

Open Parliament Newsletter

**PARLIAMENTARY
INSIDER** 

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Law amending the Law on special requirements for the project of the construction of the apartments for members of security forces
Law on Trade
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● INTRODUCTORY REMARKS

Alleged progress in the Parliament's work with the degradation of the independent institutions

Milan Marinovic was appointed a new Commissioner for Information of Public Importance and Personal Data Protection. After five years, following the recommendation from the EC, the reports of the independent institutions were presented to the MPs. The non-agenda topics took up time during the discussion in the plenary sessions again, followed with insults on account of the institutions, media and civil society.

In July the MPs were in session for **19 days and adopted 26 different acts**. This month high activity is the result of Maja Gojkovic, the Speaker of the Assembly response to the European Commission Report. As she had announced, the **independent institutions' reports were scrutinised in plenary session again** after five years. However, during the discussion on the Commissioner's report, the MPs talked more about the previous Commissioner Rodoljub Sabic, who was often a topic of discussion in plenary session this year, his name being mentioned for **235 times**. The MPs even questioned the need for the existence of this institution in Serbia. With all this, the ruling majority MPs, along with the Radicals from the opposition, again **targeted the university professors, non-governmental organisations and the media** by saying "they do not wish well to their own country". The part of the opposition continued with the boycott this month as well.

July had another wave of the abuses of the parliamentary procedures during the plenary session, as the ruling majority MPs and the Radicals used their right to a rebuttal to speak outside of the agenda. The **MPs used the right to a rebuttal for 500 times this month**, which is 5 times more than this year average. The most rebuttals were by SRS MP Vjerica Radeta (96) and SNS MP Aleksandar Martinovic (84).

Six months after Rodoljub Sabic term of office had expired in December last year, **Milan Marinovic was appointed a new Commissioner**, and before he was discharging the duty of the President of the Misdemeanour Court in Belgrade. Marinovic was a candidate on the proposal of SNS. Next to him, as the candidate before the Culture and Information Committee, was also Nevena Ruzic, on the proposal of over 60 non-governmental organisations, with the support of the parliamentary groups of Party of Modern Serbia, Democratic Party and Social Democratic Party – People's Party. The Socialists' Movement – People's Peasant Party – United Peasant Party Parliamentary Group, which is a part of the ruling coalition, had Bojan Milosavljevic as their candidate for the Commissioner.

For the third time this year, the MPs had an opportunity to pose **parliamentary questions** to Prime Minister Ana Brnabic and members of Government. Djordje Komlenski from the Socialists' Movement asked questions on the business activities of N1 TV and SBB cable operator, which was one of the major topics in the plenary session discussion in July. In addition to that, Djordje Vukadinovic from the parliamentary group New Serbia – Movement for Serbia's Salvation asked about the case of mini hydropower plants, and Aleksandar Stevanovic (SMS) on Serbia membership in the World Trade Organisation.

On 11 July, on the occasion of **commemorating the anniversary of the Srebrenica genocide**, this topic became the part of the daily debate in the Assembly. The SRS MPs used this opportunity, so in addition to **denying the crime** they also **insulted** those who do not share the same position. In the plenary session, Vojislav Seselj insulted Aleksandra Congradin, the Danas newspaper journalist, for her article on this topic, by saying, in addition to everything else he had said, that he would "sentence to 20 years of prison every such journalist". The Chairperson Vladimir Marinkovic did not use the possibility of sanctioning the MP provided for by the Rules of Procedure, but just replied "Thank you, Professor!" to what Seselj had been saying. His colleague, Vjerica Radeta, insulted

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.

SMS MP Vladimir Djuric for a similar reason, by saying that for his attitudes “everyone he meets should spit him”.

The adopted laws that were the **most discussed** were the **Law on Municipal Militia**, which increases the powers of the municipal militia and their level of competences. The municipal militia officers may now carry out their tasks in civilian clothes, use the spray with irritation effects, such as pepper spray and tear gas, and make audio and video recordings. **The Law on Enforcement and Security** was also amended, with the key amendments concerning the new measures for prevention of corruption in the proceedings and the reduction of the amount of the salary, and/or the pension that may be seized in the enforcement proceedings. With the amendments of the **Law on special requirements for the project of the construction of the apartments for members of security forces**, this right was given to some groups of security forces members that were not included in the previous law. In addition, the **Law on Trade** and the **Law on e-commerce** were adopted.

2019

Month in the Parliament

JULY

Collegium reduced to a rump and the absence of parliamentary questions

The MPs were in session for 19 days and adopted 26 different acts. Six months after Rodoljub Sabic term of office had expired in December last year, Milan Marinovic was appointed a new Commissioner for Information of Public Importance and Personal Data Protection. The independent institutions' reports were scrutinised in plenary session again after 5 years, and this month the MPs had an opportunity to pose parliamentary questions to the members of Government for the third time this year. July had another wave of the abuses of the parliamentary procedures during the plenary session. Both the ruling majority MPs and the opposition Radicals, in addition to degradation of the independent institutions, especially the Commissioner, and insults of journalist and attack on the media and civil society, also used their right to a rebuttal to speak outside of the agenda. The MPs used the right to rebuttal for 500 times this month, which is 5 times more than this year average. The most rebuttals, in fact, 84, were by SRS MP Vjerica Radeta and SNS MP Aleksandar Martinovic. The part of the opposition continued with the boycott this month as well.

1.

Who will be the new Commissioner?

The proposals for the Commissioner for Information of Public Importance and Personal Data Protection candidates were considered on the sitting of the Culture and Information Committee. The candidates were Milan Marinovic, Nevena Ruzic and Bojan Milosavljevic, and they have all met the legal criteria for candidacy. Marinovic, who at the moment was the Acting President of the Misdemeanour Court in Belgrade, was the candidate of the parliamentary group of the Serbian Progressive Party. The candidacy of Nevena Ruzic, who had been working in the office of the Commissioner for more than 10 years, was supported by the proposal of over 60 non-governmental organisations and the parliamentary groups of Party of Modern Serbia, Democratic Party and Social Democratic Party – People's Party. The candidate for the Commissioner of the Socialists' Movement – People's Peasant Party – United Peasant Party Parliamentary Group, which is a part of the ruling coalition, was Bojan Milosavljevic, the lawyer. The Committee adopted the decision on the candidacy of Milan Marinovic, who got 10 votes of the members of the Committee. Nevena Ruzic got only one vote, while none of the Committee members supported the candidacy of Bojan Milosavljevic.

2.

Electoral laws, N1 and the dialogue between Belgrade and Pristina

In accordance with the Rules of Procedure, this Tuesday the MPs requested notifications and explanations. Some of the questions they asked referred to the dialogue between Belgrade and Pristina, positions of Serbs in Montenegro, but they also discussed the actions of former government members, electoral laws, registration of N1 TV and findings of the Anti-Corruption Agency on the investigation of the Dutch financial-intelligence service on Dragan Djilas and Dragan Solak.

3.**Ko o čemu - poslanici o temama van dnevnog reda**

Iako je trebalo da obrazlažu amandmane na Zakon o komunalnoj miliciji i Zakon o izgradnji koridora autoputa E-761, deonice Pojate-Preljina, poslanici su ponovo veći deo rasprave sveli na dnevopolitičke razmirice i optužbe. Tako je rasprava skrenula ka profesorima Univerziteta u Beogradu. Marko Atlagić, poslanik vladajuće SNS vređao je profesore Dubravku Stojanović i Jova Bakića rekavši da "ne zaslužuju zapravo ne da budu profesori samo, nego da padaju pod krivičnom okruženju". Nakon što je poslanik poslaničke grupe Nova Srbija - Pokret za spas Srbije, Đorđe Vukadinović, izložio svoje zamerke o Zakonu o komunalnoj miliciji, poslanik SNS Aleksandar Martinović je u replici govorio o ručku i oblačenju poslanika Vukadinovića, rekavši da mu donesu jednu kafu, kao i da će mu obezbediti "sendvič o trošku poslaničke grupe".

4.**Evropske integracije, N1 i populaciona politika**

Poslanici su zatražili obaveštenja i objašnjenja, u skladu sa Poslovnikom. Ovog četvrtka, među temama o kojima su poslanici razgovarali bila je i poštovanje Poslovnika NSRS, strategija Ministarstva finansija u vezi sa deflacijom u evro zoni, strategija Vlade u vezi sa iseljavanjem stanovništva nakon pristupa Evropskoj Uniji, zakonitost poslovanja N1, Nova S i Sport kluba, poboljšanje položaja slepih i slabovidih osoba, uključenost stručne javnosti u kreiranje populacione politike i promena kurikuluma na predmetu Istorija u školama.

8.**Usvojen Zakon o komunalnoj miliciji**

Sve tačke dnevnog reda 12. vanrednog zasedanja usvojene su u danu za glasanje. Zakonom o komunalnoj miliciji uvećava se broj nadležnosti i pripadnika komunalne milicije i povećavaju im se ovlašćenja. Komunalni milicajci od sada mogu da obavljaju poslove bez uniforme, da upotrebe raspršivač sa nadražujućim dejstvom, kao što su biber sprej ili suzavac, kao i da vrše audio i video snimanje. Usvojene su i izmene Zakona o naknadama za korišćenje javnih dobara, kojima je visina naknade za putarinu javnog puta povećana za 12%. Pored toga, usvojen je Zakon o nauci i istraživanjima, kao i Zakon o utvrđivanju javnog interesa i posebnim postupcima radi realizacije projekta izgradnje infrastrukturnog koridora autoputa E-761, deonice Pojate-Preljina.

8.**Početak 13. vanrednog zasedanja**

Na dnevnom redu 13. vanrednog zasedanja našlo se 8 predloga odluka. U pitanju su bile odluke o izmenama članova i zamenika članova odbora NSRS, koje su podnele poslaničke grupe SDPS i SMS, odluka o izmenama članova i zamenika članova RIK, koji je podnela poslanička grupa SMS, odluke o izboru zamenika javnih tužilaca i izboru sudija, kao i odluka o izboru člana RIK za zaštitu prava u postupcima javnih nabavki.

9.**Obaveštenja i objašnjenja**

Početak sednice obeležila su pitanja koja su poslanici postavljali tražeći obaveštenja i objašnjenja. Između ostalog pitali su o pritužbi slovenačke kompanije "Adrija ervejz", u vezi sa pomoći koju država Srbija odobrava kompaniji "Er Srbija". Pitanja su postavljena i o nadoknadi štete nastale elementarnim nepogodama u poljoprivredi, obezbeđivanju raseljenih lica izbeglim u Srbiju tokom operacija "Oluja" i "Bljesak", procesuiranju lidera Saveza za Srbiju zbog izjava o Kosovu i Metohiji, obnovi i oživljavanju sela Srbije, kao i o tehničkoj i finansijskoj pomoći Domu zdravlja Niš u vezi sa tretmanom infektivnog medicinskog otpada.

10.**Nakon 5 godina izveštaji nezavisnih institucija ponovo pred poslanicima**

Predsednica Skupštine Maja Gojković zakazala je 25. posebnu sednicu na kojoj su poslanici nakon 5 godina, ponovo razmatrali izveštaje nezavisnih institucija. Na dnevnom redu našli su se Izveštaj o sprovođenju Zakona o slobodnom pristupu informacijama od javnog značaja i Zakona o zaštiti podataka o ličnosti za 2018. godinu, kao i Redovan godišnji izveštaj Zaštitnika građana za 2018. godinu. Pored ova dva izveštaja, pred poslanicima se našao i Izveštaj o radu Agencije za borbu protiv korupcije za 2018. godinu sa Izveštajem o sprovođenju Nacionalne strategije za borbu protiv korupcije u Republici Srbiji za period od 2013. do 2018. godine i Akcionog plana za njeno sprovođenje.

10.**"Commissioner - Conspirator"**

Instead of the debate on the Commissioner's Report, the MPs reduced the discussion to the degradation of both this and other independent institutions, by even questioning the need for the existence of the Commissioner's institution in Serbia. Former Commissioner Rodoljub Sabic, who was often a topic of discussion in plenary session before the Report was being considered, had his name mentioned for 235 times. In addition to all this, the MPs of the ruling majority, but the opposition Radicals as well, targeted the non-governmental organisations and the media outlets again such as BIRODI, Transparency Serbia, CRTA, Fund for Humanitarian Law, CINS, BIRN, Istinomer, N1, Vreme by saying they are "well-known for their anti-Serb actions" and that they "do not wish well to their own country".

10.**SMS MPs in all Committees of the Assembly**

All items of the Agenda of the Thirteenth Extraordinary Session were adopted on the Voting Day. During the discussion the MPs mostly talked about the dismissal of members and deputy members of Assembly Committees, submitted by the Party of Modern Serbia (SMS), emphasising that SMS was not an option during the previous parliamentary elections, but now has its own parliamentary group. The centre of the debate was the issue who owns the MP's mandate and who has the right to establish the parliamentary group. However, the decision was adopted, and SMS MPs took 41 seats in all Committees of the Assembly, and the MPs from the list "Enough is Enough" were dismissed from those positions. The Rules of Procedure prescribe that the candidates for Committee members could be proposed only by the parliamentary groups, and since Enough is Enough (DJB) MPs are not the members of any of the parliamentary groups they cannot submit proposals of the decisions on the changes in the composition of the Committees.

11.**The MPs on the genocide in Srebrenica**

The MPs demanded notifications and explanations, and since that day was the commemoration of the 24th anniversary of the genocide in Srebrenica, the half of the questions concerned the topic of the genocide in Srebrenica. Vjerica Radeta continued the debate on Srebrenica, well after the time for explanations and notifications, by insulting the members of the organisation "Women in Black" and she also insulted the SMS MP Vladimir Djuric by saying that for his attitudes "everyone he meets should spit him".

12.**Scrutinising the Ombudsman Report and Anti-Corruption Agency Report**

Reports on the work of Ombudsman and Anti-Corruption Agency were in the plenary session in July. Ombudsman Zoran Pasalic and Director of Anti-Corruption Agency Dragan Sikimic presented their reports and answered the MPs questions. During the discussion, the MPs of the ruling coalition commented the work of the previous Ombudsman, Sasa Jankovic.

15.**14th Extraordinary Session: stock market, trade and e-commerce**

The Agenda of the 14th Extraordinary Session included the proposals of the Law on Trade and Stock Market, as well as amendments of the Law on E-commerce, proposal of the Law on ratification of the Convention on mutual administrative assistance in tax matters and amendments of the Law on the settlement of the public debt of the Republic of Serbia arising from unpaid foreign exchange savings of citizens deposited with banks having their head office in the territory of the Republic of Serbia and their branches in the territories of former SFRY republics.

16.**Seselj insulting Danas journalist: Thank you, professor!**

In the plenary session, Vojislav Seselj, SRS MP, insulted Aleksandra Congradin, the Danas newspaper journalist, for her article on the genocide in Srebrenica, by saying that he would "sentence to 20 years of prison every such journalist, and then he/she can be turned into an opposition leader or a martyr". The Chairperson Vladimir Marinkovic did not use the possibility of sanctioning the MP provided for by the Rules of Procedure, but just replied "Thank you, Professor!" to Seselj's speech.

16.**Macron visit and legality of N1 business operation**

This Tuesday the MPs requested notifications and explanations under the Rules of Procedure. Some of the topics were a licence for work and registration of N1 TV, Nova S and Sport Club, French President Emanuel Macon visit and diplomatic relations with France, the group Fiat Chrysler investment plan for Serbia and reforms of the pension and disability fund system.

PARLIAMENT IN NUMBERS

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

18.

European integration and motorways

As any Thursday in the Assembly, the MPs had an opportunity to demand explanations and notifications. Apart from Macron's visit, the MPs asked about the opening of the debate on the continuation of the European integration process, motorways in Serbia, construction of the national football stadium and prosecuting of the Alliance for Serbia leader.

22.

Keeping the data on the customer and undercover buy

All items of the agenda of the 14th Extraordinary Session were adopted. Under the Law on E-commerce the service providers will be obliged to keep the information on the customer at least 30 days from the day of the provision of the service, and in the addition to assuring confirmation of the customer before sending the commercial message, to regularly check and accept the termination of the confirmation of the customers who do not want to receive such messages any more. Some of the amendments of the Law on Trade concern the trust mark that the independent evaluator will use to determine the quality of goods or traders service and for the undercover buy of the goods or services that the market inspector will be entitled to perform for the purpose of fighting the grey economy.

22.

Fifteenth Extraordinary Session: Law on Enforcement and appointment of the new Commissioner

The Speaker of the Assembly convened another extraordinary session in July. The agenda included amendments of the Law on Enforcement and Security, amendments of the Law on special requirements for the project of the construction of the apartments for members of security forces, and the Agreement between the Government of Serbia and Government of North Macedonia on establishment of joint controls for international road traffic at the border crossing Presevo - Tabanovce. The MPs considered the decisions on the termination of the office of the previous Commissioner Rodoljub Sabic and appointment of the new Commissioner. The candidate for Commissioner was Milan Marinovic, Acting President of Misdemeanour Court in Belgrade, and Culture and Information Committee proposed him as a candidate.

23.

Notifications and explanations

The MPs again demanded notifications and explanations in accordance with the Rules of Procedure. They asked questions concerning the business activity of N1, Nova S and Sport Club, restrictions on selling alcohol in Novi Pazar in the evening, illegal use of natural resources and subsidies for the air routes from Nis.

25.

Parliamentary questions for the third time this year

On the last Thursday of the month, the MPs had the opportunity to directly ask questions to Prime Minister Ana Brnabic and 9 other ministers from the Government of Serbia. Djordje Komlenski, an MP from the Socialists' Movement, asked questions on the business activity of N1 TV and SBB cable operator, which was one of the major topics among the MPs this month. In addition to that, Djordje Vukadinovic asked about the case of mini hydropower plants, and Aleksandar Stevanovic (SMS) on Serbia European integration, membership in the World Trade Organisation and progress in Chapter 30 that concerns the external affairs. Some of the questions referred to the right of equality of Islam community in Serbia and government incentives for agricultural production.

25.

Notifications and explanations

In addition to parliamentary questions, this Thursday the MPs demanded notifications and explanations as well. The discussion concerned the privatisation of "Port of Novi Sad", environmental protection and broadcasting of sports events on televisions with national frequency.

26.

Milan Marinovic appointed Commissioner

Milan Marinovic was appointed the new Commissioner. In addition to this decision, on the Voting Day, other items of the agenda of the 15th Extraordinary Session were also adopted. Some of the key amendments from the Law on Enforcement and Security concern the new measures for prevention of corruption in the proceedings and reduction of the amount of the salary, and/or the pension that may be seized in the enforcement proceedings. Through the amendments of the Law on special requirements for the project of the construction of the apartments for members of security forces, this right was given to some groups of security forces members that were not included in the previous law.



LEGISLATIVE ACTIVITY

296 days of legislative activity

443 adopted laws

97.3% of adopted laws were proposed by the Government

The common practice of the parliamentary agenda dominated by the proposals submitted by the government, or in some cases the MPs from the ruling majority, continued throughout the summer. Hence, the noteworthy case in March, when two proposals of MPs not belonging to the ruling majority were included in the agenda of the plenary session, remains the exception that proves the rule.



URGENT PROCEDURE

47.9% of all laws (including new laws, amendments to laws and ratifications of international agreements) were adopted by an urgent procedure

64.3% 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 spring sessions - decreased number of "bravo" amendments that used to be submitted by the ruling majority and consolidating agenda items into a single debate;
- the most recent European Commission Report 2019 on Serbia highlights the state in the parliament, urging for immediate changes of negative practice and restitution of inter-party dialogue.

PARLIAMENT'S SUPERVISORY ROLE:

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

October 2016, October 2017, March, April, September, October and November 2018, March, June and July 2019. Question time in April and May 2019 were not held.

10 public hearings: only one public hearing was organised in 2017 and in 2018. In 2019, the current convocation held two public hearings, both organized in June.

In March 2019, independent bodies have submitted their reports for 2018 to the Parliament. In June 2019, the annual reports of three independent institutions, the State Audit Institution, Fiscal Council and Commission for the Protection of Competition, were discussed and adopted in plenary, along with the conclusions of the parliament, at the 24th Special Sitting. The reports of the Ombudsman, Commissioner for Information of Public Importance and Personal Data Protection and the Anti-Corruption Agency were discussed in July, and the conclusions of the parliament on these reports was passed at the 25th Special Sitting.

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

¹ In March 2019, for the first time since 2015, two proposals submitted by the opposition MPs Nenad Canak, Olena Papuga and Nada Lazic were included in the agenda of the plenary session: the Proposal of the Law on Financing of the Autonomous Province of Vojvodina, and the 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.

● ANALYSIS OF THE OPEN PARLIAMENT

Recommendations for improving the work of the national assembly

In order to contribute to the initiation of the democratic functioning of the Parliament, CRTA has prepared 46 recommendations relating to the process of adopting laws, strengthening parliamentary control over the executive, increasing public involvement and improving cooperation with independent institutions. The recommendations have been presented to the public at a press conference held in Belgrade on July 18, 2019.

The recommendations have been conceived thanks to the systematic, long-standing monitoring of the work of the Parliament within the Open Parliament initiative, with the intention to make them as concrete as possible and applicable as soon as possible. The issues they deal with, such as the adoption of a large number of laws without an actual debate, rare and superficial use of parliamentary control mechanisms, have been noted in the European Commission report. The list of presented recommendations is not neither final nor exhaustive, but rather limited to priority recommendations that CRTA believes could be implemented at the earliest opportunity as soon as possible, with the existence of 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 parliamentary 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 are needed:

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 are needed:

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 are needed:

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 are needed:

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 are needed:

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. To bound the committee in charge to evaluate the six-month reports of the Government on implementing the recommendations, no later than 30 days after the submission, and to adopt the proposal of the conclusion that would be submitted to the Assembly for its first forthcoming session.
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.

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 are needed:

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 parliamentary committees. Introduce quotas for the chairmanship of parliamentary committees by MPs who are not part of the ruling majority, reflecting the relation of power among parliamentary groups, by amending the Rules of Procedure (in accordance with the existing practice of determining the composition of the committees).
34. To disclose the transcripts from committee sessions to the public. Regularly publish transcripts of committee sessions, together with reports of committee rapporteurs.
35. To enable permanent membership of non-governmental organizations, academic institutes and professional organizations in parliamentary committees through the "civic chair" mechanism.
36. To introduce the practice of organizing regular sessions dedicated to Serbia's EU Accession Negotiations. Specify the obligation to consider the reports of the European Commission in the plenum.

Annual Work Plan of the National Assembly

In order to ensure better predictability of the legislative agenda 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 are needed:

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 are needed:

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 undertaken:

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

● SUMMARIES OF THE LAWS

LAW AMENDING THE LAW ON ENFORCEMENT AND SECURITY

The reason why the Proposal of the Law amending the Law on Enforcement and Security (hereinafter: Law Proposal) was before the National Assembly of the Republic of Serbia is explained by the fact that during previous three years of the application of the Law on Enforcement and Security (hereinafter: the Law), some ambiguities were detected. The wide application of the Law contributed to the detection of specific practical shortcomings, and raised the question of the need of arranging detected inconsistencies, so the Proposer tried to remove the inconsistencies, thus reducing the possibility of inconsistent practical application of the Law provisions, with the purpose of consistent application of the established institutions, with special emphasis on the increased protection of the principle of proportionality and efficiency.

The Law Proposal concerns the amendment of a large number of the Law provisions, and more attention should be paid to specific institutions that were defined in more detail, that are defined in a different way compared to applicable provisions of the Law.

Costs of enforcement proceedings

The purpose of the principle of efficiency that Proposer had in mind is to reduce the costs that fall on the enforcement debtor. Namely, the Law clearly defines that in the case the enforcement creditor unfoundedly initiates more enforcement proceedings against the same enforcement debtor, which might be all included in one enforcement proceeding, and/or the same claim is inexpediently divided which multiplies the enforcement proceedings, the enforcement creditor may only settle the compensation for those costs they would be entitled to if one enforcement proceeding was initiated. The main idea is the efficiency of enforcement system to include several different enforcement proceedings into one enforcement proceeding, which would undoubtedly cause the acceleration in the exercise of the rights, as well as the efficiency of time, means and resources included in the process of enforcement, and/or reduction of unnecessary costs borne by the enforcement debtors. The idea of the efficiency, i.e. saving time and reducing costs, was defined by the Proposer through introduction of the preliminary step with the proceedings when the Republic of Serbia, and/or the budget users are enforcement debtors in the end. This preliminary step would reflect in the obligation of notifying the Ministry of Finance on the intention of initiating the enforcement proceeding, so the Proposer endeavours to make the exercise of rights through enforcement proceeding more efficient and expedient, with the special emphasis and attention being paid to unnecessary accumulation of additional costs.

Electronic notice board and electronic bidding

The Proposer loudly introduces novelties concerning the wider scope of electronic technologies use, by introducing the electronic notice board as well as electronic public bidding. The Law Proposal introduces novelty that reflects in the replacement of the traditional notice board with the electronic notice board. This novelty enables the simple access to information to the parties, at the same time including more available information to exercise their rights. The detected shortcomings concerning the traditional notice board first of all reflect in the place – “the board” being

not transparent enough and confusing, which was used for the service of process in the enforcement proceedings. Introducing electronic notice board for the documentation delivered by the court, and/or public enforcement officer, will significantly contribute to the transparency of the proceedings as well as higher legal certainty for all participants in the enforcement proceedings. By introducing electronic public bidding, the Proposer tries to annul the former unacceptable practice in the proceedings of the real estate sale, which allowed the participants of the public bidding procedure to rig the price in many ways, thus threatening the security of the very proceedings, and enabling only apparent bidding that resulted in adverse effects to both enforcement creditors and enforcement debtors. Through these amendments and more strict rules related to depositing security, concerning the obligation of depositing security no later than two days before the public bidding, and increasing the amount of the security, the Proposer wants to protect all participants in the proceeding, by increasing the transparency level and reducing the possibility of creating the unfair conditions in the market.

Principle of proportionality

Special attention has been paid to principle of proportionality as one of the most important principles of the enforcement procedure. The public enforcement officers are obliged to take care of the enforcement being executed by such means and on such subject that are the least adverse to the enforcement debtor. It is possible to waive the above mentioned only if the specific means or the subject is actually the only way to implement the enforcement, and/or if there is a written statement of the enforcement debtor consenting to implementation of the enforcement in the specific way. The Proposer is trying to remove the shortcomings detected until now that reflected in creating obvious disproportion between the proposed means and the rights to be exercised. Clearly defining the situation with obvious disproportion is especially emphasised, by establishing the amount of claim (not exceeding EUR 5,000 in RSD counter value), and through implementation of this enforcement the enforcement debtors cannot be forced to the situation to sell the only real estate they own. By introducing the ban of selling the only real estate of the enforcement debtors for the purpose of settling disproportionately small claim of the enforcement creditor, a clear message is sent on the necessity of paying attention to principle of proportionality, and/or the need to protect potentially threatened party in the enforcement proceedings. The Proposer understands the need for additional protection of the principle of proportionality through more clear definition of the rules related to implementation of the enforcement for real estate. Public enforcement officers have their obligations established that the enforcement may and must be implemented for the other real estate or through other means or the subject of the enforcement, if there is an obvious disproportion between the level of claim and value of the real estate. For the purpose of realising the principle of proportionality on the account of the enforcement creditor, this rule shall be applicable only if there are other means of settling the claim. The goal of the mentioned novelties is to create legal see-saw between the protection of the enforcement debtors from the obvious disproportion in the enforcement proceeding and to protect the enforcement creditors who must have their claims settled. By extending the scope of persons who may not be the buyers of the real estate, the anti-corruptive effect of this institution provisions has been increased, which solves some dilemmas that occurred through practical application. The Proposer additionally wants to emphasize the importance of the principle of proportionality, by taking care of protecting the economically weak parties in the proceedings, by increasing the level of protected amount of salary/pension, depending on the amount. It is proposed that enforcement may be implemented in the amount of the half of the salary not exceeding the amount of average net salary, and/or third of the salary not exceeding the amount of average net salary up to the fourth part of the salary that is equal or smaller than the minimum salary. As for the pensions, the enforcement may be implemented up to the third of the pension that does not exceed the amount of average pension, and/or the fourth of the pension that does not exceed the amount of average pension and the tenth of the pension that that is equal or

smaller than the minimum pension.

Voluntary settlement of pecuniary claims

The goal of introducing voluntary settlement of pecuniary claims is to increase the efficiency of implementing the enforcement by reducing the number of enforcement proceedings. This has an impact on the efficiency of the exercise of the rights of the enforcement creditors, and the efficiency of using resources and means of all participants in the enforcement proceeding. The proceeding is implemented by the public enforcement officer who is an intermediary between the enforcement creditor and enforcement debtor. The referred proceeding is the voluntary option for the creditor, who shall not suffer and shall not be forced to suffer the potential consequences during the attempt of the voluntary settlement of the pecuniary claims anyhow, so the Proposer of the law introduced the rule of statute of limitations for no longer than 60 days.

Shortened enforcement proceedings

The institution of shortened enforcement proceeding is back, from the previous Law on Enforcement Proceeding. The goal of reintroducing this institution is faster and easier settlement for enforcement creditor. This institution is applicable in limited number of cases only for those enforcement creditors and enforcement debtors whose disputes are under the competence of the commercial courts, and if it is related to the arranged list of valid documentation.

The Law Proposal stipulates that the provisions of this Law Proposal shall enter into force on the eighth day from the day of its publication in the "Official Gazette of RS", and its application is postponed until 1 January 2020.

LAW AMENDING THE LAW ON SPECIAL REQUIREMENTS FOR THE PROJECT OF THE CONSTRUCTION OF THE APARTMENTS FOR MEMBERS OF SECURITY FORCES

Law on special requirements for the project of the construction of the apartments for members of security forces was adopted in 2018, however since then some groups and the security forces members could not have solved their housing issue. Therefore the proposal with amendments shall strive to change the situation. The Law introduces amendments concerning the extension of the group of the persons who may enjoy the rights from this law and redefinition of such group. So the proposal regulates the manner of purchasing the apartment under more favourable conditions, as well as the rights of other members of the security forces to purchase the apartment.

Persons enjoying the rights under this law

In former legislative solution, some members of security forces were not recognised by the law, so they were not able to solve their housing issue under more favourable conditions provided for members of security forces. This law extends the group of persons this relates to, by including soldiers, families of deceased soldiers, war invalids and peacetime invalids and defines their position more precisely.

Purchasing apartment under more favourable conditions

The Law more precisely regulates the requirements for purchasing the apartment as well as the group of persons who have the priority for buying the apartment. The decision on meeting the requirements shall be adopted by Ministry for social and military matters, followed by determining the list of persons that may exercise that right, and this list shall be updated twice a year and delivered to the company. Under the proposed amendments it is considered that housing issue is solved permanently when the person meeting the requirements for buying apartment under favourable conditions buys the apartment, regardless of the apartment floor area.

Type of land

The amendments of this Law stipulate the categorisation of the apartment floor area. Housing issue shall be solved regardless of the apartment area or structure. Also, there is a possibility that an authority issuing building permit may issue the decision before the cadastral lot for regular use was established. The exploitation permit is then issued.

Supervision

Supervision over this Law shall be performed by the Ministry in charge of construction matters.

Requirements for other members of security forces

Other members of security forces also meet the requirements for purchasing the apartment under favourable conditions, if they have residence at the territory of the City of Belgrade.

Entry into force

It is proposed that this Law shall enter into force on the following day from the day of its publication in the "Official Gazette of Republic of Serbia", and that all proceedings initiated by then shall end by this law entry into force.

LAW ON TRADE

The reasons for adopting the new Law on Trade, as the Proposer claimed, are based on the needs to modernise the provisions in this area, detailed regulation of e-commerce and alignment with other provisions (Law on Inspection Supervision and Law on General Administrative Procedure).

Definition, classification and categorisation

The Law introduces the definition of the goods which never before existed in positive regulations, as well as the definition of electronic platform and online shop. The principle of cooperation between all competent public authorities and holders of public office that were obliged to mutually cooperate in matters of market supervision has been abolished.

The Law regulates the basic classification of trade, in addition to satisfying personal needs, by introducing the satisfying of the needs of the household as the purpose of conducting the trade in the retail trade area. The Law is extending its scope to all types of services not regulated by special provisions, due to their specific nature and impossibility of applying all provisions applied to the goods to the services.

Classification of retail trade and service provision depending on the manner of its conduct has been established, by aligning it with the Law on Consumer Protection. The previous Law did not have the definitions of kiosk and counter which are introduced now, including the definitions of the types of sales from movable means of transport or equipment in a specific way, which facilitates the inspection supervision. The obligation of the trader to display the trading format (e.g. supermarket, hypermarket, discount shop, trade centre, cash and carry centre and other).

Trade through personal offering without previous request of the customer

The Law introduces the option of trade through personal offering without previous request of the customer. The manner of carrying out this type of trade is specially regulated, as well as conditions for performing this type of trade through agents. There are special definitions for types of electronic trade through online shop, electronic platform that connects traders and customers and through online shop or platform when the goods are delivered directly from the manufacturer or wholesaler. The Legislator introduced the assumption that foreign person is performing remote trade in Serbia that is directed to customers in Serbia by using the language of the official use in this territory, displaying the prices in dinars and offering delivery of goods in the territory of Serbia.

Unlike the previous law when the minister prescribed the minimum technical requirements for performing trade, under the new Law this is done by the Government, while the Minister of Agriculture is in charge of prescribing minimum technical requirements for trade at the collection points.

Trust mark

For the first time the Law introduces the trust mark that designates that the trader, and/or the provider of services and goods possess specific quality requirements that are assessed and confirmed by the third, independent party, meaning the issuer of such a trust mark. Trust marks should represent the system of reputation that is developed independent from the trader, provider of services and goods that have been designated with such mark. The Law prescribes who can be the issuer, the criteria must be transparent and accessible to each interested party, and related to the goods, and/or services concerned.

Displaying business name, declaration of goods and price indication

The Law introduces the obligations for trader and service provider that in addition to their business name and address they should display their company number, while natural persons shall display name and surname, address and the number from the relevant register.

In addition to detailed definition of the content of the declaration of the goods and its display, the special attention was dedicated to product price indication. The Law is additionally aligned with the Directive 98/6/EC, so in addition to the obligation of indicating the price, the final price for a unit of the product, including taxes, it has been prescribed to indicate the unit price, meaning the information what would be the price when the goods would be sold in packages per unit of measurement, such as kilogramme, litre, meter and other. The indication of prices for goods/services sold to the consumers by electronic means has been regulated in more detail. At the online shops and electronic platform, and/or traders' websites, the prices are indicated so as to enable the display of the price for the consumers in the currency used for payment operations in Republic of Serbia (dinar), and optionally in foreign currency (euro, dollar and other).

Incentives, lowered price and advertising incentives

The Legislator had comprehensively regulated the matter of sales incentives, and also defined the conditions of sale with lowered price and advertising of sales incentives not regulated by now. The terms of goods sale have been regulated, the period of time when the season sale is advertised, as well as promotional sale of goods and services. It is prescribed which messages the advertising message of sales incentive must not contain, and Article 16 of the Law on Advertising has been repealed due to the new regulation on this matter.

In the area of market protection and improvement of trade, in addition to interim measures of market protection, the law provided for incentive measures that should, as proposer believes, contribute to the development of trade in the domestic market. The types of incentives were not defined in the Law as the discretion was conferred upon the Government to determine incentives pertaining to specific category of traders or service providers, specific type of goods or services, form and type of trade, manner of performing trade and the termination of incentives period.

Monitoring trade and market

For the first time the Law is introducing the monitoring of trade and market, by imposing the obligation to traders to deliver information on trade and trade network to the ministry for the purpose of initiating and monitoring effects of economic policy measures in area of trade and market. This prescribed legal foundation for establishing mechanism that shall enable collection and update of these data in accordance with the Strategy for Trade Development of the Republic of Serbia by 2020 that as one of the goals foresees the establishment of adequate database on this matter.

Supervision over the application of the law and undercover buy

The Legislator kept the similar concept of supervision from the previous Law on Trade. In this part of the Law, the important novelty is the authority of the inspector to perform undercover buy. In carrying out the inspection supervision, the market inspector is authorised to perform the undercover buy of the goods/services. According to the legislator, the basic motif for introducing this institution is the higher efficiency in disclosing illegal trade, fighting grey economy and preventing unfair competition. This solution was taken from some European countries.

As for the measures in the inspection procedure that may be imposed to an entity, the Law introduces the novelty that a person who was imposed a temporary ban on sale of certain goods, and/or providing certain services, cannot place that goods in the market, export, destroy in appropriate manner, and/or continue with performing service, unless the market inspector in regular inspection supervision does not confirm that the reasons for imposing the measure have been removed.

Penalty provisions

In the part of the Law regulating penalty provisions, the amount of fines for offence was reduced from RSD 50,000.00 to RSD 200,000.00 for legal entities; for natural person and responsible person in legal entity from RSD 5,000.00 to RSD 20,000.00, and for entrepreneur from RSD 10,000.00 to RSD 50,000.00. Moreover, the fines for natural persons performing trade in goods/services other than trader, and/or service provider have been increased to the amount of RSD 50,000.00 to RSD 500,000.00. As the Law proposer claims, the fines were aligned with the Misdemeanour Law and Law on Inspection Supervision. The Law introduces statute of limitations for the misdemeanour procedure of two and/or three years depending on the type of the offence.

Entry into force

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

LAW AMENDING THE LAW ON E-COMMERCE

The reasons of adopting this Law are reflected in meeting the needs of improving the existing solutions in the applicable Law on E-commerce so as to specify the legal norms and harmonise it further with the EU legislation, primarily Electronic Commerce Directive (Directive 2000/31/EC).

Expanding existing and introducing new definitions

The Law is specifying some terms and formulations in accordance with the Electronic Commerce Directive. The scope of persons eligible to be information society service providers is extended to legal and natural persons registered to perform the specific business activity, unlike the previous law provision that recognised a natural person as the service provider only if they meet the requirement of being register under the law that regulates commerce. So the definition of the service user is extended the same as the definition of the service provider.

Definition of the consumer is aligned with the Law on Trade so that consumer shall be any natural person purchasing goods or services for the purpose of fulfilling their personal needs or household requirements, unlike now as under the applicable provision this was "negatively formulated", meaning that natural persons purchasing goods or services for the purposes not intended for carrying out their occupation, business activity or entrepreneurial activity were not recognised as consumers.

In accordance with the Directive, the definition of the commercial message is also extended to any form of communication for the purpose of promoting goods, services and business reputation, except providing information on e-mail or address, as well as information collected on the goods, services or business reputation of the persons.

Freedom of cross-border providing of information society services

The Law introduces the freedom of cross-border providing of information society services in the territory of the European Union. Requirements and circumstances have been defined for competent ministry that may restrict the freedom of cross-border providing of information society services for service providers with their seats in the European Union countries for the purpose of protecting public order, public safety, public health and consumer protection, including the investors.

SENDING COMMERCIAL MESSAGE

Pursuant to Article 7 of the Directive, in addition to obligation of the service provider to previously ask for consent of the person for sending the commercial message, the obligation has been also introduced for service provider to regularly check and accept the termination of the confirmation message sent to the person who wants to stop receiving those messages.

Electronic form contracts the law does not apply to

Unlike previous legislative solution that included the arranged list of only enumerating the contracts that may not be concluded in electronic form, this Law provides the general definition that the electronic form contract may not be concluded if that is prescribed by another special law. The legislator provided general definition of contracts and other legal matters that may not be concluded in electronic form, by relating them to the contracts for which the notarised document or notarial deed has been prescribed, as well as contracts that became valid only after the required stamped signature.

Responsibility of service providers

The Law introduces the obligation for service providers that while providing service at least for 30 days after the termination of the service provision they must keep the data on the service user and the "IP" address from which they accessed the accounts.

In addition, information society service provider shall be obliged to remove inappropriate content immediately, no later than two working days, both on the request of the third person or upon the reception of the act of competent authority ordering the removal of the content. The service provider is authorised to address competent authority in case of the third person request for the removal of the inappropriate content and demand from the authority the relevant act on the content removal.

The powers of inspectors

Important novelty relating to improvement of legal protection is the additional authorisation of the inspectors carrying out supervision over the application of this law to set up measure disabling the service provision of the providers with their seat in the European Union member country, as well as definition of the cooperation between the competent state authorities in the part related to the removal of the inappropriate content..

Penalty provisions

The scope of actions representing infringement has been extended with penalty provisions of the law, now stipulating the infringement liability for service provider if they fail to remove the inappropriate content in accordance with the act of the competent authority, as well as failure to act under the order of the competent authority for restricting the service provision of the provider with their seat in the European Union. Fixed amount fines for specific violations have been introduced which shall enable the issuing of the misdemeanour warrant.

Entry into force

Unlike other provisions of this Law that shall enter into force on the eight day from the day of its publication in the "Official Gazette of RS", the provisions on the freedom of cross-border providing of information society services, as well as the provision on the supervision of the application of the law that concerns the information society service providers with their seats in the European Union member states, shall apply from the day of the Serbia's accession to the European Union.

LAW ON MUNICIPAL MILITIA

Novelties introduced by the Law as regards the municipal militia, apart from the name (municipal militia instead of municipal police), refer to increasing the number of the members of the militia who will be able to carry out tasks not wearing a uniform. Possibility of forming municipal militia in all units of local self-government (in addition to cities) is introduced, the number of competences is increased and powers are extended, and the most significant would be the possibility of using the spray with irritation effects as the new means of coercion as well as expanding the possibilities of municipal militia officers to make audio and video recordings.

Changing name "municipal police" into "municipal militia"

Due to the amendments of the Law on Police, when in March 2018 the provision was introduced allowing the right of the name "police" exclusively to the Ministry of Interior and Ministry of Defence, the need has arisen to change the name "municipal police". In the new Law the proposer has chosen the name "municipal militia", and its members are "municipal militia officers".

Municipal militia could be formed not only by the cities but municipalities as well

The Law introduces a significant novelty and provides for the municipal militia to be established by a unit of local self-government (municipality, city and City of Belgrade), while previous legislative solution referred to cities exclusively.

Possibility of hiring greater number of municipal militia officers

The Law no longer provides limitation in the number of members (earlier solution provided for that the maximum would be 1 municipal policeman per 5,000 citizens), and now the Proposer has chosen the lower minimum – internal organisational unit cannot have less than 3 militia officers.

Possibility of carrying out tasks in civilian clothes

The novelty of the law is the provision that municipal militia officers shall carry out tasks in uniform as a rule, but on the written order of the head of the department they may do that even without the official uniform.

Possibility of establishing joint municipal militia for the territories of several municipalities

Possibility of establishing joint municipal militia is a novelty in the law, and it shall be formed on the basis of the agreement on cooperation between the units of local self-government, in accordance with this Law and the law governing the local self-government.

Extending the scope of work that the municipal militia may perform

The tasks of municipal militia in the previous law were specified with limitations – they were limited only to the referred competences, while the new legislative solution is extending them to "other tasks in accordance with the law".

Broader powers of the municipal militia

In accordance with the law proposal, the municipal militia will have the powers to issue misdemeanour report. In addition to that, the existing power of inspecting the identity is now extended to the person that is caught at the place of violating the regulations from the scope of work of municipal militia. The power of bringing in the person to the competent authority for the purpose of establishing the identity was also extended so as to provide for apprehending the person caught at violating the rules from the scope of work of municipal militia to the competent misdemeanour court and submitting the request for instigating the misdemeanour proceedings.

Authorisation of stopping the vehicle

The Law explicitly introduces the possibility of municipal militia officer stopping the vehicle caught at violating the regulations from the scope of militia work, while previously they were authorised only for the inspection of the vehicles which are in the immediate vicinity or under supervision of the person examining.

Extended powers to make audio and video recordings

Law significantly extends powers as regards the supervision allowing the possibility of the municipal militia to make audio and video recording of the public space for the purpose of carrying out their tasks by using appropriate equipment, both for recording the public places and their behaviour. For that purpose, they may use the vehicle with recording devices. It has been stipulated that information collected in such a way, which cannot be used in the proceedings, will be destroyed within the year from the statute of limitations of the instigation/processing of the misdemeanour proceedings.

The spray with irritation effects as the new means of coercion available to the municipal militia officers

In addition to physical force, restraint devices and official baton, the municipal militia may use the spray with irritation effects. Means of coercion may be used in case the municipal militia officer cannot reject either from himself or from the other person simultaneous wrongful assault and also for the purpose of overcoming resistance, in fact preventing the escape attempt.

Possibility of municipal militia to collect notifications

A new provision that concerns the collection of notifications is authorising the municipal militia officer to collect notifications, data and information from the persons assumed to have them for the purpose of carrying out tasks of the municipal militia. These notifications may be either written or oral. Submitting these notifications upon the request is mandatory.

No employment relationship with the persons in the municipal militia officers vocational training programme

The novelty is introduced that before taking the exam for municipal militia officer the persons will not be employed in the municipal militia as interns, but will have to sign, as the unemployed persons, the contract on vocational training without compensation.

Notifying the public prosecutor if suspecting that the municipal militia officer has committed a criminal offence by implementing official powers

The procedure of oversight over municipal militia has not been changed in relation to former legislative solution, but in the oversight procedure of processing complaints the Proposal of the Law prescribes the obligation of the authorised person that if from the complaint or data collected in the proceedings they suspect that the municipal militia officer has committed a criminal offence prosecuted ex officio by implementing his powers, they must notify the competent public prosecutor.

Safety threats as obstacles for carrying out tasks of municipal militia officers

Municipal militia officer may not be a person prosecuted for criminal offence ex officio or a person who has been imposed a final sentence for some of these criminal offences, as well as the person who has been imposed a final penalty for offence in the area of public order with elements of violence and for offences related to procuring, keeping and carrying weapons and ammunition. Safety threat is also a person who with their habits, behaviour and predispositions indicates they are not dignified enough for working in the municipal militia. Also, it is considered a safety threat if someone provides false data in the procedure of safety check.

Municipal militia officers for whom during the safety check it has been established to pose a safety threat for further carrying out their tasks, as well as for those who fail to be successful in testing of the abilities for carrying out tasks of municipal militia officers if there is an appropriate working post for them, will be deployed outside of the municipal militia, in accordance with the Law on employees in autonomous provinces and local self-government units.

Both legal entities and entrepreneurs may be liable for the offence of disturbing or preventing the municipal militia officer in carrying out the tasks of municipal militia

In addition to natural persons, for the offence of disturbing or preventing the municipal militia officer in carrying out the tasks of municipal militia, both legal entities and entrepreneurs may be liable. Also, the person will be persecuted for the offence if they have been issued a verbal order, but they have failed to act on it immediately as well as the person who fails to deliver requested notifications, data and information to the municipal militia.

Solely local self-government units will bear the costs of establishing and financing the work of municipal militia

The Proposal of the Law explicitly provides for that for the implementation of the decision on establishing the municipal militia, and for financing the work of the municipal militia, the resources must be secured from the local self-government unit, namely no additional financial obligations may be imposed on a budget of the Republic of Serbia for these purposes.

LAW AMENDING THE LAW ON FEES FOR THE USE OF PUBLIC GOOD

The amendments of this Law propose the increased fee for the use of roads. The need for amendment came with the initiative of the Ministry of Construction, Transport and Infrastructure that proposed the fee for public road use to be increased by 12%. The reason for increase is the explanation saying that current toll fee does not represent the real value. The toll fee was increased for the last time in 2017 and since then the price of material, energy products and equipment required to maintain the roads had increased so now the fee should be increased accordingly.

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