

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

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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 an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their progress and determine if efforts have impacted people's lives.

The IRM has partnered with the European Policy Centre (CEP) to carry out this evaluation. The IRM aims to inform ongoing dialogue around the 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>.

This report covers the implementation of Serbia's third action plan for 2018–2020. In 2021, the IRM will implement a new approach to its research process and the scope of its reporting on action plans, approved by the IRM Refresh.¹ The IRM adjusted its Implementation Reports for 2018–2020 action plans to fit the transition process to the new IRM products and enable the IRM to adjust its workflow in light of the COVID-19 pandemic's effects on OGP country processes.

¹ For more information, see: <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

II. Action Plan Implementation

The IRM Transitional Results Report assesses the status of the action plan's commitments and the results from their implementation at the end of the action plan cycle. This report does not re-visit the assessments for "Verifiability," "Relevance" or "Potential Impact." The IRM assesses those three indicators in IRM Design Reports. For more details on each indicator, please see Annex I in this report.

2.1. General Highlights and Results

Serbia's 2018–2020 action plan contained 15 commitments. Just fewer than half of the commitments (7 out of 15) had been fully or substantially implemented by the end of the implementation period, which is far fewer than the number of fully or substantially completed commitments in the previous action plan.²

Substantial or fully completed commitments often benefitted from being part of existing government programs or ongoing reform processes (such as Commitments 7 and 9) and/or because they were part of legal obligations (such as Commitments 8 and 9). The government point of contact (POC) mentioned that the successful implementation of commitment 6 benefited from implementing institutions that were experienced and familiar with the OGP process and that had accepted proposals civil society organizations had made.³

The COVID-19 pandemic led to the postponement of Serbian parliamentary elections until June 2020 (they had originally been scheduled for April 2020). In its Statement of Preliminary Findings and Conclusions issued on 22 June, the OSCE ODIHR special election assessment mission concluded that the elections "were administered efficiently, despite challenges posed by the COVID19 pandemic, but dominance of the ruling party, including in the media, was of concern. Outside the state of emergency, contestants were able to campaign, and fundamental freedoms of expression and assembly were respected. The advantage enjoyed by the governing parties, the decision of some opposition parties to boycott the elections, and limited policy debate narrowed the choice and information available to voters. Most major TV channels and newspapers promoted the policies of the government and gave it extensive editorial coverage, limiting the diversity of views."⁴ The stop-start to the election period caused by the COVID-19 pandemic and time to form a government affected the adoption and implementation of legislation related to some commitments, such as 11 and 12 (on access to information) and 14 (on e-civic engagement).⁵ Commitments 11 and 12 were assessed as noteworthy in Serbia's IRM Design Report, but because of the delays to implementation (despite being carried over from the previous action plan), they have no early results so are not analyzed in Section 2.3. In fact, there was little substantial change in government practice for many of the commitments that were dependent on new laws and bylaws being passed.⁶

The COVID-19 pandemic also directly affected the limited implementation of commitments 3 and 13, as explained in Section 2.2.

Open data and fiscal transparency commitments in this action plan generally saw progress in their implementation, although commitment 1 on releasing the state budget in an open data form had not started by the end of this cycle. This is despite the Ministry of Finance's reappearing as the lead implementing agency for this commitment since the 2014–2016 cycle and that ensuring financial plans and expenditures in an open format was one of the key IRM recommendations from the 2016–2018 cycle.⁷

Nevertheless, notable steps were made in access to information, as the government made available datasets on the structure of civil society in Serbia in a machine-readable format and saw a case of

data reuse.⁸ Furthermore, as a result of 2018–2020 Action Plan, the government requires that public authorities disclose more information about public financing of media, and the Media Register portal started displaying such details, which promises to increase transparency and enable better tracing of money flows in this sector. Finally, within the aims to improve the business environment, the government engaged with the business community and simplified, streamlined and digitized a number of frequent and complicated administrative procedures.

2.2. COVID-19 Pandemic impact on implementation

The COVID-19 pandemic inevitably affected the implementation of commitments, as the Serbian government introduced a severe state of emergency⁹ and redirected resources to response and recovery. As a large share of the administration worked from home during the crisis, the OGP working group (which monitors progress of the action plan) reoriented towards online sessions, which helped sustain engagement in the process and implementation of activities.

The response to the pandemic delayed the implementation of some commitments. For example, the reallocation of human resources and unplanned costs that stemmed from government decisions to deal with the COVID-19 pandemic led to activities within commitments 3 (portal for reporting on expenditure of local funds for environmental protection) and 13 (joint trainings for civil society and public servants) being either delayed or not fully implemented.¹⁰ The switch to responding to the COVID-19 pandemic gave some crucial institutions, such as the Office for IT and eGovernment, much higher workloads than expected on top of already being involved in five commitments from the 2018–2020 action plan.

The government undertook some activities in response to the pandemic that supported open government practices. The government published open data statistics daily on the COVID-19 situation in the country,¹¹ published information and hotline numbers on government websites, created Viber channels for informing and interacting with citizens,¹² and created an online portal to help the isolated or quarantined parts of population with information about free platforms for distance learning and free entertainment content.¹³ However, civil society expressed strong criticism for the lack of transparency during the state of emergency.¹⁴ Medical data and information on emergency public procurement were not publicly available.¹⁵ Some institutions applied “strict confidentiality” or “business secret” exemptions to requests for information on procurement related to the COVID-19 pandemic.¹⁶ Additionally, some media faulted the government for data manipulation, demonstrating that officially reported numbers of the infected and deceased did not match journalists’ insights into databases, especially during the pre-election period.¹⁷

More broadly, the government prolonged deadlines for conducting administrative procedures during the state of emergency, but this limited responsiveness to requests for access to information.¹⁸ The government also issued a decision banning dissemination of information on COVID-19 by anyone except the core government crisis response team. Experts assessed the latter decision as a drastic violation of freedom of expression, freedom of the media and the right to be informed.¹⁹ The decision was withdrawn shortly afterwards, but parts of the public remained discontented with the government’s overall crisis management.²⁰

The national elections and disruption from measures to tackle COVID-19 (such as the prohibition on gatherings) meant parliament did not meet throughout lockdown and had no role in decision-making. The European Commission noted that, “the parliament only convened just over six weeks after the state of emergency was called, which limited its ability to scrutinize the executive during this period.”²¹

However, the government developed many technological solutions and digitized access to some public services (including health services).²² The government also set up a national volunteer platform, engaging 7,000 citizens in 17 municipalities to help those in need.²³

² Twelve of the 14 commitments in the previous action plan (2016-2018) were fully or substantially completed. See IRM End of Term Report 2016-2018, OGP IRM, <https://www.opengovpartnership.org/documents/serbia-end-of-term-report-2016-2018/>

³ Interviewed POC, 20 November 2020.

⁴ ODIHR *Special Election Assessment Mission Final Report*, OSCE ODIHR, 7 October 2020 <https://www.osce.org/files/f/documents/a/3/466026.pdf>

⁵ The new Government of Serbia was formed after the end of the implementation period, on 28 October 2020, which was also more than four months after parliamentary elections.

⁶ Commitments that incorporated or were dependent on some kind of legislative change included 3,4,6,9,10,11,12 and 14.

⁷ See Serbia Mid-Term Report 2016-2018, available at <https://www.opengovpartnership.org/documents/serbia-mid-term-report-2016-2018-year-1/> (retrieved in November 2020)

⁸ See <https://neprofitne.rs/>

⁹ The state of emergency lasted from 15 March 2020, until 6 May 2020. Measures included, for example, a mandatory curfew from Mondays through Thursdays 5 p.m. - 5 a.m. and all weekend-long curfews. For residents over 65 in urban areas and 70 in rural areas, a complete 24-hour curfew was in place except on Saturday from 3 a.m. to 8 a.m. for buying groceries. See: OECD, "The COVID-19 Crisis in Serbia", 2020, <https://www.oecd.org/south-east-europe/COVID-19-Crisis-in-Serbia-archival.pdf> (retrieved in May 2020).

¹⁰ Fourth meeting of the special inter-ministerial working group for developing the 2020–2022 action plan, 18 November 2020, and Draft Self-Assessment Report 2018-2020 for Serbia, November 2020, available at <http://mduls.gov.rs/wp-content/uploads/Kona%C4%8Dni-izve%C5%A1-taj-samoprocena-o-implementaciji-AP-OGP-2018-2020.-FINAL-I.docx>. (retrieved in November 2020), OCCS representative, additional response received on 13 January 2021.

¹¹ Available at <https://covid19.data.gov.rs/>. (retrieved in November 2020)

¹² For example, a Viber chatbot providing medical information, prevention measures and guidelines, or a Viber community "My school" to enable parents and students to receive school-related notifications.

¹³ Digitalna solidarnost, available at <https://www.digitalnasolidarnost.gov.rs/>. (retrieved in November 2020)

¹⁴ An example can be read here: Pavle Popović and Miloš Đinđić, COVID-19 Reminds Us of the Government's Perpetual Communication Flaws, European Policy Centre (CEP), 20 May 2020, <https://cep.org.rs/en/blogs/covid-19-reminds-us-of-the-governments-perpetual-communication-flaws/> (retrieved in November 2020).

¹⁵ For example, information on the needs of health institutions, information on the procurement of ventilators and other medical equipment, how much equipment and medical supplies and at what price Serbia bought during the state of emergency, and how much did it receive in donations. See more: Transparency Serbia, "Javnost rada Vlade 2019. i 2020. – šta je ostalo zipovano, a šta postalo nedostupno?", May 2020, p. 8, https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/lzvestaj_o_javnost_rada_Vlade_2019_i_2020_-_maj_2020.pdf (retrieved in May 2021).

¹⁶ Centre for Investigative Journalism of Serbia, "Podaci o nabavci respiratora i broju testova – tajna", CINS.RS, 7 July 2020, <https://www.cins.rs/podaci-o-nabavci-respiratora-i-broju-testova-tajna/> (retrieved in May 2021).

¹⁷ Natalija Jovanović, *Serbia Under-Reported COVID-19 Deaths and Infections, Data Shows*, Balkan Investigative Reporting Network, 22 June 2020, <https://balkaninsight.com/2020/06/22/serbia-under-reported-covid-19-deaths-and-infections-data-shows/> (retrieved in November 2020)

¹⁸ The government issued the Decree on the Application of Deadlines in Administrative Proceedings During the State of Emergency (Official Gazette no 41/2020-3, 43/2020-3) by which timeframe for undertaking administrative actions, completion of administrative procedures and deciding on declared legal remedies (which also includes responding to freedom of information requests) during the state of emergency was delayed to maximum 30 days from the termination of the state of emergency. The Lawyers' Committee for Human Rights argue that many public authorities interpreted the statement welcoming the adoption of the Decree by the Commissioner for Information of Public Importance, to not require them to respond to requests until the state of emergency was lifted, thus in practice effectively suspending access to information. See: Katarina Golubović et al. "Ljudska prava i COVID-19", YUCOM, Belgrade, p. 13, https://www.yucom.org.rs/wp-content/uploads/2020/11/Yucom_Covid_layout_SRP_all-1.pdf (retrieved in May 2021).

¹⁹ Nenad Nešić, *Struka upozorava: Centralizovanje informisanja je kršenje Ustava i zakona*, RS.N1INFO.COM, 1 April 2020, <https://bit.ly/3c5Mg0i> (retrieved in November 2020)

²⁰ Patrick Kingsley, *Serbia Protests Meet Violent Response in Europe's 1st Major Virus Unrest*, The New York Times, 8 July 2020, <https://www.nytimes.com/2020/07/08/world/europe/serbia-protests-coronavirus.html> (retrieved in November 2020)

²¹ European Commission, "Commission Staff Working Document: Serbia 2020 Report", Brussels, 6.10.2020, p. 4, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf (retrieved in May 2021).

²² For example: online self-assessment of COVID-19 symptoms with further guidance; electronic scheduling of appointments for PCR testing and free automatic notification about the result via SMS or email; electronic scheduling for psychological testing at preschools; online enrollment in secondary school; distance learning platforms for elementary and high school students; e-greenmarket platform established to make supplies more accessible to persons in isolation and at the same time help small food producers.

²³ Office for IT and eGovernment, *Preko 7000 volontera angažovano putem platforme "Budi volonter"*, 23 April 2020, <https://www.ite.gov.rs/vest/4947/preko-7000-volontera-angazovano-putem-platforme-budi-volonter.php> (retrieved in November 2020)

2.3. Early results

The IRM acknowledges that results may not be visible within the two-year time frame of the action plan and that at least a substantial level of completion is required to assess early results. For the purpose of the Transitional Results Report, the IRM will use the “*Did it Open Government?*” (DIOG) indicator to highlight early results based on the changes to government practice in areas relevant to OGP values. Moving forward, new IRM Results Report will not continue using DIOG as an indicator.

Section 2.3 focuses on outcomes from the implementation of commitments that had an ambitious or strong design, per the IRM Design Report assessment or that may have lacked clarity and/or ambition but had successful implementation with “major” or “outstanding” changes to government practice. Commitments considered for analysis in this section had at least a “substantial” level of implementation, as assessed by the IRM in Section 2.4. While this section provides the analysis of the IRM’s findings for the commitments that meet the criteria described above, Section 2.4 includes an overview of the level of completion for all the commitments in the action plan.

Commitment 6: Amending Media Registration Bylaws	
Aim of the commitment	Problems with media sustainability in Serbia contributed to media outlets being dependent on different types of direct state funding. ²⁴ For years, questions have been raised about how state funding is allocated to media, ²⁵ while the media register displayed insufficient data to allow for tracking of this problem. ²⁶ This commitment aimed to amend the rules for registering in the Media Register to: 1) introduce more information categories in the register’s display and 2) mandate funding providers to disclose more information on funding. The general goal was to increase transparency and thus improve the way citizens and other stakeholders scrutinize media financing by the state. ²⁷
Did it open government? Marginal	In June 2019, an amendment to Article 4 of the relevant bylaw changed the rules about the necessary documentation for registering in the Media Register. ²⁸ Any public authority ²⁹ allocating funds to media is now obliged to submit information on the allocated funds(i.e. a formal decision on allocating funds in the name of state aid or other act based on which funds are allocated, including the amount of funds) to the Business Registry Agency. It is unclear if the law has been interpreted to also include public funds spent on advertising. A legal obligation remains to update the register within 15 days from the decision to award funds, including fines of up to \$1,500USD on responsible public officials for non-compliance. ³⁰ Improvements to the media register’s public portal now include more information categories on state funds allocated to media. For each media outlet, the register contains the following new categories: 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) the type of funds (e.g. state aid); and 4) exact amount of awarded state aid or contract value. A media representative involved in this commitment expressed the need for further improvement of the register that would reveal, for example, ownership structures, cash flows, labor relations, and professional standards in each media outlet. ³¹

	<p>Although new <i>categories</i> of information exist, actual <i>information</i> within the categories is not always complete. For example, the IRM researcher performed a quick search of most popular TV and print media and discovered missing information in some cases. Additionally, reasons for funding other than state aid are difficult to find, and most decisions on awarded funds could not be opened nor downloaded. A civil society organization representative involved in an independent initiative to create a database on project co-financing of media by the state confirmed still needing to proactively seek data from the authorities by using FOI requests and that a large part of public funds allocated to the media (e.g. through public procurement) is still not transparent.³² The media register portal only makes it possible to search information on funding by searching for specific media outlets but not to extract aggregated information on the total amounts of funding public institutions are spending.</p> <p>As identified in the Design Report, the lack of significant consequences for non-compliance with information disclosure may require amendments to the Law on Media.³³ The recommendations from the Design Report may still prove useful in improving implementation, such as raising awareness among public authorities to provide data in the register, standardizing rules of procedures for fund-awarding committees, and providing more training for committee members and local officials in applying regulations.³⁴</p> <p>Overall, the commitment introduced new categories of information to be disclosed to the public, but the limited options for searching information and lack of clarity around the completeness of the information limit the level of transparency in the allocation of state funds in the media sector. Working to ensure more complete information that can also be searched by public bodies and to provide aggregate information, can improve the possibility for there to be effective oversight and accountability of media funding beyond this action plan cycle.</p>
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Commitment 9: ePaper	
Aim of the commitment	Long and complicated administrative procedures hamper business activities in Serbia, often with vague requirements, which waste time and increase costs for businesses. The commitment, carried forward from the 2016–2018 action plan, thus intended to mitigate the burdens that businesses face by reducing time and fees. ³⁵ The action would simplify overly complicated procedures, digitalize them, cut red tape, and create a central public register of administrative procedures to enable access to complete and update information. ³⁶
Did it open government? Major	The Law on the Register of Administrative Procedures had not yet been adopted at the time of writing of this report (the draft bill was open to public consultation until 9 December 2020). ³⁷ The register of administrative procedures for businesses is developed and expected to be published in Spring 2021. ³⁸

	<p>In any case, the efforts of the Public Policy Secretariat (PPS) together with business representatives, optimized administrative procedures for businesses in Serbia. Out of 2,600 procedures for businesses at the national and provincial level that were examined, 4 have been abolished, 133 simplified, and 27 procedures can be fully done online.³⁹ For example, the process for workers abroad getting a job in Serbia has been reduced from 4 procedures to just 1 application form, which is processed in half the time than it was previously.⁴⁰ Another example is the process of claiming tax refunds, which is done online, and records are automatically pulled from government databases rather than individuals having to provide copies of tax statements. The government has also claimed that citizens now collectively save over 1.7 million hours of queuing for a specific procedure that can be conducted online rather than requested in person in police stations.⁴¹ Other newly digitized procedures also include those related to plant protection and tobacco products.⁴² The work will continue in the years to come as 389 additional procedures continue being simplified.⁴³ The PPS stated that the inclusion of citizen-related procedures is also underway and that more work will be done in the next year.⁴⁴ Nevertheless, the results fall short of the ambition of the action plan to simplify or abolish 500 procedures and digitalize 100 procedures.</p> <p>Publishing new information on the eGovernment Portal for 27 digitized procedures increased transparency of service provision for businesses, while administrative simplification achieved a €32 million yearly cost-saving for businesses, according to the PPS.⁴⁵ New information on the portal includes the responsible institution and legal basis for procedures, purpose and description of procedures, necessary documents, fees, deadlines, and appeals.⁴⁶ Part of the success lies in engaging with the business community as partners in the project and collecting their opinions and initiatives for change.⁴⁷ A PPS representative believes that Serbia is today an example of a good practice in providing digital services, as a result of this project.⁴⁸ A civil society representative said that implementation increased transparency and predictability about how procedures should be carried out, making them more efficient and reducing costs for business. They felt the ongoing optimization of procedures however is making slow progress due to limited capacities of individual administrative bodies.⁴⁹</p> <p>The early results of implementation of this commitment demonstrate the potential for even greater impact as services continue to be digitized and service information is proactively made available. The implementation of the commitment at this stage demonstrates a major step forward in government openness both in the kind of information about services that is being made public, as well as the collaborative approach with businesses to identify where to make improvements to procedures.</p>
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²⁴ For example, public calls for project co-financing, public procurement, advertising, and the like. See Serbia Design Report 2018-2020, p. 32, available at https://www.opengovpartnership.org/wp-content/uploads/2019/11/Serbia_Design_Report_2018-2020_EN.pdf (retrieved in November 2020)

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- ²⁵ A team of investigative journalists recently created a web portal “Kešformisanje”, which reveals how much money municipalities allocated to media in 2017, 2018, and first three months of 2019, compared with the number of fake news and other media manipulations journalists had discovered in particular media. <https://www.raskrikavanje.rs/kesformisanje/>
- ²⁶ For example, the register did not display information on fund providers or the reasons for funding other than “state aid.”
- ²⁷ Serbia Design Report 2018–2020, p. 32, available at https://www.opengovpartnership.org/wp-content/uploads/2019/11/Serbia_Design_Report_2018-2020_EN.pdf (retrieved in November 2020)
- ²⁸ Rulebook on Documentation to be Submitted in the Procedure of Media Registration in the Media Register, Official Gazette of the Republic of Serbia nos. 126/2014-17, 61/2015-21, 40/2019-35, <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/reg/viewAct/998ec197-ec9e-4558-b84a-3a98cceb58c>
- ²⁹ For example, state bodies, bodies of the autonomous provinces, bodies of the local self-government, including state owned or predominantly financed companies, etc.
- ³⁰ Articles 39 and 137, Law on Public Information and Media, “Official Gazette of RS”, No. 83/2014, 58/2015 and 12/2016 - authentic interpretation, https://www.paragraf.rs/propisi/zakon_o_javnom_informisanju_i_medijima.html
- ³¹ Balkan Investigative Reporting Network (BIRN) Serbia, Interview with IRM researcher, 17 November 2020.
- ³² President of Board of Center for Sustainable Communities, interview via email correspondence, February 2021.
- ³³ Serbia Design Report 2018–2020, p. 33, available at https://www.opengovpartnership.org/wp-content/uploads/2019/11/Serbia_Design_Report_2018-2020_EN.pdf (retrieved in November 2020)
- ³⁴ See recommendations from Serbia Design Report 2018–2020, op. cit., p. 34
- ³⁵ Serbia Design Report 2018–2020, op. cit., p. 43
- ³⁶ For example, the required steps, responsible institutions, legal grounds, necessary forms, and other details.
- ³⁷ PPS, “Javna rasprava o Nacrtu zakona o registru administrativnih postupaka”, RSJP.GOV.RS, 20 November 2020, <https://rsjp.gov.rs/cir/vesti-cir/javna-rasprava-o-nacrtu-zakona-o-registru-administrativnih-postupaka/>. (retrieved in November 2020)
- ³⁸ PPS representative, meeting minutes of the first Special Inter-Ministerial Working group 2020–2022 meeting, 19 May 2020, available at <http://mduls.gov.rs/uprava-po-meri-svih-nas/strateska-dokumenta/>. (retrieved in November 2020)
- ³⁹ Public Policy Secretariat Representative, responses provided to IRM researcher on 30 November 2020.
- ⁴⁰ The single application form is shared between the different ministries so they can interact and process the application simultaneously. Previously the four procedures took 45 days to complete, whereas the new process can be carried out in 20 days. It is now much easier for employers to recruit workers from abroad without their needing to be in Serbia up to 90 days beforehand.
- ⁴¹ Government of Serbia, Service of issuing Certificates of (non) punishment on the eGovernment Portal, 3 June 2019. <https://euprava.gov.rs/uverenje-o-ne-kaznjavanju>
- ⁴² According to the PPS representative, 22 procedures relate to the plant protection procedures and include entry in the register of distributors and importers of plant nutrition products, recognition of registration of plant protection products, entry in the register of producers of seeds, seedlings, mycelium of edible and medicinal mushrooms, entry in the register of plant nutritionists and soil improvers, while four relate to the tobacco products. Responses received on 30 November 2020. See eGovernment portal, section “Businesses”, available at: <https://euprava.gov.rs/>
- ⁴³ Public Policy Secretariat Representative, responses provided to IRM researcher on 30 November 2020.
- ⁴⁴ PPS representative, fourth meeting of the special inter-ministerial working group for developing the 2020–2022 action plan, 18 November 2020;
- ⁴⁵ “Digitized the first 27 procedures for obtaining licenses, permits and approvals for the economy” <https://rsjp.gov.rs/cir/vesti-cir/digitalizovano-prvih-27-postupaka-za-do/> and according to PPS representative, “Government After Shock” conference, 17 November 2020.
- ⁴⁶ See, for example, information about submitting a request for confirmation that the producer or importer of tobacco products reported to the Tobacco Administration the retail prices of tobacco products, available at the eGovernment Portal: <https://euprava.gov.rs/usluge/6282>
- ⁴⁷ See Serbia End-of-Term Report 2016–2018, p.46, available at https://www.opengovpartnership.org/wp-content/uploads/2019/03/Serbia_End-Term_Report_2016-2018_EN_final_web_publication_7-March-2019.pdf. (retrieved in November 2020)
- ⁴⁸ Ibid.
- ⁴⁹ Response received from representative of a non-governmental association of organizations, which deals with doing business-related topics, on 2 February 2021

2.4. Commitment implementation

The table below includes an assessment of the level of completion for each commitment in the action plan.

Commitment	What did the commitment achieve? <i>Completion: (no evidence available, not started, limited, substantial or complete)</i>
1. Publishing Budget Law in a machine-readable format	Not started: The Ministry of Finance published the Budget Law only in the .docx format, ⁵⁰ which cannot be deemed machine-readable. ⁵¹ The OGP working group considers this commitment as “not started.” ⁵² The government self-assessment report does not provide reasons why, nor did the Ministry of Finance representative.
2.E-calendar for financing civil society	Substantial: The former Office for Cooperation with Civil Society (OCCS) published the e-calendar of public calls for state financing of civil society organizations, which is searchable based on multiple criteria (including territory, eligibility, area, duration, etc). ⁵³ There is currently 729 planned calls in the calendar from almost 90% of public bodies that filled out a relevant questionnaire. ⁵⁴ Furthermore, the office opened data from the calendar for 2019 by making it machine-readable and placing it on the official government Open Data Portal. ⁵⁵ The OCCS and the Office for IT and eGovernment worked on promoting the calendar through their events and through the project Open Data – Open Possibilities. ⁵⁶ However, an important activity that remained incomplete was to publish data on the <i>results</i> of those public calls. Additionally, no analysis of the use of the calendar was performed so far, ⁵⁷ although planned in the OGP action plan. The calendar managed to push the public bodies to publish and report calls (and even to establish this as a practice) and to have data presented in transparent way and in a single location, which to an extent brought improvement in access to information.
3.Publish data on environmental protection funds	Limited: In November 2019, the minister for environmental protection enacted a rulebook (bylaw) obliging local authorities to report on how they spent budget funds for environment protection through a non-public electronic portal (information system of the ministry). ⁵⁸ The aim of the commitment was to publish received data in an open data format and make the spending transparent. Due to the pandemic outbreak, however, the portal was launched only in September 2020 with the aim to first test it and collect feedback from local authorities until beginning of 2021, when it will be official. ⁵⁹ The ministry also provided a user manual and telephone support for the users of the portal. ⁶⁰ No data is therefore published yet. The process is delayed in the sense that the local authorities have until June 2021 to submit their reports. ⁶¹

<p>4. Opening data from public calls for financing work of associations and media development</p>	<p>Substantial:</p> <p>The legal framework relevant for this commitment is in place. Namely, in December 2018, the government approved a decree regulating conditions for developing and maintaining websites of public bodies.⁶² The decree prescribes that bodies publish machine-readable content on their web pages.⁶³ This piece of legislation, however, does not explicitly mandate publishing results of public calls in open data format, but implies this practice within the rather general provision. Although the Office for IT and eGovernment developed some instructive material to encourage opening of data,⁶⁴ the remaining activity from this commitment, to develop a specific guide for opening data on public calls, is not complete.⁶⁵ It is not known how many and which institutions, if any, currently open data from public calls for financing civil society and media.</p>
<p>5. Open data on reports on CSOs</p>	<p>Substantial:</p> <p>The former Office for Cooperation with Civil Society opened several datasets on the structure of civil society in Serbia on the Open Data Portal.⁶⁶ Data relates, inter alia, to the number of registered, ceasing to exist and established civil society organizations (CSOs) by years, months and territory, as well as the list of active CSOs in a certain time period, with accompanying codebooks⁶⁷ on areas of activity, municipality, and county. According to a CSO representative, there is significant room for improvement when it comes to transparency of the organizations that are registered.⁶⁸ For instance, founders or members of governing boards remain obscure and the published databases do not contain information on legal representatives (only the registers do). It is also unclear how often the datasets are updated in the Open Data Portal.</p> <p>The Catalyst Foundation reused the data during an open data challenge,⁶⁹ to create a web page on CSOs, which serves to provide the public and donors with insight into the financial transparency of CSOs.⁷⁰</p> <p>There is limited use and searchability of the data because there is still remaining activity for this commitment, to develop a searchable portal on CSOs based on the data.</p>
<p>6. Amending Media Registration Bylaws</p>	<p>Complete:</p> <p>For details regarding implementation and early results, see Section 2.3.</p>
<p>7. Assistance with and monitoring of adoption of local anti-corruption plans</p>	<p>Substantial:</p> <p>The Anti-Corruption Agency (ACAS) developed a model local anti-corruption plan (LAP) in 2017⁷¹ and the methodology for monitoring LAP implementation in November 2019.⁷² It further promoted the methodology to the local authorities with a launch event⁷³ and provided grants for five civil society organizations to work with local authorities on developing LAPs, which ended by March 2020.⁷⁴ The support of five NGO grantees enabled LAPs to be adopted in five local self-government units, but only two also established monitoring bodies.</p>

	<p>Furthermore, whereas the ACAS regularly publishes quarterly reports on the progress with LAPs,⁷⁵ promotional events, however, were limited. In addition to the public awareness raising campaign to introduce citizens to LAPs, organized from 26 November 27 December 2018, there were in total two events during the implementation of the OGP action plan that aimed to promote the data on adopted LAPs and their monitoring.⁷⁶</p> <p>More broadly, the commitment linked to activities planned under Serbia's EU accession negotiations. By 15 September 2020, 106 out of 145 local self-government units (up from 86 in February 2019⁷⁷) had adopted local anti-corruption plans, of which 84 were in line with the ACAS model and 15 partially harmonized.⁷⁸ A total of 32 local self-government units formed a body for monitoring LAP implementation of which 21 were in line with the ACAS model (up from 8 in February 2019). Civil society groups have indicated that effective monitoring and implementation of the LAPs will be essential in delivering results in the fight against corruption.⁷⁹</p>
<p>8.Updating of electoral roll</p>	<p>Complete:</p> <p>Two amendments to a bylaw provided instruction for implementing the Law on Electoral Roll (November 2018) completed this commitment. According to article 8, para 2, embassies now forward voters' requests to vote abroad to the municipal/city administration in Serbia through a special online page within the electronic voter list system.⁸⁰ In article 4 of the same instruction, it is stipulated that the ministry in charge of maintaining the electoral roll takes over the data from the civic records related to deaths, as well as other data necessary for updating the electoral roll. Serbian Prime Minister confirmed that the civic record of deaths is electronically connected with the electoral roll.⁸¹ A Ministry of Public Administration and Local Self-Government representative provided a detailed description of how the data is electronically exchanged in practice.⁸²</p>
<p>9.ePaper</p>	<p>Substantial:</p> <p>For details regarding implementation and early results, see Section 2.3.</p>
<p>10.E-notice board</p>	<p>Limited:</p> <p>The e-notice boards on the webpages of public bodies were not introduced. Instead, the government took a different course of action than what the commitment proposed. In March 2020, the government enacted a new bylaw regulating document management in the state administration bodies.⁸³ A representative of the PM's office pointed out that this decree envisaged the transition to electronic document management and that its application would ensure that the commitment is completed.⁸⁴ A Ministry of Public Administration and Local Self-Government representative specified that the decree introduced an eMailbox for each registered user of the eGovernment Portal, through which bodies would electronically deliver administrative documents to users.⁸⁵ This approach represents a deviation from the initial idea. Although the decree will facilitate delivery, none of its provisions</p>

	<p>specifically relate to the e-notice boards. It is therefore unclear how it will bring more legal certainty for parties in administrative proceedings which are not registered users of the portal.</p>
<p>11.Improving proactive transparency – information booklet</p>	<p>Limited:</p> <p>This commitment was carried forward from the previous action plan and represents the most ambitious commitment in both cycles 2016-2018 and 2018-2020. It was considered as potentially transformative because it would oblige public bodies to publish information about their public procurement, income and expenditures, state aid and other sensitive information.</p> <p>However, while the pilot version of the portal (which would contain open data e-booklets on the work of public authorities) exists, it is not operational and contains a limited number of outdated e-booklets.⁸⁶ The main obstacle for making the portal operational and making the bodies publish e-booklets is the delayed amendment of the Law on Free Access to Information of Public Importance (explained in more detail in the commitment 12). Although proposed changes related to e-booklets brought no controversy, other proposed changes created deep discontent with civil society and other stakeholders.⁸⁷ Therefore, subsequent activities that depend on the law amendment and enforcement (e.g. enacting instructions for using the portal, training of civil servants to use the portal, promotion of the portal to the public) were put on hold.</p>
<p>12.Amend access to information law</p>	<p>Limited:</p> <p>The process of amending the law was open, transparent, and participatory. During 2018, work on amendments included multiple meetings with stakeholders (governmental and non-governmental),⁸⁸ early public consultations,⁸⁹ an official public debate period including a round table event.⁹⁰ Following the end of the public debate, the Ministry of Public Administration and Local Self-Government (MPALSG) issued a report summarizing comments but without feedback on how they were treated.⁹¹ At the time of writing of 2018-2020 Design Report (beginning of 2019), interviewed stakeholders indicated that proposed amendments had brought controversial, potentially backsliding measures for open government. In April 2019 the MPALSG collected opinions from 27 state administration bodies and European Commission,⁹² finalized the draft law and published an outline of main changes in November 2019.⁹³ In the meantime, the new commissioner for public information, who took over the office in September 2019, sent additional comments on the draft. MPALSG decided to wait for the general elections in 2020 for the new government to decide on the proposals for new amendments and the draft's approval.⁹⁴ At the end of the implementation period, the public was not aware of the state of the draft.⁹⁵ Around seven months following the end of the OGP action plan implementation period, MPALSG finalized the draft law and conducted a new public debate between 27 May and 16 June 2021.⁹⁶</p>

<p>13.Cooperation with CSOs on regulations</p>	<p>Limited:</p> <p>The former Office for Cooperation with Civil Society (OCCS) carried out 3 joint trainings on "Cooperation of local governments with civil society organizations in local community development" for civil society and public administration in February and March 2020.⁹⁷ There were over 80 representatives of both sectors, but the responsible institution did not specify the number of participants per sector.⁹⁸ Although 3 more trainings had been planned, they were cancelled due to the Covid-19 outbreak and the declared state of emergency. There was no remote training organized despite the increased trends of using video conferencing tools during the pandemic. According to the OCCS representative, reasons relate to the lack of budget for acquiring licenses or software for online conferencing, lack of equipment and interest of civil society organizations for attending online trainings and lack of human capacities within the OCCS itself⁹⁹. A manual for applying the guidelines has not been prepared.¹⁰⁰</p>
<p>14.E-civic engagement</p>	<p>Limited:</p> <p>The law to enable e-civic engagement has not been amended. Following a public debate on the draft law in October 2019,¹⁰¹ the Ministry of Public Administration and Local Self-Government prepared the draft and sent it to the Government for approval. It included provisions on introducing advisory and obligatory referendum, referendum campaign, introducing possibility to launch an online civic initiative (to be further regulated through a specific bylaw)¹⁰². These features should create more space for citizens' inclusion in the decision-making procedures both online and in the traditional way. Due to the parliamentary elections and the formation of the new government in 2020, the draft will again go through the inter-institutional consultative process and be re-sent to the government for approval.¹⁰³ The delays in law adoption halted the development of the bylaw and the launching of the online portal for electronic civic engagement.</p>
<p>15.Transparency and participation in parliamentary committees</p>	<p>Limited:</p> <p>Since October 2018 (the planned start date of this commitment) parliamentary committees held six sessions outside the capital city (where Parliament is based).¹⁰⁴ Minutes of five sessions are available, indicating that three sessions hosted on average 4–5 civil society representatives.¹⁰⁵</p> <p>The Parliament continues to use many different tools to ensure the public-facing aspect of its work,¹⁰⁶ and continues to inform and invite the media (and local government inform local civil society and media) ahead of meetings outside Parliament headquarters.¹⁰⁷ As a result of this commitment, the Parliament also established a contact form for each committee meeting held outside the headquarters, however, publicly available evidence does not confirm accomplishment of this commitment as envisaged by the action plan.¹⁰⁸ The contact form as envisaged in this commitment which would enable two-way communication between citizens and the National Assembly is not easily findable.¹⁰⁹ There is no publicly available information about how this particular two-way communication operates (whether or when citizens using the form will</p>

	<p>receive a reply or an invitation to participate in the sessions, for example), nor how or whether proposals submitted via the contact form will inform the planning of sessions outside the parliament headquarters.</p> <p>The subpage dedicated to the parliamentary committee sessions outside the headquarters is improved in the sense that it contains a map of Serbia with marked sessions from as far back as 2007 and information about each session held, including officially adopted documents of working bodies.¹¹⁰</p>
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⁵⁰ MFIN.GOV.RS, “Law on the Budget of the Republic of Serbia for 2020” <https://www.mfin.gov.rs/propisi/zakon-o-budzetu-republike-srbije-za-2019-godinu-sl-glasnik-rs-br-95-od-8-decembra-2018-god/> (retrieved in November 2020) and

MFIN.GOV.RS, “Law Amending the Law on the Budget of the Republic of Serbia”, <https://www.mfin.gov.rs/propisi/zakon-o-izmenama-i-dopunama-zakona-o-budzetu-republike-srbije-sluzbeni-glasnik-rs-br-72-2019/>. (retrieved in November 2020)

⁵¹ The Open Data Standards Directory states that DOC(X) does not represent a machine-readable format. See more at Open Data Standards Directory, <https://datastandards.directory/glossary#glossary-definition>. (retrieved in November 2020)

⁵² Fourth meeting of the special inter-ministerial working group for developing action plan 2020-2022, 18 November 2020.

⁵³ Office for Cooperation with Civil Society, “The Calendar of Public Calls for 2019”, <https://www.civilnodrustvo.gov.rs/info-servis/konkursi/kalendar-konkursa.532.html>, the calendar portal is available at <https://konkursi.civilnodrustvo.gov.rs/naslova>. (retrieved in November 2020)

⁵⁴ Ibid.

⁵⁵ Open Government Portal, “Calendar of planned public calls of public administration bodies for civil society organizations in 2019” <https://data.gov.rs/sr/datasets/kalendar-planiranih-javnih-konkursa-organa-javne-uprave-za-organizatsije-tsvilnog-drustva-u-2019-godini/>. (retrieved in November 2020)

⁵⁶ OCCS representative and representative of Office for IT and eGovernment, responses received on 16 November 2020.

⁵⁷ OCCS representative, response received on 16 November 2020.

⁵⁸ Rulebook on the template program for the use of budget funds and the report on the use of budget funds, the manner and deadlines for their submission, Official Gazette of the Republic of Serbia, no. 80/2019-62, <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2019/80/2/reg>.

⁵⁹ Representative of the Ministry for Environmental Protection, responses received on 13 November 2020.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Decree on Detailed Conditions on Creating and Maintaining a Web Presentation of Authorities, Official Gazette of the Republic of Serbia, no. 104/2018-10, <http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/uredba/2018/104/5/reg>.

⁶³ Ibid., Article 3.

⁶⁴ For example, open data guide, instructions for publishing at the open data portal and developing open budgets, available at the Open Data Portal, <https://data.gov.rs/sr/documents/> (retrieved in November 2020)

⁶⁵ Responses received from Ministry of Public Administration and Local Self-Government representative, 19 November 2020.

⁶⁶ Data on the number of registered, deleted and established associations, foundations and endowments by years and territory, data on registered and deleted associations, foundations and endowments by months, as well as the identification list of active civil society organizations, in a certain time period, with accompanying codebooks for areas, municipalities, towns and districts. “Periodic report on the number and structure of civil society organizations (associations, foundations and endowments)” available at: <https://data.gov.rs/sr/datasets/periodichni-izveshtaj-o-broju-i-strukturi-organizatsija-tsvilnog-drustva-udruszenja-fondatsija-i-zaduzhbina/> (retrieved in November 2020)

⁶⁷ Within the Serbian Business Registry Agency system, each activity and place of registration has its own code number. This means the state administration can recognize details on specific entities according to the defined code numbers in the codebooks.

⁶⁸ Interviewed CSO representative, 20 November 2020.

⁶⁹ Office for Cooperation with Civil Society, “Novi izazovi otvorenih podataka (prijave do 7. maja 2019. godine)”, 16 April 2019, [https://civilnodrustvo.gov.rs/poziv/novi-izazovi-otvorenih-podataka-\(prijave-do-7-maja-2019-godine\).39.html?invitationId=596](https://civilnodrustvo.gov.rs/poziv/novi-izazovi-otvorenih-podataka-(prijave-do-7-maja-2019-godine).39.html?invitationId=596). (retrieved in November 2020)

⁷⁰ See more at <https://neprofitne.rs/> (retrieved in November 2020)

⁷¹ Miloš Mojsilović, *Model lokalnog antikorupcijskog plana sa uputstvima za izradu, sprovođenje i praćenje*, Anti-Corruption Agency, Standing Conference of Towns and Municipalities, Belgrade, 2017, <http://www.acas.rs/wp-content/uploads/2019/09/Model-LAP.pdf>

⁷² Anti-Corruption Agency, *Metodologija za praćenje i izveštavanje o primeni lokalnog antikorupcijskog plana*, USAID Government Accountability Initiative, ACAS, November 2019, <http://www.acas.rs/wp-content/uploads/2019/11/Metodologija-za-pracenje-primene-i-izvestavanje-o-primeni-LAP-a-25.11.-pdf?pismo=lat>

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- ⁷³ Anti-corruption Agency, "Promovisana metodologija za primenu LAP", ACAS.RS, <http://www.acas.rs/promovisana-metodologija-za-primenu-lapa/> (retrieved in November 2020)
- ⁷⁴ Reports, Anti-Corruption Agency website, Anti-Corruption Agency, Belgrade, Serbia, 2020, <https://bit.ly/3oHCI7P> (retrieved in January 2020);
- ⁷⁵ Anti-corruption Agency, "Reports on LAP development", ACAS.RS, <http://www.acas.rs/izvestaji-2/> (retrieved in November 2020)
- ⁷⁶ Ministry of Public Administration and Local Self-Government representative, fourth session of the Special Inter-Ministerial Working Group, 18 November 2020.
- ⁷⁷ Planovi za borbu protiv korupcije usvojeni od strane 59% jedinica lokalne samouprave, <https://www.paragraf.rs/dnevne-vesti/110119/110119-vest13.html>, ACAS representatives, interview conducted on 14 February 2019.
- ⁷⁸ ACAS representative, responses received by IRM researcher on 10 November 2020.
- ⁷⁹ National Coalition for Decentralization representative, comments received by the IRM, 15 April 2021
- ⁸⁰ Instructions for the implementation of the Law on the Unified Voters' List, Official Gazette of the Republic of Serbia nos. 15/2012-36, 88/2018-79, 67/2020-25, <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/viewdoc?uuid=cd7d0dde-73d3-4307-96af-e3177ce6b85e®actid=430382&doctype=reg>
- ⁸¹ Novosti Daily, "Brnabić: Povezali smo birački spisak sa Matičnom knjigom umrlih", 19 February 2019, <https://bit.ly/2YvmxYV>. (retrieved in November 2020)
- ⁸² Ministry of Public Administration and Local Self-Government representative, responses provided on 20 November 2020.
- ⁸³ Decree on office operations of state administration bodies, Official Gazette of the Republic of Serbia no. 21/2020-41, <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/uredba/2020/21/7/reg> Its application will start on 1 April 2021.
- ⁸⁴ Minutes of the first Special Inter-Ministerial Working group 2020-2022 meeting, 19 May 2020, available at <http://mduls.gov.rs/uprava-po-meri-svih-nas/strateska-dokumenta/>. (retrieved in November 2020)
- ⁸⁵ Ministry of Public Administration and Local Self-Government representative, fourth meeting of the special inter-ministerial working group for developing action plan 2020–2022, 18 November 2020.
- ⁸⁶ Available at <https://informativ.poverenik.rs/naslovna>
- ⁸⁷ See Serbia End-of-Term Report 2016-2018 and Design Report 2018-2020.
- ⁸⁸ Ministry of Public Administration and Local Self-Government representative, responses received on 19 November 2020.
- ⁸⁹ Ministry of Public Administration and Local Self-Government, "Ministarstvo započinje postupak javnih konsultacija za ismene i dopune Zakona o slobodnom pristupu informacija od javnog značaja", MDULS.GOV.RS, 5.2.2018, <http://mduls.gov.rs/obavestjenja/ministarstvo-zapocinje-postupak-javnih-konsultacija-za-izmene-i-dopune-zakona-o-slobodnom-pristupu-informacijama-od-javnog-znacaja/?script=lat>. (retrieved in November 2020)
- ⁹⁰ Ministry of Public Administration and Local Self-Government, "Poziv za učešće u javnoj raspravi o Nacrtu zakona o izmenama i dopunama Zakona o slobodnom pristupu informacijama od javnog značaja", MDULS.GOV.RS, 22.3.2018, <http://mduls.gov.rs/obavestjenja/poziv-za-ucesce-u-javnoj-raspravi-o-nacrtu-zakona-o-izmenama-i-dopunama-zakona-o-slobodnom-pristupu-informacijama-od-javnog-znacaja/?script=lat> (retrieved in November 2020)
- ⁹¹ Ministry of Public Administration and Local Self-Government, Report on the conducted public debate, available at <http://mduls.gov.rs/obavestjenja/poziv-za-ucesce-u-javnoj-raspravi-o-nacrtu-zakona-o-izmenama-i-dopunama-zakona-o-slobodnom-pristupu-informacijama-od-javnog-znacaja/?script=lat> (retrieved in January 2021)
- ⁹² Minutes of the first Special Inter-Ministerial Working group 2020-2022 meeting, 19 May 2020, available at <http://mduls.gov.rs/uprava-po-meri-svih-nas/strateska-dokumenta/>. (retrieved in November 2020)
- ⁹³ Ministry of Public Administration and Local Self-Government, "Informacija o radu na izmenama i dopunama Zakona o slobodnom pristupu informacijama od javnog značaja", MSULS.GOV.RS, 5.11.2019 <http://mduls.gov.rs/javne-rasprave-i-konsultacije/informacija-o-radu-na-izmenama-i-dopunama-zakona-o-slobodnom-pristupu-informacijama-od-javnog-znacaja/?script=lat>. (retrieved in November 2020)
- ⁹⁴ Minutes of the first Special Inter-Ministerial Working group 2020-2022 meeting, 19 May 2020, available at <http://mduls.gov.rs/uprava-po-meri-svih-nas/strateska-dokumenta/>. (retrieved in November 2020)
- ⁹⁵ A civil society coalition commented that, "Ministry of Public Administration and Local Self-Government web page does not contain basic information on the drafting of the Law in the period following the establishment of the working group which currently works on the amendments, which means this activity is hidden from the public. The latest published information on the proposed legislative solutions dates from November 2019"; See also: Youth Initiative for Human Rights, "Request to the government of the republic of Serbia with regard to the elimination of shortcomings in the drafting of the law on free access to information of public importance", YIHR.RS, 12 February 2021, <https://www.yihr.rs/en/request-to-the-government-of-the-republic-of-serbia-with-regard-to-the-elimination-of-shortcomings-in-the-drafting-of-the-law-on-free-access-to-information-of-public-importance/> (retrieved in May 2021).
- ⁹⁶ Ministry of Public Administration and Local Self-Government, "Javna rasprava o nacrtu zakona o izmenama i dopunama zakona o slobodnom pristupu informacijama od javnog značaja", MDULS.GOV.RS, 27 May 2021 <http://mduls.gov.rs/javne-rasprave-i-konsultacije/javna-rasprava-o-nacrtu-zakona-o-izmenama-i-dopunama-zakona-o-slobodnom-pristupu-informacijama-od-javnog-znacaja/>
- ⁹⁷ OCCS, "Razvoj lokalnih zajednica kroz jačanje kapaciteta dva sektora", CIVILNODRUSTVO.GOV.RS, 12 March 2020, <http://www.civilnodrustvo.gov.rs/vest/razvoj-lokalnih-zajednica-kroz-ja%C4%8Danje-kapaciteta-dva-sektora.37.html?newsId=1158>. (retrieved in November 2020)

⁹⁸ OCCS representative, response received on 16 November 2020.

⁹⁹ OCCS representative, additional response received on 13 January 2021.

¹⁰⁰ Ibid.

¹⁰¹ Ministry of Public Administration and Local Self-Government, “Javna rasprava o nacrtu zakona o referendum i narodnoj inicijativi”, MDULS.GOV.RS, 25 October 2019 <http://mduls.gov.rs/javne-rasprave-i-konsultacije/javna-rasprava-o-nacrtu-zakona-o-referendumu-i-narodnoj-inicijativi/?script=lat>. (retrieved in November 2020)

¹⁰² *Draft Law on Referendum and Civic Initiatives*, Ministry of Public Administration and Local Self-Government, Government of the Republic of Serbia, Belgrade, Serbia, 2019, <https://bit.ly/3icc9jh> (retrieved in January 2020).

¹⁰³ Ministry of Public Administration and Local Self-Government representative, responses received on 20 November 2020.

¹⁰⁴ In Kruševac (30 and 31 May 2019), Zrenjanin (5 and 6 September 2019), Vranje (27 September 2019), Stara Planina (17 October 2019), Čačak (31. October and 1 November 2019), and Pančevo (15 November 2019). National Assembly of the Republic of Serbia representative, responses received by IRM researcher on 20 November 2020.

¹⁰⁵ Sessions that hosted civil society organizations were held in Vranje, Čačak and Stara Planina. Minutes are available at <http://www.parlament.gov.rs/aktivnosti/narodna-skupstina/radna-tela/sednice-odbora-van-sedista-narodne-skupstine.4146.html>. (retrieved in November 2020). A sixth meeting – the 24th session of the Committee on Human and Minority Rights and Gender Equality - was held on 15 November 2019 and an article from the Parliament website indicates that civil society organizations were present (24th sitting of the Committee on Human and Minority Rights and Gender Equality, National Assembly of Serbia, 15 November 2019,

http://www.parlament.gov.rs/24_sednica_Odbora_za_ljudska_i.37986.43.html) The minutes of this meeting were not adopted and published as the committee did not hold a subsequent session in full capacity before elections were held for the minutes to be approved (Comments provided to IRM by National Assembly officials, 15 April 2021)

¹⁰⁶ See Serbia Design Report 2018-2020, P. 57, endnote 1, https://www.opengovpartnership.org/wp-content/uploads/2019/11/Serbia_Design_Report_2018-2020_EN.pdf (retrieved in November 2020)

¹⁰⁷ Comments provided to IRM by National Assembly officials, 15 April 2021

¹⁰⁸ *To establish two-way communication with citizens via a separate section of the National Assembly website dedicated to sessions outside of the headquarters (...) 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 organizations at committee sessions outside of the headquarters (...) through a contact form on the subpage dedicated to sessions outside the headquarters.* Serbia 2018-2020 action plan, pp. 62–63, available at https://www.opengovpartnership.org/wp-content/uploads/2019/01/Serbia_Action-Plan_2018-2020_EN.pdf. (retrieved in November 2020)

¹⁰⁹ A user has to enter a specific session that was already held, scroll down passing a text article on the session outcomes, videos, accompanying documents, photos, related sessions of the same committee of the session, until reaching the contact form at the end of the page. The contact form allows you to select which committee you want to contact. See example: http://www.parlament.gov.rs/24_sednica_Odbora_za_ljudska_i_manjinska_prava_i_ravnopravnost_polova.37987.4142.html?loc_id=64. (retrieved in November 2020)

¹¹⁰ Available at <http://www.parlament.gov.rs/aktivnosti/narodna-skupstina/radna-tela/sednice-odbora-van-sedista-narodne-skupstine.4141.html>. (retrieved in November 2020)

III. Multistakeholder Process

3.1 Multistakeholder process throughout action plan implementation

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 a country or entity must meet in their action plan development and implementation to act according to the OGP process. Serbia **did not act** contrary to OGP process.¹¹¹ Serbia, however, did not ensure an even balance of government and non-government representatives in the national multi-stakeholder forum.

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

Table [3.2]: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply it to OGP.¹¹² In the spirit of OGP, most countries should aspire to “collaborate.”

Level of public influence		During development of action plan	During implementation 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		

Over the period of Serbia’s third action plan cycle (2018–2020), two consecutive working groups were tasked to monitor and discuss action plan implementation. The first one was launched in March 2018 and ceased to exist in May 2020,¹¹³ when the second one, still ongoing, was formed.¹¹⁴ They serve(d) as the multistakeholder forum comprising both government and non-government members, albeit unevenly represented.¹¹⁵ The civil society organization (CSO) representatives were selected based on an open, transparent and competitive call for participation.¹¹⁶ Action plan implementation was covered at four working group meetings held between April 2019 and May 2020. As government bodies were responsible for implementation, the discussion included brief reporting on each commitment’s progress by the responsible persons. Involved members (including CSOs) received updates to monitor implementation progress and had the opportunity to provide additional comments or feedback.

The government did not organize open meetings with the broader civil society community to discuss implementation specifically, nor did it conduct consultations on the midterm self-assessment report. However, the government did provide opportunities for discussion through various other events within the national OGP context. First, organizations that are not formally members of the working group could attend working group meetings. Second, several central and local events as part of the OGP Week 2019 hosted CSOs as participants, panelists and moderators.¹¹⁷ Subsequently, in July 2019, a consortium of civil society organizations that received funds from the OGP multi-donor trust fund presented a six-month report on the implementation of the action plan.¹¹⁸ Finally, during the development of the new action plan in 2020, some of the broader consultative meetings with CSOs included mentioning of activities undertaken within the previous action plan.¹¹⁹

Though CSOs did not have a decision-making role in commitment implementation, they were invited to directly engage in the implementation of some commitments. For example, within Commitment 6 on the media register, CSOs provided recommendations and input to the responsible ministry on amending the rulebook for registering media. Five CSOs (some of which are not part of the working group) received funds to support local governments to develop local anti-corruption plans (commitment 7) and establish mechanisms for their implementation. For commitment 3 on environmental protection funds, the Standing Conference of Towns and Municipalities helped the responsible ministry distribute invitations to municipalities to sign in the portal for reporting on the spent funds.¹²⁰ Finally, the PPS partnered with a CSO outside the working group to receive proposals on how to optimize certain administrative procedures for businesses (Commitment 9).¹²¹ As pointed out by one CSO member, although activities were jointly conducted, actual decision-making remained within the authority of the responsible bodies and often out of sight of not only CSOs but also other members of the working group.¹²² According to the government POC, whether the commitments are implemented jointly depends on the nature of the commitment and on the competences of civil society organizations.¹²³ As government bodies have the veto power over commitment proposals and ultimate responsibility for their implementation, decision-making during implementation is in most cases out of reach of civil society.

Lastly, as mentioned above, the government published its midterm self-assessment report,¹²⁴ but it did not open it for public comments and feedback. In November 2020, the Ministry of Public Administration and Local Self-Government (MPALSG) conducted public consultations on the draft final self-assessment report,¹²⁵ and the working group members were also asked to provide comments. Some CSO members of the working group criticized the unrealistically positive presentation of progress in the self-assessment.¹²⁶ Following the consultations, the MPALSG published the final self-assessment report on its webpage.¹²⁷

Overall, government-civil society engagement throughout the action plan implementation did not differ much compared with the co-creation process to develop the action plan, but CSOs remarked on the significance of their role in implementation. Considering that the government provided opportunity to receive feedback from CSOs on the undertaken activities and to engage them in implementation of some commitments, the level of public influence is assessed as collaborate, the same as during the co-creation process. CSOs' feedback, nevertheless, points to a need for efforts to strengthen collaboration in the national OGP process.

¹¹¹ Acting Contrary to Process - Country did not meet (1) "involve" during the development or "inform" during implementation of the action plan, or (2) the government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

¹¹² "IAP2's Public Participation Spectrum," IAP2, 2014.

https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf

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- ¹¹³ Ministry of Public Administration and Local Self-Government, Decision Establishing the Special Inter-Ministerial Working Group for Developing the Third Action Plan for the Period 2018–2020 and Realization of Participation of the Republic of Serbia in the Open Government Partnership Initiative, 15 March 2018, <https://ogp.rs/wp-content/uploads/2018/04/Re%C5%A1enje-RG-OGP.pdf>; Decision Amending the Decision Establishing the Special Inter-Ministerial Working Group for Developing the Third Action Plan for the Period 2018–2020 and Realization of Participation of the Republic of Serbia in the Open Government Partnership Initiative, 10 July 2018.
- ¹¹⁴ Ministry of Public Administration and Local Self-Government, Decision Establishing the Special Inter-Ministerial Working Group for Developing the Fourth Action Plan for the Period 2020–22 and Realization of Participation of the Republic of Serbia in the Open Government Partnership Initiative, 5 May 2020, <http://mduls.gov.rs/wp-content/uploads/RE%C5%A0ENJE-RG-OGP-2020-2022..pdf> (retrieved in November 2020)
- ¹¹⁵ Both working groups comprised less than one-third (21%–23%) of civil society representatives.
- ¹¹⁶ The call for 2016–2018 working groups is available at <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>; the call for the 2018–2020 working group is available at <http://mduls.gov.rs/obavestjenja/partnerstvo-za-otvorenu-upravu-javni-poziv-za-ocd-za-ucese-u-radnoj-grupi-za-izradu-akcionog-plana-2020-2022-godine/?script=lat>. (retrieved in November 2020)
- ¹¹⁷ A conference was organized in Belgrade where civil society organizations were invited as participants, moderators and panelists, while some events were organized outside of Belgrade. See more at <http://mduls.gov.rs/obavestjenja/poziv-ocd-za-ucese-na-konferenciji-partnerstvo-za-otvorenu-upravu-u-republici-srbiji-otvorenost-u-sluzbi-poverenja/?script=lat> and <https://www.gradjanske.org/obelezavanje-nedelje-partnerstva-za-otvorenu-upravu/> (retrieved in November 2020). As part of the same week, Ministry of Public Administration and Local Self-Government and the OSCE Mission conducted a public questionnaire on the potentials and challenges in meeting Serbia’s OGP commitments, available at <http://mduls.gov.rs/saopstenja/nedelja-partnerstva-za-otvorenu-upravu-ogp-anketa/?script=lat> (retrieved in November 2020).
- ¹¹⁸ Ministry of Public Administration and Local Self-Government, “Srbija aktivno podržava sve inicijative Partnerstva za otvorenu upravu”, MDULS.GOV.RS, 29.7.2019, <http://mduls.gov.rs/saopstenja/srbija-aktivno-podrzava-sve-inicijative-partnerstva-za-otvorenu-upravu/?script=lat> (retrieved in November 2020).
- ¹¹⁹ Interviewed Ministry of Public Administration and Local Self-Government representative, 20 November 2020.
- ¹²⁰ Representative of the Ministry of Environmental Protection, responses received on 13 November 2020.
- ¹²¹ NALED, “Optimizacija administrativnih procedura”, NALED.RS, 28.5.2019, <https://naled.rs/optimizacija-administrativnih-procedura> (retrieved in November 2020)
- ¹²² Civil society organization representative involved in the national OGP working group, responses received on 10 November 2020.
- ¹²³ Interviewed POC, 20 November 2020.
- ¹²⁴ Available at Ministry of Public Administration and Local Self-Government webpage, <http://mduls.gov.rs/wp-content/uploads/Godi%C5%A1nji-izve%C5%A1taj-o-sprovo%C4%91enju-AP-OGP-2018-2020-Copy.pdf> (retrieved in November 2020).
- ¹²⁵ Ministry of Public Administration and Local Self-Government, “Konsultacije o nacrtu konačnog izveštaja-samoproceni implementacije akcionog plana za sprovođenje inicijative partnerstvo za otvorenu upravu 2018-2020. godine”, MDULS.GOV.RS, 24.11.2020. <http://mduls.gov.rs/javne-rasprave-i-konsultacije/konsultacije-o-nacrtu-konacnog-izvestaja-samoproceni-implementacije-akcionog-plana-za-sprovođenje-inicijative-partnerstvo-za-otvorenu-upravu-2018-2020-godine/> (retrieved in November 2020).
- ¹²⁶ Interviewed civil society organizations, 30 November 2020.
- ¹²⁷ Available at <http://mduls.gov.rs/uprava-po-meri-svih-nas/strateska-dokumenta/>

3.2 Overview of Serbia’s performance throughout action plan implementation

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	During Development	During Implementation
1a. Forum established: A special working group, established in May 2020 by minister’s decision, is tasked to develop the 2020–2022 action plan and monitor remaining implementation of the 2018–2020 action plan. ¹²⁸ This group replaced the former working group for developing and monitoring the 2018-2020 action plan. ¹²⁹	Green	Green
1b. Regularity: The OGP working group met to discuss implementation four times during implementation (between April 2019 and May 2020). ¹³⁰	Green	Green
1c. Collaborative mandate development: This was assessed in the Design Report	Green	
1d. Mandate public: The decisions establishing the working group from 5 May 2020 and from 15 March 2018 (including amended decisions from 2018) are publicly available at the Ministry of Public Administration and Local Self-Government webpage. The decision from 2020 is not available at the national OGP webpage (ogp.rs). ¹³¹ Both decisions and their amendments contain information on the forum’s remit, membership and governance structure.	Yellow	Yellow
2a. Multistakeholder: The working group includes both government and non-government representatives. ¹³²	Green	Green
2b. Parity: The working group does not include an even balance of government and non-government representatives. In the working group 2018–2020, out of 37 members, there were 8 non-governmental and 5 local self-government representatives. ¹³³ The working group 2020–2022 comprises 48 members, out of which 11 members are non-governmental, and 5 members represent the local level. ¹³⁴	Red	Red
2c. Transparent selection: Civil society organizations were selected based on an open, transparent and competitive call for participation in both working groups, current ¹³⁵ and previous. ¹³⁶	Green	Green

2d. High-level government representation: Both working groups (former and incumbent) comprised only one high-level representative with decision-making authority from government (state secretary in the Ministry of Public Administration and Local Self-Government). ¹³⁷ They participated at the first Working Group meeting.	Yellow	Yellow
3d. Openness: Besides the formal civil society membership in the working group, based on a selection process, some individual implementing bodies received input and representation on the action plan implementation outside the working group. ¹³⁸ Moreover, non-members are also welcome in the working group sessions.	Green	Green
3e. Remote participation: The working group at times used video-conference platforms to meet virtually. ¹³⁹	Green	Green
3f. Minutes: All minutes of the working group meetings relevant for the 2018–2020 action plan are publicly available on the web page of Ministry of Public Administration and Local Self-Government. ¹⁴⁰ The national OGP web page lacks minutes of the new working group 2020–2022 sessions. ¹⁴¹	Green	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 Implementation	
4a. Process transparency: The national OGP website and the Ministry of Public Administration and Local Self-Government (MPALSG) website regularly published meeting minutes of the OGP working group on which progress of commitment implementation was discussed, including progress against milestones, reasons for any delays and next steps. ¹⁴²	Green
4b. Communication channels: National OGP website has a comment feature, but the page with this function currently shows progress of the 2016–2018 action plan. ¹⁴³	Yellow
4c. Engagement with civil society: No open meetings with civil society organizations were organized specifically to discuss implementation of the 2018–2020 action plan. However, MPALSG did hold different events with civil society in 2019 and 2020 within the OGP theme, on which there was opportunity to talk about activities from the action plan implementation. ¹⁴⁴	Yellow
4d. Cooperation with the IRM: The working group coordinator shares the IRM report with members of the OGP working group to encourage input during the public comment phase.	Green
4.e MSF engagement: The OGP working group monitors action plan implementation progress through the working group meetings. Responsible bodies largely report on	Green

the progress, while there is sporadic deliberation on how to improve implementation. ¹⁴⁵	
4.f MSF engagement with self-assessment report: The MPALSG collected inputs from the bodies responsible for each commitment and compiled the end of term self-assessment report. The MPALSG forwarded the draft report to the OGP Working Group for comments and feedback on 24 November and simultaneously published it online for public comments. ¹⁴⁶	Green
4.g. Repository: The working group documented, collected, and published a repository on two domestic webpages.¹⁴⁷ It is being updated regularly and contains mainly reports and minutes of various meetings during development and implementation. Anyone can access the repository without passwords or credentials, but the repository on the MPALSG webpage is placed within “strategic documents” section, which is not easily distinguishable. The repository lacks sufficient documents or evidence of commitment implementation.	Yellow

¹²⁸ Decision Establishing the Special Inter-Ministerial Working Group, 5 May 2020, op. cit.

¹²⁹ Decision Establishing the Special Inter-Ministerial Working Group, 15 March 2018, op. cit.; Decision Amending the Decision Establishing the Special Inter-Ministerial Working Group, 10 July 2018, op. cit.

¹³⁰ Ministry of Public Administration and Local Self-Government representative, Fourth meeting of the OGP Working Group 2020-2022, 18 November 2020; Meeting minutes of the OGP working group available at <https://ogp.rs/akcioni-plan-2018-2020/#dokumenta> and <http://mduls.gov.rs/uprava-po-meri-svih-nas/strateska-dokumenta/> (retrieved in November 2020)

¹³¹ The latest available decisions date from 2018: <https://ogp.rs/pou-srbija/#akcioni-plan-2018-2020> and <https://ogp.rs/akcioni-plan-2018-2020/#dokumenta> (retrieved in May 2020)

¹³² Three decisions on establishing the working group, op. cit.

¹³³ Decision Amending the Decision Establishing the Special Inter-Ministerial Working Group, 10 July 2018, op. cit.

¹³⁴ Decision Establishing the Special Inter-Ministerial Working Group, 5 May 2020, op. cit.

¹³⁵ Ministry of Public Administration and Local Self-Government, “Open Government Partnership: “Public Call for CSOs to Participate in the Working Group for the Development of the Action Plan 2020-2022”, 30 January 2020, <http://mduls.gov.rs/obavestjenja/partnerstvo-za-otvorenu-upravu-javni-poziv-za-ocd-za-ucisce-u-radnoj-grupi-za-izradu-akcionog-plana-2020-2022-godine/?script=lat> (retrieved in November 2020).

¹³⁶ Office for Cooperation with Civil Society, “Open Government Partnership: Public Call for Civil Society Organizations for Membership in the Special Inter-Ministerial Working Group for the Development of the Action Plan for the Period 2018-2020” <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> (retrieved in November 2020).

¹³⁷ Decision Establishing the Special Inter-Ministerial Working Group, 5 May 2020, op. cit.

¹³⁸ See section 3.1 *Multi-stakeholder process throughout action plan implementation* of this report.

¹³⁹ IRM Researcher received a call and participated in virtual meetings of the working group. The latest meeting to discuss action plan implementation was organized over Zoom platform in May 2020 (first meeting of the working group 2020-2022), which is documented in the meeting minutes: <http://mduls.gov.rs/uprava-po-meri-svih-nas/strateska-dokumenta/>

¹⁴⁰ Ibid.

¹⁴¹ <https://ogp.rs/>

¹⁴² The webpage of the Ministry of Public Administration and Local Self-Government (working group coordinator) <http://mduls.gov.rs/uprava-po-meri-svih-nas/strateska-dokumenta/> and the national OGP web-page <https://ogp.rs/akcioni-plan-2018-2020/> and <https://ogp.rs/akcioni-plan-2018-2020/#dokumenta> (retrieved in November 2020).

¹⁴³ National OGP webpage, subpage “Action plan implementation process”, available at: <https://ogp.rs/proces-sprovodjenja-akcionog-plana/> (retrieved in November 2020).

¹⁴⁴ Several events were held under the OGP week in March 2019. See section 3.1 *Multi-stakeholder process throughout action plan implementation* of this report.

¹⁴⁵ Minutes of the working group sessions, available at <http://mduls.gov.rs/uprava-po-meri-svih-nas/strateska-dokumenta/>; <https://ogp.rs/akcioni-plan-2018-2020/> and <https://ogp.rs/akcioni-plan-2018-2020/#dokumenta> (retrieved in November 2020).

¹⁴⁶ Ministry of Public Administration and Local Self-Government, “Konsultacije o nacrtu konačnog izveštaja-samoproceni implementacije akcionog plana za sprovođenje inicijative partnerstvo za otvorenu upravu 2018-2020. godine”, MDULS.GOV.RS, 24 November 2020. <http://mduls.gov.rs/javne-rasprave-i-konsultacije/konsultacije-o-nacrtu-konacnog-izvestaja-samoproceni-implementacije-akcionog-plana-za-sprovodjenje-inicijative-partnerstvo-za-otvorenu-upravu-2018-2020-godine/> (retrieved in November 2020).

¹⁴⁷ The webpage of the Ministry of Public Administration and Local Self-Government (working group coordinator) <http://mduls.gov.rs/uprava-po-meri-svih-nas/strateska-dokumenta/> and the national OGP web-page <https://ogp.rs/akcioni-plan-2018-2020/> and <https://ogp.rs/akcioni-plan-2018-2020/#dokumenta> (retrieved in November 2020).

IV. Methodology and Sources

Research for the IRM reports is carried out by national researchers. All IRM reports undergo a process of quality control led by IRM staff to ensure that the highest standards of research and due diligence have been applied.

The International Experts Panel (IEP) of the IRM oversees the quality control of each report. The IEP is composed of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Franco
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual¹⁴⁸ and in Serbia's Design Report 2018–2020.

About the IRM

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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¹⁴⁸ IRM Procedures Manual, V.3 : <https://www.opengovpartnership.org/documents/irm-procedures-manual>

Annex I. IRM Indicators

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹⁴⁹ A summary of key indicators the IRM assesses is 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:
 - 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?
- **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 impact 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.

Results-oriented commitments?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment design 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.”)?

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. To receive a star, a commitment must meet several criteria:

- The commitment’s design should be **Verifiable**, **Relevant** to OGP values, and have **Transformative** potential impact. As assessed in the Design Report.
- The commitment’s implementation must be assessed by IRM Implementation Report as **Substantial** or **Complete**.

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

¹⁴⁹ “IRM Procedures Manual,” OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>