

# Open Parliament Newsletter

# PARLIAMENTARY INSIDER

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**OTVORENI PARLAMENT**.rs

*O vama se radi.*

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## ● INTRODUCTORY REMARKS

### Boycott, criminal complaints and “changing sides” featuring in Parliament in February

With the first session in 2019 the disintegration of the Assembly integrity has continued, and there are no signs that the spring in Parliament will have any trace of the spirit of democracy.

During the 11th Extraordinary Session, the MPs were in session for only three days. Although 40 items of the agenda were adopted, only six were debated. The focus of MPs again concerned daily political news, instead of laws. Most of the discussions concerned civil protests and MPs used the word “gallows” for 37 times. There were insults, and there were discussions on the (lack of) reputation of the university professors who declared their support for the protests.

The most significant impact to this session was the boycott of the work of the Parliament by part of the opposition MPs. During parallel sittings in the hall of the National Assembly the parliamentary groups of Democratic Party, Party of Modern Serbia, Dveri Parliamentary Group, Independent MPs Club, People’s Party and Social Democratic Party parliamentary groups criticized the ruling majority for making the work of Parliament meaningless, but were also discussing the items on the agenda of the Extraordinary Session.

It is interesting that at the start of the boycott by a part of the opposition, the ruling majority ceased to submit meaningless amendments which had an aim to prevent discussions in the Parliament, which had been practised during the entire 2018.

There were changes in the MPs seats, but sides were changed as well. Immediately after she was allocated a mandate, Andrijana Avramov from Dosta je bilo - Saša Radulović (It’s enough –Saša Radulović) list joined the Parliamentary Group of Serbian Progressive Party. From Dosta je bilo list, mandates were allocated to Nemanja Radojević and Vojin Biljić, while mandates from the list Aleksandar Vučić - Srbija pobjeđuje (Aleksandar Vučić – Serbia wins) were allocated to Violeta Lutovac and Milan Ljubić.

The beginning of sitting was marked by former MPs’ signatures appearing in the request for convening the sitting. The procedure was infringed, which opened the room for doubt that their signatures were forged. For this reason, the Democratic Party MP Balša Božović filed a criminal complaint, and Serbian Progressive Party MP Aleksandar Martinović, who submitted the list of signatures, apologised to the Parliament Speaker and the MPs.

Open Parliament Initiative has invited the Prosecutor to investigate this case.

*“This behaviour irreparably destroys the image and dignity of the highest representative body through which the citizens exercise their sovereignty, thereby destroying citizens’ trust in this institution. Distorting the integrity of the National Assembly has continued, making the democratic procedures meaningless and undermining the democratic values in Serbia.”*

## ABOUT THE OPEN PARLIAMENT INITIATIVE

The Open Parliament Initiative has been monitoring the work of the Serbian Parliament every day since 2012. The Open Parliament collects and publishes data on the Parliament’s work and results and deals with the analysis of various processes from the perspective of transparency, accountability and participation.

The main goal of the Open Parliament Initiative is to increase transparency and accountability of the work of the Parliament, to inform the citizens about the work of the Parliament and to establish regular communication between citizens and their elected representatives. Our work is based on the values contained in the international Declaration on Parliamentary Openness, and the Open Parliament took part in the development of this initiative.

Since January 2018, the Open Parliament team has increased the focus of this initiative’s activities on democratism and accountability in the conduct of MPs and the work of the institution.



The Federal Foreign Office of the Federal Republic of Germany has been supporting the Open Parliament Initiative since August 2018, including drawing up the newsletter. The views expressed in the newsletter are the views of the Open Parliament team, but they do not necessarily reflect the views of the donor.

2019

A month in the Parliament

FEBRUARY

### The beginning of Parliamentary 2019

The beginning of the year in the Parliament was marked by the boycott of a part of the opposition, due to which in February 2019, at the 11th Extraordinary Session, some MPs seats remained empty. While the boycott will for sure mark the spring session that is about to begin, it seems that the abuse of parliamentary procedures will occur after all, and also diverting the discussion to the topics which are not a part of the agenda. Furthermore, the extraordinary session has demonstrated that the absence of MPs from the opposition coincides with the absence of the amendments which had been used by the MPs of the ruling majority during the entire 2018 in order to prevent the meaningful plenary debate.

11.

### Forged signatures and criminal complaint

On the request of 154 MPs, the Speaker of the National Assembly Maja Gojković convoked the 11th Extraordinary Session. Among the signatories of this request, there were former MPs Vesna Rakonjac, Željko Sušec, Aleksandra Djurović, Branislav Blažić and Marko Gavrilović. Considering that the former MPs publicly declared that they had not signed any requests as regards the current Assembly session, there is reasonable doubt that their signatures were forged. For this reason, Balša Božović, the MP of the Democratic Party, filed a criminal complaint, followed by Aleksandar Martinović, the Chair of the Parliamentary Group of Serbian Progressive Party, apologising to the Speaker of the Parliament and the MPs.

What do our representatives in the Parliament talk about?

The MPs have again used up the time to discuss acts and amendments by discussing daily political news, most of the time the protests. So the MPs of the ruling party have used the word "gallows" for 37 times. There were insults, not only on account of the MPs present but also on account of other public figures. At the session, there were discussions on the reputation of the university professors who declared their support for the protests and the education system during the former governments. Again, there was a lack of debate on the acts that were adopted, while the "amendments with special reference" are still present. Although during the session only six items of the agenda were considered, they were all adopted on the Voting Day.

13.

### Changes in the composition as regards the MPs

The Speaker of the National Assembly Maja Gojković noted the termination of mandates for Ivana Stojiljković and Ljibuška Lakatoš and verified the mandates of the MPs Violeta Lutovac and Milan Ljubić, appointed from the electoral list Aleksandar Vučić - Srbija pobjeđuje (Aleksandar Vučić - Serbia wins). The other change refers to the MPs who are appointed from the electoral list Dosta je bilo - Saša Radulović (It's enough - Saša Radulović). Instead of Dušan Pavlović, Jasmina Nikolić and Ratko Jankov, mandates were allocated to Nemanja Radojević, Vojin Biljić and Andrijana Avramov, who, immediately after she was allocated a mandate, joined the Parliamentary Group of Serbian Progressive Party.

14.

### Ministers present at the sitting

The agenda had 40 items. The MPs had the cognate debate in principle and single debate on all items of the agenda. In this respect, a few MPs of the Radical Party were saying that Article 157 of the Rules of Procedure was being violated. At the sitting the ministers were present, Minister of Education, Science and Technological Development Mladen Šarčević who participated in discussion with the MPs, Minister of Interior Nebojša Stefanović, Minister of Culture and Information Vladan Vukosavljević and others.

Voting Day

On Voting Day, all proposed acts were adopted. In addition to 24 international agreements which were ratified, laws amending the laws on weapons and ammunition and radiation and nuclear safety and security were among the laws adopted. In the area of education, the amendments were confirmed for the laws on preschool and primary education, students' standard, as well as the Serbian Literary Cooperative. The third set of decisions referred to the judiciary. The decisions on the election of the president of the court, on judges elected for the first time and others were adopted.

# PARLIAMENT IN NUMBERS

(Statistical review of the work of the 11th Convocation is concluded with 28th February 2019)



## LEGISLATIVE ACTIVITY

**234** days of legislative activity  
**385** adopted laws  
**97%** of adopted laws were proposed by the Government

No law proposed by MPs who do not belong to the ruling majority has so far been included on the agenda.



## URGENT PROCEDURE

**51.4%** of all laws (including new laws, amendments to laws and ratifications of international agreements) were adopted by an urgent procedure

**70.4%** are adopted by an urgent procedure, If we exclude the laws on the ratification of international agreements, which are generally adopted by a regular procedure, and consider only new laws and amendments to laws



## PAY ATTENTION TO:

- boycott of the parliament by part of the opposition MPs;
- the lack of "filibuster" activities - unlimited discussion of certain issues in order to obstruct the work of the assembly - during the first plenary sessions in 2019, as the ruling majority ceased to submit a vast number of amendments aimed to using up the time about the law proposals;
- consolidating agenda items into a single debate;
- for the second consecutive year, citizens have not had the opportunity to hear a comprehensive debate on the budget in the Parliament.

## PARLIAMENT'S SUPERVISORY ROLE:

**7 sittings during 2 years during which parliamentary questions were posed:** October 2016, October 2017, March, April, September, October and November 2018.

**8 public hearings:** only one public hearing was organised in 2018, in November.

**Independent body reports have not been adopted or discussed about at plenary sessions even since 2014.**

**Since 2018, only one of the 20 boards is chaired by an MP who does not belong to the ruling majority.**

## DEGRADATION OF PARLIAMENTARY IMAGE AND DIGNITY CONTINUES

The Open Parliament initiative expresses growing concern due to the allegations that the 11th Extraordinary Session of the National Assembly has been called upon requests of several MPs whose mandate has ceased in the previous period. We call for the prosecution to investigate this case and determine if there are elements of criminal liability.

**The media reported** that the current Parliament session, which began on February 11, 2019, was scheduled on the basis of a request signed by five former MPs. Bearing in mind that former MPs have declared in the public that they have not signed any request regarding the current parliamentary session, there is a reasonable suspicion that their signatures have been forged.

Distorting the integrity of the National Assembly has continued, making the democratic procedures meaningless and undermining the democratic values in Serbia. This behaviour irreparably destroys the image and dignity of the highest representative body through which the citizens exercise their sovereignty, thereby destroying citizens' trust in this institution.

## COMMISSIONS AND INQUIRY COMMITTEES - PARLIAMENTARY CONTROL MECHANISMS WITHOUT EPILOGUE?<sup>1</sup>

Among the mechanisms of the parliamentary control that the Assembly has at its disposal there are also ad hoc bodies that carry out the parliamentary investigations – commissions and inquiry committees. They are established by the National Assembly, most often ad hoc, to examine the situation in the specific area, establish the facts and collect data “on some important matter of public interest or some other matter related to the work of the executive power (head of the state, government, ministers)”<sup>2</sup>, meaning to “gain comprehensive insight in the activities of the executive power that are deemed to cause severe violations of the legal procedures and irregularities in the work that produce or might produce adverse social circumstances”.<sup>3</sup> There are different commissions and inquiry committees depending on their members, namely inquiry committees consists of MPs, while the Commission, besides the MPs, also involves the representatives of authorities and organisations, experts and scientists in its work.<sup>4</sup> The role of MPs is very important for the effective work of these bodies, since it enables them “to separately deal with the oversight and supervision of the specific government bodies and their activities”<sup>5</sup>. However, former analysis of the work of these bodies reveals that, in the majority of cases, despite their reports being “heavily critical of the work of the Government and keeping it alert, in practice they do not contribute in the long term to the permanent resolving of the relevant problems”<sup>6</sup>.

The effectiveness of inquiry committee is usually assessed on the basis of the conclusions revealed to the public upon the completion of the activities. Since 2000, in the Serbian parliamentary practice a total of eight inquiry committees were established, and majority of these did not have specific results. For example, the inquiry committee formed for the purpose of investigating the circumstances of Vuk Drašković assassination attempt at Ibarska magistrala, formed by the end of 2000, had not achieved any specific results, despite the unanimously adopted report which concluded that “quadruple homicide is ‘an organised crime’ and people who ordered it and its perpetrators were deliberately protected by the police, prosecutor and the court, and this crime investigation has been ‘interfered with and blocked from the very beginning’”, and the former State Security Service was involved in that.<sup>7</sup> One of the possible reasons is explained by the lack of appropriate authority of the members of the committee, due to which some government officials were not heard before the committee.

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<sup>1</sup> The text is an extract from the research on the implementation of the legislative and oversight function of the National Assembly of the Republic of Serbia published within the project “Civil Society for a Responsible Government”: Tepavac, Tara, National Assembly of the Republic of Serbia: Temple or facade of democracy?, CRTA, 2019.

<sup>2</sup> Marijana Pajvančić, “Parlamentarno pravo”, (Parliamentary Right), Konrad Adenauer Foundation, Belgrade: 2008, p. 90

<sup>3</sup> Article 68, National Assembly Rule of Procedure, “Official Gazette of RS”, No. 20/2012

<sup>4</sup> Article 68, National Assembly Rule of Procedure, “Official Gazette of RS”, No. 20/2012

<sup>5</sup> Bogdan Urošević, 2015, p. 85

<sup>6</sup> Tatjana Lazić, “Izazovi i perspektive nadzora izvršne vlasti u parlamentarnim demokratijama”, (Challenges and the perspectives of supervision of the executive power in parliamentary democracy system), in: Pregled – Magazine for Social Matter 3/2014, University of Sarajevo, p. 151

<sup>7</sup> See more about inquiry committees and their work at: Jovana Gligorijević “Gde su bebe, a gde svi drugi” (Where are babies, where is everyone else?), Magazine Vreme, 6 December 2007, available at: <https://www.vreme.com/cms/view.php?id=541828>; (retrieved on 10.01.2019) and Dimitrije Bolta “Anketnim odborom do čorsokaka” (Inquiry Committee hitting the dead-end), Istinomer, 24 May 2018, available at: <https://www.istinomer.rs/clanak/2335/Anketnim-odborom-do-corsokaka> (retrieved on 10.01.2019)

Subsequent inquiry committees dealt with the circumstances of the murder of Minister of Defence Pavle Bulatović (the one established in 2001), alleged wiretapping of the FRY President Vojislav Koštunica office by the order of the Government (during 2002), establishing facts and circumstances in electricity trade and related financial-banking affairs (March 2004), facts and circumstances of the elections for the Belgrade City Assembly held on 19 September 2004 (November 2004 – February 2005), performance of competent public authorities in the procedure of privatisation of the company “Knjaz Miloš” from Arandjelovac (January – March 2005).

The only committee with an explicit epilogue at the time was the inquiry committee for examining the case of missing babies, chaired by Živodarka Dacin (June 2005 – February 2006). Following 28 meetings of this committee, in July 2006 the Serbian Assembly has adopted the report on the work of this inquiry committee, according to the statement of the Speaker of the Assembly Predrag Marković, for the first time in history of Serbian parliamentarism. In its report, the Committee has assessed that “the parents’ suspicion has been founded in many cases and the measures were proposed: that the Special Prosecutor and special Department for combating organised crime in the District Court shall process all parents requests on the missing children”.<sup>8</sup> However, apart from the adopted report with the specific examples, “the parents still do not know what has happened with the missing children”.<sup>9</sup>

Next inquiry committee has been established only in 2013, to establish the facts of the means of spending the Republic of Serbia budget funds at the territory of Autonomous Province Kosovo and Metohija in the period 2000 to 2012.<sup>10</sup> The report adopted by this inquiry committee refers to the multiple abuses and misuse of the citizens money, and the Government obligation was “to make sure that the competent national authorities shall examine the allegations from the Report on the misuse of the budget funds at the territory of Kosovo and Metohija and undertake necessary measures of criminal and disciplinary liability, as well as the necessary organisational and personnel measures to prevent misuse of budget funds”<sup>11</sup>, and to notify the Assembly on the measures taken within a year. However, despite the importance of the topic and comprehensive activities of the inquiry committee, this report has never been included in the parliamentary agenda. Therefore, the Assembly has never adopted this report, meaning it has never used the possibility to bind the Government to undertake the proposed measures and notify about it to the Assembly within a year. Not only does the National Assembly demean the work of its MPs by these reactions, but it also undermines the functioning of the existing mechanism of parliamentary oversight and contributes to spreading of the belief that the sole purpose of the inquiry committees is to fight political opponents, and promote politicians or political parties. Moreover, by this absurd denial of the existing mechanisms for the control of executive power, the Assembly itself causes the complete destruction of citizens’ trust in the role and influence of the parliamentary institution in the Serbian political system.

The mechanism of parliamentary investigation has been initiated again in 2018 in the form of the Commission. On the proposal of the Speaker Maja Gojković, the National Assembly has adopted a Decision on establishing Commission for investigating consequences of the NATO bombing of the Federal Republic of Yugoslavia in 1999 to the health of Serbian citizens, including the environmen-

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8 Slaviša Orlović “Nadležnosti parlamenta”, (Competences of the Parliament), in: Vukašin Pavlović and Slaviša Orlović (eds.), *Dileme i izazovi parlamentarizma*, (Dilemmas and Challenges of the Parliamentarism) Konrad Adenauer Stiftung and Faculty of Political Sciences, Belgrade, 2007, p. 154

9 Dimitrije Bolta “Anketnim odborom do ćorsokaka”(Inquiry Committee hitting the dead-end), *Istinomer*, 24 May 2018, available at: <https://www.istinomer.rs/clanak/2335/Anketnim-odborom-do-corsokaka>

10 See: “Kako su trošene pare za Kosovo” (How was the money for Kosovo used), *Magazine Vreme*, 17 April 2014, available at: <https://www.vreme.com/cms/view.php?id=1191488>; and M. Čekerevac “Anketni odbori rade, rezultati izostaju” (Inquiry Committees working, no results), *Politika Newspapers*, 27 May 2013

11 “The report on establishing the facts on spending the budget funds of the Republic of Serbia in the territory of the Autonomous Province of Kosovo and Metohija in the period from 2000 to 2012 with the proposal for the measures to be taken”, the inquiry committee shall work on establishing the facts on the means of spending Republic of Serbia budget funds in the territory of the Autonomous Province of Kosovo and Metohija in the period from 2000 to 2012, 01 No: 06-2/19-14, Beograd, 14 April 2014, p. 68, available at: [http://www.parlament.gov.rs/upload/archive/files/lat/doc/izvestaj\\_odbori/VERZIJA%20IZVESTAJA%20NS%2014.%20APRIL%20FINAL%20LAT.doc](http://www.parlament.gov.rs/upload/archive/files/lat/doc/izvestaj_odbori/VERZIJA%20IZVESTAJA%20NS%2014.%20APRIL%20FINAL%20LAT.doc)

tal impact, with special attention on the consequences created by the use of the depleted uranium missiles.<sup>12</sup> The Commission has to report on its activities to the Parliament every six months, and also publish its preliminary report by 2020. However, apart from the decision on establishing this Commission, the section of the National Assembly website referring to the activities of the inquiry committees and Commission does not have any single reference to its activities. It remains to see if this Commission will be more successful than the inquiry committees as regards the specific results.

## ● SUMMARIES OF THE LAWS

### LAW AMENDING THE LAW ON THE EDUCATION SYSTEM FOUNDATIONS

Law on the Education System Foundations has been adopted in 2017 and entered into force on 7 October of the same year. This law shall enhance the education system, although in the meantime a need has arisen to amend it.

The amendments shall at first specify the provisions related to the age of children regarding the enrolment for the developmental group in preschool institutions. These amendments introduce a novelty of establishing the organisational unit – the Centre for Educational Technology, in charge of the quality of education. It is important to note that provisions concerning the forms of employment for teachers, working staff and director are also specified, as well as their education as regards specific disciplines required to teach a class.

For the purpose of complying with the Law on local self-government, the provisions are introduced related to the data on the register of children and employees, which are registered within the Unique Education Number (UEN) as well as the method of processing and storing these data.

As regards the above-mentioned amendments, we will consider and explain some in the following paragraphs.

The first amendment introduced by this law relates to specifying the age of children and exact age for the developmental group in a preschool institution and refers to children from the age of three up to the age of enrolment to school.

In the chapter related to the enhancement of the quality of education, a new organisational unit –Centre for Educational Technology shall be introduced. Also, the work of this unit has been prescribed.

The amendments also specify the status of the institution that may provide professional support to children, students and adults with disabilities. The minister competent for educational activities has the powers to decide on assigning the status of the resource centre and by means of bylaw closely regulate the conditions for acquiring, organising and the termination of that status.

Concerning the grading for each subject, these amendments specify the subjects and the methods

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12 Decision on establishing Commission for investigating consequences of the NATO bombing of the Federal Republic of Yugoslavia in 1999 to the health of Serbian citizens, including the environmental impact, with special attention on the consequences created by the use of the depleted uranium missiles, National Assembly of the Republic of Serbia, RS No. 26, Belgrade, 18 May 2018. Available at: <http://www.parlament.gov.rs/upload/documents/activities/RS26-18.pdf>

of grading. This first of all concerns the curricular, elective subjects and also subjects graded by narrative descriptions, and/or numerical grades, and these grades shall be determined at the end of the first semester, and/or the second semester. The method of taking final grade examination has also been defined in the case of pupils failing to meet the criteria for the final grade as well as passing to the next grade. A provision has been made that the second foreign language the pupil is taking shall be graded numerically and included in the general academic achievement.

This Law stipulates that the high national distinction status shall be assigned to Mathematical Grammar School in Belgrade and Grammar School "Jovan Jovanović Zmaj" in Novi Sad. This change in status shall not modify the method of financing including the rights and obligations of these institutions, however it shall define that the teaching staff of these institutions shall be at a high level. It is further defined in the law as follows: "this institution achieves outstanding results at the international level thereby contributing to the improvement and promotion of Republic of Serbia education system".

Concerning the necessary academic degree and work experience of a director in a preschool educational institution, the law prescribes a requirement that a person appointed to the director's position shall have the academic degree of a preschool teacher or other professional associate.

There are amendments concerning the availability of Serbian language education for pupils abroad. By this amendment, the group of persons who may teach a class in the Serbian language abroad shall be extended.

This law has introduced the provisions that an institution may electronically maintain all the records in the framework of a Single Educational Information System (JISP), so the Ministry of Education shall process and store all data within the meaning of these provisions. One of the novelties is that a parent may request to have the Unique Education Number (UEN) delivered by email.

In addition to the above mentioned, it has been referred that all data stored and processed in the Single Educational Information System shall be used for the purpose of qualifications for employment. All data shall be stored within the legally prescribed time.

If an employee in a school for children with disabilities has not obtained the necessary degree for class teaching, it is required that within four years from the day this law enters into force he/she shall obtain the relevant education. It is provided for that a nurse who was employed before this law entry into force may carry out pedagogical and educational activities in a preschool institution without a licence.

All bylaws stipulated by this law which shall be adopted by the minister within a period of one year from the day of this law entry into force.

The Law shall enter into force on the eighth day from the day of publication in the Official Gazette.

## **LAW AMENDING THE LAW ON RADIATION AND NUCLEAR SAFETY AND SECURITY**

In order to ensure normative compliance in the area regulating the radiation and nuclear safety and security, the Law on Radiation and Nuclear Safety and Security was adopted. First of all, it was aligned as regards the terminology with the Law ratifying the Convention on the safety of spent fuel management and on the safety of radioactive waste management, as well as with the Law ratifying the Convention on Nuclear Safety. It was supplemented concerning specifying of the provisions

from the former Law on Transport of Dangerous Goods which will cease to have effect. Also, the inspectors have been transferred from the Ministry of Environmental Protection to the Directorate.

As mentioned before, the first two amendments concern the terminological compliance with the ratified conventions. The Law on Transport of Dangerous Goods shall cease to have effect from the day of this Law entry into force so as to remove the legal uncertainty in the application of these laws.

The last amendment specifies the occupational and legal position of the inspectors for protection against ionising radiation as well as all necessary objects and professional means required for carrying out inspection operations. By this amendment, the inspectors from the Ministry of Environmental Protection will be transferred to the Directorate, and the deadlines for their transfer have been thereby determined. Until the final decisions on transfer come into force, the abovementioned tasks shall be performed by the Ministry of Environmental Protection in order to avoid the gap and ensure the uninterrupted performance of activities.

The Law shall enter into force on the eighth day from the day of publication in the Official Gazette of the Republic of Serbia.

## **LAW AMENDING THE LAW ON SERBIAN LITERARY COOPERATIVE**

The Law on Serbian Literary Cooperative was adopted in 1997. The amendments introduce changes as regards the organisation and property type which turn out to be problematic due to a different interpretation of the law by various institutions. Also, there was a need to change the tasks and operations of the Serbian Literary Cooperative, the property type and the status in the society.

Since the Cooperative business activities have been stipulated by a special law, the problems have occurred as regards the registering into the relevant register that further influenced the regular business threatened by the inability to open the budget subaccount.

Due to all the above mentioned, the Serbian Literary Cooperative has faced an organisational problem which prevented it from carrying out its regular business.

The first amendment introduced shall concern the change of status, defining the Serbian Literary Cooperative as a unique, independent, non-governmental, non-profit organisation, which is managed by its members.

As an extension of the provisions of this Law, the tasks the cooperative is performing have been added including the organisation of scientific and research activities as well as organising and carrying out national publishing projects in the areas of literature, history and art.

This law shall specify the manner of financing the cooperative from the budget of the Republic of Serbia, province and local self-government units and in accordance with the law. The Cooperative shall have the bodies which include Assembly, Steering Committee, Supervision Committee, the manager and the editor-in-chief. The Cooperative shall have its Literary Archives as well as the Library.

The Cooperative shall align its organisation, work, operations and acts with this law within three months from the day of this Law entry into force.

The Law shall enter into force on the eighth day from the day of publication in the Official Gazette.

## **LAW AMENDING THE LAW ON WEAPONS AND AMMUNITION**

The National Assembly of the Republic of Serbia adopted the Law on Weapons and Ammunition in 2015, and its application was postponed until March 2016. The Law prescribed the obligation that the persons who possess weapon registration card, a permit to carry weapons as well as a permit to acquire a weapon, issued under the former law, have to obtain the documents under the applicable law within three years from the day of the beginning of the application of the new law. As the deadline to change the documents is getting closer, the assumption has been made that a significant number of applicants will demand new documents so there will be big queues. This law is therefore adopted in order to extend the deadline for issuing documents. The deadline for issuing weapon registration cards, the permits to carry weapons and permits to acquire a weapon shall be extended for one year, by 5 March 2020.

The Law shall enter into force on the eighth day from the day of publication in the Official Gazette of the Republic of Serbia.

## **LAW AMENDING THE LAW ON PRESCHOOL EDUCATION**

Law on preschool education was adopted initially in 2010, followed by the amendments in 2017, and now we have the third amendment of this law. Although the 2017 Law has improved the legal provisions as regards the improvement of education, some provisions are still not specific enough. There are few amendments introduced to this law, and they concern the compliance with the provisions of the law governing the education system foundations.

The first amendment introduced to this Law concerns the terminological compliance with the Law amending the Law on the Education System Foundations related to introducing the records and the official documents, which besides the printed form can have an electronic form as well.

Furthermore, the Law introduces the period of storing data in the records.

Moreover, so as to comply with the abovementioned law, the periods related to the adoption of bylaws have been introduced for the purpose of further compliance with this Law. It is prescribed that within two years the acts shall be adopted.

As seen from the abovementioned, the amendments of the Law are primarily terminological and then technical. The Law governing and providing child care has been specified and improved in comparison to previous ones.

## **LAW AMENDING THE LAW ON STUDENTS' STANDARD**

Law on Students' Standard was adopted for the first time in 2010 and afterwards amended only once, in 2013. The need for amendments occurred in order to align the law with a set of amended laws in the area of education and improvement of student's lives. Also, the Law has to comply with the Law on Inspection Supervision and also the Law on Inspection in Education. First of all, the provisions specified concern the requirements for the obtained academic degree of directors, preschool teachers, professional associates and inspectors in the ministry. On the other hand, the

position of students and the assistance to them is further detailed in the way of allowing milder criteria for students in dual education. The unique and efficient system of providing material assistance is being established, encouraging the development of gifted students and also specifying the provision for requirements students have to meet in order to benefit from loans and scholarships.

Within the first amendment of the provision related to the rights, obligations and responsibilities of students, the law proposer specifies that the "recovery stay" shall be deleted since the words "holiday stay" logically include the "recovery stay" and have the broader meaning. This article defines additional activities of students, the non-formal education is being added, and the competent minister shall prescribe which activities are included in the non-formal education.

An important amendment is specifying the right to obtain funds for education from the budget. The amendments have been made to the article concerning the students' loans.

For the purpose of providing scholarships for students and meeting the requirements for their award, one of the conditions is that if a student has chosen to study a field related to the shortage occupations, he/she shall get a priority in comparison to other applicants.

This Law proposal has made a distinction between pupils and students, especially concerning the responsibilities. It explicitly means that the pupils are minors and have different disciplinary responsibility from the students who are adults and shall be liable in accordance with the Criminal Code.

For this Law to comply with the Law on Inspection Supervision, the competences of the authorities carrying out the inspection supervision as well as the adoption and the imposition of interim measures have been stipulated.

The amendments introduced concern the maintaining of records, as this proposal provides for maintaining records in both written and electronic form, as well as keeping the register of domestic and foreign guests.

In accordance with the Law on the Education System Foundations, the amendments have been made as regards the suspension and withdrawal of licence for a preschool teacher or a professional associate, and also the requirements concerning the professional training and professional development of a preschool teacher and a professional associate.

Since this Law is aligned with the Law on Inspection Supervision, there will be a reference to it, and it shall specify in detail the work requirements of an educational inspector.

It is a novelty that fines shall be introduced for parents who behave irresponsibly, and/or do not carry out obligations stipulated by Article 15a of this Law. It concerns first of all the pedagogical work with the pupil, responsible treatment of a pupil, compliance with the rules of the institutions and the obligation to compensate for the material damage caused by the pupil.

In the end, the interim regime has been stipulated, meaning the deadline for adopting the programme of pedagogical work related to the adoption of pedagogical programme foundations by the minister, and in accordance with the Law on the Education System Foundations, as well as the deadline for adopting these bylaws.

The Law shall enter into force on the eighth day from the day of publication in the Official Gazette.

## LAW AMENDING THE LAW ON PRIMARY EDUCATION

Since 2013, the first version of the Law on Primary Education has been amended several times, and again in 2017. The last time the need to amend it occurred in order to align it with the Law amending the Law on the Education System Foundations in 2018, which improves some provisions in the areas of preschool and primary education. The amendments adopted by this Law concern the general academic achievement which is calculated including the second foreign language grade, manners of taking final grade examinations and makeup examinations, as well as the manner of maintaining records and issuing official documents.

With the amendments included in this Law, the law proposer, first of all, specifies the registering of students' academic achievement and grades for those who have second foreign language as an elective subject in order to calculate the students' general academic achievement with second foreign language included. The next article amended concerns determining the average grade of students so it would communicate with the abovementioned amendment and the foreign language included in the calculation of the general academic achievement.

The other amendments define the procedure of final grade examination, determining the method of taking the final grade examination in the curricular subject for the student who has failed to achieve required results. Within that meaning, the activities and subjects for which the student failed to achieve results are prescribed as well as the reasons for taking the final grade examination. Concerning the makeup examination, the law proposer added that pupils in primary musical and ballet education, from second to final grade, may take the makeup examination if at the end of the year they have two insufficient final grades.

The manner of maintaining the records is proposed in order to start complying with the amendments of the law which includes the system of improving the education. In accordance with this, the records and official documents may be registered in both printed and electronic form.

The novelty introduced by this law is to include the second foreign language final grade in the calculation of the general academic achievement, and it will be included in the calculation of the average grade from the day of this Law entry into force, meaning for school year 2018/19.

The bylaws accompanying and more precisely defining the specific provisions must be adopted within the period of two years from the day of adoption of this Law.



**OTVORENI PARLAMENT**.rs

*O vama se radi.*