



# Transparency Serbia

## Overview of activities

October 2018

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## Activities

Delegation of the European Parliament, that was in Belgrade due to the meeting of the EU-Serbia Parliamentary Stabilization and Association Committee, met on the 29<sup>th</sup> of October 2018 with the representatives of several civil society organizations that are monitoring processes important for European integration of Serbia. Nemanja Nenadic, representative of the TS on this meeting, pointed out to the parliamentarians from Europe on the most actual issues in the fight against corruption. First of all, it is the adoption of the first Law on lobbying, which is currently in parliamentary procedure, and which will only partially fill one of the recommendation of GRECO from 2015. Namely, this law will really ensure that lobbying is regulated, but not the situations when the interested parties want to influence the decision of the authorities directly, instead through lobbyist as professional intermediaries. He also talked about a new draft of the Anti-Corruption Prevention Act, which is worse than the previous draft from 2016. He pointed to the dangers that are linked to some amendments on Law on Free Access to Information of Public Importance. He invited the European parliamentarians to support amendments to the Resolution EP on Serbia, which is to be brought due to annual report of the European Commission. In the amendments, which were made partly on the basis of contributions from civil society organizations, the state of things in Serbia and the key challenges for the upcoming period are more fully understood. Through the questions and answers of MPs and NGOs, there were also other issues, such as constitutional changes in the field of judiciary, civic activism, and work of trade unions and indicators of the economic situation.

The coalition prEUContract [presented](#) a progress report on chapters 23 and 24 on October 25th. Capturing the state violates the rights of citizens of Serbia and is the main problem of progress towards the European Union, it was concluded at the presentation. Parts of the report on fight against corruption were presented by program director of TS Nemanja Nenadic. More detailed in chapter "Conferences".

On Wednesday, October 31st, we presented key research findings and case study about elements of state capture in the areas of urban planning and the work of public companies.

On Wednesday, October 24, 2018. in Podgorica the final regional conference "Financial investigations in Serbia, Bosnia and Herzegovina and Montenegro" was held. It is a project implemented jointly by the Podgorica Monitoring and Research Center (CeMI), Transparency Serbia from Belgrade, and the Association for Democratic Initiatives from Sarajevo.





Nemanja Nenadic, as the author of the part of study on financial investigation related to Serbia presented the key findings and recommendations from this study. Among all, he pointed out on that legislative reform conducted at the end of 2016, with the effect from March 2018, partly related to financial investigations and the repression of corruption, and that it has not yet yielded more visible results. This particularly refers to the newly established four prosecutorial departments that have assumed competencies in the fight against corruption from all other basic and higher public prosecutors, and where the data on the effectiveness of the measures are still incomplete.

In the strategic plan, the initial flight that brought the adoption of the Financial Crime Investigation Strategy for the period 2015-16 was not continued even with the adoption of the action plan for that period, let alone by adopting a new strategy that would address the current problems and prevent future problems from occurring. The confusion caused by the use of different terms for the same things, or similar terms for different issues, what was widely presented in the strategy, left a large part of public and one part of the professionals in dilemma on around the scope of the term "financial investigation" and eventual difference which has to be made in relation to the "investigation of the financial crime".

Under the project "Financial investigation as a tool for the fight against organized crime and corruption" on the 22th And the 23th of October was an organized study visit of the prosecutor and justice representatives from Serbia, Montenegro and Bosnia and Herzegovina to the Ljubljana and Zagreb.

The Delegation of the Prosecutor's offices and Judiciary visited Special Prosecutors Office of the Republic of Slovenia, where in the legal frameworks and practices talked with Harry Furlan, the leader of the Prosecutor's Office, and his deputy, Darija Slibar State Prosecutor in the Financial Investigation Department, Luka Graseli, spoke about concrete cases and practices. During the visit to the State Prosecutor's Office of Croatia and USKOK, representatives of the Office for the Suppression of Corruption and Organized Crime, led by deputy director Natasa Djurovic, spoke with delegation members.

The annual assembly of Transparency International was held on October 20 and 21 in Copenhagen. Representatives of TI branches from almost 100 countries from all continents took part in the work of the Assembly. One member of the Board of Directors of TI was elected this time, several resolutions on world-wide issues were adopted, among them the safety of journalists and anti-corruption activists, as well as the need to examine information on tax evasion and possible corruption in the operations of banks and financial investors in the countries of the western Europe, and 25 years of TI have been marked. Representative of Transparency Serbia at this gathering, Nemanja Nenadić, participated in workshops on financing of political parties and campaigns, lobbying and using open data, where he exchanged experiences of Serbia, especially with representatives of TI branches from Central and Eastern European countries working on similar projects.



TI representatives from EU member states have launched an initiative in connection with the upcoming EU parliamentary elections, by addressing potential MPs, in order to make their self-commitments more supportive for effective anti-corruption mechanisms in the Union.

Under the project "Support to the development of the Local anti-corruption plan (LAP) in Novi Pazar" two sessions of the working groups were held on the 2<sup>nd</sup> and 3<sup>rd</sup> of October, where were considered first four fields from the Model of LAP. Next session are scheduled for the 6<sup>th</sup> and 7<sup>th</sup> of November.

The representative of TS Zlatko Minic, was present on the 23<sup>rd</sup> of October on the meeting of the EU-Serbia Joint Consultative Committee for Civil Society. In a debate on the topic "Ensuring of the public space and review of the situation of civil society in the Serbia".

Minic pointed to the problem of faking public debates and dialogue between authorities and civil society through the example of the Anti-Corruption Law. After three years of stalling and working, which included CSO representatives, the draft law was published in 2016. It was a text that was a significant step forward, compared to the current law, although several important proposals of the Agency, as well as Transparency, were not accepted. This draft, however, has never been adopted, and in July 2018 a new draft appeared. It was written after the new management of the Agency was appointed, and without the involvement of CSO representatives. The text barely brought something new in relation to the current law, and it is irreparably worse than the one from 2016. TS sent more than 30 amendments - proposals for improvement, publicly criticizing a draft. This prompted reaction by justice minister, dismissing criticism as non-argumented before anyone considered the amendments and the arguments. The Prime Minister, at a meeting with CSO representatives, coincided several days after the media correspondence of the TS and the minister, did not show interest in considering the proposals and contributing to the draft improvement, but said that the law could be changed again later.

Minic also confirmed that GONGOs - "governmental NGOs" are used to withdraw money from public funds, but also that they and their "leaders" are also used to create a false picture of the presence of the NGO sector in pro-government media. Even worse, they are occasionally incited by ministries to meetings with representatives of international organizations and delegations to present stance of CSOs.

Along with other 45 civil society organization, Transparency Serbia has supported the request to make the election of new members of Board of directors of RTS and RTV available to the public. In order to avoid controversy and objections of the part of professional and wide public, which marked previous appointment of members of boards of JMU, civil society organizations invited the REM Council to make election transparent by:

In the past month we published several answers which we received from the state authorities related to the cases of pointing the corruption in the media. You can see it on the page [Initiatives and analysis](#), where we also published several initiatives to state authorities related to the changes of the regulation on which the public hearing is conducted.



There is also the Commissioner's decision on the appeal against the City of Belgrade due to refusing to provide information about the meeting related to construction of "Tesla City" as well as the report (in English) on capturing of the police, prosecution and judiciary - [When law doesn't rule- State capture of the judiciary, prosecution, police in Serbia.](#)

Anticorruption Advisory Service (ALAC) Transparency Serbia in the previous period had 84 new cases – 33 on the basis of telephone calls to the free number 0800 081 081 and 21 based on the information received at the [ts@transparentnost.org.rs](mailto:ts@transparentnost.org.rs) and [savetovaliste@transparentnost.org.rs](mailto:savetovaliste@transparentnost.org.rs) by mail, by direct contact, or based on information found in press clipping and on the internet. In the bulletin we present two cases from the practice of Counseling Center.

One of the cases from the Counseling Center is addressing a person who questioned the regularity in calculation of the public enterprises in his place. After the call, we made him a request model. Then, however, he faced a failure to act upon the received request for the access to information, and also with verbal threats by unknown persons. As we didn't receive the answers on the sent requests, we first made a complaint to the Commissioner for information of Public Importance, and then we comprised on ourselves in the investigation through inquiries to the public enterprises. One of the goals of the Counseling Center is to give help and support in situations where citizens experience verbal and other threats, primarily in order to persevere in the intent to fight against corruption. In this case, it is obvious that the citizen has noticed serious irregularities, put pressure on the right questions and heads of public enterprises caused reaction which show us that we are on the right track. We will continue to provide him help and support, and in one part of the case we will transfer the burden and attention to the organization in order for him to avoid being under pressure.

In October, 295 news or articles were published about the activities of our organization, i.e. the news in which the views of the representatives of the TS were quoted.

**We are presenting a selection of texts that we published in the previous month:**



## *Under the magnifying glass*

### **Exhausting the public by the constitutional changes**

October 18, 2018

The fourth draft of constitutional amendments on the judiciary was criticized in a joint [statement](#) by professional associations of judges and prosecutors, and the associations dealing with the protection of human rights. Their conclusion is that the changes do not eliminate the political influence on the judiciary.

"The proposed version of the amendment, like the previous one, reduces the number of judges and prosecutors in the judicial councils in relation to the existing constitutional solution, and increases the number of members of these councils elected from political majority," - said in the statement, among other things - and added that "the fourth version of the draft of constitutional amendments is another step in the process of exhausting the domestic public by constitutional changes."

They have also pointed out that "support for the drafting of amendments by professional and professional organizations made during the constitutional changes can not change the fact that the draft does not comply with the opinion of the Venice Commission and other relevant bodies of the Council of Europe and is a step backwards in relation to the achieved level of depolitization judiciary".

Transparency Serbia has already [reacted](#) to the fourth draft, with similar arguments.



We pointed out that it is not only that constitutional solutions are problematic from the point of view of achieving the stated goal, but that it is not explained why the proposer considers that the judiciary will be free from political influence if the contribution of judges and prosecutors selected on the proposal of their colleagues in the future judicial councils is smaller than it is today.

The absence of such an explanation makes it impossible to conduct an argumentative discussion with the proposer about whether the constitutional amendments achieve the goal. That's why it's right to talk about the public's exhaustion by the constitutional changes.

Since the amendments to the Constitution are being implemented and the judiciary is being relieved of the political influence because of the citizens, which will be voted on by them on the referendum, citizens must receive an answer to the key questions in order for such a decision to make sense. Otherwise, their decision will depend on how much supporters or opponents of the proposed solutions have the opportunity to present their views in the most popular media, or from other irrelevant circumstances, such as general support or opposition to the proposals of the current government.



## Is there any medicine for the immunity abuse?

October 3, 2018.

As a part of the parliamentary debate, the head of the ruling party SNS, otherwise professor of law, professor Aleksandar Martinovic, "[asked Šabić](#)" (the Commissioner for Information of Public Importance and Protection of Personal Data) "when would he stop working against the interests of his own state, for the account of foreign intelligence services, because he does not receive salaries from foreign intelligence services but from the state budget."

This sentence, in any way, regardless of the question form (as the question "when will it stop" contains an undeniable claim on work for the foreign intelligence services), is a charge that the high state official, elected by the National Assembly, committed a serious crime. Namely, according to Article 315, par. 3) of the Criminal Code "Whoever sidesteps the intelligence service, collects information about it or otherwise helps its work, will be punished by imprisonment of one to ten years." The crime that Martinović accused Šabić for is even more serious because it's an accusation brought against a state official who, under the law, has access to and classified information of the highest rank, and to whom the Safety Information Agency [issued the appropriate certificate](#). If these allegations were true, this would mean that most of the state secrets are at risk of being given to "foreign secret services". For now, there is no reaction from a public prosecutor to bringing such disturbing allegations, and it should be, no matter how the public prosecutor holds to the truthfulness of what Martinović says.



It would be the only reliable way to determine whether the allegations are true or false and whether the system of security checks carried out by the BIA is functioning at all.

One of the reasons why there is no great importance of the truthfulness of what was said in the parliamentary speaker's speech could be wide defined immunity.

According to Article 103 of the Serbian Constitution, a deputy enjoys immunity and "can not be called to account for any criminal or other responsibility for expressing an opinion or voting in the performance of the deputy function." If under the notion of "expressed opinion" everything that the MP speaks at a session of the Assembly is subject to, this would mean that MPs, unlike other citizens, can not be held accountable for the criminal act of "false declarations" when they designate someone as the perpetrator of the criminal work, but they know he is not guilty. Due to the lack of responsibility, the credibility of such statements is essentially lost in effect. On the other hand, the consequence of lack of accountability is the enormous space for abusing the assembly booth by making unwarranted accusations against present and absent people.



This case is a good opportunity to recall that one of the unsuccessful recommendations of the Group of Anti-Corruption Groups (GRECO - which functions within the Council of Europe) of 2015 refers to "passing the Code of Conduct for People's Deputies". From this Code, GRECO expects that it can help resolve complex legal issues such as conflict of interest in the exercise of a parliamentary function.

As previously announced, the Codex would deal with questions of ethics and behavior of members of the legislative body. Already now it is quite clear that any expectations that the Code could change something essentially are unrealistic, but there is no political will for the adoption of such an act, of which violation would not lead to real sanctions.

However, as Serbia is sure to come to an amendment to the Constitution, it will be a great opportunity to substantially re-examine the current concept of immunity and to tackle where it is now being used contrary to the purpose for which it was introduced.

## Why there is no competition

October 2, 2018.

The news that only one company - the Chinese company "Shandong" - made an offer at the invitation of the City of Belgrade for partnership in the construction of four underground garages is poor.

Not because it is about this particular company, but because every single situation in which an open tender for getting a job with a state is made by only one bidder indicates that the

## Vesić: Kompanija iz Kine dala ponudu za koncesiju za garaže

PONUĐENI OTKAZ 2018. 10.09. – 10.09.

Kineska kompanija "Shandong" jedina je dala ponudu na poziv grada Beograda za partnerstvo u izgradnji četiri podzemne garaze i to Studentenski trg, Trg Republike, Kosovska i Frulevičevog ulica. Uzvuci je zamernik gradonačelnika Goran Vesić.

Goran Vesić je rekao da kompanija za specifičnosti ovog projekta ima visok rizik od 23. skretanje da nekompetitivna ponuda i da donosi odluku o primenjivanju ili poboljšaju leza.

Dokumenti

1 Marić Metalni potrošnici o podatu a Nevin Pašić je dobio dozvolu za izvođenje

2 Konzolidacija poslovanih uobičajeno Predstavnik Češke E. Šilhov

contracting authority did not do something right - that the conditions were set too sharply, potential candidates were not adequately informed, candidates are not convinced that the tender will be really open and honest due to previous experiences or because of knowledge about the usual way of doing business etc.

In this regard, a bad signal to potential partners for public private - partnerships and public procurements is certainly the fact that there are several jobs that are among the largest contracted through direct contracts, and without competition.

The basis for this was found in interstate agreements, which is why no domestic laws were applied at all, among them the Law on Public-Private Partnership and Concessions.

In this way, we recall the agreed private partner for the project "Belgrade Waterfront", for the transformation of "JAT" into "Air Serbia", for the construction of a new block of thermal power plant in Kostolac, for some sections of the highway, and recently for the modernization of the railway line towards Budapest.



Such type of a state business, promoted as a top national interest, is likely to affect the relationship of some other potential investors and business partners of the state, so they are reluctant to submit bids if they have no indications that they could be elected.

Transparency - Serbia made [proposals](#) for improving the rules on public private partnership and concessions, in which we

proposed: expanding the scope of information to be published on the public procurement procedure preceding the conclusion of the public-private partnership contract; prohibition to be designated as secret contract provisions or parts of other documents in which the obligations of the public partner are prescribed or explained; the obligation to monitor the implementation of the PPP contract and to gather information from interested parties.



## ***Initiatives and analyzes***

### **Open data on public procurement**

October 28, 2018

Transparency Serbia submitted to the Public Procurement Office objections and proposals in the framework of a public debate on amendments to the Law on Public Procurement. One of the proposals is related to open data that is, publishing data in machine readable form, and enabling them to search and compare for the selected group of public procurement at the Public Procurement Portal.

Namely, the Draft Law envisages the publication of a large number of data related to individual public procurement procedures, public procurement plans and reports on conducted public procurement, as well as those procurements to which the Law does not apply. The Draft also contains provisions that regulate electronic communication and the use of the Public Procurement Portal by the contracting authorities, tenderers, competent state authorities, as well as all other interested parties.

The Law on Electronic Administration in Article 27 of the Open Data Portal prescribes that the authority (the term largely coincides with the notion of the contracting authority in the sense of the Law on Public Procurement) is "obliged to publish, in the Open Data Portal, open data from the scope of its competence to a way that makes it easy to search and reuse". However, "for the purpose of re-use, the authority does not have the obligation to create or adapt open data if it requires disproportionate use of time or resources."

Furthermore, it is stipulated that the access to open data is provided free of charge, that the Portal is managed and maintained by the "competent authority" and that "Detailed conditions for the establishment and operation of the Open Data Portal, including organizational and technical standards, are regulated by the Government." The deadline for passing this bylaw act expired on October 14, 2018.

As can be seen from the above, authorities are obligated to publish their own open data on the central Open Data Portal. However, publishing data in one place does not present an obstacle for them to be published elsewhere. Specifically, when it comes to data related to public procurement, there is no obstacle, nor would it be contrary to the objectives of the Law on Electronic Administration if the same data were published on the web site of the authorities, or on the Public Procurement Portal.

The inclusion of provisions in the Public Procurement Law proposed by TS, on the other hand, crucial for the government agencies-contracting authorities-to publish open data at all. The same applies to the future Public Procurement Office (currently the Directorate) and to the Republic Commission for the Protection of the Rights in Public Procurement Procedures.



At the moment, but also after the adoption of the new Law, according to the existing Draft, data would be published in an open and machine-readable form only if the authorities themselves do that.

Alternatively, in one part, this goal could also be achieved through an act of the Article 184 of the Draft ("The Government office responsible for designing, harmonization, development and functioning of the E-government system prepares a user guide for Public Procurement Portal. Users are obliged to use the Public Procurement Portal in accordance with provisions in this law and with the Public Procurement Portal user guide and are solely responsible for the truthfulness and accuracy of the entered data") or through technical solutions of the future Public Procurement Portal.

However, the only way to ensure that the Guidelines foresee such solutions is to create a legal obligation. Regarding the publication of data on the work of the Republic Commission, since the current Draft does not foresee the publication of the report at all, it was necessary to prescribe both the obligation to publish the report and the form in which the reports will be published. The amendment to Article 183 is necessary, although in appearance, the user who takes documents from the Public Procurement Portfolio can certainly continue to use those documents. The updated addition takes the factual possibility of using information from the documents after they are downloaded into account.

For example, it is not only the point that the user can download the tender documentation for each public procurement, and that he can search each of them individually for a keyword or to copy parts of the text. It is necessary to provide such solutions that would give the user the ability to suddenly search for data (e.g. additional conditions) for the selected public procurement group.

Adoption of these amendments would significantly increase the general level of transparency and accountability in public procurement, not only through the control of the interested public, but also by increasing the possibility for the competent state authorities to identify weaknesses in the system and eliminate them. Adoption of the amendment would therefore contribute to the achievement of the goals of the fight against corruption, the safeguarding of public funds, the promotion of the use of electronic administration and the reform of public administration.

All submitted proposals can be downloaded from the TS website, from the [Initiative and Analysis](#) page.



## **Opening audit information**

October 20, 2018

The State Audit Institution announced that it will act on two initiatives of Transparency Serbia.

At the [presentation](#) of the thousand auditor's report, the President of the State Audit Institution and the State Auditor General, Duško Pejović, announced changes in the work of this institution, some of which are based on the proposals made by Transparency Serbia over the past years. Regarding the subject of audit reviews, he encouraged "all interested parties to come up with proposals on topics, because expert control of public finances is a matter for DRI, and the right to know how public money is spent is the right of all citizens."

In the opinion of the TS, this kind of encouragement should be accompanied by feedback on what has been done to the citizens and organizations that have indicated to the DRI about the problem.

In his speech, the General State Re. reflected directly on the recent [proposal](#) of Transparency Serbia to open data in the possession of the DRI so that it would be easier to use for the interested public - to all those who want to make comparisons by years and among the subjects of the audit, to analyze published data and to draw conclusions about public sector operations and audit effectiveness.

"In order to keep up with the times, we will open data from the Institution's report, with the exception of secret and private data, into machine-readable forms. The opening of the data is very important because in this way it significantly affects transparency, efficiency and economy. "In response to this announcement, Nemanja Nenadić, who attended this presentation, invited other state bodies to open data related to public finances, and legislators to prescribe such an obligation in the regulations."The Public Procurement Law is the most current at the moment, and its draft provides for the public to publish much important information, but it should already be specified that it must be published in an open format," he said.

Another important change in the work of DRI, which is related to Transparency initiatives, is the publication of response reports on the DRI website. In connection with this, DRI has announced the creation of a form that would make it easier for audit entities to produce these reports because they have done so "in various ways, often incomplete, so the DRI had to seek additional evidence". The state auditor promised that the response reports to the 2018 audit reports will be published on the DRI website. We remind that [Transparency initiated](#) the publication of response reports because citizens currently have only information on what problems DRI has detected and what it recommended in this regard at their disposal, but not what the audited entities did afterwards.



## *Conferences*

### **Alarm report of prEUgovor on the state of the rule of law in Serbia**

October 25, 2018

The capture of the state violates the rights of the citizens of Serbia and is a major problem of progress on the road to the European Union. It was concluded on the presentation of the latest independent [report](#) of the coalition PrEUContract on progress in Chapters 23 and 24, held on October 25, 2018 in Belgrade.

Part of the report on the fight against corruption was presented by program director TS Nemanja Nenadić:

Negative delay trends continued with the fulfillment of the obligations from the Action Plan for Chapter 23 EU Integration. In addition, it is obvious that there are no mechanisms for coordination of activities, problem solving, nor a serious revision of the AP has begun for the purpose of resolving these problems in the future.



1. There is no indication that the situation is substantially improved even in the situations when certain activities are fulfilled. A typical example is the law that should replace the current one on the Anti-Corruption Agency, whose draft is worse than previously published in 2016. Although adopting this law would improve the percentage of AP's fulfillment, it would not make substantial progress, because the content of the law does not provide solutions to the problems that the reform has undertaken.

2. The new constitutional amendments confirm the absence of the will to depoliticize the judiciary, which was the proclaimed reason to go to the referrals. The government did not provide an explanation why it believes that the reforms undertaken will bring about such changes, but only relies on the opinion of the Venice Commission on meeting minimum standards. As a result, a solution has been proposed that leaves even less room for judges and prosecutors in the judicial councils proposed by their colleagues than in the current constitution.

3. There are no changes in the implementation of laws that already exist, so, *inter alia*, there are left unresolved issues related to the depolitization of public enterprises and public administration, that continue to operate in "acting state".



4. Positive changes in this period may include changes in laws regarding public debates. However, the effects of these norms can be seen in full meaning only when the bylaws - the government's rules of procedure and the statutes of cities and municipalities - are amended.

In answering journalist questions, Nenadić pointed out that opening some negotiating chapters is something that is good for both Serbia and the EU, so that European officials and member states should not punish the bad performance of Serbia in the rule of law by not opening negotiations in other areas . On the contrary, EU officials, and especially politicians, need to make clear to the authorities in Serbia where the problem lies and stop treating the law as something that must be achieved in the long-term process. On the contrary, respecting the law can begin immediately, and if the authorities in Serbia do not do so, even European officials should not show any understanding or relativize the fact that they are not respected.

Coalition prEUContract gathers seven civil society organizations and was established to monitor the implementation of policies related to the EU accession negotiations with a special emphasis on Chapters 23 and 24.

The aim of the Coalition is to help the EU accession process to be used to achieve significant progress in the further democratization of Serbian society.

Coalition prEUcontract comprised ATA - Anti-Trafficking Action, Autonomous Women's Center (AWC), Belgrade Center for Security Policy (BCSP), Center for Investigative Reporting of Serbia (CIRS), and Center for Applied European Studies (CAES), Group 484 and Transparency Serbia TS).

## Lobbying and State Capture

October 31, 2018

In February 2018 the European Commission concluded in the Enlargement Strategy in the Western Balkans that the countries of the region show the elements of "captured states". This phenomenon has been the subject of several surveys on which Transparency Serbia worked in 2018. On Wednesday, October 31st, we presented key research findings and case study about elements of state capture in the areas of urban planning and the work of public companies. Similar research has been conducted by Transparency International over the past years in the countries of the Western Balkans, with the support of the EU.

In the [study](#) "Elements of the captured state", it was concluded that:

Urban city planning in Belgrade, Serbia's capital city, is being captured by the interests of private investors – and more precisely by the interests of those that are closely linked with the ruling political elite.



Although Serbia has rules and regulations on urban planning that envisage the preparation of expert studies, public consultation and approval of plans in the city council, in reality those plans are in most significant cases adapted or even adopted in the first place with major purpose being to serve particular interests.

In the part of the research dedicated to political control in Electro Economy Serbia, it is noted that EES; as the largest public company, reflects in negative all that was not achieved by the adoption of the Law on Public Enterprises from 2012 and 2016, and these were set as goals: professionalization, accountability, transparency and efficiency of public entities:

- a) The operative management, and in particular the acting director, is purely politically appointed and widely considered as not qualified for the position; similarly, many of the lower level managers are considered incompetent as well.
- b) There is no information that the oversight board of the company, appointed by the government, has made efforts to rectify any of the identified problems.
- c) EPS practises party-affiliated employment that is facilitated by frequent reorganisation of the company structure, discretionary changes of systematisation act with the description of working places, and by maintaining several firms formerly connected to EPS plants in Kosovo.
- d) EPS's profit is artificially increased in order to make a transfer to the budget, to present a budget surplus and to obtain political gain by linking this surplus this with the success of government policy.
- e) There is no comprehensive reporting and accountability for the achievement of EPS's goals, only regarding its financial results.
- f) The price of EPS's services has for decades been maintained at a lower level than in most of the neighbouring countries, in order to keep the "social peace" and to avoid political leaders seeing a decline in their popularity.

One of the ways to lighten and protect the process of enacting regulations from capture is to regulate lobbying, which is another topic we talked about at the conference. The Program Director of the TS presented the amendments which the TS sent to all parliamentary groups in the National Assembly, which could improve the text of the Law on Lobbying, which the Parliament is beginning to discuss. Download all amendments and debugging from the [TS website](#).

Nenadić pointed out that the Draft Law sent to deputies will not solve some of the key problems. However, it is generally a good thing to adopt this law at all and to complete the anti-corruption legislation in Serbia in this way.

It also has some good rules. However, the range of useful solutions is very limited.



Among the unresolved problems, there are also:

1. The law does not affect attempts to influence individual decisions, but only general legal acts; although most legislators in the world act in a similar way, there is no doubt that it would be equally important to regulate these issues;
2. The law stipulates the obligation to submit a report to the Anti-Corruption Agency on the conducted lobbying, but not the publicity of such data; there is no duty of reporting in relation to unofficial lobbying – the attempts of influencing before the official lobbying letter is made;
3. This (or any other law) does not deal with the resolution of a serious problem - that the state authorities remain unwilling to rationalize the initiatives of citizens, associations and business entities to adopt or change a regulation or arbitrary choose which of these initiatives will be taken into account.

