



NEWSLETTER

PUBLIC ADMINISTRATION REFORM

AMENDMENTS
TO THE LAW ON
CIVIL SERVANTSDRAFT LAW ON
ASSOCIATIONS
REACHES NATIONAL
ASSEMBLYESTABLISHMENT
OF THE
COMMUNAL
POLICESCHOLARSHIP
PROGRAMME FOR
YOUNG CIVIL
SERVANTSMANAGING
THE STOCK OF
LEGISLATION

As part of the overall social reforms, in November 2004 the Government of the Republic of Serbia adopted the Strategy of Public Administration Reform in the Republic of Serbia. The main objectives of the reform are creation of a democratic state based on the rule of law, accountability, transparency, economy and efficiency as well as creation of a citizen-oriented public administration, capable of offering high quality services to the citizens and private sector, against payment of reasonable costs. Strategic-level management of public administration reform has been entrusted to the Public Administration Reform Council of the Government of the Republic of Serbia, while the Ministry of Public Administration and Local Self-Government is in charge of operational-level management of public administration reform, i.e. its implementation in practice. However, for public administration reform to be successful there is a necessity for coordination and active participation of all public administration bodies, given that each state authority is responsible for the implementation of specific activities which constitute the substance of the reform.

*Public Administration System***AMENDMENTS TO THE LAW ON CIVIL SERVANTS**

-Strengthening the fight against corruption and the position of the Ombudsman through new legal provisions-

In late September 2008, the Government of Serbia agreed on the Bill Amending the Law on Civil Servants, prepared by the Ministry of Public Administration and Local Self-government. The main proposed amendments relate to enhancing the fight against corruption, as well as strengthening the position of the Ombudsman. In addition, this Proposal deals with the requirements regarding the types of educational qualifications for civil servants posts in line with the provisions of the Law on Higher Education.

The Bill envisages that the Human Resources Management Service, in the scope of its responsibilities, shall particularly take care of organising vocational training in the field of fight against corruption, which will enable the application of the recommendation by the Group of States against Corruption (GRECO).

The proposed amendments provide for the possibility that the Government, after a public recommendation by the Ombudsman, dismisses an appointed civil servant, thus leaving him/her unassigned. Such action of the Ombudsman is aimed at increasing transparency in public administration, and eventually at contributing to the easier fulfilment of citizens' rights before administrative bodies.

The Bill Amending the Law on Civil Servants is aligned with the Law on Higher Education which provides for a single system of higher education with two types of studies (applied and academic), thus replacing the previous system of high and higher education.

The intention of the Ministry proposing the Bill was to make sure that employees with different educational backgrounds in terms of type and duration (4-6 and 3-4 years) of studies are taken into account when determining educational requirements for employment as well as rights and duties of the already employed. The Bill is also to ensure protection of the rights of persons who acquired high or higher education under the old education regime. ■

Freedom of Association – An Important Step on the Road to the EU

DRAFT LAW ON ASSOCIATIONS REACHES NATIONAL ASSEMBLY

-New legal provisions will improve the exercise of freedom of association-

In June 2008, the Government of Serbia adopted the Bill on Associations, which consequently entered the procedure in National Assembly. The Bill, prepared by the Ministry of Public Administration and Local Self-Government, regulates the position and functioning of associations in Serbia in line with the relevant European standards in this area and in a largely different manner than was the case with the previous legal provisions.

The Bill was prepared in cooperation with the Working Group of non-governmental organisations comprised of the delegates of a representative number of associations registered in Serbia. In that sense, the proposed provisions can represent a solid framework and an impetus for the development of this segment of the Serbian civil society, as well as for a partnership of state institutions with the civil sector to the extent possible, given the different social roles and natures of these two sectors.

The new provisions will considerably liberalise the conditions for establishing associations. Namely, the number of persons necessary for establishing an association is lowered from ten to three, whereby at least one of the founders has to hold a residence (for natural persons) or have a seat (for legal persons) on the territory of the Republic of Serbia.

The Serbian Constitution guarantees the freedom of association. According to the Constitution, associations are founded without the need for prior approval, through registration. This means that no approval of any state authority is needed for founding an association, but legal personality can be acquired only upon registration with the Register of Associations kept by the Ministry of Public Administration and Local Self-Government. Keeping of the Register of Associations whose seat is on the territory of an autonomous province has been delegated to a responsible body of that autonomous province.

EXISTING LAWS OUTDATED

The legal framework for the founding and functioning of associations in Serbia is currently fairly incoherent and heterogeneous. In contrast to the contemporary constitutional norms and provisions of the ratified European Convention, the way of exercising the guaranteed freedom of association in Serbia is still regulated by two completely outdated laws, which were passed in accordance with the constitutional system in force at the time. Those laws are: the Law on Association of Citizens in Associations, Social Organisations and Political Organisations Established for the Territory of the Socialist Federal Republic of Yugoslavia (1990) and the Law on Social Organisations and Associations of Citizens of the Socialist Republic of Serbia (1982). Although amended several times, these laws distinguish between social organisations, which are social-legal persons, and citizens' associations, which are civil legal persons, a distinction which has absolutely no basis in the current legal system in Serbia.

CONDITIONS FOR ESTABLISHING AN ASSOCIATION

According to the Bill, an association is a voluntary and non-governmental, non-profit organisation based upon the freedom of association between a number of natural or legal persons, founded with the aim of pursuing and promoting a specific common or general goal and interest not prohibited by the Constitution or law. This definition enables the distinction between this type of organisations and other forms and ways of citizens' interactions.

EARLY DAYS OF ASSOCIATIONS IN SERBIA

There are associations in Serbia that have been operating for more than a century. Some of those associations are The Union of Engineers and Technicians, which goes back to 1868, when "The Technicians Crew" was formed in the then Principality of Serbia, and was later, in 1890, transformed into "The Association of Serbian Engineers". The Hunting Association of Serbia was established in 1896.

In accordance with the general legal principles in the EU Member States, the envisaged provisions allow for the possibility that associations conduct economic or other activities by which they can make profit. The preconditions are that such activities are related to the association's objectives, small in scope and explicitly provided for in the association's statute.

This Law will create the legal basis allowing foreign associations (or their branch offices in Serbia) to operate on the territory of the Republic of Serbia, subject to prior registration. One of the numerous reasons for this novelty is the fact that relevant international documents (European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations) guarantee the freedom of operation not only in home country of an association (an NGO) but also outside its borders. ►

THE DEADLINE FOR ADJUSTING THE WORK OF ASSOCIATIONS WITH THE NEW LEGAL PROVISIONS

The deadline for re-registration of all existing social organisations, citizens' associations and their unions is 18 months.

The Bill on Associations is available at the web page of the Ministry of Public Administration and Local Self-Government:

<http://www.drzavnauprava.sr.gov.yu/pages/article.php?id=553> ■

Faster Solutions to Communal Problems

ESTABLISHMENT OF THE COMMUNAL POLICE

-Drafting of the Law on Communal Police is underway-

A Special Working Group established by the decision of the Minister of Public Administration and Local Self-Government has started the work on the preparation of the Draft Law on Communal Police. With the assistance of the Council of Europe and the OSCE, the first working version was prepared, to serve as a starting point in the further work of the Working Group. Apart from representatives of the line ministries, delegates from several towns as well as distinguished domestic experts in the field of local self-government were appointed as the Working Group members.

The legal basis for the adoption of this law is provided in the Law on Local Self-Government and the Law on Capital City, which stipulate that towns and the City of Belgrade form communal police and ensure and organise the operation of the communal police.

THE REASONS FOR INTRODUCING COMMUNAL POLICE

The need to introduce a communal police was recognised after facing major difficulties in keeping communal order and ensuring efficient provision of certain services by towns and the City of Belgrade. This is particularly true when it comes to ensuring traffic safety and traffic control, environmental protection, protection of cultural goods, local roads, streets and other objects, safety from natural and other major hazards, protection from noise and providing tranquillity to citizens.

By introducing communal police, conditions will be created for an efficient and long-term solution to numerous accumulated communal problems, which influence to a great extent the quality of living in Serbian towns. It is estimated that the establishment of such a service and its operation in town streets will contribute to the prevention of breaches of communal order, as well as

prevent the violation of public order and peace. This will enable towns to take the responsibility, in cooperation with the police, for providing safe and peaceful living to their citizens.

Introducing communal police will also create conditions for saving considerable resources. For example, instead of engaging three civil servants – a communal inspector, a trade inspector and a police officer – to remove illegal trading objects, only one communal police officer will be able to successfully perform the task in the future.

Introducing communal police in towns and in the City of Belgrade is consistent with the contemporary trends that emphasise the new role and responsibilities of these local self-government units in providing security and in strengthening their partnership with police.

EXPERIENCES OF THE COUNTRIES IN THE REGION

Experiences of the countries in the region which have already implemented this idea show that communal police can acquire competences in a wide range of areas such as public transport, parking, fighting illegal construction, preserving communal objects, city planning, the use of public space, waste management, street selling, etc. The communal police in Podgorica, for example, have a task of performing supervision in order to ensure communal order. The role of this service is primarily preventive, but these police officers can also issue and charge fines. The communal police in Banja Luka have been engaged more intensively with the problems related to illegal parking and removing street stands.

Introducing communal police in Serbia will contribute largely to the more efficient work of town services, faster resolution of problems and thus to the improvement of the quality of living in towns. ■

European Union in Direct

SCHOLARSHIP PROGRAMME FOR YOUNG CIVIL SERVANTS

-A New Programme of the European Fund for the Balkans offers young civil servants from the region the opportunity to perform internships in EU countries-

The European Fund for the Balkans has initiated the Fellowship Programme for Young Government Officials from the Western Balkans – Supporting Excellence and Leadership in Governance, which aims at contributing to the development of effective and efficient state administrations in the region by offering a tailor-made fellowship and training programme for highly qualified young professionals from the central Government institutions of the Western Balkan countries.

ON THE EUROPEAN FUND FOR THE BALKANS

The European Fund for the Balkans is a multi-annual joint initiative of several major European foundations, designed in order to support and undertake initiatives aimed at bringing the Western Balkans closer to the European Union. Its activities are focused on individuals and organisations from the Western Balkan countries. As a direct successor of the International Commission on the Balkans, the Fund embodies the “member-state building strategy”, with the development of functioning state administrations and constituency-building as its main priorities. The initiators of the European Fund for the Balkans are four European Foundations – the Robert Bosch Stiftung, the King Baudouin Foundation, the Compagnia di San Paolo and the ERSTE Foundation.

WHO DOES THE PROGRAMME TARGET?

Civil servants from the ministries in the Western Balkan countries may apply for the Programme. The Programme is specially targeted at civil servants from line ministries who have several years of professional experience in public administration and have already assumed initial managerial responsibilities or are preparing for a position of leadership. They must also possess basic knowledge of the European Union system.

GENERAL CONDITIONS OF ELIGIBILITY

In order to apply for participation in the Programme, a civil servant should, inter alia:

- be a citizen of a Western Balkan country;
- be of maximum age of 40;
- have at least three (ideally five) years of professional experience upon completion of studies;
- have worked for at least two years as a civil servant in a central state authority;
- possess initial managerial experience or have a perspective of assuming managerial responsibilities;
- have excellent academic qualifications and speak excellent English; it is also desirable that the candidate possesses the basic knowledge of the language of the host country;
- know well the domestic and international politics and economy, etc.

WHEN, HOW, WHERE...

The Programme will begin in January 2009 with intensive courses of the languages of the countries where civil servants will be located. The programme of internships and seminars in the EU countries will last from the beginning of April until the end of June 2009. This part of the programme will necessitate three-month-long absence from work, for which civil servants will need to have a prior consent of their supervisors.

The application procedure will proceed in three phases: 1. submission of On-line applications; 2. submission of additional documents by e-mail (upon request); 3. interviews.

The applications will be submitted exclusively via Internet, from 10 October until 10 November 2008.

All costs of participation in the Programme, including a monthly allowance, will be borne by the European Fund for the Balkans.

You can download the specifics of the Programme and application procedure from the website of the European Fund for the Balkans: www.balkanfund.org/fellowship2009 ■

WHAT DOES THE PROGRAMME OFFER?

The slogan of the European Fund for the Balkans Programme is looking for the decision-makers of tomorrow who want to shape regional and European collaboration using their energy and enthusiasm. Twenty scholarships for civil servants from all over the region will be granted in the framework of this Programme, providing the recipients with three-month long internships in the government institutions of Austria, Germany, Belgium, Italy, Slovenia, the Czech Republic or Poland. The scholarship recipients will also have the opportunity to improve their knowledge in their areas of expertise, undergo training on EU-related issues, acquire leadership and management skills as well as exchange experiences with colleagues from the region and the EU member states.

Third Annual Conference of the Regional School of Public Administration

MANAGING THE STOCK OF LEGISLATION

-The Belgrade Conference participants' recommendations directed at creating accessible, clear and coherent legislation-

The Third Annual Conference of the [Regional School of Public Administration \(ReSPA\)](#) entitled "Managing the Stock of Legislation" was held in Belgrade from 23 to 24 September 2008.

The Conference was organised in cooperation with the Ministry of Public Administration and Local Self-Government and the Serbian EU Integration Office.

Numerous distinguished experts and lecturers, representatives of SIGMA (Support for Improvement in Governance and Management – a joint initiative of the OECD and the EU), as well as representatives of countries with experience in this area (Albania, Austria, Croatia, FYR Macedonia and Serbia), participated in the Conference.

Managing the stock of legislation means implementation and improvement of the procedures for preparation and adopting of laws and other regulations, as well as "clear-up" of the stock of legislation in order to abolish the unnecessary ones and improve those that are unclear or inconsistent.

The Conference was organised with the aim of presenting the ways in which different states manage legislation, discussing and exchanging national and international experiences in this area, as well as identifying fields and issues on which trainings will be organised by ReSPA.

You can read more about ReSPA in the September issue of the e-newsletter.

PROBLEMS AND RECOMMENDATIONS

During the two-day conference, the participants focused their discussions on the ways and models of managing legislation, which is a live question in almost all countries, especially those undergoing the democratisation and transition processes.

In that sense, as an instrument enabling better management of legislation, a recommendation was made to establish, develop and promote the use of electronic registers of legislation, which would be *prima facie* evidence of law and enable access to as wide a range of users as possible (ideally free of charge).

Having in mind that the stock of legislation increases during time, its occasional revision is necessary whether in total or in individual legal areas. At the same time, this should be the opportunity to revise legislation in a more coherent way and therefore simplify the processes and

procedures for its management. To this end, the conference participants emphasised the importance of developing national policies of codification, consolidation, revision or adjustment of legislation. Emphasis was also placed on the legislative drafting technique and the necessity of language clarity and simplicity.

"COMPREHENSIVE REGULATORY REFORM"

The experiences of the countries in the region were presented at the conference. The greatest advances have been made in the area of business environment regulation, using the so-called "regulatory guillotine" by which a large number of legal acts and provisions hampering business have been abolished. "Comprehensive Regulatory Reform – SRP" Project was recently launched in Serbia with the aim of suspending or revising regulations that are not being applied or are obsolete, as well as those imposing unnecessary administrative procedures or producing unnecessary expenses to economy. The SRP objective is to create a favourable business environment, decrease legal uncertainty and increase the competitiveness of the national economy in both the world and the European markets. After finalising the entire Project, it is expected that administrative expenses will be cut by approximately 25% and that administrative procedures will be faster and simplified. This way, the project will contribute to the easier functioning of business entities and thus to the improvement of the investment climate in Serbia. It is planned to finalise the regulatory reform within 15 months.

THE IMPORTANCE OF LEGISLATIVE MANAGEMENT

The question of an adequate legislative management is closely related to the processes of integration into international organisations, especially the process of the EU accession, given that this process necessitates the adoption of a great number of new laws and thus the need to take care of its volume and coherence.

In addition, accessibility and clarity of legislation facilitate the attainment of the rule of law, the build-up and preservation of confidence in the legal system and ensure transparency in relations between the government and the citizens, as well as between market players. ■

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