

# CRTA RECOMMENDATIONS FOR IMPROVING THE WORK OF THE NATIONAL ASSEMBLY



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

These recommendations are the result of years of research and monitoring the work of the National Assembly in the framework of the Open Parliament Initiative, as well as of the activities of Members of Parliament (MPs), functioning of parliamentary mechanisms and processes and analyses of comparative practice and the best international standards. The list of recommendations presented in this document is neither final nor exhaustive, but rather limited to priority recommendations that CRTA believes could be implemented as soon as possible, provided that there is political will, readiness for dialogue and mutual understanding of all relevant actors.

## **State of Play in the National Assembly**

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

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

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

### What should be done?

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

### Quality of the Work in the Plenary: Urgent Procedure, Consolidated Debate and Amendments

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

- 1. To limit the use of urgent procedure in adopting legislation.** Accept adoption of acts by urgent procedure solely in extraordinary circumstances, with justified reasoning such as compliance with EU regulations or due to extraordinary circumstances.
- 2. To limit the practice of consolidated debate in the plenary.** Use the possibility to join the debate in situations where laws are thematically related or in relation to the proposed provisions or if they fall within the scope of the same committee, except for the Committee on Constitutional and Legislative Issues and the European Integration Committee.
- 3. To prevent the practice of submitting almost identical amendments that do not substantially change the article of the law** by specifying the Rules of Procedure concerning the work of the Committee on Constitutional and Legislative Issues.
- 4. To specify the method for determining the order of items on the agenda at the plenary session.** By amending Rules of Procedure, determine which law proposals should be the first items on the agenda.
- 5. To introduce a deadline for placing all proposed draft laws and other acts on the agenda of the Assembly.** Specify the deadline in the Rules of Procedure in which the draft laws and other acts submitted by all authorized proposers must be placed on the agenda of the Assembly.

### Adopting the Budget

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

- 6. To double the time for discussing the Draft Budget Law.** A doubled time for discussing the Draft Law on Budget should be planned, when compared to the time for the discussions defined by the Rules of Procedure.
- 7. To ensure that MPs have at least 15 days to familiarize themselves with the budget proposal prior to the plenary debate.** Consistently apply the provision of Article 172 of the Rules of Procedure, which provides that the debate on the Draft Budget Law at the session of the Assembly can start no earlier than 15 days from the day of receiving the budget proposal in the National Assembly.
- 8. To ensure substantive debate on the Draft Law on Budget in the plenum.** The Rules of Procedure should be changed in order to provide that Draft Law on Budget and related proposals cannot be discussed in joint discussions with other acts.
- 9. To regularly discuss the Draft Law on Annual Financial Statement of the Budget of the Republic of Serbia** as legally defined, with the substantive discussion in the plenum.

## Parliamentary Questions

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

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

## Public Hearings

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

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

## Independent Institutions

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

20. **To publish the roadmap of adopting the independent institutions' reports processes**, from the preparations and submissions of the reports to the adoptions in the plenum and implementation control.
21. **To specify the primary (i.e. parent) committee for each independent institution** within the Rules of Procedure.
22. **To prepare guidelines for the structure and mandatory elements of the independent institutions' reports and the conclusions** of the National Assembly in a public consultation process.
23. **To consider the reports of the independent institutions regularly and adopt precise and effective conclusions of the National Assembly** which essentially operationalize the recommendations from the independent institutions' reports, with a strictly defined deadline for the Government's reporting on their implementation.
24. **To strictly define the deadline for the consideration of the independent institutions' reports in the plenum.** To oblige the National Assembly to consider the annual reports of the independent institutions in the plenum before the end of the spring session, by amending the Rules of Procedure.
25. **To oblige the primary committee (i.e. the parent committee) to regularly demand the six-month reports from the Government and the ministries on the activities of implementing the recommendations of the independent institutions** in accordance with the conclusions of the National Assembly related to the annual reports.
26. **To define the obligation of the National Assembly to regularly evaluate the six-month reports by the Government** on its activities related to the implementation of the independent institutions' recommendations, within the Rules of Procedure.
27. **To define time limitations for initiating the process of appointing the independent institutions' representatives and to specify the legal terms for their appointment.** A transparent and public process of appointing the representatives of independent institutions should be legally defined as well as the criteria for their appointment, on the ground of evaluation and comparison of the candidates' qualifications, previous experience in the relevant field and operating plans (including the Ombudsman, Commissioner for Information of Public Importance and Personal Data Protection, Commissioner for the Protection of Equality, Anti-Corruption Agency, Regulatory Body for Electronic Media and the State Audit Institution).
28. **To strengthen the capacities of the Parliament's administration (i.e. support service) to monitor and analyse the implementation of the adopted conclusions of the National Assembly related to the independent institutions' reports** in line with the needs of the Members of Parliament.

To bound the committee in charge to evaluate the six-month reports of the Government

## Committees and working bodies

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

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

## Annual Work Plan of the National Assembly

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

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

## Informing the Public

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

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

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

In that regard, the following steps should be made:

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

