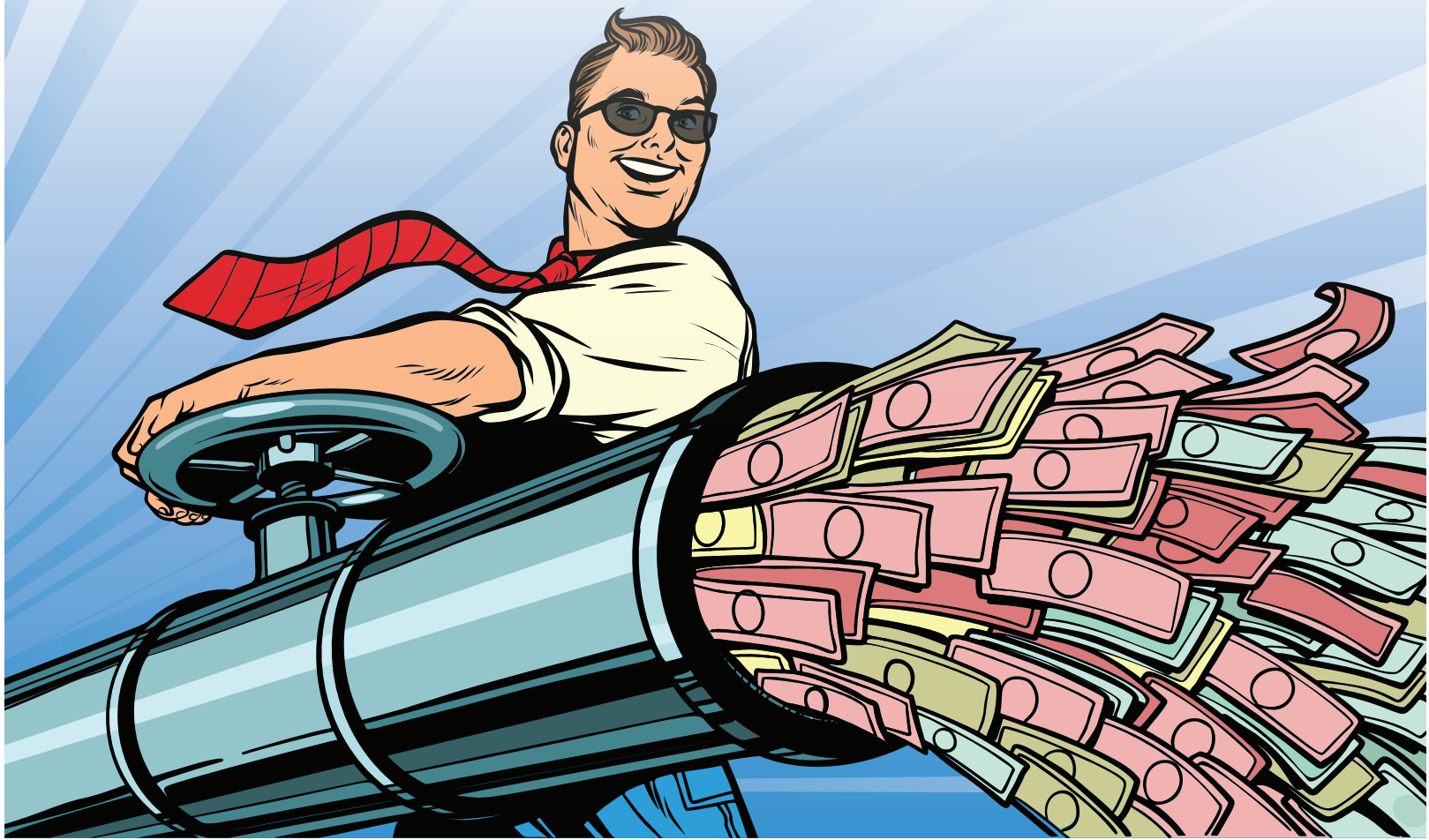




Ministry of Foreign Affairs of the
Netherlands

 **TRANSPARENCY
SERBIA**



ELECTION WASTE OF PUBLIC RESOURCES

**From asphalt in villages to hundreds
of million euros of "helicopter money"**

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THE GENESIS OF WASTAGE

The pre-election period is full of temptations for parties in power to increase public spending on expenditures that can bring them popularity among voters, in order to achieve better success in such elections. This is one of the reasons why the constitutions of democratic states usually stipulate that elections will be held only every four or five years. In Serbia, since 1990, when multi-party system was restored, until today, there have been elections almost every year. One of the reasons for this is the fact that in the period 1992-2000, elections for the parliament and the president of the so-called "Federal Republic of Yugoslavia" were also held. Another reason is that in certain years when there were no parliamentary elections, direct elections were organized for the President of the Republic (some of them were repeated several times due to the exit and electoral threshold of 50% of registered voters), deputies in the Assembly of AP Vojvodina or local elections in the larger part of the country. The third reason is extraordinary elections, which took place once due to the adoption of a new constitution, and several times due to the collapse of ruling coalitions.

Since 2014, despite the constitutional provisions, a model of "electoral democracy" has been established, in which extraordinary elections are called even though support for the government is in no way threatened, so that after the elections the same parties can form the parliamentary majority. A glaring example of this practice took place after the 2020 elections¹ and in 2022,² when the President, despite not being competent, announced that the term of office of the Government would be two years instead of four.

For these reasons, from 2014 to 2023, parliamentary or presidential elections were held in Serbia six times, and hence the election years were 2014, 2016, 2017, 2020, 2022 and 2023, while in 2018, elections were held for councilors of the City of Belgrade. and local elections in several other municipalities. And even in the remaining three "non-election" years, citizens went to the polls in certain cities and municipalities.

The election campaign, as well as the period of a few months before the election, is the period of making promises, but also of indirect vote buying through spending money for populist projects, "extra-programmed" fulfillment of the "wishes" of voters at the local level, and direct monetary donations - to the entire population or to certain categories.

Considering that from 2014 until today, elections were held in at least a few local self-government units, if not in the entire country, practically each year, there were plenty of opportunities to improve and develop mechanisms for wasting public resources, with the simultaneous spiral growth in the amount of money spent.

The distribution of money to citizens - voters (here we are talking only about "lawful" distribution, i.e. expenditures that are justified by special laws, decisions of competent authorities, not about the handing over of cash for the illegal direct vote buying) is not a novelty, specific to the period since the Serbian Progressive Party (SNS) took power. Even before, money was distributed to pensioners before elections, there was debt rescheduling and similar indirect and direct cash benefits.

The specificity of the last decade is that the wastage of public resources in order to win over voters was gradually established as one of the key elements of the ruling party's electoral strategy, embodied in the recent party president, vice president, the Prime Minister of Serbia and, in the last seven years, the President of Serbia. He personally, but also the officials of his party and the parties on the list that bore his name, imposed a narrative according to which he is personally responsible for the distribution of money, i.e. that he distributes cash.³

Through the election cycles and campaigns, the number of promises grew, they became more and more diverse, and at the same time the volume increased - both the value of the promised, announced or realized extraordinary works, as well as the amount of directly

1 <https://www.politika.rs/scc/clanak/464933/Vucic-Nova-Vlada-imece-ogranicen-mandat-do-aprila-2022-godine>

2 <https://www.blic.rs/vesti/politika/premierjerki-oroceni-mandat-nekim-ministrima-vise-funcija-sta-do-sada-znamo-o-novoj/fxm203t>

3 <https://www.blic.rs/biznis/vesti/penzionerima-po-20000-dinara-pomoci-mimo-povecanja-penzije/p9blc5m>
<https://www.danas.rs/vesti/politika/vucic-jos-jedna-pomoc-za-mlade-ako-ne-izgubimo-izbore/>
<https://www.blic.rs/biznis/pomoc-drzave/vucic-o-novoj-pomoci-drzave-za-prvo-dete-500000-dinara/9e3exqz>
<https://www.sd.rs/biz/vesti/aleksandar-vucic-po-moc-mladima-novcana-pomoc-isplata-srbija-2023-10-04>
<https://www.politika.rs/scc/clanak/580273/Vucic-Do-kraja-godine-jednokratna-pomoc-korisnicima-socijalne-pomoci>
<https://biznis.kurir.rs/info-biz/4275392/penzionerima-stize-povisica-od-55-odsto-povecanje-plata-u-javnom-sektoru-vucic-najavio-i-vecu-pomoc-korisnicima-socijalne-pomoci>
<https://www.tanjug.rs/srbija/politika/61971/predsednik-vucic-resili-smo-da-nesto-uradimo-za-svoj-narod-i-promenimo-lice-srbije/vest>
<https://www.b92.net/biz/vesti/srbija/vucic-idemo-u-izgradnju-obecao-sam-do-proleca-foto-1357575>
<https://www.telegraf.rs/vesti/politika/3851679-vucic-danas-u-pambukovici-razgovara-s-mestanima-susretu-prisustvuje-i-dodik>
<https://jugpress.com/vucic-najavio-izgradnju-nove-fabrike-u-vranju-najkasnije-u-junu/>

distributed cash. The peak was reached, at least for now, in the last elections in December 2023, when more than 420 million euros were distributed to various categories of citizens through cash payments alone.

The establishment of this "new normal", i.e. the fact that the question of the legitimacy of this specific form of vote buying is rarely raised, was influenced by the allocation of money to the population and to businesses during the COVID-19 pandemic. A similar practice existed in numerous other countries in that period. The specificity of Serbia, however, is that not only during the COVID-19 pandemic, but also after it, such monetary benefits became a routine thing. However, they were not limited to citizens impacted by the economic consequences due to the pandemic and the shutdown of the economy. Undoubtedly, the fact that elections (one of the few regular ones) were held at the beginning of the pandemic in 2020 also contributed to this. Total benefits (to businesses and citizens) during the pandemic period amounted, according to the assessment of the line minister, to more than 8 billion euros. This included 100 euros, then 30 euros twice, and then another 20 euros handed over to all citizens of Serbia of legal age, 60 euros to help the unemployed, 30, then 50 euros to pensioners, 100 euros to all Serbs from Kosovo and Metohija, including children, and 200 euros each to jobless Kosovo Serbs, and 3,000 dinars twice (around 50 euros in total) to 2.5 million citizens who were vaccinated before the cash was handed over.

The Fiscal Council criticized the way in which the state distributes financial aid, claiming that financing the one-time cash payments in 2020 and 2021 will be covered by "a huge borrowing of the state for over one billion euros".⁴

But the distribution of money continued even after the pandemic.

In the previously mentioned election year in 2022, about one million and twenty thousand young people aged 16 to 29 received 100 euros each, which is in total around 102 million euros. Five days prior to the election campaign, pensioners received a one-time financial aid of 20,000 RSD (273 million EUR). A few months earlier, in January, healthcare workers received 10,000 RSD each (a total of 10.5 million EUR). Then the Minister of Education, from the Socialist Party of Serbia, proposed that 20,000 RSD should be distributed to the employees from the education sector as well. However, they received 10,000 each, which was in total 1.6 billion RSD (13.5 million EUR).

The justification for the distribution of money just before to the elections was particularly interesting. Finance Minister, Siniša Mali, stated at the time that providing

money for the young people was a "completely justified economic measure" because the government wanted to "spread optimism among youth" and create a "pleasant atmosphere".⁵ The minister ignored the remark that this "aid" was distributed equally to the well-off and the poor, claiming that "the measure was tailored for those who need it the most, because if someone was not in the need, then he/she wouldn't have applied" for it.

During the same election cycle, it was also decided that the state would award 300,000 RSD to every first-born child, instead of the recent amount of 100,000 RSD, that families who have a second and third child would be awarded with 100,000 RSD as a one-time aid, and that a subsidy of 10 to 50 percent of the value would be introduced for purchase of the first real estate for mothers of children born after 1 January (a measure whose implementation began only in the next election cycle).

Cash payments in election years (and it was mentioned in the introduction that practically all years in the last decade were election years) have multiple positive effects on the governing structures that distribute the money:

- The impression of well-established finances and the state's ability to care for citizens is created. This impression (that is, a positive perception of the government) applies also to those categories of citizens that were not included in the division of assets in a certain cycle (even though they also provided money through taxes, if not in another way, then at least through VAT).
- Representatives of the government thereby secure a lot of media space through frequent, regular statements and announcements of payments. The most common mechanism in the previous period was for Aleksandar Vučić to announce the payment, or first to announce that he would "talk to the Government of Serbia" about the distribution of the money, then specify the amount, announcements and new payments, a little later, for other categories (so that those who were left out in that cycle would not feel harmed), and then other officials, usually the Minister of Finance, appear to specify the dates, count down the days until the payment, explain the technical details (submitting a request, applying for a distribution, etc.) and reported how many people applied, that the payout started and (successfully, of course) ended, and how much money was distributed. Potential voters who avoid following the "informative" shows are also included, because the distribution of aid is advertised also through the media and billboards.

4 <https://www.rts.rs/lat/vesti/ekonomija/4361984/fiskalni-savet-neselektivna-podela-novca-neefikasna-i-skupa-mera.html>

5 <https://www.danas.rs/vesti/ekonomija/mali-pomoc-mladima-od-100-evra-u-potpunosti-opravdana-ekonomska-mera/>

- The most important effect, of course, is the division itself, which is actually the indirect buying of votes. In some cases, such a nature of the payment is not hidden. So, for example, prior to the 2022 elections, Aleksandar Vučić, in its speech about the distribution of 100 EUR to young people between the ages of 16 and 29 and 20,000 RSD to pensioners, stated that in the second half of the year, "if, of course, we do not lose the elections on the 3 April", he will ask the colleagues (from the Government) to "once again help young people".⁶

And indeed, in the second half of 2022, another 100 EUR were distributed to young people. And while the Minister of Finance justified the payments by "spreading optimism", the laws on the basis of which the registers for payment were established, contained obviously false reasons for granting this aid.

Namely, in the proposal of the Law on Amendments to the Law on the Temporary Register of Citizens of the Republic of Serbia between the ages of 16 and 29 to whom financial aid is distributed to mitigate the consequences of the COVID-19 pandemic caused by the SARS-COV-2 virus (second division), the reason for granting the aid is "increasing aggregate demand and economic activities while creating conditions for improving the social position of this category of persons".⁷

Raising economic activities through the payment of money to these citizens of Serbia is justified by the fact that they "need more time to find employment, that is, to master the required competencies and gain experience that would qualify them on the labor market." The reasoning in this part is clearly contradictory because the aid is paid to all citizens of a certain age, regardless of whether they are already employed or not and whether they are looking for work at all.

The explanation further stated that "following the necessity of a unified and systemic response in order to preserve aggregate demand and encourage the recovery of economic activities, as well as the work of economic entities in the Republic of Serbia whose activity has been suspended or significantly hampered after a broad and comprehensive analysis in full coordination with all relevant actors and entities in the Republic of Serbia, the requirement for the Republic of Serbia to assume the obligation to pay additional financial aid to citizens of the Republic of Serbia from 16 to 29 years, has been established. At the same time, it is not stated who allegedly performed that analysis and presented such findings, which "relevant factors and subjects" he/she consulted, nor which economic entities the Government wants to help by paying money to young people.

In the end, the Government proposed that this law is to be discussed under an urgent procedure, because it is supposedly about circumstances that could not have been foreseen, because it regulates "issues and relations arising from the emergence of new strains of the SARS-CoV-2 virus" and because "failure to adopt this law by urgent procedure could cause harmful consequences to the life and health of the citizens of the Republic of Serbia, that is, the beneficiaries in compliance with this law."

Among other things, the explanation did not mention which new strains of the virus appeared, nor how the payment of financial aid, which will take place three months later, will preserve the "lives and health of the citizens of Serbia", despite the fact that they are currently threatened by a "new strains virus". Exactly the same alleged reasons were stated during the adoption of the previous law on youth aid, just a month earlier.

Finally, at the end of 2022, 5,000 RSD were distributed again to each young individual, followed by an explanation (provided in the law that regulated the establishing of the register of applicants for this aid) that it was intended for a "category of individuals of special importance for the Republic of Serbia, who are in the process of education, that is, who have just finished their education". Without clarifying whether "the above" refers to the fact that "they are in the process of education or have already finished school", the explanation further stated that "the above leads to the fact that, in the newly arisen circumstances, they need more time to master the required competencies and gain experience which would qualify them on the labor market and enable them to obtain employment, i.e. earnings that are a prerequisite for a higher standard of living".

Here, the opportunity was used to conclude, again without any concrete economic analysis, that the payment of 100 EUR on two occasions, brought about "a certain improvement in the position of this category of persons". However, "as the year 2023 may bring new challenges, and after a broad and comprehensive analysis in full coordination with all relevant factors and entities in the Republic of Serbia, it was determined that the Republic of Serbia undertakes the obligation to distribute a one-time financial aid to the citizens of the Republic of Serbia from 16 up to 29 years old... who are in possession of a valid identity card".

Once again, we were deprived of knowing who analyzed and ascertained, as well as who could be the subjects and who the factors in the Republic of Serbia, with whom the unknown analyzers and ascertainers coordinated.

6 <https://www.danas.rs/vesti/politika/vucic-jos-jedna-pomoc-za-mlade-ako-ne-izgubimo-izbore/>

7 <https://www.paragraf.rs/propisi/zakon-o-registru-drzavljana-16-29-godina-novcana-pomoc-covid19.html>

CLIMAX – ELECTIONS IN DECEMBER 2023

Prior to the 2023 elections, almost half a billion euros were distributed to citizens.

In that period, prior to the extraordinary elections, not only was the republic budget subjected to "extraordinary activities", but the distribution of money, privileges and debt forgiveness was also identified on a local level and at some public companies that provided favorable treatment to their clients or paid out unexpected bonuses to their employees.

It started with the rebalance of the budget for 2023, adopted in September 2023, that introduced, to the proposal of the Government, additional aid measures worth almost half a billion euros. The new measures refer to an extraordinary increase in pensions and salaries in the public sector, an increase in subsidies for agriculture, a payment of 10.000 RSD to each child up to 16 years of age, as well as an additional 100.000 vouchers for tourism. According to the independent state body – the Fiscal Council, such measures are disproportionate and unjustified as they will affect the rise of inflation. FC also pointed out that these funds will have to be compensated through loans at an interest rate of seven per cent. Furthermore, extraordinary increases in pensions and agricultural subsidies represent a vested right that will continue to burden the budget in the long term.

The budget for 2024 was adopted on 26 October 2023 as one among 60 agenda items with almost no parliamentary debate. It envisages another increase in pensions and salaries since January 2024. This increase in pensions was communicated through a letter sent to the physical addresses of all pensioners by the President of the Republic and the leader of the electoral list of the Serbian Progressive Party in October 2023. The letter was signed just by "Aleksandar Vučić" without stating any of his professional positions, even though in the letter, President Vučić announces state measures and addresses the pensioners from his official status. The director of the public enterprise Post Offices of Serbia, a member of the same political party, stated that the Serbian Progressive Party paid RSD 39 million (approximately EUR 330.000) for the postage service⁸.

Just 20 days before the election, pensioners received a one-time payment of 20.000 RSD (approximately 170 EUR for around 1.65 million retired persons), representing another 280 million EUR burden to the budget. This payment was made from the allocation of The Pension and Disability Insurance Fund of the Republic of Serbia. For this purpose, the Fund made a rebalance of their Financial Plan for 2023 in late October 2023. At the same time, in October 2023, the Fund announced that it would be issuing discount cards for pensioners. This card was advertised by President Vučić, promoting discounts provided by, among others, several state-owned enterprises, such as Serbia Railways (Srbija voz), Air Serbia and Roads of Serbia.

One month later, the students were granted the same possibility; they were invited in November 2023 to apply for the student discount card, with the exception that this card is at the same time a debit card issued by the bank Poštanska štedionica, that is the only bank in Serbia with the predominant ownership of the Republic of Serbia. This debit card will have a student identification number, therefore, it will serve as an identification card as well. Each student who applies and receives this card receives an additional bonus of 1.000 RSD (approximately 8.5 EUR) to his/her account from the bank Poštanska štedionica. Discounts to students were also provided by the largest state owned enterprise: Serbia Railways (Srbija voz), Air Serbia, Roads of Serbia and Ski Resorts of Serbia.

One week before the elections (13. 12.2023), without prior announcement, the Minister of Energy and Mining stated that all employees of the SOE "Elektroprivreda Srbije" (EPS), power supply company will receive 20.000 RSD (approximately 170 EUR) bonus with their December salary: "As a form of gratitude, to all employees for helping to stabilise our energy system"⁹. A number of employees in EPS is approximately 20.000, and this public enterprise was restructured in April 2023 due to the collapse of the energy system provoked by its previous management and the huge debts it has imposed on the state budget. The delivery of November electricity bills was late and started one day after the elections, on 18.12.2023, even though they are normally delivered by the 15th of the month. These bills include the latest increase in power price of 9.28%.

⁸ <https://n1info.rs/vesti/vucic-u-pismu-penzionerima-moramo-da-biramo-one-koji-ce-da-brinu-o-svakom-od-nas/>

⁹ <https://biznis.telegraf.rs/info-biz/3800176-svi-zaposleni-u-eps-u-i-protentu-dobice-po-20000-dinara>

Another public enterprise that provided beneficial treatment to their customers during the election campaign is a public utility company in Belgrade – "Infostan tehnologije". The City of Belgrade and "Infostan tehnologije" announced during the election campaign that from 1 November 2023, they will be implementing a debt reprogramming action under the most favourable conditions for users of communal services. All citizens are given the opportunity to settle their debts in several monthly instalments, with interest write-off and principal debt reduction of up to 20%. Major of the City of Belgrade scheduled a sitting of the Temporary Authority that runs the city in the period of calling for elections until the election of new authorities just one month prior to 17 December elections, with 176 agenda points. One agenda item was leasing billboards to promote city projects in the amount of 100 million RSD (approximately 850.000 EUR). The public was excluded from this sitting. This agenda item on this sitting served only to confirm the delivery of the contract to the only bidder who participated and won the tender.

Before the elections, all high school students received 10,000 RSD each. Bearing in mind that, according to official data, there are a total of 234,919 high school students in Serbia, the budget for this disbursement alone was around 20 million EUR. The authorities claimed that this particular payment shows that it is not a case of electoral division and voter buying because minors do not vote. In doing so, the fact that their parents, whose accounts the money was actually paid into, are voting, is omitted. The Fiscal Council has warned about the bad practice, that the criterion for the payment of financial aid linked exclusively to age is unfounded and therefore unacceptable. Due to such payments in the past, Serbia is already in debt of approximately 2 billion EUR at very high interest rates (around 7%).¹⁰

Also, prior to the elections, beneficiaries of social assistance received 10,000 RSD each, and the same amount was provided for blind, demented persons, as well as for elderly citizens suffering from incurable diseases (a total of about 19 million euros).

The pre-election benefits of the state should also include aid to children up to 16 years of age, to whom the payment of 10,000 RSD each began at the end of September 2023. Minister of Finance, Siniša Mali, then stated that 1.1 million children have the right to this aid, and that about 94 million EUR were transferred to their parents' accounts for this purpose.

When all categories of direct aid are added up, not counting the increase in pensions, agricultural subsidies, benefits at the local level and indirect allocations due to discounts and debt write-offs, for the period of less than three months in 2023, from September until the December elections, more than 420 million EUR have been distributed from the republic budget under the pretext of individual aid to the citizens.

TS, in its report on election monitoring, labeled this activity as indirect vote buying.

The Agency for the Prevention of Corruption did not react to these activities, in accordance with the established practice of fulfilling only particularly stipulated obligations, while using opportunities to react proactively very restrictively. Consequently, the Agency did not analyze the corruption risks in the regulations that enabled pre-election donations, nor did it initiate the setting of limits for such donations.

The State Audit Institution, which in the past decade has established a solid practice of conducting audits of the expediency of spending money, has not yet dealt with such expenditures and spending money from the budget, even though we are talking about expenses whose expediency is not only questionable, but clearly fails the test of logic, both legal and economic, as well as every day rational. Namely, everyone, including the poorest citizens, pays taxes, (if not through those on salary or income, then through value added tax) so that this money is then transferred to a narrower group that includes the richest citizens, whether they are pensioners with the highest pensions or high school students and students from well-to-do families.

¹⁰ <https://n1info.rs/biznis/srbija-ce-morati-da-se-zaduzi-za-jos-65-milijardi-evra-fiskalni-savet-kaze-pod-nepovoljnijim-uslovima/>

HOW TO REGULATE THIS AREA

Experiences in the region

In Montenegro and (Northern) Macedonia, regulations governing some of the issues that are the subject of this analysis have been in force for almost a full decade.

The Montenegrin Law on the Financing of Political Entities and Election Campaigns regulates paid advertising of state bodies during the election campaign, the degree of budget spending in the period from when the elections are called to the actual holding of the election, especially social benefits and agricultural subsidies, the obligation to publish detailed data on budget payments, the prohibition of giving out the equipment and mechanization of state-owned enterprises to be used by third parties, transparency of social benefits, prohibition of payment of one-time social benefits, prohibition of debt write-off, use of official vehicles, which includes the obligation to publish travel orders for the use of official vehicles, restriction of employment in state bodies and institutions.

In Macedonia, the Electoral Code prohibits state institutions from organizing opening ceremonies for implemented projects and ceremonies for foundation stone-laying for state-financed projects during the campaign. It is also forbidden to start infrastructure facilities, unless it is about the implementation of previously planned programs, and in that case, it is forbidden to hold public events on the occasion of construction or putting a plant into operation, etc. Any extraordinary payments of salaries, pensions, social benefits, payments of annual or one-time transfers are also prohibited. Only regular monthly payments are allowed. The use of business premises, office equipment and official vehicles of state bodies is prohibited, except for persons subject to special regulations on personal protection, for the purposes of the election campaign and the prescribed obligation to publish information on the use of official vehicles.

The law declaratively forbids attempts to pressure and intimidate voters or members of their families or persons close to them and obliges participants in the electoral process to sign the Code for Fair and Democratic Elections.

Before presenting the relevant provisions of these two regulations from the region in more detail and recalling the process of their adoption, it is important to point out some specifics.

The application of regulations in Macedonia and Montenegro is not the subject of this analysis, so it is not possible to point out possible weak points and omissions based on practice. However, it is possible to indicate in advance certain provisions, that is, solutions, which could serve as a starting point in the debate

in which direction and in what manner these issues should be regulated in Serbia.

Thus, it is extremely important to precisely define the exceptions to the restrictions. For example, in Montenegro, persons who have the status of protected persons are exempted from the restrictions and obligations of releasing data related to the use of official vehicles. In Serbia, due to a misinterpretation of the regulations by the Agency for the Prevention of Corruption (then the Agency for the Fight against Corruption), a wider group of persons, from those who were granted the status of persons with special protection treatment by a special decree, were allowed to use official vehicles for personal needs or partisan/promotional purposes.

It is necessary to seriously consider the risks in cases where the restrictions (such as Article 38 of the Montenegrin law) are related to the reference period, due to the possibility of rendering the spirit of the law meaningless when a certain group knows when the reference period will occur (for example - an increase in the amount of budget spending in the period before special elections are called, in order to maintain a high level of spending during the campaign). In the Montenegrin law, therefore, the reference period for social benefits has been moved to the previous year.

One of the most important issues is the sanctions for violating the regulations and, in connection with that, the authority to determine that the law has been violated and initiate the punishment procedure.

In Montenegro, the Agency for the Prevention of Corruption is vested with such authority, and only fines are prescribed (for the violation of the provisions mentioned here). The problem with this concept is that fines imposed on authorities (legal entities) are paid from the budget, i.e. they are paid by citizens, while the fines for responsible persons are relatively small compared to the (political) benefit that can be achieved by undertaking or not undertaking these activities subject to the fines.

The Macedonian law, on the other hand, refers to the Criminal Code and prescribes immediate action for violation of these provisions.

In addition to this, it would be good to consider the responsibility of the heads of the authorities (and vertical responsibility - from the immediate perpetrator of the activity subject to the fines to the highest head of the authority) which, in addition to a fine, would also include the initiation of mechanisms for dismissal from the position or determination of a disciplinary offense in accordance with the internal act, which would entail the loss of employment.

How and when was this area regulated in Montenegro

In February 2014, in Montenegro, the then opposition and members of the ruling coalition of the Social Democratic Party adopted amendments to the Law on the Financing of Political Parties, which introduced the aforementioned restrictions.

At that time, the ruling Democratic Party of Socialists and two minority parties, coalition partners of the DPS, submitted an initiative to the Constitutional Court to challenge those changes - 17 out of a total of 24 articles of the Law. At the end of May 2014, the Constitutional Court decided by a majority vote that most of the provisions were not in compliance with the Constitution.

In December 2014, a new Law on the Financing of Political Entities and Election Campaigns was adopted, which contains restrictions under the "Prohibitions and Restrictions" chapter. All restrictions were retained in the new law, adopted in 2020.

All relevant provisions are cited here:

RESTRICTION OF THE USE OF STATE FUNDS

Article 37

Paid advertising of state bodies and local self-governing bodies, public companies, public institutions and state funds in Montenegro, which could in any way place into a favored position the political entities or their representatives during the election campaign, is prohibited.

Article 38

State and local budgetary spending units, except for the State Election Commission and the municipal election commissions, shall be prohibited from monthly spending higher than the average monthly spending in the previous six months from the day of calling of the elections until the day of holding of the elections, except in cases of emergency, in accordance with the Law.

Notwithstanding paragraph 1 of this Article, if the elections are held in the first half of the year, budgetary spending units shall be prohibited from monthly spending exceeding the amounts specified by monthly spending plans established by the Ministry or local administration body at the beginning of the fiscal year.

The prohibition referred to in paragraph 1 of this Article shall also apply to legal entities exercising public authorisations or activities of public interest on the basis of a contract with the competent authority, as well as to business organisations owned by the state or local self-governing unit in accordance with the law governing prevention of corruption.

Notwithstanding paragraph 1 of this Article, monthly spending higher than the average monthly spending in the last six months of the previous year shall be prohibited for state institutions for social and child protection and for state and local authorities competent for agriculture.

From the day of calling until the day of holding of the elections, as well as one month following the holding of the elections, all budgetary spending units, at the state and local level, shall post on their websites weekly analytical statements from all the accounts in their possession and submit them to the anti-corruption working body of the Parliament (hereinafter referred to as: the Committee) and to the Agency.

PROHIBITION OF USE OF STATE-OWNED MACHINERY AND EQUIPMENT

Article 39

It is prohibited for business organisation founded or majority-owned by the state or a local self-government to give their machinery and equipment to third parties for use without special decision and without a compensation contract, within six months before the planned deadline for holding elections, and the planned deadline for holding elections being the date on which the elections were held in the current term of office, except in cases of the need to repair damage caused by natural disasters, fires or prevention of spreading of an infectious disease epidemic.

The business organisations referred to in paragraph 1 of this Article shall publish all their decisions, contracts and orders for the use of machinery and equipment outside their core business activity on their official website and submit them to the Agency and the Committee within three days from the day of their adoption.

TRANSPARENCY OF SOCIAL WELFARE PAYMENTS

Article 40

The state and local budget spending units are prohibited from paying or providing one-off financial assistance, in accordance with the law governing the entitlements and activities of social and child protection, except in the case of the death of a family member, a serious illness that causes a permanent disability exceeding 50% or damage to a housing or property due to fire or natural disaster.

Local budget spending units are prohibited from monthly spending on social welfare benefits under the jurisdiction of the local government unit, in accordance with the law governing the entitlements and activities of social and child protection, exceeding 20% of the average monthly spending on these benefits in the third quarter of the previous budget year.

It is prohibited to use the current budget reserve at the national and local level to allocate social benefits in the year in which local or parliamentary elections are held, except in cases of war, emergency, epidemic or pandemic of infectious diseases.

In the case of extraordinary elections, the prohibition referred to in paragraph 3 of this Article shall be valid for six months from the day the elections are called.

The ministry in charge of labour and social welfare shall collect the analytical statements containing data on the amounts and number of beneficiaries of all types of social welfare during the election campaign, as well as the data on types and beneficiaries of social welfare.

Municipalities shall collect the data on distribution of all forms of social welfare at the local level during the election campaign, including the data on types, amounts and beneficiaries of social welfare.

Data referred to in paragraphs 5 and 6 of this Article shall be published on the websites of the institutions collecting them, and shall be submitted on a seven-day basis to the Committee and the Agency.

The Committee members and the authorized and responsible persons at the Agency shall take due care of protection of personal data contained in the provided data and documentation referred to in paragraphs 5 and 6 of this Article.

TRANSPARENCY OF BUDGET EXPENDITURES

Article 41

Every week, the Ministry shall publish on its website the statements from the State Treasury as well as the analytical statement on the use of funds from the budgetary reserve in the period from the day of calling until the day of holding of the elections.

Every week, the local administration body shall publish on the website of the municipality the statements from the local treasury as well as the analytical statement on the use of funds from the budgetary reserve in the period from the day of calling until the day of holding of the elections.

Data referred to in paragraphs 1 and 2 of this Article, as well as all decisions on allocation and payment of funds, shall be submitted on a weekly basis to the Committee and the Agency, while ensuring the protection of personal data.

The Committee members and the authorized and responsible persons at the Agency shall take due care of protection of personal data contained in the provided data and documentation referred to in paragraphs 1 and 2 of this Article.

PROHIBITION OF WRITING-OFF OF DEBTS

Article 42

Legal entities founded, owned in major part or partly by the state or a local self-government unit, are prohibited from writing off debts of the citizens, including bills for electricity, water and for all types of public services in the period from the day of calling until the day of holding of the elections, as well as one month following the holding of the elections.

In the year in which regular elections are held, and in the case of extraordinary elections in the period from the day they are called until two months after the final election results are pronounced, it is prohibited to introduce new or one-off electricity subsidies and subsidies for utilities provided by the companies founded by and/or fully or partially owned by the national or local governments.

From the day elections are called until two months after the final election results are pronounced, the competent national and local authorities are prohibited from writing off the liabilities on the basis of exemption from value added tax, other taxes and parafiscal duties.

USE OF OFFICIAL CARS

Article 43

Public officials are prohibited from using official cars in the period of the election campaign, except for the needs of official duties.

The prohibition referred to in paragraph 1 of this Article shall not apply to persons who have the status of protected persons.

All state bodies, state administration bodies, local self-government bodies, local administration bodies, public enterprises, public institutions and state funds and companies founded and/or

owned in major part or partly by the state or local self-government unit shall publish weekly on their websites all issued travel orders for official cars, from the day of calling of the elections until the day of holding of the elections.

Travel orders referred to in paragraph 3 of this Article shall be submitted to the Agency weekly, and the Agency shall submit them immediately upon receipt to the Committee.

EMPLOYMENT AND HIRING OF EMPLOYEES

Article 44

In the period from the day of calling until the day of holding of the elections, in exceptional cases for reasons of ensuring smooth and regular functioning of state bodies, state administration bodies, local self-

government bodies, local administration bodies, public companies, public institutions and state funds, and based on a decision of the competent body of these entities, persons may be employed for a fixed-term as well as hired under a temporary service contract, only if it has been planned by the act on systematization and job descriptions.

Bodies and legal entities referred to in paragraph 1 of this Article shall submit all decisions on employment adopted in line with the laws governing labour relations, rights and obligations of civil servants and state employees and contractual relations, with the complete supporting documentation, to the Agency within three days from the day of adoption of the decision.

The Agency shall publish the submitted documents referred to in paragraph 2 of this Article on its web site within seven days from the day of submission.

Public officials, except for the MPs and councillors, and employees in state bodies, state administration bodies, local self-government bodies, local administration bodies, public companies, public institutions and state funds are prohibited from engaging, during working hours, in the activities of the election campaign.

Article 45

The measures and restrictions referred to in Article 38 paragraph 5, Article 42, Article 43 paragraphs 3 and 4 and Article 44 paragraphs 1, 2 and 3 of this Law shall apply in the case of elections for the President of Montenegro, elections for MPs and elections for local councillors if there are at least 20% of voters in those elections out of the total number of voters entered in the voting register.

If elections for local councillors are held in one or more municipalities where there are fewer than 20% of voters out of the total number of voters entered in the voting register, measures and restrictions referred to in Article 38 paragraph 5, Article 40 paragraph 6,

Article 41 paragraph 2, Article 42, Article 43 paragraphs 3 and 4 and Article 44 paragraphs 1, 2 and 3 of this Law shall apply only on the territory of those municipalities.

Article 46

Method of performing control of application of provisions of Articles 33 to 45 of this Law shall be governed by a special act adopted by the Agency.

The special act referred to in paragraph 1 of this Article shall govern regular, proactive checks of compliance with laws by state authorities, state administration authorities, local self-government authorities, local administration authorities, public institutions, state funds and companies that are wholly or partially owned by the state or a local self-government unit.

The entities referred to in paragraph 2 of this Article shall be selected for compliance audit based on risk involved, by means of a random selection system or

based on some other criteria in accordance with the law or a separate act.

The analytical statements from articles 38, 40 and 41 of this Law shall provide accurate and complete information on the following categories at least: budget line, transaction number, recipient/payer, as well as the registration number for the legal entity (tax identification number - TIN), amount and date.

All acts, data and documents referred to in Articles 38, 39, 40, 41, 43 and 44 of this Law, submitted by the authorities and legal entities to the Agency, shall be published by the Agency on its website within three days from the date of their submission.

IX. PENAL PROVISIONS

MISDEMEANOUR OFFENSES

Article 64

A fine from 5,000 euros to 20,000 euros shall be imposed for a misdemeanor offense on a legal entity, if it:

[...]

- 14) acts contrary to Article 38 paragraph 3 of this Law
- 15) in the period from the day of calling until the day of holding of the elections, as well as one month after the elections, arranges for debt write-off to citizens, including bills for electricity, water as well as bills for all types of public services (Article 42 paragraph 1);
- 16) fails to publish on a weekly basis on its website all issued travel orders for official cars, from the day of calling until the day of holding of the elections (Article 43 paragraph 3);
- 17) fails to submit to the Agency, weekly, travel orders referred to in Article 43 paragraph 3 of this Law (Article 43 paragraph 4);
- 18) in the period from the calling until the day of holding of the elections, employs a person for a fixed term or concludes a temporary service contract contrary to Article 44 paragraph 1 of this Law;
- 19) fails to submit all the decisions on employment adopted in line with the laws governing labour relations, rights and obligations of civil servants and state employees and contractual relations, with complete supporting documents, to the Agency within three days from the day of adoption of the decision (Article 44 paragraph 2);

[...]

For the misdemeanor from paragraph 1 of this article, the responsible person in the legal entity will be fined in the amount of EUR 500 to EUR 2,000.

Article 68

A fine ranging from 200 to 2,000 euros shall be imposed on the responsible person in a state body, state administration body, local self-governing body, local administration body, public enterprise, public institution, state fund and legal entity founded and/or owned in major part or partly by the state or a local self-governing unit, if it:

[...]

- 22) conducts paid-for advertising in Montenegro which could in any way place into a more favourable position the political entities or their representatives during the election campaign (Article 37);
- 23) the monthly spending in the budgetary spending units at the state and local level exceeds the average monthly spending in the previous 6 months from the day of calling until the day of holding of the elections, except in cases of the state of emergency, in accordance with the law (Article 38 paragraph 1);
- 24) elections are held in the first half of the year and monthly spending in budgetary spending units exceeds the amount determined by the monthly spending plan defined by the Ministry or the local administration body at the beginning of the fiscal year (Article 38 paragraph 2);
- 25) the monthly spending in public enterprises, legal entities with public authorities, or with activities of public interest based on contracts with competent authorities and legal entities owned by the state, or local self-governing units in accordance with the law which regulates prevention of corruption is in excess of average monthly expenditure within the last six months from the day of calling the elections until the day of holding the elections except in the cases of the state of emergency in accordance with the law (Article 38 paragraph 3);
- 26) the monthly spending in public institutions for conducting tasks of social and children welfare and state and local authorities in charge of agriculture is larger than the average monthly expenditure in the last six months of the previous year (Article 38 paragraph 4);
- 27) from the day of calling until the day of holding of the elections, as well as one month following the holding of the elections, it fails to publish on its website, on a weekly basis, the analytical cards from all the accounts in their possession (Article 38 paragraph 5);
- 28) from the date of the announcement to the day of the elections, as well as one month after the elections, it fails to submit the analytical cards from all accounts held in their possession to the Committee and the Agency on a weekly basis (Article 38 paragraph 5);
- 29) in the period of six months before the term planned for holding the elections, including the date planned for holding the elections as the date on which the elections were held in the current term, allows its mechanization and equipment at disposal to third parties without a separate decision and without a commission contract, exclusive of cases where damages were needed to be repaired due to a disaster, fire or prevention of spreading of contagious diseases. (Article 39 paragraph 1);
- 30) fails to publish on its webpage and fails to submit to the Agency and the Committee all decisions, agreements and orders for using the mechanization out of regular activities within three days. (Article 39 paragraph 2);
- 31) pays or allocates one-time material assistance contrary to the article 40 paragraph 1 of this Law.
- 32) the monthly spending in regard to material payments for social welfare within the competence of a local self-governing unit, in accordance with the law which regulates the rights and conduction of social and children welfare activities is 20% larger than the average monthly expenditure for these payments in the third quarter of the previous budgetary year. (Article 40 paragraph 2)
- 33) provides social contributions in the year in which local and parliamentary elections are held, from the current budgetary reserve from the state or the local level. (Article 40 paragraph 3)
- 34) fails to publish on its webpage and fails to submit on a weekly basis to the Committee and the Agency the data from the Article 40 paragraphs 5 and 6 of this Law. (Article 40 paragraph 7)
- 35) fails to publish on its webpage on a weekly basis the statements from the state treasury, and the analytic statement on spending from the budgetary reserve in the period from calling the elections to when the elections were held. (Article 41 paragraphs 1 and 2)
- 36) fails to submit on a weekly basis to the Committee and the Agency the data from the Article 41 paragraphs 1 and 2 of this Law along with all the decisions regarding the allocation and payment of funds, (Article 41 paragraph 3)
- 37) new or one-off subsidies for electricity and subsidies for paying the utility services in the year in which the regular elections are held, and in the case of premature elections in the period from when they are called until two months after the final results of the elections were proclaimed. (Article 42 paragraph 2);
- 38) writes-off obligations regarding value added tax, other taxes and para-fiscal taxes in the period from calling the elections until two months after the final results of the elections were proclaimed. (Article 42 paragraph 3);

- 39) fails to publish on the website all issued travel orders for the management of official vehicles on a weekly basis, from the day of calling the elections until the day of holding the elections, (Article 43 paragraph 3)
- 40) fails to submit to the Agency, on a weekly basis, the travel orders referred to in Article 43, paragraph 3 of this Law, (Article 43 paragraph 4)
- 41) in the period from calling until the day of holding of the elections, employs a person for a fixed term, or concludes temporary service contract contrary to Article 44 paragraph 1 of this Law;
- 42) fails to submit all decisions on employment adopted in accordance with the laws governing the labour relations, rights and obligations of civil servants and state employees and contractual relations, with

complete supporting documentation to the Agency within three days from the day of adoption of the decision (Article 44 paragraph 2);

[...]

Article 70

A fine ranging from 500 to 2,000 euros shall be imposed for the misdemeanor offense on a natural person, if he/she:

[...]

- 9) if it is engaged in election campaign activities during the working hours (Article 44 paragraph 4)

[...]

Solutions in North Macedonia

In Macedonia, in 2014, the Electoral Code regulated the activities of state bodies and officials during the campaign, as well as extraordinary monetary contributions.

Relevant provisions of this regulation in an unofficial translation:

Article 8-a

- (1) From the day of the adoption of the decision for the announcement of the elections until the completion of the election of the President of the Republic of Macedonia,

Members of the Parliament of the Republic of Macedonia and election of the Government of the Republic of Macedonia in accordance with the election results, as well as from the day of the adoption of the decision for announcement of the elections until the day of the completion of the election of Mayor or Members of the Council, i.e. until the establishment of the Council of the Municipalities and the City of Skopje, the following shall not be allowed:

- » use of Budget funds or public funds or funds of public enterprises or other legal entities that have state capital at their disposal for the commencement of construction of new infrastructural facilities, such as roads, waterworks, transmission lines, sewage, sports fields and other facilities, or social activities' facilities - schools, kindergartens and other buildings, unless Budget funds have previously been allocated for that purpose, i.e. unless it is part of the implementation of the program adopted based on a law in the current year; and
- » payment of salaries, pensions, social welfare or other payments and financial compensations

from budget funds or public funds that are not regular monthly payments, or all annual transfers and payments or single transfers from budget funds or public funds, as well as selling of public capital or signing collective agreements, and

- » initiating a procedure for employment of new persons or a procedure for termination of employment with state and public institutions, whereas the already initiated procedures shall be suspended, except in cases of urgent and immediate matters.

- (2) Within a period of 20 days prior to the commencement of the election campaign until the completion of the election of a President of the Republic of Macedonia, Members of the Parliament of the Republic of Macedonia and the election of the Government of the Republic of Macedonia in accordance with the election results, and until the completion of the elections for electing a Mayor or Members of the Councils, i.e. the establishment of the Council of the Municipalities and the City of Skopje, the following shall be forbidden:

- » ~~to pay subsidies that are not regular monthly payments~~ (abolished by the decision of the Constitutional Court in 2017)
- » holding public events on the occasion of the commencement of construction or use of facilities with resources from the Budget or from public funds, or with resources from public enterprises or other legal entities that have state capital at their disposal that are infrastructural facilities, such as roads, waterworks, transmission lines, sewage, sports fields and other facilities, or social activities' facilities - schools, kindergartens and other buildings. Prohibition for holding public events shall particularly not refer to: giving a public statement by a public office holder or a

candidate for a public office holder during a rally, an interview in the media, a debate in the media or an answer to a journalist's question.

- (3) From the day of the adoption of the decision for the announcement of the elections until the completion of the election of a President of the Republic of Macedonia, Members of the Parliament of the Republic of Macedonia and election of the Government of the Republic of Macedonia, in accordance with the election results, as well as from the day of the adoption of the decision for the announcement of the elections until the day of the completion of the election of Mayors or Members of the Council, i.e. until the establishment of the Council of the Municipalities and the City of Skopje, the Ministry of Finance shall make public all budget payments, except the regular salaries, pensions and utilities, by publishing them on the website in a special data basis for budget costs in the election period.
- (4) Two weeks following the announcement of the elections, the Government of the Republic of Macedonia shall submit pre-election financial reports that shall contain an overview of all planned and realized incomes and expenditures from the Budget presented per item, in the period from the beginning of the fiscal year until the day of the publishing of the report on the website of the Ministry of Finance.

Article 8-b

- (1) For the purposes of the election campaign, use of office premises, office equipment and official vehicles of the state bodies shall be forbidden, except for the persons covered with special provisions on personal protection.
- (2) Within ten days from the day of making the decision to call for elections for the President of the Republic of North Macedonia, deputies in the Assembly of the Republic of North Macedonia, mayors or council members, public funds, public companies and all other legal entities that have state capital, are obliged to provide the State Commission for the Prevention of Corruption with data on the number, type, license plate and driving condition of motor vehicles at their disposal.
- (3) Data shall be submitted in electronic form on a form prescribed by the State Election Commission at the proposal of the State Commission for the Prevention of Corruption.
- (4) The State Commission for the Prevention of Corruption publishes on its website the register of official motor vehicles of public funds, public companies and all other legal entities that have state capital.
- (5) If the legal entities referred to in paragraph (2) of this article do not submit data on the number, type,

license plate and driving condition of the motor vehicles they have within the prescribed period, the State Commission for the Prevention of Corruption will initiate criminal proceedings within 15 days from the expiry deadline for data submission.

- (6) Any attempted or actual pressure and intimidation of voters or members of their families or their close persons shall be forbidden.

Article 8-v

- (1) As of the day of the adoption of the decision for the announcement of the elections, the political parties that participate in the electoral process shall sign a Code on Fair and Democratic Elections.
- (2) With the Code from paragraph (1), participants in the electoral process shall unambiguously pledge that they will neither exert nor attempt any pressure on the employees in the public and state administration, in other institutions or establishments financed by the Budget of the Republic of Macedonia or the budgets of the municipalities and City of Skopje, and in trade companies and enterprises with state-owned capital.
- (3) With the Code from paragraph (1), the participants in the electoral process shall also unambiguously pledge that no employee or citizen shall be subject to any kind of threat to their employment and social security as a result of their support to any political party or candidate, or lack thereof.

PENAL AND MISDEMEANOR PROVISIONS:

Article 178

- (1) For acts of preventing the elections and voting, violating and abusing the right to vote, violating the voter's freedom of choice, bribing during the elections and voting, destroying electoral documents, proceeding contrary to Article 8-a of this Code and committing an electoral fraud, the perpetrator shall be punished pursuant to the provisions of the Criminal Code.
- (2) Any attempt to commit the criminal offences prescribed in paragraph (1) of this article shall be punishable.
- (3) The procedure for the criminal offences referred to in paragraph (1) of this article shall be urgent.

Article 179

- (1) A fine in the amount from 1.000 to 2.000 EUR in MKD equivalent shall be pronounced for a violation committed by a member of the Government, deputy minister and a public office holder who is the head of an authority, for actions contrary to Article 8-a of this Code.

[...]

TS RECOMMENDATIONS FOR REGULATION IN SERBIA

Through changes in regulations, it is necessary to provide for obligations, restrictions and prohibitions in connection with advertising by state bodies, extraordinary payments of budget money, regulate the "functionary campaign", prescribe the persons responsible for supervising the implementation of regulations, fines for violating regulations, but also consider fines for non-compliance by the authority responsible for supervision. Most of the rules could be prescribed through amendments to the Law on Prevention of Corruption or the Law on the Financing of Political Activities, tying obligations and restrictions to elections and election campaigns (not necessarily to the duration of the campaign itself, but to the elections and/or the campaign as a reference point, whereby obligations and restrictions may refer to the period during the campaign, a specific period before the campaign, to the year in which the elections are held, etc.).

It is, of course, necessary to consider alternative solutions (which includes the adoption of certain special laws). With all this, it is necessary to establish a balance between the need to consider possible long-term solutions through public consultations and to obtain a consensus of all relevant stakeholders and the need to solve pressing problems as soon as possible. This is especially true for issues that are currently not regulated at all or regulated poorly, as demonstrated in practice. Some of these issues are also related to the recommendations that Serbia received from ODIHR and the Venice Commission, so this gives an opportunity to solve the problems through the current work on the implementation of the ODIHR recommendations. On the other hand, it should be borne in mind that one of the poor solutions was introduced into the legal system precisely by embracing the recommendation that ODIHR gave with good intentions, but which was not sufficiently thought out. Finally, as in examples from the neighboring countries, practice shows that for implementing reforms in Serbia it is not enough to only apply international standards, but that attention should be focused on eliminating all identified problems.

TS therefore recommends the following:

- 1. Through amendments to Article 50 of the Law on the Prevention of Corruption** - prevent or significantly limit the possibility of running a "functionary campaign". According to the proposal¹¹ already submitted by TS during the public hearing, public officials who are not otherwise prohibited from participating in the activities of political entities (e.g. ministers, mayors, unlike judges or ombudspersons) could only carry out activities of a promotional nature during the election campaign period which are: a) related to the fulfillment of legal obligations (the obligation must be fulfilled at a certain time and in a certain way and only that public official is authorized to fulfill the obligation - for example, the President of the Republic bestows a medal on the occasion of a national holiday); b) when it comes to public manifestations, which according to established practice are carried out at a certain time and with the participation of a public official of the appropriate rank (for example, the mayor opens a film festival every year); c) when the participation of officials is necessary due to international relations (e.g. the Prime Minister participates in a press conference after meeting with the prime ministers of the countries of the region). Furthermore, the rules should be specified so that public officials can be helped to act properly in situations where a clear distinction should be made in media appearances between what represents the position of a state body and the position of a political party.
- 2. Expanding the concept of public resource** in the Law on Prevention of Corruption¹² and other related regulations (e.g. Law on the Financing of Political Activities, Law on Public Enterprises, Law on Management of Companies Owned by the Republic of Serbia).¹³

11 See: amendment to Article 50: https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Inicijativa_za_podno%C5%A1enje_amandmana_na_Predlog_zakona_o_izmenama_Zakona_o_spre%C4%8Davanju_korupcije.pdf

12 See: Amendment to Article 2: https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Inicijativa_za_podno%C5%A1enje_amandmana_na_Predlog_zakona_o_izmenama_Zakona_o_spre%C4%8Davanju_korupcije.pdf

13 <https://www.transparentnost.org.rs/images/stories/inicijativeianalize/TS%20-%20Predlozi%20amandmana%20na%20new%20proposal%20law%20o%20governance%20economic%20companies%20in%20ownership%20of%20the%20Republika%20Srbije.pdf>

3. **Supplementing and specifying the rules on the relationship between authorities and the media**, through amendments to the Law on Public Information and Media or through a separate law. Among other things, the subject of regulation should be the conditions for selecting the media in which public advertising will be carried out, as well as what can be the subject of services contracted by the authorities with the media. In the event that rules are not adopted that limit the conduct of "functionary campaign", the current restriction on electronic media reporting on the activities of public officials should be significantly expanded, so that it applies to all media, to all public officials, to all types of promotional activities and to the entire period election campaigns.
4. **Specifying the rules on informing the public about the work of authorities and public officials**, which can be done through specific regulations or (better) through amendments to the Law on E-Government and by-laws adopted on the basis thereof.
5. Establishing legal restrictions or additional approval and verification mechanisms (within the electoral laws, the Law on the Budget System, the Law on Public Property and/or other regulations governing the work of certain authorities) for the assumption of obligations, debt acquittance, alienation of property in public ownership and public expenditures in the period immediately before, during and immediately after the end of the election campaign. In connection with this point, it is particularly useful to consider the experiences of Montenegro and North Macedonia, but also to specify the role of independent state bodies - the Fiscal Council and the State Audit Institution.
6. Introducing control mechanisms in order **to reduce the space for discretionary decision-making** when deviating from the implementation of the plans of the authorities, especially the work program of public enterprises and other state-owned enterprises, when such changes occur in the period before, during and immediately after the election campaign.
7. Specifying in a statutory way **the powers of the Government in the "technical mandate" and of the temporary bodies of local self-governments**, in order to limit such a government's activity to the performance of tasks that are truly urgent (Law on Government, Law on Local Self-Government);
8. **Specifying the duties of state bodies that are responsible for monitoring the actions of public officials and authorities during the election campaign**, which includes the obligation of proactive action by the Agency for the Prevention of Corruption (Law on the Prevention of Corruption), the public prosecutor's office (in order to check publicly available information about possible abuse of public resources, when no criminal charges have been filed), and the extension of the Agency's competence in connection with the monitoring of actions or the designation of another competent authority that would monitor compliance with restrictions related to the use of public resources during the election campaign.
9. Introducing additional measures that would **encourage the reporting of illegal actions** in connection with elections and abuse of public resources, especially through an open call from the public prosecutor's office, the Agency, the Regulatory Body for Electronic Media, the supervisory board, the Republic Election Commission and other authorities with precise information about the rights of the petitioners and timely notification of the outcome of the proceedings. This measure should be accompanied by specifying the rules on the protection of whistleblowers in the Law on the Election of People's Representatives and other election regulations, and in order to more effectively monitor the actions of these authorities, it would be useful to improve the Law on the Protection of Whistleblowers itself.
10. **Increasing the transparency of the disposal of certain public resources**, which in practice have been shown to be the most susceptible to abuse during the campaign (e.g. use of official vehicles), as well as with regard to all information that is important for monitoring compliance with restrictions. Regarding these measures, the model from the Montenegrin law can be used, but the problem can also be solved by increasing the transparency of public finances in general (e.g. through amendments to the Law on E-Government or the Law on Free Access to Information of Public Importance).



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