Independent Reporting Mechanism (IRM): Serbia Design Report 2018–2020

Dragana Bajic, Vanja Dolapcev, Milena Lazarevic, European Policy Centre (CEP)

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Executive Summary: Serbia

Serbia's multi-stakeholder consultation process has improved considerably through better public outreach, including on the local level. However, the action plan largely continues initiatives from the previous plan mainly with measures of limited ambition. Notable commitments include transparency of media funding, amendments to the access to information law, and proactive publication of information. Effective implementation will benefit from continued collaboration while high-level political support is needed for more ambitious commitments.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Serbia joined OGP in 2013. Since then, Serbia has implemented two action plans. This report evaluates the design of Serbia's third action plan.

General overview of action plan

The openness of Serbia's government has not changed considerably compared with that of the previous OGP cycles. Although the public administration continues to increase efforts toward opening data and digitalization, the problematic state of the rule of law and media freedom deterioration affect the environment for open government. Whereas two important laws were enacted to include better participatory mechanisms, in practice, citizens have little opportunity to scrutinize government performance in critical policy areas.

During the co-creation of the action plan, the quality of communication and government openness toward CSO proposals has increased. Serbia's multi-stakeholder process is inclusive, with government and non-governmental actors having equal rights to propose commitments, set the agenda, and participate in decision-making.

Table 1. At a glance
Participating since: 2013
Action plan under review: Third
Report type: Design
Number of commitments: 15
Action plan development
Is there a Multi-stakeholder forum: Yes
Level of public influence: Collaborate
Acted contrary to OGP process: No
Action plan design
Commitments relevant to OGP values 14 (93%)
Transformative commitments 1 (7%)
Potentially starred commitments: 1 (7%)
Action plan implementation
Starred commitments: N/A
Completed commitments: *N/A*
Commitments with Major DIOG*: *N/A*
Commitments with Outstanding DIOG*: *N/A*
DIOG: Did it Open Government

Although the Working Group had conducted extensive consultations, some government bodies in charge of important policy areas, such as fiscal transparency, did not agree to take up commitments proposed by the civil society, limiting the overall ambition of the action plan. As a result, even those commitments on crucial topics, such as media ownership, focus

on small technological improvements and are under-resourced for effective implementation. Some commitments were carried forward from previous action plans but were not clearly improved in a way to prevent previous challenges from recurring.

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle.
Commitment 6: Amending Media Registration Bylaws *Increase transparency of public spending on media and ensure data quality and accuracy by amending the rules for registering in the Media Register and then improve the Register's technical functionalities for better data display.*	Public money flows in the media sector are difficult to trace, and the legal framework for those flows creates space for abuse. The commitment could help shed light on public funding of media organizations, but reforms are needed that directly enforce the accountability of these funds. Mechanisms foreseen in this commitment are a step in the right direction while a new law is being prepared. Future commitments could aim explicitly toward strengthening accountability mechanisms in the media.	Note: this will be assessed at the end of action plan cycle.
Commitment 11: Improve Proactive Transparency *Publish information booklets with strict content and deadlines.*	This commitment is the only potentially transformative commitment in this action plan. It would oblige all public authorities to publish and update an online "booklet," disclosing information on income and expenditures, public procurement, and other highly relevant data in a standardized, consistent, and open format. This commitment is carried forward from the previous action plan and needs to be given priority during implementation.	Note: this will be assessed at the end of action plan cycle.
Commitment 12: Amend Access to Information Law *Amend the law to ensure effective oversight of compliance and expand the circle of authorities subject to the law*	Amendments would bring considerable improvements, including expanding the scope of bodies subject to the law, reducing the number of potential reasons for rejecting FoI request, and making it mandatory to obtain the opinion of information commissioner on draft laws. Civil society stresses that the final outcome will depend on content of the final draft law.	Note: this will be assessed at the end of action plan cycle.

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five KEY IRM Recommendations

1	Ensure high-level political support to the national OGP process
2	Diversify lead implementing agencies and convince key bodies with veto power over important commitments to proactively participate in the deliberations of the Working Group
3	Increase the number of commitments primarily targeting public accountability, direct civic engagement, and citizen-relevant public services.
4	Improve design of commitments that only prescribe legislative changes but lack implementation aspects.
5	Stimulate reuse of open data.

ABOUT THE AUTHORS

Dragana Bajić and **Vanja Dolapčev** are researchers at the European Policy Centre (CEP 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, nonprofit, non-governmental think tank, based in Serbia and active in the Western Balkan region. **Milena Lazarević** is the Programme Director of the European Policy Centre.

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

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I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure that governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

Serbia joined OGP in 2013. This report covers the development and design of Serbia's third action plan from 2018 to 2020.

The Independent Reporting Mechanism of OGP has partnered with the European Policy Centre (CEP) from Belgrade, Serbia, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit https://www.opengovpartnership.org/about/independent-reporting-mechanism.

II. Open Government Context in Serbia

The openness of Serbia's government has not considerably changed compared to the previous OGP cycles. Public administration has increased efforts for digitization and opening of more government data, but the problematic state of the rule of law and media freedom deterioration affect the environment for open government. Although two important laws were enacted to include better participatory mechanisms, citizens have little opportunity to scrutinize government performance in important policy areas.

Serbia's overall OGP participation runs in parallel with the country's EU-related reforms (primarily the political criteria[1] and public administration reform governed by a substantial strategic framework[2]). Since 2014, Serbia has been a European Union (hereinafter: EU) candidate country negotiating its accession. Prior to receiving candidate status, the country had already taken significant steps to create an enabling legislative and policy environment for freedom of information (FOI) and government transparency, such as through passage of the Law on Free Access to Information of Public Importance, which was proclaimed internationally as one of the best in this policy area.[3]

Overall, Serbia scores high on OGP eligibility criteria of FOI, budget transparency, civil liberties, and asset declarations of public officials. However, the country still has challenges in each of these areas.

Although Serbia's FOI law is one of the strongest in the world, accountability for compliance with the FOI law is one principal area of concern to stakeholders. Civil society perceives sanctions for the violation of FOI rights as ineffective.[4] Both civil society and the Office of the Commissioner for Information of Public Importance and Personal Data Protection, which is responsible for implementation of the FOI law, have advocated for improvements such as mechanisms to ensure that public bodies comply with the commissioner's decisions.[5] The Ministry of Public Administration and Local Self-Government (hereinafter: MPALSG) started drafting amendments to the access to information law in 2018 and opened a public debate.[6] However, stakeholders have disputed some proposed amendments because they exclude companies partially owned by the state and the National Bank of Serbia from the obligation of providing free access to information.[7] Thus, though Serbia remains high on the OGP eligibility criteria scoring, with 15 out of 16 points, the proposed amendments to the Law on Free Access to Information of Public Importance risk backsliding. In parallel, the position of the commissioner has been vacant[8] starting from 22 December 2018. At the time of the writing of this report, the Parliament has not shown any effort to elect the new commissioner. This has instigated a group of CSOs to start a campaign titled "I want a Commissioner, not a Servant!" aiming to urge the parliament to start a transparent process of recruiting a new person based on merit.[9]

Other forms of public accountability in the country have also lacked sufficient progress:

- In the latest report for 2018, the European Commission pointed to transparency problems that needed to be addressed and strengthened.[10] According to SIGMA Monitoring Report 2017,[11] the country underperforms in accountability and organization of the central government.[12] Civil society, media, and the wider public have little opportunity to scrutinize the government's performance because the reports on its activities and results are either not available or not regular.[13]

- Additionally, in recent years, the Parliament has avoided discussing the annual reports of independent oversight institutions, such as the Ombudsperson, the Commissioner for Information of Public Importance, the State Audit Institution the Commissioner for Equality Protection, etc.[14]

- There have been limited progress in the state efforts to fight corruption, which remains a pervasive problem in the country.[15] There have been serious delays in adopting any new laws related to the Anti-Corruption Agency[16] whereas the National Anti-Corruption Strategy expired at the end 2018.[17] Currently, Serbia's anti-corruption efforts are governed by the action plan for Chapter 23 in the EU-Serbia accession negotiations (subchapter *Fight*

against Corruption) and the Law on Anti-Corruption Agency. Commitment 7 in the third OGP action plan deals with anti-corruption at the local level.

- Major efforts are underway to amend the constitution to reform the judiciary. The process has been implemented with little public participation. There are two opposing positions on the quality of this process. While the formal consultation process existed, some stakeholders including lawyers, judges, experts and CSOs have withdrawn from the process, citing the potential politicization of the judiciary, particularly in the case of amendment proposals concerning election of the non-judicial members of the High Judicial Council.[18] On the other hand, representatives of the Ministry of Justice, which coordinates this process, state that they ensured inclusiveness and full transparency of consultations. They also stated that all comments received during the consultations were considered by an expert of the Council of Europe when drafting constitutional amendments. Upon receiving the findings from the Venice Commission,[19] which it outlined "a number of outstanding issues" regarding High Judicial Council and High Prosecutorial Council, the new version tried to implement recommendations from the Commission and additional suggestions made by the national stakeholders who participated in the process. The Ministry announced that the latest version of the draft amendments was given positive opinion by the Secretariat of the Venice Commission.[20] Still, some CSOs considered that the statement of Ministry is incorrect, as the Venice Commission Secretariat was in charge for technical and administrative tasks rather than for evaluating compliance of amendments with the international legal standards (for which the commission members are responsible, and not the secretariat).[21]

In terms of **participation and civic space**, freedom of assembly and freedom of association are legally enabled and generally respected[22] although more alignment is needed with the Guidelines on Freedom of Peaceful Assembly.[23] The 2018 European Commission Report for Serbia does point to a lack of progress in establishing an enabling environment for the development of the civil society, underlining that more action needs to be taken to "ensure systematic cooperation between the government and civil society."[24] Public debates on law proposals are often conducted formalistically and too late in the process, not enabling all interested parties to provide timely and qualitative input.[25] This was the case regarding laws adopted within the urgent parliamentary procedure, such as new Law on Personal Data Protection and Law on Free Legal Aid.[26] Only 2% of citizens have participated in public debates at the state level or open discussions in local government units.[27]

In recent years, civic space and media freedom in Serbia have become issues of particular concern. There have been an increasing number of governmentally organized non-governmental organizations, smear campaigns from media in close relation to the coalition of the ruling political parties,[28] cases of threats and violence against journalists, and media financing issues. According to the latest report of Reporters without Borders, Serbia has been ranked as 76th in media freedom, falling 24 places since 2017.[29] The European Commission also found no progress on media freedom in its recent assessment[30] whereas the Freedom House Report marked Serbia as one of the countries with the greatest backslide compared with the previous year's rating.[31] Currently, Serbia is preparing the new Media Strategy, but various controversies resulted in the refusal of media associations to continue participating in the working group tasked to develop this strategy.[32] Since the last year, the cabinet of the prime minister replaced the Ministry of Culture as the facilitator of the consultation process, which brought progress in cooperation and development of the draft document.[33] Commitments four and six in the current OGP action plan attempt to respond to the key national issue of media freedom but do not go far enough to tackle the inherent problems the media landscape in the country faces.

In addition, public debate should improve due to to the new legal framework adopted in 2018 through amendments to the Law on the State Administration[34] and enactment of the Law on the Planning System.[35] These documents regulate public participation in official public debates and introduce consultations as a participatory mechanism at the onset of the legal drafting process.[36] Commitments two, thirteen, and fifteen address these topics.

Budget transparency and asset declarations remained causes of poor international rankings for Serbia. According to the 2017 Open Budget Survey, Serbia makes limited information available about the national budget, scoring 43 out of 100 points available, for a ranking lower than its neighbors Croatia, Slovenia, or Albania. Serbia scored only 2 out of 100 points for the public

participation element because it provides such few opportunities for the public to engage in the budget process.[37] In 2017, the Anti-Corruption Agency filed 86 requests for asset declarations because government officials failed to submit its declaration on time. That was higher than 2016's 80 requests, but the number of criminal charges the agency files is lower than it was in 2016 (from 17 to 15).

Frequent extraordinary elections taking place in Serbia have been affected by irregularities. According to a reports of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), Serbia had significant irregularities in updating the voter register, public scrutiny over the voter lists, and media landscape for elections in 2016 (parliamentary elections) and 2017 (presidential elections).[38] Beginning in December 2018, a wave of opposition protests named "One of Five Million" started taking place throughout the country. The protesters' demands concern the electoral conditions and procedures along with reform of the state broadcaster.[39] Commitment eight of the current action plan relates to the update of the voter registry to ensure its accuracy.

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[2] Public Administration Reform Strategy in the Republic of Serbia, Official Gazette of the Republic of Serbia No. 9/2014, 42/2014, 54/2018, Belgrade, 2014, 2018, http://www.srbija.gov.rs/extfile/sr/45685/strategija_drzavna_uprava_cyr.zip (accessed on 15th of March 2019);

[3] Global Right to Informing Ranking, Aces !nfo Europe, Madrid, https://www.rti-rating.org/rating/ (accessed on 15th of March 2019);

[4] Djindjic, Milos, Bajic Dragana, National PAR Monitor Serbia 2017/2018, European Policy Centre, Belgrade, 2018, page 9, https://cep.org.rs/wp-content/uploads/2018/11/national_par_monitor_-_serbia-edited.pdf (accessed on 15 March 2019);

[5] Nenadić, Nemanja, Free Access to Information in Serbia: Experience, Problems and Perspectives, Centre for Research, Transparency and Accountability, 2019, page 12, https://crta.rs/wp-content/uploads/2019/01/Slobodan-pristup-informacijama-u-Srbiji-iskustva-problemi-i-perspektive.pdf (accessed on 15 March 2019);

[6] Call for Participation in the Public Debate on the Draft Law on Amending the Law on Free Access to Information of Public Importance, MPALSG, Government of the Republic of Serbia, Belgrade, 2018, http://mduls.gov.rs/obavestenja/poziv-za-ucesce-u-javnoj-raspravi-o-nacrtu-zakona-o-izmenama-i-dopunama-zakona-o-slobodnom-pristupu-informacijama-od-javnog-znacaja/?script=lat (accessed on 15 March 2019);

[7] Draft Law on Amending the Law on Free Access to Information of Public Importance, MPALSG, https://civilnodrustvo.gov.rs/upload/Nacrt%20zakona.DOCX, 2019 (accessed on 15 March 2019);

[8] "Meet the Commissioner," Commissioner for Information of Public Importance and Personal Data Protection Website, Commissioner for Information of Public Importance and Personal Data Protection, Belgrade, https://www.poverenik.rs/sr-yu/upoznajte-poverenika.html (accessed on 15 March 2019);

[9] "I want a Commissioner, not an Obedient!" Belgrade, https://srbijadoinformacija.rs/ (accessed on 15 March 2019);

[10] European Commission Report on Serbia in 2018, European Commission, European Union, Brussels, 2018, page 7, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-serbia-report.pdf (accessed on 15 March 2019);

[11] "Sigma" Program represents joint initiative of the Organization for Economic Co-operation and Development and the EU. Within its work and by providing expert support, Initiative aims to strengthen and improve public administration system in the countries neighboring EU member states and in the EU accession countries;

[12] Monitoring Report 2017 Serbia, "Sigma" Program, Organization for Economic Co-operation and Development, European Commission, 2017, pages 95 to 97, http://www.sigmaweb.org/publications/Monitoring-Report-2017-Serbia.pdf (accessed on 15th of March 2019);

[13] Djindjic, Milos, Bajic, Dragana, Ibid, page 42;

[14] European Commission Report on Serbia in 2018, Ibid, page 3;

[15] Serbia Corruption Index, Trading Economics, https://tradingeconomics.com/serbia/corruption-index (accessed on 15th of March 2019);

[16] European Commission Report on Serbia in 2018, Ibid, page 19;

[17] National Anti-Corruption Strategy in the Republic of Serbia in the Period from 2013 to 2018, Official Gazette of the Republic of Serbia No. 57/2013, Belgrade, 2013, http://www.acas.rs/wp-content/uploads/2010/06/Nacionalna_strategija_za_borbu_protiv_korupcije.pdf (accessed on 15 March 2019);

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[19] European Commission for Democracy through Law (Venice Commission): Serbia Opinion on the Draft Amendments to the Constitutional Provisions on The Judiciary, CDL-AD(2018)011, Strasbourg, 25 June 2018, available at https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2018)011-e

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[21] Joint Statement: Reaction to the Ministry of Justice's Claims regarding the Venice Commission's Positive Assessment, Association of Public Prosecutors and Deputy Public Prosecutors of Serbia, Judges' Association of Serbia, Lawyers' Committee for Human Rights, Centre for Judicial Research, Belgrade Centre for Human Rights, European Movement in Serbia, Transparency Serbia, Belgrade, Serbia, 25th of October 2018, https://bit.ly/2Y1zgGj (accessed on 15th of March 2019);

[22] European Commission Report on Serbia in 2018, Ibid, page 26;

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[23] 2018 World Press Freedom Index, Reporters without Borders, Paris, https://rsf.org/en/serbia (accessed on 15 March 2019);

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[25] European Commission Report on Serbia in 2018, Ibid, page 9;

[26] Tepavac, Tara, National Assembly: Temple or Facade of Democracy, Centre for Research, Transparency and Accountability, Belgrade, 2019, page 9, https://crta.rs/wp-content/uploads/2019/01/Narodna-skup%C5%A1tina-Republike-Srbije-hram-ili-paravan-demokratije.pdf (accessed on 15 March 2019);

[27] Audit of Political Engagement in Serbia 2017, Centre for Research, Transparency and Accountability, Belgrade, 2017, page 22, https://crta.rs/wp-content/uploads/2018/02/Ucesce-gradjana-u-demokratskim-procesima-u-Srbiji-2017.pdf (accessed on 15 March 2019);

[28] 2017 Civil Society Organizations Sustainability Index, National Coalition for Decentralization, Niš, 2018, pages 7 and 10, http://nkd.rs/wp-content/uploads/2018/10/IO-OCD-2017-Srbija.pdf (accessed on 15th of March 2019);

[29] 2018 World Press Freedom Index, Reporters without Borders, Paris, https://rsf.org/en/serbia (accessed on 18 April 2019);

[30] European Commission Report on Serbia in 2018, Ibid, page 25;

[31] Freedom in the World 2019 Report, Freedom House, District of Columbia, Washington, https://freedomhouse.org/sites/default/files/Feb2019_FH_FITW_2019_Report_ForWeb-compressed.pdf (accessed on 15th of March 2019);

[32] "Novinarska i medijska udruženja predala uslove za učešće u izradi medijske strategije," "Insajder" Website, Insajder, Belgrade, 16 August 2018, https://insajder.net/sr/sajt/vazno/11942/ (accessed on 15 March 2019);

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[34] Law on the State Administration, Official Gazette of the Republic of Serbia No. 79/2005, 101/2007, 95/2010, 99/2014, 30/2018, 47/2018, Belgrade, 2018 http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/1129-18%20lat.pdf (accessed on 15 March 2019);

[35] Law on the Planning System of the Republic of Serbia, Official Gazette of the Republic of Serbia No. 30/2018, Belgrade, 2018, http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2018/2386-17%20lat.pdf (accessed on 15 March 2019);

[36] Law on the Planning System of the Republic of Serbia, Ibid;

[37] Open Budget Survey 2017 for Serbia Summary, International Budget Partnership, Washington, District of Columbia, 2018, https://www.internationalbudget.org/wp-content/uploads/serbia-open-budget-survey-2017-summary.pdf (accessed on 15 March 2019);

[38] OSCE/ODIHR Election Assessment Mission Final Report on Presidential Election held on 2 April 2017 in the Republic of Serbia, 2017, pages 1 and 2, https://www.osce.org/odihr/elections/serbia (accessed on 15 March 2019).

[39] "Organizatori protesta izneli zahteve i poručili da su spremni za dijalog", "N1" Website, Belgrade, 13 April 2019, http://rs.n1info.com/Vesti/a476032/Zahtevi-protesta-1-od-5-miliona.html (accessed on 19 April 2019)

III. Leadership and Multi-stakeholder Process

Serbia's multi-stakeholder process is transparent and inclusive with government and non-governmental actors having equal rights to propose commitments, set the agenda and participate in decision-making. The quality of communication and government openness towards CSO proposals has significantly increased. However, measures in priority areas identified by the Working Group are not always taken up by the relevant ministries, pointing to the need to secure more high-level support and institutional buy-in.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Serbia.

As in the previous action plan cycles, the Ministry of Public Administration and Local Self-Government (MPALSG) is the leading government body for OGP in Serbia. The OGP Working Group serves as the multi-stakeholder forum for OGP (explained in detail below). MPALSG is legally mandated to coordinate the OGP process in the country,[1] and in practice it ensures successful coordination of OGP activities given the ministry's scope of responsibility with public administration and local governments in Serbia. At the same time, MPALSG has limited authority over other ministries, as in practice, they have a final veto power over the proposals related to their respective jurisdictions regardless of their membership in the OGP Working Group. The Ministry of Finance plays a particularly decisive role, as it gives formal opinions on both the content and financial aspects of the action plan.[2] Local government units have constitutionally and legally guaranteed rights to independently regulate their bodies and public services and ensuring implementation of commitments related to local governments has been a challenge. This could change in the future, as five local government representatives have joined the membership of the OGP Working Group, and there have been growing efforts toward developing open government initiatives on a local level.[3]

Although there has been some high-level participation in OGP events throughout 2018, overall, the promotion of national OGP efforts by the senior government representatives has been insufficient.. The prime minister participated in the OGP Summit in Tbilisi in July 2018 and formally undersigned the Government Conclusion adopting the action plan. Only twice in 2018 did the head of the government or other high-level government actors make statements or appearances related to the country's progress in OGP. One of the assistant ministers in the MPALSG opened a constitutive session of the OGP Working Group and spoke at several local-level consultative meetings.[4] The MPALSG received 2018 Sector Budget Support from the EU for increasing the visibility of public administration reform in Serbia, which will include efforts to promote the national OGP process.[5]

No budget is specifically allocated for OGP activities. Stakeholders were informed that activities requiring funds needed to be already planned (and funded) elsewhere,[6] so they are usually part of other strategic documents and/or government projects,[7] or they do not require funding. Within MPALSG, the government point of contact is the only executorial position for all OGP-related jobs[8] due to the ongoing downsizing of the public sector and government decisions on the maximum number of permanently employed civil servants. Moving forward, a new decision was expected in 2019, which could possibly enable engagement of an additional person in OGP activities.[9] In practice, a group of civil society organizations (CSOs) led by Civic Initiatives currently supports the Government point of contact in tasks related to communication with CSOs via an award by the OGP multi-donor trust fund.[10]

3.2 Multi-stakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements that a country or entity must meet in its action plan development and implementation to act according to OGP process. Serbia **did not act** contrary to OGP process.[11]

Please see Annex I for an overview of Serbia's performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Table [3.2]: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.[12] 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 "collaborate."

Level of public influence		During development of action plan
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	

Multi-stakeholder forum

Serbia has a multi-stakeholder forum called the OGP Working Group that develops the action plan, monitors its implementation, develops the self-assessment reports, and consults with civil society. Following the harmonization of opinions and the accompanying public consultation process, the final draft action plan is delivered to the government for a formal approval in a form of a Conclusion. The minister of Public Administration and Local Self-Government establishes this "Working Group" for each action plan cycle.[13] In other words, the current working group will cease to exist once the government starts planning the next action plan (i.e., forms a new working group). This change will coincide with the implementation of the previous action plan with the result that the new working group will also take over the discussion on implementation of the existing plan.

The current OGP Working Group was created on the 15 March 2018[14] and was formally tasked with supporting the 2018–2020 OGP action plan cycle.[15] In line with one of the previous IRM report's principal recommendations, the OGP Working Group adopted and published the official Rules of Procedures[16] to govern the participation and decision-making process. These rules, *inter alia*, stipulate:

- That decisions are made by consensus and all members of the group have equal rights to propose commitments, set the agenda of the working group, and participate in the discussion and decision-making processes;
- That sessions be organized at least quarterly (in plenary or within sub-groups), either face-to-face or online;
- The way in which membership handover is governed in case of personnel changes.
- That sessions be open for other invited stakeholders to consider issues from their field of expertise; and

- That there be transparency of the group, via published meeting minutes, public statements and press releases, press conferences, and consultative meetings with civil society or other stakeholders.

To form the group, the MPALSG disseminated high-level formal invitations to central administration bodies relevant for OGP[17] and to local governments that had previously piloted local OGP action plans, led by OSCE and an NGO CRTA. In December 2017, MPALSG and Office for Cooperation with Civil Society (hereinafter, OCCS) published a call to CSOs for membership in the Working Group,[18] and distributed it through direct emails to all CSOs from the OCCS's data base. The call was open for 21 calendar days, and applications were accepted exclusively by postal mail. The call explicitly limited the number to seven (7) CSOs and included a variety of eligibility criteria.[19] According to the MPALSG, the criteria reflected the intention to involve organizations most relevant to OGP values and themes, aiming to make the work efficient, considering a large number of CSOs in Serbia.[20]

A commission composed of the OCCS and MPALSG representatives made the final membership decision, which was published online alongside the list ranking the applicants.[21] All six CSOs that applied were accepted, which, given the seven seats, on the one hand points to low interest or awareness of civil society to participate in OGP, but on the other hand could point to a potential lack of motivation to apply due to eligibility criteria. The current OGP Working Group has 37 members and 33 deputy members from various central state administration bodies, local governments, and civil society.[22] However, formal membership is not required for other interested parties to participate on an equal footing.[23] To illustrate, government institutions that were not formal members (e.g., Business Registry Agency) were consulted and invited to meetings, alongside some CSOs (e.g., Transparency Serbia and Educational Centre Leskovac) that gradually joined the Working Group as a result of the engagement in the co-creation grant from the OGP's Multi-Donor Trust Fund (MDTF).[24]

Civil society representatives believe that the MDTF grant enhanced the quality of the overall consultation process.[25] It helped organize a greater number of consultative events compared with the previous cycles, especially at the local level. More activities taking place increased the OGP visibility and outreach efforts. These activities also stimulated interest of some local government units to adopt open government approaches and develop their own local OGP action plans. Namely, out of 11 local government units that applied, five (Novi Pazar, Sombor, Vlasotince, Lapovo and Bela Palanka) were selected to work with the grant awarded consortium on developing local action plans. The consortium considered that reforming local communities can lead to faster results, while local government units saw the process it as a natural continuation of their previous activities.[26] On the national level, the CSOs in the consortium received funds to organize these outreach meetings, which provided significant support to MPALSG during the co-creation phase due to the lack of budget for OGP.[27] Additionally, the fund-receiving consortium included some organizations that were previously not part of the OGP process (Transparency Serbia and Educational Centre Leskovac) that became active in the co-creation and thus strengthened civil society membership in the OGP Working Group. Finally, improved communication through more regular consultations also resulted in a higher number of CSO-sponsored topics entering the action plan.

Nonetheless, apart from the gender balance, the process did not substantially increased the thematic diversity of the types of CSOs joining the Working Group, (besides registered organizations with expertise in government transparency, accountability, public administration and policy making, and the like). The action plan quality has made little notable improvement, as the majority of commitments are still low in ambition, with several carried over from the previous action plan. However, there has been improvement in terms of geographical diversity of CSOs participating in the overall consultation process, owing to the events organized outside of Belgrade.

The participation of the Parliament and local authorities is an improvement compared with that of previous action plan cycles, which contributes to diversification of interest representation. However, although the Serbian Chamber of Commerce is officially a member, it has not participated in any of the working group meetings.[28] Several other relevant institutions are either inactive (e.g., the

Ministry of European Integration) or are not members (e.g., the Cabinet of the Minister in Charge of Innovation and Technological Development or Office of the Commissioner for Equality Protection).

In addition to face-to-face meetings during the consultation process, the Working Group has used remote participation tools such as conference calls and e-mail voting.

Participation and engagement throughout action plan development

The first consultative meeting between the members of the working group and other stakeholders, including CSOs, took place on 13 April 2018 in the capital of Belgrade. This meeting was held before the start of drafting, where CSOs helped set the commitment priorities and provided proposals for commitment design. Later, local meetings in Nis (5 October 2018) and Sabac (8 October 2018) were held to collect comments on already defined commitments and to receive further proposals.

The consultation events were widely promoted. The MPALSG provided some background material to prospective participants[29] and advertised consultations through a mailing list of the OCCS and web pages of the national OGP process,[30] MPALSG,[31] and OCCS.[32] The calls were additionally published by Civic Initiatives,[33] a CSO that took charge of organizing consultations outside of the capital of Belgrade. Participants had enough time for preparation for consultations. On average, the calls were advertised eight calendar days in advance, with the shortest period of six days in the case of one local-level event.

On the negative side, however, social media was not sufficiently used for wider outreach, as a review of social media activity of the mentioned institutions returned only five posts[34] related to the three meetings and the process of collecting e-mail contributions. Moreover, the language of the calls was formulated in a predominantly administrative style and lacked an overall time line of key stages of the process and decision-making (although this information was shared at the beginning of each consultative meeting).[35] The call for the main event in the capital was explicitly directed toward civil society, overlooking other relevant stakeholders such as academia, private sector, experts, media, and so on. Slightly more than a half of participants of the three consultative meetings were non-state actors, including CSO members of the Working Group, which points to a balance of representation and a chance for a meaningful exchange. However, a low percentage (30% of CSO participants only) of CSOs from outside the Working Group reflects the need to increase outreach activities. CSO representatives implementing the Trust Fund grant consider the engagement high and satisfactory and confirm that the quality of communication and government openness toward cooperation has improved to a large extent.[36] Moreover, they emphasize that the primary limitation to the greater involvement of CSOs, particularly those working on sectoral policies, stems from the narrow scope that the government gives to OGP. The narrowness of topics treated by the action plan, in their view, affects the lack of interest by sectoral CSOs to engage in the OGP process.[37]

Both the national OGP website and MPALSG's website reported on the consultations and published minutes of the Working Group sessions. Following the finalization of the draft, the MPALSG,[38] OCCS,[39] Civic Initiatives,[40] and the national OGP webpage[41] announced a final public consultation via submission of comments through e-mail and face-to-face meetings in Belgrade (4 December 2018), Novi Sad (7 December 2018), and Kragujevac (13 December 2018). The general public consultation process, including online, lasted between 28 November and 12 December 2018, which represented adequate time for preparation and contribution. However, there are no publicly available reports on the final consultations on the draft AP except web articles reporting on the discussion's content.[42] The point of contact shared that there were no written contributions to the entire consultation process.[43]

Civil society proposed seven out of fifteen (15) action plan commitments. They relate to monitoring local anti-corruption plans, updating the electoral roll, opening the budget law data, improving media registration, introducing e-participatory tools and e-notice boards, and opening data on financing CSOs. However, responsible government bodies watered-down some initial commitment ideas. A CSO representative involved in the Working Group confirmed that commitments 14 (e-participation) and 9 (media register) effectively put the AP in weaker, less ambitious shape.[44]

The lack of OGP-specific funding required that funding, where needed, had to be pre-planned in other strategic documents or government-run projects for a commitment to go forward. For instance, commitments 7 and 12 in the current plan were copied from the action plan on Chapter 23 in Serbia-EU accession negotiations. Some stakeholders disapproved of this approach, stating that the commitments should go beyond the efforts existing alongside OGP.[45]

Decision-making outside of the Working Group significantly affected, and in some cases hindered, the quality of the action plan's content. Namely, interviews with working group members revealed that some significant commitment proposals were eventually rejected by bodies that would be responsible for implementation (regardless of whether they were from the onset involved in the Working Group or not), even when the rest of the Working Group members gave consent. Although the reasons for rejection were communicated, they were usually either overly formalistic, or the government bodies refused to take responsibility, quoting lack of jurisdiction over those commitments.[46]

One such rejected commitment related to the prevention of the conflict of interest by introducing a code of ethics for employees in public enterprises, proposed by Transparency Serbia. The Ministry of Economy, which is not a member of the Working Group, rejected it with the explanation that it falls beyond the ministry's jurisdiction because the commitment is not part of the Law on Public Enterprises. A representative of Transparency Serbia believed instead that that the ministry was just unwilling to deal with the issue, because the point was precisely to introduce the rules in the law. A representative of the Anti-Corruption Agency confirmed that this commitment was very important but unjustly excluded, because it is an issue completely unregulated in Serbia. Another excluded commitment pertains to the online platform for monitoring public budget expenditures, modeled on the Slovenian "Erar."[47] This commitment had already been proposed in the previous cycle, only to be rejected again by the Ministry of Finance because of the reported lack of legal grounds.

The Working Group has not published a clear explanation on how it addressed public comments. Reports on consultative meetings and minutes of the Working Group sessions offer information on the deliberation process but are hard to use for tracing the reasoning behind final decisions. This is specifically related to those commitments that end up being rejected by responsible bodies while justification is not made publicly available.

Co-creation and participation recommendations throughout development

Serbia showed evidence of achievement and strong performance in areas of multi-stakeholder conduct and communication and outreach during development. For example, the Working Group met regularly over the observed period and organized consultations with civil society before, during, and after the drafting process. Moreover, the non-governmental members of the Working Group were selected through a fair and transparent process, and the group was open for inputs from any stakeholder outside of the process. Finally, the Working Group has communicated its performance to the public by regularly publishing meeting minutes and consultation reports, news articles, and announcements.

Some areas where Serbia can improve include:
- **Composition of the Working Group.** The multi-stakeholder forum does not include an even balance of governmental and non-governmental representatives. In addition, the forum includes two high-level government representatives, but only one has been active.
- **OGP Working Group operation.** The Working Group decides on commitments based on consensus, but proposed commitment holders, regardless of being members of the group or not, have veto power over commitment proposals, which they can use at any point in the process. Moreover, it is left up to the individual commitment holders to decide whether they wish to engage in further discussions to reach a consensus.
- **Outreach (primarily by involved CSOs to the public/civil society).** The government received no written contributions during the co-creation process. There remain a limited number of civil society representatives attending consultations, especially those

from fields not directly focused on OGP (e.g., environment, health, accessibility, gender issues).

To improve performance in these areas, the IRM researcher suggests that, moving forward, the OGP Working Group should take the following actions:

- Achieve an even balance of governmental and non-governmental representatives by publishing an open call for CSOs to join the Working Group on a rolling basis if prescribed conditions are met. Regularly promote the call.
- Further diversify interest representation of the Working Group by including other interest groups like grassroots movements, informal citizen initiatives, and organizations gathering vulnerable groups such as people with disabilities, academia, private sector, experts, or provincial government authorities.
- Ensure high-level political commitment and support to the national OGP process from the start. Alongside the Working Group, introduce backing and follow-up processes on a higher political level, through, for example, various government committees (working bodies) or even directly during government sessions. For example, Public Administration Reform Council, a political structure for coordinating public administration reform and comprising the prime minister, ministers, directors of special government organizations, and government secretary general, could serve as a platform for discussing OGP. For any contested commitment proposal, if a majority of working group members supports the proposal and the responsible institution rejects it, organize additional meetings to harmonize views and reach a common ground. This should also trigger placing the issue to the higher political level agenda for resolution.
- Create minutes and reports on the final consultation process and make them publicly available.
- The CSOs involved in the OGP process should help the government to achieve greater engagement of civil society during co-creation process by:
  - Announcing calls at least 15 days in advance and actively promoting them on social media.
  - Writing the calls for consultations using a simple language, designed in an attractive way including graphs and other visual material.
  - Explaining why involvement in the OGP matters to a diversity of fields in which CSOs act (provided that the action plan also extends its focus to a wider range of issues than is the case at present).
  - Collecting inputs through free online discussion tools, surveys, polls, remote meetings.

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[1] Rulebook on Internal Organization and Job Classification of the Ministry of Public Administration and Local Self-Government of the Republic of Serbia, available at http://mduls.gov.rs/o-ministarstvu/

[2] Representative of MPALSG, interviewed by IRM researcher, 19 February 2019.

[3] For more information, see https://bit.ly/2NJDIRw

[4] Meeting minutes of OGP Working Group, available at http://mduls.gov.rs/reforma-javne-uprave/unapredjenje-transparentnosti-uprave/partnerstvo-za-otvorenu-upravu/partnerstvo-za-otvorenu-upravu-akcioni-plan-2018-2020/

[5] Government Point of Contact, interviewed by IRM researcher, 18 February 2019.

[6] MPALSG Representative at the Consultative meeting with CSOs, 13 April 2018. Meeting minutes available at http://mduls.gov.rs/reforma-javne-uprave/unapredjenje-transparentnosti-uprave/partnerstvo-za-otvorenu-upravu/partnerstvo-za-otvorenu-upravu-akcioni-plan-2018-2020/

[7] For example, commitment number 9 of the current action plan indicates that funding has been secured from 4 donor projects and that activities are part of the action plan on Implementation of the Strategy for Regulatory Reform and Improvement of the Public Policy Management System 2016–2017

[8] According to the Rulebook on Internal Organization and Job Classification of the Ministry of Public Administration and Local Self-Government, the tasks include the following: coordinate, direct and participate in the preparation of action plans, participate in international events to promote the action plans ; participate in the establishment of mechanisms for involving civil society organizations in the process of preparing and monitoring the implementation of action plans and cooperating with the authorities and officers of the Open Government Partnership linkage during the preparation and implementation of action plans; monitor, coordinate the work of the bodies and prepare reports on the implementation of action plans; analyze and propose measures to eliminate the observed problems in the implementation

[9] Government Point of Contact, interviewed by IRM researcher, 18 February 2019.
[10] See more at https://www.opengovpartnership.org/about/ogp-multi-donor-trust-fund/co-creation
[11] Acting Contrary to Process - Country did not meet (1) "involve" during the development or "inform" during implementation of the NAP (2) government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.
[12] "IAP2's Public Participation Spectrum," IAP2, 2014.
http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf
[13] Special Inter-Ministerial Working Group for Developing the Third Action Plan for 2018-2020 and Realising Serbia's Participation in OGP.
[14] Following the MPALSG's Decision Establishing the Special Inter-Ministerial Working Group for Developing the Third Action Plan for the period of 2018–2020 and Realising the Participation of the Republic of Serbia in the Open Government Partnership Initiative.
[15] Decision Establishing the Special Inter-ministerial Working Group, available at http://mduls.gov.rs/reforma-javne-uprave/unapredjenje-transparentnosti-uprave/partnerstvo-za-otvorenu-upravu/partnerstvo-za-otvorenu-upravu-akcioni-plan-2018-2020/
[16] Publicly available at http://mduls.gov.rs/reforma-javne-uprave/unapredjenje-transparentnosti-uprave/partnerstvo-za-otvorenu-upravu/partnerstvo-za-otvorenu-upravu-akcioni-plan-2018-2020/
[17] Government Point of Contact, interviewed by IRM researcher, 18 February 2019.
[18] Available online on the web pages of MPALSG and OCCS: http://civilnodrustvo.gov.rs/poziv/partnerstvo-za-otvorenu-upravu:-javni-poziv-organizacijama-civilnog-dru%C5%A1tva-za-%C4%8Dlanstvo-u-posebnoj-me%C4%91uministarskoj-radnoj-grupi-za-izradu-akcionog-plana-za-period-20182020-godine.39.html?invitationId=466
[19] Criteria included: registered a minimum of 3 years prior to the call; goals relevant to OGP areas (Data availability, public information access, media and broadcast, fiscal transparency, public advocacy and public policy, strengthening of rule of law and expanding citizen awareness, combating corruption, developing new technologies and innovations to exchange information, improvement of public services and involving citizens in decision-making, open data, public administration reform, Open Government Partnership); expertise through projects within the mentioned areas; experience in government working/advisory bodies; experience in cooperation with other CSOs and memberships in CSO networks or other CSO associations.
[20] Action Plan on Implementation of the Open Government Partnership Initiative in the Republic of Serbia in 2018–2020, page 7.
[21] Decision and the ranking list are available at the OCCS web page: https://bit.ly/2TELIcQ;
https://bit.ly/2UDPgIE;
[22] This includes 11 of the country's 18 ministries, six government agencies, five local government units, the Prime Minister's Office, the General Secretariat of the Government, the National Anti-Corruption Agency, the National Assembly, the Chamber of Commerce, six CSOs, and the United Nations Development Program.
[23] Government Point of Contact, interviewed by IRM researcher, 18 February 2019; Meeting minutes of the Working Group sessions, available at http://mduls.gov.rs/reforma-javne-uprave/unapredjenje-transparentnosti-uprave/partnerstvo-za-otvorenu-upravu/partnerstvo-za-otvorenu-upravu-akcioni-plan-2018-2020/
[24] See more at https://www.opengovpartnership.org/about/ogp-multi-donor-trust-fund/co-creation
[25] Representative of a CSO involved in the Working Group, interviewed by IRM researcher, 11 February 2019.
[26] Representative of a fund receiving consortium,
[27] Ibid.
[28] Meeting minutes of the OGP sessions, available at http://mduls.gov.rs/reforma-javne-uprave/unapredjenje-transparentnosti-uprave/partnerstvo-za-otvorenu-upravu/partnerstvo-za-otvorenu-upravu-akcioni-plan-2018-2020/
[29] Informing them about the OGP and Serbia's participation and attached relevant documents for download, including the instructions for developing the AP, a guide through the OGP values, the IRM recommendations, the meeting agenda, templates for commitment design, and templates for submitting e-mail contributions
[30] https://bit.ly/2UafS41, https://bit.ly/2BVhxmV
[31] https://bit.ly/2BV982R, https://bit.ly/2TkWaVT, https://bit.ly/2U5uzVQ.
[32] https://bit.ly/2TkXl29, https://bit.ly/2XuOeR0
[33] https://bit.ly/2IDYLGd, https://bit.ly/2BXQur8
[34] https://bit.ly/2NyIcdz, https://bit.ly/2BYS0cp; https://bit.ly/2JgwQg5; https://bit.ly/2HnVARM; https://bit.ly/2HA8BXM
[35] Meeting minutes of the consultation process, available at http://mduls.gov.rs/reforma-javne-uprave/unapredjenje-transparentnosti-uprave/partnerstvo-za-otvorenu-upravu/partnerstvo-za-otvorenu-upravu-akcioni-plan-2018-2020/
[36] Representative of a CSO involved in the Working Group, interviewed by IRM researcher, 11 February 2019.
[37] Representatives of the CSOs involved in the Working Group and dealing with the open data, interviewed by the IRM researcher, 11 February 2019;
[38] https://bit.ly/2EzY7FE and https://bit.ly/2IFS72v
[39] https://bit.ly/2BSsntO and https://bit.ly/2U6Qxba
[40] https://bit.ly/2T2JSIJ
[41] http://ogp.rs/vesti/javni-poziv-za-ucesce-u-finalnim-konsultacijama-povodom-izrade-akcionog-plana-za-sprovodenje-pou-inicijative-u-rs-2018-2020/
[42] National OGP web page, Final consultations in Belgrade https://bit.ly/2DgtQLI, Kragujevac https://bit.ly/2D54PCp, and Novi Sad https://bit.ly/2KoKfmH
[43] Interviewed by IRM researcher, 18 February 2019.

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44 Ibid.
45 Representative of a CSO involved in the OGP Working Group, interviewed by IRM researcher, 11 February 2019;
Representative of Anti-Corruption Agency, interviewed by IRM Researcher, 13 February 2019.
46 Representative of a CSO involved in the Working Group, interviewed by IRM researcher, 11 February 2019.
Representative of the Anti-Corruption Agency of Serbia, interviewed by IRM researcher, 14 February 2019.
47 See more at https://erar.si/

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.[1] The indicators and method used in the IRM research can be found in the IRM Procedures Manual.[2] A summary of key indicators the IRM assesses is included below:

- **Verifiability:**
    - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
    - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are as such:
    - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
    - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
    - **Public Accountability:** Will the government create or improve public-facing opportunities to hold officials answerable for their actions?
    - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
    - Identify the social, economic, political, or environmental problem;
    - Establish the status quo at the outset of the action plan; and
    - Assess the degree to which the commitment, if implemented, would affect performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

What makes a potentially starred commitment?

A potentially starred commitment has greater likelihood to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., "Misallocation of welfare funds" is more helpful than "lacking a website.").
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response")?

Based on these criteria, Serbia's action plan includes one potentially starred commitment:

- Commitment 11: Improving proactive transparency – Information Booklet

Starred commitments

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/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment's design should be **verifiable**, **relevant** to OGP values and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

General Overview of the Commitments

The action plan encompasses five broad areas. The first area of open data and fiscal transparency dominates the action plan with the largest number of commitments. Other areas relate to government integrity, public services, access to information, and civic participation. The government carried forward three commitments from the previous action plan: Simplification of administrative procedures and regulations – ePAPER (commitment 9); Improving proactive transparency – Information Booklet (commitment 11); and Amendments to the Law on Free Access to Information of Public Importance (commitment 12). Considering that completion of commitments 11 and 12 depends on a shared deliverable (adoption of the Law on Free Access to Information of Public Importance), the two commitments were clustered and analyzed together in this report.

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[1] "Open Government Partnership: Articles of Governance," OGP, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf
[2] "IRM Procedures Manual," OGP, https://www.opengovpartnership.org/documents/irm-procedures-manual

1. Publishing Budget Law in a machine-readable format

Language of the commitment as it appears in the action plan:

Title: Publishing of the Law on Budget of the Republic of Serbia in a machine-readable format

The budget of the Republic of Serbia is not published in a machine-readable format.

The Ministry of Finance will also publish the Law on Budget of the Republic of Serbia in WORD and EXCEL formats, in addition to the existing presentation in PDF format.

For full commitment text, please refer to the National Action Plan at
https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf

Start Date: Q4 2018

End Date: Q1 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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
1. Overall		✔	✔					✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Serbia has a low level of budgetary data transparency, with few opportunities for citizen engagement in the budget process. The country scored 43% on budget openness in the Open Budget Index,[1] and the state budget is not openly licensed in a machine-readable format.[2] Poor oversight by the legislature exacerbates the problem, as the Budget Law has been adopted without purposeful parliamentary debate for two consecutive years due to obstruction of the debate procedure.[3]

Despite some positive developments, the problem of accessibility and readability of budget data remains. For example, although the Ministry of Finance (MoF) published a simplified citizens' budget for 2018,[4] alongside some limited financial data in .xlsx formats, its analysis requires days of copying and comparing several different documents manually.[5]

The commitment's objective is to facilitate access to the Budget Law of Serbia, simplify data processing, and reuse and enable its interpretation by the public. To that end, the government committed to publish the Budget Law in two additional formats (.docx and .xlsx) on the MoF web page. Though the commitment describes precise actions to be taken and is verifiable, it is unclear from the text of the commitment whether the data will be part of the official government Open Data Portal,[6] in line with the recently enforced Law on the eGovernment,[7] considering that thus far, the MoF has not had any datasets open on this portal.

The commitment is relevant for increasing opportunities to access and (re)use of data. However, if fully implemented as designed, this commitment would have a minor impact on changing the current state of budgetary openness in the country. On the positive side, it would proactively enable experts to analyze, interpret, and visualize budget data.[8] If implemented successfully, the commitment can also possibly motivate local administrations to open their budgets and also publish open data on budget expenditures.[9]

At the same time, this commitment has a negligible scope compared with what is needed for alignment with the leading world trends on accessibility of budget data.[10] Experts consulted by the

IRM researchers believe that this commitment represents a minimum standard of data availability.[11] According to one CSO representative, the commitment is insufficient to achieve budget transparency, as it does not specifically apply to the budget execution but only to funds approved by the law.[12] Other experts note that the government proposed Microsoft formats that are not entirely open and free such as CSV.

Overall, the IRM researchers assess that publishing the Budget Law in only one recognized machine-readable format demonstrates a lack of ambition to reach the international standards in budget data openness. The commitment represents a small step toward increasing the supply of data but without attempting to take a holistic view of the potentials of data reuse and the necessary additional efforts to enable reuse. The IRM researchers could not obtain the official position on these issues, as the responsible body, the Ministry of Finance, did not accept the request for interview.

Next steps
The IRM researcher considers this commitment a first step for furthering budget data openness through the subsequent OGP cycles. As stated by Transparency Serbia, a more ambitious commitment on this theme would not only motivate the knowledge economy but also help the government receive valuable feedback, which can be used to improve data quality, better understand user needs, and better formulate and implement public policies.[13]

IRM researchers recommend the following actions be taken to improve the commitment design in future action plans:
- To increase specificity, the MoF should commit to and explicitly communicate the commitment to publish data on the central government Open Data Portal, conforming with the Law on eGovernment[14] and the Regulation on the Mode of Operation of the Open Data Portal.[15] This way, the data will become centrally available. Compliance with the regulation will mean that the data are up-to-date and available in prescribed open formats.
- To increase the ambition and scope:
  - The MoF could increase the diversity of truly open formats available. The Open Data Standards Directory[16] explicitly indicates that DOC(X) does not represent a machine-readable format, in other words, the one that ensures that data can be read and manipulated, without requiring a precise proprietary software, such as XML, RSS feed, CSV, RDF, JSON, TXT, XLS (X), and KML.[17]
  - The OGP Working Group, the MoF, and civil society should include activities that openly encourage budget data (re)use, for instance the visualization of the draft budget law for 2018 and 2019[18] or the pioneer initiative "Open Budget in Your City"[19] to present information on budget surplus and deficit in a sample of local communities. Additional activities could include organizing hackathons, offering incentives to the data science professionals, and publishing calls for innovative infographics, apps, factsheets, and interactive maps.
  - The MoF could learn from relevant international practices such as the Open Data Standards Directory on how governments could publish budget data.
  - The MoF should publish other documents relevant for fiscal transparency in machine-readable formats. For example, publication of the Law on Final Account of the Budget (which has not been adopted in Serbia for more than a decade) in open format could fill a critical gap.[20] Other documents include:
    - fiscal strategy
    - citizens' budget
    - monthly budget execution reports
    - mid-year budget execution reports
    - year-end budget execution reports
    - final account of the budget

In addition to these, Transparency Serbia proposed that the following documents be published in open formats:
- Draft Budget Law

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- Budget Law Proposal
- Other working documents (tables) created during the budget preparation and execution
- Data stemming from individual sources of income such as fees, revenues generated from the use of public funds, income from the sale of non-financial assets, income from borrowing and selling of financial assets.
- Through amendments to the Rules of Procedures of the National Assembly and their proper application, the Members of the Parliament should ensure legal and practical mechanisms that prevent the obstruction of parliamentary debate, especially when deciding about crucial national documents such as the Budget Law.

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[1] The Open Budget Survey, Serbia, available at https://bit.ly/2E0FtHS and https://bit.ly/2Hdw01y

[2] Global Open Data Index, Serbia, available at https://index.okfn.org/place/rs/budget/

[3] MPs had 62 points on the agenda for a 5-hour debate. The ruling majority submitted 500 amendments on the two draft laws preceding the Budget Law, additionally limiting the time. Finally, the government submitted the Draft Budget Law, containing hundreds of pages, a few of days before the Parliament session. For more detailed information on this case, please consult: Istinomer, "Crta i Otvoreni parlament: Opet bez sveobuhvatne rasprave o budžetu," available at https://bit.ly/2VQSZTC

[4] Ministry of Finance, Citizens budget, available at https://bit.ly/2NVPatp.

[5] Raša Nedeljkov, CRTA, Panel-discussion "Why data matters," 6 November 2016, https://bit.ly/2UxqFFu.

[6] Available at https://data.gov.rs/sr/

[7] Article 27 stipulates that the bodies are obligated to publish open data from their scope of work at the Open Data Portal in a way that enables easy search and reuse. The Law on eGovernment, Official Gazette of the Republic of Serbia 27/2018-25.

[8] Focus group with civil society, journalists, and experts, 20 February 2019.

[9] Representatives of a CSO involved in the OGP Working Group, interviewed by IRM researcher, 8 March 2019.

[10] See comparisons between countries on the availability of government budget in a machine-readable format: https://index.okfn.org/dataset/budget/

[11] Focus group with civil society, journalists, and experts, 20 February 2019.

[12] Representative of a CSO dealing with transparency, interviewed by IRM researcher, 20 February 2019.

[13] Transparency Serbia, Initiative to the Ministry of Finance regarding the publishing of data on preparation and execution of the budget in open data format, which enables comparison and free use, available (in Serbian) at https://bit.ly/2NRmyS0

[14] Official Gazette of the Republic of Serbia 27/2018-25.

[15] Official Gazette of the Republic of Serbia 104/2018-9

[16] Open Data Standards Directory, available at https://bit.ly/2UpQPKo

[17] Open Data Charter, available at https://bit.ly/2ClcSn3

[18] Available at http://odi.rs/sta-nedostaje-predlogu-zakona-o-budzetu/

[19] See more at http://www.otvoreni-porezi.rs/otvoreni-budzet.html

[20] Representative of a CSO monitoring the public finance management in Serbia, interviewed by IRM researcher, 21 February 2019.

2. E-calendar for Financing Civil Society

Language of the commitment as it appears in the action plan:

Title: Development of an e-Calendar of public calls for financing of projects and programmes of civil society organisations from budget funds of public administration bodies of the Republic of Serbia

The commitment includes development of the Calendar of Public Calls as an application through which competent authorities at all government levels would publish the following:

• Data on planned public calls intended for financing CSOs in the current year, in accordance with the Regulation (before they are announced, at the beginning of the year);

• Issued public calls with all bidding documents (or a link to a web address where it is available);

• Results of announced public calls, including main data on supported projects/programmes and beneficiaries;

For full commitment text, please refer to the National Action Plan at https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf

Start Date: Q4 2018

End Date: Q1 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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. Overall		✔	✔			✔		✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Every year, a significant amount of funding is made available for civil society organizations (CSOs) from public administration budgets. In 2016, local, provincial, and state institutions allocated more than 16 bilion Serbian dinars (estimated 144.8 million USD[1]) to civil society organizations.[2] Information on the public calls for applying for those funds is published in .xls format. Existing regulation requires that information and plan of publishing each public call should be delivered to the OCCS by 31 January.[3] This requirement proved useful by gathering all public calls collected in one place. However, the data were not searchable, which required the development of a specific calendar application that would prove more suitable both for users (potential applicants)[4] and for data providers (public administration bodies).[5]

This commitment is specific with clear activities. In the period to follow, all information needed for a potential grant seeker will be collected via e-survey [6] and published as a user-friendly electronic calendar.[7] The calendar will include the information gathered from the public institutions (including state, provincial, and local self-government administration) only. The application will remain open for additional changes and updates by the public

institutions. The OCCS will administer functioning of this application.[8] The OCCS plans to integrate the electronic calendar with the National Open Data Portal.[9]

This commitment is related to the OGP value of access to information (providing data from public calls) and technology and innovation (introducing the electronic application and electronic survey for entering data in the application). Although this is an improvement, the relevant implementing stakeholders consider this commitment easy to achieve.[10] The IRM researchers deem the slight improvement of turning the current .xls calendar into a searchable application as potentially leading to minor changes to the existing practice. The OCCS has made the information available since 2014, and this commitment would add the searchability function.

Next steps
The commitment's planned calendar application lacks several features, at least as described within the commitment and during the interviews. The IRM researchers recommend that during implementation of the commitment, the OCCS:
- Add a "Q&A" session to the application, which the OCCS can administer as a space for all potential applicants to have any dilemmas cleared. Along with this, the feedback function regarding new questions would be useful;
- Expand the application possibilities and transform it into the project proposal submission platform, such as "Prospect."[11] Potential applicants would have their basic data and similar projects' references held at one specific place and would need less time to complete future project application forms.[12]

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[1] Currency Converter from Serbian Dinar to United States Dollar for 2016, "InforEuro" Website, Inforeuro, European Commission, European Union, ec.europa.eu/budg/inforeuro (accessed on 15 March 2019);
[2] Annual Summary Report on Expenditure of Funds to Support Program Activities Provided and Payment Associations and Other Civil Society Organizations from the Budget of the Republic of Serbia in 2016, Office for Cooperation with the Civil Society, Government of the Republic of Serbia, Belgrade, 2018;
[3] Regulation on Funds to Support Programs or Missing Amount of Funds for Programs of Public Interest implemented by Associations, Official Gazette of the Republic of Serbia No. 16/2018, Belgrade, 2018, http://demo.paragraf.rs/WebParagrafDemo/?did=424823 (accessed on 15 March 2019);
[4] Representatives of the CSOs involved in the Working Group and dealing with the open data, interviewed by the IRM researcher, 11 February 2019;
[5] Representative of the Office for Cooperation with the Civil Society, interviewed by the IRM researcher, 13 February 2019;
[6] Representative of the Office for Cooperation with the Civil Society, interviewed by the IRM researcher, Ibid;
[7] Serbia Third National OGP Action Plan 2018-2020, Official Gazette of the Republic of Serbia No. 105/2018, Belgrade, 2018, https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf (accessed on 15 March 2019);
[8] Representative of the Office for Cooperation with the Civil Society, interviewed by the IRM researcher, Ibid;
[9] Representative of the Office for Cooperation with the Civil Society, interviewed by the IRM researcher, Ibid;
[10] Representative of the Office for Cooperation with the Civil Society, interviewed by the IRM researcher, Ibid;
[11] "e-Calls Prospect" Webpage, European Commission, European Union, Brussels, https://ec.europa.eu/europeaid/prospect_en (accessed on 15 March 2019);
[12] Originally recommended by the interviewed representative of the CSO involved in the Working Group and dealing with the open data.

3. Publish Data on Environmental Protection Funds

Language of the commitment as it appears in the action plan:

Title: Ensuring availability of data on planned and spent amounts within local funds for environmental protection

The commitment includes opening of data on planned and spent amounts within local funds for environment protection.

The aim of the commitment is to improve the financing system for environment protection through establishing responsible spending of public funds.

The expected result of this commitment is achieving of transparent management of fund allocated for environment protection.

For full commitment text, please refer to the National Action Plan at
https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf

Start Date: Q4 2018

End Date: Q2 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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
3. Overall		✔	✔			✔		✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

According to the Law on Environmental Protection, each local self-government unit in Serbia has a duty to establish and ensure funds for improvement of environmental protection through local programs for environmental protection.[1] The main source these programs is income from environmental protection fees.[2] These funds are often unclearly and non-transparently allocated:

- In the data from 2017, only 70 of the 145 local self-government units had adopted these programs through the executive body,[3] and only 60 had done so via the city/municipal parliament so that citizens could have some oversight.[4]
- Based on the statements given by the ministry representatives, these programs have rather vague rules and criteria, meaning that they can get approved as long as they contain any measure linked to environmental protection in a specific local self-government unit (such as road construction, for example).[5] In addition, these programs are not created through wider debate or in consideration of environmental needs and factors.[6]
- At the end of the programs' implementation, each local self-government unit must submit a supporting report to the ministry.[7] These reports are not publicly

available,[8] unless one sends an access to information request via a lengthy process.[9] They are also not uniform, with some including only a summary one-pager on the planned and spent funds.[10]

- The only existing source of the published reports is the web database named "Local Green Funds" (*"Lokalni zeleni fondovi"*) developed by the CSO Institute for Industrial Relations.[11]

This commitment would make a substantial contribution toward fixing this problem by opening the data on planned and spent funds in machine-readable format, through a bylaw to establish an electronic application and standards for employees of local self-government units to enter program and fund-use data. Following the verification of the data entered by the Ministry of Environmental Protection, all programs and reports will then be published on the National Open Data Portal.

However, it is unclear whether the application will serve only as a platform for entering data or also as a tool for publishing data in a machine-readable format that will remain open for public oversight. Also, there is a question about the relation and communication between the application and the National Open Data Portal. Finally, although the plan also provisioned to organize trainings on using the application for employees in the local self-government units,[12] the specific plan and expected impact of the trainings are unclear.

The IRM researchers expect this commitment to be difficult to implement in the future. The person who oversaw developing and undertaking this commitment is no longer engaged in the Ministry of Environmental Protection, and none of the tasks related to this commitment have been delegated to remaining employees. The employees currently engaged in the ministry are not aware of this commitment and its activities[13]

Still, in terms of OGP values, this commitment if implemented would improve access to information on planned and spent amounts and would introduce new technologies and innovation in the everyday work of the local self-government units' administration. The action plan also provisioned that this commitment would improve participation for CSOs, the private sector, and citizens, but the IRM researchers do not see a clear connection to that OGP value.

Next steps
The greatest challenge to this commitment is the fact that there is no designated point of contact in charge of its implementation. In addition, the trainings and the application planned within this commitment lack specific descriptions of several features. The IRM researchers suggest the following steps during implementation:

- To the Ministry of Environmental Protection and to the MPALSG:
    - Cooperate to assign someone to coordinate the implementation of the activities within the commitment;
    - Focus trainings at the local self-government units lacking human resources and adequate capacities in using informational technologies;
    - Distinguish between the purpose and function of the application and that of the National Open Data Portal. The application should serve only as a tool for entering data by the local self-government units' employees whereas the National Open Data Portal should serve as space for publishing entered and verified data. The application and the National Open Data Portal should be connected in a way that facilitates data updating;
- To the Ministry of Environmental Protection:
    - Make the application user-friendly and include all relevant categories for making funds transparent and publicly available;
    - Develop an understandable video and written tutorial for the application;[14]

- Specify criteria for approving programs to be funded so as to have an unambiguous link between the programs' measures and the contribution to environmental protection;

• To the CSOs:
  - Provide constant feedback on design, specifically the categories introduced, and on content, specifically the verification of the data presented, of the application and the National Open Data Portal.

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[1] Law on Environmental Protection, Official Gazette of the Republic of Serbia No. 135/2004, 36/2009, 72/2009, 43/2011, 14/2016, 76/2018, 95/2018, Belgrade, 2004, 2009, 2011, 2016, 2018, https://www.paragraf.rs/propisi/zakon_o_zastiti_zivotne_sredine.html (accessed on 15th of March 2019);

[2] Law on Environmental Protection, Ibid;

[3] Šipka, Stefan, Maksimović, Dejan, Local Finances and Environment: What are the Key Issues and Possible Solutions? European Policy Centre, Ecological Centre "Habitat," Belgrade, 2017, https://cep.org.rs/wp-content/uploads/2017/11/Lokalne-finansije-i-%C5%BEivotna-sredina.pdf (accessed on 15 March 2019);

[4] Šipka, Stefan, Maksimović, Dejan, Ibid;

[5] Representatives of the Ministry of Environmental Protection, interviewed by the IRM researcher, 22 February 2019;

[6] Šipka, Stefan, Maksimović, Dejan, Ibid;

[7] Šipka, Stefan, Maksimović, Dejan, Ibid;

[8] Šipka, Stefan, Maksimović, Dejan, Ibid;

[9] Representatives of the CSOs dealing with the transparency of the local funds for environmental protection, interviewed by the IRM researcher, 14 February 2019 and 25 February 2019;

[10] Representatives of the CSOs dealing with the transparency of the local funds for environmental protection, Ibid;

[11] Local Green Funds, Institute for Industrial Relations, Belgrade, https://lokalnizelenifondovi.rs/ (accessed on 15 March 2019);

[12] Serbia Third National OGP Action Plan 2018-2020, Official Gazette of the Republic of Serbia No. 105/2018, Belgrade, 2018, https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf (accessed on 15 March 2019);

[13] Representatives of the Ministry of Environmental Protection, interviewed by the IRM researchers, Ibid;

[14] Originally recommended by the interviewed representative of the CSOs handling the transparency of the local funds for environmental protection.

4. Opening data from public calls for financing work of associations and media development

Language of the commitment as it appears in the action plan:

Title: Opening of data from public calls for financing the work of associations and co-financing of development of the media content of public interest

Publishing of data from public calls for financing projects for achievement of the public interest implemented by associations and public calls for financing of projects for co-financing of development of the media content of public interest in a machine-readable form.

Start Date: Q4 2018

End Date: Q1 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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. Overall		✔	✔			✔		✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The Law on Public Information and Media from 2014 (amended in 2015 and in 2016) obliged the government to remove its ownership of media, installing instead a system of public calls for budget co-financing of media projects in line with the public interest.[1] The Guidelines for Creating Web Presentations of State Authorities , previously developed by the former E-government Directorate, aim to direct the public authorities to publish their data so as to increase transparency and availability.[2]. Furthermore, according to the Regulation on Funds to Support Programs or Missing Amount of Funds for Programs of Public Interest implemented by associations, public calls should be focused at the projects of public interest only.[3] In the opinion of the informal coalition of journalists and media associations that actively monitors such calls however, media projects without a clear relation to the public interest still win many awards at both the state and local levels.[4][5] According to the OCCS reports on public funds granted to the associations, sports associations represent the largest recipients of these funds. According to these reports, there is also a significant difference between the data published by the public authorities and data published by the Treasury Administration.[6] The calls are often inadequately publicized, lacking clear criteria and lacking biographies of the grant-giving commission members and the score lists of the granted projects to justify the awarded grants[7].

In response, this commitment aims to ensure full transparency of projects that public authorities finance or co-finance and that media associations implement. As stated in the commitment description, it further aims to eliminate the need to submit requests to access information of public importance and aims to ensure easier analysis and reuse of public data. In terms of tackling the OGP values, this commitment is thus directly related to the access to information and technology and innovation for transparency and accountability.

However, it is highly questionable whether this commitment will achieve the objectives set. The Ministry of Culture and Information representatives were consulted at the early stage of developing commitment proposals,[8] but this institution is not identified among the (lead nor supporting) implementing agencies in the Action Plan. This commitment also seems to overlap with the commitment 2 related to the e-Calendar of public calls. Moreover, although OCCS later explained to the IRM researchers that this commitment is related only to the media,[9] it remains unclear why the commitment contains associations as its subjects. The focus of the commitment on the media only was also confirmed to the IRM researchers by the institutions in charge of the implementation (MPALSG)[10] and the other stakeholders (international organization and CSOs involved in the Working Group and dealing with the open data).[11] With only two quite broadly defined activities (adoption of the Regulation on Detailed Requirements for Development and Maintenance of Official Websites of Authorities and preparation of a new guide on this matter), this commitment is also vague and lacks precision, limiting the IRM researchers' ability to establish its potential impact. For example, it is unclear whether the data from public calls would be published on the National Open Data Portal, which would significantly increase access for all stakeholders.[12] Another issue raised is whether the data published can be updated by the grant providers throughout the year. Finally, as explained to the IRM researchers, the process of adoption of the regulation disregarded recommendations by the Office for Information Technologies and e-Government to precisely define the content of web pages based on the instructions for developing information booklets, made by the Commissioner for Information of Public Importance and Personal Data Protection.[13] The reason was of a legalistic nature because the bylaw emerged from the Law on e-Government and not the Law on Free Access to Information.

Consulted CSOs had mixed opinions about the commitment's scope. Although the Law on Electronic Government covers all entities of public authorities (including public enterprises),[14] some CSOs representatives dealing with media freedom pointed out that the commitment will not manage to cover the large amount of funds provided by public enterprises for media development support.[15] Representatives of international organizations dealing with media monitoring thought that the activities within this commitment were good enough but that they should have also focused on amending the rulebook on co-financing media projects relevant to public interest.[16] As an activity within the commitment, the guide should present the instructions on the public call procedure implementation, including the procedure on publishing data on financed projects. Thus, the guide may prove to be helpful in supporting this commitment's implementation, particularly if it includes the content not addressed within the Regulation on Detailed Requirements for Development and Maintenance of Official Websites of Authorities (such as the standards for web-page content).[17]

Next steps
The commitment's implementation would benefit from further specification of both covered activities. The IRM researchers recommend the following in this regard:
- To the MPALSG:

- Define precisely whether this commitment is related to the media only or the other associations as well, and clarify which bodies will implement the commitment;

- Define precisely the content of data from public calls that will be published and provide guidance on what is necessary to have the web page content in a machine-readable form;

- The Guide should contain the guidelines on the websites' content previously developed by the former eGovernment Directorate;

To the Ministry of Culture:

- Define in the Guide the precise criteria for granting media and association applicants, with additional specific criteria related to the geographical scope of activities and the project or activity planned in line with the public interest.

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[1] Law on Public Information and Media, Official Gazette of the Republic of Serbia No. 83/2014, 58/2015, 12/2016, Belgrade, 2014, 2015, 2016, http://rem.rs/uploads/files/Zakoni/1615-Zakon%20o%20javnom%20informisanju%20i%20medijima.pdf (accessed on 15 March 2019);

[2] Guidelines for Creating Web Presentations of State Authorities, Institute for Informatics and Internet, Government of the Republic of Serbia, Belgrade, 2010, page 14, http://arhiva.ite.gov.rs/doc/Smernice_5_0.pdf (accessed on 15th of March 2019);

[3] Regulation on Funds to Support Programs or Missing Amount of Funds for Programs of Public Interest implemented by Associations, Government of the Republic of Serbia, Belgrade, 2018, page 1 and 7, http://demo.paragraf.rs/WebParagrafDemo/?did=424823 (accessed on 15 March 2019);

[4] "Medijski konkursi: Svima pomalo, a nekima malo više", "Insajder" Website, Insajder, Belgrade, 9 June 2018, https://insajder.net/sr/sajt/tema/11524/ (accessed on 15 March 2019);

[5] "Medijski konkuri" Topic, "Cenzolovka" Website, Cenzolovka, Belgrade, https://www.cenzolovka.rs/tag/medijski-konkursi/ (accessed on 15 March 2019);

[6] Annual Summary Reports on Expenditure of Funds to Support Program Activities Provided and Payment Associations and Other Civil Society Organizations from the Budget of the Republic of Serbia, Office for Cooperation with the Civil Society, Government of the Republic of Serbia, Belgrade, https://bit.ly/2DoqlCy (accessed 15 March 2019);

[7] Focus group with civil society, journalists and experts, date: 20 February 2019, organized by the IRM researcher;

[8] Minutes of the meeting in the Ministry of Culture and Information on the proposals for the OGP Action Plan 2018-2020.

[9] Representative of the Office for Cooperation with the Civil Society, interviewed by the IRM researcher, 13 February 2019;

[10] Representatives of the MPALSG, interviewed by the IRM Researcher, 18 February 2019;

[11] Representative of the international organization involved in the Working Group and dealing with the open data, interviewed by the IRM Researcher, 8 February 2019, and focus group with civil society, journalists and experts, Ibid;

[12] Focus group with civil society, journalists and experts, Ibid;

[13] Representatives of the Office for Information Technology and e-Government, interviewed by the IRM researcher, 19 February 2019;

[14] Law on Electronic Government, Official Gazette of the Republic of Serbia No. 27/2018, Belgrade, 2018, https://bit.ly/2OXM4J7 (accessed on 15th of March 2019);

[15] Focus group with civil society, journalists and experts, Ibid;

[16] Representatives of the international organization dealing with the media freedom, interviewed by the IRM researcher, 13 February 2019;

[17] Representatives of the Office for Information Technology and e-Government, interviewed by the IRM researcher, 19 February 2019;

5. Open Data on Reports on CSOs

Language of the commitment as it appears in the action plan:

Title: Preparation of reports/indicators on civil society organizations (associations, foundations and endowments) in an open format

The commitment includes preparation of reports/indicators on CSOs (associations, foundations and endowments) in the Republic of Serbia and an appropriate web application through which:

- Employees in the Office could search CSOs according to certain criteria in order to prepare various analyses and reports and to keep up with trends in the civil society;

- Interested parties, primarily representatives of the civil society themselves, state authorities and local self-government units, could request reports/indicators on CSOs according to various criteria and download results of such searches in a machine-readable format (open data).

The general objective of preparation of reports/indicators on CSOs is improved transparency and availability of information on the civil sector, as well as meeting the need to search data on CSOs according to various criteria.

Overview of data on CSOs will over time be expanded by other information of relevance for keeping up with the situation in the civil sector, such as financing of CSOs from budget funds, as well as other relevant data which will be defined on the basis of consultations with users and will be available to users through the broader set services provided by the Office.

Implementation of this commitment is expected to make data on registered CSOs transparent and easily accessible for the interested public.

For full commitment text, please refer to the National Action Plan at
https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf

Start Date: Q4 2018

End Date: Q2 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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
5. Overall		✔	✔					✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Serbia has a registry of all associations, foundations, and endowments. Currently, it is possible to search the registry only via the name of the organization and its identification number, which makes it difficult for users to find CSOs according to other parameters such as legal representatives, location, or area of activity.[1] With a total number of around 30,000 associations and 789 foundations and endowments,[2] searchability based only upon two parameters is insufficient.

The purpose of this commitment is to improve current registry of CSOs by adding additional data and by making the entire register searchable according to the different criteria.

Although the commitment itself is specific enough to be verifiable, interviewed stakeholders gave mixed opinions about it. First, the Serbian Business Registry Agency currently hosts the registry, but the commitment entails developing a different sub-domain on the official website of the OCCS.[3] Although the OCCS representative was unsure why, a representative[4] of the agency considered it necessary for technical reasons to increase search parameters and because the agency cannot collect data not prescribed by a rulebook.[5] Second, the exact kinds of data to be published are unclear. A representative of an international open data organization involved in the OGP Working Group thought that only data currently existing within the register of the agency will be published,[6] but the representative of the agency reported that additional data collected by the OCCS will be added to the sub-domain on the OCCS' website. These additional data include funds granted via calls published by the state and provincial and local bodies. This commitment thus overlaps with commitment 2, as it tackles the data related to the public funds granted to the CSOs. Since 2011, the OCCS has collected data on public funds.[7]

Because this commitment would slightly improve access to and searchability of CSO data,[8] the IRM researchers assess its potential impact as minor, as it is yet unclear what kind of data the new feature would contain. CSO representatives involved in the OGP Working Group think that information such as legal representative, seat of the organization, and area of activities of CSOs would prove to be useful data.[9]

Next steps

The IRM researchers suggest that the OCCS clarify the commitment by defining more thoroughly which data will be published. The agency could make registers of all entities more searchable and supported with more responsive and upgraded software.

[1] Registry of the Serbian Business Registry Agency, Serbian Business Registry Agency, Belgrade, http://www.apr.gov.rs/eng/Home.aspx (accessed on 15 March 2019);
[2] 2017 Civil Society Organizations Sustainability Index, National Coalition for Decentralization, Niš, 2018, page 1, http://nkd.rs/wp-content/uploads/2018/10/IO-OCD-2017-Srbija.pdf (accessed on 15 March 2019);
[3] Representatives of the Serbian Business Registry Agency, interviewed by the IRM researcher, 18 February 2019;
[4] The Agency's software cannot withstand the desired level of searchability, and the office already collects data that need to be expanded and updated. The representative reported that the agency will upgrade its software in two years, so the office will remain the "keeper" of this large database whereas the agency will be in charge of updating data. Representatives of the Serbian Business Registry Agency, Ibid;
[5] Regulation on the Content, the Procedure for Registration and Administration of the Register of Associations, Official Gazette of the Republic of Serbia No. 80/2009, Belgrade, 2009, http://www.apr.gov.rs/LinkClick.aspx?fileticket=udxw_ucYQc0%3d&tabid=64&portalid=0&mid=631 (accessed on 15 March 2019), Rulebook on the Content and Administration of the Register of Foundations and Endowments, Official Gazette of the Republic of Serbia No. 16/2011, Belgrade, 2011, http://www.apr.gov.rs/Portals/0/zakoni%20uredbe%20pravilnici/Pravilnici/PRAVILNIK%20O%20BLI%C5%BDOJ%20SADR%C5%BDINI%20I%20NA%C4%8CINU%20VO%C4%90ENJA%20REGISTRA%20ZADU%C5%BDBINA%20I%20FONDACIJA22032016.pdf?ver=2016-03-22-114502-150 (accessed on 15 March 2019);
[6] Representative of an international organization involved in the Working Group and dealing with the open data, interviewed by the IRM researcher, 8 February 2019;
[7] Annual Summary Reports on Expenditure of Funds to Support Program Activities Provided and Payment Associations and Other Civil Society Organizations from the Budget of the Republic of Serbia, Office for Cooperation with the Civil Society, Government of the Republic of Serbia, Belgrade, https://bit.ly/2DoqlCy (accessed on 15 March 2019);
[8] It was explained to the IRM researcher that, within this commitment, the term "indicator" is used for a data concerning CSOs. Therefore, term "data" will be used in describing this commitment rather than the term "indicator";
[9] Representatives of CSOs involved in the Working Group and dealing with the open data, interviewed by the IRM researchers, 11 February 2019.

6. Amending Media Registration Bylaws

Language of the commitment as it appears in the action plan:

Title: Amending of the Bylaw on Documentation Enclosed for Registration of the Media with the Media Register and technical improvement of presentation of data in the Register

1. To amend the Bylaw on Documentation Enclosed for Registration of the Media with the Media Register (lead implementing agency: Ministry of Culture and Information) – It is necessary to: define in detail the type of public funds awarded to the media; to define time limits for submission of data to the registrar; to define in detail the documents required to be submitted to the Media Register and categories of data (in accordance with the Recommendation 2 on improvement of technical performances of the Register);

2. To improve technical performance and presentation of data in the Media Register (lead implementing agency: BRA).

- *Categories of data which would be publicly available would include the following:*
- *Identification data on the providers of state aid or contracting authorities in public procurement procedures;*
- *The number, date and title of a decision on award of state aid or the number, date and title of a decision on contract award in public procurement procedures;*
- *Legal basis for the passing of a decision on award of state aid or a decision on contract award;*
- *The amount of state aid or the value of contracts in public procurement procedures;*
- *The source of funding (specific budget item from which state aid or public procurement is financed);*
- *Other data as appropriate.*

For full commitment text, please refer to the National Action Plan at
https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf

Start Date: January 2019

End Date: October 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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. Overall		✔	✔			✔			✔		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

In Serbia, the advertising market is insufficiently large to ensure sustainability for Serbia's more than 1,600 existing private media outlets.[1] This has resulted in the media being highly dependent on direct state funding, through different types of transactions such as public calls for state aid (including project co-financing), public procurement, advertising, and the like. In 2018, local governments, the Ministry of Culture and Media, and the provincial secretariat in

charge of media awarded around 1.3 billion Serbian dinars (approx. 12.7 million USD) through calls for co-financing of media projects.[2] Their main purpose was to support media coverage of topics and issues of public interest. However, there has been non-purposeful allocation of public funds; for example, considerable amounts have been awarded to media organizations that are considered to have violated the Serbian Journalists' Code of Ethics[3] and to newspapers that are not registered according to the Law on Media.[4] Local government funds are often awarded through public calls to nationwide media outlets located in the capital of Belgrade, instead of supporting issues relevant to a particular local community as intended.[5] According to the Freedom House, these factors contribute to Serbia's low press freedom ranking.[6]

The Media Register, established in 2015, is publicly available but problematic in several regards. It is outdated and lacks data on the fund providers[7] and the reasons for funding other than "state aid."[8] According to media representatives, in fact, current data tell almost nothing,[9] and the registry fails to serve to the public interest,[10] as it makes it impossible to trace which media outlet gets what amount of money and from whom.

With this commitment, the Ministry of Culture and Media aimed to first increase transparency of public spending on media and ensure data quality and accuracy by amending the rules for registering in the Media Register and then to improve the register's technical functionalities for better data display.[11] The commitment proposes the following data to be publicly available through the register: 1) name of fund providers or public procurement contractors; 2) number, date, and title of the decision to award funds/offer public procurement contract; 3) legal grounds for the decision; 4) exact amount of awarded state aid or contract value; 5) financial source (exact budget line) 6); and other data if needed. This commitment is relevant for increasing access to information because it aims to provide more (quality) data on the flow of public money in the media sector. The Ministry of Culture plans to collect journalist feedback on the improvements of the register as well.[12]

The commitment text contains milestones that enable verification of its completeness, but they are not clear, for example, in terms of the form, remit, and objectives of the consultative process. If implemented as written, it would improve the way citizens and other stakeholders scrutinize media financing and potential pressures on editors whereas journalists expect to see how public money affects the quality of information provision. To reach transformative potential influence, however, reforms are needed that directly enforce the accountability of these funds. Despite financial penalties[13] stipulated by the Law on Media, funding providers often avoid submitting information about allocated funds and often face no consequences[14] beyond occasional misdemeanor charges that representatives from both media and the Ministry of Culture and Media say are insufficient for enforcement purposes.[15] Because the Rulebook this commitment would reform is a bylaw, its scope is limited, which the Ministry acknowledges.[16] Experts therefore believe that real changes would require amending the Law on Media,[17] which has been hindered by a long and painful process of consultation and drafting of the new Media Strategy. Media representatives nevertheless urge to advance the current mechanisms in this commitment while waiting for a new law to be enacted.[18]

Next steps
Transparency of media funding is an important issue in the Serbian context, and commitments in this area will be welcome in the future OGP action plans. To expand the scope of the transparency measures in future action plans, the IRM researcher makes the following recommendations:
- This commitment should be integrated with commitment 4 because obliging public authorities to publish data on public calls will provide the basis for monitoring whether the register is being updated.

- The Ministry of Culture, in cooperation with other responsible bodies, could consider ways to technically integrate the Media Register with the Public Procurement Register and the State Aid Register, allowing for a complete picture on the money flow in the media. Experts from civil society and the Business Registers Agency agree that there are no major technical obstacles to link the registers if there is a will and financial means.[19]
- The Ministry of Culture could consult existing independent practices of tracking public money in the media sector in the country, such as the "Ask what you are interested" (Traži šta te zanima) portal, which created a database of official documents related to media financing, or the Serbian Journalists' Association's portal https://finansiranjemedija.rs/[20]

Considering the often-limited human resources and technical capacities in small local administrations, the Ministry of Culture and Media, together with selected media representatives, should conduct awareness-raising trainings on updating the data about awarding public funds in the registry.

To reduce the potentials for misuse of the state funding of the media sector:[21]

- Future amendments to the Law on Information and Media should include mandating the funding agencies to specify "public interest" for each public call for co-financing of media projects.
- When announcing public calls for co-financing media projects, local governments should clearly specify priorities based on strategic documents, research, and other evidence-based data pointing to the interest of the given local community.
- Commissions deciding on received applications in public calls should be governed by a standardized Rules of Procedures, and they should receive training in applying regulations on co-financing of media projects, together with representatives of local administrations.
- Commission members should demonstrate a relevant professional background in the media sector, independence, and integrity.

Future commitments should aim toward strengthening accountability mechanisms in the media sector. For example:

- Once the amendment of the media law reaches the decision-making agenda, the state should increase penalties for failure to update the media register.
- The law could oblige authorities providing funds to media to proactively report to the Ministry of Culture on a quarterly basis.
- The Working Group tasked to monitor implementation of the future media strategy could monitor the update of the media register.
- Finally, future commitments could aim to develop clear indicators for monitoring implementation of the media law jointly by the state, media, and civil society actors.

[1] Balkan Investigative Reporting Network, Slavko Ćuruvija Foundation, Independent Journalists Association of Serbia, "Transparency of State Spending on the Media Sector – Legal Analysis and Recommendations," available (in Serbian) at https://bit.ly/2DKgkO1

[2] J. Pešić, "Medijski konkursi u 2018. godini: mnogo nepravilnosti, sporan i konkurs MKI" (Media calls in 2018: many irregularities, MKI call controversial), Serbian Journalists' Association, 19.12.2018, available at http://www.uns.org.rs/sr/desk/akcija/71483/medijski-konkursi-u-2018-godini-mnogo-nepravilnosti-sporan-i-konkurs-mki.html

[3] Focus group with media, CSOs and experts organized by IRM Researchers, 20 February 2019. Serbian Journalists' Code is available at http://www.savetzastampu.rs/cirilica/kodeks-novinara-srbije

[4] Independent Journalists' Association of Serbia, "A million dinars from the budget for the newspapers not registered in accordance with the law," https://bit.ly/2SU7jIU.

[5] https://www.cenzolovka.rs/drzava-i-mediji/uticaj-vlasti-na-finansiranje-lokalnih-medija-prvi-put-novac-ide-tabloidima/, https://www.cenzolovka.rs/drzava-i-mediji/gradjani-gornjeg-milanovca-novac-na-konkursu-treba-da-bude-raspodeljen-lokalnim-medijima/

[6] Freedom of the Press 2017, Serbia, https://freedomhouse.org/report/freedom-press/2017/serbia

[7] For example, local municipalities, ministries, public enterprises.

[8] Currently, the Register provides data on the awarded money, date, decisions on changes in the Register and whether the funds were allocated on the grounds of state aid or other.

[9] Media representative, meeting minutes, closed-door meeting of the subgroup of the Special Inter-Ministerial Working Group on OGP, 25 June 2018.

[10] Južne Vesti Daily, "AOM: One-fifth of Media Register Useless," https://bit.ly/2SQxxfi.

[11] The commitment proposes the following elements to be introduced in the Rulebook: Clear typology of public funds awarded to the media; defined deadlines for submitting information/updates; Clear definition of documents to be delivered to the Register, and prescribed categories of data – such as the provider of funds, legal grounds for funding, total amount, source of financing (direct budget line), etc.

[12] Representatives of the Ministry of Culture and Media, interviewed by IRM Researcher, 18 February 2019

[13] Between 50,000 and 150,000 dinars (ca. $470–$1,400)

[14] Focus group with media, CSOs, and experts organized by IRM researchers, 20 February 2019

[15] Representatives of the Ministry of Culture and Media, interviewed by IRM researcher, 18 February 2019; Balkan Investigative Reporting Network, Slavko Ćuruvija Foundation, Independent Journalists Association of Serbia, "Transparency of State Spending on the Media Sector – Legal Analysis and Recommendations," available (in Serbian) at https://bit.ly/2DKgkO1.

[16] Representatives of the Ministry of Culture and Media, interviewed by IRM researcher, 18 February 2019.

[17] Focus group with media, CSOs and experts organized by IRM researchers, 20 February 2019; Representative of an international organization involved in the media policy in Serbia, interviewed by IRM Researcher, 13 February 2019.

[18] Focus group with media, CSOs and experts organized by IRM researchers, 20 February 2019

[19] Ibid. Representative of Business Registers Agency, interviewed by IRM researcher, 18 February 2019.

[20] See more at https://kazitrazi.rs/baza-dokumenata/

[21] Based on an independent expert analysis of Dragana Matović and Biljana Purić, Analiza obrazloženja komisija za dodelu sredstava na konkursima za sufinansiranje medijskih sadržaja: nejasno i netransparentno", December 2018, available at https://kazitrazi.rs/wp-content/uploads/2019/01/Analiza-obrazlo%C5%BEenja-komisija-za-dodelu-sredstava.pdf

7. Assistance with and monitoring of adoption of local anti-corruption plans

Language of the commitment as it appears in the action plan:

The commitment under this AP includes the following:

A) Development of a Model Methodology to Monitor Implementation of LAP – Anti-Corruption Agency

B) Collecting data on compliance with the commitment within the

context of national and European integration planning documents – by the Anti-Corruption Agency and (until competences are transferred to the Agency through amendments to the Law) the Government's Council for Monitoring the Implementation of Chapter 23 of negotiations between Serbia and the EU

C) Promotion of information on adopted LAPs and established mechanisms for monitoring their implementation – Anti-Corruption Agency

This commitment contributes to higher inclusion of local communities in Serbia's EU accession process through joint actions of local self-government, state bodies and CSOs as a catalyst of the reform process at the local level.

This commitment is implemented through activities planned under the Action Plan for Chapter 23 of Serbia's EU Accession Negotiation, as well as the Action Plan for implementation of the National Anti-Corruption Strategy (adoption of local anti-corruption plans, establishing of bodies to monitor implementation, collecting data on compliance with the commitment and promotion of good practice).

Compliance with this commitment will also help link measures implemented at the central level and at the local self-government level, which will improve communication between decision-makers and citizens and contribute to increased openness of anti-corruption reform processes and reforms implemented during negotiations with the EU.

Start Date: Q1 2019

End Date: Until full compliance with the commitment – passing of local anti/corruption plans and establishing of monitoring bodies in all local self-government units

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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. Overall		✔		✔	✔			✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Several legal frameworks oblige local self-government units to adopt their own anti-corruption plans.[1] According to the latest data available, as of the beginning of the action plan implementation, in February 2019, 86 out of 145 local self-government units have done so, and only eight have a monitoring body for their plan.[2] According to the National Anti-Corruption Strategy for the period 2013–2018, local anti-corruption plans should ensure the

transparent work and transparent budgetary system of the autonomous province and local self-government units (including the public enterprises). It is also underlined that the adoption of the local anti-corruption plans should be underpinned by the permanent monitoring body in charge of anti-corruption policy.[3]

This commitment aims to increase the number of the local self-government units with an established monitoring body for their local anti-corruption plan. The monitoring body is meant to include citizens and CSOs. The Anti-Corruption Agency, with help from USAID's Government Accountability Initiative (GAI), has been working on a methodology to monitor the implementation of local anti-corruption plans. It is foreseen that each self-government unit will have a coordinator who will be in charge of communication and dissemination of documents between the local self-government and the monitoring body.

Although the Agency developed the Model of Local Anti-Corruption Plan (including instructions for drafting, implementation and monitoring), some local self-government units reported that they lacked capacity to fulfill this obligation. Thus, the Agency allocated grants to CSOs engaged in five local self-government units to help local authorities draft plans and form monitoring bodies. However, the number of grants depends on the Agency's budget for 2018.

Given the low starting point (only 8 out of 145 local self-government units have established monitoring bodies), it appears unlikely that this commitment will be achieved within the two-year period of the action plan cycle. It is probably for this reason that the action plan lists the deadline for finalizing this commitment as "until full compliance with the commitment" is achieved. In the IRM researchers' view, this is too discretionary and may even jeopardize successful fulfillment of the entire commitment.[4] Other CSOs experts dealing with the anti-corruption policy reported additional obstacles evident at the outset, including a lack of buy-in and resources from city and municipal decision-makers.[5] Therefore, the potential impact of this commitment is minor.

Next steps
Without the different approach and proper specification and development of this commitment, the IRM researchers would not recommend the continuation of this commitment in the following action plan. The IRM researchers suggest the following improvements for commitment implementation:

- Instead of a top down approach to establishing monitoring bodies and adopting local anti-corruption plans, it would be more effective to incentivize a bottom up approach. Identification and consultations with stakeholders from local self-government units are needed to make a joint ownership over the entire process. A good example of such approach is related to developing local OGP action plans in Serbia (e.g. City of Šabac) where several rounds of consultations were held in order to produce a feasible and inclusive document[6];
- The government needs to set a realistic for completion of this commitment, and the development and adoption of the local anti-corruption action plans. While OGP action plan commitments can be incremental towards a longer-term goal, they still require concrete deliverables and steps;
- The commitment should shift the measurements of success from quantitative indicators (number of adopted plans and monitoring bodies) to qualitative indicators (by focusing on "how" those mechanisms have been developed and implemented).[7]

To the Anti-Corruption Agency and Ministry of Justice:

- Develop the new anti-corruption strategy (with continued stakeholder participation) and integrate local anti-corruption plans into it.

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[1] Including Action Plan for the Negotiating Chapter 23: Judiciary and Fundamental Rights (Government of the Republic of Serbia, Belgrade, 2016, https://www.mpravde.gov.rs/files/Action%20plan%20Ch%2023.pdf), National Anti-Corruption Strategy for the Period 2013-2018 (Official Gazette of the Republic of Serbia No. 57/2013, Belgrade, 2013, http://www.acas.rs/wp-content/uploads/2010/06/Nacionalna_strategija_za_borbu_protiv_korupcije.pdf), Action Plan for Implementing National Anti-Corruption Strategy for the Period 2013–2018 (Official Gazette of the Republic of Serbia No. 79/2013, 61/2016, Belgrade, 2013, 2016, http://www.acas.rs/wp-content/uploads/2010/06/Akcioni_plan_za_sprovodjenje_Strategije.pdf);

[2] Anti-Corruption Plans adopted by 59 Percent of the Local Self-Government Units, https://www.paragraf.rs/dnevne-vesti/110119/110119-vest13.html, representatives of the Anti-Corruption Agency, interviewed by the IRM researcher, 14 February 2019;

[3] National Anti-Corruption Strategy in the Republic of Serbia in the Period from 2013 to 2018, Official Gazette of the Republic of Serbia No. 57/2013, Belgrade, 2013, http://www.acas.rs/wp-content/uploads/2010/06/Nacionalna_strategija_za_borbu_protiv_korupcije.pdf (accessed on March 2019);

[4] Serbia Third National OGP Action Plan 2018–2020, Ibid;

[5] Representatives of the CSOs dealing with the anti-corruption policy, interviewed by the IRM researcher, 20 February 2019 and 7 March 2019.

[6] Dimitrijević, Pavle, Radojević, Ivan, Božović, Danijela, Partnerstvo za otvorenu upravu – POU – na lokalnom nivou, Organization for Security and Co-operation in Europe, Centre for Research, Transparency and Accountability, Belgrade, 2018.

[7] Originally recommended by National Coalition for Decentralisation, "Monitoring analiza – korupcija na lokalu, Niš, 2018, available at http://nkd.rs/wp-content/uploads/2018/09/Monitoring-analiza-korupcija-na-lokalu.pdf

8. Updating of electoral roll

Language of the commitment as it appears in the action plan:

In order to improve the legislative framework pertaining to the electoral roll, certain provisions of the Instructions on Implementation of the Law on Single Electoral Roll have been improved in order to:

- *Ensure normal exercise of the right of Serbian nationals to vote in a foreign country by specifying a clear procedure for the submission of requests to register in the single electoral roll the fact that they will vote abroad in those elections and for deciding on those requests by competent authorities;*
- *This, in turn, requires the inclusion of a separate page in the electoral roll system which would specify the exact responsibilities of all entities involved in deciding on the requests, which would ensure legal certainty in the exercise of this right;*
- *Ensure electronic linking of the Registry of Deaths with the single electoral roll to enable timely keeping and updating of the single electoral roll.*

For full commitment text, please refer to the National Action Plan at https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf

Start Date: Ongoing

End Date: Q2 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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. Overall		✔	Unclear					✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment addresses two issues relevant for a smooth-functioning electoral system in Serbia: 1) registering of Serbian nationals to vote from abroad in the national elections and 2) the accuracy of the electoral roll. Serbian citizens temporarily residing abroad have the right to request to vote in the country of their residence, in line with the Law on the Single Voters' List,[1] but instances of poor communication between embassies and local governments previously prevented some citizens from exercising their right to vote.[2]

In addition, a lack of harmonization between the civic registers (managed separately in each municipality in an analog form) and the single electoral roll (with updates communicated through postal mail) created outdated information and errors, with deceased family members born in the nineteenth century still receiving calls to vote.[3] Experts believe that these mistakes and an inability to disclose a public voters' list significantly distorted citizen trust in the electoral process.[4]

The two objectives of this commitment are to redress the above by making the registration of voters abroad simpler and more efficient through an online channel and by connecting the

electoral roll with the Record of Deaths to keep a more accurate list of voters. The MPALSG also plans to hold trainings for the use of this software, outside of the scope of the OGP action plan.[5]

The commitment's relevance for OGP values is unclear, as it proposes technical measures to improve the electoral registers.

Overall, the commitment is verifiable. However, it lacks certain details to measure implementation thoroughly. It lacks details on what steps are required for the establishment of the "separate page." Moreover, the commitment vaguely describes the identified problem, using imprecise wording such as "certain issues in practice" and "numerous difficulties." Still, if implemented as designed, the commitment would achieve a minor effect on changing the government practice. It could contribute to recovering the trust of citizens in the electoral system and enable the MPALSG to improve its internal monitoring and accountability.

Next steps

This commitment originates from the legal obligation of the Ministry of Public Administration and Local Self-Government to implement the Law on the Single Voters' List. Although essential for improving the integrity of the voting system, proposed milestones focus on technical tasks and lack innovation that would change the way government engages with citizens. As such, the commitment brings little value to the OGP process.

The IRM researchers recommend the following measures take place during the implementation:

- Involving non-governmental stakeholders, which the ministry has not planned so far.[6]
- MPALSG should regularly publish statements on the developments regarding the update and maintenance of the electoral roll and who the responsible persons are.
- MPALSG should include harmonization with the Records of Marriages, which it reported already planning to do outside of the scope of this action plan.[7]

Future, more potentially meaningful commitments the government could consider including the following:

- Experts believe that current rules for voting abroad, which include exclusively physical voting at stations that can be established only if at least 100 voters are registered,[8] is too restrictive.[9] The IRM researchers recommend the government consider remote voting mechanisms like postal voting for nationals of Germany,[10] Italy,[11] Switzerland,[12] the United Kingdom,[13] and the United States[14] or internet options like those in Estonia[15] and Switzerland.[16] The new laws on e-government and on e-identity and e-document can provide a solid legal base for further developments.
- The government could examine practices maintained by the abovementioned countries regarding how to issue simple and citizen-friendly information sheets, on the voting mechanisms and options, electoral rights, and update of information in the electoral roll. This should help reduce bureaucratic language of the announcements, which often discourages engagement.
- The Centre for Research, Transparency and Accountability and the OSCE/ODIHR have recommended that the electoral roll is disclosed to the public while taking into account the protection of personal information in accordance with the law.[17]

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[1] Official Gazette of the Republic of Serbia, 104/2009 i 99/2011.

[2] CRTA, "Izveštaj CRTA posmatračke misije "Građani na straži", predsednički izbori 2017" [Report of the CRTA observing mission "Citizens on Watch," presidential election 2017], available (in Serbian) at https://bit.ly/2TsIvy6.

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[3] Ibid.; OSCE/ODIHR Election Assessment Mission Final Report, available at https://bit.ly/2sjzaJv; Insajder, "Od sada se umrli automatski brišu iz biračkog spiska, a do sada…" available (in Serbian) at https://insajder.net/sr/sajt/tema/13520/.

[4] Representatives of two CSOs observing the electoral process in Serbia, interviewed by IRM researcher, 26 February 2019 and 8 March 2019; OSCE/ODIHR Election Assessment Mission Final Report, available at https://bit.ly/2sjzaJv.

[5] Representatives of the MPALSG, interviewed by IRM researchers, 21 February 2019.

[6] Ibid.

[7] Representatives of the MPALSG, interviewed by IRM researchers, 21 February 2019.

[8] Article 52, Law on the Election of the Members of the Parliament, Official Gazette of the Republic of Serbia, 35/2000-897, 57/2003-41 (УС), 72/2003-1 (др.закон), 18/2004-1, 85/2005-30 (др. законик), 101/2005-28 (др. закон), 104/2009-57 (др. закон), 28/2011-22 (УС), 36/2011-93.

[9] Representatives of two CSOs observing the electoral process in Serbia, interviewed by IRM Researcher, 26 February 2019 and 8 March 2019; and CRTA, "Izveštaj CRTA posmatračke misije "Građani na straži", predsednički izbori 2017" [Report of the CRTA observing mission "Citizens on Watch," presidential election 2017], available (in Serbian) at https://bit.ly/2Tslvy6.

[10] See more at http://network.gruene-washington.de/SitePages/briefwahl2017.aspx.

[11] See more at https://bit.ly/2Ur09gZ.

[12] See more at https://www.ch.ch/en/demokratie/votes/how-do-i-vote-and-where.

[13] See more at https://www.gov.uk/government/publications/apply-for-a-postal-vote.

[14] See more at https://www.usa.gov/absentee-voting.

[15] See more at https://www.valimised.ee/en/internet-voting/internet-voting-estonia.

[16] See more at https://www.ch.ch/en/demokratie/voting-online/who-can-vote-online.

[17] CRTA, "Izveštaj CRTA posmatračke misije "Građani na straži", predsednički izbori 2017" [Report of the CRTA observing mission "Citizens on Watch," presidential election 2017], available (in Serbian) at https://bit.ly/2Tslvy6; OSCE/ODIHR Election Assessment Mission Final Report, available at https://bit.ly/2sjzaJv.

9. ePAPER

Language of the commitment as it appears in the action plan:

Title: Simplification of administrative procedures and regulations – ePAPER

A single public register is an objective pursued by the project implemented by the Government of the Republic of Serbia entitled ePAPER. The single public register of administrative procedures is being established in parallel with a process of simplification of administrative procedures and soliciting initiatives from businesses and citizens for changes and improvements to the existing processes. This public register will give citizens and businesses access to all administrative requirements and procedures that need to be achieved and met in order to exercise a right or obligation. The register will provide all necessary information on the selected procedures – the required documentation, the timeframe and the admissibility of appeals, including all expenses in the form of fees, surcharges etc. Simplification of the procedure, slashing of unnecessary levies and digitalisation of the most common procedures will reduce the business expenses of economic operators in the pursuit of their business activity. This will increase predictability and transparency of business. Communication with economic operators is key for compliance with this commitment, with recommendations and proposals for simplification, modification or improvement of administrative procedures, because it will be the best way to identify procedures which lead to wasteful spending of resources of economic operators, i.e. those that create the heaviest administrative burden in terms of frequency, complexity or expenses.

1. *The Bill on Single Public Register adopted.*
2. *Inventory of administrative procedures at autonomous province level completed*
3. *Soliciting of initiatives from businesses and citizens for modification, improvement or abolishment of procedures or ineffective regulations*
4. *500 most frequent and most expensive procedures simplified or abolished*
5. *100 procedures for the issuing of licences, permits etc. digitalized*
6. *Single public register of administrative procedures and other conditions for the pursuit of business activity established*

For full commitment text, please refer to the National Action Plan at https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf

Start Date: Ongoing

End Date: Q1 2021

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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
9. Overall		✔	✔			✔			✔		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Users of public services face significant administrative hurdles owing to complicated and expensive procedures, many of which are still paper-based or redundant.[1] To illustrate,

change of ownership of a personal vehicle in Serbia requires five days, eight different forms to be filled out, and eight physical visits to four different institutions, compared with Germany where the procedure is done in a single day using one form.[2] Entrepreneurs and others in the business community have complained about the costs of bureaucracy,[3] and in 2019, Serbia dropped from 43th to 48th place in the World Bank's "Doing Business" ranking.[4]

The objective of the commitment is to reduce the administrative costs for businesses by 15%–20%, in other words, from 3.26% to 3% of GDP. To achieve this goal, the Public Policy Secretariat (PPS) committed to simplifying overly complicated procedures, cutting the red tape, digitizing procedures that can be done fully online, and creating a central public register of administrative procedures.[5] The purpose of the register will be to provide complete and up-to-date information on business-related administrative procedures on both the national and provincial levels (such as the required steps, responsible institutions, legal grounds, necessary forms, and other details). As such, the commitment is relevant for the OGP values of access to information and technology and innovation for transparency and accountability.

The government carried forward this commitment from the previous action plan because it was incomplete at the end of term. Following the inventory of ca. 2,500 state-level administrative procedures and the launch of online portal to collect inputs from businesses on administrative simplification, three procedures were abolished. The administration has yet to draft the law governing the register, to make an inventory of provincial-level procedures, and to reach the goals of launching the register, simplifying/cutting 500, and digitizing the 100 most frequent and most expensive procedures.

If fully implemented as designed, the commitment would mitigate the status quo burdens that businesses face, reducing the time and cost of pursuing business activities. A representative of the Serbian Chamber of Commerce thought the project would have significant benefits for Serbian entrepreneurs.[6] With electronic data exchange among institutions, for instance, business entities would no longer need to provide the same document that they have already submitted to another public body,[7] and the register is also expected to enable online submission of requests due to the compatibility with the public services eGovernment Portal.[8] One weakness in the commitment is that the register lacks local administrative procedures, which towns and municipalities regulate independently. Though there have been independent efforts to establish local digital registers through a one-time project run by the Center for Good Governance "Optimus" and Standing Conference of Towns and Municipalities,[9] the PPS stated that it had insufficient capacities for including local procedures in the single register of this commitment, as doing so requires at least eight months just for human resources preparation alone.[10]

Next steps
The IRM researchers recommend the following activities to expand the existing scope of commitment:
- Because the proposed activities are predominantly oriented towards the business sector, especially small and medium enterprises (SMEs),[11] the benefits for citizens are less articulated. To go further, experts advocate for the same effort toward simplifying the procedures regular citizens face, such as registering a car, or the automatic update of personal information across the government information systems.[12]
- Consider building upon the practices from the project "Improving the business environment at the local level through regulatory reform" by Optimus and Standing Conference of Towns and Municipalities.
- The PPS should include a wide range of stakeholders in drafting of the law on the single register of administrative procedures, including civil society organizations.

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[1] SIGMA Monitoring Report, Serbia 2017, available at http://www.sigmaweb.org/publications/Monitoring-Report-2017-Serbia.pdf

[2] MPALSG press release, "Svi uspesi Ministarstva državne uprave i lokalne samouprave u prvih godinu dana rada Vlade," available at http://mduls.gov.rs/saopstenja/svi-uspesi-ministarstva-drzavne-uprave-i-lokalne-samouprave-u-prvih-godinu-dana-vlade-srbije/?script=lat;

[3] Optimus, "Elektronski registar administrativnih postupaka i propisa," http://www.optimus.org.rs/onamaadministrativni-postupci.php.

[4] NALED, Grey Book 11, available at http://naled.rs/htdocs/Files/01852/Siva-knjiga-11.pdf

[5] This commitment has been carried forward from the previous action plan as the activities had not been completed within one cycle. The government is realizing this plan through the "ePaper" project led by the Public Policy Secretariat in partnership with the Ministry of Economy and the Office for Information Technologies and eGovernment. As the project is run outside the scope of OGP, with its deadlines and resources, the end date falls outside of the action plan's time framework – the first quarter of 2021.

[6] Representative of the Serbian Chamber of Commerce, interviewed by IRM Researcher, 21 February 2019.

[7] Politika daily, "Poslovanje iz fotelje postaje stvarnost," http://www.politika.rs/sr/clanak/404018/Poslovanje-iz-fotelje-postaje-stvarnost

[8] PPS representatives, interviewed by IRM Researcher, 7 February 2019.

[9] See examples of local registers of administrative procedures: http://www.eregistar.gradleskovac.org/

[10] PPS Representative, interviewed by IRM researcher, 7 February 2019

[11] Politika daily, "Poslovanje iz fotelje postaje stvarnost," http://www.politika.rs/sr/clanak/404018/Poslovanje-iz-fotelje-postaje-stvarnost

[12] NALED, Grey Book 11, available at http://naled.rs/htdocs/Files/01852/Siva-knjiga-11.pdf

10. e-Notice Board

Language of the commitment as it appears in the action plan:

Title: Establishment of an e-Notice Board for all state administration and local self-government bodies

Implement e-Notice Boards on the websites of all state administration and local self-government bodies.

1. *Working Group formed*
2. *Amendments to the Regulation on Office Operations of State Administration Bodies prepared or a new Regulation drafted*
3. *Amendments to the Regulation on Office Operations of State Administration Bodies adopted*

For full commitment text, please refer to the National Action Plan at https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf

Start Date: Q2 2019

End Date: Q3 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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
10. Overall		✔	✔			✔		✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Public administration bodies are mandated[1] to publicly deliver administrative documents to parties in administrative proceedings (in case no other method of delivery is possible) through their web pages and notice boards. In practice, web-based notice boards are scarce, especially on the local level, which hampers access to information. As an example, a review of web pages of a sample composed of approximately 74 government bodies revealed that only four contain an easily accessible e-notice board.[2] The web page of the Commissioner for Information of Public Importance and Personal Data Protection[3] and the Medicines and Medical Devices Agency[4] stand out as models of information access. Without an e-notice board, old-fashioned analog notice boards inside of each building are all that is available, which is particularly burdensome for the elderly and persons with disabilities.[5] This practice impedes legal certainty for parties and limits the time for appeals, as the time allowed to appeal starts counting down toward a deadline once that notice is attached to the analog board. This can have serious consequences for cases such as a house demolition without prior notice.[6]

To address the problem, this commitment aims to amend a bylaw regulating administrative work in the public bodies[7] and to legally require e-notice boards on the web pages of state- and local-level administration bodies. As it provides for more accessible information through

modern tools, the commitment is relevant for the OGP values of access to information and technology and innovation for transparency and accountability.

However, the commitment outlines actions to be taken in a vague manner, and the IRM researchers consider that its completion and impact will be hard to verify. A MPALSG representative stated that it is still uncertain whether the Regulation would be only amended or fully replaced with a new one, which depends on the scope of modifications.[8] The commitment also does not specify the composition of the working group tasked to draft the amendments and imposes rules through a bylaw with no sanctions prescribed. It further fails to envision monitoring of implementation and taking corrective measures or providing support to the administration bodies. Finally, the commitment does not take into account consultations with end users (civil society, citizens, companies, etc.) to improve the state of play. Therefore, if fully implemented as designed, the commitment could have a minor impact on data availability, legal certainty, and transparency of administrative procedures by enabling the service seekers to make appeals.

Next steps

The IRM researcher suggests the following measures be included in the implementation of this commitment:

- Specify the content and scope of the amendments to the regulation and whether amendments to the regulation will be followed by modification of the Instructions on Office Operations of State Administration Bodies. Provide more details on the composition of the Working Group for drafting/amending the bylaw and include non-governmental stakeholders.
- Develop compliance enforcement mechanisms, such as the following:
  o Provide support to bodies by direct communication and creating instructional material.
  o Prescribe obligation for administration bodies to include online questionnaires on their web pages, which would measure the satisfaction of visitors, including the question for users of e-notice boards, and collect suggestions and proposals for improvement of the page.
  o Share examples of best practices across the administration.
  o Work on promoting and increasing visibility of e-notice boards.
  o Establish annual grading of web pages of administration bodies. This can be done by the Office for IT and eGovernment, according to the regulation on the web pages of the public administration bodies.[9]

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[1] Article 78, Law on General Administrative Procedure, Official Gazette of the Republic of Serbia, 18/2016.

[2] Representative of a local CSO involved in the national OGP process, interviewed by IRM researchers, 13 February 2019.

[3] The web page of the Commissioner for Information of Public Importance and Personal Data Protection is available at https://www.poverenik.rs/sr/

[4] The web page of the Medicine and Medical Devices Agency is available at https://www.alims.gov.rs/eng/

[5] Representative of a local CSO involved in the national OGP process, interviewed by IRM researchers, 13 February 2019.

[6] Report on the Consultative Meeting between the Inter-Ministerial Working Group and the civil society, Belgrade, 13 April 2018.

[7] Rulebook on Office Operations in the Public Administration Bodies, Official Gazette of the Republic of Serbia, 80/1992-2788, 45/2016-4, 98/2016-5

[8] Representative of MPALSG, interviewed by IRM researchers, 18 February 2019.

[9] Official Gazette of the Republic of Serbia 104/18

11. Improving proactive transparency – Information Booklet

Language of the commitment as it appears in the action plan:

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 authorities 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 (until technical requirements are complied with).

Start Date: Ongoing

End Date: upon expiry of fourteen months of the date of when the new Instructions come into force

12. Amend Access to Information Law

Language of the commitment as it appears in the action plan:

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

The Law on Free Access to Information of Public Importance must be amended to ensure respect of the right to access information and compliance with time limits set by the law. The duty to proactively publish information shold also be established. The future Law on Free Access to Information of Public Importance must include the following provisions:

1. To ensure efficient oversight of lawfulness of operations of public administration bodies and other entities subject to administrative oversight and inspection for violations of the right of access to information of public importance, in compliance with the principle of independence of oversight authorities and the principles of good governance;

2. To expand the circle of authorities/persons subject to the law, both newly founded and existing which have not been subject to the law so far although their sphere of competences requires so;

3. To reduce reasons for rejecting requests because of abuse of rights specified in the Law, such as frequent submission of requests and volume of information;

4. To improve the selection procedure and termination of office of the Commissioner, the position of the Deputy Commisisoner and the Commissioner's Office;

5. To introduce the obligation to obtain an opinion of the Commissioner for Information of Public Importance and Personal Data Protection in the process of passing laws, to the extent that those regulations fall within the remit of this authority;

6. To improve the situation regarding enforcement of decisions passed by the Commissioner for Information of Public Importance and Personal Data Protection;

7. To bring the amount of fines in compliance with the Law on Misdemeanours and to establish a protective mechanism to ensure the achieved level of freedom of information cannot be reduced by other regulations;

8. To impose a duty on the authorities subject to this Law to proactively publish information of public importance.

Start Date: Ongoing

End Date: Q2 2019

For full commitment text, please refer to the National Action Plan at
https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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. Improving proactive transparency – Information Booklet		✔	✔			✔				✔	Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
12. Amendments to the Law on Free Access to Information of Public Importance		✔	✔		✔				✔		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Although Serbia has long been among the global frontrunners in free access to information *legislation*,[1] issues such as low responsiveness of public authorities[2] to freedom of information (FoI) requests or improper legal definition along with enforcement of sanctions for noncompliance with the standards have persisted in practice. To illustrate, since 2005, the commissioner for Information of Public Importance and Personal Data Protection has received close to 35,000 complaints, out of which around 70% were cases of "administrative silence."[3] Additional shortcomings relate to the legal obligation of public bodies to publish "information booklets" as a proactive transparency tool about the work of public authorities in a simple and citizen-friendly form. For example, booklets should contain data on organizational structure, responsible heads, budget of the body, public procurement, and similar, but a significant number of bodies fail to comply with this rule, despite prescribed misdemeanor measures. In 2017, only 23% of legally obliged authorities published their information booklets,[4] and almost a third of agencies and organizations formed by the government failed to regularly update them.[5]

This deficient implementation of the law has prompted civil society and the commissioner to advocate for amendments since 2012, and the government intends to push for these amendments through commitment 12, also an obligation under the Action Plan on Chapter 23 in the country's accession negotiations with the EU.[6] Among other things, the amendments are supposed to include a provision on publishing open data e-booklets on a

central web location, with strict content and deadlines, which is commitment 11. This commitment also requires the commissioner to pass new Instructions on Preparation and Publishing of Information Booklets and develop online software for inserting and publishing data.

Both of these commitments were incomplete and carried over from the previous action plan due to a long drawn-out debate on the amendments, which involved serious criticism by the civil society and that put all other activities on hold.[7] Though both commitments are relevant to the OGP value of access to information, commitment 12 is additionally related to strengthening accountability, as the law provides appeal mechanisms and legal remedies to the seekers of information. Both commitments are specific and allow verification of their completion.

In terms of potential impact, commitment 11 would oblige all authorities to publish and update the booklet, such that information on income and expenditures, public procurement, state aid, and other highly relevant data would become more accessible, consistent, complete, and updated across the entire public sector. The possibility of exporting data in open formats would make the booklets much easier to process, compare, and reuse. This would empower civil society, citizens, and other stakeholders to produce evidence-based findings by which to hold public authorities accountable.

The IRM researchers assessed the potential impact of commitment 12 as moderate considering that proposed amendments to the Law on Free Access to Information would expand the scope of bodies adhering to the law,[8] obliging a total of 385 public notaries and public enforcement officers[9] to provide access to information. Moreover, if implemented as written, the commitment would reduce the number of potential reasons for rejecting FoI requests, oblige law makers to obtain opinions of the Commissioner for Information of Public Importance and Personal Data Protection on draft laws within the remit of its authority, harmonize the monetary penalties with the Law on Misdemeanors, and strengthen the obligation of public bodies to proactively publish information of public importance. Application of all amendments combined would bring improvements in the scope of the law and help advance freedom of information.

However, at the time of writing of this report, interviewed stakeholders indicated that the last public version of proposed amendments brought controversial, potentially backsliding measures for open government. For example, some companies partially owned by the state would be exempted from the scope of public bodies, even though they possess considerable assets[10] and are financed by taxpayers. The Commissioner's Office representatives stated that this is the most problematic type of public body in terms of compliance with the law,[11] and that they receive around 15% of all FoI requests in the country.[12] Additionally, the latest amendment proposals reduce the transparency of the National Bank of Serbia because information seekers would not be able to file a complaint to the commissioner in case this institution does not respond to information requests but would only be able to start administrative court proceedings.[13] Overall, stakeholders are in accord that the planned legal solutions would seriously limit the existing level of the right of the public to know.[14] Therefore, final impact would depend on how the law ends up being passed.

Next steps

The IRM researchers recommend proceeding with commitment 11 as planned. Civil society could raise awareness of other CSOs and journalists about the novelties related to e-booklets and how to use them. The aim should be to instigate greater demand for data and show opportunities for their (re)use, visualization, and so forth.

However, the amendments in commitment 12 should not continue until the MPALSG can open a new round of public debate on them. This debate should include a clear elaboration

on the treatment of comments and reasons for their rejection. Once consensus with stakeholders is reached on the amendments, the OGP Working Group should add implementation milestones in the commitment design, which will target crucial challenges in implementation, such as training of the public notaries and enforcement officials on the new obligations the law has set.

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[1] The Law on Free Access to Information of Public Importance has been assessed as third best according to the Global Right to Information Rating, available at https://www.rti-rating.org/country-data/

[2] State administration bodies, local administration bodies, organizations performing public authority, and all legal entities founded and/or predominantly funded by the state. Article 3, Official Gazette of the Republic of Serbia 120/2004, 54/2007, 104/2009 i 36/2010

[3] Complaints to the Commissioner regarding free access to information, available at the Open Data Portal of the Commissioner: http://data.poverenik.rs/dataset/zalbe

[4] Commissioner for Information of Public Importance and Personal Data Protection, Annual Report 2017, available (in Serbian) at https://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2017/LAT2017GodisnjiIzvestaj.pdf

[5] Centre for Research, Accountability and Transparency, "Openness of Institutions of Executive Branch in the Region and in Serbia in 2017," available at http://www.otvoreneinstitucije.cdtmn.org/assets/docs/CRTA-Otvorenost-izvrs%CC%8Cne-vlasti_Srbija-i-region-2017.pdf

[6] Republic of Serbia, Negotiation Group For Chapter 23, "Action Plan For Chapter 23", available at https://www.mpravde.gov.rs/files/Action%20plan%20Ch%2023%20Third%20draft%20-%20final1.pdf

[7] Details are described in the IRM End-of-Term Report 2016-2018, available at https://www.opengovpartnership.org/documents/serbia-end-of-term-report-2016-2018

[8] Representatives of MPALSG, interviewed by IRM researcher, 18 February 2019.

[9] Ministry of Justice, the list of public notaries https://www.mpravde.gov.rs/registar.php?id=6659; Chamber of public enforcement officers http://www.komoraizvrsitelja.rs/?q=izvrshitelji.

[10] Transparency Serbia, Commentary on the Draft Law on Free Access to Information of Public Importance, January 2018, available (in Serbian) at http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Komentar_decembarskog_nacrta_izmena_zakona_o_slobodnom_pristupu_informacijama_TS.pdf

[11] Commissioner for Information of Public Importance and Personal Data Protection, Opinion on the Draft Law Amending and Supplementing the Law on Free Access to Information of Public Importance, 28 December.2018, available (in Serbian) at http://www.transparentnost.org.rs/images/stories/inicijativeianalize/poverenik%20misljenje%20o%20novom%20nacrtu%20izmena%20zakona%20o%20slobodnom%20pristupu%2028.12.2018..pdf

[12] Representatives of the Commissioner for Information of Public Importance, interviewed by IRM researcher, 14 February 2019.

[13] Transparency Serbia, Commentary on the Draft Law on Free Access to Information of Public Importance, January 2018, available (in Serbian) at http://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Komentar_decembarskog_nacrta_izmena_zakona_o_slobodnom_pristupu_informacijama_TS.pdf

[14] Focus group with media, CSOs and experts, 20 February 2019.

13. Cooperation with CSOs on Regulations

Language of the commitment as it appears in the action plan:

Title: Support to improved cooperation between public administration bodies and civil society organizations in the process of drafting, enactment and monitoring of application of regulations

This commitment comprises two parts. The first part is to hold up to 7 trainings which will be jointly attended by employees of public administration bodies and representatives of CSOs. The minimum planned number of participants in the trainings is 140, with approximately equal representation of both sectors. Representatives of public administration bodies will primarily be chosen from among employees in charge of drafting regulations and cooperating with CSOs, focusing on the managerial level, while representatives of CSOs will be selected on the basis of a public call posted on the website of the Office for Cooperation with the Civil Society and the partners in the implementation of this activity. The second part of the commitment is to compile, publish and distribute the new Manual on Implementation of the Guidelines for the Inclusion of CSOs in the Process of Enacting Regulations.

It is expected that joint trainings for representatives of public administration bodies and CSOs will allow participants to learn more about one another and put themselves "in the other's shoes", thereby improving mutual understanding between the two sectors and increasing the level of trust between them, which is one of the core principles and prerequisites for proper inter-sector cooperation. On the other hand, the second edition of the Manual, enriched with practical experiences gathered both by the Office and the public administration bodies themselves, will further motivate and encourage other administration bodies, including in particular local self-government units, to improve their cooperation with CSOs. Unlike the practice followed in the preparation of the current Manual, it is planned to include CSOs in the preparation of the new edition, so they could make suggestions and provide good practice examples to be incorporated in the Manual. Furthermore, it is expected that updating of the list of regulations relevant for cooperation between public administration bodies and CSOs and highlighting of their key provisions will raise awareness of the obligations, as well as opportunities for cooperation, both among public administration bodies and among CSOs.

The overall objective of this commitment is to build the capacities of public administration bodies and CSOs to establish sustainable models and mechanisms of cooperation in the process of drafting, enactment and monitoring of application of regulations and public policy documents.

Start Date: Q4 2018

End Date: Q2 2020

For full commitment text, please refer to the National Action Plan at
https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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. Overall		✔		✔				✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Public consultations on proposals are often conducted formalistically and too late in the process, not enabling all interested parties to provide timely and qualitative input.[1] Most consultations represent "box ticking" rather than content-related cooperation.[2] Moreover, government organized non-governmental organizations have recently been present, taking over the space of cooperation with the public administration bodies and creating the illusion of CSO participation in the policy-making process.[3] In 2014, Guidelines for the Inclusion of Civil Society Organizations in the Regulation Adoption Process were adopted to enhance the cooperation between public administration bodies and CSOs,[4] but the data on the process of consultations[5] show that these guidelines did not fully succeed.[6] Although guidelines offer useful solutions, one of the weaknesses is the type of document that "Guidelines" represent: they do not oblige any bodies to cooperate with CSOs but rather only recommend doing so.

This commitment was an initiative of the OCCS,[7] with the aim of allowing exchange and learning among participants. The manual would include best practice examples on the content already present within the guidelines,[8] and the planned trainings will focus on better mutual knowledge and understanding between the CSOs and public administration bodies.[9] The commitment thus aims to further encourage civic participation but does not add an obligation, which raises questions about whether such an approach will have a significant impact. Although the Public Policy Secretariat initiated a recently adopted legal and policy framework in this area (such as Law on the Planning System), the secretariat was not included in this commitment.[10]

CSO representatives reported that the trainings would not achieve much, raised concerns about the purpose and clarity of the new manual, and asked how it would be different from the existing guidelines. In the previous trainings organized by the OCCS, the participants were independent CSOs[11,12], but the trainings still achieved limited impact[13]. Still, the CSOs thought the manual should be developed but with a focus on citizen use rather than the public administration. In their words, the manual should provide useful information to the citizens on how they can have a policy impact in their respective communities. In such a way, the demand for inclusion should be initiated from the bottom up, as the previous efforts for top-down actions proved less effective.[14]

Next steps

The following measures can be considered during implementation:

- To the OCCS:
  - Make a detailed plan for trainings and follow up with mentoring and counseling;[15]
  - The recommendations aimed at improving inter-sectoral cooperation should become a part of the manual. They should also include forms of engagement and consultations at different levels and phases, such as green paper/scenarios-scoping, before there is any draft decision or law enacted;
  - Include the Public Policy Secretariat in implementation of this commitment, as a public administration body responsible for coordinating and monitoring the planning system in Serbia and policymaking. This will also strengthen the inter-sectoral cooperation.
- To CSOs:
  - Support less developed grassroots CSOs by actively consulting them in decision-making at pre-drafting stages and by engaging them in shaping and influencing policy in their respective local self-government units to influence policy;
  - Encourage the networking of civil society organizations in order to make them even more effective in public debates. Open a dialogue with other

CSOs about cooperating together in increasing the breadth and depth of CSO engagement with the public administration bodies, particularly on the level of local self-government units.

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[1] European Commission Report on Serbia in 2018, European Commission, European Union, Brussels, 2018, page 9, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-serbia-report.pdf (accessed on 15th of March 2019);

[2] Representatives of the CSOs involved in the Working Group and dealing with the public participation, interviewed by the IRM researcher, 11 February 2019, 6 March 2019, and 7 March 2019;

[3] 2017 Civil Society Organizations Sustainability Index, National Coalition for Decentralization, Niš 2018, pages 5 to 7, http://nkd.rs/wp-content/uploads/2018/10/IO-OCD-2017-Srbija.pdf (accessed on 15 March 2019);

[4] Guidelines for Inclusion of Civil Society Organizations in the Regulation Adoption Process, Official Gazette of the Republic of Serbia No. 90/2014, Belgrade, 2014, http://civilnodrustvo.gov.rs/upload/documents/Razno/EN-smernice.pdf (accessed on 15th of March 2019);

[5] 2017 Civil Society Organizations Sustainability Index, National Coalition for Decentralization, Niš 2018, pages 5 to 7, http://nkd.rs/wp-content/uploads/2018/10/IO-OCD-2017-Srbija.pdf (accessed on 15 March 2019);

[6] 2017 Civil Society Organizations Sustainability Index, Ibid, pages 5 to 7;

[7] Representatives of the CSOs involved in the Working Group and dealing with the public participation, Ibid;

[8] Representative of the Office for Cooperation with the Civil Society, interviewed by the IRM researcher, 13 February 2019;

[9] Representative of the Office for Cooperation with the Civil Society, interviewed by the IRM researcher, Ibid;

[10] Representatives of the Public Policy Secretariat, interviewed by the IRM Researcher, 7 February 2019;

[11] Report on the Trainings for Civil Society Organizations "Cooperation of the Public Administration with Civil Society Organizations in Decision Making Process," Office for Cooperation with the Civil Society, Government of the Republic of Serbia, Belgrade, 2017, http://civilnodrustvo.gov.rs/%D0%BF%D0%BE%D1%87%D0%B5%D1%82%D0%BD%D0%B0.122.html (accessed on 15 March 2019);

[12] In the past four years (since 2015) the OCCS has been organising trainings for local government and the CSOs to help them better understand the significance of mutual cooperation;

[13] Representatives of the CSOs involved in the Working Group and dealing with the public participation, Ibid;

[14] Representatives of the CSOs involved in the Working Group and dealing with the public participation, interviewed by the IRM Researcher, Ibid;

[15] Originally recommended by the interviewed representative of the CSO involved in the Working Group and dealing with the public participation.

14. E-civic engagement

Language of the commitment as it appears in the action plan:

Title: Creating legal basis and implementing an electronic system for e-civic engagement

As the Law on Referendum and Civic Initiatives is currently being amended, one step further should be made and all existing forms of civic engagement should be enabled electronically. Developed online models for civic participation should be copied and citizens should be allowed to submit initiatives and/or petitions themselves, using a single platform.

Start Date: Q2 2018

End Date: Q2 2020

For full commitment text, please refer to the National Action Plan at
https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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. Overall		✔		✔		✔		✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The great majority of laws in the Republic of Serbia are initiated by the Government; 344 out of 354 laws in the current legislature were initiated by the Government; five laws were initiated by the National Bank of Serbia, as an independent institution, and the last five by the members of the ruling coalition in the Parliament. No legal acts were initiated by the citizens, although citizens are allowed to do so.[1]

Primarily, the idea of this commitment is to make the entire initiative/petition process easier so that more laws can be initiated by the citizens' group and tabled for discussion in the National Assembly. It does not deal with the process for undertaking referendums. In terms of tackling the values of the OGP, this commitment is related to the civic participation (cooperation between the public administration bodies and CSOs) and technology and innovation (introducing electronic civic engagement concerning civic initiatives).

According to MPALSG statements, they plan to develop a policy study to map the best e-engagement practices around Europe, which will inform drafting of the law expected to be finalized by the end of 2019. Although the action plan envisions secondary legislation to accompany this law, the representatives of the Ministry are uncertain as to whether this will be the case.[2] The ministry plans to adopt a new law rather than amend the current one.[3]

Finally, after the law is drafted, the electronic application for undertaking civic initiatives will be developed. There are dilemmas about who will be collecting and processing petitions and how the identity of signatories will be determined.[4] Also, it is not clear whether the

electronic application will be connected to the e-Government portal or to the National Open Data Portal.

Next steps

Civil society representatives from the OGP Working Group also see several critical obstacles in undertaking the process of civic initiative beyond the scope of this commitment. Thus, there is a space for recommending measures for improving commitment and particularly activities in the future. The IRM researchers agree with CSO representatives' following suggestions for improvements:

- To the MPALSG, within the new Law on Referendum and Civic Initiatives:
  - Revise and extend the deadline for collecting necessary support regarding the civic initiatives' procedure from seven days to three months.
  - Define precise content of the demands within the civic initiative (defined problems, proposed options, type of policy document, or legal act);
  - Define the responsibilities of decision-makers, in other words, to define the process and deadline for giving the response to the initiatives undertaken;
- To the National Assembly of the Republic of Serbia:
  - Consider amending the Rule of Procedure in order to determine the timeline for having the civic initiative proposal in the parliamentary procedure;
- To the legislative bodies on the state (National Assembly), provincial (Assembly of the Autonomous Province of Vojvodina), and local level (city/municipal assemblies):
  - Create an archive of all submitted, planned, and civic initiatives on procedure available on websites.

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[1] Tepavac, Tara, National Assembly: Temple or Facade of Democracy, Centre for Research, Transparency and Accountability, Belgrade, 2019, page 6, https://crta.rs/wp-content/uploads/2019/01/Narodna-skup%C5%A1tina-Republike-Srbije-hram-ili-paravan-demokratije.pdf (accessed on 15 March 2019);

[2] Representatives of the MPALSG, interviewed by the IRM researcher, date: 18 February 2019;

[3] Ibid;

[4] Representatives of the Office for Information Technology and e-Government, interviewed by the IRM Researcher, 19 February 2019.

15. Transparency and participation in parliamentary committees

Language of the commitment as it appears in the action plan:

Title: Increasing transparency and participation at sessions of parliamentary committees of the National Assembly outside of its headquarters

To establish two-way communication with citizens via a separate section of the National Assembly website dedicated to sessions outside of the headquarters, in order to give citizens and representatives of the civil society opportunities to raise issues they observed in their local communities. Specifically, the National Assembly will develop a subpage through which citizens and civil society representatives will be able to contact the relevant parliamentary committee and submit their proposals or questions in this way. Parliamentary committees of the National Assembly will plan their sessions outside the headquarters on the basis of such proposals.

Parliamentary committees of the National Assembly will enable attendance and participation of representatives of citizens and civil society organisations at committee sessions outside of the headquarters when specific issues within the purview of the relevant committee are discussed. Participation will be ensured through a contact form on the subpage dedicated to sessions outside the headquarters, which will create an opportunity for citizens and at least one representative of the civil society to attend sessions outside the headquarters.

Start Date: Q4 2018

End Date: Q1 2020

For full commitment text, please refer to the National Action Plan at https://www.opengovpartnership.org/sites/default/files/Serbia_Action-Plan_2018-2020_EN.pdf

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	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
15. Overall		✔		✔		✔		✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The Serbian Parliament has a diversity of transparency mechanisms (e.g., live streaming, public hearings, citizen questions to the MPs),[1] but they are underused in practice. Voters lack the feeling of closeness or identification with the MPs and have limited means to hold them accountable between elections.[2] Few (20%) MPs have their local offices outside of the capital,[3] and only the Committee for Environmental Protection (out of 20 committees) has doors open for participation of citizens and CSOs in its sessions.[4] Public hearings are rare,[5] which is concerning given that the current Parliament adopted more than 70% of laws in urgent procedures between 2016 and 2018.[6] Stakeholders also point to a lack of space for parliamentary debate due to filibustering.[7]

With this civic participation commitment, Parliament intends to re-open itself to citizens and CSOs, offering them a better chance to participate in committee sessions organized in local communities, via a special section on its webpage for submitting questions or proposals to a specific committee. These inputs should serve for planning the committee sessions outside the parliamentary seat and enable participation of a selected group of invited contributors. The commitment aims for a minimum of five sessions attended by at least two civil society representatives.

If implemented as designed, the commitment will have a minor impact on civic participation with Parliament, and participation of local-level CSOs in the Committee sessions will help the MPs better grasp concrete local issues. However, the commitment does not go far enough to ensure a meaningful institutionalized approach to citizen engagement during drafting and deliberation of laws. As stated by the Parliament representatives, organizing sessions based on citizen inputs would not be obligatory but dependent on the will of the committee presidents.[8] Second, the goal of minimum five sessions attended by at least two CSO representatives lacks ambition. Third, the parliamentary rules of procedures that allow only the Environmental Protection Committee to be open for civic engagement limit the scope and goals of this commitment. The Centre for Research, Transparency and Accountability believes there are no reasons for this committee to be an isolated case and reported that a majority of interviewed MPs agree that it should apply to other committees, too.[9]

Two deliverables are unclear what It is also unclear whether the subpage will allow for a regular feedback by the parliament on the received inputs.

Next steps
The IRM researchers suggest the following measures during the implementation of this commitment:

The parliamentary staff could:
1. Clarify and specify two currently vague milestones about "results mapping" and "organizational parameters."[10]
2. Increase the number of organizations targeted for the sessions and increase the number of sessions to at least 10. The Parliament should aim toward an equal balance between the committee members and the citizens/civil society. To overcome potential financial constraints, the Parliament could partner with local CSOs that can provide free space for the sessions.
3. Publish past and future citizen inquiries and official responses on the Parliament page.
4. Make the new page for submitting inputs to committee president more prominent on the website and promote it on social media.

- To the members of Parliament:
  1. Amend the Rules of Procedures to enable citizen participation in all committee sessions, notwithstanding committees that deal with sensitive data such as security and defense.
  2. Diversify channels of communication with the citizens, such as opening more local offices of MPs for face-to-face approach, which would help those citizens who do not use the internet (e.g., elderly population).[11]

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[1] The following tools ensure the public-facing aspect of the work of the Parliament: presence and observation of the parliamentary sessions and sessions of its working bodies, through group visits to the parliament, press releases and press conferences. Committees may organize public hearings for the purpose of gathering expert opinions on the proposal of the act that is in the parliamentary procedure. Additional options are live streaming of the sessions, "ask the president or MPs," submission of initiatives, petitions, applications and suggestions. Finally, there is an application form for civil society to register in the parliament's database of CSOs for potential cooperation.

[2] Representative of a CSO dealing with the electoral process in Serbia and institutional transparency, interviewed by IRM Researcher, 26 February 2019.

[3] Offices for communication between the MPs and citizens: http://www.parlament.gov.rs/gradjani/poslanicke-kancelarije.3682.html

[4] Article 74 of the Parliament Rules of Procedures limits participation in all other committees to scientists and experts, only upon invitation.

[5] According to interviewed experts, in the last two years, there have been two public hearings (one in 2017 and another in 2018), which is a decrease compared with 2016 (7 hearings) and 2015 (14 hearings). Representatives of a CSO monitoring the electoral process, interviewed by IRM researcher, 8 March 2019.

[6] Representatives of a CSO monitoring the electoral process, interviewed by IRM researcher, 8 March 2019.

[7] The ruling majority reduces time for debate through submitting hundreds of amendments without relevant content, on the first items of the agenda or on the first articles of the first agenda items.

[8] Representatives of the Parliament, interviewed by IRM researcher, 13 February 2019.

[9] CRTA, „Making Better Law: Improving work of committees of National Assembly of Republic of Serbia," Belgrade, 2016, available at https://bit.ly/2HeqjRe

[10] It is unclear what two deliverables entail: "result mapping of all sessions held outside the National Assembly headquarters by cities and municipalities" and "development of organisational parameters when preparing and holding sessions of parliamentary committees of the National Assembly outside the headquarters."

[11] Originally recommended by a representative of a CSO focused on parliament work and the elections.

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

Alongside providing recommendations for improving the design and implementation of specific commitments, the IRM researcher identified a selection of strategic next steps for Serbia's participation in the OGP.

The first set of recommendations applies to the OGP process in Serbia.

- **Ensure high-level political support to the national OGP process,** by organizing regular discussions on OGP either at the government sessions directly or within one of the government committees (working bodies). The most relevant working body is the Public Administration Reform Council, especially given that it is under regular scrutiny by the European Commission (due to the status of PAR as a fundamental area in the EU accession process). This practice should ensure a good flow between the OGP Working Group and the political level, allowing for the contested issues and dilemmas within the Working Group to be elevated to the higher political level. These discussions at the political level should also ensure participation of at least one OGP Working Group civil society representative (delegated by the organizations participating in the WG), to enable continuity and coordination among all levels.

- **Diversify lead implementing agencies and convince key bodies with veto power over important commitments to proactively participate in the deliberations of the Working Group and act towards consensus.** The MPALSG holds or co-holds 40% of current commitments, and the OCSS is responsible for 20% of them. There are 12 additional government institutions in the OGP Working Group that could lead implementation of a commitment but have not done so. Furthermore, proposals for important transparency initiatives have been turned down by the ministries with direct jurisdiction for these policy areas. By encouraging commitments outside of the scope of the "usual suspects" (e.g., Public Procurement Office), and by convincing other key institutions such as the Ministry of Economy or Commissioner for Information of Public Importance to join the Working Group, bodies will foster a feeling of ownership over the OGP process. This could help diversify the scope and ambition of the action plan and increase interest of the public to engage in co-creation and implementation. Finally, if a majority of working group members support a commitment proposal that the responsible body rejects, there should be additional meetings aimed toward reaching consensus.

- **Allow civil society organizations to join the OGP Working Group on a rolling basis**. Moving forward, the Government needs to keep the format of the group open for all interested CSOs that comply with the prescribed membership criteria, and regularly promote the invitation to join. This will help to achieve an equal balance between the government and non-governmental stakeholders in the OGP Working Group, as recommended by the Co-Creation and Participation Standards. Diversifying the policy scope of commitments is a promising way to enlarge the range of organizations involved in OGP by including those which work primarily on sectoral issues and are generally not interested in OGP. The Working Group should take a more proactive approach towards those types of organizations, which includes modifying eligibility criteria for membership in the Working Group, to make sure that the involvement of sector organizations is not limited to a narrow

scope of fields. To overcome the potential lack of capacities for plenary meetings, the government could employ remote participation tools, such as e-mail correspondence, phone sessions, and collaborative channels such as Slack, Skype, and so on.

- **Update the national OGP web page (https://ogp.rs/) to serve as a repository of the OGP process.** Currently, documents from the OGP process are published on both the MPALSG web page and on the national OGP web page, but the two are often not synchronized. Moreover, the OGP web page is not intuitive or easy to browse. Administration of this page has recently been transferred from one CSO to another (Civic Initiatives), which took over a challenging task of making the page fully functional again and is currently working on improvements *pro bono*. The IRM recommends that the national OGP page serve as a repository for access to all documents generated through the OGP cycles, in line with the OGP's Procedural Review Policy. The repository should include a database of all OGP commitment proposals to serve as starting point for each new action plan cycle. This could also include reports on the final consultations on the draft 2018–2020 action plan, currently not publicly available. Finally, the Working Group could publish a tabular overview of received input during the co-creation, addressing public comments and providing reasoning behind decisions. Report on the public debate on the Law on Planning System[1] could serve as an example.

- **Make the public calls for consultations attractive, engaging, and user-friendly.** Previously published calls for participation have been written in a technical administrative language, which hinders the potential to attract organizations unfamiliar with the OGP efforts. The IRM researchers recommend that government and non-government members of the Working Group collaborate to simplify the language of the consultations and use multi-media content like infographics. They should also expand the online channels for collecting feedback, using tools like Google Form or Easy Polls to enable remote participation. All consultation opportunities should be supported by adequate promotion via social media and/or national media like *RTS*, using appealing titles like "Help us to make the government more open." Finally, the government should invest effort in proper analysis and use of the collected feedback. MPALSG could use the resources from the ongoing EU project supporting visibility and communications on the public administration reform.

- **Streamline commitments with related content.** The current Action Plan contains several commitments with overlapping elements. For example, commitment 2 relates to publishing annual calendars of calls for CSOs' project proposals whereas commitment 4 includes opening of information on the outcomes of such calls. While finalizing future action plans, the Working Group should take more time to deliberate on how to combine related or overlapping commitments toward a broader policy aim and thus avoid duplication.

The second group of recommendations addresses the action plan content:

- **Increase the number of commitments targeting public accountability issues.** The OGP Working Group rejected CSO proposals on conflict of interest standards of public enterprise employees and an online portal for monitoring public sector expenditures, modeled by the "Erar" application. Stakeholders believe that the latter was a particular priority.[2] The OGP Working Group should include these commitments and design more commitments on accountability, such as legally obliging the government to publish timely reports on implementing its annual work plans, with fair justification for unattained goals. Another commitment could be to organize a platform for an audit of government performance by civil society. Accountability measures should also be recommended

to the National Assembly, and they should primarily aim to reignite the debate on the state of anti-corruption, anti-discrimination, free access to information, and other policies implemented and annually reported on by independent state institutions.

- **Prioritize initiatives with direct civic engagement,** especially in areas of direct concern to citizens' lives, such as local development, infrastructure, and environmental projects**.** The current action plan has only two commitments that facilitate direct civic engagement. Future commitments could strengthen the mechanisms already developed, like the official public debate portal.[3] That portal should be more proactively promoted (nationwide media), be more visible, and be used for gathering online inputs on proposed legislation and policy documents, aligned with the new Law on the Planning System and the Law on State Administration. A future commitment could build on the existing commitment 13 and improve the Guidelines for the Inclusion of CSOs in the Process of Enacting Regulations to go beyond suggesting the forms of consultations in different stages of policy making. Moreover, in the context of frequent protests, unrest, and activism against the construction plans by the City of Belgrade authorities, future action plans should aim towards mechanisms that would enable a wide public debate, consultation, and joint decision-making on every major construction project affecting local communities in Serbia, with timely and complete information provision. Such a proactive approach should be aligned with a relevant legal framework, such as the Law on Strategic Environmental Impact Assessment.

- **Expand service delivery commitments to relate to citizen matters.** Despite the fact the government has achieved some good results with service delivery digitization (e.g., e-baby), the current OGP action plan lacks service delivery commitments that are relevant to citizens or that help improve those services' accountability. The Office for IT and eGovernment and the Delivery Unit, both members of the Working Group, could help create commitments that aim to better connect digitization with open government, based on the new legislative frameworks.[4] For example, service providers ensure user feedback channels as a standard practice and encourage users to send improvement proposals. Any future service design should engage real users, in other words, based on citizen journey, prototype testing with ordinary citizens, and collecting inputs at the outset to inform the development. The government could follow the example of Italy and its IO project.[5]

- **Focus on reuse of open data.** Commitments on opening data dominate the current action plan but lack reference to data (re)use to make better policies. For example, crossing data on the number of traffic accidents with other datasets along with mapping and visually presenting the data can inform more effective traffic management policies. If open data continues to be a priority for the Working Group, the IRM researcher recommends organizing hackathons, workshops, and awareness-raising campaigns to motivate data science professionals, students, and other tech volunteers to partner with the government in the data use. As this is hardly achievable without proper and usable data, the government should also focus on strengthening the quality of data that public bodies produce.

- **Include measures related to implementation and enforcement of new legal solutions, in addition to legislative changes**. This is especially important on the local level. Some commitments are strictly limited to amending legislation, which means they fail to envisage implementation and monitoring (e.g. introducing evidence-based monitoring bodies to measure progress). Moreover, milestones usually stop at submitting the draft proposal to the government for approval, without guarantees that the proposed document would be adopted, which is especially concerning should it determine the sequence of all other milestones.

Government bodies often quote legal limitations to their committing to approval of bills and to Parliament passing the legislation. Commitments should also include policy instruments to ensure proper implementation and coordination with other sub-areas and responsible/affected institutions.

- **Set an achievable timeline for the commitments**. All commitments and their milestones should also include a feasible time line for implementation and achieving results.

Table 5.1: Five Key Recommendations

1	Ensure high-level political support to the national OGP process
2	Diversify lead implementing agencies and engage key bodies with veto power over important commitments to proactively participate in the deliberations of the Working Group
3	Increase the number of commitments primarily targeting public accountability, direct civic engagement, and citizen-relevant public services.
4	Include measures related to implementation and enforcement of new legal solutions, in addition to legislative changes.
5	Focus on reuse of open data.

5.2 Response to Previous IRM Key Recommendations

Table 5.2: Previous IRM Report Key Recommendations

	Recommendation	Responded to?	Integrated into Current Action Plan?
1	To ensure continuity of OGP activities in the context of frequent administration changes and high frequency of the electoral process, proper handover mechanisms are needed. IRM recommends establishing an OGP multistakeholder forum with an adequate mandate and scope of work covering all phases of the action plan cycle, including the implementation.	✔	✔
2	To increase financial transparency, the next action plan should include a commitment introducing open budgeting at national and local levels, specifically disclosing financial plans and expenditure reports in open data formats	✔	✘
3	To ensure the continuity of high-impact commitments, the government should carry forward and scale up activities with demonstrated impact. For example, the current commitment on the open data portal should be expanded to encompass a wider range of institutions and datasets.	✔	✔
4	Focus on commitments with clear citizen engagement and public accountability tools. Expand citizen input mechanisms, such as the	✔	✘

	portal developed by the Public Policy Secretariat, which is currently limited to business representatives. Authorities need to ensure transparent and timely feedback to citizens' proposals.		
5	Develop a more targeted communication approach and awareness-raising activities to increase citizen involvement in formulation of OGP commitments. Additionally, the government needs to consider wider cooperation with CSOs at central and local level.	✔	✔

The MPALSG addressed all five of the previous recommendations and integrated them to a certain extent within the current action plan.

- The first recommendation was addressed by adopting Rules of Procedures to govern the work of the multi-stakeholder forum. Although the rules outline clear details regarding the decision-making and include handover mechanisms, they could also include greater emphasis on the transparency and accountability of implementation of commitments.
- To address the second recommendation, the government included the commitment on publishing the Law on the Budget of Serbia in one machine-readable format (xlsx). As described above, interviewed stakeholders agree that this does not fully respond to the recommendation, as it fails to address opening of financial plans and expenditure reports of institutions.[6] Moreover, the government could not incorporate the recommendation on introducing open local budgeting due to lack of mechanisms to ensure enforcement on the local level.
- To ensure the continuity of commitments with high potential impact, the third recommendation, the government emphasized open data activities. A representative of an international organization involved in open data processes in the country stated that these commitments create a good base for follow-up in the subsequent action plans.[7] Additionally, the government carried forward a commitment on the e-booklets, assessed by IRM researcher as potentially transformative, although not without its challenges as described above.
- In response to the fourth recommendation, the action plan envisages two commitments on direct civic engagement tools. However, the public accountability elements are missing, hence the repeated inclusion of a similar recommendation in this report.
- Finally, by organizing multiple events and meetings,[8] and thanks to the OGP multi-donor trust fund, the government has shown significant effort to communicate the OGP process to civil society on both central and local levels—the fifth recommendation. Still, more modern tools, such as social media, have been underused.

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[1] Available at http://javnerasprave.euprava.gov.rs/ParticipationAttachment/GetParticipationAttachmentFile/483
[2] Representatives of the Anti-Corruption Agency and a CSO involved in the OGP Working Group, interviewed by IRM Researcher, 14 February and 11 February 2019, respectively.
[3] Available at http://javnerasprave.euprava.gov.rs/
[4] Specifically, the Law on the eGovernment with accompanying bylaws, Law on e-document, e-identification and trust services.

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[5] https://io.italia.it/en/
[6] Experts interviewed by the IRM researcher: a representative of a CSO dealing with transparency (20 February 2018) and focus group with experts, journalists and civil society (20 February 2019)
[7] Interviewed by IRM researcher, 8 February 2019.
[8] Three consultative meetings during the development and three final events to collect feedback on the draft in addition to the parallel events promoting the OGP on the local level.

VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Serbia's OGP repository (or online tracker)[1], website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees, and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review in which governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.[2]

Interviews and stakeholder input

The IRM researchers interviewed 43 government and non-governmental stakeholders, including representatives of civil society (10), the private sector (1), international organizations, (3) and independent state institutions (e.g., Anti-Corruption Agency) (5). Interviewees were selected based on their relevance/expertise for a particular commitment or involvement in Serbia's OGP process. Almost all interviews were held face-to-face except three that were done online via e-mail correspondence.

The Ministry of Finance was the only institution to reject the invitation to the interview with the IRM researchers, which was supposed to encompass commitment 1 on the budget law.

To collect joint opinions of stakeholders involved in several correlated areas, the IRM researchers organized a focus group on the commitments, tackling the topics of media, access to information, and open data. The focus group was held on 20 February 2019 with four experts who identified problems in their respective areas and shared their experience and opinions on the comprehensiveness of the proposed commitments along with recommendations for improvement.

Finally, the IRM researcher is included in the circular emails that the point of contact uses for informing the OGP Working Group members on the upcoming meetings and other developments. This enables the IRM researchers to monitor the internal process of decision-making and developing the action plan and to observe the discussion on the meetings of the working group. During the co-creation of the current action plan, the IRM researchers participated as observers in two OGP working group meetings held in Belgrade on 30 March and 9 October 2018.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a principal means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is composed of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel includes

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, D.C., shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

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[1] Available at MPALSG web page http://mduls.gov.rs/reforma-javne-uprave/unapredjenje-transparentnosti-uprave/partnerstvo-za-otvorenu-upravu/ and national OGP web page https://ogp.rs/

[2] IRM Procedures Manual, V.3 : https://www.opengovpartnership.org/documents/irm-procedures-manual

Annex I. Overview of Serbia's performance throughout action plan development

Key:
Green= Meets standard
Yellow= In progress (steps have been taken to meet this standard, but standard is not met)
Red= No evidence of action

Multi-stakeholder Forum	
1a. Forum established: There is a forum to oversee the OGP process	Green
1b. Regularity: The forum meets at least every quarter, in person or remotely	Green
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure.	Green
1d. Mandate public: Information on the forum's remit, membership, and governance structure is available on the OGP website/page.	Yellow
2a. Multi-stakeholder: The forum includes both governmental and non-government representatives	Green
2b. Parity: The forum includes an even balance of governmental and non-governmental representatives	Red
2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process.	Green
2d. High-level government representation: The forum includes high-level representatives with decision-making authority from government	Yellow
3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum	Green
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events	Green
3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders	Green

Key:
Green= Meets standard
Yellow= In progress (steps have been taken to meet this standard, but standard is not met)
Red= No evidence of action

Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Green
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Green
4c. Awareness-raising: The forum conducts outreach and awareness raising activities with relevant stakeholders to inform them of the OGP process.	Green
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Green
4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.	Yellow
5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g., links to databases, evidence of meetings, publications)	Yellow

Editorial note*: If a country "meets" the six standards in bold, the IRM will recognize the country's process as a* Starred Process.