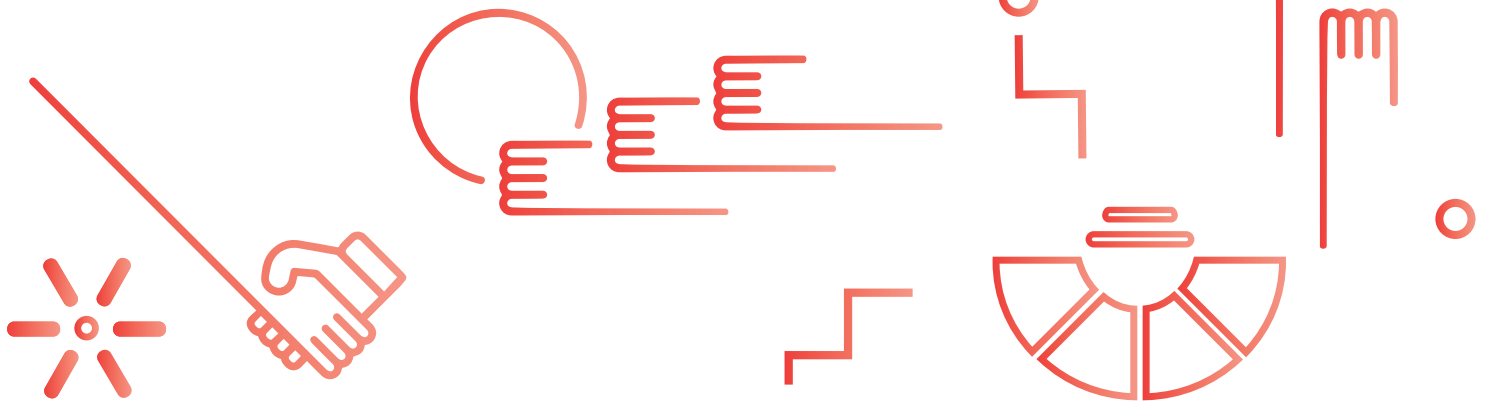


CRTA RECOMMENDATIONS FOR IMPROVING THE WORK OF THE NATIONAL ASSEMBLY



This document offers concrete recommendations for improving the work of the Serbian National Assembly, with a focus on the process of drafting, discussing and adopting laws, as well as exercising parliamentary oversight over the executive power.

These recommendations are a result of years of research and monitoring the work of the National Assembly in the framework of the Open Parliament Initiative, as well as of the activities of Members of the Parliament (MPs), functioning of parliamentary mechanisms and processes, and analyses of comparative practice and the best international standards. The list of recommendations presented in this document is not final nor exhaustive, but rather limited to priority recommendations that CRTA believes could be implemented at the earliest opportunity, with the existence of political will, readiness for dialogue and mutual understanding of all relevant actors.

State of Play in the National Assembly

High legislative activity, with a limited discussion on the content and effects of the acts that are being adopted, in addition to rare and only formal use of parliamentary oversight mechanisms, prevent the National Assembly from exercising its role in full capacity. In the framework of the ongoing convocation, a total of 431 laws were adopted during 274 days of work in the plenary, among which two out of the three new laws and amendments to the laws were adopted by urgent procedure, and only 12 of the adopted laws were not proposed by the Government.

The current practice of infrequent use of the oversight mechanisms, which are at the disposal to the National Assembly, does not contribute to the effective control of the executive power. The regular spring session passed without any public hearing and only one out of possible four sessions for parliamentary questions on the last Thursday of the month was held in March. However, the National Assembly started to use these mechanisms more frequently during the extraordinary sessions held in June 2019, including two public hearings as well as a session for parliamentary questions held on the last Thursday. Nevertheless, the manner and quality of discussions of the independent institutions reports, with the absence of a part of opposition MPs due to the ongoing parliamentary boycott, did not contribute to more effective oversight of the executive power.

Persistent abuse of procedures and obstruction of parliamentary work throughout the years degraded the position of the National Assembly, and led to the collapse of space for substantive dialogue in the plenum, while citizens' trust in this institution as well as in MPs remained low. Consequently, the role and influence of the National Assembly, as the supreme representative body and holder of constitutional and legislative power, are called into question.

What should be done?

In order to improve the functioning of the National Assembly and enable substantive fulfillment of its role of the supreme representative body and holder of constitutional and legislative power in Serbia, in addition to political announcements of improvements in the work of the Assembly, urgent, concrete and substantial changes in its work are necessary.

Quality of the Work in the Plenary:

Urgent Procedure, Consolidated Debate and Amendments

In order to enable MPs to be better informed and prepared for discussing and deciding on the law proposal, it is of crucial importance to decrease the use of the urgent procedure in legislative activity and limit it only to specific cases. It is also essential to prevent the abuse of parliamentary procedures which hamper the quality of legislative process and plenary debate. The following steps should be considered.

1. **To limit the use of urgent procedure for adopting the laws.** Accept adoption of acts by urgent procedure solely in extraordinary circumstances, with justified reasoning on alignment with EU regulations or due to extraordinary circumstances.
2. **To limit the practice of consolidated debate in the plenary.** Use the possibility to join the debate in situations where the laws are related thematically or in relation to the proposed provisions, or if they fall within the scope of a same committee, except for the Committee on Constitutional and Legislative Issues and the European Integration Committee.
3. **To prevent the practice of filing almost identical amendments that do not change meaningfully the article of the law,** by specifying the Rules of

Procedure concerning the work of the Committee on Constitutional and Legislative Issues.

4. **To specify the method for determining the order on the agenda at the plenary session.** By amending Rules of Procedure, determine which proposals of the laws should be the first items on the agenda.
5. **To introduce a deadline for placing all proposed draft laws and other acts on the agenda of the Assembly.** Specify the deadline in the Rules of Procedure in which the draft laws and other acts submitted by all authorized proposers must be placed on the agenda of the Assembly.

Adopting the Budget

In order to ensure quality discussion on the state budget at the plenary sessions, as one of the most important aspect of parliamentary control over the executive, it is essential to improve the procedure for regular adoption of the Law on the State Budget, as well as of the Law on Annual Financial Statement of the Budget of the Republic of Serbia. The following steps should be considered.

6. **To double the time for discussing the draft Budget Law.** A doubled time for discussing the Draft Law on Budget should be planned, compared to the time defined for the discussions by the Rules of Procedure.
7. **To ensure that MPs have at least 15 days to familiarize with the budget proposal prior to the plenary debate.** Consistently apply the provision of Article 172 of the Rules of Procedure, which provides that the debate on the draft of the budget law at the session of the Assembly can start no earlier than 15 days from the day of receiving

the budget proposal in the National Assembly.

8. **To ensure substantive debate on the Draft Law on Budget in the plenum.** The Rules of Procedure should be changed in order to provide that Draft Law on Budget and related proposals cannot be discussed in joint discussions with other acts.
9. **To regularly discuss the Draft Law on Annual Financial Statement of the Budget of the Republic of Serbia** as legally defined, with the substantive discussion in plenum.

Parliamentary Questions

In order to enable the MPs to regularly question the work of the executive, and to enable the public to be better informed on key topics on the parliamentary agenda and the work of the executive, it is crucial to improve the procedure for parliamentary questions and to enable more effective utilization of this mechanism. The following steps should be considered.

- 10. To enable parliamentary questions on any day during the last week of parliament's work in the current month.** Amend provisions in the Rules of Procedure so that the day for parliamentary questions is determined any day during the last week of parliament's work in the month, instead of only the last Thursday of the month.
- 11. To effectively limit the number of oral questions that an MP can pose to Government representative to maximum three questions per one address.** Amend the provisions of the Rules of Procedure to introduce a limitation on the number of questions that an MP can pose in one address within the institute of Parliamentary Questions, in accordance with the existing solution for the institute of Parliamentary questions relating to a topical subject.
- 12. To limit the time designated for the response of the Government representative to the oral question posed by an MP in the framework of the Parliamentary Questions institute to three to five minutes.**
- 13. To disclose the parliamentary questions posed in writing and delivered responses to the public.** Ensure public insight into parliamentary questions posed in writing and responses delivered by the Government representatives, by periodic publishing on the Assembly's website.

Public Hearings

It is needed to simplify the procedure for initiating the public hearings mechanism, improve its functioning and implementation, in order to enable MPs and public to be better informed on law proposals, work of the independent institutions and their recommendations, as well as on key topics on the parliamentary agenda. The following steps should be considered.

- 14. To oblige parliamentary committees to organize public hearings before adopting the systemic acts,** proposals of the budget laws as well as the changes to the laws that the committees are primarily responsible for.
- 15. To organize public hearings on regular basis for the annual reports of the independent institutions.** The Rules of Procedure should bind the relevant committee to organize the public hearings for the presentations of the independent institutions' annual reports.
- 16. To improve guidelines of the National Assembly for the organization of public hearings.** Improved guidelines should be prepared in an open consultative process.
- 17. To make process of initiating public hearings easier.** To amend the Rules of Procedure in order to make initiating public hearings possible if 1 committee member proposes it with the support of 1/4 of the committee.
- 18. To introduce mandatory committees' sessions after every public hearing,** so that the committee can adopt the recommendations for the relevant ministry.
- 19. To make the documents related to the process of public hearings available to the public.** Obligation of preparing and publishing the reports of public hearings should be specified further, including the proposals submitted to the committee. Also, transcripts and documents submitted by the participants of public hearings should be regularly published on the website of the National Assembly.

Independent Institutions

In order to fully utilize the contribution of the independent institutions to the parliamentary oversight over the executive, it is necessary to eliminate imprecisions and obstacles in existing parliamentary procedures. In addition, it is essential to determine which parliamentary committee is primarily in charge of which independent institution, including the responsibility of each actor in the process. It is important to improve the level of awareness and knowledge on the role and work of independent institutions among all relevant actors (MPs, parliamentary groups, committees, parliamentary service and staff), as well as their understanding of capacities of the parliament and its needs towards the independent institutions. The following steps should be considered.

20. **To publish the road map of adopting the independent institutions' reports process**, from the preparations and submissions of the reports to the adoptions in the plenum and implementation control.
21. **To specify the primary (i.e. parent) committee for each independent institution** within the Rules of Procedure.
22. **To prepare guidelines for the structure and mandatory elements of the independent institutions' reports and the conclusions** of the National Assembly in a public consultative process.
23. **To consider the reports of the independent bodies regularly and adopt precise and effective conclusions of the National Assembly**, which essentially operationalize the recommendations from the independent bodies' reports, with a strictly defined deadline for the Government's reporting on their implementation.
24. **To define strictly the deadline for the consideration of the independent institutions' reports in plenum.** To oblige the National Assembly to consider the annual reports of the independent institutions in plenum before the end of the spring session, by amending the Rules of Procedure.
25. **To oblige the primary committee (i.e. the parent committee) to regularly demand the six-month reports from the Government and the ministries on the activities of implementing the recommendations of the independent institutions**, in accordance with the conclusions of the National Assembly related to the annual reports.
26. **To bound the committee in charge to evaluate the six-month reports of the Government on implementing the recommendations, no later than 30 days after the submission, and to adopt the proposal of the conclusion that would be submitted to the Assembly for its first forthcoming session.**
27. **To define the obligation of the National Assembly to regularly evaluate the six-month reports by the Government** on its activities related to the implementation of the independent bodies' recommendations, within the Rules of Procedure.
28. **To define time limitations for initiating the process of appointing the independent bodies' representatives and to specify the legal terms for their appointment.** A transparent and public process of appointing the representatives of independent institutions should be legally defined as well as the criteria for their appointment, on the ground of evaluation and comparison of the candidates' qualifications, previous experience in the relevant field and operating plans (including the Ombudsman, Commissioner for the Public Information Access and Private Data Protection, Commissioner for the Equality Protection, Anti-Corruption Agency, Regulatory Body for Electronic Media, and the State Audit Institution).
29. **To strengthen the capacities of the Parliament's administration (i.e. support service) to monitor and analyze the implementation of the adopted conclusions of the National Assembly related to the independent institutions' reports** in line with the needs of the Members of Parliament.

Committees and working bodies

In order to improve the procedure of adopting the laws and their quality, it is essential to improve and strengthen the role of the parliamentary committees. In addition, it is important to better stipulate the institute of holding the committees' sessions outside the National Assembly, but also to regularly organise these sessions, in order to enable citizens to be better informed on activities within the parliament. The following steps should be considered.

29. **To introduce mandatory evaluations of the draft law proposals on the sessions of the committees in charge.** Provisions of the Rules of Procedure should be amended in order to introduce mandatory evaluations of the law proposals on the sessions of the committees in charge and submitting the reports to the National Assembly, instead of discussing the law proposals on the plenary sessions without the responsible committee's report.
30. **To specify the possibility for holding the committee's sittings outside the premises of the National Assembly in the Rules of Procedure.** To amend the articles of the Rules of Procedure that regulate the institute of public sittings.
31. **To specify the obligation of post-legislative scrutiny** on the basis of the Resolution of the National Assembly on legislative policy adopted in 2013, in accordance with international good practice examples. Enhance the capacities of the National Assembly for implementation of post-legislative scrutiny.
32. **To specify the obligation of holding regular meetings of the Collegium** of the National Assembly by amending the Rules of Procedure, in accordance with the Law on the National Assembly.
33. **To specify quotas for the chairmanship of parliamentary committees.** Introduce quotas for the chairmanship of parliamentary committees by MPs who are not part of the ruling majority, reflecting the relation of power among parliamentary groups, by amending the Rules of Procedure (in accordance with the existing practice of determining the composition of the committees).
34. **To disclose the transcripts from committee sessions to the public.** Regularly publish transcripts of committee sessions, together with reports of committee rapporteurs.
35. **To enable permanent membership of non-governmental organizations, academic institutes and professional organizations in parliamentary committees** through the "civic chair" mechanism.
36. **To introduce the practice of organizing regular sessions dedicated to Serbia's EU Accession Negotiations.** Specify the obligation to consider the reports of the European Commission in the plenum.

Annual Work Plan of the National Assembly

In order to ensure better predictability of the legislative agenda, thus better preparedness of the committees and MPs for parliamentary work, it is of crucial importance to regularly adopt and publish the Annual Work Plan of the National Assembly. The following steps should be considered.

37. **To specify the deadline for the adoption of the Annual Work Plan of the Assembly.** Specify the end of December of the current year should be specified as the deadline for the adoption of the annual work program of the Assembly for the following year, by amending the Rules of Procedure, in line with the Annual Plan of the Government and the National Program for the Adoption of the Acquis. Provide and specify the responsibility of the Speaker of Parliament for the absence of the Annual Plan.
38. **To develop a model of the National Assembly's Annual Work Plan with a detailed structure,** including the work plan of the committees, organizing public hearings, reports of independent institutions and ministries, the calendar for the election of judges and representatives of other bodies and institutions elected by the Assembly, etc.
39. **To present the National Assembly's Annual Work Plan to the MPs and to the public.** Specify the obligation to present the annual work program for Members of Parliament at the first sitting of each spring session within the Rules of Procedure, as well as the obligation to make it publicly available on the Assembly's website.

Informing the Public

In order to better inform the public on the work and activities of the National Assembly and MPs, it is necessary to strengthen the parliament's capacities and regularly disclose information on the National Assembly. The following steps should be considered.

- 40. **To strengthen the capacities of the National Assembly for public reporting**, by training rapporteurs for parliamentary committees.
- 41. **To publish the Information Booklet of the National Assembly in open format**, along with the regularly updated overview of the expenses of the National Assembly as well as the expenses of the MPs (including monthly payroll, supplements, travel costs, etc.).
- 42. **To regularly disclose information on the presence of MPs at the sessions of the National Assembly** on the website of the National Assembly, in an open format.
- 43. **To provide public access to the amendments submitted by MPs**. Publish the texts of all amendments submitted to draft laws and other acts on the website of the National Assembly, in an open format.
- 44. **To organise educational and informative programmes and campaigns in cooperation with educational institutions, media and civil society organisations**, with an aim to better inform citizens on the role of the parliament and MPs and to increase public trust in their work.

In order to implement these recommendations, it is necessary to amend the legislative framework which regulates the work of the National Assembly.

In that regard, the following steps should be undertaken.

- 45. **To invite the Venice Commission of the Council of Europe to provide an expert opinion on the current Rules of Procedure of the National Assembly of the Republic of Serbia**, and amend the Rules of Procedure in accordance with the best international practice, in a transparent, efficient and accountable process.
- 46. **To urgently adopt the Code of Conduct of MPs (i.e. Code of Ethics) as an independent document**. In the process of adopting the Code of Conduct of MPs, obtain the opinion of the Venice Commission on the final version of the Code of Conduct of MPs.