



# **Transparency Serbia**

## **Overview of activities**

### **August 2019**

**Newsletter number 8/2019**





## *Activities*

Representatives of Transparency Serbia participated in round tables on the Faculty of Political Sciences, that hosted the debate on election conditions in the organization of Fund for an Open Society. TS presented its analysis and recommendations related to [election campaign financing](#), [access to media and their control](#) and [election administration](#).

On the 9 August in Belgrade a meeting between Prime-minister of the Republic of Serbia and Program Director of our organization Nemanja Nenadić was held. In a meeting, among other topics, there was conversation about plans of the Government of Serbia and recommendations of TS for fulfilling of recommendations of ODIHR related to election and media legislation, planned changes and implementation of regulations in the area of public procurement and beginning of implementation of the Law on Lobbying. Nenadić also presented recommendations of TS for improvement of web-presentation of the Government of Serbia, publishing of larger number of documents and using of open format.

In August we presented research done in cooperation with colleagues from more than 20 other chapters of Transparency International about transparency of European capitals.

We uploaded to our web-site final results of our research LTI 2019 – estimation of transparency and ranking of all cities and municipalities in Serbia. Mediafirst broadcasted the news on this topic and official presentation is scheduled for 6 September.

Evaluation and ranking of transparency is the topic of other research that we are implementing– [Transparency Index in the State Owned Enterprises](#). We collected most of the data and in the next few months we will present results of this comparative research along with our colleagues from Czech Republic.

Transparency of the work of state owned enterprises was the topic of round table organized in Šabac on 29 of August.

With the Lawyers' Committee for Human Rights we participated in thematic open doors "Why do trials last so long" organized by this organization, Supreme Court of Cassation and Basic Court from Zrenjanin on 21 August and Šabac on 30 August.

Besides [other projects](#), we work on research on use of contingency funds, and especially about awarding the money to municipalities and cities. Similar [research](#), in a smaller sample, we implemented in 2018.

In August, there was record breaking 629 news or articles published about the activities of our organization, or the news in which representatives of the TS were quoted. We have published a number of initiatives and analyzes on the TS website, as well as requests and responses from state authorities.

***We are presenting a selection of texts that we published in the previous month:***



## *Under the magnifying glass*

### **Special specifications**

3. August 2019.

Ministry of Interior continues to hide data about the money of the citizens that it spends on purchase of vehicles. After hiding of data on the price of patrol vehicles, now the data about the price of 60 "marica", 12 fire-department and eight medical vehicles remains hidden.

Like in previous "secret" procurements, the vehicles have been exhibited, media spectacle created, but the minister refused to state how much the vehicles cost "because police units ask for special specifications".

What are these special specifications that represent the cause for hiding of the price of "marica"?

In which way will publishing of data on the price of medical vehicle for the police unit in one city or fire-department vehicle in other, could endanger the safety of their work?

Would the moral of the unit be endangered if it turns out that fire-department vehicle in one city is equipped differently than for the other (because units ask for special specifications), therefore it cost more?

And again in recognizable manner, Minister attempted to make a scene of transparency, by claiming that although he cannot show the contract to insure the public of how much the vehicles were paid, "all is transparent" because the "budget of MUP contains special line for such purposes".

The fact is, however, that this purchase is just "the part of procurement for this year", and that the budget has several lines that are dedicated to procurements for the sector for emergency situation or for purchasing of vehicles.

Therefore, for example, for increasing the capacity of the Sector for Emergency Situation in the goal of adequate reacting in extraordinary situations 200.000.000 is envisaged, for increasing the logistic special-technical capacity of the organizational units of the Ministry of Interior- 350.000.000, and for modernization of the vehicles of MI - 850.000.000.

On the basis of this one cannot suppose how much these vehicles with "special specifications" cost.

### **Recommendations of ODIHR, election conditions and "working group of the Government"**

7 August 2019.

For an ignorant reader [news from the meeting of the representatives](#) of the Government of Serbia and Mission of OSCE it may look like Serbia continuously and committedly works on implementation of recommendations of international organizations that deal with election conditions. The truth, at least until now, is different.

Statement of the Prime-minister that came out from this meeting according to which "Government of Serbia dedicated

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implementation of recommendations of the Office for Democratic Institutions and Human Rights (ODIHR), with which relevant institutions cooperate through three year program that started in 2017."

Establishing of working group is also announced "that will work with ODIHR in further reform of election process" and that "line of recommendations, like promotion of Unique list of Voters and work of Republic Election Commission, is already implemented through significant improvement from 2017 when the Government started its cooperation with ODIHR."

Otherwise, among the problems stated by the reports of ODIHR are also following ones:

- bias media reporting
- using of public function for party promotion
- insufficient transparency of the campaign financing
- non proceeding of the organs in the cases of investigating claims on irregularity during the election campaign

Government and the Assembly haven't amended the Laws that regulate these areas after received warnings from ODIHR 2016 and 2017, as well as their own anticorruption plans from 2013. Even when the regulations were changed, like in the case of the Law on Anticorruption Agency in 2019, or the Law on Financing of Political Activities from 2014, that has not being done to resolve identified problems, instead created new ones.

Thereby provisions on "officials' campaign", that showed as insufficient in the existing law, remained unchanged in the new one.

About insufficient care that was dedicated to the final report of OEBS/ODIHR testifies the fact that it was presented to the authorized institutions in Serbia in more than half of year after the election process, and that the news on that presentation and critical tones from the report were published only by media that are otherwise open for critical view of the government (BETA agency, Daily Paper „Danas“, TV N1, radio O21 and portal „Insajder“).

Severity of the problem is equally illustrated with the fact that the information about the meeting of the representatives of OEBS/ODIHR in 2017, or consideration of their report about the elections can not be found on the web-sites of the Ministry of Foreign Affairs, Republic Election Commission, Administrative Court, Regulatory Body for Electronic Media and Committee for Constitutional Matters and Legislation, while the web-sites of the Ministry for State Administration and Local Self-Government and Anticorruption Agency mention this meeting with the representatives of OSCE, however do not mention the report.

Therefore announcement of establishing of working group is anyhow belated. If there is a desire to improve the election conditions in the area of campaign financing and preventing abuse of public resources and functions, before the spring elections, working groups should already in their full capacity work on changes of specific regulations, and that in the process that involves not only the Government, but also all other significant political actors, state organs and experts.



## How much is this road?

23 August 2019.

After the public became [justifiably upset](#) with the fact that Government of Serbia agreed on construction of high-way from New Belgrade to Surčin by the price of around 9 million of euros per one kilometer, public enterprise „Putevi Srbije“ [provided some explanation](#). Those explanations although useful, are insufficient. It is necessary that the information are easily verifiable in order to have debate based on arguments on the cost-effectiveness of this contract, because the Government of Serbia hasn't publish this contract.

To protect the public property from potential taking over of harmful contractual obligations, signing of contract should be preceded by bidding of the constructors, which wasn't the case here. Therefore, even when the contract is published, and all additional explanations provided, the doubt will remain that this work could have been more beneficial for Serbia.

„Critique of criticizers“ in the press release of PE Putevi, for commenting the price „without introduction with the details of the project“, in this case is not justifiable, having in mind that these details were not published. Or if they were published somewhere, that was not pointed out neither in the press release of the Government after signing of the contract, not in the explanations provided by the PE.

Information from the press release about additional works that increase the price of construction are now credible. However, credibility of these data would be significantly higher if additional explanation is provided – e.g. in regards to how will building of cyclist and

pedestrian tracks increase the price, what is the share in the price of overpass etc. Just on the basis of such information, estimation of price „per kilometer“ could be done in comparable locations.

Argument about the increase of price for „emergency of works“ is not valid. Namely, it is highly unlikely that the Government and PE Roads of Serbia just found out known that this road should be constructed. If it is necessary for connecting to new high-way „MilošVeliki“, than such construction was supposed to be planned parallel with construction of recently opened section of that road.

Finally, the fact that budget for 2019, planned assets that correspond to what was signed on 18 August 2019, means not only that the price of this road is agreed upon even last year, and it doesn't say absolutely nothing whether it is justified or not.

We remind that this is only one of the potential sections of the high-way that Serbia does not negotiate on the basis of its own Law on public Procurement, that implies competition, transparency, control and other measures of protection from potential corruption, but with prearranged contractors, and in the scope of intergovernmental agreement that are of higher legal hierarchy than the domestic laws.

Such form of contracting represents the biggest obstacle in negotiations of Serbia with European Union as part of the Chapter 5.



## Partnership with expected outcome

27 August 2019.

One of the political opponents of the current government [indicated that](#) just finalized choice of strategic partner for „Morava koridor“ was not transparent. It is more likely to say that the Government of Serbia highly transparently led the process to the outcome with only one bid on the table.

National Assembly in the July adopted special [Law for Morava koridor](#). Main target of that Law was acceleration of expropriation. If that was the goal, there was no reason to adopt special regulation just for one infrastructural object, but they could be improved in general law that regulates this matter.

Law drastically violated the system of public procurements and public – private partnerships in the Republic of Serbia by regulating that these laws should not be implemented, but that the choice of strategic partner will be done on the basis of Governmental regulation. [Regulation from August 2019](#). regulated not only the election procedure, but determined conditions and criteria for the election that are obviously discriminatory.

Namely, it is regulated that as much as 70 percent of potential indicators, company or consortium accomplishes based on experience in designing and construction of high-ways, bridges, river regulations, in the past 15 years, but exclusively on the territory of „southeast Europe“! Like only the Balkans has the rivers similar to Zapadna Morava or roads and bridges that should pass beside or over that river.

There may have been some other potential bidders besides the winning one that could fulfill conditions for bidding, but the fact remains that none of them answered.

Not even the companies that build the roads in other areas of Serbia on the basis of direct arrangement as part of the international agreement or based on tender. Their decision, could be influenced by, besides relatively short deadline for delivering of bids and guarantees, Government of Serbia on October 2018 [signing of](#) (legally optional) „Memorandum of understanding in construction of „Moravski koridor“ precisely with the representatives of winning consortium.



## *Press issues*

### **Belgrade among least transparent capitals in Europe**

August 26th 2019.

Research by the Transparency International chapters covering 26 European capitals, shows Belgrade is among the least transparent cities.

The capitals were tested based on 14 indicators, including the access to information about the decision-making process, money spending, public procurement and ethical rules.

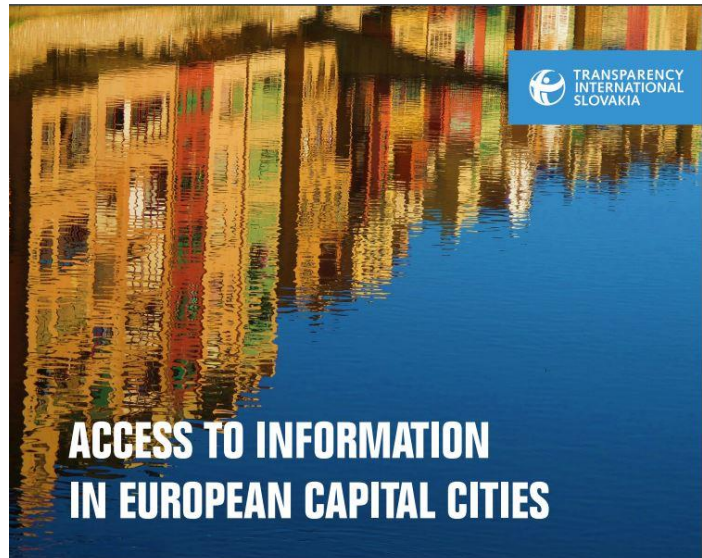
The researchers looked for data and documents for 12 of the indicators on the websites, while the remaining two they requested based on free access to information of public importance.

Since the study is a pilot project, with relatively small number of indicators, the cities are not ranked but put into three categories: green, where are those with at least 75 percent of the maximum number of points, yellow for those with 50-75 percent score and red for those that scored less than a half of the total number of points.

Besides Belgrade, other cities in the red zone are Sarajevo, Athens, Stockholm, Chisinau, the capital of Moldova, and Yerevan, the capital of Armenia. Serbia's capital has only three positive indicators – its website offers data on public calls and agreements on public procurement, as well as budget information.

Belgrade scored zero in the remaining 9 looked for on the website because they were unavailable. Besides, no reply from Belgrade authorities to the request for the information of public interest was ever received.

Serbia's capital scored zero because its official website does not offer a report on budget spending, minutes from the City Assembly meetings, the contacts for councilors, ethic code for officials, the contracts the City signs, the results of voting at the Assembly sessions, the Mayor's work schedule, the report on his property and report on lobbying.





The situation is slightly better since the data about officials' properties are published by the Anti-Corruption Agency and that the Law on Lobbying came into force.

However, the city's authorities did not answer to the demand for information about a total income (salaries and other) paid to the Mayor and councilors in 2017, nor did they show the agreements which the City's authorities had with mobile phones and internet providers.

Out of other regional capitals, Sarajevo scored five green and one yellow indicator, Skopje seven green, Ljubljana eight green and two yellow, while the best score in the whole research recorded Pristina with 12 green and one yellow indicator.

Among the best scorers in the rest of Europe were Kiev, Madrid, Prague, Tallinn and Vilnius; the yellow ones were Amsterdam, Berlin, Bern, Bratislava, Bucharest, Lisbon, Ljubljana, London, Moscow, Oslo, Riga, Rome and Sofia.

The details about the research can be found at [TS website](#) - [Access To Information In European Capital Cities report](#) at "Initiatives and analysis" page.

Belgrade also did poorly at the overall 2019 Local Transparency Index (LTI) covering 95 transparency indicators of all municipalities and towns in Serbia, a research conducted by Transparency Serbia..

Within the country, among 145 local communities, Belgrade is ranked 118th with the index 30 (on the scale from 0 to 100), four points worse than two years ago and six points down than in 2015. TS will present LTI 2019 research on September 6th.





## *Initiatives and analysis*

### **Election campaign financing in Serbia – key problems and potential solutions**

8 August 2019.

Transparency Serbia published [analysis of key problems](#) related to election campaign financing in Serbia and recommendations for their resolving.

This material we presented to the public, representatives of academic community and political parties on the meeting "Dialogue on elections 2020", organized by the Foundation for an Open Society and Faculty of Political Sciences on 9.8.2019. At the meeting we also presented main recommendations from [publication "Officials' Campaign as a Form of Abuse of Public Resources"](#)

Among other, this text points out to treatment of these issues in the planning documents of Serbia, analyze recommendations of ODIHR, GRECO and European Commission, emphasizes key loopholes of the Law on Financing of Political Activities, in other regulations and recent practice of the Agency and RAEM.

Recommendations of TS for priority proceedings, among other, request that:

Ministry of Justice should establish working group for amending the Anticorruption Agency Law in the part that refers to separation of public and political function (article 29), or the Law on Preventing Corruption (article 50), to complete and specify this provision, having in mind recommendations of ODIHR and findings of independent monitoring.

Ministry of Justice should establish working group for sending regulations related to criminal prosecution of criminal acts that are related to illegal financing of the campaign.

Ministry of Culture and Informing and Ministry of Trade should establish working group that would deal with resolving of most urgent matters of amending media legislation and regulations on state and political advertising, before comprehensive reforms that will take place after adoption of Media Strategy occur.

National Assembly should organize public hearing related to report of the Anticorruption Agency about implementation of the National Anticorruption Strategy and on the occasion of recent reports on financing of the campaign and control of financing of the campaign and to elect missing members of the Council of RAEM and the Board of Anticorruption Agency.

Regulatory Body for Electronic Media should define the rules for proceeding of media related to the campaign, as well as to adopt internal rules for proceedings of RAEM related to campaign monitoring, in the scope of existing legal framework and after its change, as well as to publish these rules.



Anticorruption Agency should define the rules on proceeding in the control of financing of the election campaign, parallel to changes of legal framework and to publish these rules.

During the preparation of all stated regulations it is necessary to provide adequate participation of experts, state organs and political subjects, but also holding of public debate.

Public Prosecution, Anticorruption Agency, RAEM and other authorized organs to address the public call to all those that have knowledge of violation of rules and to report about it confidentially and timely by publishing of the results of investigation and information about undertaken measures. These organs should publish findings of the research and information about undertaken measures related to irregularities from previously held elections, as well as by topics that came up in the period in-between elections.

Recent announcement of establishing of working group of the Government „that will cooperate with ODIHR in further reform of the election process,“ if representatives of other state organs are involved accordingly, could potentially play the role of the coordinator in above mentioned reforms, to insure respecting of deadlines necessary for the reforms to show some effect before the beginning of the campaign for the next parliamentary elections.

