

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY SERBIA**

ARTICLE 13 UNCAC

PARTICIPATION OF SOCIETY

SERBIA (THIRTEENTH MEETING)

On June 16, 2021, the Government of the Republic of Serbia adopted the Decision on the establishment of the "e-Consultation" Portal, which is an integral part of the e-Government Portal, with the aim of enabling the public - in a unique and equal way, electronically (online), to participate in the process of preparation and adoption of public policy documents and regulations.

The e-Consultation portal was launched on December 16, 2021. The Public Policy Secretariat has determined a specific number of its civil servants having different roles in the administration of the e-Consultation portal: administrators, moderators, and evaluators.

This portal is envisaged and realised as a tool that would make the work of the government and its bodies even more transparent and provide a convenient way for citizens, civil society organisations, and professional communities to contribute to the whole process of creating public policy documents and regulations.

Public policy documents concerning the prevention and fight against corruption will be subject to public scrutiny/consultations through the e-Consultation portal, which will result in improved public policy documents and regulations that suit the needs of the public, citizens, CSOs, SMEs, Academia, and all the interested parties.

Law on Free Access to Information of Public Importance was adopted in 2004, and it provided mechanisms of transparency and accountability of public administration. Among other mechanisms, it introduced the obligation of Information Booklet - a set of standardized information on public authority that should be proactively published on the web site of each institution that has this obligation.

The scope of public authorities is defined in art. 3 of this Law and included (until adopted amendments in 2021) "A central government body, a territorial autonomy body, a local self-government body or an organization vested with public powers (hereinafter referred to as government body)", and there were around 3.800 such authorities. After adopted amendments in 2021, this scope is extended to over 11.000 public authorities and it includes:

- 1) body of the Republic of Serbia;
- 2) the body of the autonomous province;
- 3) body of the municipality, city, city municipality and the city of Belgrade;

4) public enterprise, institution, organization and other legal entity, which is established by a regulation or decision of the body referred to in item 1) to 3) of this paragraph;

5) a company whose founder or member is the Republic of Serbia, an autonomous province, a unit of local self-government, or one or more authorities referred to in item 1) to 4) of this paragraph with 50% or more of shares or stakes in the sum or with more than half of the members of the management body;

6) a company whose founder or member is one or more authorities from point. 1) to 5) of this paragraph with 50% or more shares or stakes in the sum;

7) a legal entity whose founder is a company from item 5) or 6) of this paragraph;

This obligation will be effective as of November 2022, and the novelty imposed is the form of this Information booklet – it should be an online platform, unlike its previous form in a text document (Word/PDF).

The content of Information booklet is defined in art. 39 of the Law, and elaborated in bylaw “Instructions for the preparation and publication of the Information Booklet on the work of public authorities”. The information proactively published consists of:

1) basic data on the body and the information booklet (including working hours and information on accessibility for persons with disabilities of the facilities used by the body);

2) organizational structure (organization chart);

3) names, contact details and description of the functions of the heads of organizational units;

4) description of the rules regarding the publicity of work;

5) description of competencies, authorizations and obligations;

6) description of actions within the competences, authorizations and obligations;

7) for collegial bodies, data on held sessions and description of the manner of decision-making;

8) stating the regulations that the body applies in its work and the regulations for the adoption of which it is competent;

9) listing strategies, programs, plans and reports adopted by the body;

10) citing the acts from item 8) and 9) of this paragraph which are in the process of preparation by the body;

11) list of services provided by the body to interested persons;

12) the procedure for the provision of services referred to in item 11) of this paragraph;

13) review of data on provided services referred to in item 11) of this paragraph;

14) financial data (data on the budget, ie financial plan and sources of income);

- 15) data on public procurement, including the public procurement plan and the list of concluded contracts on procurement of goods, services, works and real estate, with the values of concluded contracts, date of conclusion and duration;
- 16) data on state aid (with data on the subjects of subsidies and donations and their amounts);
- 17) data on performed inspections and audits of the body's operations;
- 18) data on paid salaries, salaries and other incomes, including data on salaries of management bodies, ie management and heads of organizational units;
- 19) data on the means of work and facilities that the body owns or uses;
- 20) storage of information carriers;
- 21) types of information in possession, including the content of databases and registers managed by the body;
- 22) types of information to which the authority provides access;
- 23) list of most frequently requested information of public importance;
- 24) information on the submission of the request, with addresses for receiving mail and e-mail and data on deadlines for handling the request, the right to a legal remedy and the person responsible for handling the request.

Information booklet is updated on a monthly basis.

If some information is not available in the Information booklet, one can submit request for access to information of public importance, and Law defines deadlines for responding to such requests (15 days, 40 days if the scope of requested information is large, or 48 hours if a request relates to information which can reasonably be assumed to bear on the protection of a person's life or freedom and/or the protection of public health and the environment). The access to information will not be granted if conditions from art. 9 are met – if granting access to it would

In accordance with the article 224. paragraph 5. of the Law on Police, Internal Affairs Sector of the Ministry of the Interior, within three months from the end of the calendar year, publish the work report for the previous year, including the basic statistics on the activities undertaken and the results achieved. The annual work report is published on the website of the Ministry of the Interior.

The processing of requests for free access to information of public importance is carried out in accordance with the Law on Free Access to Information of Public Importance and secondary legislation adopted pursuant to this Law. Requests are processed without delay, and not later than within 15 days from the receipt of the request. If the request is approved, the applicant is informed whether the requested authority holds the information concerned, and the relevant document is presented or its copy issued to the applicant. If there are reasons for rejecting the applicant's request for information whether the requested authority holds the information concerned, a decision rejecting the request is made within 15 days at the latest, with a note that a complaint may be filed against it to the Commissioner for Information of Public Importance and Personal Data Protection. If in the course of the processing of the request it is established that the Ministry of the Interior does not hold the document containing the requested information and that, to its knowledge, the holder thereof is another state authority, the request is forwarded to the Commissioner and the applicant is notified of the document's holder. The processing of requests for free access to information of public importance is governed by the Law on General Administrative Procedure, unless otherwise provided by the Law on Free Access to Information of Public Importance.

The public is informed about the organisation and functioning of a state administration body and transparency of its work through the information booklet, which is published and regularly updated. It is designed following the Instruction for the Preparation and Publication of Information Booklets on the Work of Public Authorities, which was adopted pursuant to the Law on Free Access to Information of Public Importance. The Instruction prescribes in detail the content and mandatory elements of information booklets, so they contain, *inter alia*, general information about the authority concerned, its organisational structure, names and surnames, contact details and descriptions of functions performed by heads of organisational units, description of rules related to the transparency of work, description of competencies, powers and obligations, public procurement data including public procurement plans, data on salaries paid, financial data (on the budget, financial plan and sources of income), etc.