

Open Parliament Newsletter

PARLIAMENTARY INSIDER

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Opposition's proposals on the agenda four years after
- ✓ **Open Parliament Analyses**
March in the shadow of the parliamentary boycott
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 - Law on the Hospitality Industry
 - Law amending the Law on Plant Protection Products
 - Law amending the Law on Food Safety
 - Law amending the Law on plant nutrition products and soil conditioners
 - Law on Central Population Register
 - Law proposal on financing Autonomous Province of Vojvodina
 - Proposal of the Resolution of the National Assembly of the Republic of Serbia on Vojvodina

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● INTRODUCTORY REMARKS

Opposition's proposals on the agenda four years after

A part of the opposition MPs carried on with their boycott in March as well, and in the Assembly Hall, the abuse of procedures and discussions on topics unrelated to the agenda continued. The agenda included two proposals from the opposition party League of Social Democrats of Vojvodina MPs.

The spring session started with the continued boycott of the opposition, so one fifth of MPs seats remained empty. At the moment, 55 out of 88 opposition MPs participate in a parliamentary boycott. Stripping the role of Parliament of meaning continued in March as well, so again we could have heard more about the topics unrelated to the agenda than the laws that should be in the centre of MPs attention.

Four years after, and for the first time in the current legislature, the agenda of the sitting included the law proposals of the MPs Nenad Čanak, Olena Papuga and Nada Lazić. Parliamentary Speaker convened a sitting entirely dedicated to Vojvodina issues, on the request of the MPs from League of Social Democrats of Vojvodina (LSV) who had addressed an open letter to her at the beginning of February. The sitting was held with two items on the agenda: Proposal of the Resolution of the National Assembly of the Republic of Serbia on Vojvodina and Law proposal on financing Autonomous Province of Vojvodina, for which the deadline foreseen by the Constitution had expired in 2008, long time ago. This sitting was not characterised by the state of democracy and culture of dialogue in the Parliament. The debate on the history of Vojvodina between radicals and LSV MPs had dominated the sitting, including the debate on whether this law was plagiarised. **Proposals of the laws on Vojvodina were not adopted.**

The abuse of parliamentary procedures continued in the Assembly Hall. Although the absence of opposition meant there were no phantom amendments, on the first day the time was almost completely exhausted by massive submitting of amendments to the agenda with only two adopted. Time to speak about the proposals of the agenda amendments was used for insults and accusations on the account of the opposition leaders, but also actors, directors and other public figures.

On the last Thursday in March, the MPs had an opportunity to pose parliamentary questions to the Government, and 13 ministers from the Government including the Prime Minister were present at the sitting. The MPs posed questions to the members of the Government on the changes in the educational system and Retirement and Disability Insurance Fund and had also demanded response to the current occurrences such as anti-Muslim stickers in Subotica and investigation regarding Ernad Bakan case. However, the largest share of the time for parliamentary questions was exhausted through the ruling majority MPs rhetoric directed against the opposition, which was wholeheartedly supported by the ministers' answers. This had made the instrument of the parliamentary control over the work of government meaningless again.

A year after Svetlana Bulajić was removed from office, the National Assembly confirmed the term of office for the new Secretary General Srdjan Smiljanić, on the proposal of Maja Gojković. As a reminder, Bulajić was removed from office on the proposal of Anti-Corruption Agency since she was arranging herself official trips and charging per diems against the law. Smiljanić was the Deputy of the Secretary General in both former and current Parliamentary legislature.

This month the MPs have adopted Law on tourism, Law on the hospitality industry and Law on central population register. This register will link the citizens' data in one place since 13 different official records are being maintained at the moment. In the area of agriculture, Amendments to the Law on plant nutrition products and soil conditioners, Amendments to the Law on plant protection products, and Amendments to the Law on plant health were confirmed. At the moment, the health care laws are included in the current agenda of the on-going sitting.

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.



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.

Regular Spring Session Started

This year spring session started without some MPs from the opposition in the plenum since they continued with the parliamentary boycott. Out of 88 opposition MPs, 55 are a part of the boycott. Second Sitting in March was convened with two proposals of opposition MPs included in the agenda and the topic of the agenda was Autonomous Province of Vojvodina. The abuse of parliamentary procedures continued in the Assembly Hall. This time instead of submitting a large number of law amendments, many amendments to the agenda had been submitted which exhausted the time on the first day of the First Sitting. Again, little was said about the laws which were adopted, and the time for debate was used up for insults and accusations on the account of the opposition politicians and other public figures, as well as topics which were not included in the agenda of this sitting. At the Vojvodina sitting the MPs spoke about the history of the province rather than the contents of the law or the current status of Vojvodina.

5.

The First Sitting of the First Regular Session

On first Tuesday of the month, the singing of the national anthem in the Parliament marked the beginning of the spring session. At the First Sitting of the First Regular Session with 11 items of the agenda, the ministries from the Ministry of State Administration and Local Self-Government and Agriculture, Forestry and Water Management were elaborating on the law proposals submitted by the Government and answering parliamentary questions. The MPs requested notifications and explanations in accordance with Article 287 of the Rules of Procedure. In that respect, the topics were the assault at the Public Utility company workers during the protests and establishment of the government body in order to establish an exact number of casualties from bombing. Moreover, Vojislav Šešelj posed a question on criminal affairs of Rasim Ljajić, while an MP from SDP, the party in which Ljajić is the president, posed a question on the illegality of Šešelj mandate.

Instead of phantom amendments to the law – phantom amendments to the agenda

The abuse of parliamentary procedures continued in the spring session as well. Time to speak on the first day of the sitting was exhausted by a large number of amendments to the agenda by the ruling party coalition and the Radical Party members. A total of 67 proposals on the agenda amendments were submitted, as well as 10 amendments under the urgent procedure, with only 2 adopted. The MPs Marijan Rističević and Marko Atlagić were the most active in this, by submitting the proposals of the decisions on organising inquiry committees for examining cases regarding leaders of Coalition for Serbia Dragan Djilas, Vuk Jeremić, Sanda Rašković Ivić and Marinika Tepić, as well as Boris Tadić, Zoran Živković and Sergej Trifunović. They used up their time by accusing and insulting the opposition politicians and public figures to whom the decision proposals even do not refer to, such as Dragan Bjelogrić and Nikola Kojo. The time in the Assembly was used up again for attacking the opposition MPs not present in the hall, so there was not much discussion about the particular laws which were to be adopted.

14.

The Voting Day

On the Voting Day, all 11 items of the agenda were adopted. The adopted acts included Law on Tourism, Law on Hospitality Industry and Law on Central Population Register. In the area of agriculture, the amendments were confirmed for the Law on plant nutrition products and soil conditioners and Law on Plant Protection Products, including amendments to the Law on Plant Health. The MPs voted on the violations of the Rules of procedures and determined that there were no violations of the Rules of procedure provisions. The National Assembly adopted a proposal for appointing Secretary General of the National Assembly, on the proposal of Maja Gojković. As of now, the function of the Secretary General shall be performed by Srdjan Smiljanić.

20.

A sitting dedicated to Autonomous Province of Vojvodina: proposals of the opposition MPs

Since the beginning of current legislature – June 2016, none of the items of the agendas proposed by the opposition MPs were accepted, until this month, when two items were included in the proposal of the agenda of the sitting: Law proposal on the financing of Autonomous Province of Vojvodina and Proposal of the Resolution of the National Assembly of the Republic of Serbia on Vojvodina. Both items of the agenda were proposed by the opposition MPs Nenad Čanak, Olena Papuga and Nada Lazić. However, at the Sitting of the Committee on Finance, State Budget and Control of Public Spending, only two days before the Second Sitting, the Proposal of the Law on financing of Autonomous Province of Vojvodina was in principle rejected. The Committee on Constitutional and Legislative Issues determined that the Proposal of the Resolution of the National Assembly of the Republic of Serbia on Vojvodina was not in accordance with the legal system of the Republic of Serbia.

Who wrote the Proposal of the Law on financing Autonomous Province of Vojvodina?

Instead of defending the submitted proposal, Nenad Čanak, the representative of the submitters, talked a little longer than half an hour about the two-century history of Vojvodina. After that, the debate went on, with Čanak being accused of plagiarising the same 2016 law proposal, submitted by Aleksandra Jerkov. However, during the continuation of the sitting, it was explained that the original Proposal of the Law existed since 2015 when it was included in the agenda of the Assembly of Autonomous Province of Vojvodina for the first time.

26.

The Voting Day

Two items of the agenda were not both adopted on the Voting Day. It was also voted on the violation of the Rules of procedure which was indicated by the MPs during the sitting. It was decided that the provisions of the Rules of Procedure were not violated in any of the situations.

27.

The beginning of the Third Sitting and parliamentary questions

The agenda of the Third Sitting included the laws from the health care domain. Minister of Health, Zlatibor Lončar, elaborated on proposals of the law on health insurance, health care, consumer goods and other. Last Thursday in the month is dedicated to parliamentary questions. The MPs posed questions to the representatives of Government on the changes in the educational system and Retirement and Disability Insurance Fund and had also demanded response to the current occurrences such as anti-Muslim stickers in Subotica and investigation regarding Ernad Bakan case. This parliamentary mechanism, whose purpose is to enable parliamentary oversight over the government that is supposed to provide answers to MPs question, was again to a large extent misused to compliment the government and provide insulting comments of the opposition leaders. So, part of the time intended for realisation of the oversight function of National Assembly of the Republic of Serbia was used for praises to the Government and discussions on opposition leaders.

28.

Special Sitting

National Assembly Speaker Maja Gojković convened 21st Special Sitting. The Speaker of the Parliament of Georgia, Irakli Kobakhidze addressed the MPs.

PARLIAMENT IN NUMBERS

Statistical review of the work of the 11th Convocation is concluded with 31st March 2019



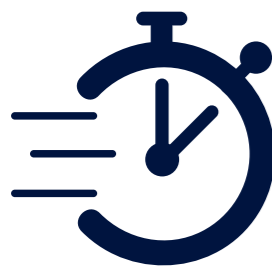
LEGISLATIVE ACTIVITY

248 days of legislative activity

401 adopted laws

97% of adopted laws were proposed by the Government

For the first time since 2015, two proposals of MPs who do not belong to the ruling majority were included on the agenda of the plenary session held in March 2019: Law proposal on financing Autonomous Province of Vojvodina and Proposal of the Resolution of the National Assembly of the Republic of Serbia on Vojvodina. Proposals were not adopted as they have not received support from the sufficient number of MPs.



URGENT PROCEDURE

46% of all laws (including new laws, amendments to laws and ratifications of international agreements) were adopted by an urgent procedure

66% 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;

changes in "filibuster" activities during March sessions - decreased number of "bravo" amendments that used to be submitted by the ruling majority;

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:

8 "MPs Question Time" sessions were held in almost 3 years:

October 2016, October 2017, March, April, September, October and November 2018, March 2019.

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

In March 2019, independent bodies have submitted their reports for 2018 to the parliament. We remind you that the parliament has not adopted conclusions upon the independent bodies' reports, nor discussed them at the plenary session since 2014.

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

● ANALYSIS OF THE OPEN PARLIAMENT

MARCH IN THE SHADOW OF THE PARLIAMENTARY BOYCOTT

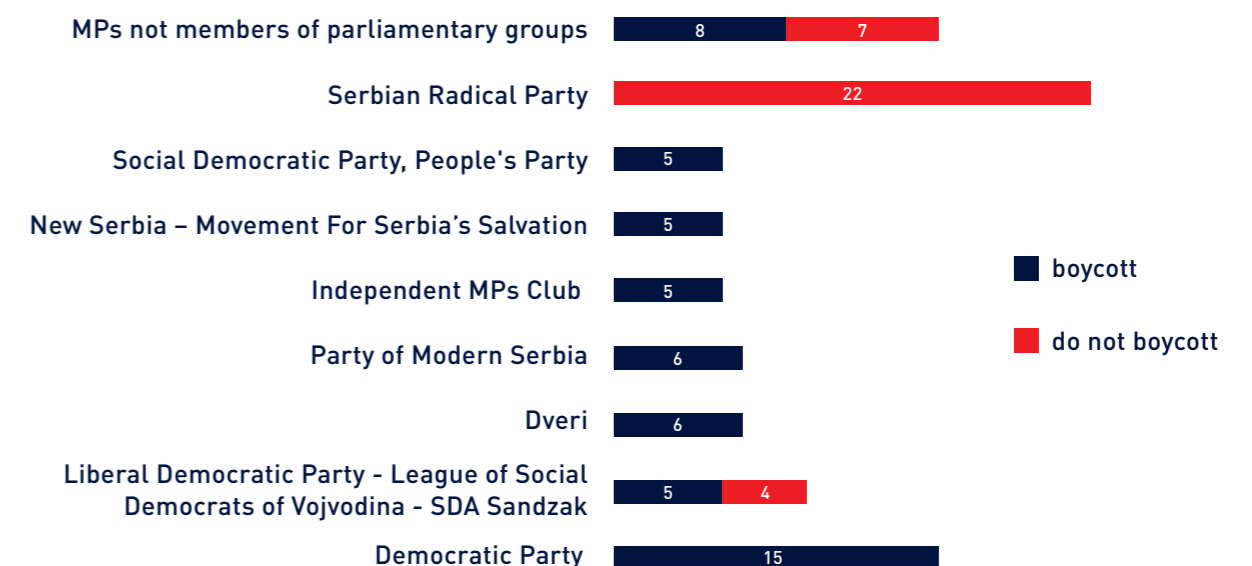
Author: Tara Tepavac

Parliamentary debates in the plenum were held in absence of the majority of MPs from the opposition during March, due to the ongoing opposition boycott that was launched earlier this year. Yet most of the opposition MPs were present in the premises of the parliament, as they continued their work outside the plenum and organised press conferences as a form of "parallel parliament", in order to discuss proposed laws and present their amendments that should be debated in the plenary, as well as to communicate with the citizens. As a reminder, this is the fourth boycott of the Serbian parliament since the introduction of a multiparty system in Serbia in 1990, and the most drastic one since the change of regime in 2000.

Although most of the opposition MPs agree in underlining the **democratic deficit as a burning problem in the parliament** that has to be addressed, the approach of opposition MPs is marked by dissonant tones. MP's approach to boycott is discordant both between and among different parliamentary groups, including differences in determining the beginning of the boycott, as well as different views on the reasons, results, and possible effects of the boycott.

According to CRTA's findings, **55 of 88 MPs not belonging to the majority are engaged in some sort of parliamentary boycott**, including the boycott of the plenary sessions and/or of the sessions of the committees. ¹

Relation between opposition MPs who boycott and do not boycott the Parliament



¹ These findings rely on the wider analysis of the parliamentary boycott conducted by CRTA research team for the Westminster Foundation for Democracy in March 2019. For further reference, contact the Westminster Foundation for Democracy Office in Belgrade, <https://www.wfd.org/network/serbia/>.

Most of the MPs marked January 28th as the **starting point of the ongoing boycott**, the day when the plenary session convened on the occasion of the Slovenian President Borut Pahor's visit to Serbia was held, or February 11th, as the beginning of the first plenary sitting convened after the opposition announced the boycott of both the parliament. However, when we talk about the beginning, the MPs also mention the "boycott of warnings" organized by the opposition parties in May 2017, as well as the rise in tension between the ruling majority and the opposition at the end of 2018, due to widespread abuse of procedures and the so-called "filibustering", which culminated with the adoption of the law on the budget for the current year.

The parliamentary group of the Serbian Radical Party is the only complete parliamentary group not belonging to the ruling majority that is not engaged in the boycott.

The **reasons behind individual MP's decision to boycott** range from the dissatisfaction with the work of the parliament and democratic deficit, misuse and violation of parliamentary procedures, to solidarity with other opposition MPs engaged in boycott, acting in accordance with the decision of party leadership, and even fear of being labelled as pro-government. Solidarity with the citizens protesting on the streets of Serbia for months was also indicated among the reasons. Yet, the public opinion poll from March 2019 revealed that while a quarter of citizens support the protests, less than 10% support parliamentary boycott as a mean of political struggle, while almost 40% of citizens do not support any form of political struggle outside of the institutions.² On the other hand, more than a third of citizens support confronting opinions in a public debate, which once again underlines the key role and responsibility of the media which should provide space for debate between the opposition and the ruling majority, especially on television with national coverage.

Although they participate in the parliamentary boycott, the MPs do not share the same enthusiasm when it comes to the effectiveness of the boycott as a tool for countering the democratic deficit. While some believe that fostering dialogue with the ruling majority is a more effective path toward restoring democracy in the institutions, other MPs are advocating a more radical approach to the boycott, such as the return of all opposition mandates. **MP's expectations from the boycott of the parliament** also vary from exposing alarming trends of parliamentary degradation, to pressuring the ruling majority in order to change the disputed practice and delegitimise the parliament, but also including concerns about the possible marginalization of the opposition and the parliament itself.

Whether these expectations are justified will be seen in the upcoming period, however, the fact is that the **plenary sessions in March were also marked by interesting changes in the approach of the ruling majority**. Since the beginning of the parliamentary boycott, for the first time in the last couple of months the ruling majority refrained from submitting dozens of "bravo" amendments, that is, repetitive amendments with content which is not essential for the improvement of the bill. The **session for posing parliamentary questions** (i.e. "MP Question Time") was regularly scheduled for the last Thursday of the month, and this parliamentary oversight mechanism was used for the eighth time in this convocation with the presence of a government representative. However, although this mechanism is commonly used by opposition MPs, the questions for the government representatives this time were posed by four MPs from the ruling majority, as well as Muamer Zukorlic, an MP who is not a member of any parliamentary group. Finally, for the first time since

² Public opinion poll conducted for CRTA by Ipsos Strategic Marketing for Serbia in March 2019, on a random representative stratified sample of 1115 respondents, by using the CAPI method.

2015 **two proposals submitted by opposition MPs reached the agenda of the plenum** - a proposal for the Law on Financing of Vojvodina and a draft resolution of the Assembly on the Autonomous Province of Vojvodina.

Although these changes can be seen as a step in the right direction, **the presence of substantive dialogue in the plenum remains questionable**. Members of the ruling majority did not hesitate to use the plenum debate to attack and smear the opposition. Their creativity was particularly displayed through a variety of proposals for organizing inquiry committees and using the time foreseen for elaboration of proposals to praise the executive and attack the opposition leaders, participants in civil protests and MPs boycotting parliament.

Hence, while these changes can be interpreted as an attempt by the ruling majority to demonstrate readiness for dialogue, the return of a genuine parliamentary debate that would allow the voice of the opposition members to be heard in the plenum **requires a continuous and long-term improve-**

● SUMMARIES OF THE LAWS

LAW ON TOURISM

Law on tourism was adopted in 2009. Since then it was amended for several times, with the last amendment in 2015. As the level of tourism development went through various improvements and changes both in the EU and globally, it is necessary to align legislation pertaining to hospitality and tourist economy in the Republic of Serbia. Therefore the new Law on tourism shall be adopted. It is also necessary to align this law with the Law on inspection supervision and Law on general administrative procedure, and also Law on consumer protection. In the meantime, the new Republic of Serbia Tourism Development Strategy 2016-2025 was adopted, and the Directive (EU) 2015/2302 was also adopted which created a need to align our legislation with these documents. One of the main priorities for adopting new Law on tourism is the reduction of the shadow economy. Basic provisions stipulated by this Law primarily relate to the conditions and methods of planning and developing tourism, tourist organisations and agencies, tourist services and tourism register. Since this is a new law, key amendments and novelties will be referred here.

Planning and development documents

In the chapter pertaining to planning and development, the legislator prescribed planning documents which include strategies and programmes covering every activity related to tourism as well as the procedure to adopt these documents.

Tourism promotion agencies

It has been prescribed which agencies shall promote tourism, such as the following: Tourist Organisation of Serbia (hereinafter: TOS), tourist organisation of autonomous province and tourist

organisation of local self-government units. Moreover, the means of securing funds for the work of these organisations and listed tasks and bodies of TOS, all abovementioned shall be also prescribed for organisations of both autonomous province and local self-government.

Tourist agency

Besides organisations, there are also tourist agencies that perform activities concerning the organisation, offer, selling and realisation of tourist tours. This chapter specifies the provisions pertaining to the types of tourist agencies, conditions to carry out activities including the types of activities, a manner of issuing licences and obligations of agencies and agents.

Tourist professions services

The Law defines services of tourist professions as well as the role of tourist service providers, mentioning tourist guides, tourist animators and tourist escorts. This chapter shall regulate the conditions for carrying out given tasks.

Tourism register

Register of tourism is one of the novelties. This type of records is maintained primarily to reduce the shadow economy in every business activity regulated by the law, which is its main goal. Serbian Business Registers Agency shall maintain this register, and tourist organisations and agencies shall be registered in it. The law specifies who is obliged to register as well as the accompanying information on legal and natural persons.

Personal data protection

Since this activity often involves processing a large number of personal data it is necessary to establish a personal data protection method, since there is a danger of manipulation and abuse. These provisions stipulate manner and use of personal data where it is prescribed that the ministry may collect and process these data but under specific conditions.

Supervision

As regards the supervision, the activities under the ministry competence shall be specified but also those of inspectors carrying out tourist supervision. Also, the rights and duties of the inspectors have been specified, including their powers and competences for complaint proceedings.

The legislator foresees that it shall be necessary to increase the penal provisions for misdemeanours, in order to reduce the shadow economy.

LAW ON THE HOSPITALITY INDUSTRY

The main goal of the law proposer is the full alignment with the EU legislation meaning the Directive on Services 2006/123/EC and the proposed amendments are believed to contribute to the reduction of the shadow economy in the hospitality industry.

This law shall introduce:

1. Centralised information system in the area of hospitality and tourism (E-tourist) as a unique centralised electronic information system, which contains every relevant data on the accommodation and accommodation facilities service providers, which will be used to register them and record any other data originating from hospitality, nautical and hunting tourism, and/or touristic activities.
2. This law shall bring an important novelty which stipulates that the activity of the legal person, entrepreneur or a natural person leasing the property for a period shorter than 30 days shall be considered a hospitality service of providing accommodation.
3. For the first time, natural persons will be able to work independently and directly without an intermediary (tourist agencies; local tourist agencies). Natural persons providing accommodation services at home (apartment, house, room) shall be prohibited to serve food and beverages. Exceptionally, in countryside tourist households it shall be allowed to serve their artisan products. Also, this category of persons shall be prescribed with a possibility to pay the lump sum of residence tax within the established annual amount in accordance with their accommodation capacities.

LAW AMENDING THE LAW ON PLANT PROTECTION PRODUCTS

Increasing the protection standard for the registration of plant protection products

One of the basic goals for adopting amendments to the law is to secure high protection standards. In accordance with that, tests for the purpose of registration must be carried out in laboratories which have aligned their work with guidelines of good laboratory practice. Additionally, it is prescribed that the evaluation shall be carried out in accordance with the unique principles for evaluation and registration of plant protection products by applying relevant international guidelines and recommendations. Relevant ministry shall carry out the evaluation, and the minister shall prescribe unique principles for evaluation and product registration.

The ministry may confer the evaluation tasks to the higher education establishment accredited in the relevant scientific domains (evaluator). The selection of evaluators shall be carried out through open call competition, and the minister shall adopt the decision on the selection of the evaluator, and the competition results shall be announced in the Official Gazette. The registration procedure shall be more precisely regulated, the conditions for registering the product, the evidence submitted with the registration application, evaluation method for meeting the conditions for registration, as well as the powers of the minister of agriculture to establish the List of approved safeners and synergists and List of unacceptable co-formulants.

Also, it is provided for that in the procedure of recognising the registration of the plant protection

products performed in some other country, the minister of agriculture shall be in charge to adopt the rulebook that shall closely prescribe the documentation to be submitted in the procedure of recognising the registration performed in some other country. The law amendments prescribe the mandatory and optional elements of the decision on the registration of plant protection products. It is prescribed that the ministry shall publish the list of registered plant protection products on their website and that the List of approved substances shall be published in the Official Gazette at least once a year.

Reviewing the decision on registration and the possibility of prohibiting use and trade of treated plants or plant products

Review of the decision on the registration can be initiated ex officio by the ministry, and the cases of terminating the decision on the registration are prescribed. Additionally, the decision on the termination may prohibit the selling and application of the plant protection products, and/or it may establish the deadline for selling and application of these products existing stocks.

The law stipulates the possibility of issuing licences for research and development as well as the possibility of issuing the ban on using and trading with the treated plants or plant products if the maximum allowable residues of plant protection products have not been established.

Application requirements for plant protection products

The law precisely defines the requirements for application of plant protection products by prescribing the manner of applying the products, inter alia, in accordance with principles of good agricultural practices and integrated pest management.

Obligations of plant protection products users

Provisions regulating the obligations of plant protection products users and handlers have been amended by introducing the obligations of users to carry out every activity pertaining to the application of plant protection product, handling, storage, transport and disposal of these products in a manner that does not threaten people and animals lives and health or the environment. Besides, the obligations have been prescribed for professional users who are to regularly adjust and technically examine the devices for plant protection products application and use devices which have been periodically examined in accordance with this law.

LAW AMENDING THE LAW ON PLANT HEALTH

As the basic reason for adopting the amendments to the Law on Plant Health, the law proposer underlined regulating the tasks of public interest in the area of plant health and pest diagnosis.

The law proposer emphasised that prevention of importing and spreading harmful organisms is of the strategic importance for Serbia. In order to trade with World Trade Organisation, Serbia must guarantee the application of international standards on phytosanitary measures adopted under International Plant Protection Convention (IPPC) in the framework of Food and Agriculture Organi-

zation of the United Nations (FAO), as Serbia is the signatory of the Convention.

Finally, the law proposer underlines the need for establishing the operational and efficient phytosanitary system, with clearly defined structure and operational diagnostic service so it is of the utmost importance to organise the system of operational laboratories.

Defining tasks of public interest in the area of plant protection

In order to achieve the aforementioned goals, the law amendments primarily define the tasks of public interest and other professional tasks in the area of plant health which shall be performed by the companies founded by the Republic of Serbia that shall be registered in the Serbian Business Registers Agency and within their framework shall perform their business activities of plant protection and this shall refer to scientific and research organisation and higher education establishments which meet prescribed requirements. Additionally, it is stipulated that the tasks of public interest shall be assigned through the open competition by the ministry which is announced in the Official Gazette.

Entities that may perform laboratory tests

Laboratory tests and other related professional tasks shall be performed by the National Reference Laboratories Directorate that must be registered in accordance with SRPS ISO/IEC 17025 standards. Particular laboratory tests may be performed by official laboratories selected through competition, and a possibility is foreseen for the minister to authorise the official laboratory as the reference laboratory for specific test types and groups of tests (authorised reference laboratory). Additionally, if the authorised reference laboratory cannot perform some test types or groups of tests, the minister may designate the laboratory within another country territory as a reference laboratory for these types of tests.

Monitoring and inspection of the health status of seeds, seedlings and planting material

The law shall particularly regulate monitoring and examination of health status of seeds, seedlings and planting material, and for this purpose the obligation of health inspection shall be foreseen for the crops meant for production of agricultural plants seeds and facilities for production of forest-tree seeds, facilities for production of seedlings and facilities for production of multiannual plants' propagating material. Besides monitoring the health status of plants and plant products as regards the presence of the pest, it is foreseen to monitor possibilities of new pests that are suspected to be harmful to the plants and which were previously not established within the territory of Serbia.

Entities which may perform production, processing, finishing, import, storage and trade of specific types of plants, plant products and regulated items

Production, processing, finishing, import, storage and trade in plants, plant products and regulated items, which are to be found in specific lists closely regulated by the Rulebook on the lists of pests and lists of plants, plants products and regulated items, can be dealt by a legal entity or an entrepreneur, registered in the Serbian Business Registers Agency and registered in the Phytoregister of producers, processors, finishers, importers, keepers and traders of plants, plant products and regulated items, maintained by the Ministry. A natural person registered in the Phytoregister may produce some of the species. Exceptionally, a natural person may perform production even if they

are not registered in the Phytoregister, by fulfilling the criteria of a small producer (overall production is intended for personal use or for selling to natural persons at the local market), and the requirements for determining the small producer shall be more closely regulated by the minister.

Also, on the basis of the phytosanitary and/or forest inspector record on meeting the requirements, the minister in charge of plant protection activities shall be conferred with powers to adopt decisions on registering and/or cancellation from the Phytoregister if the legal person, entrepreneur and/or a natural person fails to meet the prescribed obligations.

Requirements for approving licences for issuing plant passports

The amendments to the law stipulated that plants, plant products and regulated items must have plant passport, which is issued by the legal person or an entrepreneur registered in the Phytoregister.

Additionally, the requirements for approving licences for issuing plant passports were prescribed. Namely, licence for issuing plant passport may be issued to the agents who may issue plant passport and these agents must have a person employed who is responsible for plant health. This person must hold a high academic degree in plant protection, phytomedicine, plant production and forestry, must have passed a certified exam in plant protection and have at least one year of working experience. Besides, this person must possess the certificate on completed training for issuing plant passport organised by the ministry.

The minister shall approve the licence for issuing plant passport on the request of the plant passport issuing agent for the period of 5 years.

The licence may be renewed by submitting a request 90 days before its expiry and the requirement for renewal is to meet the requirements for its issuing and to have continuing education within the period of permit validity.

Exceptionally, the plant passport may be issued by the phytosanitary, and/or forest inspector for the special cases stipulated by the law. The issuing plant passport agents shall undertake to maintain records on the issued plant passport and to keep these records for the period of three years.

Phytosanitary control in international trade

Amendments to the law stipulate new requirements for importing consignments which are to be free of contamination from new pests not included in the lists prescribed by the law but rightfully suspected to pose a risk to the plant health if the recommendations and opinions of the relevant international organisations such as ERRO, EFSA and IPPC are taken into consideration.

Importing certain type of pests is allowed for scientific and research purposes, but the amendments to the law specified that when importing these type of consignments they must be accompanied by the import authorisation issued by the ministry, the relevant phytocertificate and authorisation for importing pests.

The law proposal also prescribes the form of authorisation for importing pests for the purpose of experiments in accordance with the relevant international standards, as well as printing phytocertificate forms with appropriate security levels by the Institute for Manufacturing Banknotes and Coins – “Topčider”.

Supervision

The amendments to the law foresee the exceptions to the rule that the ministry shall perform the inspection supervision over the application of the provisions of the Law on plant health and regulations adopted on the basis of this law through phytosanitary inspectors. Namely, inspection related to forest-tree plants, tree-nursery products and reproduction material, except for the forest-tree plants and forest reproduction material that is imported, exported or is in transit, shall be carried out by the ministry through forest inspectors.

The law shall enter into force on the eighth day from the day of its publication in the Official Gazette and it is foreseen that the bylaws required for its application will be adopted no later than one year from the day of this law entry into force.

LAW AMENDING THE LAW ON FOOD SAFETY

The Law on Food Safety adopted in 2009 regulates the areas of food safety as well as feed safety. This law defined tasks of production, processing, transport and storage of food. In ten years since the law was adopted, the need for amendments of this law was defined. Apart from the need for normative alignment with the European Union, some other deficiencies were observed. These foremost refer to creating a more clear division of competences and control of bodies in charge of official control of the food chain but including the control of retail food. It is also necessary to adopt bylaws for implementing laws which did not exist before. In the end, it is necessary to create conditions for work of the laboratories that would provide support to agricultural productions and public authorities for carrying out official control.

Alignment with international terminology

The first specification inserted in the proposal of the law refers to alignment with international terminology by specifying the meaning of definitions, inter alia, for internationally recognised standards, guidelines and recommendations which were set by the international organisations.

This law shall introduce the new division of food into six big groups, where the sixth group shall include genetically modified food which is especially separated.

Division of competences

The changes have been made as regards the division of competences between the bodies carrying out tasks of public administration in the area of food safety. This is primarily related to exercising control of food in retail stores as this phase of control was not included in the previous legal provision. One control phase is carried out by the ministry through competent inspections and the Ministry of Health performs the other phase through competent sanitary inspections.

The entities liability in all phases of production and food trade was specified so unlike the previous legal provision here we have foodstuff and feedstuff separated but also the differentiation between all phases of production, processing and selling of food.

Reference laboratories

Since the need for establishing reference laboratories was recognised, under this law the National Reference Laboratories Directorate shall be established including the compulsory method for its accreditation. Also, the tasks laboratories perform were specified, the equipment which is compulsory for them and the staff competencies. In addition to these reference laboratories, there is a possibility to assign jobs to other laboratories, selected through the open competition. The contents of the contract were regulated concerning the performance of conferred tasks and also the exceptions regarding monitoring.

Types of contaminants and chemicals which may affect human health

It is important to mention that in the provisions it was specified and listed what non-safe food shall mean, including all types of contaminants and chemicals that may affect human and animal health. It is necessary to adopt bylaws that closely regulate food safety, referring primarily to the tasks of ministries competent for food safety.

Conditions for derogation from general and specific food hygiene requirements

Conditions for derogation from general and specific food hygiene requirements were prescribed. As mentioned in the law, every condition is more closely prescribed by the minister. Also, hygienic requirements for feedstuff were specified, primarily pertaining to entities producing feedstuff and using unwanted additives which should be excluded from the production.

Minister in charge of health care closely prescribes the requirements pertaining to food quality and these are listed in the law. As before it was not well-specified what the new food is exactly, this law is bringing the amendment explaining in detail the listed types of food and what these types of food represent as well as what is prohibited. This means it is prohibited for the food to pose a health danger to consumers' health, and to mislead them as regards the contents. In order to market this food it is necessary to obtain the permit as well as to keep the records on the issued permits.

Origin of food labels

Concerning the food labels, in addition to already familiar geographical origin, the name of origin and traditional names, the national quality scheme is being introduced, so "Serbian quality" will be included in the labels of the higher quality food.

Food sampling methods

When sampling foodstuff and feedstuff, the entity producing the referred food shall undertake to make available free of charge the required amount of food samples for the responsible control bodies. Also, responsible bodies carrying out the control shall be entitled to charge fees for performed tasks.

New amendments specify the rights and duties of inspectors in carrying out tasks of official control as well as the measures they are imposing.

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

LAW AMENDING THE LAW ON PLANT NUTRITION PRODUCTS AND SOIL CONDITIONERS

When the Law on plant nutrition products and soil conditioners was written in 2009, the idea behind it was to align it with the EU legislation. The scope of this law included practices referring to the entire process from procurement to utilisation of the conditioners and plant nutrition products. The law and other bylaws accompanying this law were normatively aligned with the EU. After 10 years of application of the law, certain deficiencies were established..

First, the deficiencies were observed as regards:

- Sorting
- Marketing
- Import
- Quality control of these products.

The legal provisions from the existing law were not precise enough, and some provisions were not even included in it.

The Register of distributors and importers

As regards the deficiencies, the first refers to doubling the amount of work pertaining to wholesale stores, import and also registration in the Register of distributors and importers. In order to find a solution to this problem, it was suggested to rationalise the work by recording the data on the performed work in the inspection record after the completed inspection and then include these in the Register on the basis of the decision of the minister in charge of agricultural affairs

Data recorded to the Register

Also, it was not specified which data should be recorded to the Register – including all facilities for trading and the obligation to issue permits for any of the facilities.

Official laboratories

One of the novelties of this law refers to official laboratories and the manner of their establishment, organisation and function. In that sense, it is important to define more specific requirements which these laboratories should meet as regards accreditation.

Tasks of public importance

It is necessary to specify tasks referred to as tasks of public importance, but in the sense that not all tasks in this domain should be referred to as tasks of public importance. Therefore, the law lists tasks that are registered as tasks of public importance.

Plant nutrition products and soil conditioners not recorded in the Register

Apart from mentioned amendments, the legislator recognised the need to improve provisions determining the plant nutrition products and soil conditioners which are not recorded in the Register.

Import requirements

As the existing legal provision does not clearly define requirements for import of plant nutrition products as well as the soil conditioners, these provisions shall express the need for determining who is allowed to import and what the allowed amount of products should be.

Additional costs in the process of trade and production

For all participants in the process of production and transport, the additional costs which occur in the form of unpredictable substrates costs are required to be exempted from the procedure of registering in the Register of plant nutrition products.

Fees

Finally, there were no fees prescribed either for covering expenses in the procedure of sorting for the purpose of recording in the Register or for confirmation of distributors or importers meeting the requirements for the purpose of recording in the Register.

LAW ON CENTRAL POPULATION REGISTER

This law proposal enables the establishment of the Central Population Register (CPR) as the centralised electronic database of the population of Serbia. It is foreseen to record data in CPR which are kept in the original records on the citizens of Serbia (with or without registered residence in Serbia), refugees, asylum seekers and some categories of foreigners (foreigners with residence permits/permanent residence; foreigners without permanent residence who have acquired property or rights and obligations under pension insurance fund or the status of taxpayer). According to the information of the law proposer, all data defined by the law proposal shall be retrieved from the original records and will be centralised in one register available to officers without a need to include citizens in the process of obtaining information, or any other public body as well. Each originating authority shall undertake to record data in the Central population register as the single point and each receiving authority may retrieve the data they need from the Central population register in order to perform procedures under their jurisdiction.

Responsibility for maintaining CPR

Ministry of Public Administration and Local Self-Government (MDULS) shall manage the CPR, with the technical assistance of the Government office. Law proposal includes general provisions pertaining to CPR management, while the Government shall closely regulate the method of retrieving,

exchange and access to data within six months from the day of this law entry into force. CPR will be located in the Government Centre for management and storage of data.

Original records and originating authorities

Collecting data for the Central population register will be done in a decentralised manner (each originating authority shall collect data under their jurisdiction). Authorities that keep original official records (Ministry of Interior, MDULS, Central Registry of Compulsory Social Insurance, Tax Administration, and Republic Geodetic Authority) shall undertake to send the data from their records to CPR. Data entry to CPR shall be done electronically by originating authorities, immediately after the registration in the original records (therefore, the data in CPR will not automatically change as the data would be recorded in the original database but the data should be separately recorded to CPR without delay). In this way, CPR will have only the latest (up-to-date) data. If the accuracy of data is under suspicion, the data is selected as the “data to be examined” which is important as regards the accuracy of the data. Data record shall be done on the basis of citizens’ personal identification number/foreigner registration number.

The law proposal defined the list of the original records from which the data shall be retrieved to CPR. This will not include all data from these records, but only those that are particularly foreseen by the proposal.

The original records are:

1. Records of the citizens’ identification numbers
2. Records on nationality
3. Register of births
4. Records on permanent and temporary residence and temporary residence abroad
5. Records on identity cards
6. Records on travelling documents
7. The central registry of compulsory social insurance
8. Records of taxpayers
9. Records of foreigners
10. Records on asylum seekers, foreigners with confirmed shelter/subsidiary protection/temporary protection; records on issued identity cards for asylum seekers/foreigners with confirmed asylum or temporary protection; records on issued travelling documents for foreigners with confirmed asylum
11. Records on foreigners who do not have permanent residence or temporary residence in RS, but have acquired property or rights and obligations under pension insurance fund or status of taxpayer
12. Records on refugees from former SFRY republics
13. Register of addresses

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Receiving authorities – a right of retrieval

The receiving authorities will have the right to directly retrieve of data from CPR. The list of receiving authorities will be determined by the decision of the minister of public administration and local self-government, on the basis of the request submitted by receiving authorities to MDULS following the obtained opinion of the Government office that the receiving authority meets technical criteria for linking with CPR. Additionally, in order to access data each receiving authority will have to deliver the document on designating administrator and its deputy to MDULS (persons authorised on behalf of receiving authority to cooperate with MDULS and monitor the work of authorised persons in the receiving authorities). The receiving authority shall be obliged to maintain records of persons authorised to access and directly retrieve data from CPR.

Right of insight

A natural person who is the data subject shall have the right to have insight, and anonymous data may be distributed to persons performing statistical and scientific and research activities.

Data accuracy check

The person who is the data subject and who learns that their data is not correct may submit the request to MDULS for correction. The receiving authority which in performing its tasks learns that CPR data is incongruous shall be obliged to notify MDULS on that. MDULS shall notify the originating authority on these requests/notifications that shall then examine the data accuracy and if needed carry out the data change procedure. MDULS shall be notified on the measures taken.

LAW PROPOSAL ON FINANCING AUTONOMOUS PROVINCE OF VOJVODINA

By the Constitution of the Republic of Serbia, it is foreseen that the autonomous province shall have own-source revenues for financing its competences, and the budget of the Autonomous Province of Vojvodina (AP Vojvodina) shall be at least 7% in relation to the budget of Republic of Serbia. The Constitution specifies that the type and amount of own-source revenues of autonomous province and the share of the autonomous province in the revenues of the Republic of Serbia shall be stipulated by the law. Additionally, the deadline for adoption of this law was 31 December 2008 as determined by the Constitutional Law on Implementation of the 2006 Constitution of the Republic of Serbia.

Since this law was not adopted to the day, acting with belief that AP Vojvodina does not have stable and predictable financial resources, a group of MPs submitted to the National Assembly the proposal on financing Autonomous Province of Vojvodina and suggested that this law shall be adopted under urgent procedure so as to prevent further adverse effects to AP Vojvodina.

The law proposal shall define the minimum scope of province budget which shall be 7% of the Republic of Serbia budget in accordance with the Constitution. The budget base shall be the total expenditures and outflows planned by the Republic of Serbia budget. The Assembly of AP Vojvodina shall adopt the budget of the province. The law proposal shall specify which revenues and

proceeds collected at the territory of AP Vojvodina shall be deemed as revenues of the province budget.

It is proposed to establish Administration Tax of AP Vojvodina which shall be in charge of determining, charging and controlling public revenues at the territory of Vojvodina starting from 01 January 2020.

The scope of budget and method for establishing a budget base

In accordance with the specified minimum scope of the province budget determined by the Constitution, the law proposal foresees that the budget of AP Vojvodina shall not be less than 7% in relation to the budget of Serbia and that three sevenths of AP Vojvodina budget shall be used for financing capital expenditures.

Additionally, it was specified that the base for determining budget should be the total expenditures and outflows planned by the budget of the Republic of Serbia. This would solve one of the key problems from the past which was caused by the fact that, until now, in accordance with the Law on Budgetary System, the base for determining minimum scope of the budget of the province was determined in relation to the tax revenues of the Republic, which equalled to only half of the national budget, so consequently, the budget of the province revenues were only half of the amount determined by the Constitution.

It was specified which revenues and proceeds of AP Vojvodina budget were general revenues which may be used for any purpose that is in accordance with the law or act on AP Vojvodina budget. This provision does not pertain to those revenues and proceeds which are in accordance with the special law expressed as assigned revenue.

Competences of AP Vojvodina Assembly

The law proposal stipulated that AP Vojvodina Assembly shall adopt the act on determining the budget of the province. In addition to that, the proposal stipulated that the national provision which shall introduce, terminate or amend the tax rate and/or the amount of revenue that belongs to the AP Vojvodina budget cannot be adopted before AP Vojvodina Assembly previously agrees on it.

Financing new conferred/referred tasks

If the Republic of Serbia shall confer or refer new tasks to the province, for the performance of these tasks it shall undertake to secure transfer funds and/or sources of revenue to the province.

Structure of revenues and proceeds of AP Vojvodina budget

Law proposal foresees that the funds for AP Vojvodina budget shall be secured from revenues, transfer funds for financing competences of AP Vojvodina from the budget of the Republic as well as revenues determined by the law.

The law proposer believes that stable financial revenues of Vojvodina may be secured from the tax revenue other than the revenue of local self-government as well as charges for using possessions of general interest other than the revenue of the local budgets.

a) Revenues

In that respect, AP Vojvodina revenues shall mean all revenues collected at the territory of AP Vojvodina, generated by mandatory payments by taxpayers, legal and natural persons utilizing a specific public good or public service, as well as all other revenues generated by beneficiaries of budget funds.

In accordance with the proposed law, the budget of AP Vojvodina shall not include:

Taxes collected at the territory of AP Vojvodina which shall be received by the budgets of municipalities and towns – all property tax, personal income tax (74% of income tax, entire tax amount from the self-employment income, profit tax from leasing movable property and other income tax);

The budget of AP Vojvodina shall neither receive 70% of revenues from VAT and excise tax (but when it reaches the minimum scope of the budget of the province prescribed by the law, the entire VAT and excise tax revenues shall be directed to the budget of the Republic);

Revenues from organizations for mandatory social insurance;

Customs revenues;

Revenues from fees, fines and funds which are generated by public authorities and organisations when performing their activities from providing public service from public funds;

Fees for using government roads;

Part of the fee for using the possessions of general interest which belongs to the local budgets.

b) Proceeds

The proceeds of AP Vojvodina budget are generated from public and commercial loans, proceeds from borrowing and other proceeds (e.g. proceeds from selling fixed and movable assets, supplies, financial assets and other).

Establishment of Tax Administration of AP Vojvodina

The law proposal foresees the establishment of Tax Administration within the tax system of the Republic of Serbia. Also, it was proposed to confer tasks of determining, collection and control of public revenues at the territory of Vojvodina which would be performed by the Tax Administration of Vojvodina from 1 January 2020. For these purposes, it is proposed to take over the staff from the Ministry of Finance – Tax Administration performing the tasks on the territory of Vojvodina as well as premises and equipment.

Law application supervision

The law proposal foresees the establishment of the commission consisting of representatives of the Republic and provincial authorities that shall submit three-month reports on the application of the law to the Government of Republic of Serbia and Government of AP Vojvodina.

Conflict of laws

In the event of a conflict with the provisions of other laws, application of the provisions of this law has been proposed.

PROPOSAL OF THE RESOLUTION OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA ON VOJVODINA

By saying that the basic precondition for building Serbia as a modern democratic country shall be the decentralisation of powers and realisation of full autonomy of AP Vojvodina, the group of MPs submitted their proposal on Vojvodina Resolution to the National Assembly.

By respecting tradition, distinctiveness and achieved level of AP Vojvodina autonomy, as well as the EU values and Declaration on protection of constitutional and legal rights of AP Vojvodina which was adopted by provincial Assembly in 2013, the resolution proposers suggested to the National Assembly to determine the principles of the National Assembly and other public authorities future actions towards Vojvodina which shall include:

Providing guarantees for Vojvodina autonomy;

Directing constitutional reform towards decentralisation along with strengthening of the real Vojvodina autonomy;

Returning the largest share of public revenues to Vojvodina collected in its territory and adopting laws that shall regulate the financing of Vojvodina;

The commitment of Serbia to reducing the number of young people leaving Vojvodina.