

Comments on the draft of the revised Action plan for chapter 23

February the 20th 2019

Regarding the publishing, The first revised Action plan for chapter 23 Transparency Serbia delivered to the Ministry of Justice comments on the draft of the revised Action plan for chapter 23 and proposal for amendments to certain parts.

Key comments and recommendations:

- Government, more precisely the Ministry of Justice should make the **analysis of why the planned obligations are not realized** and which are the reasons and problems that would lead to that. In the meantime, moving the deadlines without this analysis will not bring the results not even in the next period.
- The Ministry of Justice **should publish numerous analysis** on which they would refer while promoting specific solutions within the draft of Action plan
- **Changes of Law on Anticorruption Agency** should be planned so that the flaws can be removed, and problems identified in practice, not only because of one GRECO recommendation (eg measures that would prevent selecting the persons directly related with political subjects, for Agency director and members of the Committee, establishing higher level of authority of the Agency for work it performs, determining the competences of the Agency regarding opinions about risks from corruption in regulations, etc.)
- **Changes of the Law on public procurement** should be planned so that, in addition to further harmonization with EU rules, better supervision in this area is ensured. The description of the situation in this area should be supplemented with information on the problems in sanctioning.
- **Law on free access of information of public importance** – in the recommendation there is a word about improving the rules for free access to information, but also to ensure the implementation of rules on access of information in practice, while through the activities in Action plan only measures about changing the law frame are considered. Therefore, through the revision of the Action plan it is necessary to foresee activities which will ensure the application of current (and future) rules on access to information.

The analysis of the law frame which was conducted in the previous period does not represent a comprehensive analysis of the implementation of the Law on free access to information of public importance, but only some of its aspects. Besides that, the analysis does not refer on access of certain types of information which are specifically listed in the recommendation and Transition Scale, so that this activity can not be deleted from the Action plan, nor this analysis can serve as a legal ground for the Law changing.

- There is a positive change in the Action plan and that is the purpose of adopting a new National Strategy for fight against corruption and sectoral strategies for certain areas (health, taxes, education). However, a shorter deadline for its adoption should be envisaged, and a timetable for the start of the work on the Strategy should be determined. It should also define what its main goals are. In the current context, it should first of all deal with issues

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- **Vocabulary – “track records”**. Still, we do not have an adequate translation of this expression. On many places, in the occasion of defining the assignments in the revised Action plan, the term is very misinterpretative “Serbia should have established initial tracking” (acting on the requests for access of information, tracking the corruption, suppression irregularities in public procurements, in financing the parties, conflict of interests etc.). We find that is a wrong translation of the request that Serbia achieves the results in those fields.

The whole document is available (in Serbian) on the Transparency Serbia website:

http://transparentnost.org.rs/images/dokumenti_uz_vesti/Komentari_na_Prvi_nacrt_revidiranog_Akcionog_plana_za_Poglavlje_23_-_februar_2019.pdf