Open Parliament Newsletter

PARLIAMENTARY INSIDER

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O vama se radi.

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THE OPEN PARLIAMENT INITIATIVE

The Open Parliament initiative actively monitors the work of the Parliament of Serbia, on a daily basis since 2012. The Open Parliament collects and publishes data on the work of the Parliament of Serbia and its results, but also analyses different processes within this institution with regard to principles of transparency, accountability and participation.

The aim of the Open Parliament initiative is to contribute to greater openness of the Parliament, but also to inform the citizens on the work of the institution and to establish regular communication between citizens and their elected representatives. The foundation of our work is the international Declaration on the Parliamentary Openness in whose development the Open Parliament has also participated.

SInce January 2018, the Open Parliament team has increased the focus of its activities towards observing the level of accountability of MPs and the Parliament.

немачка сарадња
DEUTSCHE ZUSAMMENARBEIT

Auswärtiges Amt

The Open Parliament initiative is being supported by the German Federal Foreign Office, including the production of the monthly newsletter. Attitudes expressed in the newsletter belong to the Open Parliament team, but do not necessarily reflect the donor's view.

FOREWORD OF THE OPEN PARLIAMENT

The Parliament makes and adopts decisions that have impact to the everyday life of citizens, which is why it is important that this institution is constantly open to the public. However, during the 2018 Autumn Session we continue to witness the further decline of public participation in the work of the Parliament. Laws are still being increasingly adopted under **the urgent procedure,** which excludes the possibility of opening the public discussion on the laws included in the plenary sessions' agenda. **Merging items on the parliamentary agenda into one discussion,** combined with the submission of the **vast number of amendments by the ruling majority MPs** to the first items on the plenary agenda, shorten the time, prevent the quality discussion and close down the space for improving the law proposal. As a result, almost all laws are being adopted in the form which was initially proposed the Government.

Even though there were not many activities in the Parliament in November, we would like to emphasize that this month was marked by the **first public hearing organized in 2018** for the law that was immediately after included in the following plenary agenda under the urgent procedure. In the course of the same session, that started on November 27th, MPs **also discuss the 2019 budgetary proposal, including additional 61 item** that were merged into one plenary discussion. In comparison to the last year's plenary session dedicated to 2018 budget discussion and adoption, the number of merged items on this years' plenary agenda **doubled.** This malpractice of the ruling majority causes that the most important laws in the country remain hidden from the eye of the public and adopted without the discussion.

The second issue of the Open Parliament newsletter covers sessions held in November, summaries of adopted laws, the comparative analysis of the parliamentary Code of Conduct, monthly statistics, including the reaction of the Open Parliament initiative to the latest event in the Parliament - arrival of 2019 budget proposal in the parliamentary procedure. In other words, all parliamentary activities in November 2018.

We hope that the monthly newsletter will be a useful source of key information, as well as the practical tool for monitoring the Serbian parliamentarism and understanding challenges in front of it.

2018 Month in the Parliament NOVEMBER

2.

Continuation of the sitting started in October

The MPs continued the debate regarding the laws, including the Law on Free Legal Aid, the Law on Lobbying, as well as the Law on Personal Data Protection. Minister of Interior Nebojša Stefanović and Minister of Justice Nela Kuburović were substantiating to the MPs the laws on the agenda. During the debate, a dispute over the letter sent by the Serbian Orthodox Church to the MPs as regards the Law on Personal Data Protection was initiated. The SRS parliamentary group continued insisting on investigating the alleged "criminal activities" of Minister Rasim Ljajić.

5.

Radicals still talk about Rasim Ljajić

On the fourth day of the sitting, the MPs started the debate in detail regarding the Law Proposal on Disaster Risk Reduction and Emergency Management. The MPs were substantiating the amendments submitted regarding the title, and the first articles of the Law. Minister Rasim Ljajić was the subject of discussion that day as well. As the MPs of SRS and SDPS were discussing by indicating the violation of the National Assembly Rules of Procedure, the Speaker of the National Assembly Maja Gojković warned them to return to the agenda, otherwise, she would have to reduce the time to both parliamentary groups.

6.

Instead of the laws, "Danas" and Zelenović on the agenda

At the beginning of the debate, the MPs requested information regarding the employment of the MPs from SNS Aleksandar Martinović and Darko Laketić at the College of Applied Health Studies in Ćuprija, the flag of Kosovo displayed at the cathedral in Paris, the activities of SNS before the elections in Lučani, the incidents in the village of Rakita where a small hydropower plant is being constructed. Instead of debating in detail, the MPs spent their time discussing the mandate of Vojislav Šešelj, but also calling out the mayor of Šabac Nebojša Zelenović and the daily newspaper "Danas". The MP Aleksandar Martinović pointed out that SNS "is being campaigned against in the central pages of 'Danas' in the worst possible manner unseen from the times of Goebbels and Adolf Hitler".

7.

Not enough time to substantiate the amendments to all laws on the agenda

Over 1100 amendments were submitted to the laws on the agenda. Due to the lack of time, the MPs had enough time only to discuss the amendments to the title and the first several articles of the Law Proposal on Disaster Risk and Emergency Management, which was the first on the agenda.

9.

Usvojeni Zakon o lobiranju, Zakon o zaštiti podataka o ličnosti, Zakon o besplatnoj pravnoj pomoći...

Adopted Law on Lobbying, Law on Personal Data Protection, Law on Free Legal Aid, and other. The MPs voted for all the acts from the agenda of the Third Sitting of the Second Regular Session by a majority of the votes. Despite the warnings of civil society organisations and the expert public regarding the shortcomings of the proposed laws, the texts of the laws were not significantly changed in the Parliament.

19.

The first public hearing in 2018

The Environmental Protection Committee organized the first public hearing on the Law Proposal on Radiation and Nuclear Safety and Security, submitted by MP Maja Gojković. The law proposal was included in the agenda of the Fourth Sitting of the Second Regular Session by the urgent procedure. The number of public hearings significantly decreased after 2015 when there were 14 of them. The next year, the number was twice as low, whereas, in 2017, only one public hearing was held.

27.

Fourth Sitting of the Second Regular Session

The 2019 Budget Law Proposal, together with 61 more acts, was on the proposed agenda of the sitting, only four days after it entered into the procedure. The proposals of MPs to supplement the agenda were not adopted this time as well. The acts on the agenda are voted to be included in a common debate in principle, which significantly reduces the time for debating. At the beginning of the sitting, the MPs asked for explanations and information about the attack on Borko Stefanović, amendments to the Law on the Financial Support for Families with Children, "criminal activities" of Rasim Ljajić, the termination of Vojislav Šešelj's mandate, etc. At the sitting, the mandates of MPs Dušan Pavlović, Jasmina Nikolić and Ratko Jankov were ascertained to be terminated after their resignation from the parliamentary club Dosta je bilo

28.

20 seconds per law on the agenda

On the second day of the sitting, the MPs started a common debate in principle regarding all the laws on the agenda. MP of Dveri Boško Obradović said: "62 items of the agenda were included in one item of the agenda of the debate, which means that we, the opposition, who are to speak critically against the Government, since it is our job indicate everything the Government is doing wrong, have a bit less than 20 seconds to talk about each of the laws of the 62 proposed ones, including the most important law in a Parliament calendar year, which is the Budget Law for the next year."

29.

Government responded to MPs' questions

There was enough time for five MPs to ask questions to the ministers during three hours set for this mechanism of control of the Government. Among other things, the MPs asked questions regarding the incoming elections in Lučani, negotiation between Belgrade and Priština, completion of infrastructure projects, developments in Kosovo, as well as regarding a large number of laws that were included on the agenda together with the 2019 Budget Law Proposal.

30.

A debate in principle regarding the laws on the agenda finished

During the debate, MPs discussed the public debt and investments envisaged by the budget for 2019. The continuation of the sitting is scheduled for December 3rd.

PARLIAMENT IN NUMBERS

The statistics is concluded with November 30th

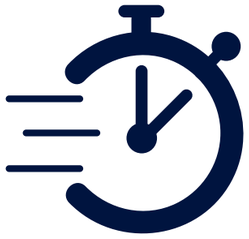
LEGISLATIVE ACTIVITY

225 days of legislative activity

305 adopted laws

97% of adopted laws were proposed by the Government

None of the laws proposed by the opposition MPs have yet been included on the parliamentary agenda.



URGENT PROCEDURE

44% of all laws, including the law proposals, amended laws and ratifications of international agreements

62% of only law proposals and amended laws!

International agreements are mostly ratified under regular procedure

LOOK OUT FOR:

Filibustering to prevent discussion about laws in procedure.

Merging items on the parliamentary agenda into one discussion.

Submitting a vast number of amendments in order to exhaust the time for the discussion on major legislative pieces by ruling majority MPs.

Discussion on the 2019 budget proposal in December, which the Government submitted to the Parliament with 23 days of delay

OVERSIGHT ROLE OF THE PARLIAMENT:

7 sessions in 2 years of the "MPs Question Time":
October 2016, October 2017, March, April, September, October and November 2018.

8 public hearings: only one in 2018, held in November

Independent institutions' reports have not been adopted nor discussed in the plenary since 2014

Out of 20 committees, only 1 is chaired by non-majority MP.

DEVELOPING THE BUDGET OF THE REPUBLIC OF SERBIA

From the Government to the Parliament with the inevitable delay, shortening the time for parliamentary discussion and hurry for adoption before the end of the year.

Instead until 1st of November, which is a deadline prescribed by the Law on Budgetary System, the Government of the Republic of Serbia has adopted the 2019 budgetary proposal with 20 days of delay, and submitted it to the Parliament on 23rd of November. The deadline for the Parliament to adopt the state budget is 15th of December.

By being late in adopting the proposal of the state budget, **the Government has direct influence in shortening the time for the MPs to consider the most important law in the country and prepare themselves for the plenary discussion.**

This year's move of the Government, however, does not deviate from the previous practice regarding the preparation and adoption of the state budget. In the last 18 years, the average delay of the Government to adopt the budgetary proposal amounts 36 days. The biggest delay occurred in 2001 - 47 days, and then in 2011 - 45 days. The Government has submitted the budgetary proposal to the Parliament within the legally prescribed deadline (1st of November) **only 3 times** since 2000 - in 2002, 2006 and 2012.

Thus, instead to have at least a month and half[1] to become familiar, to consider, to discuss and to adopt the Law on the Budget, **in the last 10 years** - since 2008 until 2017 - MPs had on average **less than 15 days** to deal with the proposal before the adoption.[2] The most alarming situations occurred in 2014, 2015 and 2016 when MPs had the budgetary proposal in front of them for **only 8 days** - from the moment it entered the parliamentary procedure until the moment of it was adopted. This practice is **completely opposite** to the parliamentary Rules of Procedure that prescribes that the plenary discussion on the budgetary proposal **cannot start earlier than 15 days after the proposal entered the procedure.**[3]

By taking into account that **filibustering,** coming from the ruling majority, became a common practice in the Parliament since 2017 and that this malpractice is being combined, also by the ruling majority, with the practice of merging items into plenary sessions' agenda, **there is justified misgiving that there will be no discussion on the 2019 state budget.**

By the moment this issue of the Open Parliament newsletter is concluded, the 2019 budgetary proposals is on the agenda of the ongoing plenary session. **The overall discussion on the budget is being merged with additional 61 item on the agenda - 62 items in total.** By merging this large number of items is the first stepping stone for the quality discussion as it significantly shortens the time for the overall debate on each one of them - instead to have on average 5 hours, each parliamentary group have on average 5 minutes per item. In addition, despite the fact that the budgetary proposal is almost at the top of the agenda - being 4th item in a row for discussion - the number of amendments submitted on two law proposals preceding the budget proposal amounts 550.

1 Time period between 1st of November - deadline for the proposal to enter the Parliament and 15th of December - deadline for the Parliament to adopt the Law on the Budget.

2 The only exception is 2013 when MPs had 32 days to consider, discuss and adopt the budget.

3 Article 172 of the Rules of Procedure of the Parliament of Serbia.

While merging 62 items into plenary session agenda significantly decreases the time which parliamentary groups have to discuss each item in principle, submission of vast number of amendments by the ruling majority shows the intention to completely disable the plenary discussion in details.

These are all signs that the discussion on 2019 budget is already being made pointless by the ruling majority. With the new delay by the Government to submit the proposal to the Parliament, the time for MPs to prepare for the discussion on the most significant legal act in the country was again shortened. And maybe this is not important at all, as the further path of the proposal within the Parliament points that there might not be a discussion at the end. The time for it will be "institutionally" misused by the ruling majority in order to secure that any kind of discussion - in principle and in detail - will not take place.

OPEN PARLIAMENT ANALYSES

Issue topic: Codes of Conduct

COMPARATIVE PRACTICE OF THE EU MEMBER STATES NATIONAL PARLIAMENTS

In a recent interview in Politika daily, the National Assembly speaker Maja Gojković brought up the topic of the EU Commision report mentioning the lack of Code of Conduct (Code) in the Serbian Parliament. [4] This is our translation of a part of the interview that relates to the rules of procedure (emphasys ours):

Journalist: European Commision in their progress report stated that there is "not enough dialogue in the Parliament"...

Maja Gojković: The dialogue exists if the MPs want it, but the opposition is too lazy to spend days in the parliament hall and discuss the laws. I spoke about some of these things with EU ambassador Sem Fabrizi, who suggested some sort off expert help for changing our procedures.

Journalist: What did he suggest?

Maja Gojković: He did not know what to say, because in all developed democracies, including his home country, there is no possibility to, for example, forbid one group of MPs to submit amendments, and allow the other. So they haven't yet produced any expert advice for our parliament, but we are open for cooperation. (...) I will gladly implement any EU Rules of Procedure. However, more interesting is the EU remark that there is no Code of Conduct in our Parliament.

Journalist: Why is that even a problem, when our Rules of Procedure regulate practically everything which, following certain opinions, should be in that Code?

Maja Gojković: Almost none of the EU member states have such a Code, Austria, which currently presides doesn't have it, and they are criticising us. When I ask any of them, here, an Austrian for example, what is their Code of Conduct like, they say they don't have one. I honestly don't know who in Belgrade is writing to Brussels and asking that we become a forerunner of something that has yet to happen.

Previously we explained how the abuse of the Rules of Procedure by the ruling majority in the parliament is disabling the minority to participate in the debate and to have their amendments discussed. This is primarily done by the ruling majority amending the title or the first lines of the laws which are jointly discussed in the parliament, therefore using all available time for the discussion.

Here we wanted to focus on what the Speaker Gojković is saying about EU member states parliaments. We found the following:

1. Majority of EU member states have adopted some form of code of conduct

17 out of 28 member states, as well as the European parliament adopted codes
The trend of adopting codes of conduct is sharply increasing lately

2. Serbia would not be a forerunner

It has already started a process of adopting the Code of Conduct 6 years ago
Some candidate states, as well as potential states, have already adopted them

3. Adopting code would if anything be beneficial for Serbia

The code can help improve the perception of the integrity of the parliament
Adopting the code could help improve cross-party relations within the parliament

4 https://bit.ly/2NaBjxC

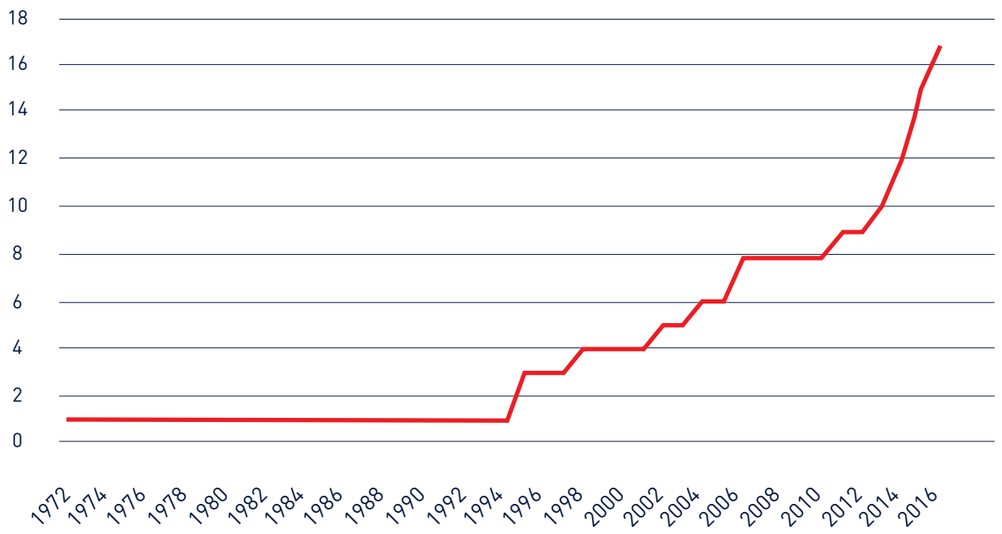
1. Majority of EU member states (17) have adopted some form of code of conduct

We analysed data on codes of conduct in EU member states parliaments from the paper "Codes of conduct for national parliaments and their role in promoting integrity: an assessment" by Jacopo Leone from the OSCE ODIHR [5], presented at the 2017 OECD Global Anti-Corruption and Integrity Forum. This is an unofficial paper which however builds upon the update of a background study "Professional and Ethical Standards for Parliamentarians" published by OSCE in 2012.[6] This is the most comprehensive analysis of the codes of conduct in OSCE region, and from here we extracted data on the EU member states.

The data collected from the paper shows that 17 out of 28 member states have adopted some form of code of conduct as of 2016 when the last adoption was recorded. The list of member states with code of conducts is presented in Table 1. Graph 1, based on year of adoption from Leone, shows that the number of countries is sharply increasing lately. It would not therefore be a surprise if there were additional adoptions in the last two years.

Even though Austria does not have a code of conduct, most of the member states do. The first EU national parliament that adopted the code was Germany's Bundestag in 1972, as a part of their Rules of Procedure. This is not only a matter of majority of EU member states, but also the EU as a whole, that is, EU Parliament has adopted a code of conduct in 2012 as a frontrunner of the last wave of countries that did so.[7] If Serbian Speaker is willing to "implement any EU Rules of Procedure" then EU Parliament's rules that include the code of conduct would be a good place to start.

Number of parliaments in EU member states that have adopted a code of conduct (adapted from Leone 2017)



5 https://www.oecd.org/cleangovbiz/Integrity-Forum-2017-Leone-conduct-parliaments.pdf
6 https://www.osce.org/odihr/98924?download=true
7 https://agora-parl.org/node/8871

EU member states where at least one chamber of national parliaments have adopted a Code of Conduct (adapted from Leone 2017)

MEMBER STATE	DOCUMENT	TYPE	YEAR
Germany	Code of Conduct	Rules of procedure	1972
Malta	Code of Ethics	Rules of procedure	1995
United Kingdom	Code of Conduct	Rules of procedure	1995
Poland	Rules of Ethics	Resolution	1998
Ireland	Code of Conduct	Parliamentary Motion	2002
Estonia	Good practices of the Riigikogu	Resolution	2004
Lithuania	Code of Conduct	Primary law	2006
Latvia	Code of Ethics	Rules of procedure	2006
France	Code of Deontology	Resolution	2011
European Parliament	Code of Conduct	Rules of procedure	2012
Belgium	Code of Deontology	Rules of procedure	2013
Bulgaria	Ethical Rules of Conduct	Rules of procedure	2014
Luxembourg	Code of Conduct	Rules of procedure	2014
Slovenia	Code of Conduct	Resolution	2015
Netherlands	Integrity of Members of Parliament Regulations	Rules of procedure	2015
Finland	Instructions of the Speaker's Council on the Rules of Procedures	Rules of procedure	2015
Italy	Code of Conduct	Declaration (testing phase, in view of incorporation to the Rules of Procedure)	2016
Sweden	Code of Conduct	Declaration	2016

2. Serbia would not be a forerunner

Serbia has already started a process of adopting the Code 6 years ago. With the adoption of the new Rules of Procedure in 2011, the Parliament committed to develop and adopt the Code of Conduct for MPs.[8] The envisioned Code should have served as an instrument of self-regulation through basic ethical values, specific rules of conduct, and conflict of interest as well as a mechanism for its implementation.

The drafting of the Code was delegated to the Committee for Administrative, Budgetary, Mandate and Immunity Issues, and its Working Group established for that purpose. Despite early progress and development of the first draft, back in 2014, no further progress has been recorded since. The functioning of the Working Group was interrupted by parliamentary elections in 2014 and 2016. In addition, for the last two years the work has been brought to a standstill due to lack of cross-party cooperation in the Parliament. However, as late as 2017, the process was still ongoing. The current convocation of the Parliament's Administrative Committee has again formed a Working Group for on July 20th 2017, during its 27th meeting. [9]

Finally, even if Serbia does adopt the Code in the near future, it would still be lagging behind some of the candidate states, as well as potential candidates, which have already adopted them. Montenegro was the first candidate country to adopt Code of Ethics in a resolution in 2014. Even before them, Bosnia and Herzegovina adopted Code of Conduct in the House of Representatives and House of People in 2008. Another candidate, Macedonia, has started the process of drafting the code of conduct this year. [10]

3. Adopting the Code could be beneficial for Serbia

Codes of conduct could be one of the instruments of promoting integrity of public officials and of democratic institutions. Following Leone, we analysed how EU member states, as well as candidates, score on the Index of Public Integrity.[11] We found that there is a significant difference between the scores of 17 member states that do have a code (M=8.54, SD=0.68) and the 14[12] member states and candidates that do not (M=7.69, SD=0.85), t=-3.01407, p < 0.01. Of course we cannot say that it means code of conduct improves public integrity, what we can say is that the countries with the code of conducts also have higher capacity to control corruption. This especially holds if we look at other OSCE regions covered in the Leone 2017 analysis, where almost none of the Post-Soviet states have codes of conduct and they also score very low on the Index of Public Integrity. Graph 2 shows the distribution of the scores on the Index of Public Integrity for the countries with codes of conduct (1) and those without (0).

8 In 2011 the Parliament hosted International Conference: Standards of Ethics/Conduct for Parliamentarians.

9 https://bit.ly/2Of8qoo

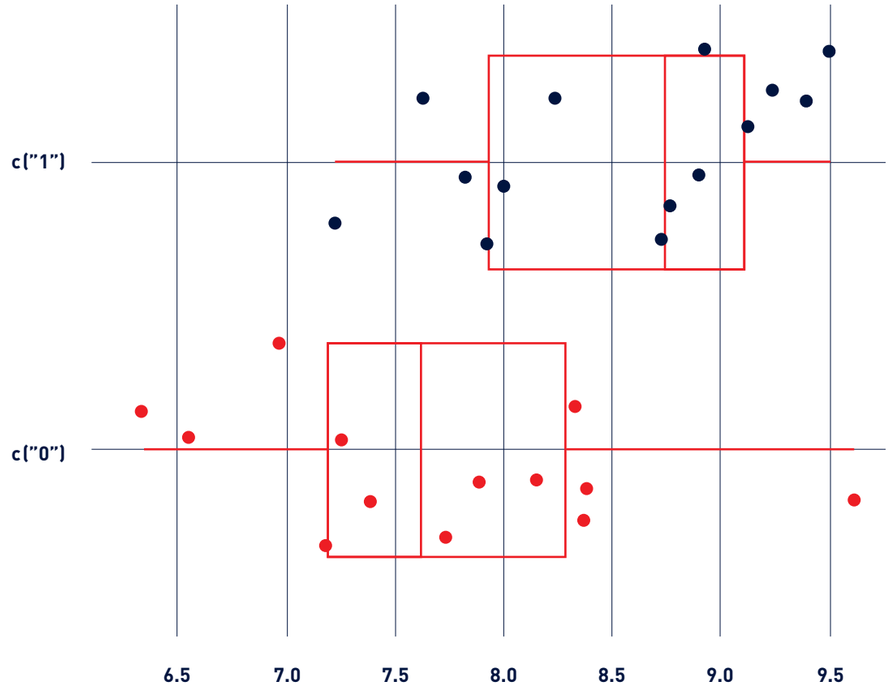
10 http://english.republika.mk/macedonias-parliament-to-get-code-of-ethics/

11 This six-component index assesses a society's capacity to control corruption and ensure that public resources are spent without corrupt practices. It is maintained by the European Research Centre for Anti-Corruption and State-Building (ERCAS) https://integrity-index.org/

12 Cyprus (members state) and Montenegro (candidate) are not covered in the 2017 index.

Finally, adopting code of conduct could potentially be beneficial for the relations in the Serbian Parliament. In a situation in which the minority MPs increasingly express grievances about the parliamentary procedures and threaten with the boycott of the assembly, [13] the work on drafting the code of conduct could be a way to re-establish the cross-party cooperation, improve the overall atmosphere, and increase public trust in the institution of the parliament.

Index of Public Integrity scores for EU member states and candidates with and without codes of conduct



13 https://www.danas.rs/politika/jesic-bojkot-bi-bio-pritisak-na-vlast/

THE LAW ON PERSONAL DATA PROTECTION

The new Law on Personal Data Protection was adopted *for the purpose of improving national normative framework in this field and for alignment with the European Union legislation. The law shall start to apply nine months upon its entry into force, whereas the provisions of other laws that refer to the processing of personal data need to be harmonized with the provisions of the law until the end of 2020.*

The subject of the law

The law regulates the right of natural persons to protection relating to the processing of personal data and free circulation of such data. However, **the novelty is that this law also regulates the right to protection of natural persons with regard to the processing of personal data carried out by responsible authorities for the purposes of prevention, investigation and detection of criminal offences, prosecution of perpetrators or execution of criminal sanctions, including prevention of and protection against threats to public and national security.**

Basic notions

Podatak Data about a person (personal data) shall mean any data referring to the natural person whose identity is identified or identifiable. This may imply name, surname, sex, year of birth, as well as location information, e-mail etc.

Personal data processing shall mean any activity or set of activities that are performed with personal data or sets thereof, in an automated or non-automated manner. In particular, data processing may imply collection, recording, classification, merging, storage, granting access, use, copying or dissemination of data.

Data controller shall mean a natural person, legal person or public authority that independently or jointly define the purpose and manner of processing. On the other hand, data processor shall mean a natural person, legal person or public authority rendering personal data processing on behalf of the controller.

Subjects of the law

The law primarily applies to state authorities and natural persons/legal persons with seat/domicile in Serbia, but also to certain natural persons/legal persons abroad.

In particular – the law applies to the processing of personal data carried out by the controller, i.e. processor with domicile/residence in Serbia, within the scope of the activities performed in the territory of Serbia, whether the processing activity is done in the territory of Serbia or not. Also, the law applies to the processing of personal data of the individuals that such data refer to, who have domicile/residence in the territory of Serbia, while the controller, i.e. processor does not have the seat, domicile or residence in the territory of Serbia, given that the processing activities are related to the following:

1) supply of goods and/or services to the person that the data refer to in the territory of Serbia, whether such person is required to pay for such goods and services or not;

2) monitoring of the activities of persons that the data refer to if such activities are carried out in the territory of Serbia.

Cases when data processing is lawful

Processing shall be lawful whenever a person whose data are concerned agrees to the processing of their data for one or several specified purposes. Processing shall also be considered lawful when it is necessary for performance of contracts concluded with the person that the data refer to or for the purpose of fulfilling the controller's legal obligations; protection of vital interests of persons that the data refer to or another natural person; performance of activities in public interest or execution of legally-prescribed authorities for controllers, as well as for the purpose of realizing legitimate interests of controllers or third parties.

Data processing done by judicial and investigation authorities for special purposes shall be lawful providing that such processing is necessary for the operation of responsible authorities and stipulated by law.

Possibility to give consent by clearly affirmative (concludent) action

The law defines consent as any voluntary, specified, informed and unambiguous expression of the will of a person, whereby such person, by means of a statement or clearly affirmative action, gives consent to the processing of data that refer to them. Unlike the previous law, the new law allows for consent to be given by clearly affirmative action (concludent action) instead of exclusively oral and written form.

However, in consent-based cases, the consent must be written using clear and simple words. The person who gave consent voluntarily shall be entitled to revoking their consent at any moment. The revocation shall not affect the processing of data realized before the revocation of consent.

Considering that the majority of personal data processing is done online, the law stipulates that children above 15 years of age may give independent consent for data processing during the use of online services. If a person is under 15, the consent must be given by the parent or legal representative of the minor.

Processing of special/sensitive personal data is prohibited

The law introduces a rule under which it is prohibited to perform any processing that discloses racial or ethnic origin, political opinion, religious or philosophical belief or membership in a syndicate, as well as processing of genetic data, biometric data aimed at single identification of persons, data on health, data on sex life or sexual orientation of natural persons. However, the law stipulates 10 particular situations where the processing of such special data shall nevertheless be allowed (e.g. explicit consent of the person that the data refer to).

Rights of persons that the data refer to and bases for their limitation

The law prescribes the rights of persons that the data refer to, which are as follows: **right to data access; the right to correction and updating; right to deletion of data; right to limitation of data; the right to data transferability and right to complaint.**

However, all rights legally entitled to the persons that the data refer to may be limited providing that such limitations do not interfere with the substance of fundamental rights and freedoms and if such action represents a necessary and reciprocal measure in a democratic society aimed at protection of resources explicitly stipulated in the Law.

Measures for personal data protection

Each controller shall undertake appropriate technical, organizational and HR measures in order to ensure adequate protection of personal data. The controller shall be particularly obliged to **continually apply appropriate technical, organizational and HR measures in order to ensure that the personal data processed are always those necessary for the realization of each individual processing purpose.** The law explicitly stipulates that each controller shall be **obliged to keep records** of processing activities under their responsibility.

If data processing is done by a third person on behalf of the controller (processor), the processor shall also apply relevant technical, organisational and HR measures in order to ensure appropriate protection of personal data.

New obligations for controllers – notifying to the Commissioner and natural persons in cases of infringement of personal data; assessment of the impact on personal data protection; the person for personal data protection

The law imposes an obligation for all controllers, in the event of infringement of personal data that may impose a risk on rights and freedoms of natural persons, to immediately notify the Commissioner of such infringement. In addition to notifying the Commissioner, the controller shall also be obliged to notify each person that the data refer to. Notification of the persons shall be done immediately – without delay

In case of the established likelihood that an individual type of processing would cause a high risk for rights and freedoms of natural persons, the controller shall be obliged, prior to initiating the processing, to assess the impact of the envisaged processing actions on personal data protection. The Commissioner shall be obliged to prepare and publish a list of processing actions that need to be subject to impact assessment.

The law introduces another new obligation for controllers, namely **to designate a person in their entity who would be responsible for personal data protection.** Several economic entities may designate a common person for personal data protection. Controller and processor shall be obliged to designate a person for personal data protection if:

1) processing is done by a government authority unless the processing is done by a court for the purpose of exercising its judicial powers;

2) main activities of controller or processor comprise the actions of processing whose nature, scope or purpose require regular and systematic supervision of a vast number of persons that the data pertain to;

3) main activities of the controller or processor comprise the processing of special types of personal data or personal data relating to criminal judgments and punishable acts to a large extent.

A person for personal data protection can be employed with the controller or processor or perform the job based on a contract. Controller/processor shall be obliged to disclose contact information of the person for personal data protection and submit them to the Commissioner. The Commissioner shall keep records of persons for personal data protection. Persons, to whom the data refer to, may address the person for personal data protection who is the first contact within a controller.

What is different from the previous law is the fact that **there will no longer be a Central registry as a database with all databases reported before the outset of personal data processing.** Therefore, controllers/processors will no longer have to report all databases into the Central Registry.

Transfer of personal data to another country will only be possible if such a country guarantees at least the same level of personal data protection as Serbia

The law allows for the transfer of personal data and sets of personal data to another country. This type of transfer will be possible without previous approval only upon establishing that such other country ensures the appropriate level of personal data protection, i.e. at least the same level of protection as provided under the law in Serbia or a European Union country. The Government shall be obliged to monitor the situation in other countries with regard to personal data protection and based on such observations publish the list of countries complying with the appropriate level of protection in the Official Gazette.

The Commissioner shall remain the supervising authority for application of the law on personal data protection

Alike the current law has envisaged, the Commissioner for Information of Public Importance and Personal Data Protection will remain the key supervisory body for law application.

What is new is that, in addition to the requirements for the Commissioner election prescribed by the law on free access to information of public importance, the Commissioner now has to possess the necessary professional knowledge and experience in the field of personal data protection.

The Commissioner shall not be responsible for supervising the processing done by courts while executing their judicial powers.

The Commissioner shall also be authorized to undertake certain correctional measures (warning, admonitions, restrictive measure for processing, orders for correction/deletion of data, fines based on misdemeanour report).

Alike so far, the Commissioner shall be obliged to prepare annual activity report containing the information on types of law infringements and measures undertaken in relation to such infringements, and to submit the report to the National Assembly.

In case of suspected law infringement, the person that the data refer to shall be entitled to file a complaint to the Commissioner

Unlike the law in force, which envisages appeal as a mechanism for personal data protection, the new law introduces a new concept of complaint. The person that the information pertains to shall be entitled to file a complaint to the Commissioner if they deem that the processing of their personal data has been conducted against the law. Filing of complaint to the Commissioner shall not

affect the right of such person to institute other proceedings for administrative or court protection. What is different from the previous law is that, if the filed complaint is obviously unfounded, excessive or overly repetitive, the Commissioner may now refuse to act upon such complaint.

Court protection on basis of Commissioner's decision becomes a rule and not an exception

The law introduces the possibility to institute administrative dispute against a Commissioner's decision as a rule. Namely, the person that the data refer to, controller, processor and other natural and legal person that the decision of the Commissioner refers to shall be entitled to institute administrative dispute against such decision within 30 days of the day of receipt of the decision.

Another novelty is that, if the Commissioner fails to decide upon the complaint within 60 days after the filing of the complaint, the person that the data refer to shall be entitled to institute administrative dispute. In addition to the possibility of the institution of administrative dispute, the person that the data refer to shall also be entitled to court protection if they deem that their right to data protection has been violated by controller or processor during personal data processing activity. The complaint shall be filed to a higher court, and the procedure shall be run by application of provisions of the law regulating litigation procedure.

In case of material/non-material damages, the person that the data refer to shall be entitled to damage compensation

The person who has endured material or non/material damage due to the breach of legal provisions shall be entitled to financial compensation for such damage by the controller, i.e. processor who caused such damage. If the material or non-material damage was caused by unlawful processing conducted by competent authorities for special purposes, the person who endured the damages shall also be entitled to damage compensation by the controller or other responsible authority

Special cases of personal data processing

Special cases of processing are exempted from certain rules that are envisaged by the Law. The stipulated special cases of processing are: processing and freedom of expression and information (processing done for the purpose of journalist investigation and publishing of information in media), processing of citizens' personal identification number, processing in the field of labour and employment, processing by churches and religious communities and processing for humanitarian purposes done by the government authorities.

Higher fines in case of breach of the law

The maximum amount of fines has been doubled compared to the previous law and it amounts as much as RSD 2 million. The fine envisaged for controllers that are legal persons is from RSD 50,000 to RSD 2,000,000. The fines envisaged for entrepreneurs range from RSD 20,000 to RSD 500,000, whereas the fines envisaged for natural persons, i.e. the responsible person in a legal person, state authority, body of territorial autonomy and local self-government unit shall range from RSD 5,000 to RSD 150,000.

THE LAW ON FREE LEGAL AID

The purpose of law adoption and the notion of free legal aid

This law shall, for the first time in Serbia, comprehensively regulate free legal aid for the citizens as its beneficiaries and the forms of its exercising and rendering. The purpose of this law shall be to enable effective and equal access to justice for each person.

The notion of free legal aid and free legal assistance

The free legal aid shall mean the free legal aid that the beneficiary shall exercise free of charge.

As provided by the law, the free legal aid shall consist of the following: providing legal advice, writing submissions as well as representation and defence.

Therefore, the free legal aid shall also entail instituting certain legal proceedings, representation in various types of proceedings and the defence of the accused/defendant in criminal or investigative proceedings.

The law shall define the subject of free legal **assistance.** This assistance shall include providing general legal information, filling out forms, preparing notarial acts and mediating in dispute settlement.

The beneficiaries of free legal aid

Any citizen of the Republic of Serbia, stateless person or foreign national with permanent residence in the Republic of Serbia shall have the right to free legal aid, if:

1) he/she meets the conditions to be the beneficiary of the right to social financial assistance or the right to the child allowance, including the members of the family;

2) he/she does not meet the conditions to be the beneficiary of the right to social financial assistance or the right to the child allowance, yet would meet the conditions to become a beneficiary of the right to social financial assistance or the child's allowance if he/she would pay the legal aid from the own funds for the specific legal matter.

Apart from the general cases, the law provides for the specific cases when a citizen of the Republic of Serbia or a stateless person/foreign national with permanent residence in the Republic of Serbia shall be entitled to free legal aid (for example, in the case of a person with disability; a person exercising the right to protection from domestic violence or an asylum-seeker, etc.). Therefore, the law shall enable certain vulnerable groups to exercise the right to free legal aid even when they are not the beneficiaries of social assistance or child allowance. It is important to emphasise that the law has one limiting element as it is applicable only to those legal aid beneficiaries who have not realised the right to free legal aid under other laws.

The cases where free legal aid shall not be provided

Free legal aid shall not be provided in commercial disputes, in the process of registration of legal entities, in the proceedings for compensation for violation of honour and reputation, in misdemeanour proceedings, unless a misdemeanour is punishable by imprisonment, as well as for the

proceedings where the value of the dispute would obviously be significantly disproportionate to the costs of the proceedings; the proceedings where it is obvious that the applicant of the legal aid would have no chance of success (particularly if the expectations of the party are not based on the facts or presented evidence or are in contradiction with the positive law, public order and good practice) and in cases of obviously attempted abuse of the right to free legal aid.

The providers of free legal aid

Only lawyers and legal aid services in municipalities/cities shall be allowed to provide free legal aid. The units of local self-government shall undertake to establish legal aid services aimed at providing free legal aid no later than 12 months from the day of entry into force of the law. Civic associations may provide free legal aid only on the basis of the provisions of the law governing the right to asylum and prohibition of discrimination. Even then, the free legal aid on behalf of the association shall be provided by the lawyers. Apart from this, the associations, as well as other providers of legal aid, may give general legal information and fill out the forms, as types of free legal aid. It is noteworthy that the associations are not limited to providing general legal information and services of filling out the forms for beneficiaries of free legal aid, and that these categories of support can be available to anyone. Any provider of free legal aid must be registered in the Registry of Free Legal Aid Providers.

The procedure of the free legal aid approval

The first step in approving free legal aid is to submit the request to the public authority unit in municipality/city administration. The request shall be submitted in a written form, verbally or electronically. The municipal/city administration of beneficiary's domicile or residence shall have the local jurisdiction. The request shall not be administratively taxed. The procedure on the free legal aid approval is urgent. The municipal/city administration authority shall decide on the submitted request no later than eight days upon the receipt of the request, and if there is a threat of irreparable harm, or if the claimant, due to the deadline, would lose the right to undertake the action in the proceedings, the municipal/city administration authority shall take the decision on the request no later than three days upon its receipt. If the municipal/city administration authority shall fail to take the decision with eight and/or three days from the day of the receipt, it shall mean that the request is rejected.

If the submitted request is founded, the municipal/city administration authority shall approve the free legal aid and refer the applicant to the legal aid provider that is registered. On the other hand, if all conditions for free legal aid approval have not been met, the municipal/city administration authority shall reject the request for provision of free legal aid. The appeal against the decision of the municipal/city administration authority may be submitted to the Ministry of Justice. The Ministry shall be obliged to decide on the appeal no later than 15 days upon the receipt of the appeal.

Funding the free legal aid

If the free legal aid is provided by the legal service in the city/municipality, this type of aid shall be funded from the local budget. However, when the lawyers provide the free legal aid, the city/municipality shall bear 50% of the compensation for providing free legal aid, whilst the remaining 50% of the compensation shall be borne by the Republic of Serbia from the state budget. The law provides for that the free legal aid may be funded from the donations and projects. As for the lawyers' fee for providing the free legal aid, it shall be determined by the Government on the proposal of the Ministry of Justice.

Reimbursement of the funds paid for the provision of free legal aid

In specific limited cases, the law provides that the state has the right to request from the beneficiary to reimburse the funds paid for the free legal aid. Also, if the dispute has been resolved in favour of the beneficiary of free legal aid and if it has been decided that the compensation of the costs of the proceedings is to be charged to the other party, lawyer/mediator/intermediary is required to return the funds they have been paid for the provided free legal aid. For these cases, the law establishes a lien for the benefit of the state in the amount of the compensation paid for the free legal aid.

Supervision over the application of the law

Supervision over the application of the law shall be performed by the Ministry of Justice ex officio or acting upon the beneficiary complaint. Apart from the supervision, the Ministry of Justice shall perform the quality control of the free legal aid provision. If in the procedure of the quality control of the free legal aid provision, underperformance in terms of good faith and professional provision of free legal aid is observed, the provider of free legal aid may be removed from the Registry.

For the purpose of monitoring and improving the free legal aid provision, by its decision, the Government shall establish the Council for monitoring of the system of free legal aid and free legal assistance as a working body of the Government.

THE LAW AMENDING THE LAW ON PREVENTION OF VIOLENCE AND MISBEHAVIOUR AT SPORTS EVENTS

The purpose of adopting this Law is to align the national legislative framework with the European Convention on Spectator Violence and Misbehaviour at Sports Events, in particular solving the problem of fans' violence and misbehaviour spreading outside of sport venues which poses a great threat to the society and brings about the need to engage a higher number of police officers.

Regulating the time for opening entry gates for the sport venues

Since the previous legal solution has not regulated this area, timely planning of safety measures has been more hindered. With the amendments to the Law, the Ministry of Interior got the powers to order to the sports event organisers to open the gates earlier. The law proposes that the gates should be open at least two hours before the beginning of the sports event of higher risk, and an hour before other sports events.

Specifying the notion of violence and misbehaviour at sports events

This law has extended the scope of acts and incidents for which the natural persons can be criminally prosecuted which was not possible by now. First of all, it concerns the attempt to introduce or display an object with a mark that offends national, racial, religious or other feelings; possessing pyrotechnical devices and other objects that may endanger the safety; masking face with the intent to hide the identity in the event of performing any kind of violence.

Records on the tickets sold

The law specifies the provision that refers to the records of keeping the data on the tickets sold. Moreover, it mentions the deadline for the organiser to deliver requested data on the tickets sold but also the records on the annual and special ticket holders in order to make the records more efficient. The number of tickets that may be sold to one person shall be four instead of seven.

With the analysis of previously held sports events, the need of better quality of ticket distribution organisation has been recognised, since there were no records of the guest club fans by now as no information was provided to whom the tickets are being given. Certain provisions of the law shall be deleted and amended for the benefit of improving the security of the sports event. Moreover, one of the novelties which the law proposer shall introduce refers to the response by the Ministry of Interior even for the matches that are not recognised as a risk.

Harmonisation with other laws and recommendations

Certain provisions of the law are aligned with the Law on private security. On the recommendation of the Commissioner for Information of Public Importance and Personal Data Protection the provisions shall be deleted which referred to permission of the security guards not to allow the persons imposed with security measures to enter the sports event with the explanation that the security guards service does not have the access to such information.

THE LAW AMENDING THE LAW ON TRAFFIC SAFETY

The provision of the required regular six-month technical inspection for 15-year-old and older motor vehicles existed from the day of the entry into force of the Law on Road Traffic Safety which was 10 years ago, but this provision was not applicable since the appropriate bylaw has not been adopted. By adopting the new Rulebook on Technical Inspection of the Vehicle it has been concluded that still there are many owners of 15-year-old and older motor vehicles in the Republic of Serbia, thus the consistent application of the regulation shall entail substantial expenses for many citizens. Besides, the legislator has opted for the stricter penal policy for the purpose of reducing the number of offences for exceeding the speed limit outside the inhabited place.

Higher fines for speed driving outside the inhabited place

The tolerance threshold for speeding outside the inhabited place has been lowered. If the drivers exceed the speed limit by 10km/h outside the inhabited place they shall be fined with RSD 3,000 (so far the drivers could exceed the limit for 20 km/h). Also, if the drivers exceed the speed by 10km/h to 20 km/h outside the inhabited place in relation to the established limit they shall be fined with RSD 5,000 and in case of exceeding the speed by 20 km/h to 40 km/h compared to the established limit they shall be fined with RSD 10,000.

Regular six-month technical inspection for 15-year-old and older vehicles older shall be cancelled

It shall not be required for the 15-year-old and older motor vehicles to take regular technical inspection twice a year. Apart from this group of vehicles, the vehicles which belong to the police,

Security Information Agency, Serbian Armed Forces, Military Security Agency, ambulance and firefighter service with over 3,500kg of weight are not required to be taken twice a year for the regular technical inspection.

Technical inspection for new vehicles only after two years

The new vehicles manufactured a year before they were for the first time registered in Serbia and new vehicles that have been manufactured the same year they were registered for first-time in Serbia shall have the first regular technical inspection only 2 years after the day of their first registration.

Private security vehicles are required to have rotating yellow light beacons

By adopting this type of solution, the private security vehicles must turn on rotating yellow light beacons if they are performing tasks of monitoring and securing of the money transport. In this way, the law is aligned with the Law on private security.

THE LAW AMENDING THE LAW ON PRIVATE SECURITY

Introducing the occupation of security guards, their licencing and obligatory training

This novelty of this law is introducing tasks of security guard services. Introducing these services shall significantly facilitate the organisation of sports manifestations in smaller communities which frequently experience the problem of hiring private security or lack sufficient resources for their engagement. The licencing of security guards would solve this problem, therefore, the provisions related to licencing have been amended in order to set up the distinction between those performing the tasks of private security and the security guard services. The amendments to the law have introduced the required training of all persons in private security authorities which applies to the judicial guard as well, the persons performing tasks of enforcing penal sanctions as well as the persons who have acquired high school or university education in the area of safety. All licences shall be issued by the ministry in charge of internal affairs.

The obligation of risk assessment when signing the agreement on providing private security services

The law shall introduce the obligation of risk assessment in protecting persons, property and business and manner of planning security and response to risk when concluding the contract on providing services of private security.

Extending the powers of the private security members

Concerning the powers that private security persons might have, the amendments to the law are listed by order and the key changes introduced shall be the introduction of another means of coercion – the gas spray and/or pepper spray. Also, the distinction is made between the tasks perfor-

med by the security guard and the tasks performed by the person from private security services.

The obligation for private security vehicles to have rotating yellow light beacons

The proposal for marking the vehicles of private security service is to use yellow light beacons or blinking light instead of the white light so as to enable the distinction in comparison to the services that use white lights.

Supervision

The new provision shall define the performing of supervision and further define the supervision in detail, the inspection and the conformity assessment for the services of private security. The law proposer shall prescribe who performs supervision, the Ministry of Interior shall perform the supervision, the inspection shall be done by the competent inspection services and the accredited and professionally competent bodies shall carry out the conformity assessment.

The licences which were issued and professional exams that were taken before this law entered into force shall be valid until the date of their expiry.

THE LAW AMENDING THE LAW ON CIVIL PROCEDURE

The law proposer emphasises that the applicable provisions of the Law on Civil Procedure represent impediments to the development of non-performing loans market since they complicate the sale of non-performing loans for the bank in cases when the procedure relating to such loan as instituted by the bank is still ongoing. Namely, the provisions of the Law prevent the person who has purchased a non-performing loan to enter the ongoing dispute instead of the bank without previous consent from the defendant.

The possibility for a person who has acquired the subject of the dispute from the plaintiff to enter the dispute instead of the plaintiff without consent from the defendant

The amendments to the law stipulate that the person who has acquired a subject or a right from the plaintiff shall be able to enter the dispute instead of the plaintiff if the latter provides written consent, therefore while the consent of the defendant shall no longer be required, unlike the previous legal solution.

The provisions of the law referring to entry into dispute instead of the defendant have not been amended, hence a person who has acquired a subject of dispute from the defendant shall be able to enter the dispute instead of the defendant only if both the plaintiff and the defendant consent thereto.

Apart from that, the law amendments have deleted the provision stipulating that the judgment shall also have an effect on the acquirer when the dispute has continued between the same parties although the subject of the dispute has been alienated.

THE LAW ON CRITICAL INFRASTRUCTURE

This law shall for the first time comprehensively regulate the area of critical infrastructure in Serbia and align partially with the Directive of the European Council 2008/114/EC.

The notion of critical infrastructure

The law defines it as system, network, objects or parts, the interruption in the functioning whereof or the interruption in delivering of goods and services may have serious consequences to the national security, health, lives and property, environment, safety of the citizens, or it may pose a threat to the functioning of the Republic of Serbia.

Identifying critical infrastructure is performed for the following sectors

The ministries competent for specific areas shall be in charge of the identification and categorisation of the critical infrastructure. The Government shall prescribe the identification criteria.

The identification of the critical infrastructure shall be carried out in the following sectors: energy, transport, water and food supply, health care, finances, telecommunication and information technologies, environmental protection and functioning of the public authorities.

Upon the Government adopting the criteria for establishing the critical infrastructure, the competent ministries in charge of each sector shall be required to submit the proposals of their critical infrastructure within 6 months. The ministries shall be required to report on new developments in their sector quarterly.

Safety plan

The safety plan is a document establishing the measures for reducing the risk, defining the responsibilities and establishing duties; **all operators of critical infrastructure** (national, local, provincial authorities, public enterprises, and other) shall be required to make the plan and obtain the consent from the Ministry.

Liaison officer

The law proposer shall introduce the occupation of **the liaison officer** that shall mean a person who serves as a contact between the operator and the competent Ministry, who ensures constant control, notifies on changes, coordinates the Safety Plan and carries out other tasks related to the critical infrastructure. The Ministry shall appoint this person on the proposal of the operator three months after defining the system and this person shall have to be licenced to carry out tasks mentioned.

As for the critical infrastructure in the planning documents, special attention shall be paid to the part concerning the preventive activities and emergencies response. In the event of the dangerous circumstances, the Emergency Management Headquarters shall respond in cooperation with the Ministry.

European critical infrastructure

As mentioned in the introduction, one part of the Law concerns **the European Critical Infrastructure.** In order to clearly explain what it includes, the law proposer elaborates in detail that it shall mean the infrastructure that is critical to at least two member states of the European Union. The European Commission shall determine the critical infrastructure sectors, and for the territory of Serbia, the Government shall determine it on the proposal of the ministries in agreement with the members of the European Union.

Supervision

The Ministry shall perform the supervision over the application of this Law through the inspectors, and in exercising the inspection supervision, the inspector has a series of powers which means he/she can inspect the documents, examine if the orders have been followed, require drafting of the documents, suspend the measures which are not in accordance with the Safety Plan, remove the obstacles, take immediate measures, propose the initiation of the misdemeanour proceedings and other measures in the scope of their powers.

Penal provisions

The penal provisions shall be provided for **two categories of persons,** for the legal persons managing the systems which were designated as the critical infrastructure if they fail to obtain agreement, fail to deliver the proposal for appointing the officer and fail to act upon the inspector's order. The other group refers to the responsible person in the competent government authorities that fails to deliver proposals of the critical infrastructure, changes and amendments for its sector to the Ministry and fails to act upon the inspector's order.

THE LAW AMENDING THE LAW ON COURT ORGANISATION

Deferring of the deadline for the transfer of budget-related competences from the Ministry of Justice to the High Judicial Council

Judiciary budget in Serbia is not yet entirely separated from the budget of the executive power, which largely affects the main principles of autonomy, independence and equality of judiciary in relation to the executive and the legislature.

The Law on Court Organisation stipulates the transfer of competences comprising justice administration (setting out the benchmarks for establishing the number of judiciary staff, adoption of the Court Rules of Procedure and supervision over its application; proposal and execution of budget funds and supervision over budgetary spending for court operation) from the Ministry of Justice to the High Judicial Council. Year in, year out, the deadline for the transfer of competences has been postponed, and the latest amendment of the Law on Court Organisation has deferred it until 1 January 2020.

Law proposer deems that the new deferral is necessary until the conditions are met for amendment of judiciary laws in compliance with the announced Constitutional amendments

THE LAW ON LOBBYING

Subject matte

Lobbying has been defined as an **activity of exercising influence on the bodies of public authorities in the procedure of adopting laws, other regulations and general acts for the purpose of realising the interests of the lobbying beneficiaries.**

The **Law limits the notion of lobbying** only to those situations when the contact with public authorities bodies is not public (as it is done in person or by sending the letter which would not be published in any information service). Although the activities not regarded as lobbying are **very imprecise,** it seems that the proposer of the law intention was to include in the notion of lobbying **only direct lobbying,** whilst **public advocacy** (within its meaning which concerns promotion and protection of specific values in implementing activities with a primary goal to raise public awareness and gain support of the public as regards the specific issue), as well as the so-called **"grassroots lobbying"** (lobbying which mobilises the public to put pressure on the representatives of the authorities in the direction of changing some specific legal act) are not regulated under this Law.

Participants of the lobbying

The participants of the lobbying shall be: a **person carrying out lobbying, lobbying beneficiary and the lobbied person.**

Person conducting lobbying

Lobbying may be conducted by the **lobbyist** (natural person), a **legal person** registered for the lobbying but also **unregistered lobbyist** (so-called in-house lobbyists).

The Law provides for special **terms and conditions** for the lobbying and/or the legal entity to meet so as to be able to conduct this activity.

The lobbyists shall have to be **registered** in the Anti-Corruption Agency Register. They have to meet the general requirements in order to register (Serbian citizenship, full legal competence, university degree, not being convicted for a criminal offence), but also to complete **the lobbyist's training** carried out by the Agency. **A foreign natural person** may conduct lobbying in Serbia if he/she has been registered for lobbying in his/her state and if he/she has been registered in the special register in Serbia.

The lobbyist cannot be a person elected, appointed, nominated, employed or a person otherwise engaged in the public authority, as well as the person for whose election, appointment or nomination the public authority gives consent. This prohibition shall expire two years after the person's public office has ended, and/or after the termination of the employment or work engagement in the public authority body (so-called **cooling off period**).

In order to conduct lobbying, the legal entity has to be registered in the Register of legal entities conducting lobbying (meaning that economic entity/association has been registered in the business entities register–APR, having at least one lobbyist employed, and has not been convicted for a criminal offence). **A foreign legal entity** may conduct lobbying in Serbia if he/she has been registered for this activity in the state of its seat and if it has been registered in the appropriate register in Serbia.

An unregistered lobbyist shall be a natural person not registered in the Register of Lobbyists and is a legal representative or is employed with the lobbying beneficiary or represents the interests of an association/a company the lobbying beneficiary is the member thereof.

The Law sets the obligations of the unregistered lobbyist narrower than the obligations of the lobbyist. He/she shall undertake to send the letter to the lobbied person thus initiating the lobbying procedure (the Law does not provide for the obligatory content of this letter as regards the unregistered lobbyists), and to act in accordance with the principle of integrity, though it is not obliged to report to the Agency on the lobbying conducted. However, the lobbied persons shall undertake to notify the Agency on any letters received on the initiated lobbying (including the ones conducted by the unregistered lobbyist).

Lobbying beneficiaries

Lobbying beneficiary shall be a person that has his/her interest lobbied, and a **lobbied person** shall be the elected, appointed, nominated person in a public authority, or a person otherwise employed or engaged in the public authority. The lobbied person shall be a person participating in the procedure of preparation and adoption of the laws, and a person on whose election, appointment or nomination the public authority gives consent.

Lobbying procedure

The person conducting lobbying and the lobbying beneficiary first have the conclude **the lobbying contract** which must include basic information on both contracting parties, the compensation for lobbying, the subject and goal of lobbying, the timeline for conducting of lobbying, and the person conducting lobbying cannot undertake in advance to the outcome of lobbying. The exemption to this rule is when the lobbying is carried out by the unregistered lobbyist since it concerns a person that represents or is employed with the lobbying beneficiary, so their relationship has been regulated by another type of contract. In this case, the compensation for lobbying has not been in any sense regulated by the Law.

Only **after this contract has been concluded the lobbying procedure can be initiated,** by the person conducting lobbying (registered or unregistered) addressing the lobbied person in written form. The person registered to conduct lobbying shall submit to the lobbied person the evidence on the registration in the Register of Lobbyists, the lobbying contract (without specifying the sum of the contracted compensation for lobbying), and also the title of the law he/she is lobbying for. The Law shall not regulate the contents of the letter sent by the unregistered lobbyist. Upon receiving the letter, the lobbied person shall be obliged to notify the Agency on this no later than 15 days from the reception, as the Agency is authorised to demand extraordinary notifications on the lobbyist's contacts.

The public authority shall be obliged to maintain the records on the lobbyist's contacts of the lobbied persons in the body concerned. Although the proposer of the law has emphasised that the records referred shall be established so as to enable the public to have access to the information which shall convince the public that the lobbying has been conducted in accordance with the public interest, **the Law does not prescribe the special obligation of publishing such records.**

Reporting

The person conducting lobbying has an obligation of submitting the **annual report** on its work to the Agency. In the event of a cancellation from the register, the report shall be submitted for the period following the day of the last reporting until the day of the cancellation from the register. **The obligatory content of the report shall include** the information on the registering in the Register (number and date), data on the lobbying beneficiary, information on the persons lobbied (including the public authority body this person has been engaged) as well as the subject of lobbying.

The reporting obligation, therefore, shall be obligatory only for the lobbyist and/or the legal entity conducting lobbying. The Law **does not provide for the lobbied person to report to the Agency on meetings which are characterised as lobbying, conducted in the manner which was not stipulated by this law.**

The Code of Conduct

The Code of Conduct for all participants of the lobbying will be delivered by the director of the Agency by the time the Law comes into force.