

## **The Draft law on Amendments and supplements to the Law on Free Access to Information of Public Importance still contains harmful provisions.**

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Transparency Serbia warns that a new draft law on amendments and supplements to the Law on Free Access to Information of Public Importance, despite numerous argued criticisms, excludes the right to access to information on numerous state-owned enterprises that have assets worth billions of Euros.

Opportunity to improve other provisions is also missed, for example, provisions related to the selection and dismissal of the Commissioner and the system for the execution of his decisions is not sufficiently effective and harmonized with the rest of legal order. The Draft from December is worse than the Draft from March in one important segment. Namely, the National Bank of Serbia, with an unjustified explanation, is excluded from the Commissioner's competence. Unsatisfied information seekers would thus only have the possibility of managing an administrative dispute, or rather one instead of two legal remedies.

On the other hand, it is very important that it is removed the danger of the slow law enforcement concerning the right to access to information. Namely, Draft from December does not predict possibility for authorities to initiate an administrative dispute, instead of executing Commissioner's decisions. It is also commendable a precise provision concerning new category of authorities - legal entities and entrepreneurs entrusted with public authorizations.

On 19 December 2018, half a year after the public debate on the preliminary draft of the amendments to the law, the Ministry of State Administration and Local Self-Government submitted a new draft of the amendments to the law to the opinion of the state authorities. In the accompanying explanation, it is not explained why many proposals from civil society organizations and citizens from a public hearing held in April this year are not accepted, nor is the opinion of SIGMA experts.

This draft brings some improvements in relation to the existing text of the Law, especially regarding the proactive publication of information in the Information booklet, which will be obligatory for all authorities and will be published in a machine-readable form.

Taking into account that the right to access to information is the right of citizens guaranteed by Constitution, and that the usefulness of this legal remedy for public oversight of entities with significant public funds is proven, we think that the Law on Free Access to Information should not be changed until provisions that reduce the achieved level of rights are moved from the draft - concerning state-owned enterprises and the National Bank. Other provisions should be improved based on proposals from international experts, civil society and the Commissioner for Information.

More detailed analysis of the draft you can find [on the TS website](#)