Information: Major

Civic Participation: Major

Parliament adopted the Law on Planning System on 19 April 2018 and it entered into force on 29 October 2018. This brought major change by mandating that government institutions inform and consult a wide range of stakeholders when drafting policy documents consider public comments and suggestions, and publish feedback on their treatment, including the reasons for rejection.

This commitment advances government openness but remains limited in scope, as it remains possible for public bodies to evade the norms. For example, the law offers a range of consultation methods, but the institutions can keep using the simplest, cheapest, and least demanding options (e.g., mere publishing of a document and collecting comments online), which will not necessarily be the best way to address more complex policy problems in an inclusive manner. This risks the consultations being a “box-ticking exercise.” Additionally, public administrators can also choose whether or not to include civil society in the inter-ministerial working groups for drafting policy documents. In practice, this can mean that affected groups and some service users have limited opportunity for influence.

Lastly, although the new legislation requires the Government to publish feedback on the treatment of individual contributions, it does not guarantee that it will contain relevant information nor that it will have the same standard across the administration. This is a significant issue, as civil society has often been demotivated to participate due to the lack of responsiveness and appreciation of its contribution.

Commitment 10

Access to Information: Major

Civic Participation: Major

The Parliament enacted the Law Amending and Supplementing the Law on State Administration on 20 June 2018,⁷ introducing significant changes in the way the administration informs and consults the public. The public will have access to information about the Government’s plans to draft legislation, the problems that have been identified, and what the Government aims to change. Through early consultations, the public will also have the opportunity to participate in developing legislation at early consultations before drafting begins. This would change the status quo significantly, considering that the Government has usually conducted public debates after drafts have been finalized, thus providing little space for intervention.

As with the Commitment 5, some aspects of the law leave space for circumventing its intention. For example, provisions concerning the “concept document” are limited to legislation which “significantly changes the legal framework in a given area or which regulate subjects of particular interest of the public” but fail to mention how exactly this should be tested.

A representative of Civic Initiatives believes that a major step in opening Serbia’s administration is still impossible without legal grounds and, for this reason, these two commitments create additional space for CSO involvement. The representative thinks that the new laws can provide the CSOs with an additional argument to demand more engagement. CSOs can thus hold the government accountable and call upon the institutions to implement mechanisms that the government itself established. On the other hand, the representative emphasized the risk of slow implementation and lack of sanctions for noncompliance as potential impediments to achieving outstanding increases in civic participation. There is a need to closely monitor the practical application of the newly introduced solutions (early consultations, concept documents, etc.) in the upcoming period.⁸

Carried Forward?

At the time of writing of this report, the Government has not published the next Action Plan. In the coming months, the Government should invest in training civil servants on how to implement the consultation processes, and its effect on the drafting of policy and legal documents. The institutions in charge (MPALSG and PPS) could develop strong quality assurance procedures for the entire administration, to standardize the implementation of the new norms across the system. These measures can be addressed through future commitments that build upon this one.

¹ See <http://mduls.gov.rs/doc/rasprave/zakonu/lzvestaj%20o%20sprovedenoj%20javnoj%20raspravi%20o%20Nacrtu%20zakona%20o%20izmeni%20Zakona%20o%20drzavnjoj%20upravi.docx>

² Explanatory Memorandum (“Obrazloženje zakona”) as part of the law proposal, p. 3, available at: http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/1129-18%20lat.pdf

³ Regulatory Impact Assessment (“Analiza efekata zakona”) as part of the law proposal, p. 14, available at: http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/1129-18%20lat.pdf

⁴ Dragana Brajovic, MPALSG, Interview with IRM Researcher, 13 September 2018.

⁵ Art. 2, Law Amending the Law on State Administration, Official Gazette of the Republic of Serbia no. 47/2018.

⁶ “... preparation and adoption of bylaws regulating consultations with the interested public in the process of preparation of regulations and documents of public policies, after the adoption of the Law on the Planning System and the Law on Amendments to the Law on State Administration”, Action Plan for Implementation of Public Administration Reform Strategy, measure 5.1.3, p. 30, available (in Serbian) at <http://mduls.gov.rs/doc/AP-RJU-narativni-deo-2018-2020.pdf> “

⁷ Law Amending and Supplementing the Law on State Administration, Official Gazette of the Republic of Serbia no. 47/2018.

⁸ Bojana Selaković, Civic Initiatives, Interview with IRM Researcher, 17 September 2018.

6. Opening Information Booklet Data

Commitment Text:

Title: Improving proactive transparency - Information Booklet

The planned amendments to the Law on Free Access to Information of Public Importance, namely its Article 39 and Article 3 that defines the concept of a public authority body and the concept of a government body within the meaning of this Law, to which category of authorities refers obligation to publish the Information Booklet, as well as amendments to the Instructions on Preparation of Information Booklets, will see the information contained in those Information Booklets reformatted with the aim of opening the data contained therein, improving proactive transparency and expanding the circle of administration bodies subject to the legal requirement of publishing Information Booklets. This will entail:

- 1) Development of a single IT system to access, process and present the Information Booklet
- 2) Designing a segment of an online platform that would serve as an Information Booklet, coupled with an obligation for public administration bodies to publish information booklets in PDF format.
- 3) Training of employees in government bodies for the use of a single IT system
- 4) Piloting the use of the application
- 5) Promotion of the application (single IT system) for the public, civil sector, business sector and the media. Effectiveness of the amendments to Article 39 of the Law on Free Access to Information of Public Importance would be delayed until the online platform is designed.

Responsible institution: Ministry of Public Administration and Local Self-government (MPALSG)

Supporting institution(s): Commissioner for Information of Public Importance and Personal Data Protection, CRTA – Centre for Research, Transparency and Accountability, Belgrade Open School (BOS), UNDP

Start date: Ongoing milestone

End date: 14 months following the completion of the first milestone

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		End-of-Term		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	Worsened	Did Not Change	Marginal	Major	Outstanding		
6. Opening Information Booklet Data				✓	✓		✓					✓		✓				✓					

Commitment Aim:

To strengthen proactive transparency, this commitment aimed to obligate public institutions to publish consistent, complete, and regularly updated information about their work. This information was to be contained in a document called the Information Booklet. To standardize the quality of

information across the administration, the Government committed to ensuring the booklets were made available in user friendly, open formats that made them easier to search, process, and reuse. In essence, the commitment included the following milestones: 1) amending the Law on Free Access to Information of Public Importance; 2) enacting Instructions for Developing and Publishing the Information Booklets; 3) developing an online application for accessing, processing, and presenting the booklets; 4) training state employees to use the application; 5) piloting the application; 6) promoting the application to the public, civil society, businesses, and the media.

Status

Midterm: Limited

The completion of this commitment was limited by midterm, predominantly due to the failure to amend the Law on Free Access to Information of Public Importance within the set timeline. The Government was still drafting the amendments at the midterm and civil society was excluded from the drafting process. The lack of progress hindered work on the Government's Instructions for Developing and Publishing the Information Booklets.

Other activities did move further. The application was designed and piloted and civil servants were provided with training. Together with the United Nations Development Programme (UNDP), the MPALSG piloted the application in ten local government units, helping to raise awareness and build the capacity of civil servants at the local level. The pilots also helped to identify potential issues in the application and make adjustments. Government and civil society representatives both assessed progress in the piloting process as smooth, although authorities of two big cities, Novi Sad and Niš, refused to participate.

End-of-Term: Limited

Implementation of this commitment remained limited at the end of term because the crucial milestone, namely the amendment of the Law on Free Access to Information, had not been completed. Amendments were supposed to introduce a single web portal for e-booklets, oblige public bodies to publish data in open formats, and update datasets within 15 days of any change. This made producing the e-booklets contingent on passing the amendments. The Government deadline for passing the legislation was meant to be the last quarter of 2016, according to both the Action Plan as well as Chapter 23 in the European Union accession negotiations, meaning it has been delayed by almost two years.

Part of the reason for delay relates to a negative public reaction on the proposed amendments. The Commissioner for Information of Public Importance and the various CSOs voiced their strong opposition to some of the proposed changes, arguing that they would reduce access to information rights. (Details of the polemic are thoroughly explained in the analysis of the commitment 7, which covers the amendment of the Law in particular.) For this reason, the working group, led by the MPALSG, intends to postpone the amendments until a consensus between the stakeholders has been brokered.¹ A UNDP representative and a representative of Belgrade Open School, both involved in this commitment, stated that civil society has no remarks on the part related to the Information Booklets. However, as other proposals for amendments remain in dispute, they did not expect that the new law would be adopted by the end of 2018.² MPALSG confirmed that they had not received comments on the measures related to the Booklets, and that they, on the other hand, believed that the Government would approve the draft by the end of 2018.³

Designing and developing of the software for e-Booklets has been part of a separate project led by the UNDP, in addition to the OGP process. The project remains ongoing and the UNDP has its own timeframe, indicators, and resources. The application functions as a sub-domain of the Commissioner's website;⁴ it is available online, but still not officially in use. Representatives of the office of the Commissioner stated that their "hands are tied" until the law is adopted, because they cannot perform tasks which are not legally mandated to them.⁵ On the other hand, they expressed their strong support for the project.

The piloting of the application in 10 local governments is complete, while the UNDP is continuously working on its optimization as new inputs from the practice of local authorities arrive. A UNDP

representative stated that the quality of the uploaded information varies, and that UNDP had made an agreement with the Commissioner for Information of Public Importance to start the piloting process with five central administration bodies.⁶ At the time of writing, the portal contained e-Booklets from seven cities and municipalities, presenting relevant information such as their organizational structure, as well as data on staff, income, expenditures, state aid, and public procurement. In August 2018, the Commissioner's office organized two training sessions for public officials, focusing on processing freedom of information requests, developing Information Booklets,⁷ and introducing the application. While there are no legal grounds for obligating public bodies to use the application, a MPALSG representative mentioned plans to promote and invite authorities to do so voluntarily.⁸

Did It Open Government?

Access to Information: Did Not Change

Due to the limited implementation of this commitment, government practice around increasing access to information has remained unchanged. Government openness in this commitment primarily depends on the adoption of the Law on Free Access to Information of Public Importance. Without a coherent approach and supporting technology, public bodies continue to publish booklets which are not user friendly and are difficult to search and reuse, as they are mainly published in Word or PDF format. Only seven local public bodies have published their information through the application so far, a trivial number considering that there are almost 3,802 public bodies obliged to issue information booklets.⁹

Carried Forward?

Interviewed stakeholders confirmed that this commitment would be carried forward almost completely, with modified activities and new deadlines.¹⁰

¹ Ivan Kovacevic, interview with IRM Researcher, 13 September 2018.

² Sanja Nasevski, UNDP, interview with IRM Researcher, 7 September 2018; Vanja Dolapcev, Belgrade Open School, interview with IRM Researcher, 24 August 2018.

³ Ivan Kovacevic, Interview with IRM Researcher, 13 September 2018.

⁴ Publicly accessible at <https://informativ.poverenik.rs/naslovna>

⁵ Stanojla Mandic and Slavoljupka Pavlovic, Office of the Commissioner for Information of Public Importance and Personal Data Protection, Interview with IRM Researcher, 19 September 2018.

⁶ Sanja Nasevski, UNDP, interview with IRM Researcher, 7 September 2018.

⁷ Highlights are available at <https://bit.ly/2On2bgm>

⁸ Dragana Brajovic, MPALS, Interview with IRM Researcher, 13 September 2018.

⁹ Catalogue of public bodies, Commissioner for Information of Public Importance, available in open format at <http://data.poverenik.rs/dataset/katalog>

¹⁰ Dragana Brajovic and Ivan Kovacević, MPALSG, Interview with IRM Researcher, 13 September 2018; Sanja Nasevski, UNDP, interview with IRM Researcher, 7 September 2018.

7. Amend Access to Information Law

Commitment Text:

Title: Amendments to the Law on Free Access to Information of Public Importance

It is necessary to amend the Law on Free Access to Information of Public Importance to ensure the right of access to information and time limits set by the law are respected. The duty to proactively publish information should also be introduced.

Milestones:

1. Consultations between civil society organisations the Working Group on preparation of amendments to the Law on Free Access to Information of Public Importance
2. Preparation of draft amendments to the Law on Free Access to Information of Public Importance
3. Public debate programme established and published
4. Public debate
5. Submission of the Draft Law to the Government for review and adoption of the Bill

Responsible institution: Ministry of Public Administration and Local Self-Government (MPALSG), Standing Conference of Towns and Municipalities

Supporting institution(s): Office for Cooperation with the Civil Society, Local self-government units (LSGUs), CRTA, Civic Initiatives

Start date: Q4 2016

End date: Q4 2016

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	Worsened	Did Not Change	Marginal	Major	Outstanding	
7. Amend Access to Information Law			✓		✓		✓				✓			✓				✓				

Commitment Aim:

This commitment aimed to increase the responsiveness of public authorities to freedom of information (Fol) requests and improve the sanctioning of noncompliance. Furthermore, it intended to strengthen the role of the Commissioner for Information of Public Importance and Personal Data Protection and enhance general transparency through proactive publication of information. To achieve the aim, the Government committed to amend the Law on Free Access to Information of Public Importance, including imposing fines for violations of the right to information.

Status

Midterm: Limited

A special governmental working group drafted the amendments but did not make them publicly available by midterm. Civil society stakeholders complained about the lack of openness of the working group and expressed their discontent with the lack of timeliness and transparency of implementation.

End-of-Term: Limited

The implementation of this commitment has remained limited because the governmental working group has not yet finalized the Draft Law Amending the Law on Free Access to Information of Public Importance. In February 2018, the MPALSG published a concept document, laying out the basis for the planned amendments, and opened a ten-day online consultation process on the concept.¹ The Office for Cooperation with Civil Society (OCCS) published the same call,² thus increasing its visibility to civil society. A representative of MPALSG stated in an interview with the IRM Researcher that they received around 100 comments.³ The online consultations allowed only for collecting comments via email, without enabling a platform for dialogue and exchange of viewpoints.

In March 2018, following consultations and further drafting of the amendments, the MPALSG published an invitation to participate in an official public debate on the Draft Amendments to the Law on Free Access to Information of Public Importance.⁴ The call contained all relevant information and documents, including the program for the debate, thus allowing the prospective participants time to prepare. The same call was published on the E-government⁵ web page, while the OCCS published a call for a round table event planned for March as part of the debate.⁶ Therefore, a wide range of stakeholders were able to see the calls and partake either in the virtual commenting or the physical meeting. The debate lasted 29 days.

According to the report on the debate published by the MPALSG,⁷ a roundtable discussion lasting several hours was organized as part of the public debate. Representatives of more than 30 CSOs presented their views, and comments and suggestions, together with the Deputy Commissioner for Information of Public Importance and Personal Data Protection, parliamentarians, judges of the Administrative Court, and other representatives of state bodies. The report summarizes comments without addressing inputs from individuals or providing feedback on how they were treated. A representative of a participating CSO did not know how the comments had been treated nor what was currently happening with the amendments.⁸ Therefore, the outcome of the consultation process remains unknown to the public.

Civil society representatives have pointed to several shortcomings in the draft amendments. First, the new provisions exempted enterprises partially owned by the state from the scope of this law, given that they are covered by the current law, and in view of the fact that they are financed by the tax payers, this has been a step back. Second, the amendments do not adequately address the problem of public bodies failing to respond to freedom of information requests. During the public debate process, 65 CSOs (including media organizations), led by the Center for Research, Transparency and Accountability (CRTA), signed a statement calling on the Government to “refrain from adopting legal solutions that hamper citizens’ free access to information rights.”⁹ A legal analysis elaborating on the problems was included with the statement. The group launched a web page¹⁰ to promote this initiative and called on citizens to join the petition and submit their comments to the government.

Yet a new proposal to allow the public bodies to initiate administrative disputes against the Commissioner’s decisions has threatened the right to information and opened the door to massive abuse. The Commissioner voiced a significant criticism¹¹ of the proposed solutions, characterizing them as conflicting with the initially proclaimed goals of promoting the right to information and removing legal uncertainty and obstacles noted in the practice. In a separate statement, the Commissioner called the Government’s analysis of the current implementation of the law as “scandalous.”¹² The Administrative Court supported civil society’s view that administrative disputes should not be allowed against the Commissioner’s decisions, which was both articulated in the Court’s remarks and in the recommendations it provided to the Government working group.¹³

A MPALSG representative confirmed that they would soon issue a new version of the draft amendments, which would largely rely on the civil society’s comments, and in some cases even

incorporate their proposals word-for-word.¹⁴ Since the abovementioned public debate brought around 500 comments from CSOs and citizens, according to the representative, a high number of identical comments prompted them to reexamine the draft to try to reach a consensus among stakeholders. As stated by the representative, the working group realized that several crucial questions require additional meetings with responsible institutions, such as the courts, the national bank, and the Commissioner for Information of Public Importance. This is why the amendments have not yet been enacted. MPALSG does not plan to open a new round of consultations with civil society following the finalization of the draft.¹⁵

Representatives of the Office of the Commissioner for Information of Public Importance think that the proposed amendments threaten to constrict the right to information.¹⁶ Furthermore, their opinion is that political pressure is behind the changes.¹⁷ A recent roundtable, with the Commissioner, Deputy Commissioner, university professors, representatives of judiciary, CSOs, and other experts concluded that lack of political will is one of the main threats to the implementation of the current law.¹⁸

Did It Open Government?

Access to Information: Did not change
Public Accountability: Did not change

Given that the law has not yet been amended, and that the contents of the final text are still unknown, the IRM researcher assesses no change in government efforts to increase access to information and public accountability. Citizens can exercise their right to information through the existing law, though shortcomings remain, including problems with compliance, improper sanctioning, and the powers of the Commissioner being limited.

The IRM Researcher commends the decision of the working group to reconsider the text of the Draft Law to reach a wider social consensus. However, considering that the initiative dates from 2012, this readiness comes late in a long and exhausting process of public debate on these amendments. To conclude, as no other activities stemming from this commitment have changed the work of the administration, the status quo for opening government has not changed.

Carried Forward?

The Government is still drafting the next Action Plan. Interviewed stakeholders confirmed that this commitment will be carried forward almost in its entirety.¹⁹

¹ The call is available at <http://mduls.gov.rs/aktivnosti-obavestjenja.php#a113>

² Available at <https://bit.ly/2Q16KHY>

³ Ivan Kovacevic, MDULS, Interview with IRM Researcher, 13 September 2018.

⁴ Available at <http://mduls.gov.rs/aktivnosti-obavestjenja.php#a125>

⁵ Available at <http://javnerasprave.euprava.gov.rs/javna-rasprava/145>

⁶ Available at <https://bit.ly/2MdzY8E>

⁷ Available at <http://mduls.gov.rs/doc/rasprave/220318/lzvestaj.docx>

⁸ Vladimir Mihajlovic, CEP, Interview with IRM Researcher, 11 September 2018.

⁹ The statement is available at <http://crta.rs/wp-content/uploads/2018/04/Detaljno-obrazlozenje-Odbrani-pravo-na-informacije-Ne-dam-da-javno-bude-tajno-.pdf>

¹⁰ <http://odbrani.pravona.info/podrska.php>

¹¹ Press Release of the Commissioner for Information of Public Importance, "Draft Law on Amendments to the Law on Free Access to Information is not in accordance with the proclaimed goals", 11 April 2018, available at <https://bit.ly/2O461to>

¹² Press Release of the Commissioner for Information of Public Importance from 13 March 2018 is available at <https://bit.ly/2FASK4T>

¹³ Administrative Court, Remarks and Recommendations to the Draft Law Amending and Supplementing the Law on Free Access to Information of Public Importance, 19 April 2018, available at <http://www.up.sud.rs/uploads/useruploads/Documents/min.dr%C5%BEavne%20uprave%20i%20lokalne%20samouprave.pdf>

¹⁴ Ivan Kovacevic, MPALSG, Interview with IRM Researcher, 13 September 2018.

¹⁵ Ibid.

¹⁶ Stanojla Mandic and Slavoljupka Popovic, Office of the Commissioner for Information of Public Importance and Personal Data Protection, Interview with IRM Researcher, 19 September 2018.

¹⁷ Ibid.

¹⁸ The press release is available at <https://bit.ly/2ljYtAF>

¹⁹ Dragana Brajovic and Ivan Kovacevic, MPALSG, Interview with IRM Researcher, 13 September 2018; Sanja Nasevski, UNDP, interview with IRM Researcher, 7 September 2018.

8. Development of an Open Data Portal

Commitment Text:

The aim is to publish an Open Data Portal where all institutions would open their data sets and which would provide a recognisable setting for open data users.

Responsible institution: Ministry of Public Administration and Local Self-government and the former eGovernment Directorate

Supporting institution(s): UNDP, Working Group on Open Data, Human Resource Management Service

Start date: Ongoing

End date: Q3 2017

9. Draft bylaws for Evaluation of Websites

Commitment Text:

Title: Draft a bylaw based on the Guidelines for Evaluation of Websites

This Commitment will involve modification of the Guidelines and Criteria for Evaluation as they pertain to publishing of information of public importance, including budgets, in an open format. It will also include arrangements for entering information of public importance using a platform for automated data entry and generation of information booklets on the work of public authorities, as well as publishing of the content of those information booklets in several human-readable formats, as well as in an open machine-readable format. Such information includes also budget plans and budget execution. This measure will also define other aspects of websites, including the structure of websites of state authorities, and establishment of a metaregistry of data kept in official records and metaregistries of open data. Furthermore, provisions will be made for publishing of all parts of websites which contain information of public importance in an open format.

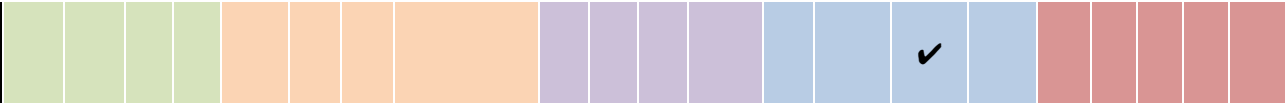
Responsible institution: Ministry of Public Administration and Local Self-government Commissioner for Information of Public Importance, Working Group on Development of the Guidelines

Supporting institution(s): CRTA- Centre for Research, Transparency and Accountability

Start date: Q4 2016

End date: Q4 2017

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		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	Worsened	Did Not Change	Marginal	Major	Outstanding
8. Development of an Open Data Portal				✓	✓			✓			✓		✓		✓						✓
				✓	✓			✓			✓		✓								✓



Commitment Aim:

To pursue this commitment, the Government has worked on defining open data in Serbia’s legal and policy frameworks, raising awareness on the benefits of open data among governmental and non-governmental stakeholders in the country, and thus to increase both the supply of, and demand for, open data. A centralized Open Data Portal was envisaged, where all government institutions would publish their datasets, allowing the public to access, use, and reuse the data more easily. Moreover, the Government proposed to amend the current Guidelines for Evaluation of Websites of Public Administration Bodies, to pass a bylaw with open data provisions. Commitment 8 focuses on the development of the Open Data Portal and awareness-raising activities, and Commitment 9 on the preparation of E-government Law and adoption of the bylaw—Rulebook on the Website Content and Publishing of Electronic Services of State Administration Bodies.

Status

Commitment 8

Midterm: Limited

Commitment 9

Midterm: Limited

Progress toward achieving both commitments was limited at the midterm. The Open Data Portal was launched and contained 45 datasets from eight government institutions, a relatively small number given the more than 11,000 public authority bodies.¹ UNDP played a crucial role in developing the portal and ensuring that the governmental Open Data Working Group, comprised of government institutions, CSOs, and open data experts, functioned smoothly.

Regarding Commitment 9, the adoption of the E-government law was a precondition for developing the bylaw to improve the open data guidelines. The E-government law was going through a public debate process during the writing of the Midterm Report (which can be referred to for more information).²

Commitment 8

End-of-Term: Complete

Commitment 9

End-of-Term: Substantial

The Open Data Portal is fully operational, and the number of datasets has continued to increase since the midterm. A UNDP representative stated that providing data is a time-consuming and technically demanding process for the Serbian public authorities, especially for those with large datasets, such as the National Statistical Office.³ Capacities for preparing data for release vary. Some institutions lack programmers or had failed to envisage the need for them, while public sector programmers tend to be poorly remunerated and discouraged by work conditions in the administration,⁴ which lacks human resource management tools when compared to the private sector (e.g., performance appraisal, career advancement, etc.). Specific legislation can also limit the data certain institutions are able to share, which also inhibits the process. For example, the Law on Administrative Fees obliges institutions, such as the National Geodetic Authority, to charge citizens (users) administrative fees for the issuance of particular types of information.

The Government made an effort to promote the portal to the wider public. In October 2017, the Office for IT and E-government (OITE, the main institution responsible for open data policy implementation) organized a launch event, as a part of the “Open Data – Open Opportunities” project,⁵ where the Prime Minister presented the portal.⁶ Popular media outlets, including Danas,⁷

Blic,⁸ Novosti,⁹ RTS,¹⁰ as well as specialized business websites,¹¹ covered the launch. A representative of the OITE stated that they promote the portal, along and the project, at all meetings.¹²

This commitment also pledged to train users of the portal to ensure comprehensive and proper disclosure of available data. According to an OITE representative, between October 2017 and July 2018, they organized ten training sessions for different state administration institutions, including one session for local government representatives.¹³ The training covered the legal framework for open data, how to use the portal, and explained machine-readable formats. Training sessions gathered two or three representatives per state institution, including ten local public servants. UNDP also launched a call for proposals for small CSO projects to increase the uptake of open data, inter alia through capacity building activities.

Initial soft measures (such as training, facilitation, and promotion) have been reinforced by new legislation which obliges public authorities to publish data in open data formats. The Law on e-Government, which introduced this new obligation, was adopted on 5 April 2018. OITE and MPALSG organized an official public debate on the Draft Law between 18 September and 9 October 2017,¹⁴ invited all stakeholders to submit their comments through email or physical mail. They also organized a round table event, but there is no available evidence that CSOs were openly invited to participate in the discussion. According to an official report on the debate, nine comments were received through email, but it did not specify the senders and there is no feedback on how the comments were treated.

The Government approved the draft bill on 18 January 2018 and delivered it to Parliament on 24 January.¹⁵ The law introduced the concepts of open data, data reuse, open formats and the Open Data Portal in the Serbian legal system. Article 27 obliges all public bodies to publish open data through the portal and enable their free reuse. It also envisions adoption of two bylaws crucial for the completion of these two commitments. First, the Regulation on the Functioning of the Open Data Portal will elaborate how to implement Article 27 and substantiate provisions to govern the usage of the portal. Indirectly, it is supposed to help the law to increase citizen access to data about the work of the public bodies. The second regulation will detail the conditions for developing and maintaining the websites of state administration bodies, standardizing practice across the administration system. Its purpose, among others, is to ensure that the information on the web pages of public bodies is accurate and complete, regularly updated, and easily accessible for the citizens.¹⁶ The bylaws were supposed to be adopted within six months of the law being entered into force. A MPALSG representative confirmed that both bylaws are in their final stage of preparation and expected to be adopted in October 2018.¹⁷

Did It Open Government?

Commitment 8

Access to Information: Major

Commitment 9

Access to Information: Major

Prior to the development of these two commitments, open data was limited to several datasets and a handful institutions being aware of the benefits. The Global Open Data Index 2016¹⁸ placed Serbia 41 out of 94 countries, scoring 41 percent on data openness. To raise awareness among both state and non-state actors, and thus increase the supply and demand of open data, the Government intended to establish and promote a centralized open data portal and legally regulate its use.

Although not fully implemented, these two commitments substantially changed access to information practices. The launch of the Open Data Portal represents has been a step towards releasing government information to the public through a centralized platform, with new bodies joining the initiative and new datasets being prepared for continued release. Additionally, the E-government Law boosted data openness efforts in Serbia, as institutions are now obliged to publish open data on the portal. This law codified open data in the Serbian legal system and a significant step was made to standardize government open data practices. The law, however, does not contain a compliance enforcement mechanism related to open data (e.g., penalties for failure to comply with open data

publication obligations). Therefore, enforcement will be highly dependent on continued political and donor support, as well as a proactive role of OITE and other open data champions in the Government.

The Open Data Portal is user-friendly and contains 106 datasets uploaded by 28 public authorities.¹⁹ The most proactive has been the local administration of the city of Sabac (14 datasets), followed by the Commissioner for Information of Public Importance (13) and the Medicines and Medicine Devices Agency of Serbia (11). Most datasets relate to governance (12), health (9), and the environment (8), while the most popular open data formats are CLS and XLS. Datasets on traffic accidents in Belgrade and public transport routes have had the most downloads—114 and 113 respectively.

In addition to the central portal, some institutions proactively publish data through their own portals. For example, the Serbian Environmental Protection Agency (SEPA) launched an eco-related open data portal, currently delivering 18 datasets on air and water quality, water, earth and air pollution, pollen concentration in the air, etc.²⁰ Moreover, the portal of the Commissioner for Information of Public Importance and Personal Data Protection has published 14 datasets on complaints received about freedom of information requests and complaints on the exercise of the personal data protection, etc.²¹ The Ministry of Mining and Energy also publishes data in open format.²² Datasets published through the individual portals are not automatically integrated with the central portal, and the IRM researcher found some discrepancies between the number of datasets published on the individual portals and those on the central portal (e.g., the numbers on the portals of the Commissioner and SEPA). The central portal is, however, integrated with the European Data Portal, which populates datasets from the former to the latter.²³

Currently, there are around ten institutions that hold a large amount of data (such as the National Statistics Office) that are actively working with UNDP on future releases.²⁴ Although some institutions, such as the Ministry of Finance, are still reluctant, a UNDP representative said that cooperation with the members of the Open Data Working Group, led by the OITE, had improved significantly.²⁵ Possible reasons are twofold: first, the policy initiative had strong political support, in particular from the Prime Minister, who personally supported the efforts in the context of the OGP; second, there has been positive peer pressure and competition among participating institutions, which has helped persuade more reluctant bodies to join the initiative and be more active.

With the mentioned developments, the Government is working to encourage greater use of available data, which implies future cooperation with the CSOs and ICT community.

Carried Forward?

The new Action Plan has not been released at the time of writing of the report. In the upcoming period, the Government could consider advancing the portal to allow users to give feedback or indicate which data should be opened next. Opening more and more datasets has no purpose without community-building activities, which the current portal is missing. Furthermore, the Government could increase the promotion to the public and the ICT community, including by organizing more hackathons and similar events, as a continuation of the efforts made through the “Open Data – Open Opportunities” project.²⁶ Planned promotional activities could also serve to provide information on public demand for further open data releases (e.g., through an online survey).

¹ Commissioner’s list of public authority bodies, available in open data format at <http://data.poverenik.rs/dataset/katalog>

² Available at <https://www.opengovpartnership.org/report/serbia-mid-term-report-2016-2018-year-1>

³ Sanja Nasevski, UNDP, interview with IRM Researcher, 7 September 2018

⁴ Ibid.

⁵ For more information about the project, see <http://www.rs.undp.org/content/serbia/en/home/projects/opendata.html>

⁶ Highlights are available at <http://www.ite.gov.rs/arhiva-aktuelnosti-2017-kancelerija.php#a37>

⁷ Danas daily, “Pokrenut Nacionalni portal otvorenih podataka” [National Open Data Portal Launched], 12 October 2017, accessed 15 September 2018, <https://www.danas.rs/drustvo/pokrenut-nacionalni-portal-otvorenih-podataka/>

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- ⁸ Blic Daily, “Startovao Nacionalni portal otvorenih podataka, manje korupcije i efikasnija javna uprava” [National Open Data Portal Starts, Less Corruption and More Efficient Administration], 12 October 2017, Accessed 15 September 2018, <https://www.blic.rs/biznis/startovao-nacionalni-portal-otvorenih-podataka-manje-korupcije-i-efikasnija-javna/1s0qq5t>
- ⁹ Vecernje Novosti Daily, “Nacionalni portal otvorenih podataka startovao danas” [National Open Data Portal Starts Today], 12 October 2017, accessed 15 September 2018, available at <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:690351-Nacionalni-Portal-otvorenih-podataka-startovao-danas>
- ¹⁰ Radio Television of Serbia, “Poceo sa radom Nacionalni portal otvorenih podataka”, [National Open Data Portal Starts Functioning], 12 October 2017, accessed 15 September 2018, <http://www.rts.rs/page/stories/sr/story/125/drustvo/2902551/poceo-sa-radom-nacionalni-portal-otvorenih-podataka.html>
- ¹¹ E.g. Bizlife, “Ukljucen Nacionalni portal otvorenih podataka” [National Open Data Portal is On], 12 October 2017, accessed on 15 September 2018. <https://www.bizlife.rs/aktuelno/vesti-dana/ukljucen-nacionalni-portal-otvorenih-podataka/>
- ¹² Sasa Kovacević, Office for IT and E-government, email correspondence with IRM Researcher, 29 October 2018.
- ¹³ Ibid.
- ¹⁴ The call for participation is available at web pages of MPALSG and OITE <http://mduls.gov.rs/dokumenta-zakoni-javne-rasprave.php>; <http://javnerasprave.euprava.gov.rs/javna-rasprava/133>
- ¹⁵ “Official Gazette of the Republic of Serbia 27/2018-25”, available at <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/viewdoc?uuid=9ba8a56c-d574-479c-9ae1-06ab30b30716®actid=425282&doctype=reg>
- ¹⁶ Regulatory Impact Assessment accompanying the proposal of the Law on E-government, p. 47, available at: http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/164-18%20lat.pdf
- ¹⁷ Dragana Brajovic, Interview with IRM Researcher, 13 September 2018.
- ¹⁸ Available at <https://index.okfn.org/place/>
- ¹⁹ The Portal is available at <https://data.gov.rs/sr/>
- ²⁰ See <http://data.sepa.gov.rs/en/dataset>
- ²¹ See <http://data.poverenik.rs/>
- ²² See <http://mre.gov.rs/otvoreni-podaci.php>
- ²³ See <https://www.europeandataportal.eu/data/en/organization/open-data-portal-serbia>
- ²⁴ Sanja Nasevski, UNDP, interview with IRM Researcher, 7 September 2018.
- ²⁵ Ibid.
- ²⁶ See “The State Asks Programmers and Designers to Engage with Improvement of E-government Portal”, available (in Serbian) at <https://www.ite.gov.rs/vest/1056/drzava-pozvala-programere-i-dizajnere-da-se-ukljuce-u-unapredjenje-portala-euprava.php>

11. Develop Monitoring and Evaluation Instructions for Government CSO funding

Commitment Text:

Title: 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

Preparation and adoption of methodological instructions for the development of a plan of monitoring and evaluation of approved CSO programmes and projects and tracking spending of allocated funds.

Responsible institution: Office for Cooperation with the Civil Society

Supporting institution(s): Ministry of Public Administration and Local Self-Government, unspecified civil society organizations

Start date: January 2017

End date: June 2017

12. Amend Regulations on Funding Civil Society Programs

Commitment Text:

Title: Amend the Regulation on Funds to Support Programmes or Missing Amount of Funds for Programmes of Public Interest implemented by Associations

Amendments to the Regulation on Funds to Support Programmes or Missing Amount of Funds for Programmes of Public Interest implemented by Associations will introduce a duty to publish a report on the results achieved by supported CSO programmes and projects and will define the content and form of the Tender Cycle Evaluation Report.

Responsible institution: Office for Cooperation with the Civil Society

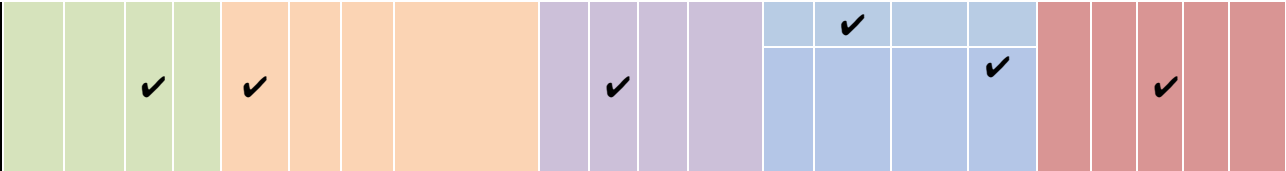
Supporting institution(s): Ministry of Public Administration and Local Self-Government, unspecified civil society organizations

Start date: December 2016

End date: April 2017

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		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	Worsened	Did Not Change	Marginal	Major	Outstanding
11. Develop Monitoring and Evaluation Instructions for government CSO funding			✓		✓				✓				✓			✓			✓		

12. Amend Regulations on Funding Civil Society Programs



Commitment Aim:

By implementing these two commitments, the Government intended to enhance the overall transparency of funding for civil society, and hence increase citizen trust in how the public budget is being spent. To that end, the Government committed to developing a methodology for planning, monitoring, and evaluating CSO projects, as well as amending a regulation that determines the way CSOs (or citizen initiatives) receive government funding. For Commitment 11, activities included: 1) drafting the methodology, 2) submitting a draft conclusion on adopting the methodology to the Government for approval, 3) approving and publishing the methodology in the Official Gazette, 4) delivering the methodology to all public administration bodies. Activities within Commitment 12 included: 1) preparing the initiative to amend the relevant regulation, 2) submitting the initiative to the MPALSG, and 3) adopting of the amendments to the regulation.

Based on the recommendation of PPS, the Government decided to integrate the methodology from the Commitment 11 into the amendments to the regulation from Commitment 12. Since the methodology was developed under the Commitment 12, the two commitments and their results are assessed together.

Status

Commitment 11

Midterm: Limited

Commitment 12

Midterm: Limited

By midterm, the implementation of both commitments was limited. The draft amendments to the regulation had not been adopted following several months of delays. In March 2017, MPALSG created a special working group consisting of 11 government institutions, which later drafted the amendments and opened them for a two-week public commenting period in September 2017. The MPALSG and the OCCS, assisted by the Standing Conference of Towns and Municipalities, collected the comments from CSOs and local governments. At the midterm, it was too early to determine the degree to which the comments influenced the final version of the amendments.

Commitment 11

End-of-Term: Complete

Commitment 12

End-of-Term: Complete

MPALSG published the report during the September 2017 consultations,¹ where nine CSOs gave comments on 23 articles in the regulation.² The report provided feedback on how individual comments were treated, but only vaguely explained why most suggestions were rejected. Reasons for rejecting comments included that did not correspond to the “spirit of the concept on which the Regulation is based”, they “significantly differed from systemic solutions,” or that they spoke to “matters falling under special laws, or criticized valid solutions already contained in other laws.”

After publication of the consultation report, the working group held subsequent individual meetings with several government institutions³ and non-governmental stakeholders⁴ to discuss specificities. However, the outcome of these meetings is publicly unknown. A representative of Civic Initiatives, who participated in one of the meetings and intensively cooperated with the MPALSG on this commitment, assessed the process as transparent and stated that MPALSG was open to proposed solutions, although did not always grasp the importance of some proposals.⁵

Following modifications to the draft, MPALSG, OCCS, and Civic Initiatives organized a final consultative meeting on regulation on 14 December 2017.⁶ Online commenting was open until 22 December. Broad promotion of the call,⁷ and proactive invitations to CSOs,⁸ led a large turnout of 100 participants, including both state and non-state actors. The Government's inability to reimburse travel expenses hindered more robust participation from local CSOs. The IRM Researcher attended the event, where a large part was dedicated to interactive discussion and Q&As.

The IRM researcher did not find the report on the final consultative meeting publicly available. This makes it impossible to establish the extent to which the contributions from the civil society, especially from the local level, were included in the regulation. A MPALSG representative stated that the civil society's contribution was immense.⁹ A representative of Civic Initiatives evaluated the consultation process highly and commended MPALSG for their understanding and careful explanations. However, the same representative pointed to the shortcomings of the final text of the regulation, which are addressed below.¹⁰

In January 2018, in parallel with the finalization of the regulation, the OCCS organized seven seminars on transparency, monitoring, and evaluation of CSO funded by the state for public authorities across the country.¹¹ A total of 163 participants from 93 bodies participated in the training. The OCCS published the report on the seminars, outlining that participants positively assessed the seminars.

The Government adopted the regulation on 1 March 2018 and¹² it entered into force on 13 March. A MPALSG representative said that many bodies contacted the ministry to inquire about its implementation, suggesting widespread familiarity with the regulation and their obligation to implement it.¹³

The OCCS is currently collecting opinions across the administration about adopting a Government conclusion which will oblige the administrative bodies to align their rulebooks on financing CSOs with this regulation.¹⁴

Did It Open Government?

Access to Information: Marginal

The proposed change was to adopt a bylaw that would prescribe solutions for better planning, monitoring, evaluation, and reporting of CSO projects and programs funded by the state. While a positive step toward increased transparency and access to information, as implemented, the new bylaw elicited marginal changes regarding increased transparency when public institutions publish their annual plans of calls for funding proposals. Additionally, institutions are meant to inform the public about the outcomes of the calls through a special report, as well as elaborate on applicants' complaints when making decisions.

Despite being more advanced than its predecessor, certain relevant aspects are missing from the amended regulation. First, it fails to tackle possibilities of political impact. A representative of Civic Initiatives shared cases where mayors had altered the evidence-based decisions of the committees for allocating funds, thus politicizing the process.¹⁵ Second, the regulation lacks a mechanism to ensure compliance, as there are no sanctions envisioned for public bodies that do not implement the bylaw.

Furthermore, local government units are exempted from a requirement to submit reports on the outcomes of the calls. The reason was low human capacities for reporting on the local level, as perceived by the developers of this regulation.¹⁶ An OCCS representative stated that this will be highly challenging for achieving compliance at the local level, despite the awareness raising seminars.¹⁷ A representative of civil society added that this hinders the purpose and effects of the regulation.¹⁸

Finally, the regulation fails to bring a uniform treatment of the funding of CSOs across all areas where organizations are active. For example, special pieces of legislation regulate funding of CSO projects related to culture, sports, and religious communities. Where these specialized legal acts conflict with the general regulation, the latter will not be applied. This is problematic considering that many registered associations work in the mentioned areas.

Carried Forward?

At the time of writing of this report, the next Action Plan had not been published. For a successful outcome of this commitment, the OCCS needs to continue to provide training, as well as direct support, to local authorities on implementing the regulation. The Government could mutually harmonize special legislation to treat all thematic areas of CSO funding equally and ensure mechanisms for preventing political impact on funding selections, as well as implementation by all relevant institutions.

¹ Available at: <http://mduls.gov.rs/doc/rasprave/ZVESTAJ171207.doc>

² Transparency Serbia, Civic Initiatives, Kraljevo Development Centre, Ecological Movement of Odžaci, Rural Centre Sova, City Organization of the Association of the Blind of Serbia – Smederevo, Inter-municipal Organization of the Association of the Blind of Serbia – Nis, Association of the Blind of Serbia, Standing Conference of Towns and Municipalities.

³ OCCS, Anti-Corruption Agency, local governments of Belgrade, Kragujevac, and Knjazevac

⁴ Transparency Serbia, Civic Initiatives, Standing Conference of Towns and Municipalities

⁵ Bojana Selakovic, Civic Initiatives, Interview with IRM Researcher, 17 September 2018.

⁶ Highlights are available at <http://civilnodrustvo.gov.rs/vest/finalne-konsultacije-povodom-izrade-predloga-uredbe-o-finansiranju-udru%C5%BEenja.37.html?newsId=889>

⁷ Calls could be found on the webpages of MPALSG, Civic Initiatives and OCCS, and other channels. MPALSG's call is available at <http://mduls.gov.rs/arhiva-obavestjenja-2017.php#%D0%B0100>; OCCS's call is available at <https://bit.ly/2Mol7bj>; Civic Initiatives' call is available at <https://www.gradjanske.org/javni-poziv-za-organizacije-civilnog-drustva-za-ucesce-u-konsultativnom-sastanku/>

⁸ OCCS proactively invited the CSOs through a mailing list, which the IRM Researcher also received.

⁹ Ivan Kovacevic, MPALSG, Interview with IRM Researcher, 13 September 2018.

¹⁰ Bojana Selakovic, Civic Initiatives, Interview with IRM Researcher, 17 September 2018.

¹¹ Report from the seminars is available (in Serbian) at OCCS webpage: <http://civilnodrustvo.gov.rs/podsticajno-okruzenje/obuke/izvestaji-sa-obuka.468.html>

¹² The regulation is available (in Serbian) at http://civilnodrustvo.gov.rs/upload/documents/zakoni/ur-o-sredstva-javni-interes-udruzenja055_cyr.doc

¹³ Ivan Kovacevic, MPALSG, Interview with IRM Researcher, 13 September 2018.

¹⁴ Danilo Rodic, OCCS, Interview with IRM Researcher, 22 August 2018.

¹⁵ Bojana Selakovic, Civic Initiatives, Interview with IRM Researcher, 17 September 2018.

¹⁶ Ivan Kovacevic, MPALSG, Interview with IRM Researcher, 13 September 2018

¹⁷ Danilo Rodic, OCCS Interview with IRM Researcher, 22 August 2018.

¹⁸ Bojana Selakovic, Civic Initiatives, Interview with IRM Researcher, 17 September 2018.

13. Law on Electronic Documents and ID

Commitment Text:

Title: *Enactment of a Law on Electronic Documents, Electronic Identification and Trusted Services in Electronic Business*

The new Law will improve Serbia’s legal framework and harmonise it with the most recent EU regulations in this field by introducing provisions pertaining to electronic documents, electronic identification and trusted services in e-business. The Law will introduce registers of electronic identification service providers, trusted service providers and qualified devices for certificate generation, regulate long-term storage of information and legal validity of electronic signatures and stamps and provide for their validation regardless of future technological changes.

Responsible institution: Ministry of Trade, Tourism and Telecommunications

Supporting institution(s): Not specified

Start date: Ongoing

End date: Q4 2017

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	Worsened	Did Not Change	Marginal	Major	Outstanding	
13. Law on Electronic Documents and ID				✓	Unclear						✓				✓			✓				

Commitment Aim:

By improving the legal framework for public service delivery, the Government aimed to accelerate and simplify access to digital public services. Some of the crucial areas for improvement related to the development of e-business and the use of electronic signatures by citizens and businesses. Changes were supposed to be created through enacting a Law on Electronic Documents, the law on Electronic Identification and Trusted Services in Electronic Business, as well as accompanying bylaws. Individual milestones were: 1) collecting and harmonizing opinions from the central administration bodies and drafting of the law, 2) approving the Bill by the Government, 3) adopting the law by the Parliament, and 4) developing bylaws.

Status

Midterm: Substantial

This commitment was substantially implemented by midterm. The draft law was completed on time and the Ministry of Trade, Tourism and Telecommunications (MTTT) organized a 23-day online

public debate and a roundtable in September 2016, which brought together the state administration, businesses, civil society, academic community, and relevant experts in the field. The Government, however, considered the draft eight months overdue for reasons related to the 2016 presidential elections and need for additional opinions and harmonizing views with the business community. Parliament finally adopted the Law on 17 October 2017, while the drafting of bylaws had not started at the time of developing Midterm Report (which can be referred to for more details).¹

End-of-Term: Substantial

The Government prescribed three deadlines for adoption of different groups of bylaws (April 2018, October 2019, April 2019), only one of which falls within the timeframe of the OGP Action Plan. So far seven out of 17 bylaws have been adopted. According to a representative of MTTT, other bylaws are in the drafting process, and they plan to consult other institutions and CSOs, as well as organize round table events to harmonize views.²

MTTT has partnered with NALED in the “Towards a Paperless Administration” project,³ with the aim of receiving support to draft 12 out of 17 bylaws. The project, funded by the UK Government, has been implemented by NALED, PriceWaterhouseCoopers, and the European Policy Centre. Project consultants were tasked with drafting the bylaws. Upon completion, the project team organized consultations with NALED’s “Association for E-government,”⁴ which gathers big companies, municipalities and national government agencies. According to a project representative, six consultative meetings, two roundtable events with representatives of public notaries, and ten training sessions for public servants were held.⁵ Additionally, the representative shared that the project produced analysis of 40 pieces of legislation that will need to be harmonized with the law to respond to the introduction of new concepts, such as digital signature, e-stamp, e-delivery, etc.⁶

During the midterm assessment, the MTTT representatives shared the ministry’s intention to tackle the low awareness of the significance of the Law on Electronic Documents. So far MTTT has not conducted any promotional activities to present the benefits of the new law to the public and to parts of the administration which are remains hesitant about such innovations. Reasons for this are the low human resources of MTTT. Only two people oversee operational tasks and each have many other responsibilities.⁷

NALED’s “Towards a Paperless Administration” project, on the other hand, has initiated an awareness raising campaign, “Ask when we will be free from papers,” targeting citizens, businesses, and public servants. The project’s webpage⁸ contains a simple infographic illustrating the main changes of the Law on Electronic Document, as well as a series of videos where experts explain concepts such as digital signatures, e-documents, trusted services, e-business, etc. An online form is available where the public can suggest ideas and priorities for future digitization.

A representative of MTTT confirmed to the IRM researcher that, apart from the project “Towards a Paperless Administration”, CSOs were not consulted about the project nor were they included in drafting the bylaws.⁹ A NALED representative added that he was not sure to what extent the topic of electronic documentation interests civil society more broadly.¹⁰

Did It Open Government?

Access to Information: Did not change

Civic Participation: Did not change

Public Accountability: Did not change

The Government adopted the law, along with 40 percent of the intended bylaws, but this has not contributed to improving access to information, as no new information has been disclosed. Moreover, the commitment did not facilitate civic participation since CSOs and the public have not been included in the projects and the outcomes do not currently contribute to participatory mechanisms.

Carried Forward?

The Government has not released the next Action Plan at the time of writing of this report. In the upcoming period, the MTTT could invest in capacity-building activities in public administration bodies to improve knowledge and achieve greater acceptance and trust of digitalization. It is also crucial to invest in technical adaptations to enable them to accept citizen digital signatures in administrative procedures. Existing foreign practices should be noted, in countries which have successfully adopted and promoted digital signatures among the general population, such as Estonia and Austria.

¹ Available at <https://www.opengovpartnership.org/report/serbia-mid-term-report-2016-2018-year-1>

² Milan Vojvodic, MTTT, Interview with IRM Researcher, 19 September 2018.

³ Description of the project is available at <http://naled.rs/ka-administraciji-bez-suvishnih-papira-demo>

⁴ The Association aims at improving regulatory framework e-government and e-business development, reducing fees and bureaucracy for businesses and citizens, strengthening institutional capacities and increasing efficiency and transparency of public administration. For more information, see <http://naled.rs/savez-za-e-upravu-1-1#>

⁵ Petar Korac, NALED, online correspondence with IRM Researcher, September 2018.

⁶ Ibid.

⁷ Ibid.

⁸ <http://www.pitajtekada.rs/e-poslovanje.php>

⁹ Milan Vojvodic, MTTT, Interview with IRM Researcher, 19 September 2018.

¹⁰ Petar Korac, NALED, online correspondence with IRM Researcher, September 2018.

14. Public register of administrative procedures and other conditions for pursuing a business activity

Commitment Text:

Title: Establish a single public register of administrative procedures and other conditions for pursuing a business activity

A single public register of administrative procedures and other conditions for pursuing a business activity will enable citizens and businesses to access in one place all administrative requirements and procedures that have to be met and completed in order to obtain a certain service, including any costs in the form of fees, charges etc. Simplification of procedures and scrapping of unnecessary levies will create assumptions for greater predictability of operations and lower costs for citizens and businesses associated with the exercise of their guaranteed rights and compliance with their statutory duties. It is of particular importance to provide citizens and businesses with information about integrated procedures, i.e. procedures within the purview of multiple public administration bodies, in order to clearly identify all activities that need to be undertaken to complete a procedure as soon as possible.

Responsible institution: Republic Secretariat for Public Policies

Supporting institution(s): Ministry of Economy, Ministry of Finance, Ministry of Trade, Tourism and Telecommunications, Ministry of Public Administration and Local Self-Government, Human Resource Management Service-activity 2 (as it pertains to training), Serbian Chamber of Commerce

Start date: Ongoing

End date: Q4 2018

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	Worsened	Did Not Change	Marginal	Major	Outstanding
14. Public register of administrative procedures and other conditions for pursuing a business activity			✓		✓		✓			✓			✓		✓				✓		

Commitment Aim:

With this commitment, the Government intended to cut the unnecessary administrative burdens on businesses by simplifying procedures and reducing fees. Additionally, the aim was to provide complete information about administrative procedures in a single place and to facilitate the activities of entrepreneurs, especially small and medium ones, who often lack legal expertise and face

bureaucratic difficulties. To achieve this goal, the Government proposed building a comprehensive and user-friendly online registry of administrative procedures, where users would be able to see steps, documents, fees and deadlines. Moreover, it planned to simplify the 500 most frequently used and most expensive procedures, to digitalize 100 of those procedures, and to reduce administrative fees. Individual milestones were: 1) develop a plan for establishing the online registry of procedures, 2) develop a template for the inventory of procedures and train civil servants on filling it in, 3) compile an inventory of the procedures by the administration, 4) compile an inventory of the procedures by businesses, 5) agree on a methodology for optimizing the procedures, and 6) build the software for the online registry of procedures.

Status

Midterm: Limited

This commitment had limited progress by midterm. The PPS developed a plan to establish the database in late 2016 and the template for the inventory of business-related administrative procedures in early 2017. From February to March 2017, the RSPP and Government HRM Office organized inventory-filling trainings for civil servants across 81 public administration bodies, but the quality of information in the inventory varied. Initial delays shifted activities, causing the inventory by businesses to be delayed, as well as the development of the methodology for optimizing procedures and the software for online registry. At the time of writing of midterm report, the inventory contained 2,470 procedures.

End-of-Term: Substantial

The administration finalized the inventory task in June 2018. It currently contains 2,487 national-level procedures.¹ PPS performed a quality check and analyzed the inventory; referring 70 procedures for simplification or abolishment to the responsible institutions.² The PPS will continue analyzing the procedures and drafting optimization proposals.

Apart from involving 84 institutions in this project, the PPS has also made significant efforts to invite contributions from businesses. On 15 May 2018, the PPS launched “ePaper,” an online portal that aimed to collect inputs from entrepreneurs about the administrative obstacles they encounter and the procedures they believe should be simplified or abolished.³ On its web page, the PPS published an explicit invitation to entrepreneurs, especially small and medium, to take an active part.⁴ The portal contains a promotional brochure which explains the project in a simple and clear language.⁵

The PPS included NALED in the implementation of activities related to the business sector. NALED has so far participated in the analysis of 28 procedures in the area of health and agriculture and provided optimization proposals. They have consulted entrepreneurs and the relevant authorities about the steps to submitting and processing requests for each procedure. According to NALED, the business sector is very interested in discussing the procedures and the problems they face, as well as potential optimization models.⁶

The methodology for optimizing procedures was finalized at the end of 2017, but is not publicly available. The National Academy for Public Administration, an institution responsible for professional development of civil servants, is planning to train civil servants on how to approach administrative simplification in the legislation and how to calculate savings or administrative taxes.⁷

The Government has yet to build the software for the Single Public Registry of Administrative Procedures. This is one of the final expected results of the “ePaper” project.⁸ A PPS representative stated that the deadline for the software to be functional was the beginning of 2021.⁹

Did It Open Government?

Access to Information: Marginal

Civic participation: Marginal

This commitment represents a marginal change in making information about administrative procedures for registering and operating a business more accessible. Although the registry has yet been built, a significant amount of information can be found on the ePaper portal. It currently offers

details on almost 2,500 administrative procedures for businesses, from issuing construction permits, to taxpayer registration and identification. It includes, but is not limited to, information on the responsible institution, the legal basis for the procedure, the purpose and description of the procedure, the documents, fees, deadlines that are required, an explanation of the request forms, other institutions that the submitters need to collect proofs/certificates/stamps from, submission channels, and the appeals procedure.¹⁰ The portal also contains information whether the documents should be collected by the submitters or the administration can do it *ex officio*. This can reduce the time needed to obtain a service.

Users of the portal can fill out a detailed survey to submit proposal for procedures to be simplified. Questions asked relate to access to and quality of information about the procedures, assessment of their complexity, as well as assessment of specific elements of the process (fees, request form, channels, waiting time, etc.). Users are also asked to report corruption (e.g., mention instances in which they were asked to pay a bribe) and give their opinion on whether a given procedure should be abolished, improved/simplified, or left as is. The IRM researcher assesses this survey as well designed and useful to the administration because it allows for data on user satisfaction with administrative services to be collected, which can contribute to simplifying and digitizing the most common administrative procedures for businesses (the goal of this commitment). Though not originally coded as relevant to civic participation, as implemented, this commitment did have a marginal impact on increasing citizen engagement.

However, the section of the portal where the visitors should be able to download various templates and forms (e.g., requests for services) remains empty. Also, only those intending to fill out the survey can find the information about the procedures. In other words, although it already contains a large amount of information pertaining to individual services for businesses, the layout of the portal is not intuitive enough for easy access and it is currently easier to provide input than to find information. This has prevented a more major effect on increasing access to information.

The inclusion of the business sector in proposing or initiating change is a crucial output of this commitment. By implementing various activities, such as designing the portal, producing an info-sheet, issuing invitations and press releases, PPS has demonstrated its commitment to engage the business sector as partners in the project and collect their opinions. As a result, the Government has used this commitment as an effective way to engage with businesses. However, the explicit focus on business is also the main shortcoming of the commitment: including the digitalization of most frequently used administrative services by citizens, such as obtaining ID card or passport issuance/renewal, would address this.

Carried Forward?

At the time of finalizing of this report, the Government had not released a new Action Plan. To facilitate implementation of this commitment and reach the goal, it is recommended that PPS continue to engage with the business community and civil society to improve the process of optimizing administrative procedures and propose reduction of administrative burden both for businesses and citizens.

¹ Ninoslav Kekic, Public Policy Secretariat, interview with IRM Researcher, 6 September 2018.

² Ibid.

³ The portal is available at www.epapir.rs.jp.gov.rs

⁴ Public Policy Secretariat, "Portal E-papir za privrednike" [E-Paper Portal for Entrepreneurs], <https://bit.ly/2DSFY82>

⁵ Available at <http://www.epapir.rs.jp.gov.rs/RSJP%20brošura%20ePAPIR.pdf>

⁶ Petar Korac, NALED, online correspondence with IRM Researcher, September 2018.

⁷ Ninoslav Kekic, Public Policy Secretariat, interview with IRM Researcher, 6 September 2018.

⁸ See <https://bit.ly/2Etvvr5>

⁹ Ninoslav Kekic., Public Policy Secretariat, interview with IRM Researcher, 6 September 2018.

¹⁰ An example can be found here: <http://www.epapir.rs.jp.gov.rs/1496>

Methodological Note

The end-of-term report is based on desk research and interviews with governmental and nongovernmental stakeholders. The IRM report builds on the findings of the government's self-assessment report; other assessments of progress put out by civil society, the private sector, or international organizations; and the previous IRM progress report.

This report is based on a combination of desk research and interviews with stakeholders. Desk research included a review of official documents (laws, bylaws, Government decisions, etc.), institutional and CSO websites as well as online news articles. Data collection included face-to-face and online interviews with eight state actors and eight non-state actors involved in particular commitments. The draft report produced by the IRM researcher was further internally reviewed by Milos Djindjic, Good Governance Program Manager at CEP.

Milena Lazarevic is the Program Director and Dragana Bajic is a Researcher at European Policy Centre in Belgrade (<http://cep.org.rs/>). They work on topics including public administration reform, EU integration, public accountability, and good governance, among others. CEP is an independent, non-profit, non-governmental think tank, based in Serbia and active in the Western Balkan region.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, to empower citizens, to fight corruption, and to 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 to improve accountability.

