



TS delivered comments to proposed changes of regulations related to abuse of public resources

25 October 2019

Transparency Serbia delivered to authorized ministries joint recommendations of organizations Center for Applied European Studies and Transparency Serbia, that refer to matter comprehended with draft changes and amendments of three laws as part of the process of promoting election conditions. These are: Law on Financing of Political Activities, Law on Anticorruption Agency and Law on Public Enterprises.

In the letter of the Ministry of Finances, and in relation to changes of the Law on Financing of Political Activities, TS pointed out to the need to regulate numerous other questions, that are not comprehended with this draft, and that are of special significance for preventing abuse of public resources and improving of election conditions.

Namely, elaboration that followed the draft provides reasons for conclusion that neither Working Group, nor the Ministry of Finances, considered other documents that are of significance for the matter of financing of political activities, except from the Report of the Mission of OSCE/ODIHR, although they are closely related to the subject of changes and amendments. Primary conclusion is that Working Group and the Ministry of Finances have not considered the need to comprehend with legal changes everything that was planned to be changed based on the National Anticorruption Strategy in the Republic of Serbia (2013), following Action Plan and Action Plan for negotiations between Republic of Serbia and the EU as part of the chapter 23.

Furthermore, Draft does not consider even the [findings and recommendations of TAIEX experts](#) from 2016 out of which many are useful, and related to issues pointed out by the recommendations of OSCE/ODIHR.

Finally, this Draft hasn't taken into consideration [proposals for changes and amendments of the Law on Financing of Political Activities](#) that were formulated by the Ministry of Finances by itself in August 2014!

Essentially, proposed solutions do not fulfill in adequate way none of the stated recommendations of OSCE/ODIHR. Namely, even if the stated recommendation is interpreted narrowly, it is obvious that it is not being fulfilled. The truth is that proposed solutions would increase in certain level transparency of work of Anticorruption Agency (proceeding by reports), however transparency of the process of election campaign financing would not increase in any way.



Also, punitive measures envisaged in changes of the Law, vary within existing range of misdemeanor penalties, and changes are envisaged only related to one of many potential misdemeanors and criminal acts related to illegal financing.

Besides, even after proposed changes numerous problems already identified would stay intact, both from international and domestic monitors, along with state organs of the Republic of Serbia.

TS pointed out to some of them [in proposals and recommendations](#) given during the Dialogue about the elections.

TS delivered [specific suggestions](#) related to proposed changes, however, concluded that the only correct solution is to approach comprehensive reform of the rules on financing of political activities and especially the election campaign.

As part of the public debate on changes and amendments of the Law on Anticorruption Agency, TS delivered [joint proposals of CPES and TS](#) to Ministry of Justice.

TS reminded the Ministry in the letter that we already provided numerous other proposals for changes and amendments of the Law on Anticorruption Agency, that is the Law on Preventing Corruption, available on [the web-page Initiatives and Analysis](#).

We especially stressed out [the document](#) with recommendations for comprehensive changes in the article 29. of the Law on Anticorruption Agency/article 50 of the Law on Preventing Corruption, that refers to using of public resources and officials' campaign.

TS also, delivered to Ministry of Economy joint proposals of CPES and TS that refer to matter comprehended with public debate about amendments of the Law on Public Enterprises.

The letter, with specific proposals, indicates to the need to regulate numerous other questions through changes of the Law on Public Enterprises to provide more transparency, more efficient supervision and less discretionary deciding. Some of the suggestions in that regards could be found in the last chapter of the publication of TS "[Political Influence to Public Enterprises and Media](#)".

In regards to potential additional legal solutions that are of special importance for improving election conditions and preventing abuse of public resources, TS invited the Ministry to pay special attention to proposals and recommendations stated during the dialogue on the elections, and especially to proposal to regulate the obligation of publishing of data about purpose and scope of using the vehicles in disposal of public enterprises during the election campaign.