



# Recommendations 2023

National Convention on the  
European Union

Belgrade, 2023

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## WORKING GROUP FOR CHAPTER 1

- **FREE MOVEMENT OF GOODS**

**Coordinator: EUROPEAN POLICY CENTER (CEP), Dušan Protić**

In its Report on Serbia's progress for 2022, the European Commission (EC) states that Serbia is **moderately prepared** in the area of free movement of goods. For the opening of this chapter, a benchmark has been set for the fulfillment of which a strategy has been prepared, as well as action plans that are being finalized and in the last quarter of this year their adoption is expected at the session of the Government of Serbia.

The European Commission's report further assesses that, in the previous year, **certain progress has been achieved**, given that, in accordance with the recommendations from the previous report, all "transitional provisions" related to the Serbian conformity mark have been removed from the legislation and in the area of general principles, that harmonized legislation with the EU legal acquis on cultural property, as well as moderately strengthened administrative capacities in the area of standardization.

### Basic information on Chapter 1 - Free movement of goods

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>1</sup> adopted	The Government of Serbia adopts a negotiating position <sup>2</sup>
1 - Free movement of goods	June 17-20, 2014/ December 15, 2014	-	2	N/A	N/A
Chapter opening date	Number of closing benchmarks	IBAR <sup>3</sup> adopted		CBAR <sup>4</sup> adopted	Chapter temporarily closed
/					

<sup>1</sup>OBAR - *opening benchmark assessment report*.

<sup>2</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>3</sup>IBAR - *interim benchmark assessment report*.

<sup>4</sup>CBAR - *closing benchmark assessment report*.

The screening report contains two benchmarks for opening negotiations on this chapter:

1. Action plan for compliance with Art. 34-36 TFEU (EU Financing Agreement), with a time frame for the analytical review of domestic legislation and administrative practices, for the introduction of the mutual recognition clause, as well as for the necessary further changes or additions;
2. Strategy and action plan with time frames for the implementation of European legislation within this chapter, which contain plans for the implementation of vertical (Old and New Approach) and horizontal legislation and plans for relevant horizontal institutions (standardization, accreditation, metrology and market surveillance). They should also determine how and by when Serbia will remove obstacles to trade with regard to the products covered by this chapter, especially additional border and other controls, and define clear competencies for the introduction and effective implementation of legislative measures, as well as for ensuring the necessary administrative capacities.

## Recommendations of the NCEU Working Group for Chapter 1

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	It is necessary to complete the process of drafting and adopting an action plan that will define Serbia's path to full harmonization with Articles 34-35 of the EUFEU (non-harmonized area), as well as a strategy and action plan for further harmonization of legislation in the harmonized area.	Partially fulfilled established: 2016	Closing benchmarks no. 1 and 2
2.	Further intensification of efforts for full harmonization of sectoral technical regulation, as well as regulation in the field of quality infrastructure, is needed.	Partially fulfilled (ongoing process) established: 2016	N/A
3.	Further strengthen the administrative and financial capacities of institutions that directly deal with the topics covered in Chapter 1, with adequate professional and sectoral support from	Partially fulfilled (ongoing process) established: 2018	N/A

	all relevant actors (ministries, Government, ATS, Directorate for Measures and Precious Metals, Institute for Standardization of Serbia, etc.).		
4.	Ensure that the portal of the Ministry of Economy "TECHNIS/Product info" gets an active component, i.e. a certain number of specialists who would be focused on actively providing assistance to businessmen related to those technical regulations.	Partially fulfilled established: 2020	N/A
<b>Recommendations to civil society organizations and the economy</b>			
5.	Strengthening efforts to raise the general level of awareness, both of citizens and businessmen, about the importance and benefits brought by alignment with the EU legal acquis in this area is extremely important. A better understanding of the consequences of the process of harmonizing domestic technical legislation with relevant EU regulations is needed, as well as meeting standards and technical requirements for products on the EU market, in order to create elementary conditions for bearing competitive pressure on the single European market.	Partially fulfilled (ongoing process) established: 2016	N/A

## WORKING GROUP FOR CHAPTER 2

### • FREE MOVEMENT OF WORKERS

**Coordinator: CENTER FOR DEMOCRACY FOUNDATION (FCD), Nataša Vučković**

Citizens of a member state have the right to work in another member state and must be provided with the same working and social conditions as other workers.

In the Report of the European Commission on Serbia's progress, it was assessed that Serbia is **moderately prepared** (grade 3) in the area of freedom of movement of workers.

**Some progress** was made (grade 3) in relation to the recommendation of the European Commission from the Report for the previous year, which refers to the improvement of cooperation with EU member states in connection with the coordination of the social security system.

#### Basic information on Chapter 2 - Free movement of workers

The explanatory screening for Chapter 2 was held on January 2, 2014, while the bilateral screening was held on March 25, 2014. The screening report was published on September 1, 2015. No benchmarks are given for opening chapters.

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>5</sup> adopted	The Government of Serbia adopts a negotiating position <sup>6</sup>
2 - Free movement of workers	January 2, 2014/ March 25, 2014	December 2015	-	-	July 18, 2018
Chapter opening date	Number of closing benchmarks	IBAR <sup>7</sup> adopted		CBAR <sup>8</sup> adopted	Chapter temporarily closed
NO (94 months have passed since receiving the invitation to submit a negotiating position)	no benchmarks are given	-		NO	NO

<sup>5</sup>OBAR - *opening benchmark assessment report*.

<sup>6</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>7</sup>IBAR - *interim benchmark assessment report*.

<sup>8</sup>CBAR - *closing benchmark assessment report*.

## Recommendations of the NCEU Working Group for Chapter 2

Table 2.

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	<p>It is necessary to evaluate the financial effects of the Negotiating Position for Chapter 2, according to the Conclusion directing and harmonizing the work of state administration bodies in the process of drafting negotiating positions in the process of negotiations on the accession of the Republic of Serbia to the European Union (Conclusion 05 Number: 337-5081/2016 on May 31, 2016).</p> <p>There is no available information on whether assessments of financial effects have been included in the Negotiating Position for Chapter 2 in accordance with the Conclusion directing and harmonizing the work of state administration bodies in the process of drafting negotiating positions in the process of negotiations on the accession of the Republic of Serbia to the European Union, since the working group is not received feedback on the position of the Government of the Republic of Serbia on this comment.</p>	since 2021	
2.	<p>Amend the Law on the Employment of Foreigners by deleting Article 5, Paragraph 4, according to which EU citizens must not become an undue burden on the social protection system of the Republic, i.e. according to which they must have enough funds to support themselves and their family members.</p> <p>With the amendments to the Law on the Employment of Foreigners in 2019, it was omitted to delete Article 5, paragraph 4, as was the</p>	since 2019	



	<p>recommendation of the NCEU due to non-compliance with the provisions of the Law on Financial Support for Families with Children and non-compliance with the Stabilization and Association Agreement between the EU and Serbia. First, according to the conditions prescribed by the Law on Financial Support for Families with Children, foreign nationals also have the right to benefits from the social insurance system, as well as benefits from the social protection system. Second, according to Article 49 of the Stabilization and Association Agreement between the EU and Serbia, Serbia should ensure that EU citizens, who are legally employed on its territory, as well as their spouses and children who legally reside on the territory of Serbia, do not suffer discrimination based on citizenship regarding working conditions, remuneration or dismissal. In June 2023, the draft law on amendments to the law on the employment of foreigners was in the parliamentary procedure, but the said amendment was not foreseen.</p>		
3.	<p>It is necessary to harmonize domestic legislation with Regulation (EU) of the European Parliament and the Council of April 5, 2011 on the freedom of movement of workers in the European Union and Regulation (EU) 2016/589 of the European Parliament and of the Council of April 13, 2016 on the European Network employment services (EURES), workers' access to mobility services and further integration of the labor market and amendments to regulations (EU) no. 492/2011 and (EU) no. 1296/2013.</p> <p>In 2022, there were no activities on harmonizing domestic legislation with the aforementioned regulations.</p>	since 2019	
4.	<p>Records on qualifications and occupations maintained by the National Employment Service need to be harmonized with the European classification for skills/competencies, qualifications and occupations. The aforementioned implies the development of the National Framework of Qualifications</p>	since 2019	

	<p>(standards of qualifications and occupations), which will enable interoperability and automated matching of vacancies (offers) and professional resumes (demands).</p> <p>The Government of the Republic of Serbia has adopted amendments to the Decision on the Uniform Code of Codes for entering and encrypting data in records in the field of work ("Official Gazette of the RS", No. 101/20), which will apply from August 25, 2020. The National Employment Service continues to use the codebook of occupations and professional qualifications in accordance with the Decision on unique methodological principles for keeping records in the field of work and forms of applications and reports ("Official Gazette of the FRY", no. 40/97 and 25/00).</p>		
5.	<p>It is necessary to improve the organizational and technical capacities of the National Employment Service in relation to the minimum common criteria regarding the provision of services and participation in the EURES network.</p> <p>According to the data from the Report on the work of the National Employment Service, in 2021 there was no training for employment counselors in the branches of the National Service in order to be involved in the work under the jurisdiction of migration service centers. In addition, none of the trainings organized in 2022 were related to the topic of EURES, while English language trainings were organized.</p>	since 2018	
6.	<p>It is necessary for the Ministry of Health to begin preparations for the introduction of the European Health Insurance Card by preparing a feasibility study, as well as by improving the administrative and technical capacities of the Republic Health Insurance Fund and, among other things, through the available IPA funds.</p>	since 2019	

	In 2022, there were no activities on the feasibility study for the introduction of the European Health Insurance Card.		
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## WORKING GROUP FOR CHAPTER 3

### • RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES

**Coordinator: CENTER FOR EUROPEAN POLITICS (CEP), Dušan Protić**

In its Report on Serbia's progress for 2022, the European Commission (EC) states that Serbia is **moderately prepared** in the areas from Chapter 3. There is still an obligation to transpose the Services Directive 2006/123/EC into a horizontal regulation, the establishment of a Single Electronic Contact Point (JEKT), finalization and adoption of the list of regulated regulations, full harmonization of sectoral regulations.

The European Commission's report further assesses that, in the previous year, **limited progress** has been achieved by further harmonizing sectoral legislation in the field of services and in the field of professional qualifications with the EU legal acquis, as well as the adoption and implementation of the Strategy for the Development of Postal Services for the period since 2021 to 2025. The recommendations from the previous Report are still valid.

#### Basic information on Chapter 3 - Right of establishment and freedom to provide services

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>9</sup> adopted	The Government of Serbia adopts a negotiating position <sup>10</sup>
3 - The right of establishment and the freedom to provide services	January 30-31, 2014/ March 12-13, 2014	December 19, 2018	1	December 18, 2018	November 28, 2019
Chapter opening date	Number of closing benchmarks	IBAR <sup>11</sup> adopted		CBAR <sup>12</sup> adopted	Chapter temporarily closed
It's not open					

<sup>9</sup>OBAR - *opening benchmark assessment report*.

<sup>10</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>11</sup>IBAR - *interim benchmark assessment report*.

<sup>12</sup>CBAR - *closing benchmark assessment report*.

The screening report on this chapter, published in March 2015, contains one benchmark for opening negotiations on this chapter:

- A comprehensive and detailed strategy for alignment with the EU acquis in the field of professional qualifications. The strategy must include all reforms that are necessary in terms of harmonizing legislation and building institutional capacities for the recognition of professional qualifications obtained in other member states, as well as for providing assistance to experts who obtained qualifications in Serbia and intend to provide services in other member states. The strategy must also include all adjustments related to the training of doctors, dentists, nurses for general care, midwives, pharmacists and veterinary surgeons and must be aligned with the minimum training requirements specified in Directive 2005/36/EC. For each action included in this strategy, it is necessary to define the deadline, the responsible person and clearly state the corresponding provision of the EU regulations.

### Recommendations of the NCEU Working Group for Chapter 3

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	It is necessary to adopt the proposal of the Law on Services as soon as possible, which is harmonized with EU legal regulations regarding the right of business establishment and freedom of provision.	Unfulfilled established: 2019	N/A
2.	It is necessary to make preliminary preparations for the construction of the mechanism of the Single Electronic Contact Point (JEKT), within the line ministry, in order to create the technical and organizational conditions for its functioning, as well as the analysis of possible problems and difficulties, in the early phase of building the system.	Unfulfilled established: 2018	N/A
3.	Alignment of professional qualifications: it is necessary to adopt an updated action plan for the full	New recommendation	N/A

	alignment of sectoral legislation with the relevant EU directives (Directive 2005/36/EC and Directive 2013/55/EC).		
4.	It is necessary to intensify the work on completing and adopting the List of Regulated Professions, in accordance with the requirements of the Law on Regulated Professions and Recognition of Professional Qualifications.	Unfulfilled established: 2021	N/A
5.	It is necessary to prepare amendments to the Law on Postal Services within the subsection "Postal Services" in order to ensure full compliance with the Directive on Postal Services and the Regulation on Cross-Border Parcel Delivery Services. In addition, it is necessary to improve the implementation of supervision and the quality of inspection practice in this area.	New recommendation	N/A
<b>Recommendations to the European Union</b>			
6.	It is necessary to speed up the procedure for considering Serbia's negotiating position, adopted in 2019, and ensure the conditions for opening negotiations in Chapter 3	Unfulfilled established: 2022	N/A
<b>Recommendations to civil society organizations and the economy</b>			
7.	It is necessary to advance a wider social dialogue in connection with the harmonization of the domestic legal order with the rules on the free movement of services and professional qualifications, in order to improve the level of knowledge and remove possible resistance and obstacles that occur in certain professional areas.	Unfulfilled established: 2022	N/A

## WORKING GROUP FOR CHAPTER 4

### • FREE MOVEMENT OF CAPITAL

**Coordinator: CENTER FOR EUROPEAN POLICIES (CEP), Vida Uzelac**

In its Report on the Progress of Serbia for 2022, the European Commission (EC) assessed that Serbia remained **moderately prepared** in the area of free movement of capital, and further recommendations are:

- liberalization in accordance with the obligations arising from the Stabilization and Association Agreement (SAA), especially related to restrictions regarding the acquisition of agricultural land;
- Improving enforcement, especially efficiency in monitoring, surveillance, financial intelligence, investigations and reporting.

The European Commission's report further assesses that, in the previous year, **limited progress has been achieved** with the adoption of the national risk assessment of: money laundering, terrorist financing, money laundering in the field of virtual assets and weapons of mass destruction (WMD) in the field of proliferation financing. Recommendations from last year are still valid.

### Basic information on Chapter 4 - Free movement of capital

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>13</sup> adopted	The Government of Serbia adopts a negotiating position <sup>14</sup>
4 - Free movement of capital	October 13, 2014/ December 15, 2014	April 13, 2016	N/A	N/A	on September 20, 2018, and on September 26, 2018, it was submitted to the Council of the EU
Chapter opening date	Number of closing benchmarks	IBAR <sup>15</sup> adopted		CBAR <sup>16</sup> adopted	Chapter temporarily closed
December 10, 2019	3				

<sup>13</sup>OBAR - *opening benchmark assessment report*.

<sup>14</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>15</sup>IBAR - *interim benchmark assessment report*.

<sup>16</sup>CBAR - *closing benchmark assessment report*.

The Common Negotiating Position for Chapter 4 sets three benchmarks **for the temporary closure** of this chapter:

1. When it comes to capital movements and payments, Serbia needs to complete legislative alignment with the EU acquis and demonstrate that it will be able to fully implement it by accession, ensuring that all remaining restrictions are removed;
2. When it comes to payment systems, Serbia needs to demonstrate that it will be able to fully implement Directive (EU) 2015/2366 by the time of accession, including the relevant "second level" acts listed in Section 2, and that it will be able to effectively implement Regulation (EC) no. 924/2009 and Regulation (EU) no. 260/2012;
3. In the area of preventing money laundering and combating the financing of terrorism, Serbia should complete the necessary legislative harmonization with the acquis of the EU, international standards (as defined by the Working Group for Financial Measures in the Fight against Money Laundering) and demonstrate with its results that it has improved administrative capacities. for the proper implementation and application of relevant legislation in all areas of money laundering prevention, as well as the recommendation of the Committee of Experts of the Council of Europe for the evaluation of measures to combat money laundering and terrorist financing - MONEYVAL, which leads to an increase in effectiveness in terms of monitoring, supervision, financial intelligence activities , investigation, prosecution and sentencing.

## Recommendations of the NCEU Working Group for Chapter 4

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	It is necessary to consider the liberalization of the Law on foreign exchange operations with regard to the freedom of domestic legal entities to purchase foreign currency or conclude forward contracts on the purchase of foreign currency.	Unfulfilled established: 2020	Closing benchmark no. 1



2.	It is necessary to enable payments in foreign currency in the country in all cases, which is in accordance with the dual currency system and the liberalization of capital movements.	Partially fulfilled established:2020.	Closing benchmark no.2
3.	It is necessary to improve the cooperation between the various bodies dealing with the prevention of money laundering, as well as to strengthen the administrative capacity of the Directorate for the Prevention of Money Laundering, which does not have a satisfactory number of educated engaged personnel.	Unfulfilled established: 2020	Closing benchmark no.3
4.	It is necessary to improve the reporting system on the progress in fulfilling the recommendations of the Group of States for the Fight against Corruption (GRECO) on the topic of preventing money laundering.	Partially fulfilled established: 2020	Closing benchmark no.3
5.	There are limits to billing when selling goods and services over the Internet.	Unfulfilled established: 2020	Closing benchmark no.1
6.	Concerns have been identified due to the special or privileged treatment during the issuance of DINA cards, i.e. the card where, in domestic payment transactions, the processing, netting and settlement of transfer orders, issued on the basis of its use, are carried out in the payment system in the Republic of Serbia.	Unfulfilled established: 2020	Closing benchmark no.2
<b>Recommendations to the European Union</b>			
7.	To ensure more efficient and effective cooperation and support of the competent EC directorates in initiating and continuing negotiations in this chapter.	New recommendation	N/A
<b>Recommendations to civil society organizations</b>			
8.	Strengthen efforts to raise the general level of awareness of the business community, as well as the general public, about the importance and advantages of harmonization with the EU acquis in this area and the full implementation of the transposed legislation. The role of experts and civil society in this process is essential for animating the general public.	New recommendation	N/A

## WORKING GROUP FOR CHAPTER 5

### • PUBLIC PROCUREMENT

**Coordinator: TRANSPARENCY OF SERBIA, Nemanja Nenadić**

In its Report on Serbia's progress for 2022, the European Commission stated that Serbia is **moderately prepared** in the field of public procurement. Also, the European Commission Report assesses that, in the previous year, **limited progress has been achieved** in this area.

### Basic data on Chapter 5 - Public Procurement

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>17</sup> adopted	The Government of Serbia adopts a negotiating position <sup>18</sup>
5 - Public procurement	March 21, 2014/ May 13, 2014	April 2015	/	/	March 2016
Chapter opening date	Number of closing benchmarks	IBAR <sup>19</sup> adopted		CBAR <sup>20</sup> adopted	Chapter temporarily closed
December 13, 2016	3	/		NO	NO 80 months (July 2016- August 2023)

**The closing benchmarks** defined by the European Union are:

1. Serbia should fully harmonize its national legal framework with the EU acquis in all areas of public procurement, including legal regulations on concessions and international agreements on the exemption of certain works from the rules on public procurement.

<sup>17</sup>OBAR - *opening benchmark assessment report*.

<sup>18</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>19</sup>IBAR - *interim benchmark assessment report*.

<sup>20</sup>CBAR - *closing benchmark assessment report*.

2. Serbia should establish adequate administrative and institutional capacities at all levels and take appropriate measures to ensure proper implementation and application of national legislation in this area in time before EU accession. This includes in particular:
  - a) implementation of the Strategy for the Development of Public Procurement for the period 2014-2018, in order for Serbia to improve its administrative capacities, especially by strengthening the capacities of the Administration for Public Procurement and providing appropriate training at all levels for all interested parties;
  - b) preparation of practical tools for implementation and monitoring (including administrative rules, manuals and standard contractual documentation);
  - c) strengthening of control mechanisms, including detailed monitoring and increased transparency in the execution phase of public procurement contracts and systematic risk assessment, with prioritization of controls in sensitive areas and procedures;
  - d) efficient functioning of the system of legal remedies;
  - e) measures related to the prevention and fight against corruption and conflicts of interest in the field of public procurement, both at the central and local level.
3. Serbia needs to show a record of a fair and transparent public procurement system that ensures value for money, competition and strong safeguards to fight corruption.

## Recommendations of the NCEU Working Group for Chapter 5

**Table 2.**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	Publication of all information on procurements related to the COVID-19 pandemic and audit of procurements that were carried out without applying the Law, starting from March 15, 2020, i.e. procurements that were carried out according to special negotiation procedures without publishing a public invitation, starting from July 1, 2020.	Unfulfilled established: 2020	Closing benchmarks no. 2 and 3

<p>2.</p>	<p>Increasing the number and quality of information that will be published on the Public Procurement Portal (including those related to the execution of contracts, as well as to procurements to which the law does not apply), the number of offers according to the procurement procedure, and the connection with databases maintained by other authorities (for example, the Treasury, on budget execution, data on performed audits, performed monitoring and supervision, initiated procedures, etc. ) for a more complete insight into public procurement and their effects.</p>	<p>Unfulfilled established: 2020 in its current form</p>	<p>Closing benchmarks no.1 and 2</p>
<p>2.1.</p>	<p>When searching on the Public Procurement Portal, it is not possible to find procurement items that fall under green public procurement or public procurement with social elements. Bidders and interested persons are forced to search every public procurement procedure and inspect the tender documents to see if the benchmarks for awarding the contract or the conditions of participation are such that they contain green (environmental) or social benchmarks. It is necessary to make it possible for the contracting authority, when preparing the tender documentation, to indicate whether a specific procurement item belongs to green or social public procurement, while in that process there should be a section with information that explains to the contracting authority what green public procurement is, and what public procurement with social elements is. . In this regard, the proposal is to enable the search for green public procurement and social public procurement during the search for procurement items, or to establish a separate field/process within the Public Procurement Portal related to green and social public procurement. In addition, it is necessary to introduce a field in the contract award decision that would indicate whether it is a green public procurement or a public procurement that contains a social element, in order to facilitate the search in that capacity as well.</p>	<p>Partially fulfilled established: 2021</p>	<p>Closing benchmark no.2</p>

<p>2.2.</p>	<p>There is no report on the Portal itself that provides an insight into which specific procurements were carried out in relation to the procurement plan of the client for the current year.</p> <p>Currently, there is a separate section entitled "Annual report on procurement of the contracting authority", although it is actually a Report on procurements that are exempt from the application of the law (obligation prescribed by Article 181 of the Law on Public Procurement). This name causes confusion because it gives the wrong insight. At the same time, in certain reports available on the Portal, there is also a table showing the contracts that were concluded in public procurement procedures (although it is only indicated whether they are goods, services or works and what is the procurement procedure and value (with and without VAT), as well as changes to contracts for certain items of procurement (although there is no information about the specific item of procurement in question, but only whether they are goods, services or works and their value). It should be enabled for the system to record and generate a report by itself on public procurements carried out for a specific client in relation to the last set procurement plan, which contains a clear overview of which specific procurement procedures were carried out in relation to the last set procurement plan. To change the current name of the section "Annual report on client procurements" , so that it reads "Annual report on procurements that are exempted from the application of the Law on Public Procurements" and that the report only contains data on procurements that are exempted from the application of the law, and in accordance with the Instructions for publishing data on public procurements that are exempted from application of the Law</p>	<p>Partially fulfilled established: 2021</p>	<p>Closing benchmarks no. 1 and 2</p>
<p>3.</p>	<p>Improving the implementation of the Law on Public Procurement and improving its provisions on the basis of perceived deficiencies, which in particular implies:</p>	<p>Partially fulfilled established: 2020 in its current form</p>	<p>Closing benchmark no.2 and 3</p>

	<ul style="list-style-type: none"> <li>• amendment of the Law in order to restore the obligation to publish the tender documentation, as well as the opinions of the KPL for negotiation procedures, without publishing a public invitation;</li> <li>• inclusion of information on goods, services and works that registered bidders can deliver (according to the public procurement dictionary), in order to receive automatic invitations to participate in all procurements of that type;</li> <li>• development of a methodology on the basis of which the Ministry of Finance will monitor the execution of contracts on public procurement, so that the scope and quality of that supervision are as high as possible, as well as the publication of the results of the supervision;</li> <li>• improvement of the Rulebook governing the monitoring of the Office for Public Procurement, in order to make the coverage as large as possible, and the obligations of the KPL to be more precisely defined (especially while it is still possible to correct irregularities before the occurrence of harmful consequences) and to ensure the timely publication of information on the conducted monitoring;</li> <li>• creation of a high-quality model of the internal act, in order to give the contracting authorities, the opportunity to include all important aspects of public procurement that the Law has sufficiently regulated, as well as the monitoring of the implementation of the rules on the adoption of the internal act;</li> <li>• remove disagreements regarding the application of Article 115 of the Law on Public Procurement, i.e. the fulfillment of the requirements for performing professional activities for bidders participating in joint bids. The problem lies in the fact that the position of the Republic Commission is inconsistent.</li> </ul>		
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	<p>Within a decision, the Republican Commission is of the opinion that the fulfillment of the conditions for performing professional activities, i.e. the ability to perform professional activities (in procedures where a group of bidders participates) can only be fulfilled by the member of the group of bidders to whom certain activities are performed and related, and that such a bidder is obliged to submit proof of possession of a permit from the competent authority. On the other hand, in the second solution, in which the situation is the same in the sense that a group of bidders also participates, the Republican Commission rejects the request for the protection of rights with the explanation that the condition for performing professional activity must be met by all members of the group, regardless of the nature of the work that each of them performs performs;</p> <ul style="list-style-type: none"> <li>• to solve the problem that arose with the way of opening bids and drawing up minutes on the opening of bids. Namely, although the new Law on Public Procurement (PPL) introduced a lot of novelties that made the entire public procurement process easier, both for clients and bidders, on the other hand, there are certain shortcomings that mainly affect bidders. A specific problem faced by bidders who submit bids electronically, where they deliver samples by mail or at the client's office. The electronic opening of bids and the compilation of minutes on the opening of electronic bids are performed directly by the Portal, which does not have access to evidence that was not submitted electronically, such as, for example, samples. Pursuant to Article 140 of the PPL, bids are opened immediately after the deadline for submitting bids and the opening is public, which is fine, with the fact that nowhere in the Law on Public Procurement is</li> </ul>		
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	<p>prescribed the manner in which the contracting authority conducts the opening of parts of the bid that are delivered physically, and not in the electronic offer, through the portal. The law did not foresee the existence of some kind of report or minutes on the opening of parts of the offer that are not submitted through the portal, so that the customer could upload the samples after the deadline for opening the offers, but the same is the assembled part of the Report on the expert evaluation of the offers, which is illogical, because it should be an integral part of the Opening Minutes. Given that the legislators failed to regulate the way in which the contracting authority conducts the tender opening procedure when the evidence is delivered directly to the contracting authority's office or by mail, which leaves the possibility for abuse in practice, we call for this issue to be clearly regulated by law.</p>		
<p>4.</p>	<p>Amendment of the legal framework for public-private partnerships in order to harmonize with EU rules, but also to solve problems that have been observed in the practice so far, as well as to improve the practice in this area even before the changes to the Law. This includes in particular:</p> <ul style="list-style-type: none"> <li>• enabling greater participation of citizens in making decisions about planning public-private partnerships and in monitoring their implementation;</li> <li>• increasing transparency in public-private partnerships and concessions;</li> <li>• strengthening the effectiveness of supervision over the planning of public-private partnerships and the execution of the contractual obligations of the private partner;</li> <li>• prescribing special monitoring measures in cases where anti-corruption mechanisms from the Law on Public-Private Partnerships are not applied due to the existence of a permitted</li> </ul>	<p>Unfulfilled established: 2016</p>	<p>Closing benchmark no.1, 2, and 3</p>



	<p>exception to the application of that law (for example, interstate agreements) and avoiding such arrangements;</p> <ul style="list-style-type: none"> <li>• prescribing penalties for violations of the rules on public-private partnerships;</li> <li>• improving the legal position of the Commission for Public-Private Partnerships in the direction of strengthening independence;</li> <li>• publication of information on the supervision of the execution of existing PPP contracts, in order for citizens to be convinced of the extent to which the private partner respects the contractual obligations.</li> </ul>		
5.	<p>Strengthening the capacity of authorities that conduct public procurement, as well as authorities that are responsible for monitoring, control, supervision, auditing, review and prosecution of violators, so as to enable the optimal level of supervision and proper differentiation of legitimate requirements of tender documents from discrimination of bidders. Organizing a public hearing by the relevant committee of the National Assembly and the Global Organization of Parliamentarians for <i>the fight against corruption Against Corruption - GOPAC</i>) in order to review the results of the conducted supervision and support the authorities that should carry it out.</p>	Partially fulfilled established: 2017	Closing benchmark no.2
6.	<p>Proactivity in detecting irregularities in public procurements and public-private partnerships and in eliminating the harmful consequences of improperly planned, implemented and executed public procurements.</p>	Unfulfilled established: 2017	Closing benchmark no.3
7.	<p>Discontinuing the practice of contracting public procurement and public-private partnerships without competition and the public, and based on interstate agreements, introducing control mechanisms and providing additional information to citizens regarding the implementation of concluded contracts of that type, as well as the repeal of all provisions of other laws (except for the PPL and ZJPP) that currently regulate the</p>	Unfulfilled established: 2019	Closing benchmarks no.1,2,3

	implementation of certain public procurements and public-private partnerships.		
8.	Use of foreign experiences and good practices in the development of regulations related to certain types of public procurement (social enterprises, social services, green procurement, media services), with adequate changes to the regulations governing those areas.	Partially fulfilled established: 2017	Closing benchmarks no.1 and 2
9.	We propose to amend the provision of Article 228 of the Criminal Code, so that the action of committing a criminal offense is set more clearly and concretely, with a narrowed action of execution, while defining the terms and expressions used when prescribing the nature of the criminal offense, with a realistic determination of the criminal zone that would include the most serious violations specific public procurement regulations, all in order to eliminate existing dilemmas and illogicalities.	Unfulfilled established: 2021	Closing benchmarks no.2 and 3
10.	Continuation of the practice of expediency audits of the State Audit Institution in the field of public procurement and monitoring of actions according to the audits published so far; strengthening the internal audit system and publishing information about their effects in the field of public procurement.	Partially fulfilled established: 2019	Closing benchmarks no. 2 and 3
11.	Correcting existing public policy documents in the field of European integration, public procurement and public-private partnerships, so that they include all important issues for eliminating irregularities and increasing competition in public procurement or solving all those issues through the solutions of the Operational Plan for the fight against corruption in public procurement; involving a wider circle of participants in the development of this Operational Plan (for example, the Council for the fight against corruption).	Unfulfilled established: 2019	Closing benchmarks no. 2 and 3
<b>Recommendations to the European Union</b>			
12.	To support the implementation of the aforementioned recommendations for the Government, the National Assembly and other state bodies of the Republic of Serbia by giving equal attention to the alignment with legal	Unfulfilled established: 2021	Closing benchmarks no. 2 and 3

	acquis of the EU and solving other identified problems, which should be taken into account especially when giving an assessment of the upcoming changes to the Law on Public-Private Partnerships and Concessions.		
13.	<p>To continue pointing out the inadmissibility of the practice of regulating public procurement and public-private partnerships through interstate agreements and "special laws", but also to make his criticisms concrete:</p> <ul style="list-style-type: none"> <li>• tying aid programs for Serbia and other countries of the Western Balkans (which will be implemented through public procurement), applying such rules to infrastructure projects financed from the domestic budget or loans;</li> <li>• by the actions of the member states themselves, which will be aligned with the common EU policy in the field of public procurement, when doing business with the state of Serbia.</li> </ul>	Partially fulfilled established: 2021	Closing benchmarks no.1,2,3
14.	Expand the range of questions on which they will evaluate the progress in the implementation of public procurement and public-private partnerships, so that it includes the analysis of the importance of the collected statistical indicators (for example, for the performance in detecting and punishing detected irregularities, competition, efficiency).	Unfulfilled established: 2019	Closing benchmark no.3
15.	Continue to provide support to state authorities for implementing reforms in this area, and to civil society and the media for monitoring the situation.	Partially fulfilled established: 2017	Closing benchmark no.3
<b>Recommendations to civil society organizations and the economy</b>			
16.	To engage in the monitoring of public procurement and public-private partnerships in Serbia, their planning and implementation of contracts. It is recommended to cooperate with organizations that monitor public procurement and public-private partnerships in general, with associations that seek to satisfy the public interest in special areas, in order to see the effects of public procurement and public-private partnerships, but also with the media and media associations.	Fulfilled established: 2015	Closing benchmarks no. 2 and 3

## WORKING GROUP FOR CHAPTER 8

### • COMPETITION POLICY

**Coordinator: CENTER FOR EUROPEAN POLITICS (CEP), Ranka Miljenović**

In the Report of the European Commission (EC) on the progress of Serbia in 2022, it is assessed that Serbia is **moderately prepared** (grade 3) in the field of competition policy. *In the area of competition protection*, the legislation is largely harmonized with the acquis of the EU. But, of the six opening benchmarks of negotiations in this chapter, only one has been met *in the area of state aid*, and the fulfillment of the benchmarks related to the operational independence of the Commission for the Control of State Aid (KKDP) should be demonstrated through consistent, transparent and adequate application of the law.

In the EC Report on Serbia's progress for 2022, it is stated that **limited progress has been achieved** (grade 2), primarily in the area of state aid control by further harmonizing RS legislation with EU acquis and drafting a list of state aid schemes submitted to the European Commission. The recommendation from the previous Report related to the harmonization of fiscal aid schemes and the harmonization of the Law on Interbank Fees and special business rules for payment transactions based on payment cards with the acquis and *obligations* from the Stabilization and Association Agreement (SAA) is still not fulfilled.

### Basic information on Chapter 8 - Competition Policy

Table 1.

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>21</sup> adopted	The Government of Serbia adopts a negotiating position <sup>22</sup>
8 - Competition policy	March 31 - April 2, 2014/ November 4 - 5, 2014	February 25, 2016 (opening benchmarks)	six benchmarks for opening a chapter in the field of state aid	NO	NO
Chapter opening date	Number of closing benchmarks	IBAR <sup>23</sup> adopted		CBAR <sup>24</sup> adopted	Chapter temporarily closed
-	-	-		-	-

<sup>21</sup>OBAR - opening benchmark assessment report.

<sup>22</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>23</sup>IBAR - interim benchmark assessment report.

<sup>24</sup>CBAR - closing benchmark assessment report.

The Republic of Serbia needs to meet **six opening benchmarks for** negotiations in this chapter:

1. Serbia should supplement and amend its legislation on the granting of state aid in order to fulfill its obligations under the SAA;
2. Serbia should ensure that the authority responsible for the control of state aid is operationally independent and has the necessary powers and resources for the full and correct application of the rules on granting state aid;
3. Serbia should complete the existing list of state aid measures in the sense of Article 73 paragraph 6 of the SAA and establish an action plan that will be accepted by the Commission, with a clear timetable for harmonizing all remaining existing measures of state aid schemes, i.e. equivalent measures that have been determined to be incompatible with the obligations arising from the SAA;
4. Serbia should harmonize the existing schemes of fiscal assistance, i.e. Law on corporate income tax, Law on personal income tax and Law on free zones, with EU acquis in the area of state aid control;
5. Serbia should ensure compliance of the aid granted to Železara Smederevo with all the conditions prescribed in Protocol 5 to the SAA on state aid to the steel industry;
6. Serbia should fulfill its obligation from Article 73 paragraph 5 of the SAA and Protocol 5 to the SAA and provide the Commission with comprehensive information on individual cases of providing state aid so that the Commission can assess and monitor the compliance of those aid measures with Serbia's obligations under the SAA.

## Recommendations of the NCEU Working Group for Chapter 8

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	Strengthening of institutions for the control of state aid - as the operational independence of KKDP has been	Partially fulfilled established: 2019	Opening benchmark no. 2

	established, it is necessary to additionally establish stronger cooperation with regulatory bodies (identifying and defining methods of cooperation) and speed up administrative activities in order to overcome the benchmarks set before the Republic of Serbia.		
2.	Adopt an action plan for harmonizing state aid schemes with a clear time frame for harmonizing and determining competent institutions for its implementation	New recommendation	Opening benchmark no. 3
3.	The government and competent institutions should intensify cooperation on the preparation of the Action Plan for the harmonization of fiscal schemes of state aid, with defined deadlines, solutions to the issue of acquired rights and possible transition periods, based on the preparatory work carried out by the KKDP.	New recommendation	Opening benchmark no. 4
4.	It is necessary to continue the activities of amending the Law on the Protection of Competition in order to harmonize it with the changes in EU legislation that occurred after 2013.	Unfulfilled established: 2018	N/A
5.	Provide conditions for the active participation of representatives of the Commission for the Protection of Competition (CPC) in the work of working groups and bodies for drafting laws and other regulations of importance for the protection of competition, especially when amending those regulations that regulate the work and operations of public companies - the introduction of corporate management. Amend the Rules of Procedure of the Government, in Article 46, in such a way that the proponents of acts affecting the application of the Law on Protection of Competition would be obliged to obtain the opinion of the KPC before sending the material to the Government.	Unfulfilled established: 2018	N/A
6.	Alignment with the legal acquis of the EU and obligations from the SAA, the Law on Interbank Fees and special business rules for payment transactions based on payment cards.	Unfulfilled established: 2019	N/A
7.	Continue the promotion of general topics on the protection of competition according to the target groups:	Partially fulfilled established: 2018	N/A

	business sector (economy and banking sector) and local self-government. It is important to adapt the way of communication to the specific target group: media, round tables, trainings and identifying relevant topics.		
8.	Organize individual trainings for representatives of local commissions, on the topic of competition protection and control of state aid. Bearing in mind that the awarding of state aid, both at the state and local level, takes place mainly through various competitions, the outcomes of which are decided by the competent commissions formed for that purpose, it is extremely important that the members of those commissions know the rules on the awarding of state aid. The education of all participants in this process is extremely important for the application of valid and new/expected procedures and rules.	Partially fulfilled established: 2018	N/A
9.	Amend the existing educational curriculum, especially in the part of master's and postgraduate studies, with the aim of including the topics of competition protection and state aid control in existing educational programs in order to create, for the needs of the economy, educated personnel to fill positions within institutions and private practice.	Partially fulfilled established: 2019	N/A
10.	Up-to-date information on decisions on individual cases, as well as all relevant regulations and reports on the work of the KKDP, should always be publicly available on the KKDP website. Modernize the KKDP website, make it more user-friendly and even more transparent.	New recommendation	N/A
<b>Recommendations to the European Union</b>			
11.	It is necessary to introduce a more balanced approach to the assessment of the fulfillment of the benchmarks, given that it is currently more rigorous than the assessment of the fulfillment of the opening benchmarks for Chapter 8 in (immediately) previous cases in the accession negotiations. This especially refers to the current approach in the context of the evaluation of the fulfillment of operational independence benchmark (conditions from the ECN+ Directive 2019/1/EU) and the <i>track evaluation</i>	New recommendation	Opening benchmark no. 2

	<i>record</i> - in relation to the same benchmark, which in previous cases were not subject to assessment in that way. In addition, more effective cooperation and more effective involvement of the competent general directorates in activities related to the assessment of benchmarks is needed.		
<b>Recommendations to civil society organizations and the economy</b>			
12.	It is necessary to further promote the importance of the free market and competition and improve the broader social dialogue on the topic of harmonizing legislation in these areas, in order to improve the level of knowledge of citizens and the business community about the importance and advantages of a liberalized market and free competition.	New recommendation	N/A



## WORKING GROUP FOR CHAPTER 9

### • FINANCIAL SERVICES

**Coordinator: CENTER FOR EUROPEAN POLICIES (CEP), Vida Uzelac**

In the Report of the European Commission on the progress of Serbia for 2022, it was stated that Serbia is still **moderately ready** (numerical grade 3) in the field of financial services. It is recommended that in the next year the activities be focused on:

- Basel III standards in accordance with their finalization and introduction at the EU level;
- full compliance with the Solvency II Directive in the field of insurance.

The European Commission's report further assesses that, in the previous year, **limited progress has been achieved** (numerical grade 2). Considering the remaining obligations, last year's recommendations are still valid.

### Basic information on Chapter 9 - Financial services

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>25</sup> adopted	The Government of Serbia adopts a negotiating position <sup>26</sup>
9 - Financial services	January 21-22, 2015/ March 17, 2015	June 1, 2016	NO	NO	on October 12, 2017, and on October 16, 2017, it was submitted to the Council of the EU
Chapter opening date	Number of closing benchmarks	IBAR <sup>27</sup> adopted		CBAR <sup>28</sup> adopted	Chapter temporarily closed
June 27, 2019	5				

<sup>25</sup>OBAR - opening benchmark assessment report.

<sup>26</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>27</sup>IBAR - interim benchmark assessment report.

<sup>28</sup>CBAR - closing benchmark assessment report.

In the Joint Negotiating Position for Chapter 9, from 2017, five benchmarks were set that Serbia should fulfill for the temporary closure of this chapter:

4. Serbia shows an advanced level of compliance with the acquis of the EU in the field of banking and financial conglomerates, especially in terms of capital requirements, supervision of financial conglomerates, deposit insurance and reorganization and liquidation of credit institutions and shows that it will be ready to implement the acquis from the day of accession;
5. Serbia shows an advanced level of compliance with the EU acquis in the field of insurance and occupational pensions, especially in terms of life insurance, reinsurance, insurance intermediation, motor vehicle insurance, Solvency II and the Directive on activities and supervision of institutions for occupational pension insurance (IORP) and shows that it will be ready for the implementation of legal acquis from the day of accession;
6. Serbia shows an advanced level of compliance with the EU acquis in the area of financial market infrastructure, especially with regard to settlement finality and financial security arrangements, and shows that it will be ready to implement the acquis from the day of accession;
7. Serbia shows an advanced level of compliance with the EU acquis in the area of securities markets and investment services, especially with regard to the Markets in Financial Instruments Directive (MiFID), prospectuses, transparency and market abuse, and shows that it will be ready to implement the acquis from accession;
8. Serbia demonstrates the stability and independence of regulatory and supervisory institutions with adequate administrative capacities for the implementation and application of EU acquis in the field of financial services.

Serbia is working intensively to fulfill the set of benchmarks.

## Recommendations of the NCEU Working Group for Chapter 9

**Table 2.**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)

<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	It is necessary to consider the current regulatory framework, which has not proven to be sufficiently stimulating for the development of the "non-banking" part of the financial services market.	Completely unfulfilled established: 2020	Closing benchmark no. 2
2.	It is necessary to take measures to improve the work of capital market institutions and infrastructure.	Partially fulfilled established in 2018.	Closing benchmarks no. 3 and 4
3.	It is necessary to take measures that will mitigate the consequences of the weakness of the capital market, especially for micro and small companies that, due to the dysfunctionality of the capital market, have difficult access to financing.	Completely unfulfilled established: 2020	N/A
<b>Recommendations to the European Union</b>			
4.	To ensure more efficient and effective cooperation and support of the competent EC directorates in initiating and continuing negotiations in this chapter.	New recommendation	N/A
<b>Recommendations to civil society organizations</b>			
5.	Strengthen efforts to raise the general level of awareness of the business community, as well as the general public, about the importance and advantages of harmonization with the EU acquis in this area and the full implementation of the transposed legislation. The role of experts and civil society in this process is essential for animating the general public.	New recommendation	N/A

## **WORKING GROUP FOR CHAPTER 10**

### **• INFORMATION SOCIETY AND THE MEDIA**

**Coordinator: INFORMATICS SOCIETY OF SERBIA (DIS), Nikola Marković**

Chapter 10 covers two major areas of contemporary society: the information society and the media. Both of these areas are highly developed in the European Union and represent the basis for the functioning and development of modern society.

In these areas, Serbia has achieved significant results and has great potential, and through the process of preparing for accession to the European Union, it has the ambition to use the potential even more and improve economic development, the functioning of democratic institutions and the quality of life of citizens.

Recommendations from the annual reports of the European Commission are valuable for planning and organizing further work on preparations for accession to the European Union. Also, to improve the situation in the media, the Government adopted the Action Plan for the Implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia, which was partially implemented and expired, and a new one is being prepared for the period until 2025.

The achieved results and the state of development of the information society can be illustrated by the following data:

- The Government of the Republic of Serbia has, since 2020, included the development of the information society in its priorities and this has influenced the improvement of the situation; after several years of requests, the Ministry for Information and Telecommunications was formed, as well as the Office for Information Technologies and Electronic Administration, and they are increasingly successfully carrying out work on the development of the information society and the media;
- in 2022, information services worth 2.7 billion euros were exported, i.e. by 50% more than in 2021;
- eGovernment portal has about 900 services and about two million users;
- an increasing number of companies approach the digital transformation of business;
- 81.5% of households have access to and use the Internet;
- there are about 3,800 IT companies on the ICT market and about 45,000 programmers work in them.

All this is only part of the success in the development of the information society.

## Basic information on Chapter 10 - Information society and media

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>29</sup> adopted	The Government of Serbia adopts a negotiating position <sup>30</sup>
10 - Information society and media	May 22-23, 2014/ July 10-11, 2014		Benchmarks have not yet been established		in 2021
Chapter opening date	Number of closing benchmarks	IBAR <sup>31</sup> adopted		CBAR <sup>32</sup> adopted	Chapter temporarily closed
-	-	-	-	-	-

## Recommendations of the NCEU Working Group for Chapter 10

**Table 2.**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	It is necessary to complete the process of adoption of the Law on Electronic Communications (ZEK).	Completed: 2023. (The National Assembly adopted the ZEK on April 29, 2023) established: 2019	
2.	Ensure functional and financial independence of regulatory bodies (RATEL and REM).	With the adoption of the ZEK in 2023, fulfillment began established: 2019	

<sup>29</sup>OBAR - *opening benchmark assessment report*.

<sup>30</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>31</sup>IBAR - *interim benchmark assessment report*.

<sup>32</sup>CBAR - *closing benchmark assessment report*.

3.	MUP to start introducing "112 emergency service"	Filling started: 2022 and 2023. established: 2019	
4.	Ensure the implementation and monitoring of the effects of the implementation of the Action Plan for the implementation of the Media Strategy for the period 2021-2025.	Fulfillment started: 2021.	
5.	Ensure that the RS Government makes a decision and obliges the competent authorities to respond to the submitted initiatives of the NCEU working groups.	established: 2021	
6.	Propose the Law on Electronic Media harmonized with the EUAVMSD, as well as with the objectives provided for in the Media Strategy.	established: 2023	
<b>Recommendations to the European Union</b>			
7.	It is necessary for the European Commission to assess more fully: the accelerated digitization of business, the application of eGovernment services, the high growth and export of information services and other manifestations of the accelerated development of the information society in Serbia.	established: 2023	
<b>Recommendations to civil society organizations</b>			
8.	Strengthen efforts to raise the general level of awareness, both of citizens and businessmen, about the importance and benefits brought by harmonization with the EU legal acquis in this area. In this regard, the role of civil society in this process is essential in order to animate the general public.	established: 2023	

## WORKING GROUP FOR CHAPTER 11

### • AGRICULTURE AND RURAL DEVELOPMENT

#### Coordinators:

EUROPEAN MOVEMENT IN SERBIA, Dr. Dejan Krnjaić

NETWORK FOR RURAL DEVELOPMENT OF SERBIA, Dragan Roganović

In the Report of the European Commission (EC) on the progress of Serbia for 2022, it is estimated that Serbia has reached **a certain level of readiness for** Chapter 11 (grade 2) in the field of agriculture and rural development. It is also noted that Serbia has made **some progress** (grade 3) in the field of agriculture and rural development (Chapter 11), especially through: adoption of amendments to the Law on Agriculture in November 2021, improvement of the efficiency of processing IPARD applications, as well as timely delivery of the IPARD III program for the period from 2021 to 2027.

#### Basic information on Chapter 11 - Agriculture and rural development

Table 1.

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>33</sup> adopted	The Government of Serbia adopts a negotiating position <sup>34</sup>
11 - Agriculture and rural development	March 18-20, 2014/ May 14-16, 2014	Screening report submitted on February 24, 2015 (opening benchmarks)	Two benchmarks for opening chapters	NO	NO
Chapter opening date	Number of closing benchmarks	IBAR <sup>35</sup> adopted		CBAR <sup>36</sup> adopted	Chapter temporarily closed
-	-	-		-	-

<sup>33</sup>OBAR - opening benchmark assessment report.

<sup>34</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>35</sup>IBAR - interim benchmark assessment report

<sup>36</sup>CBAR - closing benchmark assessment report

Chapter 11 is not yet open for negotiations, and the negotiating position is being prepared. Based on the held explanatory and bilateral screenings, a Screening Report was prepared, which concluded that Serbia is not sufficiently ready for negotiations and that negotiations will be opened upon fulfillment of two benchmarks:

- Serbia should present an action plan to the Commission, which will be the basis for the transfer, implementation and application of the acquis of the EU in the field of agriculture and rural development. The action plan will include the development of administrative capacities, the assessment of required resources, as well as the development of an Integrated Administrative and Control System in order to prepare for the management and control of payments;
- Serbia should submit to the Commission a request for the entrustment of tasks related to the implementation of the budget for IPARD II, in accordance with the provisions of the Commission's Implemented Regulation 447/2014.

The action plan for Chapter 11, as one of the two benchmarks, was adopted on October 18, 2018 by the Government of the Republic of Serbia and was sent to the European Commission for approval on November 1 of the same year. The Action Plan is currently being updated with regard to the deadline and implemented activities. On December 14, 2015, the Republic of Serbia fulfilled the second criterion on entrusting tasks related to the implementation of the budget for IPARD II, and in accordance with the provisions of the Implementation Commission Regulation 447/2014.

In Chapter 11, the Republic of Serbia is waiting for the adoption of the Report on the fulfillment of benchmarks (*Opening Benchmark Assessment Report - OBAR*) by the Council of the EU, after which it will be invited to submit the Negotiating Position for Chapter 11. According to the information of the Mission of the Republic of Serbia to the EU, so far 22 member states have agreed to the Report on the fulfillment of benchmarks.

## Recommendations of the NCEU Working Group for Chapter 11

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - indicate the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			



1.	Serbia should speed up the process related to the presentation to the Commission of the new Action Plan, which is the basis for the transfer, implementation and application of the acquis of the EU in the field of agriculture and rural development.	Unfulfilled established: 2015	Opening benchmark no. 1
2.	We recommend that in the process of planning the IPARD III program and national measures, the proposals of the European Commission related to the Common Agricultural Policy for the period 2021-2027, which aim to encourage a sustainable and competitive agricultural sector, which significantly contributes to the European Green Deal, are taken into account. in terms of the strategy from "field to table" and the strategy of biodiversity, and with the ultimate focus on: ensuring fair conditions and a stable economic future for farmers, as well as on the effective implementation of the ambitious measure 4 of the IPARD III program, which relates to environmental protection and climate.	Partially fulfilled established: 2021	Opening benchmark no. 2
3.	We recommend further strengthening of human and technical capacities in the Administration for Agrarian Payments and the Ministry of Agriculture/Department for Rural Development, so that the implementation process of the IPARD II and IPARD III programs can proceed at an accelerated pace for all accredited measures. Insufficiently developed capacities can lead to unsatisfactory dynamics in the realization of the IPARD II and IPARD III programs, and thus to the loss of part of the funds allocated by the EU.	Partially fulfilled established: 2016	Opening benchmark no. 1
4.	Further administrative and technical strengthening of the Agricultural Policy Sector, as an organizational unit of the Ministry of Agriculture, Forestry and Water Management, is recommended, which is essential for the creation of a national agricultural policy that can meet the needs of Serbia's EU integration.	Partially fulfilled established: 2016	Opening benchmark no. 1
5.	Investing additional efforts in establishing/strengthening administrative support systems for agricultural policy such as IACS, LPIS and FADN <sup>37</sup> . We	Partially fulfilled established: 2018	Opening benchmark no. 1

<sup>37</sup>IACS - Integrated Administrative Payment Control System; LPIS - Land parcel identification system; FADN - System of accounting indicators from farms

	note that the functioning of these systems is necessary for the effective creation and implementation of an adequate agrarian policy, which should respond to the needs of the country, and which is also an integral part of the EU Common Agrarian Policy implementation mechanism.		
6.	Administrative, numerical and professional strengthening of the agricultural expert-advisory service under the authority of the Ministry of Agriculture, Forestry and Water Management (Central Serbia) and the Provincial Secretariat for Agriculture, Forestry and Water Management (Autonomous Province of Vojvodina), with the aim of transforming it into a modern and efficient knowledge transfer system and support to farmers in improving production and efficient use of available funds.	Partially fulfilled established: 2020	Opening benchmark no. 1
7.	It is necessary, in a timely and full scale, to establish a planning framework for measures to encourage rural development at all planning levels and for all sources of funding (IPARD, national, provincial, local, donor funds), as well as for the planning framework to be the basis for planning measures for subsidies based on clear conditions and a time frame, which enables users to plan their jobs and the use of subsidies in the long term.	Partially fulfilled established: 2018	Opening benchmark no. 2
8.	It is necessary to develop mechanisms for evaluating and monitoring the effects of the implementation of incentive measures and the planning framework, in order to assess the effects of the measures and make the necessary corrections to the measures, all in order to respond to the needs of users.	Unfulfilled established: 2020	Opening benchmark no. 1
<b>Recommendations to the European Union</b>			
9.	In the process of preparing the IPARD III program, it is necessary to support the acceleration of this process, as well as the improvement of the capacities of national institutions. One of the possibilities is the use of technical assistance measures, as well as more active use of EU programs (for example TAIEX, bilateral support projects).	Partially fulfilled established: 2020	
10.	Ensure in a transparent manner the process of informing all actors about the EU's Common Agricultural Policy for the period since 2021 to 2027, as a framework for negotiations between the EU and Serbia under Chapter 11.	Partially fulfilled established: 2021	

11.	Support the development of the capacity of the civil sector (including professional associations, farmers' associations) that deals with rural development topics, in order to strengthen this sector, both in the segment of participation in the creation of rural development policies, and in the segment of work with local communities based on the bottom-up principle .	Partially fulfilled established: 2020	
<b>Recommendations to civil society organizations</b>			
12.	It is recommended that civil society organizations be actively involved in the preparation of the planning framework and review (monitoring and evaluation) of the effects of the allocated incentive funds to users, in order to review the effects of the measures and implement possible corrections of the measures. Civil society organizations (CSOs) should ensure consultation between decision makers and end users.	Unfulfilled established: 2020	
13.	More active involvement of civil society organizations in informing farmers about IPARD programs is needed. Insufficient capacities of advisory services, the Ministry and the Administration for Agrarian Payments, despite all efforts, cause info campaigns not to reach all potential users. Civil society organizations, professional associations and existing networks, due to their geographical distribution, have the potential to contribute to information and in coordination with other actors.	Partially fulfilled established: 2020	
14.	It is necessary to actively involve CSOs in the comprehensive process of dialogue with interested parties in order to eventually draft the rules for the IPARD III program for the period since 2021 to 2027. Although part of the CSO is included in the IPARD monitoring committee, it is necessary to ensure the voice of rural communities and the inclusion of all potential actors in a better way.	Partially fulfilled established: 2020	
15.	Civil society organizations should improve their activities on the transfer of knowledge to farmers and other business entities in rural areas, especially when it comes to the diversification of economic activities and the implementation of agro-ecological measures. In this way, observed deficiencies caused by the limited capacities of the public sector (agricultural expert services, the Ministry,	Partially fulfilled established: 2020	

	the Directorate for Agrarian Payments) can be compensated.		
16.	It is necessary to improve the cooperation of civil society with the Permanent Conference of Cities and Municipalities and the Ministry, with the aim of timely preparation of local self-governments and local communities for the implementation of new measures in the IPARD III program (M4 - Agro-ecological-climatic measures and organic production measures; M5 - Implementation of local rural development strategy (LEADER approach) and M6 - Investments in rural public infrastructure).	Partially fulfilled established: 2020	
17.	Improvement of own capacities and capacities of agricultural producers in preparation for the establishment of common market organizations (CMO).	Unfulfilled established: 2020	

## WORKING GROUP FOR CHAPTER 12

### • FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY

#### Coordinators:

EUROPEAN MOVEMENT IN SERBIA, Dr. Dejan Krnjaić

NETWORK FOR RURAL DEVELOPMENT OF SERBIA, Dragan Roganović

In the Report of the European Commission (EC) on Serbia's progress for 2022, it is assessed that Serbia is **moderately ready for** Chapter 12 (grade 3) in the area of food safety, veterinary and phytosanitary policy. It is also noted that Serbia has made **limited progress** (grade 2) in the area of food safety, veterinary and phytosanitary policy (Chapter 12), through the adoption of legal regulations and the beginning of the implementation of the Law on Plant Protection Products, provisions related to the training of professional users and periodic control of devices for the application of pesticides.

#### Basic information on Chapter 12 - Food safety, veterinary and phytosanitary policy

Table 1.

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>38</sup> adopted	The Government of Serbia adopts a negotiating position <sup>39</sup>
12 - Food safety, veterinary and phytosanitary policy	February 3-7, 2014/ October 20-24, 2014	The Chapter 12 Negotiating Screening Report and Screening Results were published in February 2017	Serbia is not sufficiently prepared for the negotiations that will be opened after the fulfillment of the three benchmarks	NO	NO
Chapter opening date	Number of closing benchmarks	IBAR <sup>40</sup> adopted		CBAR <sup>41</sup> adopted	Chapter temporarily closed
-	-	-		-	-

<sup>38</sup>OBAR - opening benchmark assessment report.

<sup>39</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>40</sup>IBAR - interim benchmark assessment report

<sup>41</sup>CBAR - closing benchmark assessment report

The Chapter 12 Negotiating Screening Report and screening results were published in February 2017. In the Report, it was stated that Serbia is not sufficiently ready for negotiations and that negotiations will be opened after the fulfillment of three benchmarks:

- Serbia should adopt a legislative framework that is harmonized with the acquis of the EU, to ensure the full transfer of the acquis within this chapter and to ensure a clear allocation of competences, especially with regard to control bodies;
- Serbia should present to the Commission a comprehensive national strategy, including an action plan with specific deadlines, which will serve as a basis for the transfer, implementation and application of EU acquis in the field of food safety, veterinary and phytosanitary policy, including plans for the development of appropriate administrative capacities and assessment of necessary financial resources. Particular attention should be paid to a detailed action plan for the control and eradication of classical swine fever in domestic pigs and wild pigs after the cessation of vaccination;
- Serbia should present to the Commission a classification of all food facilities and all facilities for the treatment of by-products of animal origin, which will form the basis for the future National Program for the improvement of food facilities and facilities for the treatment of by-products of animal origin.

## Recommendations of the NCEU Working Group for Chapter 12

**Table 2.**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	The Government of the Republic of Serbia should, as a special priority, adopt a national strategy, including an action plan with specific deadlines that will serve as a basis for the transfer, implementation and application of the EU acquis within Chapter 12.	Unfulfilled established: 2018	Opening benchmark no. 2

2.	It is necessary to speed up the harmonization of national regulations with the acquis of the EU and ensure their full implementation. In order to prevent the occurrence and spread of infectious animal diseases, primarily African swine fever, it is necessary to harmonize the regulations of the Republic of Serbia with Regulation (EU) 2016/429 ( <i>Animal Health Law</i> ) and prescribes to animal owners the responsibility for animal health and the application of biosecurity measures on farms. It is necessary to harmonize the regulations of the Republic of Serbia with Regulation (EU) 2017/625 on official controls and other official activities that ensure the implementation of regulations on food and animal feed, animal health and welfare, plant health and plant protection products.	Unfulfilled established: 2018	Opening benchmark no. 1
3.	The Government of the Republic of Serbia should ensure the administrative (numerical and professional) strengthening of the Veterinary Administration and the Plant Protection Administration of the Ministry of Agriculture, Forestry and Water Management, both the organizational units responsible for creating veterinary and phytosanitary policies, as well as the competent inspection services, because their current capacity can only guarantee a minimum of work processes.	Unfulfilled established: 2018	Opening benchmark no. 2
4.	We reiterate that it is necessary to initiate a comprehensive national dialogue and inform the public about GMOs, based on scientifically and professionally substantiated facts, with the aim of drafting and later adopting amendments to the Law on GMOs, which has been preventing Serbia's entry into the World Trade Organization for many years (since 2009). organization, which is also not compatible with EU legislation in this area.	Unfulfilled established: 2014	Opening benchmark no. 1
5.	It is necessary to establish, improve and exchange data from registers and databases of relevant competent state bodies, authorities and institutions in order to improve risk analysis and ensure food safety, as well as animal and plant health.	Unfulfilled Continuous process established: 2022	Opening benchmark no. 2

6.	It is necessary to complete the classification process of all food facilities and all facilities for the treatment of by-products of animal origin, which will form the basis for the National Program for the improvement of food facilities and facilities for the treatment of by-products of animal origin.	Partially fulfilled: 2022 established: 2018	Opening benchmark no. 3
7.	It is necessary to improve the dialogue and cooperation of the Ministry and other state bodies and institutions with civil society organizations with the aim of ensuring public work, consultation, participation of CSOs in the process of passing regulations, quality and timely information to the public and establishing partnerships on projects of general interest. In this sense, MAFSV tenders for project financing should also include projects of civil society organizations that are not associations of agricultural producers.	Not fulfilled An ongoing process established: 2018	
<b>Recommendations to the European Union</b>			
8.	Ensure a transparent negotiation process between the EU and Serbia and respect the opinions of civil society.	Partially fulfilled An ongoing process established: 2018	
9.	Support for the development of professional capacities in Serbia in the areas of food safety, veterinary and phytosanitary work, through programs and projects financed from EU funds.	Partially fulfilled An ongoing process established: 2018	
10.	Support for the development of the capacity of civil society organizations for the purpose of their active engagement within Chapter 12.	established: 2023	
<b>Recommendations to civil society organizations</b>			
11.	More active participation of civil society organizations in harmonizing domestic legislation (related to Chapter 12) with EU legislation is needed.	Not fulfilled established: 2018	
12.	It is necessary to ensure greater involvement and better information of the public in monitoring the implementation of regulations in the field of food safety, as well as continuous information to consumers.	Not fulfilled established: 2018	
13.	Greater engagement of existing consumer organizations is needed in monitoring the adoption and implementation of laws in the field of food safety and consumer protection.	Not fulfilled established: 2020	
14.	More active involvement of civil society organizations in awareness raising campaigns is necessary, as well as in the	Partially fulfilled An ongoing process established: 2018	



	transparent publication of relevant data in the field of food safety, at the national and local level.		
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## WORKING GROUP FOR CHAPTER 13

- FISHERIES**

### Coordinators:

**EUROPEAN MOVEMENT IN SERBIA, Dr. Dejan Krnjaić**

**NETWORK FOR RURAL DEVELOPMENT OF SERBIA, Dragan Roganović**

In the Report of the European Commission (EC) on Serbia's progress for 2022, it is estimated that Serbia is **moderately ready for** Chapter 13 (grade 3) in the field of fisheries. It is also noted that Serbia has made **limited progress** (grade 2) in the field of fisheries (Chapter 13) with the completion of the report on the assessment of the state of institutional capacities. An advanced draft of the Action Plan for alignment with the EU acquis was presented, which should be adopted.

### Basic information on Chapter 13 - Fishing

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>42</sup> adopted	The Government of Serbia adopts a negotiating position <sup>43</sup>
13 - Fishing	September 30, 2014/ November 14, 2014	The screening report was prepared in 2015.	The Screening Report did not specify initial benchmarks, but recommended the opening of negotiations in this chapter	-	The government prepared and submitted the position to the European Commission in November 2017
Chapter opening date	Number of closing benchmarks	IBAR <sup>44</sup> adopted		CBAR <sup>45</sup> adopted	Chapter temporarily closed
Chapter 13 negotiations officially began in June 2018	1	-		-	-

<sup>42</sup>OBAR - opening benchmark assessment report.

<sup>43</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>44</sup>IBAR - interim benchmark assessment report

<sup>45</sup>CBAR - closing benchmark assessment report

For Chapter 13, the Screening Report was prepared during 2015 and it did not specify initial benchmarks, but recommended the opening of negotiations in this chapter. Serbia received an invitation to submit the Negotiating Position for Chapter 13, which the Government did and submitted the position to the European Commission in November 2017. Negotiations with Serbia on Chapter 13 officially began in June 2018. As a benchmark for the closure of Chapter 13, the Republic of Serbia should present to the European Commission an Action Plan that will enable full compliance with the acquis of the European Union by the date of accession, especially in terms of market organization, aquaculture, data collection and control measures against illegal, unreported and unregulated fishing. .

### Recommendations of the NCEU Working Group for Chapter 13

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - indicate the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of Serbia</b>			
1.	Adoption of an Action Plan that will ensure full compliance with the requirements of the EU acquis by the date of accession, especially in terms of market organization, aquaculture, data collection and control against illegal, unreported and unregulated fishing.	established: 2023	Closing benchmark no. 1
2.	Ensure the administrative strengthening of the Agricultural Policy Sector and the Veterinary Administration of the Ministry of Agriculture, Forestry and Water Management, as well as the Ministry of Environmental Protection, in order to respond to the needs of an adequate systematic arrangement of the fisheries sector.	Unfulfilled established: 2018	
3.	Provide public consultations with interested parties in the fisheries and environmental protection sector in order to adopt an adequate strategic and legal framework in the fisheries sector.	Partially fulfilled established: 2018	
4.	Ensure, by competent authorities, the systematic collection of data necessary	Fulfilled in 2021 established: 2018	

	for the creation of policy measures intended to support the development of the fisheries sector.		
5.	Improve the work of inspection services as a prerequisite for the development of fisheries on the one hand, and on the other hand create a mechanism for efficient and effective control and prevention of illegal, unreported and unregulated fishing.	Unfulfilled established: 2018	
6.	Provide the necessary support to the fishing sector in order to improve this sector and sustainable use and management of natural resources to which fishing is related, as well as preparing the sector for market competition with companies from the EU.	Unfulfilled established: 2018	
<b>Recommendations to the European Union</b>			
7.	Supporting the strengthening of professional associations in the fisheries sector through support programs.	Partially fulfilled established: 2018	
8.	Support for the ecological protection of river watercourses and water resources, as a basis for the sustainable development of the fishing sector.	Partially fulfilled Continuous process established: 2019	
9.	Support for the processes of systematic data collection by competent authorities, necessary for the creation of policy measures aimed at supporting the development of the sector, as well as participatory dialogue between decision-makers and producers/processors.	Partially fulfilled established: 2018	
10.	Support for the development of the capacity of civil society organizations in order to actively engage in the protection of natural resources and the environment.	Partially fulfilled Continuous process established: 2020	
<b>Recommendations to civil society organizations</b>			
11.	Active involvement of CSOs and professional associations of fish producers and processors, as well as ecological associations (when it comes to river fishing), in the process of adapting domestic legislation to EU legislation.	Partially fulfilled Continuous process established: 2018	
12.	Support for the improvement of the fishing sector in order to improve the performance of this sector, and above all, competitiveness and adaptation to the requirements of the open market.	Not fulfilled established: 2018	
13.	Support the development of projects aimed at the sustainable development of the sector and the preservation of natural resources.	Not fulfilled established: 2020	

## WORKING GROUP FOR CHAPTER 14

### • TRANSPORT POLICY

**Coordinator: CENTER FOR ECOLOGY AND SUSTAINABLE DEVELOPMENT (CEKOR), Zvezdan Kalmar**

#### Basic information on Chapter 14 - Transport policy

**Table 1.**

<b>Chapter</b>	<b>The date of the explanatory/ bilateral screening</b>	<b>When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks</b>	<b>State how many benchmarks Serbia has received</b>	<b>OBAR<sup>46</sup> adopted</b>	<b>The Government of Serbia adopts a negotiating position<sup>47</sup></b>
14 - Transport policy	December 16-19, 2014/ February 24-26, 2015	March 2016		-	-
<b>Chapter opening date</b>	<b>Number of closing benchmarks</b>	<b>IBAR<sup>48</sup> adopted</b>		<b>CBAR<sup>49</sup> adopted</b>	<b>Chapter temporarily closed</b>
December 14, 2021	3	-	-	-	-

#### **Closing benchmarks** for this chapter:

1. Serbia needs to harmonize legal regulations with the legal acquis of the EU on charging for the use of roads, social legal acquis in road transport, vehicle weights and dimensions, as well as access to the activity of a road carrier, the market of international road transport of goods and the international market of services in bus transport;
2. Serbia should implement Regulation (EC) No. 1008/2008 on common rules for the provision of air transport services in the Community, which is incorporated in the ECAA;

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<sup>46</sup>OBAR - *opening benchmark assessment report*.

<sup>47</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>48</sup>IBAR - *interim benchmark assessment report*.

<sup>49</sup>CBAR - *closing benchmark assessment report*.

3. Serbia should harmonize the regulations with the acquis of the EU on the rights of passengers in transport.

## Recommendations of the NCEU Working Group for Chapter 14

**Table 2.**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - indicate the number of the EU benchmark and the type of benchmark in question (the transitional standard corresponds to the number of the measure from the Action Plan for Chapter 14)
<b>Recommendations to the Government of the Republic of Serbia, the National Assembly and competent institutions of the RS</b>			
1.	Create and adopt traffic development strategies that are aligned with strategic documents in the field of nature protection, in order to avoid the destruction and fragmentation of protected and future protected areas.	since 2021	
2.	To connect comprehensive traffic development strategies and traffic safety strategies on the roads of the Republic of Serbia.	since 2021	
3.	Define indicators of the impact of pollution and <i>greenhouse gas emissions (GHG)</i> for evaluating the profitability of all projects in the field of transportation.	since 2021	
4.	Establish national targets for the reduction of GHG emissions from transport, while monitoring the reduction of the use of fossil fuels in transport.	since 2021	
5.	Redefine the air quality monitoring system, including measuring the levels of PM10 and PM2.5 particles, as well as traffic-attributable noise levels, in order to determine measures such as fuel switching and the collection of pollution costs in cities and on highways.	since 2021	

6.	Define, within the road reconstruction plans, the obligation to build bypasses for all settlements with more than 1,000 inhabitants on all main and regional roads (first- and second-class roads) in order to reduce pollution and improve traffic safety.	since 2021	
7.	Adopt plans to improve air quality, including the impact of traffic at the level of all local government units in relation to climate change mitigation.	since 2021	
8.	Launch a national plan to build wildlife bridges over road and rail infrastructure.	since 2021	
9.	Introduce integrated state border crossing management at all border crossings to simplify and shorten the crossing time, with the goal of up to 30 minutes for trucks or freight trains.	since 2021	
10.	Establish a system that would ensure that vehicles carrying out international transport receive the necessary documentation and permits at border crossings, with a stay of up to 30 minutes.	since 2021	
11.	Harmonize infrastructure usage charges with the "user pays and polluter pays" principles and with Directive 2011/76/EU (according to pollution, severity, impact on climate change and congestion).	since 2021	
12.	Introduce support for public transport in accordance with European practice and, in particular, the requirements of energy security and reduction of the use of fossil fuels in urban and intercity public transport.	since 2021	
13.	To encourage the introduction and application of new technologies and IT innovations in the sector of public transport of passengers in road traffic.	since 2021	
14.	Consider the need to establish a separate ministry for transport.	since 2021	
15.	Increase the capacity in the field of traffic in various positions within a larger number of institutions, that is, in the ministry itself.	since 2021	

16.	Strengthen the capacity for horizontal topics of improving the energy efficiency of traffic, reducing pollution and reducing GHG emissions from traffic, especially in strategic assessment and environmental impact assessment procedures.	since 2021	
17.	Strengthen the specific capacities of monitoring the state of the environment in order to define measures for the introduction of alternative fuels and restructuring through the planning of urban and intercity traffic.	since 2021	



## WORKING GROUP FOR CHAPTER 15

- ENERGY

**Coordinator: BELGRADE FUND FOR POLITICAL EXCEPTION (BFPE), Lidija Radulović**

According to the European Commission Report on Serbia's progress since 2022, the Republic of Serbia is **moderately prepared** (grade 3) for membership in the field of Chapter 15 - Energy. Serbia's progress in reforms in this area, compared to last year's recommendations, was assessed as **limited progress** (grade 2).

### Basic information on Chapter 15 - Energy

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>50</sup> adopted	The Government of Serbia adopts a negotiating position <sup>51</sup>
15 – Energy	April 29-30, 2014 / June 11-12, 2014	September 21, 2015	2		June 2021
Chapter opening date	Number of closing benchmarks	IBAR <sup>52</sup> adopted		CBAR <sup>53</sup> adopted	Chapter temporarily closed
December 14, 2021	3			NO	NO (20 months have passed since the opening of the chapter)

The biggest developments in this chapter took place during 2021, when the opening benchmarks for the chapter were met with the adoption of the Action Plan for the establishment and maintenance of mandatory reserves of oil and petroleum derivatives, as well as the adoption of the Action Plan for the separation of gas distribution and trade activities from transportation and storage .

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<sup>50</sup>OBAR - *opening benchmark assessment report*.

<sup>51</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>52</sup>IBAR - *interim benchmark assessment report*.

<sup>53</sup>CBAR - *closing benchmark assessment report*.

Negotiation chapter 15 is, according to the new enlargement methodology, part of Cluster 4 - Green Agenda and Sustainable Connectivity. The chapter was opened on December 14, 2021.

According to the EU common position, this chapter can be closed if the following **closing benchmarks** are met:

1. Serbia should complete alignment with the EU acquis regarding mandatory oil stocks, establish an administrative structure for managing oil stocks, and continue to expand its actual stocks, in accordance with its action plan;
2. Serbia needs to comply with the acquis of the EU on the internal energy market, including the separation of all energy companies in accordance with one of the models from the acquis, as well as with regard to the gas sector in accordance with its action plan; regarding Gastrans, Serbia should take care that its regulatory regime is fully in line with EU legislation;
3. Serbia should comply with the legal acquis on energy efficiency and renewable energy sources, as well as adopt a national plan on energy and climate as provided by Regulation (EU) 2018/1999 on the management of the Energy Union and climate action and providing evidence of its implementation.

## Recommendations of the NCEU Working Group for Chapter 15

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	The Government of the Republic of Serbia should ensure the full implementation of the unbundling plan in the gas sector.	Unfulfilled established: 2020	Closing benchmark no.3
2.	It is necessary to continue the process started within the National Coalition for the Reduction of Energy Poverty and the development of a national program for the reduction of energy poverty in cooperation with the civil sector and professional organizations.	Unfulfilled established: 2021	
3.	Necessary measures are directly aimed at the process of supporting	Unfulfilled established: 2021	

	energy poverty within the Energy Efficiency Administration.		
4.	It is necessary to increase the transparency and participation of the public in the early stages of the process of drafting and adopting strategic documents in the field of energy - it is necessary to involve the general public in the preparation of the National Integrated Plan for Energy and Climate, as well as to adopt it by the end of 2022.	Partially fulfilled Continuous process established: 2018	Closing benchmark no.3
5.	It is necessary to adopt the Low Carbon Development Strategy with the Action Plan.	Completed: 2023. established: 2020	
6.	Strategically predictable programs of energy policy are needed, as well as new investment cycles in energy, which would be in accordance with the new requirements and challenges in this area.	Unfulfilled established: 2019	
7.	It is necessary to pay attention to the democratization of the energy sector and to open an incentive space for energy cooperatives.	Unfulfilled established: 2021	
8.	It is necessary to harmonize the Law on Expropriation, as well as the laws on planning and construction, energy and energy efficiency, with the Treaty on the Establishment of the Energy Community and international legal acts on the rule of law and the protection of human rights.	Partially fulfilled established: 2020	
9.	The National Emissions Reduction Plan (NERP) is not being implemented - it is necessary to urgently approach its implementation according to the established deadlines.	Unfulfilled established: 2020	
<b>Recommendations to the European Union</b>			
10.	It is necessary to state the problems from Chapter 15, within the consideration of the rule of law and the fulfillment of the economic benchmarks for EU membership, in the next Progress Report of Serbia.	established: 2021	
<b>Recommendations to civil society organizations</b>			
11.	It is necessary to engage and include the capacities of a wide range of professional associations, academic communities and civil society organizations, together with the business community, in order to approach the fulfillment of the obligations of the Republic of Serbia	Partially fulfilled established: 2019	

	in the field of energy policy in an innovative and ambitious way.		
12.	It is necessary to use joint capacities to focus joint action on the development of assistance measures for energy-poor households.	Unfulfilled established: 2019	

## WORKING GROUP FOR CHAPTER 16

- TAXATION

**Coordinator: NATIONAL ALLIANCE FOR LOCAL ECONOMIC DEVELOPMENT (NALED), Jelena Rančić**

As in previous years, in the annual report of the European Commission on Serbia's progress for 2022, <sup>54</sup>it is stated that Serbia is **moderately prepared** (grade 3) in the area of taxation, and that **limited progress** (grade 2) has been achieved by implementing the activities foreseen [The transformation program of the Tax Administration](#) . One benchmark was set for the opening of this chapter - to amend the Excise Law with the aim of equating the amount of excise duty for all strong alcoholic beverages, in order to avoid discrimination between domestic producers of this type of product and importers. At the end of May 2021, the [Excise Law was amended](#) , which fulfilled the condition for opening Chapter 16 for negotiations.

Serbia is **moderately prepared** in the area of taxation. **Limited progress** has been achieved through further implementation activities of the Tax Administration's transformation program. Last year's recommendations are still valid.

In the coming year, Serbia should:

- continue the implementation of the Tax Administration reform program in order to simplify procedures, whereby it should provide sufficient human and technological resources for this purpose, improve tax collection and continue activities to suppress the gray economy;
- achieve progress towards harmonization of legislation in the field of VAT, excise and direct taxation.

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<sup>54</sup>The report covers the period from June 2021 to June 2022.

## Basic information on Chapter 16 - Taxation

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>55</sup> adopted	The Government of Serbia adopts a negotiating position <sup>56</sup>
16 - Taxation	October 14-15, 2014/ March 5-6, 2015	-	1	N/A	May 27, 2021
Chapter opening date	Number of closing benchmarks	IBAR <sup>57</sup> adopted		CBAR <sup>58</sup> adopted	Chapter temporarily closed
/	/	/		/	/

## Recommendations of the NCEU Working Group for Chapter 16

**Table 2.**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - indicate the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Ministry of Finance and other line ministries of the Government of the RS that are related to the tax and non-tax system</b>			
1.	Amend the Excise Law in the part of equalizing the amount of excise duty on strong alcoholic beverages.  At the end of May 2021, the Excise Law was amended, in the part relating to the amount of excise duty on strong alcoholic beverages, which formally fulfilled the basic opening benchmarks for Chapter 16. However, although the EC	Fulfilled established: 2019	Opening benchmark no. 1

<sup>55</sup>OBAR - *opening benchmark assessment report*.

<sup>56</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>57</sup>IBAR - *interim benchmark assessment report*.

<sup>58</sup>CBAR - *closing benchmark assessment report*.

	recognized progress in its reports, this chapter was not opened for negotiations.		
2.	Reduction of the tax burden on the lowest wages, establishment of greater progressivity of labor taxation and reform of the existing system of contributions for mandatory social insurance.	Partially realized established: 2022	
3.	Abolish the obligation to complete the POPDV form and submit it together with with a VAT tax return (PPPDV).	Unfulfilled established: 2022	
4.	Prescribe a shorter deadline for the refund of overpaid VAT.	Unfulfilled established: 2022	
5.	Establish reciprocity of VAT refunds between Serbia and other countries.	Unfulfilled established: 2022	
6.	Abolish the mandatory VAT registration of foreign companies that do not market their products in Serbia.	Fulfilled established: 2022	
7.	Eliminate the certificate of exemption from paying excise duty based on an international agreement.	Unfulfilled established: 2022	
8.	Establish a public electronic register of non-tax duties.	Unfulfilled established: 2022	
9.	Reduce the tax rate on income from the rental of real estate.	Unfulfilled established: 2022	
10.	Abolish VAT on food donations and used equipment.	Unfulfilled established: 2022	
11.	Simplification of VAT calculation rules and procedures in the field of construction.	Unfulfilled established: 2022	
12.	Initiate the procedure for concluding the Double Taxation Avoidance Agreement with the USA.	Unfulfilled established: 2022	
<b>Recommendations to the European Union</b>			
13.	Excise Law was amended, in the part of prescribing the method of calculating the amount of excise duty on strong alcoholic beverages.  We also note that since the adoption of the first Excise Law in 2001, each amendment to this law was adopted during the fourth quarter of the current year for the following year. In 2021, the amendment was prepared during April in order to meet the opening benchmarks.	established: 2019	Opening benchmark no.1

## WORKING GROUP FOR CHAPTER 17

### • ECONOMIC AND MONETARY POLICY

**Coordinator: CENTER FOR ADVANCED ECONOMIC STUDIES (CEVES), Lana Hadži-Niković**

In the Report on the Progress of Serbia for 2022, the European Commission rated Serbia's readiness for membership in Chapter 17 as 3, which means that Serbia is **moderately prepared** for membership in the economic and monetary policy chapter.

When it comes to progress, it is stated that, in general, **limited progress has been achieved** (grade 2), since the budget procedure has been somewhat improved, while no progress has been achieved in relation to last year's recommendations.

#### Basic information on Chapter 17 - Economic and monetary policy

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>59</sup> adopted	The Government of Serbia adopts a negotiating position <sup>60</sup>
17 - Economic and monetary policy	December 2-3, 2014/ May 12, 2015	May 4, 2016	No opening benchmarks are given for the chapters	/	May 14, 2018
Chapter opening date	Number of closing benchmarks	IBAR <sup>61</sup> adopted		CBAR <sup>62</sup> adopted	Chapter temporarily closed
December 10, 2018	3			/	NOT (57 months have passed since the opening of the chapter)

<sup>59</sup>OBAR - *opening benchmark assessment report*.

<sup>60</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>61</sup>IBAR - *interim benchmark assessment report*.

<sup>62</sup>CBAR - *closing benchmark assessment report*.



**The closing benchmarks** set by the EU are:

1. independence of the central bank;
2. fulfillment of national budget frameworks established by Council Directive 2011/85/EU, which in turn covers fiscal planning based on realistic macroeconomic and budget forecasts, including off-balance sheet obligations that may burden the budget in the future, monitoring of the Economic Reform Program from a "macro" angle, detailed rules budgeting (for example, questions *ex ante* and *ex post* evaluation of spending, but also the expediency of spending), transparency of state finances, introduction of numerical fiscal rules, control of the work of public companies and other public bodies and funds - as economic entities, i.e. from the point of view of medium-term sustainability of public finances;
3. qualifications for establishing a fully functional market economy.

## Recommendations of the NCEU Working Group for Chapter 17

**Table 2.**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - indicate the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	We need an umbrella strategy for growth and development (Development Plan, provided by the Law on the Planning System), which will include current and future ERP documents and other action plans, hierarchically and logically of a lower order.	Not fulfilled established: 2018	Closing benchmark no.3
2.	It is necessary to build capacity in terms of formulating, coordinating, executing and determining the costs of structural reforms in line ministries (more transparent quantitative indicators of the superiority of structural reforms during prioritization , and then improvement of quantitative indicators of the execution of the adopted structural reform in terms of the planned and final outcomes of the reforms).	Not fulfilled established: 2019	Closing benchmark no.3

3.	Significantly strengthen support programs for the development of small and medium-sized enterprises (SMEs), including, through an increased volume of funds, strengthening the competences and personnel capacities of the institutions that provide them with support, simplification of procedures for access to support programs and significantly increased transparency of the funding allocation procedure.	Partially <sup>63</sup> fulfilled established: 2021	Closing benchmark no.3
4.	Adopt an Action Plan for the implementation of the Public Property Management Strategy through a process that will raise its political credibility and ensure that the reform of public enterprises significantly increases the competitiveness of the Serbian economy and contributes to the general well-being of citizens, while reducing fiscal risk and susceptibility to corruption and abuses.	Partially <sup>64</sup> fulfilled established: 2021	Closing benchmark no.3
5.	Significantly increase investments in energy efficiency and modernization of energy infrastructure, as well as in communal infrastructure, appropriately supported by a tariff to cover costs; complete the separation of Srbijagas and provide a third party with access to the gas infrastructure.	Partially <sup>65</sup> fulfilled established: 2021	Closing benchmark no.3
6.	Increase the efficiency of the use of public funds through an explicitly adopted medium-term budget sustainability policy, i.e. public debt, which will:	Partially <sup>66</sup> fulfilled established: 2021	Closing benchmark no.3

<sup>63</sup>The allocation of funds to support the development of SMEs has been increased, primarily through the program of the Development Agency of Serbia aimed at developing suppliers for multinational companies operating in Serbia. We believe that this is a good start, but that it is necessary to adopt a new SME Development Strategy that will foresee not only the gradual multiple increase of such investments, but also the strengthening of the capacities of the institutions that should implement them. The strategy must also clearly determine the directions in which the support programs can be deepened and expanded, and their effectiveness must be regularly evaluated.

<sup>64</sup>The Action Plan for the implementation of the Strategy of State Ownership and Management of Business Entities owned by the Republic of Serbia for the period from 2021 to 2027 and from 2021 to 2023 was adopted.

<sup>65</sup>The package of energy laws, adopted in the spring of 2021, significantly improved the economic environment for private sector investment in energy efficiency, as well as in renewable energy sources, and the effects are already visible. These measures, on the other hand, are defined in such a way that they have a weak effect on the behavior of the EPS.

<sup>66</sup>Productive public expenditures increased in the segment of public investments (about 7% of GDP), but not in other segments, such as, say, the necessary investment in the development and retention of personnel in the health sector. As mentioned above, the issue of efficiency and relevance of those public investments is becoming more and more emphasized.

	<ul style="list-style-type: none"> <li>increase the share of productive public expenditures in total public spending;</li> <li>develop procedures for dealing with the realization of unforeseen negative shocks in the economy.</li> </ul>		
7.	Significantly strengthen the timely involvement of interested parties and the public's familiarization with the preparation of the budget and its execution, and especially the transparency of decision-making on public investments.	Not fulfilled established: 2021	Closing benchmark no.3
8.	Take steps to improve the reform of public administration, especially strengthening the responsibility of decentralized bodies and organizations, advancement according to merit and improving the reform of the salary system in the public sector.	Not fulfilled established: 2021	Closing benchmark no.3
9.	Make the work of the Council for Economic Development (Council) transparent and accessible to the public (with the publication of the minutes of the meetings). <sup>67</sup> In accordance with Article 26 of the Law on Investments, publish annual work plans and reports on the work of the Council on the website of the Government of the RS. Harmonize the work and benchmarks on which the Council's decisions are based with economic and development policy documents.	Not fulfilled established: 2021	Closing benchmark no.3
10.	Use a single mechanism for prioritization and monitoring of all public investments regardless of funding source and apply EU standards to all projects, including those based on intergovernmental agreements.	Not fulfilled established: 2021	Closing benchmark no.3
11.	Ensure the monitoring of the effects of the inclusion of corporate securities in the monetary operations of the NBS, as well as their purchase on the secondary market, on the development of the domestic financial market. Continue with the practice only in the case of an explicit need to achieve the	Not fulfilled established: 2021	Closing benchmark no. 1

<sup>67</sup>The Council monitors the situation in the area of investment and economic development, publicly promotes the objectives of the economic development of the RS, encourages their implementation and makes a decision on the allocation of investment incentives. Making the minutes available to the public encouraged would be the inclusion of interested parties in the dialogue about the country's development priorities and needs, as well as the development of clear criteria and procedures for their award.

	objectives of the monetary policy or extremely positive results for the development of the financial market.		
12.	Gradually increase the flexibility of the exchange rate on occasions when appropriate market conditions are obtained for this and switch to a <i>de facto</i> regime of targeted inflation, with interventions on the foreign exchange market aimed at "leveling" its short-term fluctuations.	Not fulfilled established: 2022	Closing benchmark no.3
13.	Develop a policy of gradually reducing the gap between energy prices on the regional market and those prescribed for households and industry, while simultaneously reducing their tax burden to average European levels, as well as explicitly covering the rest of the gap with budget funds. In parallel, implement social protection measures for the most vulnerable consumer citizens.	Partially fulfilled established: 2022	Closing benchmark no.3
14.	Create a study of the efficiency of public investments in Serbia in the last 10 years in order to enable further investment planning.	Not fulfilled established: 2022	Closing benchmark no.3
15.	Take the path of gradually increasing progressivity in tax policy. Introduce progressivity in income taxation, with a simultaneous comprehensive reform of the taxation system of labor income (for example, increasing the non-taxable part, followed by progressive rates) and capital (for example, tax credits for investors), increasing tax discipline, especially as part of the system review of flat taxation in order to increase the effective tax burden of professional activities (for example, lawyers, doctors...). <sup>68</sup>	Not fulfilled established: 2022	Closing benchmark no.3
16.	In light of the increased prices of food and fertilizers, instead of freezing prices and banning exports, it is necessary to stimulate agricultural production through, for example, easier access to financing for farmers or subsidizing the price of fertilizers so that sowing does not suffer.	Not fulfilled established: 2022	Closing benchmark no.3
17.	Introduce a system for monitoring the needs of the labor market by introducing a survey on job vacancies ( <i>Job Vacancy Survey</i> ), which would	established: 2023	Closing benchmark no.3

<sup>68</sup>Examples of ways to increase the progressivity of taxation have been improved compared to previous formulations.

	support the formation of an active labor market policy, direct training programs and make a continuous contribution to the management of education policy.		
18.	Increase allocations for active labor market policies to at least 0.8% of GDP. Policies should be focused on activation programs for the inactive and long-term unemployed population, as well as on expanding the scope of retraining and retraining programs for the needs of the labor market.	established: 2023	Closing benchmark no.3
19.	Adopt the Energy Development Strategy and the Integrated National Energy and Climate Plan, which set clear, measurable and time-bound goals for the country's (just) energy transition towards renewable energy sources (RES), as well as for the improvement of energy efficiency.	established: 2023	Closing benchmark no.3
20.	Adopt the Plan of the incentive system for the use of RES for a period of three years, which will ensure the monitoring of progress.	established: 2023	Closing benchmark no.3
21.	Increase subsidies for the energy rehabilitation of residential buildings, family houses and apartments, which enables the improvement of the thermal envelope, the improvement or replacement of the heating system of buildings, the installation of solar collectors, as well as the installation of solar panels and accompanying installations for the production of electricity for self-consumption.	established: 2023	Closing benchmark no.3
<b>Recommendations to the European Union</b>			
22.	The aid instruments that are available to the private sector in Serbia are not sufficiently visible, that is, they are often administratively too demanding, with the setting of strict conditions that companies in underdeveloped parts of Serbia can hardly fulfill. In this sense, it would be very useful to carry out the promotion of instruments available to the private sector, organize application training and consider more flexible award benchmarks.	established: 2023	Closing benchmark no.3
<b>Recommendations to civil society organizations</b>			
23.	Propose to international organizations and implement a large number of projects that directly affect the	established: 2023	Closing benchmark no.3

	generation of economic growth, primarily in the areas of improving the quality of the workforce (retraining / retraining), improving management practices, green transition and the like.		
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## WORKING GROUP FOR CHAPTER 19

### • SOCIAL POLICY AND EMPLOYMENT

**Coordinator: CENTER FOR DEMOCRACY FOUNDATION (FCD), Nataša Vučković**

In the Report of the European Commission on Serbia's progress, it was assessed that Serbia achieved a **moderate level of preparation** (grade 3) in the area of social policy and employment.

**Limited progress** has been made (score 2) in relation to the European Commission's <sup>69</sup>2021 recommendations, by taking steps to gradually establish the Youth Guarantee scheme, while the implementation plan has yet to be adopted. The new Law on Occupational Safety and Health was not adopted in 2022 <sup>70</sup>, and the drafting of the new Labor Law should begin.

Last year's recommendation of the European Commission, given in the Progress Report of Serbia, that Serbia has met the opening benchmarks for Cluster 3 and that this cluster is technically ready for opening, remains in force.

#### Basic information on Chapter 19 - Social policy and employment

The explanatory screening for Chapter 19 was held from 10 to 12 February 2014, and the bilateral screening from 24 to 26 June 2014, and the Screening Report was published on 18 January 2016.

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>71</sup> adopted	The Government of Serbia adopts a negotiating position <sup>72</sup>
19 - Social policy and employment	February 10-12, 2014/ June 24-26, 2014	January 2014	1	-	May 2021
Chapter opening date	Number of closing benchmarks	IBAR <sup>73</sup> adopted		CBAR <sup>74</sup> adopted	Chapter temporarily closed
NOT (115 months have passed since receiving the invitation to submit a negotiating position)				NO	NO

<sup>69</sup>Website of the Ministry for European Integration, available at:

[https://www.mei.gov.rs/upload/documents/eu\\_dokumenta/godisnji\\_izvestaji\\_ek\\_o\\_napretku/Serbia\\_Report\\_2022\\_SR.%5B1%5D.pdf](https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/Serbia_Report_2022_SR.%5B1%5D.pdf).

<sup>70</sup>In 2023, the new Law on Occupational Safety and Health was adopted ("Official Gazette of RS", No. 35/2023).

<sup>71</sup>OBAR - *opening benchmark assessment report*.

<sup>72</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>73</sup>IBAR - *interim benchmark assessment report*.

<sup>74</sup>CBAR - *closing benchmark assessment report*.

## Recommendations of the NCEU Working Group for Chapter 19

**Table 2.**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - indicate the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	Urgently approach the revision of the Action Plan for Chapter 19 in a transparent and inclusive manner, in direct cooperation with representatives of social partners, civil society organizations and independent experts, in order to remove all the shortcomings identified in the comments on its draft so far and in expert analyses, and thus prevent that European standards in this area are inadequately transferred to our legal order.	since 2021	
2.	Adopt a Social Protection Strategy, with the inclusion in the strategic planning process of all interested parties, especially the civil sector and social partners.	since 2018	
3.	Speed up the process of adopting the new Labor Law. With the plan for the adoption of the acquis of the EU in the area of this negotiation chapter and when planning legislative activities in 2023, as well as in the following 2024, it is necessary to prevent further fragmentation of labor legislation and speed up the process of passing the new Labor Law. A large number of issues are regulated by special laws, thus relativizing and reducing the importance of the Labor Law, while at the same time increasing legal uncertainty and reducing the protection of labor rights.	since 2021	
4.	Adopt the Law on Strikes, the Law on Social Protection, as well as other laws, in order to harmonize with the standards of the European Union and the International Labor Organization	since 2019	



	(ILO), as well as to make the work of working groups on the preparation of draft laws more transparent, with the involvement of social partners and non-governmental organizations .		
5.	Continue work on finding a solution to regulate the status of freelancers in accordance with the ILO benchmarks.	since 2022	
6.	Initiate the adoption of a law that would regulate the use of video surveillance in the workplace (on the employer's premises or outside the employer's premises).	since 2022	
7.	Within the framework of the development of the Personal Data Protection Strategy, determine the strategic directions of work in the field of personal data processing of employees.	since 2022	
8.	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.	since 2022	
9.	Ratify the Convention on Violence and Abuse (No. 190) of the ILO.	since 2021	
10.	Approach the creation of a new Employment and Social Policy Reform Program (ESRP) as a strategy for the development of public policies in the area of social policy and employment that is complementary to the Action Plan for Chapter 19, and in accordance with the methodology prescribed by the Law on the Planning System of the Republic of Serbia. The new ESRP should be based on the European Pillar of Social Rights, on an approach based on human rights with respect for the gender aspect, in accordance with the standards of the European Institute for Gender Equality.	since 2019	
11.	Apply the Law on the Social-Economic Council, especially Article 10, paragraph 1 of the Law on the Social-Economic Council, considering that not all drafts of the Law and proposals for other regulations of importance for the economic and social position of employees are sent to the Social-Economic Council (SES) and employers, before determining the draft law by the Government of Serbia and referring it to the Parliamentary procedure; it is necessary to speed up	since 2021	

	the fulfillment of the conditions for the formation of social-economic councils at the local level, especially with regard to the development of local organizations, employers' associations and trade unions, their technical and personnel structures, through greater involvement of local self-government.		
12.	Conduct an independent analysis of the effects of the implementation of laws adopted in the previous period (such as the Law on Agency Employment and the Law on Simplified Employment of Seasonal Jobs in Certain Activities).	since 2021	
13.	Re-establish the Platform for Monitoring the Implementation of the Economic Reform Program (ERP) and the Employment and Social Policy Reform Program (ESRP).	since 2019	
14.	Establish a system for monitoring the effectiveness of the protection of certain economic and social rights, for the protection of which inspection and judicial authorities are responsible.	from 2020	
15.	Increase the transparency of competitions in the field of social protection at the central and local level.	since 2021	
16.	To make the work of the coordination mechanisms of the Government in the field of social inclusion of Roma men and women, as well as the Council for Gender Equality, the Council for Monitoring the Implementation of the Strategy for Prevention and Protection from Discrimination more effective.	from 2023	

## WORKING GROUP FOR CHAPTER 20

- ENTREPRISE AND INDUSTRIAL POLICY

**Coordinator: ECONOMIC INSTITUTE, prof. Dr. Sanja Filipović**

The European Commission provides general guidelines regarding industrial policy and the development of entrepreneurship, but the policies themselves are the responsibility of the member states. The General Directorate for the Internal Market, Industry, Entrepreneurship and Small and Medium Enterprises of the European Commission can support, coordinate or supplement the activities of the member states, but it does not have additional powers, nor does it implement the harmonization of national legislation. Each candidate country must harmonize its national legislation with the *acquis* of the European Union in the field of industrial policy and entrepreneurship, which, for the most part, consists of policy principles and instruments contained in the announcements, recommendations and conclusions of the Council and does not need to be directly transferred to domestic legislation. The only binding legal acts in this chapter are: Directive 2011/7/EU on combating late payment in commercial transactions (*Directive 2011/7/EU on combating late payment in commercial transactions*) and the recommendation of the European Commission regarding the definition of micro, small and medium enterprises. The Republic of Serbia accepted the *acquis* of the EU related to entrepreneurship and industrial policy and stated that it does not expect any difficulties in implementing the *acquis* of the EU until its full membership.

In its Report on the Progress of Serbia for 2022, the European Commission indicates that Serbia is **moderately prepared** in the field of entrepreneurship and industrial policy (Evropska komisija, 2022, p. 121). The numerical rating of Serbia's readiness for membership in Chapter 20 is three (3). According to the same Report of the European Commission, Serbia's progress in Chapter 20 in the previous years (since the previous annual report, for 2021) was rated three, which indicates a **certain progress**.

## Basic information on Chapter 20 - Enterprise and industrial policy

**Table 1.**

<b>Chapter</b>	<b>The date of the explanatory/ bilateral screening</b>	<b>When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks</b>	<b>State how many benchmarks Serbia has received</b>	<b>OBAR<sup>75</sup> adopted</b>	<b>The Government of Serbia adopts a negotiating position<sup>76</sup></b>
20 - Enterprise and industrial policy	April 2-3, 2014/ July 1, 2014	April 29, 2015	No benchmark to open	N/A	January 2017 <sup>77</sup>
<b>Chapter opening date</b>	<b>Number of closing benchmarks</b>	<b>IBAR<sup>78</sup> adopted</b>		<b>CBAR<sup>79</sup> adopted</b>	<b>Chapter temporarily closed</b>
February 27, 2016	/	/		N/A	NO

The explanatory screening meeting for Negotiating Chapter 20 was held on 2 and 3 April 2014 in Brussels. The complete material from the explanatory screening is available on the website of the Office for European Integration.<sup>80</sup> During the explanatory screening, the representatives of the European Commission pointed out that Chapter 20 mainly consists of "soft" legal acquis, with the exception of Directive 2011/7/EU, whose provisions are binding for member states, that is, candidate countries should implement them into national legislation by March 16, 2013. The Republic of Serbia fulfilled this requirement, considering that in mid-December 2012 it adopted the Law on deadlines for settling monetary obligations in commercial transactions ("Official Gazette", 119/2012), which has been in force since March 31, 2013. The law is harmonized to the greatest extent with the Directive, and the provisions that are not yet harmonized will be subject to harmonization until the accession of the Republic of Serbia to the European Union. The second remark of the European Commission referred to the definition of small and medium-sized enterprises given in the recommendation of the European Commission (Commission

<sup>75</sup>OBAR - *opening benchmark assessment report*.

<sup>76</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>77</sup>Government of the Republic of Serbia (2017), Negotiating Position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Negotiating Chapter 20: Industrial Policy and Entrepreneurship.  
[https://www.mei.gov.rs/upload/documents/pristupni\\_pregovori/pregovaracke\\_pozicije/pg\\_pozicija\\_33.pdf](https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pg_pozicija_33.pdf).

<sup>78</sup>IBAR - *interim benchmark assessment report*.

<sup>79</sup>CBAR - *closing benchmark assessment report*.

<sup>80</sup>Available at:

<http://www.seio.gov.rs/%D0%B4%D0%BE%D0%BA%D1%83%D0%BC%D0%B5%D0%BD%D1%82%D0%B0.1117.html>.

*Recommendation of 6 May 2003 concerning the definition of micro , small and medium-sized enterprises 2003/361/EC ).*

Bilateral screening was held on July 1, 2014 in Brussels. The agenda was created in consultation with representatives of the European Commission, according to the topics from the explanatory screening. The presentations covered nine topics: 1) Industrial policy (Ministry of Economy); 2) Development policy of small and medium-sized enterprises/definition of SMEs/Financing of SMEs (Ministry of Economy); 3) Law on deadlines for settling monetary obligations in commercial transactions (Ministry of Finance and Treasury Administration); 4) EU programs (CIP/COZME, HORIZONT 2020, COPERNIKUS) (Ministry of Economy, Ministry of Education, Science and Technological Development and Environmental Protection Agency); 5) Innovation policy (Ministry of Education, Science and Technological Development); 6) Manufacturing industry (Ministry of Economy); 7) Defense industry (Ministry of Defense); 8) Construction Industry (Ministry of Construction, Transport and Infrastructure); 9) Tourism (Ministry of Trade, Tourism and Telecommunications).

After the bilateral screening meeting, answers to the European Commission's additional questions were submitted and another meeting was held in Belgrade with a representative of the Directorate General for Neighborhood and Enlargement Negotiations (Directorate -*General for Neighborhood and Enlargement Negotiations* - DG NEAR), in charge of drafting the Screening Report. After the screening, a Screening Report was prepared in which the opening benchmarks for Chapter 20 were not determined, nor were transitional periods requested, but Serbia will be ready to assume obligations in Chapter 20 by joining the membership. The draft Report was submitted for comments to the representatives of the Ministry of Economy, through the Office for European integration. The draft Report was submitted for comments to the representatives of the Ministry of Economy, through the Office for European Integration, and was considered by the Working Body of the EU Council for Enlargement and the countries conducting negotiations on accession to the European Union - COELA.

On April 29, 2015, the European Commission sent an invitation to the Republic of Serbia to submit a Negotiating Position for Chapter 20. Serbia needed 14 months to submit a Negotiating Position for Chapter 20 without opening benchmarks and Negotiating Position of the Republic of Serbia<sup>81</sup> for chapter 20 was defined in January 2017.

At the session held on May 19, 2017, the Government of the RS adopted the Proposal for the negotiating position of the RS for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Negotiation Chapter 20 - Industrial Policy and Entrepreneurship (according to the Conclusion of the Government of the Republic of Serbia 05

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<sup>81</sup>Available at:

[http://www.mei.gov.rs/upload/documents/pristupni\\_pregovori/pregovaracke\\_pozicije/pregovaracka\\_pozicija\\_srbije\\_poglavlje\\_20.pdf](http://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pregovaracka_pozicija_srbije_poglavlje_20.pdf).

number 337-4485/2017 ). The time required to open a chapter from the moment Serbia's position is submitted is 12 months.

At the Eighth Intergovernmental Conference, held in Luxembourg on June 25, 2018, a decision was made to open Negotiation Chapter 20. At the eighth meeting of the Accession Conference with Serbia at the ministerial level, held on June 28, 2018, negotiations on Chapter 20 were opened - Industrial policy and entrepreneurship.

Chapter 20 was officially opened on February 27, 2017. In the Joint Position, it was stated that Negotiation Chapter 20 can be temporarily closed only when the European Commission agrees that the following benchmarks have been met: "The Republic of Serbia should develop and start implementing a comprehensive industrial strategy, supported by a system of evaluation indicators and benchmarks proposed on basis of European Union policy relevant to industry". This implies that the Republic of Serbia should "improve its capacities for creating industrial policies, first of all, through the establishment of a system of clear benchmarks, indicators and critical reviews by experts, and to submit regular reports on implementation to the Commission".<sup>82</sup>

## Recommendations of the NCEU Working Group for Chapter 20

**Table 2.**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - indicate the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	It is necessary to form a body at the government level that will be in charge of a coordinated approach to the implementation of the green transition process, which is, in itself, complex and interdisciplinary because it includes several sectors (economy, energy, environment, education, labor market, etc. ). In addition, the green transition is a long-term process that requires a strategic approach with a clearly defined action plan, which would imply the coordination of	established: 2023	

<sup>82</sup>Available at:

[http://www.mei.gov.rs/upload/documents/pristupni\\_pregovori/pregovaracke\\_pozicije/pg\\_20\\_eu\\_pozicije.pdf](http://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pg_20_eu_pozicije.pdf)

	activities that are carried out in parallel by several relevant ministries.		
2.	As from October 2023, the CBAM ( <i>Cross Border Adjustment Mechanism</i> ) a mechanism that implies the phased introduction of an additional tax on CO <sub>2</sub> for products from certain sectors that are produced outside the EU, it is necessary: a) to define steps in the short term at the level of the Government in order to review the possibilities for Serbia as a candidate country to negotiate a more favorable position and b) to In the long term, the possibility of forming a national permit trade system based on EUTS should be considered, so that the tax money stays in the country and is spent specifically to reduce emissions in industrial plants.	established: 2023	
3.	It is necessary to consider a program of support for investors that puts the criterion of the number of new jobs that are created in the foreground. As Serbia is already facing the problem of labor shortage, that criterion should be corrected in the sense that priority is given to investments in the area of higher technological stages of industry and green technology, investments that include as many local companies as possible in the supply chain, investments in certain less developed regions and others.	established: 2023	
4.	In accordance with the defined measures of the Industrial Policy Strategy for the period from 2021 to 2030., it is necessary to provide support for business infrastructure (business incubators, hubs, clusters, innovation parks, associations, etc.), because it was absent in the previous period, even though it was defined by the Action Plan for 2021 - 2023.	Unfulfilled established: 2022	
5.	It is necessary to devise a better institutional approach to improve cooperation between the economy and scientific research institutions (universities and institutes) which would, among other things, include encouraging small and medium-sized enterprises to become more actively involved not only in national programs, but also in programs financed from international source.	Unfulfilled established: 2018	

6.	The administrative capacities of Serbia in the area of industrial policy are insufficient, which is a consequence of the overall policy towards personnel in all areas. As the strengthening of institutional capacities is a prerequisite for the implementation of industrial policy in the coming period, but also for the process of monitoring, evaluation and periodic reporting, it is necessary to strengthen the capacities of the Ministry of Economy.	Unfulfilled established: 2015	
<b>Recommendations to the European Union</b>			
7.	As the negotiation chapter was opened in February 2016, and the closing benchmarks are the adoption and consistent implementation of the industrial policy strategy (the Strategy, together with the Action Plan for 2021-2023, was adopted in 2020), the possibility for closing the chapter.	established: 2023	
8.	The EU institutions should consider special benefits for Serbia and other candidate countries in connection with the application of the CBAM mechanism, because the very structure of the economy of these countries is such that it is energy intensive and will require perennial structural reforms, which requires serious investments in new technologies.	established: 2023	
9.	Given that Serbia, as a candidate country, does not have access to EU funds for the implementation of the green transition (for example, <i>Just Transition Fund</i> ), it is necessary to provide adequate support mechanisms in order to enable the candidate countries to have the prerequisites for implementing a fair transition while taking into account socio-economic and ecological aspects.	established: 2023	
<b>Recommendations to civil society organizations</b>			
10.	In general, the response of civil society in the process of private-public dialogue regarding the definition and implementation of public policies is not satisfactory. Therefore, all organizations and professional associations, as well as representatives of the academic community that deal with certain aspects of industrial development and operations of small and medium	determined in 2023.	



	enterprises and the promotion of entrepreneurship, should have a more active role in the process of defining reference public policies and action plans.		
11.	At the local level, there is a problem of adequate information, and it is necessary that businessmen's associations, professional associations and business infrastructure, together with civil society organizations, be activated at the local level so that all interested parties are adequately informed about the support programs organized by the relevant ministry in cooperation with competent state institutions (for example, the Development Agency of Serbia, the Chamber of Commerce of Serbia, etc.).	determined in 2023.	

## WORKING GROUP FOR CHAPTER 21

### • TRANS-EUROPEAN NETWORKS

**Coordinator: CENTER FOR ECOLOGY AND SUSTAINABLE DEVELOPMENT (CEKOR), Zvezdan Kalmar**

#### Basic information on Chapter 21 - Trans-European networks

**Table 1.**

<b>Chapter</b>	<b>The date of the explanatory/ bilateral screening</b>	<b>When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks</b>	<b>State how many benchmarks Serbia has received</b>	<b>OBAR<sup>83</sup> adopted</b>	<b>The Government of Serbia adopts a negotiating position<sup>84</sup></b>
21 – Trans-European networks	December 18, 2014/ February 25, 2015	-	-	-	-
<b>Chapter opening date</b>	<b>Number of closing benchmarks</b>	<b>IBAR<sup>85</sup> adopted</b>		<b>CBAR<sup>86</sup> adopted</b>	<b>Chapter temporarily closed</b>
December 2021	2	-	-	-	-

#### **Closing benchmarks for Chapter 21:**

4. Serbia should adopt an updated Transport Strategy in accordance with the guidelines for the development of trans-European transport networks specified in Regulation (EU) No. 1315/2013;
5. Serbia needs to prove the institutional and administrative capacity necessary to assume the responsibilities referred to in Regulation (EU) 2021/1153.

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<sup>83</sup>OBAR - *opening benchmark assessment report*.

<sup>84</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>85</sup>IBAR - *interim benchmark assessment report*.

<sup>86</sup>CBAR - *closing benchmark assessment report*.

## Recommendations of the NCEU Working Group for Chapter 21

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of standard in question (the transitional benchmark corresponds to the number of the measure from the Action Plan for Chapter 21)</b>
<b>Recommendations to the Government of the Republic of Serbia, the National Assembly and competent institutions of the RS</b>			
1.	To carry out a strategic assessment of the impact of the corridor development plan in order to check the compatibility of route proposals, that is, the compatibility of the locations of TEN-T (trans-European transport network) projects with the locations of proposed or existing protected areas, that is, national parks.	since 2021	
2.	Determine whether TEN-T projects are aligned with obligations to reduce GHG emissions.	since 2021	
3.	Harmonize TEN-T projects with the objectives of environmental protection and climate change in the strategic assessment process.	since 2021	
4.	Harmonize the gas infrastructure construction plans with the climate change strategy, that is, determine whether the more profitable direction of development is decarbonization, decentralization and transition to renewable energy sources, as well as the development of a smart energy network.	since 2021	

## WORKING GROUP FOR CHAPTER 22

### • REGIONAL POLICY AND COORDINATION OF STRUCTURAL INSTRUMENTS

**Coordinator: EUROPEAN MOVEMENT IN SERBIA (EMinS), PhD Valentina Ivanić**

Serbia is moderately prepared for Chapter 22 - Regional policy and coordination of structural instruments, without progress when it comes to the implementation of last year's recommendations.

The European Commission (EC) in its Report on Serbia's Progress for 2022 indicates that Serbia is **moderately prepared** for Chapter 22 (or as it is stated in the EC Report in English, *moderately prepared*). The numerical rating of Serbia's readiness for membership in Chapter 22 is three (3).

According to the European Commission Report on Serbia's progress for 2022, Serbia's progress in Chapter 22 in the previous years (since the previous annual report for 2021) was rated as one, which indicates that there was no progress (no - *progress*).

#### **Basic information on Chapter 22 - Regional policy and coordination of structural instruments**

As this is a chapter that has received benchmarks for opening, and as 92 months have passed since receiving those benchmarks, the key data on Chapter 22 are those that concern the fulfillment of benchmarks. The action plan was adopted by the Government of the Republic of Serbia on April 4, 2019. and officially <sup>87</sup>sent to the European Commission on April 8, 2019. The action plan is currently in the procedure of consideration and declaration by the Working Body of the EU Council on Enlargement (COELA). It is expected that a report on the fulfillment of the opening benchmarks will be prepared and that Serbia will be officially invited to submit the Negotiating Position.

In the negotiation process, the stage was reached that the EU should send Serbia an invitation to submit its negotiating position.

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<sup>87</sup>Republic of Serbia, Negotiating Group for Chapter 22 (2019) Action plan for meeting requirements in the field of EU cohesion policy, 2019; see: [https://www.mei.gov.rs/upload/documents/pristupni\\_pregovori/akcioni\\_planovi/ap\\_pg\\_22.pdf](https://www.mei.gov.rs/upload/documents/pristupni_pregovori/akcioni_planovi/ap_pg_22.pdf).

**Table 1.**

<b>Chapter</b>	<b>The date of the explanatory/ bilateral screening</b>	<b>When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks</b>	<b>State how many benchmarks Serbia has received</b>	<b>OBAR<sup>88</sup> adopted</b>	<b>The Government of Serbia adopts a negotiating position<sup>89</sup></b>
22 - Regional policy and coordination of structural instruments	October, 1-2, 2014/ January 28-29, 2015	October 23, 2015	1	NO	NO
<b>Chapter opening date</b>	<b>Number of closing benchmarks</b>	<b>IBAR<sup>90</sup> adopted</b>		<b>CBAR<sup>91</sup> adopted</b>	<b>Chapter temporarily closed</b>
The opening benchmarks were established on October 23, 2015. (it has been 92 months since the opening benchmark was obtained)	1	N/A		NO	N/A

Source: Screening report Republic of Serbia - Chapter 22: Regional policy and coordination of structural instruments, Minutes of the explanatory screening meeting, 2014 and Action plan for meeting the requirements in the field of EU cohesion policy, 2019.

The opening benchmarks for Chapter 22 is the Action Plan with the corresponding time frame. The Ministry of European Integration (MEI) coordinated the preparation of the Action Plan, which represents the benchmark for opening negotiations under Chapter 22.

Screening Report and Opening Benchmarks for Chapter 22<sup>92</sup> - based on the conducted screening, the European Commission concluded the following: it is recommended that negotiations within this chapter be opened when the following benchmark is met - Serbia should present to the European Commission a detailed action plan with an associated time frame, which establishes clear goals and dynamics in order to fulfill the requirements arising from the EU Cohesion Policy.

<sup>88</sup>OBAR - opening benchmark assessment report.

<sup>89</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>90</sup>IBAR - interim benchmark assessment report.

<sup>91</sup>CBAR - closing benchmark assessment report.

<sup>92</sup>Screening report Republic of Serbia - Chapter 22: Regional policy and coordination of structural instruments; available at: [https://www.mei.gov.rs/upload/documents/skrining/izvestaj\\_pg\\_22\\_16.pdf](https://www.mei.gov.rs/upload/documents/skrining/izvestaj_pg_22_16.pdf).

When talking about the next steps within Chapter 22, then two key events for Chapter 22 could be singled out: 1) adoption of the Draft Law on the System for the Management of European Union Cohesion Policy Funds in the Republic of Serbia and submission to the National Assembly and 2) adoption of the Negotiating Position for Chapter 22. It is important to point out the fact that the Action Plan was adopted by the Government of the Republic of Serbia on April 4, 2019. and officially sent to the European Commission on April 8, 2019. The procedure for considering the Action Plan by the Council of the EU Enlargement Working Body (COELA) lasts 92 months.

### Recommendations of the NCEU Working Group for Chapter 22

When it comes to Chapter 22, special attention should also be paid to recommendations that are not directly related to the opening benchmarks. It is important to point out that the activities that are recommended and expected from the Government of Serbia and civil society organizations (CSOs) do not concern the opening benchmarks, since the space for action is now on the side of the European Commission.

Summary of recommendations:

1. The Government of the Republic of Serbia: It is necessary to adopt the Law on the Establishment and Functioning of the Cohesion Policy Management System and adopt the Development Plan of Serbia, the Investment Plan;
2. European Union: It is necessary for COELA to invite Serbia as soon as possible for Serbia to present its Negotiating Position for Chapter 22;
3. Civil society organizations: It is necessary to view the processes within Chapter 22 in advocacy activities as an instrument for improving the competitiveness of the region in Serbia, and not only through the lens of the volume of financial instruments that are made available to Serbia.

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU s benchmark and the type of benchmark in question (these are benchmarks for opening)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	It is necessary to prepare and adopt the Law on the establishment and functioning of the cohesion policy management system.	Proposed in 2021 Not done	Progress Report - Programming

2.	It is necessary to pass and adopt the Development Plan of Serbia as soon as possible, which is the basis for discovering the development potential of the regions in Serbia and the real basis for creating the regional development policy of Serbia.	Proposed in 2021 Not done	Progress Report - Programming It has been repeated since 2015
3.	It is necessary to pass and adopt the Investment Plan of Serbia as soon as possible.	Proposed in 2021 Not done	Progress Report - Programming
4.	the reduction of regional disparities in the Republic of Serbia, is clearly stated. The impact of structural reforms on regional development is extremely significant and it would be useful to show it for all structural reforms. It was agreed to continue cooperation with NCEU in the next ERP cycle, in order to adequately respond to this proposal. <sup>93</sup>	Proposed in 2021 Entered into ERP 2023-2025	Progress report - Programming - discovering the potential of the region The recommendation is partially fulfilled
5.	We are exposed to the problems of innovation and institutional paradox - the Smart Specialization Strategy (S3) serves as an institutional <i>leapfrog</i> strategy for the NSTJ II level, especially when it comes to regions in Serbia that have neither administrative nor institutional capacity.	Proposed in 2021 Not done	Progress report - administrative capacity
6.	Ensure continuous cooperation of the Ministry of European Integration, the Cabinet of the Minister for Uniform Regional Development, the Ministry of Science and Technological Development and NCEU on the topics of S3 development at the NSTJ II level.	Proposed in 2023	Progress Report - Programming
7.	Within the new National Sustainable Development Strategy (which also needs to be adopted, given that the previous one was valid for the period 2009-2017), it is necessary to re-emphasize regional development as a national priority of sustainable development.	Proposed in 2021 Not done	Progress Report - Programming
8.	In accordance with the Law on Regional Development, it is necessary to adopt a new Regional Development Strategy (given that the previous one was valid for the period 2007-2012).	Proposed in 2021 Not done	Progress Report - Programming

<sup>93</sup>Government of the Republic of Serbia, Ministry of Finance (2023), *Economic Reform Program (ERP) 2023-2025*, p. 270; see: <https://mfin.gov.rs/sr/dokumenti2-1/program-ekonomiskih-reformi-erp-1>.

9.	We recommend that scientific institutes for regional development be established at the NSTJ II level - there are no scientific research institutions in Serbia that deal with the topic of regional economy, regional development, as well as regional politics.	Proposed in 2021 Not done	Progress Report - Programming
<b>Recommendations to the Government of the Republic of Serbia - Ministry of European Integration</b>			
10.	It is necessary to involve actors of the academic community and the civil sector to a greater extent in the processes of creating the legal and administrative framework of cohesion policy, programming, monitoring and evaluation - especially those located outside Belgrade.	Proposed in 2021 Not done	Progress Report - Programming
11.	Promoting the principle of comprehensive partnership - especially when drafting the Development Plan of Serbia.	Proposed in 2021 Not done	Progress Report - Programming
12.	It is very important that the professional public (researchers first of all) have access to data on all projects that were implemented within the previous program periods IPA CBC I, IPA CBC II. Without the above, it is not possible to evaluate the effectiveness (calculate sustainability and rates of return) of the funds that the EU provides to Serbia through this type of funds. Also, it is not possible to assess to what extent the mentioned funds affect the reduction of regional disparities in Serbia.	Proposed in 2021 Not done	Progress report - administrative capacity
13.	It is necessary to find a way to solve the problems of co-financing for IPA CBC III programs for all potential applicants from Serbia (such as LGUs and others).	Proposed in 2021 Not done	Progress report - administrative capacity
<b>Recommendations to the European Union</b>			
14.	Related to the Report on the assessment of opening benchmarks in the Council of the EU - the Government of Serbia adopted the Action Plan for Chapter 22 at the session held on April 4, 2019. The development of the Action Plan is a benchmark for the opening of Chapter 22. It is suggested that the EU Council invite Serbia to present its negotiating position for Chapter 22 as soon as possible.	Proposed in 2021 Not done	Progress report



15.	It is suggested that the Council of the EU, COELA, as well as the Directorate -General for Neighborhood Policy and Enlargement Negotiations (DG NEAR) have a more intensive cooperation and dialogue, not only with the Chapter 22 negotiating team, but also with the NCEU Chapter 22 Working Group.	Proposed in 2023 Not done	Progress report
16.	It is suggested to intensify cooperation with the General Directorate for Regional and Urban Policy (DG REGIO) and not only with the Negotiating Group for PG 22, but also with the RG for PG 22 NCEU and to create formal channels of communication.	Proposed in 2023 Not done	Progress report
<b>Recommendations to civil society organizations</b>			
17.	Increase the visibility of NCEU at the regional and local level, organize the representation of NCEU at the regional, NSTJ II level.	Proposed in 2021 Not done	Progress report - administrative capacity
18.	Acquaint civil society, as an actor of a comprehensive partnership, about its role in cohesion policy and the possibilities for using EU funds for its implementation.	Proposed in 2021 Not done	Progress report - administrative capacity
19.	Contribute to the development and improvement of the consultative mechanism with other partners in the cohesion policy.	Proposed in 2021 Not done	Progress report - administrative capacity

## WORKING GROUP FOR CHAPTER 23

### • JUDICIARY AND FUNDAMENTAL RIGHTS

**Coordinator: COMMITTEE OF LAWYERS FOR HUMAN RIGHTS - YUCOM, Jovana Spremo**

#### Basic information on Chapter 23 - Judiciary and fundamental rights

**Table 1.**

<b>Chapter</b>	<b>The date of the explanatory/ bilateral screening</b>	<b>When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks</b>	<b>State how many benchmarks Serbia has received</b>	<b>OBAR<sup>94</sup>adopted</b>	<b>The Government of Serbia adopts a negotiating position<sup>95</sup></b>
23 - Judiciary and fundamental rights	September 25-26, 2013/ October 9-10, 2013	July 25, 2014	1	YES	July 2016 <sup>96</sup>
<b>Chapter opening date</b>	<b>Number of closing benchmarks</b>	<b>IBAR<sup>97</sup> adopted</b>		<b>CBAR<sup>98</sup>adopted</b>	<b>Chapter temporarily closed</b>
July 18, 2016	50	NOT	/	NO	NO 86 months (July 2016- August 2023)

<sup>94</sup>OBAR - *opening benchmark assessment report*.

<sup>95</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>96</sup>See:

[https://www.mei.gov.rs/upload/documents/pristupni\\_pregovori/pregovaracke\\_pozicije/pg\\_23\\_pregovaracka\\_pozicija\\_srbije.pdf](https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pg_23_pregovaracka_pozicija_srbije.pdf).

<sup>97</sup>IBAR - *interim benchmark assessment report*.

<sup>98</sup>CBAR - *closing benchmark assessment report*.

## Recommendations of the NCEU Working Group for Chapter 23

**Table 2.**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - indicate the number of the EU benchmark and the type of benchmark in question (the transitional benchmark corresponds to the number of the measure from the Action Plan for Chapter 23)
<b>Recommendations to the Government of the Republic of Serbia, the National Assembly and competent institutions of the RS</b>			
1.1.	Continue with the practice of including representatives of the NCEU Working Group for Chapter 23 in observing the drafting of by-laws related to the work of the judiciary. The recommendation specifically refers to the High Council of the Judiciary, which should include the professional public in the process of passing by-laws under its jurisdiction with the aim of drafting the highest quality regulations.	New recommendation	1.1.1.
1.2.	The High Council of the Prosecution to cancel the contested illegal election of the chief public prosecutors and public prosecutors and implement it from scratch in accordance with the new prosecutorial laws or at least to return the procedure to the candidate examination phase, in order to implement this hybrid election in accordance with the law.	New recommendation	1.1.2.
1.3.	Stop the pressures on representatives of the judiciary, especially those pressures coming from the National Assembly and ensure the implementation of the Code of Conduct for Government Members and MPs on the limits of permissibility of commenting on court decisions and proceedings.	Unfulfilled established: 2019	1.1.4.
1.4.	The mechanisms established by the judicial councils, which are available to judges and prosecutors in case of pressures, should be more promoted by	Unfulfilled established: 2021	1.1.4. and 1.1.5.

	the judicial councils, in order to serve their purpose. It is necessary for the councils to regularly and periodically report on the political influence on the work of the judiciary and to speak publicly every time the representatives of the judiciary are subject to these pressures.		
1.5.	Regarding the publicity of judicial council sessions, it is necessary to transfer the provisions from <i>the Rules of Procedure of the High Council of the Prosecution to the Rules of Procedure of the High Council of the Judiciary</i> , and that both Councils should have the same standards regarding the publicity of sessions and proactive transparency. In the context of legal security, it is necessary that the work of the council be regulated in a similar way as possible.	New recommendation	1.1.1. and 1.1.4.
1.6.	Displace judicial assistants from the regime of civil servants and adopt a special law that would regulate their position, in such a way that they are recognized as a special judicial profession that would be under the jurisdiction of the High Council of the Judiciary. For the sake of the effectiveness of the law, it is necessary to carry out a comprehensive analysis of the position and problems of judicial assistants and achieve cooperation with the judicial assistants themselves in drafting it.	New recommendation	1.3.4.
1.7.	Improve the financial position of judicial assistants in order to prevent the outflow of quality personnel from the judiciary, then improve their working and legal position and ban "judicial assistants-volunteers", and improve the system of advancement and rewards based on objective benchmarks, as well as the system of professional training of judicial assistants.	New recommendation	1.3.4.
1.8.	The Ministry of Justice to start organizing public consultations on open data in the judiciary. It is necessary to adopt a legal framework for the publication of as many depersonalized data as possible from court decisions in an open format, and for international development aid projects and government projects to introduce the rule that public data is also published in an open format.	New recommendation	1.3.4.

1.9.	As soon as possible, proceed with the drafting of <i>the Law on Amendments to the Law on Civil Procedure</i> , include the recommendations of CSOs, especially those related to the suppression of mass lawsuits. After supplementing the existing draft of the law, organize a public debate and put the law in the parliamentary procedure for adoption.	New recommendation	1.3.6.
1.10.	In order to strengthen regional cooperation and trust between states in the region, trials (for war crimes) in absentia should not be practiced, because such practice weakens regional cooperation and negatively affects trust between states and judicial institutions, especially because trials in absentia are often seen as political processes, are misused for daily political purposes and thus contribute to the increase of tensions between states.	New recommendation	1.4.1. and 1.4.5.
1.11.	The Government of the Republic of Serbia should amend <i>the National Strategy for Prosecuting War Crimes for the period 2021-2026</i> , in order to define clear priorities according to which the cases will be processed in the next three years. It is necessary to ensure full transparency of the implementation of the National Strategy through regular information sessions/meetings/consultations between the Working Body and civil society and the professional public, and adapt the preparation of implementation reports to analytical reporting with the presentation of summarized data obtained by the institutions in charge of implementing activities from the National Strategy.	New recommendation	1.4.1.
1.12.	Define the activity that will refer to the monitoring of the implementation of <i>the Prosecutor's Strategy for investigations and prosecution of war crimes</i> . The person responsible for monitoring the implementation of the Prosecutor's Office strategy should be the Working Group for Monitoring the National Strategy for the Prosecution of War Crimes established by the Government of the Republic of Serbia. Monitoring of the Prosecutor's Strategy should include quarterly reporting on the implementation of the Prosecutor's Strategy in the form of analytical reports that will be available to the public.	New recommendation	1.4.3.

2.1.	The Government and the Assembly should regularly and transparently consider the implementation of anti-corruption regulations, the work of institutions and the need to improve those regulations and work.	Unfulfilled established: 2021	More benchmarks within part 2. Fight against corruption (AP23)
2.2.	The competent ministries should without delay open the processes of amending <i>the Law on Lobbying, the Law on Prevention of Corruption, the Law on Free Access to Information of Public Importance and the Law on Financing of Political Activities</i> in order to fulfill the recommendations from the fifth round of the GRECO evaluation, as well as the recommendations of the ODIHR and the joint recommendations of the ODIHR and the Venice Commission, as well as to ensure compliance with these recommendations in the new <i>Law on the Management of Companies Owned by the Republic of Serbia and the Law on Public Enterprises</i> .	New recommendation	2.1.3 and 2.2.2
2.3	Improve the proactive transparency of authorities, in accordance with the amendments to <i>the Law on Free Access to Information of Public Importance (ZZPIJZ)</i> .	Unfulfilled established: 2022	2.2.5.
2.4.	Improve the human and organizational capacities of the Commissioner's office in order to more efficiently resolve backlogged cases based on citizen complaints. Also, to improve the human and other capacities of the Commissioner in order to start the functioning of new offices outside the headquarters of the Commissioner, which are foreseen by the changes of <i>ZZPIJZ</i> .	Unfulfilled established: 2022	2.2.5.
2.5.	Start with the practice of issuing misdemeanor warrants for all (mis)actions by authorities that are designated as misdemeanors by the <i>ZZPIJZ</i> .	Unfulfilled established: 2022	2.2.5.
2.6.	Change the observed practice of the Commissioner to return the cases to the first-instance authorities for re-decision, but to decide upon the appeal, if the appeal is founded, and determine whether the requested information is of public importance, and issue a decision accordingly.	Unfulfilled established: 2022	2.2.5.
2.7.	<i>The Criminal Code</i> and other regulations need to be improved in order to more effectively prosecute and more effectively apply the legislative	Unfulfilled established: 2021	2.3.1.

	framework for combating corruption, especially that which occurs at a high level.		
3.1.	<i>Amendments to the Law on the Protector of Citizens</i> provide the National Preventive Mechanism with all guarantees of independence necessary for the implementation of its mandate, in accordance with international standards.	New recommendation	3.2.1.
3.2.	Start work on <i>the Draft Law on Same-Sex Unions as soon as possible</i> and adopt it by the end of 2023.	New recommendation	3.4.1.
3.3.	Improvement and innovation of the existing comprehensive framework for children's rights in Serbia. Repeat the procedure for the adoption of <i>the Law on the Rights of the Child</i> and conduct additional necessary consultations with all interested parties. Provide a complete legal framework for protection, with an emphasis on the previously mentioned law, then amendments to <i>the Family Law</i> , and ratify <i>the Third Optional Protocol to the Convention on the Rights of the Child</i> .	Unfulfilled established: 2022 (amended)	3.4.4.
3.4.	Activate the work of the Council for the Rights of the Child, especially in the context of the tragic events in May 2023, strengthen it and provide adequate funds for its work.	Unfulfilled established: 2022 (amended)	3.4.4.
3.5.	Amend all unclear articles of <i>the Law on Free Legal Aid</i> that create legal uncertainty, clearly regulate the position of associations, define the standard of existential threat for providing free legal aid and conduct a continuous information campaign on the application of the law.	Unfulfilled established: 2018 (amended)	3.5.1.
3.6.	Harmonize <i>the Law on Free Legal Aid</i> with procedural laws, especially link the deadlines for requesting free legal aid with the deadlines for submitting legal remedies and procedural actions.	Unfulfilled established: 2018 (amended)	3.5.1.
3.7.	Adopt standards and a sustainable funding model for free legal aid services at local governments, including a sufficient number of employees and accessible premises for people with disabilities.	Unfulfilled established: 2021	3.5.1.
3.8.	Conduct a systematic analysis of the compliance of existing regulations with the Personal Data Protection Act (PPA) and urgently start the process of harmonizing regulations with the PPA.	Unfulfilled established: 2021	3.9.1

3.9.	The process of amending the current ZZPL has begun, which should regulate a number of areas that are currently not regulated, such as the application of artificial intelligence, processing of biometric data, genetic data, and the like. The new law should also separate and clearly specify which authorities are subject to the special processing regime. Further improve the openness and participation of regulatory processes that may have an impact on the right to privacy and other human rights and freedoms, especially with regard to the wide application of new technologies.	Unfulfilled established: 2021	3.9.1.
3.10.	Conduct and make available for public inspection impact assessments on the protection of personal data prior to the adoption of regulations governing data processing.		3.9.1.
3.11.	Review the expediency of the implementation of <i>the Law on the Social Card</i> and its effects on the right to protection of personal data of citizens.	New recommendation	3.9.1.
3.12.	Start with the practice of punishing by the Commissioner those who violate the ZZPL, since the practice of warning violators and education activities of those bound by the law proved to be insufficient. Improve criminal law protection for the criminal offense from Article 146 of the CC related to the unauthorized collection of personal data, bearing in mind the culture of impunity and low penalties, as well as the increasing number of cases of privacy violations in our country.	Unfulfilled established: 2021	3.9.1.
3.13.	By the end of 2023, adopt the Action Plan for the implementation of the Strategy for the Protection of Personal Data, as well as establish appropriate control mechanisms to monitor the implementation of the activities provided for in the Action Plan.	Unfulfilled established: 2021 (amended)	3.9.1.
3.14.	It is necessary to educate employees who deal with the protection of personal data within public authorities, especially those who handle a large number of personal data of citizens. In accordance with the previous problem, address the problem of data leakage from institutions to the media, through prevention, but also adequate punishment of responsible persons within the institutions.	Unfulfilled established: 2021	3.9.1.



4.1.	Amend <i>the Civil Procedure Act</i> to introduce provisions that prevent the abuse of SLAPP lawsuits, in order to stifle freedom of expression and public participation.	Unfulfilled established: 2021 (amended)	
4.2.	Increase the safety of activists online, investigate and prosecute online threats, and provide financial and legal support to human rights organizations.	Unfulfilled established: 2021 (amended)	
4.3.	Ensure that activists are not arbitrarily exposed to criminal and misdemeanor proceedings for peaceful activities or expressing their views. Strengthen the legal protection of citizens who participate in public life.	Unfulfilled established: 2021 (amended)	
4.4.	Communicate regularly with the NCEU Chapter 23 Working Group regarding activities in the upcoming quarter	continuously since 2016.	

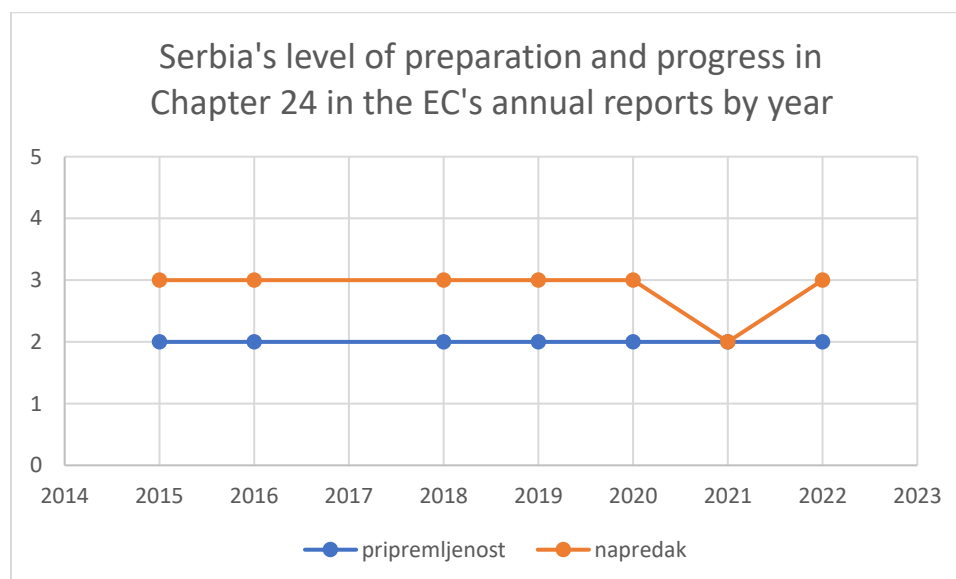
## WORKING GROUP FOR CHAPTER 24

### • JUSTICE, FREEDOM, SECURITY

**Coordinator: BELGRADE CENTER FOR SECURITY POLICY (BCBP), Bojan Elek**

The report on the progress of Serbia for 2022<sup>99</sup> states that **a certain level of preparation has been achieved** for the implementation of the EU acquis in the area of justice, freedom and security (Chapter 24). The European Commission estimates that **some progress** was made during 2022 in fulfilling last year's recommendations. Progress is particularly visible in the areas of work on the Schengen Action Plan and the Criminal Code in the area of arms trafficking, as well as in the strengthening of the administrative capacity of the Prosecutor's Office for Organized Crime. On the other hand, there was no satisfactory progress in the strategic approach to the fight against organized crime and harmonization with the EU visa policy, as well as in the area of improving the operational independence of the police and better cooperation with the prosecution.

**Graph 1. Overview of the European Commission's assessments in Chapter 24**



Note: Level of preparation scores range from *early stage* (1) to *very advanced* (5), and for progress from *no progress* (1) to *very good progress* (5).

<sup>99</sup>The report is available here:

[https://www.mei.gov.rs/upload/documents/eu\\_dokumenta/godisnji\\_izvestaji\\_ek\\_o\\_napretku/Serbia\\_Report\\_2022\\_SR.%5B1%5D.pdf](https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku/Serbia_Report_2022_SR.%5B1%5D.pdf).

## Basic information on Chapter 24 - Justice, freedom and security

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>100</sup> adopted	The Government of Serbia adopts a negotiating position <sup>101</sup>
24 - Justice, freedom and security	October, 2-4, 2013/ December, 11-13, 2013	January 21, 2014	1	May 15, 2014	July 18, 2016
Chapter opening date	Number of closing benchmarks	IBAR <sup>102</sup> adopted		CBAR <sup>103</sup> adopted	Chapter temporarily closed
July 18, 2016	42	NO		NO	NOT 86 months (July 2016- August 2023)

Source: EU Common Position on Chapter 24

## Recommendations of the NCEU Working Group for Chapter 24

**Table 2. Evaluation of the fulfillment of the previous recommendations of the NCEU Working Group, i.e. progress in the last year and currently valid recommendations**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (the transitional benchmark corresponds to the number of the measure from the Action Plan for Chapter 24)
<b>Recommendations to the Government of the Republic of Serbia, the National Assembly and competent institutions of the RS</b>			
1.	It is necessary to implement detailed steps to establish	since 2016	Benchmark 6.1.

<sup>100</sup>OBAR - opening benchmark assessment report.

<sup>101</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>102</sup>IBAR - interim benchmark assessment report.

<sup>103</sup>CBAR - closing benchmark assessment report.

	strong protective measures that ensure the strengthening of the integrity and operational independence of the police services from political interests and their protection from the influence of crime.	And in the period 2022-2023, the opportunity to consider this transitional measure through the continuation of work on the draft of the Law on Internal Affairs was missed.	
2.	It is necessary to prevent the adoption of solutions provided by the new Law on Internal Affairs, which lead to further politicization of police work, which foresee new powers such as the disproportionate introduction of biometric surveillance or the use of rubber bullets, and to adopt proposals that lead to better management of the police and more efficient control of their work.	New recommendation	Benchmark 6.1.
3.	It is necessary to move the criminal police from the MUP, so that they become part of the public prosecutor's organization, in order to prevent depoliticization and abuse of the police in so-called sensitive cases (high corruption and the like).	since 2022 No progress	
4.	Mandatory removal from service of police officers during the proceedings and mandatory dismissal from service after establishing responsibility for acts of torture and other forms of abuse is required.	since 2022 No progress	
5.	It is necessary to introduce audio and video surveillance during the forced detention of citizens by the police and the taking of statements of citizens deprived of their liberty by the police, in order to contribute to better prevention and detection of cases of torture and other forms of abuse, and at the same time to better protect police officers from false complaints about their Work.	since 2022 No progress	
6.	It is necessary to improve access to the asylum procedure through: better	since 2022 There has been no progress, especially not in the context	

	<p>training of members of the border police, especially at the Nikola Tesla airport; systematic and uniform provision of information on the rights and obligations of persons in need of international protection, by members of the Ministry of Internal Affairs and the Commissariat for Refugees and Migration of the Republic of Serbia in a language that the person understands.</p>	<p>of the amendments to the Law on Aliens that came into force in the summer of 2023.</p> <p>K The IRS cannot by law provide legal information to asylum seekers. In practice, we observe abuses and exceeding the authority of KIRS officials in the camps when it comes to providing legal information about the asylum procedure and assistance in filling out the asylum application. At the Nikola Tesla airport, we notice that from the persons who contacted us and wanted to seek asylum, managed to get a certificate of registration and be allowed to enter the Republic of Serbia.</p>	
7.	<p>In the case of foreigners who do not meet the conditions for access to the territory of the RS, the officers of the Belgrade Border Police Station should, in accordance with the provisions of the Law on Foreigners, issue them a refusal of entry, which is explained in a language that the foreigners understand, with the possibility of applying for a legal remedy. . Amendments to the Law on Aliens, which would ensure a judicial review of the decision to deny the entry of a foreigner to the country, instead of the current legal solution, which only provides for the possibility of filing a complaint with the administrative body - the MUP, without suspensory effect</p>	<p>since 2022</p> <p>There was no progress, the proposed changes to the Law on Aliens that were pointed out during public hearings did not happen.<sup>104</sup></p>	
8.	<p>Adoption of a by-law regulating the appearance of a travel document for refugees; adoption of amendments to</p>	<p>since 2022</p> <p>The by-law has not been adopted yet.</p>	

<sup>104</sup>More about this in the press release of the Belgrade Center for Human Rights: <https://www.bgcentar.org.rs/neophodno-dodatno-izmeniti-odredbe-zakona-o-strancima-kojima-se-krse-osnovna-ljudska-prava/> .

	<p>the Law on Citizenship and the Law on Aliens that would enable procedural conditions for acquiring citizenship for persons who have been granted asylum in the RS under more favorable conditions than other categories of foreigners with permanent residence .</p>	<p>A breakthrough occurred in the action of the ECtHR following the application of the ECtHR, where the European Court of Human Rights found that Serbia had violated the right to freedom of movement of refugees from Syria to whom it had granted asylum. Namely, on July 11, 2023, the verdict in the case SE v. Serbia, in which it was determined that the Republic of Serbia violated the right to freedom of movement of the petitioner, a refugee from Syria who was granted asylum in Serbia. It is about the case of the Belgrade Center for Human Rights, which filed a petition on behalf of its client back in 2016, due to the refusal of the Serbian authorities to issue a travel document to a person who escaped from Syria and was granted asylum in our country.</p> <p>This case represents a precedent in terms of respect for the freedom of movement of refugees and is the first judgment of the European Court of Human Rights against Serbia that relates to the exercise of the rights guaranteed to persons seeking international protection.<sup>105</sup></p> <p>In addition, the amendments to the Law on Foreigners provide access to permanent residence for persons with approved asylum (Article 68A), which is the basis for the subsequent acquisition of refugee citizenship if the current Law on Citizenship is amended in that part.</p>	
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<sup>105</sup>More at: <https://www.bgcentar.org.rs/evropski-sud-za-ljudska-prava-utvrdio-da-je-srbija-pvoredila-pravo-na-slobodu-kretanja-izbeglici-iz-sirije-kome-has-granted-asylum/>

		<p>Amendments to the Law on the Employment of Foreigners will enable easier access to rights for refugees and asylum seekers in the Republic of Serbia, especially in terms of exercising the right to work.</p> <p>Persons with approved asylum, i.e. recognized right to refuge or granted subsidiary protection, will not need a work permit in the future (from February 1, 2024, when the provision regarding access to the right to work will be applied), which will avoid paying high fees and previous complicated administrative procedure. With the new changes, this category of foreigners will have, so-called, open access to the labor market, similar to access to the labor market in European Union countries. In addition, asylum seekers will be able to access the labor market after six months instead of nine months after the submitted asylum application, which also brings Serbia closer to the practice of the European Union countries. The changes will also enable persons with temporary residence, for humanitarian reasons, to have the opportunity to access the labor market, which was pointed out years ago, especially bearing in mind that among them are victims of human trafficking and gender-based violence.</p>	
9.	Improvement of the application of domestic and international regulations in the area of refugee law by the acting courts in the decision-making process of the extradition of foreigners who request international	<p>since 2022 No progress</p>	

	protection from the RS or express such an intention.		
10.	It is necessary to harmonize the definition of torture in the Criminal Code with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Punishments or Procedures.	since 2022 No progress	
11.	It is necessary to abolish the possibility of statute of limitations for criminal and disciplinary prosecutions and execution of sentences for acts of torture and other forms of abuse, in accordance with international standards.	since 2022 No progress	
12.	It is necessary to demonstrate results in the fight against organized crime in high-profile cases (international organized crime groups with significant assets and political connections) at the level of final judgments.	since 2021 Significant results have still not been achieved in the fight against organized crime and, according to the findings of the EC Report on Serbia's progress, Serbia lacks a strategic approach to this problem that would replace the <i>ad hoc approach</i> .	
13.	It is necessary to fully investigate and prosecute major cases that point to systemic links of organized crime and corruption with the political elite, such as Savamala , Jovanjica , Krusik, Belivuk .	since 2022 No progress	
14.	It is necessary to regulate the interception of communications and the role of security services in criminal proceedings in accordance with the transitional measure for this area. The perennial delay in the implementation of measures in this area is particularly problematic, under the pretext that it is necessary to find the best model to implement this reform in Serbia, although there are examples of good practice in the region (Croatia or North Macedonia).	since 2022 No progress	
15.	The Ministry of Internal Affairs of the Republic of Serbia should publish the	since 2022 There is no substantial progress, the competent	



	findings of the evaluation of the expired Strategy for the prevention and fight against terrorism.	authorities have submitted contributions for the preparation of the Report that has yet to be adopted by the National Coordinating Body for the Prevention and Fight against Terrorism and submitted to the Government of the Republic of Serbia.	
16.	The Government of the Republic of Serbia should adopt a new Strategy for the prevention and fight against violent extremism and terrorism, in which the priority would be the fight against right-wing extremism. An integral part of the Strategy should be an analysis of the situation and trends in this area.	since 2022 There is no substantial progress, it is related to recommendation number 15. The completion of the study is expected, which should include the analysis of extremism, including right-wing extremism.	
17.	The state institutions of Serbia should quickly and consistently react to the activities of extreme right-wingers, both those who directly take care of the safety of citizens (BIA, police, prosecutor's office), as well as the holders of the highest state positions who should publicly and unequivocally condemn the incidents caused by these groups and individuals.	since 2022 There is no substantial progress	

## WORKING GROUP FOR CHAPTER 27

- ENVIRONMENT AND CLIMATE CHANGES

**Coordinator: CENTER FOR ECOLOGY AND SUSTAINABLE DEVELOPMENT (CEKOR), Nataša Đereg**

### Basic information on Chapter 27 - Environment and climate change

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>106</sup> adopted	The Government of Serbia adopts a negotiating position <sup>107</sup>
27 - Environment and climate change	September 15-19, 2014/ November 17-21, 2014	March 2017	0		January 2020 <sup>108</sup>
Chapter opening date	Number of closing benchmarks	IBAR <sup>109</sup> adopted		CBAR <sup>110</sup> adopted	Chapter temporarily closed
December 15, 2021	8	Horizontal - 1 Air - 4 Waste - 5 Water - 6 Ind. pollution - 1 Chemicals - 1 Klim . changes - 2 <u>TOTAL: 20</u>		NO	NO (It's 22 months elapsed since the opening of the chapter)

**Closing benchmarks for Chapter 27** can be found in the document *Common Position of the European Union* <sup>111</sup>:

1. Serbia needs to finish aligning with **horizontal directives** and continue the implementation of legal regulations in the field of horizontal legislation, as well as to prove that on the date of

<sup>106</sup>OBAR - *opening benchmark assessment report*.

<sup>107</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>108</sup>See: <https://www.mei.gov.rs/src/dokumenta/eu-dokumenta/pristupni-pregovori-sa-eu/pregovaracke-pozicije/pregovaracke-pozicije-za-poglavlje-27> .

<sup>109</sup>IBAR - *interim benchmark assessment report*.

<sup>110</sup>CBAR - *closing benchmark assessment report*.

<sup>111</sup>See:

[https://www.mei.gov.rs/upload/documents/pristupni\\_pregovori/pregovaracke\\_pozicije/27\\_zajednicka\\_pozicija\\_eu.pdf](https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/27_zajednicka_pozicija_eu.pdf) .

accession it will be fully prepared to ensure the effective implementation and execution of horizontal directives;

2. In relation to **air quality**, Serbia should achieve full compliance with the revised Directive on the reduction of national emissions of certain atmospheric pollutants, present an analysis of cost-effective strategies for controlling emissions for 2020 and 2030, report on its emissions once a year and develop a national air pollution control program. Serbia should regularly undertake measures to reduce national air pollution, especially in areas where the EU limit values for air quality are exceeded, as well as develop or update air quality plans;
3. Serbia should allocate funds for infrastructure investments in accordance with relevant EU legal regulations, including the hierarchy in **waste management**. Serbia should establish waste prevention programs and prepare a waste management plan (WMP) - national and regional - that includes information on all waste streams and solutions for managing them, including the type and capacity of waste management infrastructure, separate collection schemes and economic instruments;
4. Serbia should comply with the **acquis in the water sector** and develop river basin management plans for each river basin area that is entirely within its territory, including parts of international river basin areas that fall under its territory, as well as ensure the establishment of a legal basis and the mechanism for international coordination of those plans;
5. In the field of **nature protection**, Serbia should submit to the European Commission a list of proposed "Natura 2000" areas, which sufficiently cover the types of habitats and birds in accordance with the requirements of the Birds Directive and the Habitats Directive, as well as prove the capacity to manage the network. Natura 2000". Serbia should submit a National Action Plan on the Prevention of Illegal Killing of Birds (IKB) and start implementing a system for the enforcement of relevant EU legal regulations, including the prevention of criminal acts of illegal killing of birds;
6. Serbia should continue harmonizing with the EU **acquis in the sectors of chemicals, noise and civil protection**, as well as prove that it will be fully ready to ensure the implementation and execution of EU requirements by the date of accession;
7. In relation to **climate change**, Serbia should continue harmonizing with the **acquis**, especially by adopting legal regulations on the functioning of the European Emissions Trading System (EU ETS). Serbia should further harmonize with the relevant secondary legislation on monitoring and reporting, accreditation and verification, the Register of the European Union, free allocation and auction sale of emission units. Serbia should ensure the establishment of an appropriate framework for the full implementation of the EU ETS in terms of monitoring, reporting and verification of greenhouse gases;

8. Serbia, in accordance with the Action Plan for **the development of administrative capacities**, should significantly improve the capacity of administrative bodies at all levels, including capacities for determining priorities, strategic planning and programming, information sharing and monitoring, performance measurement and enforcement and compliance with regulations. Serbia should further improve the coordination of work and prove that all appropriate administrative structures will be established sufficiently before accession to enable the implementation and enforcement of legal acquis in all sectors of this chapter.

## Recommendations of the NCEU Working Group for Chapter 27

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	Consider the possibility of exemption from court fees in cases in the field of environmental protection.	Unfulfilled established: November 2020.	Benchmark no. 1
2.	Tighten the penal policy for violations of environmental rights.	Unfulfilled established: November 2020.	
3.	Form, based on the EU's recommendation, an independent national body that would resolve public complaints related to the environment.	Unfulfilled established: November 2020.	
4.	Include the right to health and a healthy environment in monitoring the state of fundamental rights in Chapter 23.	Unfulfilled established: November 2020.	
5.	Improve the intersectoral cooperation of the authorities responsible for the implementation of regulations within Chapters 23 and 27.	Unfulfilled established: November 2020.	
6.	In cooperation with competent institutions, establish a mechanism for regular monitoring of the health of the population, especially children, in connection with the work of industry and the economy as a whole; do independent epidemiological studies.	Unfulfilled established: November 2020.	
7.	Include in the Action Plan for Chapter 23 activities to improve the capacity of independent authorities responsible for	Unfulfilled established: November 2020.	

	the protection of rights related to the environment for the implementation of regulations in this area.		
8.	Carry out the promotion of laws that protect the environment in cooperation with competent inspections, on the importance of misdemeanor law protection in the entire environmental protection system.	Unfulfilled established: November 2020.	
9.	The question of the place of impact assessment in the planning and construction system should be changed, i.e. systemically solve so that this procedure must go before issuing a building permit.	Unfulfilled established: November 2017	
10.	Restore the purposeful nature of the funds collected on behalf of various fees for environmental protection (change the law on the budget system).	Unfulfilled established: November 2016	
11.	Ensure local financing of environmental protection, as well as the independence and transparency of the Green Fund.	Unfulfilled established: November 2018	
12.	The Annual Report on the State of the Environment shall be officially adopted immediately after the end of the calendar year, and the public shall be notified and informed through quarterly reports.	Unfulfilled established: November 2020.	Benchmark no. 8
13.	Increase inspection capacities at all levels and their powers, and include economic experts for the assessment of long-term environmental protection measures.	Partially fulfilled established: November 2020.	
14.	Conduct mandatory public hearings and consultations when adopting planning documents and laws affecting environmental protection.	Unfulfilled established: November 2020.	
15.	The description of the situation by individual sub-areas or sectors in Chapter 27, which was submitted to the European Commission through the work of many experts, should be published publicly as a separate publication; consult the public during the drafting and adoption of unfinished DSIPs.	Unfulfilled established: November 2020.	Benchmark no. 1
16.	In the procedures for issuing permits for applied geological research, allow the locals to have the status of a party with the opposite interest and arrange a mandatory environmental impact assessment procedure.	Unfulfilled established: November 2021	

17.	Publish publicly all reports and findings of environmental protection inspectors.	Unfulfilled established: November 2020.	
18.	In all EU projects with the theme of environmental protection, involve the public from the very beginning.	Unfulfilled established: November 2021	
19.	Adopt the legal regulation of the minimum distance / protective belt from mining activities.	Unfulfilled established: November 2020.	
20.	Establish networks (devices) for measuring air pollution in all local communities, especially in the vicinity of the biggest polluters: mines, industry, cement plants, steel plants, chemical and other industries.	Unfulfilled established: November 2020.	Benchmark no. 2
21.	Direct the climate strategy according to the EU 2050 framework and direct state aid as much as possible towards energy saving, energy efficiency and renewable sources.	Unfulfilled established: November 2020.	Benchmark no. 7
22.	Implement the reform of public utility companies, as well as the establishment of a waste collection system with separation at the source.	Unfulfilled established: November 2020.	
23.	Solve the issue of illegal landfills	Partially fulfilled established: November 2020.	
24.	Improve the capacity and implementation of environmental protection standards in the field of construction waste management.	Unfulfilled established: November 2020.	
25.	Improve disposal of animal waste and construction waste.	Unfulfilled established: November 2020.	Benchmark no. 3
26.	Ensure that all municipalities have to take waste to sanitary landfills, and also to rehabilitate and clean illegal dumpsites.	Partially fulfilled established: November 2020.	
27.	Ensure household hazardous waste management.	Unfulfilled established: November 2020.	
28.	For mining waste, ensure that data is sent to the Environmental Protection Agency.	Unfulfilled established: November 2020.	
29.	Strictly control the application of primary wastewater treatment by industry.	Unfulfilled established: November 2020.	
30.	Provide permanent and safe solutions for the removal of polluting and hazardous substances from old enterprises.	Unfulfilled established: November 2020.	Benchmark no. 4
31.	Suspend the development of the 5G network until the risk and consequences of radiation are assessed.	Unfulfilled established: November 2020.	

32.	Enact the missing by-law that will regulate the minimum sustainable flow of watercourses on which the construction of hydropower plants is planned.	Unfulfilled established: November 2020.	This is related to nature protection
33.	Make green procurement mandatory. The Law on Public Procurement provides the possibility to procure goods and services according to green criteria, but those who call for public procurement are not stimulated to buy goods that have a less negative impact on the environment.	Unfulfilled established: November 2021	This is related to administrative procedures
<b>Recommendations to the judiciary</b>			
34.	Consider the formation of special judicial departments for the field of environmental protection, in order to enable the specialization of judicial personnel in this field.	Unfulfilled established: November 2020.	Benchmark no. 1
35.	Consider keeping a special record of court cases in the field of environmental protection.	Unfulfilled established: November 2020.	
36.	Conduct trainings for prosecutors on the manner and importance of prosecuting criminal offenses against the environment.	Unfulfilled established: November 2020.	
<b>Recommendations to the European Union</b>			
37.	In the reports, name the authorities responsible for the implementation of regulations, as well as for the realization or protection of rights in the field of environmental protection.	Unfulfilled established: November 2020.	Benchmark no. 1
38.	In the EC Report on Chapter 23, which covers the areas of judicial reform, anti-corruption policy, fundamental rights, introduce the area of environmental protection as a separate part of monitoring.	Unfulfilled established: November 2020.	
<b>Recommendations to civil society organizations</b>			
39.	Improve the capacity of the civil sector for monitoring the situation in the field of environmental protection and protection of rights through the initiation of administrative and judicial proceedings.	Unfulfilled established: November 2020.	Benchmark no. 1
40.	Promote and educate citizens about rights and norms in the field of environmental protection.	Unfulfilled established: November 2020.	

## WORKING GROUP FOR CHAPTER 28

- CONSUMER PROTECTION AND HEALTH PROTECTION

**Coordinator: CENTER FOR EUROPEAN POLITICS (CEP), Nebojša Lazarević**

In the Report of the European Commission on Serbia's progress for 2022, it is stated that Serbia is **moderately prepared** in the area of consumer protection and health. The recommendations from the previous report still apply.

It is also noted that **limited progress has been achieved** in the implementation of legislation in the area of consumer protection and in the digitalization of the health sector, as well as in the improvement of administrative capacities by increasing the number of health workers.

### Basic information on Chapter 28 - Consumer protection and health protection

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>112</sup> adopted	The Government of Serbia adopts a negotiating position <sup>113</sup>
28 - Consumer protection and health protection	December 4-5, 2014/ February 3-4, 2015	November 25, 2016	Without a yardstick	-	February 3, 2022
Chapter opening date	Number of closing benchmarks	IBAR <sup>114</sup> adopted		CBAR <sup>115</sup> adopted	Chapter temporarily closed
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<sup>112</sup>OBAR - *opening benchmark assessment report*.

<sup>113</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>114</sup>IBAR - *interim benchmark assessment report*.

<sup>115</sup>CBAR - *closing benchmark assessment report*.



## Recommendations of the NCEU Working Group for Chapter 28

Table 2.

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	In addition to the recent adoption of the new Law on Consumer Protection (2021), its further changes are needed in order to align with the new EU legislation (including directives 2015/2302 and 2020/1828, as well as upcoming changes 2005/29/EC and 2011 /83/EU). <b>Of particular importance is the further strengthening of institutional consumer protection mechanisms</b> : the need to consider the model of the consumer ombudsman , the institutional concentration of the fight against unfair business practices in the Commission for the Protection of Competition, the introduction of a special administrative measure for consumer protection that would be imposed on more severe forms of violations of business practices, some are from the initiatives that were previously submitted to the competent ministry (public policy discussion document).	Completely unfulfilled established: 2021	No benchmark
2.	Examine the possibility of introducing <b>a special budget fund for the financing needs of consumer organizations</b> in order to ensure adequate material, personnel and technical conditions for the help and support they provide to consumers. Among other things, such an improvement of the existing financing program of consumer organizations would enable the implementation of activities for which there are currently no funds, and which are characteristic of developed markets, such as comparative tests of the quality of products on the market.	New recommendation	No benchmark

3.	It is necessary <b>to model the legal solution of a collective lawsuit</b> , in the light of the upcoming drafting of the new Law on Civil Procedure, in order to create conditions for solving the problems of mass litigation and for better access to justice for citizens in typical, identical or similar repetitive disputes , i.e. for the judicial protection of the collective interest of citizens, especially in the field of consumer rights. The introduction of collective action also represents an obligation of legal harmonization, in light of Directive 2020/1828 on representative actions.	Completely unfulfilled established: 2022	No benchmark
4.	To ensure <b>the full functionality of the integrated health information system</b> , which, in addition to the functioning of its individual services, is not yet fully provided. There is still no single and comprehensive organization of digitization management in the healthcare system, including clearly defined responsibilities of all participants. It is necessary to provide a unique electronic health file of all users of the health care system, which connects all data relevant for health monitoring, diagnosis and treatment. At the same time, it is necessary to provide access to aggregate, generic and depersonalized data, for the needs of professional and scientific research, as well as informing the public. The recently adopted Digitalization Program in the Health System (2022) provides an adequate planning basis for the implementation of these activities.	Completely unfulfilled established: 2017	No benchmark
5.	It is necessary that the Institute of Public Health of Serbia, as a key national institution for the monitoring and control of infectious diseases, <b>prepares and publishes a thematic report on the epidemic of COVID-19, with data on the results of epidemiological surveillance and assessments of the effects of epidemiological measures undertaken</b> , in order to ensure factual the basis for public discussion on the measures taken, the responsibility of authorities and bodies for the success of the	Completely unfulfilled established: 2021	No benchmark

	implementation of the protection of the population from this infectious disease and the creation of a public health protection policy in this area.		
6.	In light of the recent tragic events in Belgrade and Mladenovac, it is necessary <b>to improve the work on the implementation of the existing Mental Health Protection Program (2019)</b> , as well as further improvement of programs, activities and measures for the protection of the mental health of the population.	New recommendation	No benchmark
<b>Recommendations to the European Union</b>			
7.	It is necessary to speed up <b>the procedure for considering Serbia's negotiating position</b> , adopted in 2022, as well as ensure the conditions for opening negotiations in Chapter 28.	New recommendation	No benchmark

## WORKING GROUP FOR CHAPTER 29

### • CUSTOMS UNION

**Coordinator: prof. Dr. Duško Lopandić**

In the Report of the European Commission (EC) on the progress of Serbia for 2022, it is stated that Serbia is **at a good level of preparation** in the area of the customs union. The chapter was opened at the meeting of the intergovernmental conference in Brussels on June 20, 2017.

**Limited progress** has been achieved through the adoption of further amendments to the Customs Law and the harmonization of legislation in the field of cultural property with the relevant EU acquis from Chapter 29. No progress has been made with regard to last year's recommendations (from the 2021 report), which therefore remain valid.

It is requested that in the coming year, Serbia should in particular:

- additionally, upgrade the customs processing system by integrating risk management;
- further develop the IT system of national customs services in order to enable its integration with the EU system.

### Basic information on Chapter 29 - Customs Union

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>116</sup> adopted	The Government of Serbia adopts a negotiating position <sup>117</sup>
29 – Customs Union	March 26-27, 2014/ June 3-4, 2014	November 2015	/	/	January 2017
Chapter opening date	Number of closing benchmarks	IBAR <sup>118</sup> adopted		CBAR <sup>119</sup> adopted	Chapter temporarily closed
June 20, 2017	3	/		NO	NOT (75 months have passed since the opening of the chapter)

<sup>116</sup>OBAR - *opening benchmark assessment report*.

<sup>117</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>118</sup>IBAR - *interim benchmark assessment report*.

<sup>119</sup>CBAR - *closing benchmark assessment report*.

Based on the common position, the delegation of the European Union highlighted, assuming further progress of Serbia in the adoption of legal acquis, the following three **benchmarks for closing the chapter** :

1. Serbia should continue to adopt regulations that require further harmonization, especially in the areas of exemption from import duties, customs risk management and security aspects, cultural property and drug precursors;
2. Serbia should effectively apply its customs rules in all its customs offices, especially in the areas of declaration processing, origin, simplified procedures, intellectual property rights, control selectivity and risk analysis (including automatic pre-arrival/pre-departure risk analysis for all forms of transport);
3. Serbia should present to the European Commission a comprehensive and coherent Business Strategy of the Customs Administration and an IT strategy, as well as achieve sufficient progress in the development of all necessary interconnection systems in the IT sector.

### Recommendations of the NCEU Working Group for Chapter 29

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	Bearing in mind the generally good level of general preparation of Serbia in Chapter 29, but also signs of more limited progress in the adoption of by-laws and bearing in mind the recommendations of the European Commission in the period from 2019 to 2021 further efforts are needed to upgrade the customs systems, especially when it comes to the integration of risk management by the customs administration.	Partially fulfilled established: 2022	N/A
2.	It is also necessary for Serbia to speed up legal harmonization with the EU acquis in matters of cultural property,	Partially fulfilled (ongoing process) established: 2022	N/A

	free zones and aspects of security during the supervision of goods passing through customs.		
3.	The further development of the customs system, and especially the harmonization with the European Union, does not depend so much on the harmonization of basic customs regulations or by-laws (which are mostly harmonized to a large extent), but on the concrete application of operational measures in the field of IT/computerization, especially when in terms of the need for high financial investments in IT equipment and programs, as well as constant investment in human resources. There is a large gap between the budget funds intended for the IT modernization of the customs services, on the one hand, and the real needs, on the other hand. It has been estimated at 10 million euros of missing funds in 2020 just for the first year of the implementation of the ICT strategy of the customs administration. <i>Therefore, an active attitude of the competent authorities is needed in order for the missing funds to be engaged, either through foreign donations or in another way (by rebalancing the budget, etc.).</i>	Partially fulfilled (ongoing process) established: 2022	N/A
4.	Additional investment is necessary when it comes to the training and motivation of the personnel of the customs administration, especially in the area of the IT sector, but also more widely. Constant investments in human resources are necessary, bearing in mind the very dynamic development when it comes to administrative-technical and other issues,	Partially fulfilled established: 2022	N/A
5.	It is necessary to regularly update the strategy and action plans related to the modernization and operations of the customs administration and other bodies responsible for this chapter.	Partially fulfilled established: 2022	N/A
<b>Recommendations to the European Union</b>			
6.	It is very important that the European Commission provides appropriate funds from the new IPA III program in order to financially support the strategic IT modernization process of Serbia in the area of the customs union.	Completed: 2022.	N/A

7.	It is necessary for the EU to continue including Serbia in its cooperation and support programs in the customs sector (such as "Customs 2020").	established: 2022	N/A
<b>Recommendations to the NCEU Program Council</b>			
8.	Establish a cross-sectoral working group to monitor reform issues relevant to the Customs Union (Chapter 29), inter alia, in Chapter 7 (Intellectual Property Law), Chapter 24 (Justice, Freedom and Security), Chapter 26 (Education and Culture), Chapter 30 (Economic relations with foreign countries and Chapter 31 (Common foreign, security and defense policy).	established: 2022	N/A

## WORKING GROUP FOR CHAPTER 30

- EXTERNAL RELATIONS

**Coordinator: CENTER FOR INTERNATIONAL AND SECURITY AFFAIRS (ISAC FUND), Igor Novaković**

In the annual report of the European Commission on Serbia's progress for 2022, published in October 2022, it is stated that Serbia is **moderately prepared** in the area of economic relations with foreign countries (external relations).

### Basic information on Chapter 30 – External relations

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>120</sup> adopted	The Government of Serbia adopts a negotiating position <sup>121</sup>
30 – External relations	July 2, 2014/ October 9, 2014				March 2017
Chapter opening date	Number of closing benchmarks	IBAR <sup>122</sup> adopted		CBAR <sup>123</sup> adopted	Chapter temporarily closed
December 11, 2017	2			NO	NO (66 months have passed since the opening of the chapter)

**The closing benchmarks** are as follows:

1. Serbia should accede to the World Trade Organization (WTO) and ensure progress in terms of harmonization with EU positions in the WTO;
2. Serbia should present to the Commission an action plan for the remaining preparations in terms of harmonization of legislation, harmonization of international agreements with the *acquis* of

<sup>120</sup>OBAR - *opening benchmark assessment report*.

<sup>121</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>122</sup>IBAR - *interim benchmark assessment report*.

<sup>123</sup>CBAR - *closing benchmark assessment report*.



the EU and improvement of administrative and control capacities in order to ensure the full implementation and enforcement of the acquis of the EU in this chapter from the date of accession. Monitoring of progress in alignment with the acquis and its implementation will continue during the negotiations. The EU emphasizes that it will pay special attention to monitoring all the above-mentioned specific issues in order to ensure Serbia's administrative capacity and its capacity to complete harmonization with the EU acquis concerning economic relations with foreign countries. In particular, the links between this chapter and other negotiating chapters should be considered. The final assessment of the compliance of the Serbian legislation with the acquis of the EU and its enforcement capacities can only be given at a later stage of the negotiations. In addition to all the information that the EU may require for the purposes of the negotiations in this chapter, which should be submitted to the Conference, the EU invites Serbia to regularly submit detailed written information to the Stabilization and Association Council on the progress in the implementation of the EU acquis.

### Recommendations of the NCEU Working Group for Chapter 30

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	The Government of the Republic of Serbia should restart a coordinated interdepartmental process that would result in a clear political decision for the adoption of a new Law on Genetically Modified Organisms, based on EU regulations in that domain. This law would abolish the existing absolute ban on the sale of these products, but would establish adequate and effective mechanisms of product control and approval that would protect the interests of consumers, in accordance with the possibilities offered by European and international standards. The existing Law does not provide an adequate system for monitoring products containing GMOs, and therefore the solutions it provides are unsafe and do	Unfulfilled established: 2015	Closing benchmark no. 1

	not correspond to the interests of citizens. Adoption of the new Law, which would be in line with EU practice, would remove the main obstacle to ending multilateral negotiations within the WTO, as well as bilateral negotiations within the WTO with the United States of America.		
2.	It is necessary to improve efforts in order to conclude the bilateral negotiations within the WTO as soon as possible. Serbia, in this sense, needs to raise the negotiations with certain countries to a higher level and to improve the coordination of the EU so that the bilateral negotiations, primarily with Ukraine, Brazil and certainly Russia, are carried out and concluded as efficiently as possible. In this sense, a stronger engagement is needed in order to conclude the Free Trade Agreement with Ukraine as soon as possible and to clarify the nature of the challenges for ending the bilateral negotiations with Russia, since Serbia already has a free trade regime with this country.	Unfulfilled established: 2015	Closing benchmark no. 1
3.	The Government of the Republic of Serbia should, as soon as possible, appoint a permanent representative at the General Secretariat of the WTO in Geneva (economic advisor for the WTO, UNCTAD and EFTA at the Permanent Mission of the Republic of Serbia at the OUN in Geneva). Without a permanent representative (which Serbia has not had since 2013), Serbia is deprived of first-hand information and adequate and timely monitoring of the processes taking place at the WTO headquarters, Serbia's interests are not adequately represented and, at the same time, the reputation of our country is collapsing. country, which significantly undermines the capacities of the part of the administration that deals with these issues, while simultaneously undermining the reputation of Serbia.	Unfulfilled established: 2018	Closing benchmark no.3
4.	The administrative capacities of Serbia in the field of foreign trade have been significantly undermined, which is a consequence of the overall policy towards personnel in all areas.	Partially fulfilled Continuous process established: 2015	Closing benchmark no.3

	<p>The problem is not only in the outflow of experts, but also in the fact that there is no approach that would enable their preservation in the system. Regardless of the fact that the Government made an effort to hire new experts, the outflow of experts in the previous period nullified the effects. A systemic horizontal approach through all ministries is needed, which would aim to retain experts who are still in the administration, hire new ones and improve their capacities.</p>		
5.	<p>It is crucial to ensure a multidisciplinary approach when negotiating, creating, implementing and monitoring international agreements in the field of foreign trade - these are agreements that are not exclusively legal instruments, but have the dimension of an economic tool for achieving the economic and political goals of the Republic of Serbia. In addition, all these agreements already now, and even more in the future, must take into account the fact that digitalization is no longer just a fragment and an additional issue to be taken into account - it is a general framework for the entire spectrum of activities (trade, investment, creation and implementation of public policies). This requires a "digitalized" prism of viewing foreign trade policy, including the agreements and regulations on which it is based.</p>	established: 2021	Closing benchmark no.3
6.	<p>The government should, as soon as possible, pass a proposal for the Law on International Development Cooperation and Humanitarian Aid. During the drafting of the proposal, the Government should respect the principles of transparency and inclusiveness when creating solutions for the establishment of a system for providing international development cooperation and humanitarian aid. The Republic of Serbia will allocate significant funds from the budget for these purposes and, in this sense, it is necessary for citizens to have a clear insight into the process of allocating these funds, as well as the reasons for making decisions on the allocation.</p>	Unfulfilled established: 2016	Closing benchmark no.3

7.	Serbia should refrain from introducing new temporary barriers to trade with the EU. However, if the measure is necessary, then the Government of Serbia should do everything in its power to adequately explain such measures to the European Commission, so that it will accept them.		SAA
<b>Recommendations to the European Union</b>			
8.	EU institutions and member states should provide more active support to Serbia in Serbia's bilateral negotiations with Brazil and Ukraine, since with some of them, certain open issues will have to be discussed at a higher political level. Regarding the issue of bilateral negotiations with Russia, the current situation does not leave much chance that the EU can help Serbia at this moment, but the European Union should remain open and provide support to Serbia the moment the negotiations resume.	established: 2021	Closing benchmark no. 1
<b>Recommendations to civil society organizations</b>			
9.	Civil society organizations that deal with aspects related to foreign trade and consumer protection, as well as topics that are part of the following chapters: 31 - Common foreign, security and defense policy, 8 - Competition policy, 1 - Free movement of goods, 20 - Entrepreneurship and industrial policy, 11 - Agriculture and rural development, 12 - Food safety, veterinary and phytosanitary policy and 27 - Environment and climate change, as well as relevant institutes and academic institutions should be active when the campaign to advocate Serbia's entry into the WTO begins. They should, for their part, provide well-founded views and open a dialogue with the Government and other institutions, in order to provide adequate answers to all questions that part of the public in Serbia is critical of, primarily in connection with the passing of the Law on GMOs.	Partially fulfilled established: 2015	Closing benchmark no. 1
10.	Interested civil society organizations should organize an informal network that would be involved in a timely manner in the process of developing a system for providing international development cooperation. Such a	established: 2021	

	network would actively contribute to the transfer of relevant experiences from EU member states and prepare the organizations themselves for partnership with state institutions in providing international development cooperation.		
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## WORKING GROUP FOR CHAPTER 31

### • FOREIGN, SECURITY AND DEFENSE POLICY

**Coordinator: CENTER FOR INTERNATIONAL AND SECURITY AFFAIRS (ISAC FUND), Igor Novaković**

In the annual report of the European Commission on the progress of Serbia for 2022, it is stated that Serbia is **moderately prepared** in the field of common foreign, security and defense policy (CFSP) and that it has **regressed** in the reporting period. Although Serbia, after Russia's unprovoked and unjustified aggression against Ukraine, aligned itself with some of the EU's positions in international forums (including the United Nations General Assembly), it has so far refused to align itself with any sanctions against the Russian Federation, and has not aligned itself either with most declarations of the High Representative in this area. Moreover, Serbia continued to maintain close relations with Russia and some statements and actions of high officials were completely opposed to EU positions in the field of foreign policy. In 2021, the rate of compliance of Serbia with the declarations of the High Representative, in connection with the decisions on restrictive measures (sanctions) of the EU and the Council, was 64%. However, this rate has dropped significantly to 45% by August 2022. Serbia continued to participate in EU crisis management missions and operations within the common security and defense policy. Serbia should appoint persons who will be in charge of performing the functions of "political director" and "European correspondent". It should also strengthen efforts to build social resistance to information manipulation, including disinformation, as well as take measures to actively prevent these and other forms of hybrid threats.

#### Basic information on Chapter 31 - Foreign, security and defense policy

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>124</sup> adopted	The Government of Serbia adopts a negotiating position <sup>125</sup>
31 - Foreign, security and defense policy	July 15, 2014/ October 10, 2014				
Chapter opening date	Number of closing benchmarks	IBAR <sup>126</sup> adopted		CBAR <sup>127</sup> adopted	Chapter temporarily closed
The chapter is not open. Serbia has not even received the Screening Report.	2			NO	

<sup>124</sup>OBAR - *opening benchmark assessment report*.

<sup>125</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>126</sup>IBAR - *interim benchmark assessment report*.

<sup>127</sup>CBAR - *closing benchmark assessment report*.

## Recommendations of the NCEU Working Group for Chapter 31

**Table 2.**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	Bearing in mind that in 2020, Serbia voted for UN General Assembly resolutions condemning Russian aggression against Ukraine and supporting humanitarian efforts, and that it agreed with a number of EU declarations on the same topic, and even decided to introduce restrictive measures to the former Ukrainian Prime Minister Viktor Yanukovich and his associates, the Government of the Republic of Serbia is called upon to continue with this trend, as well as to gradually comply with the remaining (and larger number) of EU declarations and the measures resulting from them. The issue of compliance with EU foreign policy declarations and measures is becoming a key political issue and will affect Serbia's overall progress in negotiations with the EU.	Unfulfilled established: 2022	
2.	Although Serbia is in a delicate position from which it adapts its foreign policy to the needs of protecting its territorial integrity, where the veto power of Russia and China in the UN Security Council plays a significant role, it should show its willingness to (at least) consider the gradual introduction of certain restrictive measures, with the aim of providing assurance to EU partners that Serbia is firmly committed to the vision, principles and goals of the CSDP. The same applies to the alignment with the political declarations related to these two countries.	Unfulfilled established: 2015	

<p>3.</p>	<p>Given the complexity of the geopolitical situation in which the world and Europe currently find themselves, it is necessary for decision makers in Serbia to communicate their foreign policy obligations towards the EU in a clearer way to the citizens, as well as to inform them in a credible manner about the current events in Ukraine. The goal is to avoid creating additional suspicion of citizens towards the EU, that the EU is the one "pressing" and Serbia is only reluctantly following. A proactive approach on the communication front would aim to prevent the growth of Euroscepticism among citizens.</p>	<p>Unfulfilled established: 2022</p>	
<p>4.</p>	<p>The Government of the Republic of Serbia should formulate a Foreign Policy Strategy, or at least the principles on which it rests, in which the goal of EU integration will be unequivocally set as a priority. This approach should be clearly demonstrated through implementation, that is, it must be reflected in the majority of foreign policy moves that follow. If in the coming period the Government of the Republic of Serbia starts the process of developing a strategy, it should ensure transparency and inclusiveness. In other words, civil society organizations, experts and other interested parties should be involved in the process of drafting this document, so that the document reflects the interests of citizens and is sustainable in the long term.</p>	<p>Unfulfilled established: 2015</p>	
<p>5.</p>	<p>In the context of the new methodology for pre-accession negotiations with the EU, the Government of the Republic of Serbia should recognize the moment and actively advocate for the possibility of greater institutional integration and cooperation with the EU. It would be in the interest of both Serbia and the EU if Serbia were invited to join, in observer status, meetings where policies and measures that are essential for both parties are decided. In this regard, the model of phased accession, which envisages the introduction of gradual and continuous incentives for the aspirant states, may represent one of the</p>	<p>Partially fulfilled Continuous process established: 2020</p>	



	possible proposals for overcoming the existing deadlock.		
6.	The Government of the Republic of Serbia should continue with a proactive approach when it comes to participation in the Joint Defense and Security Policy, primarily when it comes to creating a system for Serbia's participation in civilian missions, as well as potential participation in Permanent Structural Cooperation in the field of defense. Although it is disappointing that Serbia did not manage to complete the adoption of the Law on the participation of civilians in peacekeeping missions outside the borders of the Republic of Serbia during the previous parliamentary mandate, thereby wasting time and missing the opportunity for active action, it is crucial that the National Assembly does not delay the adoption of that Law, as and to start activities as soon as possible to create a base of experts, as well as to select the areas of expertise of the experts he plans to send. In this way, Serbia will contribute to the efforts of the EU in the field of security and defense and will strengthen its partnership position.	Partially fulfilled established: 2016	
7.	In the context of the application of EU restrictive measures with which Serbia has agreed, the Government of Serbia should be committed to their implementation, that is, that what has been accepted is fulfilled through coordination in the system.	Implemented Continuous process established: 2021	
8.	The Republic of Serbia should pay attention to the challenge posed by hybrid threats, especially in the context of relations with the Russian Federation. Unhindered dissemination of information that is part of disinformation campaigns affects public perceptions in Serbia regarding relations with the EU and the process of European integration. Therefore, the Republic of Serbia should accept the assistance of the EU, which was offered in 2018, in connection with the suppression of disinformation campaigns initiated by third countries.	established: 2020	
9.	Serbia should adhere to the agreements reached in international	established: 2023	

	relations and implement them to the full extent, because the country's international credibility depends on it. Also, it should refrain from boycotting or lowering the level of representation at the most important international gatherings due to issues related to the country's internal politics.		
10.	In order to show solidarity with Ukraine, as well as with the foreign policy goals of the EU, Serbia should refrain from participating in meetings and forums organized by the Russian Federation.	established: 2023	
11.	Good neighborly relations are an important part of Chapter 31 and Serbia should be committed to improving relations with all neighbors, including EU member states.	established: 2023	
12.	The Government of the Republic of Serbia should formulate a decision on international military exercises, so that non-participation in military exercises (only) with the armed forces of Russia and Belarus gets a clear and official expression.	established: 2023	
<b>Recommendations to the European Union</b>			
13.	The European Union and member states should create the conditions for Serbia to receive the Screening Report as soon as possible. The fact is that both bilateral and explanatory screening were completed in 2014, as well as that the draft document itself is outdated. Therefore, in addition to submitting the Report itself, the EU should also initiate the preparation of a comprehensive analysis of Serbia's foreign, security and defense policy, from the opening of negotiations in 2014 until today, which would allow a complete insight into all the changes that have taken place since the screening process was held until today. and which would supplement the draft Report.	Unfulfilled established: 2015	
14.	The European Union should encourage and support Serbia's efforts to be more involved in cooperation within the framework of the Common Security and Defense Policy. Serbia's participation, as well as public advocacy of expanding cooperation, will contribute to greater support from citizens and will create a basis for	Fulfilled established: 2015	

	improved cooperation around other elements of this chapter as well. The fact that Serbia will soon complete its normative framework in the field of participation in civilian missions should be used as a good example of mutual cooperation (together with military missions).		
15.	Regardless of all the challenges, the European Union should continue with the informal inclusion of representatives of candidate countries from the Western Balkans, as well as Eastern Europe, in the sessions of various EU bodies in observer status. This particularly applies to the foreign policy format of the Council of the EU. This kind of practice needs to be formalized through the reform of the accession process of states to EU membership.	established: 2023	
<b>Recommendations to civil society organizations</b>			
16.	Civil society organizations, as well as other actors, should continue to advocate for Serbia to receive the Screening Report for Chapter 31, since it is, above all, only a prerequisite for opening the chapter.	Partially fulfilled established: 2020	
17.	Civil society organizations, including academic institutions and independent experts, should continue to monitor Serbia's compliance with EU foreign policy declarations and measures, as well as continue to provide realistic and grounded information on the reasons for non-compliance. Civil society organizations should be especially clear when it comes to the Russian invasion of Ukraine, that is, about the need for a clear condemnation, and then joining the restrictive measures of the EU.	Partially fulfilled established: 2020	
18.	In addition to actively monitoring and advocating harmonization, civil society should continue with the practice of supporting and promoting Serbia's participation in the Common Security and Defense Policy.	Partially fulfilled established: 2020	

## WORKING GROUP FOR CHAPTER 32

- FINANCIAL CONTROL

**Coordinator:** CENTER FOR ADVANCED ECONOMIC STUDIES (CEVES), Kori Udovički

### Basic information on Chapter 32 - Financial control

**Table 1.**

Chapter	The date of the explanatory/ bilateral screening	When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks	State how many benchmarks Serbia has received	OBAR <sup>128</sup> adopted	The Government of Serbia adopts a negotiating position <sup>129</sup>
32 - Financial control	October 17, 2013	November 26, 2013	/	/	December 3, 2015
Chapter opening date	Number of closing benchmarks	IBAR <sup>130</sup> adopted		CBAR <sup>131</sup> adopted	Chapter temporarily closed
December 14, 2015	4	/		NO	NO

Analytical review of the compliance of the legislation of the Republic of Serbia with EU regulations, within Chapter 32, was completed in May 2014 with the publication of the Report on Compliance with the EU Acquis in Chapter 32 - Financial Control (*EC Screening Report for Chapter 32 – Financial Control*).

In the Negotiating Position for Chapter 32, the Republic of Serbia confirmed that it accepts the acquis of the EU and undertook to fully implement them until accession, as they read on July 25, 2014.

The joint position of the Council of the European Union, regarding Chapter 32, was adopted on December 3, 2015 and was submitted to the Government of the Republic of Serbia at the Intergovernmental Conference, which was held on December 14 of the same year, at which Chapter 32 was officially opened.

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<sup>128</sup>OBAR - *opening benchmark assessment report*.

<sup>129</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>130</sup>IBAR - *interim benchmark assessment report*.

<sup>131</sup>CBAR - *closing benchmark assessment report*.

The Common Position of the Council of the European Union defines the following **benchmarks for conditional closure** of Chapter 32:

1. Further harmonization of the legal framework in order to ensure the harmonization of legislation in the field of internal financial control in the public sector, as well as its implementation, while ensuring adequate administrative capacities for implementation, both at the central and local level, in social insurance funds and in public enterprises. In addition, it is necessary to ensure that the function of centralized budget inspection is harmonized with the requirements of the concept of internal financial control in the public sector.
2. Ensuring financial, functional and institutional independence, as well as appropriate administrative capacities of the State Audit Institution for financial audit and audit of expediency, in accordance with the standards of the International Organization of Supreme Audit Institutions (INTOSAI).
3. Ensuring efficient and effective coordination of activities in the field of combating irregularities and fraud in the handling of EU funds with the European Commission (EC) <sup>132</sup>, and especially in providing support to inspectors of the European Anti-Fraud Office (OLAF) in performing administrative checks and investigations. Furthermore, it is necessary to establish by law the obligation to preserve evidence, as well as a sufficient legal basis and operational capacities of the service for coordinating activities to combat irregularities and fraud <sup>133</sup>. Finally, Serbia, in cooperation with the EC, should achieve appropriate results, i.e. performance (track *record*), in dealing with reported irregularities.
4. Ratification and implementation of the Geneva Convention on Suppression of Counterfeiting of Currency from 1929 <sup>134</sup> and harmonization of legislation with EU *acquis* on checking the authenticity of euro coins and dealing with euro coins that are not fit for circulation, on checking the authenticity of euro banknotes, as well as ensuring the necessary administrative capacities in the Department for the national centers for the fight against counterfeiting and for the analysis of banknotes and coins of the National Bank of Serbia (NBS).

Progress in public administration reform and progress in Chapter 32 are closely linked and mutually dependent. For the credible implementation of the public administration reform (PJU), it is necessary to establish a coordinated system of monitoring and reporting based on the principles of management responsibility, which has an instrumental role in establishing the system of internal financial control in the public sector (IFKJ). On the other hand, the path to creating favorable conditions for the improvement of the IFKJ system cannot be seen as an isolated process separated

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<sup>132</sup>In accordance with Article 325, paragraph 3 of the Treaty on the Functioning of the European Union and the implementation of the provisions of Regulation (EU, EUROATOM) No. 883/2013 on investigations conducted by the European Anti-Fraud Office (OLAF) and Regulation (EC) No. 2185/96 on checks and field inspections carried out by the Commission.

<sup>133</sup> Anti- Fraud Coordination Services (AFCOS).

<sup>134</sup> International Convention for the Suppression of Counterfeiting Currencies.

from other reforms, such as RJU and public finance management (PFM), since it is the IFKJ system that is the key pillar of the PFM reform.

In the Report of the European Commission on Serbia's progress, in the section dedicated to public administration reform, it is stated that Serbia is **moderately prepared** in this area, and that **limited progress has been achieved in this area**. The European Commission states that it is necessary to : reduce the excessive number of incumbents and allocate sufficient funds for an efficient merit-based recruitment process; ensure a strong role of the Secretariat for Public Policies in relation to quality control, in order to enable the efficient implementation of the Law on the Planning System; establish a unique, comprehensive and transparent system for planning and managing capital investments .

The NCEU Working Group for Chapter 32, as in previous years, observes the problem of insufficient transparency in the employment of a large number of senior managers (officials in position) who perform work as acting officials. The scale of that problem is increasing, because the vast majority of appointments of acting officials were made directly contrary to legal norms (passing of retroactive decisions, exceeding the allowed number of appointments). Also, there is a permanent lack of professional staff necessary for the implementation of reforms. The NCEU working group for Chapter 32 also believes that the establishment of strategic planning mechanisms at the state level, primarily in the area of capital investments, is of priority importance.

### Recommendations of the NCEU Working Group for Chapter 32

The main conclusions drawn last year remain valid. Additional efforts need to be made to embed management responsibility in the administrative culture and to strengthen the functioning of internal control and internal audit.

**Table 2.**

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	That the Ministry of Finance devises and implements a promotional campaign to raise the awareness of citizens, the professional public, and especially civil servants and managers in the public sector, about the essence	Partially fulfilled established: 2017	Closing benchmark no. 1

	and importance of internal control and internal audit for the work of the state administration, as well as the technical requirements of Negotiating Chapter 32, in order to coordinated work of all relevant actors and professional bodies in the field of financial control was ensured.		
2.	That the Ministry of Finance improve the statistical analysis of the collected data on the state of the system for the FIU and revise the content of the Consolidated Annual Report on the State of Internal Financial Control in the Public Sector, so that it contains a summary of progress in the implementation of planning documents, key findings and recommendations to users of public funds in connection with the improvement system of internal control and internal audit, as well as the results of monitoring the implementation of given recommendations from previous annual reports.	Partially fulfilled established in 2017 (modified for 2023)	Closing benchmark no. 1
3.	That the Ministry of Finance review the rules and conditions for obtaining the title of "authorized internal auditor" in the public sector and provide an appropriate systemic solution and legal basis for the recognition of the qualifications of internal auditors that have been acquired by recognized, domestic and international, professional associations of internal auditors, through amendments and additions Rulebook on the conditions, method and procedure of taking the exam for obtaining the title of authorized internal auditor in the public sector.	Not fulfilled established: 2021	Closing benchmark no. 1
4.	That the Ministry of Finance, with independent expert assistance, audit the competence of the Sector for Budget Inspection and bring it into line with the requirements of Negotiating Chapter 32, which foresees the centralization of the function of budget inspection, the abolition of the Annual Work Plan and the carrying out of controls exclusively on received applications, to formalize the changes through amendments and additions of the Law on the Budget System and the	Fulfilled (in a different way, by passing a special law) established: 2021	Closing benchmark no. 1

	Regulation on the Work, Powers and Features of the Budget Inspection, which would more closely determine the methodology of the work of the Budget Inspection.		
5.	That the Ministry of Finance, with independent expert assistance, prepare a medium-term plan for the functional and organizational integration of all functions of <i>ex post</i> control performed by the Ministry of Finance, in accordance with the dynamics of the accession process and the fulfillment of requirements from Negotiation Chapters 22, 23 and 32,	Partially fulfilled established: 2018 in its current form	Closing benchmark no. 1
6.	That the Ministry of Finance establish a special section on its website that will contain relevant information on the status of Chapter 32, including news about events at working group meetings, progress in implementing the recommendations of the European Commission, the National Convention on the EU, and the like.	Unfulfilled established: 2018	Closing benchmark no. 1
7.	That the Ministry of Finance on a regular, annual level publishes the plan and execution of the consolidated budget of the general state, according to economic and functional classification, in a machine-readable format.	Unfulfilled established: 2017	Closing benchmark no. 1
8.	That the Ministry of Finance improve the Civil Budget by making it interactive and by improving the method of communicating the methodology, making it more consistent, especially in the domain of different levels of government.	Unfulfilled established: 2018	Closing benchmark no. 1
9.	That the Republican Secretariat for Public Policies, in cooperation with other competent bodies of the state administration, urgently begin the process of preparing the Development Plan, the adoption of which would enable financial control of the expediency of spending public funds.	Partially fulfilled established: 2018	Closing benchmark no. 1
10.	That the Ministry of Finance and the Ministry of State Administration, in cooperation with other competent bodies of state administration, make a step forward in the field of Public Administration Reform that will be noticed by the EC, and which concerns the resolution of the disputed issue of lack of managerial	Partially fulfilled established: 2018	Closing benchmark no. 1



	responsibility and decentralization of decision-making.		
11.	Embedding managerial responsibility in the administrative culture of the public sector. The NCEU Working Group on Chapter 32 particularly supports this recommendation of the European Commission.	Unfulfilled established: 2018	Closing benchmark no. 1
12.	Adoption of strategic documents defined by the Law on the Planning System, primarily the Development Plan and the Investment Plan, the adoption of which would regulate priorities and regulate operations and progress monitoring in all areas, including areas covered by Chapter 32.	Unfulfilled established: 2018	Closing benchmark no. 1
13.	Strengthening activities to promote the goals and objectives of Chapter 32 at the level of local communities (in the general public, and not only professional). The aim of this recommendation is to motivate citizens for more active participation in public life.	Unfulfilled established: 2020	Closing benchmark no. 1
14.	Create a methodology for continuous system control and monitoring of projects from the very beginning of projects, that is, from the stage of Urban Planning and development of General Projects (Concept of Solutions) and accompanying Preliminary studies of justification onwards, in all phases of planning and realization of projects. As an obligation to introduce that the control of the project can be ordered only by another independent institution.	Unfulfilled established: 2018	Closing benchmark no. 1
15.	Create a methodology on the basis of which the Ministry of Finance will monitor the execution of public procurement contracts, so that the coverage and quality of that supervision are as high as possible, as well as the publication of the results of the supervision.	Unfulfilled established: 2021	Closing benchmark no. 1
16.	Continue the audit of the State Audit Institution's expediency in the field of public procurement and follow-up of actions according to the audits published so far; Strengthening the internal audit system and publishing information about their effects in the field of public procurement.	Partially fulfilled established: 2020	Closing benchmark no.3

17.	Adopt a methodology and precise instructions for the control of public enterprises by the budget inspection.	Unfulfilled established: 2020	Closing benchmark no. 1
18.	Enact regulations on the obligation to disclose the explanation of decisions on interstate agreements, as well as the obligation to disclose the interstate agreements themselves and other materially significant documents.	Unfulfilled established: 2021	Closing benchmark no. 1
19.	Continue to improve the capacity of the State Audit Institution for conducting expediency audits, among other things, by including experts of different profiles in the audit teams, depending on the topic and area of the audit.	Unfulfilled established: 2021	Closing benchmark no.3
20.	It is necessary that the improvement of the concept of management responsibility in Serbia (the responsibility of managers) runs parallel to the improvement of the appointment procedure and the strengthening of the professionalization of civil servants in the position, since management responsibility is unattainable in a situation where the appointment of acting officials to the highest managerial positions dominates.	Unfulfilled established: 2021	Closing benchmark no. 1
21.	Work on further improvement of internal controls in the public sector with the aim of strengthening transparency and management of due and unpaid user obligations, in order to see the effects on the budget (especially for public companies).	Partially fulfilled established: 2021	Closing benchmark no. 1
<b>Recommendations to the European Union</b>			
22.	The European Commission, as well as all its expert bodies that cooperate with state authorities involved in the work of the Negotiating Team for EU Accession, as well as in the work of the Negotiating Groups, are recommended to intensify two-way cooperation with national partners in the process of developing existing or introducing new requirements, as well as to those requirements are clearly formalized . All parties in the process must be familiar with the content and deadlines for the realization of all conditions for membership, in order to remove potential ambiguities about mutual expectations and ensure optimal conditions for their smooth and timely implementation.	Partially fulfilled established: 2018	Closing benchmark no. 1

## WORKING GROUP FOR CHAPTER 33

### • FINANCIAL AND BUDGETARY PROVISIONS

**Coordinator: EUROPEAN MOVEMENT IN SERBIA (EMinS), PhD Valentina Ivanić**

The European Commission, in its Report on Serbia's progress for 2022, indicates that Serbia has achieved **a certain level of preparation** in the area of financial and budgetary provisions (Evropska komisija, 2022, p. 146), or as it is stated in the EC Report in English *some level of preparation* (European Commission, 2022, p. 131). The numerical rating of Serbia's readiness for membership in Chapter 33 is two (2).

According to the European Commission Report, Serbia's progress in Chapter 33 in the previous years (since the previous annual report for 2021) was rated two, which indicates **limited progress** or *limited progress* (European Commission, 2022, p. 131).

#### **Basic information on Chapter 33 - Financial and budgetary provisions**

Chapter 33 covers the rules governing the financing of the European Union's budget ("own resources"). Member States must have the appropriate administrative capacity to ensure accurate accounting, collection, payment and control of their own funds.

The system of EU own resources, which is the main source of revenue for the EU budget 2021-2027, is based on four main sources of revenue: traditional own resources (customs), contributions based on value added tax (VAT), own resources based on gross national income (BNP) and, more recently, non-recycled plastic packaging waste.

**Table 1.**

<b>Chapter</b>	<b>The date of the explanatory/ bilateral screening</b>	<b>When the EU sent Serbia an invitation to submit a negotiating position or a list of opening benchmarks</b>	<b>State how many benchmarks Serbia has received</b>	<b>OBAR<sup>135</sup> adopted</b>	<b>The Government of Serbia adopts a negotiating position<sup>136</sup></b>
33 - Financial and budgetary provisions	January 27, 2015 March 24, 2015	March 23, 2016	N/A	N/A	June 1, 2017 <sup>137</sup> <sup>138</sup>
<b>Chapter opening date</b>	<b>Number of closing benchmarks</b>	<b>IBAR<sup>139</sup> adopted</b>		<b>CBAR<sup>140</sup> adopted</b>	<b>Chapter temporarily closed</b>
June 25, 2018	1	N/A		June 25, 2018	NOT (62 months have passed since the opening of the chapter)

At the Eighth Intergovernmental Conference, held in Luxembourg on June 25, 2018, a decision was made to open Negotiation Chapter 33. At the eighth meeting of the Accession Conference with Serbia at the ministerial level, held on June 28, 2018, negotiations on Chapter 33 were opened - Financial and budgetary provisions. At the conference, Serbia presented its Negotiating Position in which it requested the application of transitional corrective measures related to the payments of the Republic of Serbia to the budget of the European Union.

The EU has set one benchmark for the temporary closure of Chapter 33: "Serbia should increase its administrative capacities - including those for which coordination structures have not yet been established - and for this purpose adopt an action plan to sufficiently prepare and introduce procedural rules in order to ensure that after accession it is able to properly calculate, forecast, collect, pay, control and report to the EU on its own funds in accordance with the acquis" (Evropska komisija - Generalni direktorat za politiku susedstva i pregovore o proširenju, 2017, p. 6).

<sup>135</sup>OBAR - *opening benchmark assessment report*.

<sup>136</sup>The date of adoption was given according to the session of the Committee for European Integration of the National Assembly of the Republic of Serbia.

<sup>137</sup>Committee for European Integration (2017) Convocation of the 20th session of the Committee for European Integration [convocation for the 20th session of the Committee for European Integration. LAT.docx \(live.com\)](#) ;

<sup>138</sup>Government of the Republic of Serbia (2017) Negotiating position of the Republic of Serbia for the Intergovernmental Conference on the Accession of the Republic of Serbia to the European Union for Negotiating Chapter 33: Financial and Budgetary Issues;

[https://www.mei.gov.rs/upload/documents/pristupni\\_pregovori/pregovaracke\\_pozicije/pg\\_pozicija\\_33.pdf](https://www.mei.gov.rs/upload/documents/pristupni_pregovori/pregovaracke_pozicije/pg_pozicija_33.pdf)

<sup>139</sup>IBAR - *interim benchmark assessment report*.

<sup>140</sup>CBAR - *closing benchmark assessment report*.

## Recommendations of the NCEU Working Group for Chapter 33

Summary of recommendations related to meeting one final Chapter 33 benchmark:

1. Recommendations to the European Union: As soon as possible, organize a technical mission of the European Commission and the General Directorate for the Budget regarding the fulfillment of the closing benchmarks for Chapter 33, since this is a prerequisite for the development of the Action Plan and further strengthening of administrative capacities;
2. Recommendations to the Government of Serbia: Strengthen administrative capacities and start the process of adopting the Action Plan;
3. Recommendations to civil society organizations: Chapter 33 should be observed and analyzed together with Chapter 22.

The recommendations of the NCEU Working Group for Chapter 33 go beyond what the European Union has defined as benchmarks (which are sometimes quite specific and sometimes very broad), and in the following text it will be emphasized where the recommendations concern the benchmarks defined by the European Union and they will be the first listed, then recommendations that are not directly related to European Union benchmarks will be listed. Since some of the recommendations are repeated, it will be emphasized from which year the recommendations are repeated.

**Table 2.**

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	Chapters 22 and 33 follow and watch together.	established: 2022	Closing benchmark no. 1
2.	Make available to the public the Report on the sessions of the Committee for European Integration of the National Assembly of the Republic of Serbia for Chapter 33.	established: 2022	Closing benchmark no. 1
3.	It is necessary to strengthen the administrative infrastructure.	established: 2015	Closing benchmark no. 1
4.	It is necessary to start the process of adopting an action plan.	established: 2017	Closing benchmark no. 1

5.	Create a preliminary study on the financial costs and benefits of Serbia's membership in the EU.	established: 2022	Closing benchmark no. 1
<b>Recommendations to the European Union</b>			
6.	In its annual reports, when it comes to Chapter 33, the EC presents almost identical qualifications when it comes to Serbia's progress and readiness for the said chapter. The EC and the Directorate- General for Neighborhood Policy and Enlargement Negotiations (DG NEAR) should provide a clear retention policy for Chapter 33 followers. <sup>141</sup>	established: 2015	Closing benchmark no. 1
7.	Ensuring the maintenance of the technical mission of the European Commission regarding the fulfillment of the closing benchmarks for Chapter 33 is necessary. Only after the technical mission has been held will it be possible to create an Action Plan and further strengthen administrative capacities.	established: 2022	Closing benchmark no. 1
8.	It is necessary to ensure clearer and faster communication between the technical mission of the European Commission, DG NEAR and the Ministry of Finance of the Republic of Serbia, in order to shorten the deadlines for responses from the administration in Brussels.	established: 2022	Closing benchmark no. 1
<b>Recommendations to civil society organizations</b>			
9.	Strengthen efforts in raising the general level of awareness, both among citizens and the professional public, but also among businessmen, LGUs, about the importance and benefits of Chapter 33. In particular, explain the importance of the country being a net beneficiary of European Union funds.	established: 2022	Closing benchmark no. 1
10.	The Ministry of Finance, for the needs of civil society organizations, plans to create an organizational chart that will provide a clearer representation of the responsibilities, institutional and procedural links between the key actors in this chapter. This scheme will be distributed by NCEU, RG for PG 33 to all civil society	established: 2023 completed: 2023	Closing benchmark no. 1

<sup>141</sup>At the meetings of the NCEU Working Group for Chapter 33 with representatives of DG NEAR, the absence of the person monitoring Chapter 33 - Financial and budgetary provisions was noted. The meeting was held in an online format on 4 July 2023, Cluster 5 and representatives of DG NEAR for Chapters 22, 11, 12 and 13.

	organizations in order to advocate and strengthen their financial literacy.		
11.	It is desirable that the analytical capacities of civil society organizations be put into the function of creating analyzes on the topic of new sources of financing of the European Union's own funds (we are talking about sources related to non-recycled waste from plastic packaging).	established: 2022	Closing benchmark no. 1
12.	Comment Chapter 22 and Chapter 33 together.	established: 2022	Closing benchmark no. 1

## **WORKING GROUP ON CHAPTER 35**

- **OTHER ISSUES - KOSOVO**

**Coordinator: INSTITUTE FOR TERRITORIAL ECONOMIC DEVELOPMENT - Inter ,  
Dragiša Mijačić**

The common position of the European Union , when it comes to Chapter 35 - Other issues: Kosovo, was adopted on November 30, 2015.

### **Dialogue on normalization between Belgrade and Pristina**

The previous year was marked by a series of events that in various ways had a negative impact on the dialogue on normalization and the stability of the situation in the municipalities with a Serbian majority in the north of Kosovo. Ever since September 2021, the problem of license plates with KM (and dominions of other cities) markings issued by the MUP of the Republic of Serbia dominated the dialogue and caused a lot of problems in the north of Kosovo. After the first dispatch of special police forces on September 20, 2021, when the Government of Kosovo unilaterally decided to apply the principle of "reciprocity", their presence in the north of Kosovo has been constantly increasing. In February 2022, the construction of the first mobile checkpoints began, while during the summer, the construction of permanent bases for the accommodation of police units on the land that was forcibly taken from the owners, without respecting the provisions of the Kosovo Law on Expropriation, began. At the objections of international partners, representatives of the competent ministry subsequently held public debates on land expropriation with interested parties, but they did not yield concrete results, so the construction of bases and police stations on the main highways continued.

The largest base was built in the village of Gornji Jasenovik above Zubina Potok, while the largest police station was set up on the highway Kosovska Mitrovica - Leposavić at the Bistrički most location. At this checkpoint, there were several incidents that included the use of firearms by the police, and in one of them, on April 10, 2022, Milan Jovanović, a taxi driver from Zvečan, was wounded. The Kosovo police first denied the allegations of injury, only to later admit that the incident had taken place and suspended the police officers who participated in it. However, no police officer was held criminally responsible for this act.

As part of the dialogue, a Road Map was reached on the implementation of the agreement on energy,<sup>142</sup> but it has not been implemented to date. Electroserver Ltd. was licensed by the regulatory

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<sup>142</sup>The roadmap for the implementation of the energy agreement was reached on June 21, 2022; the text can be found at the link: <https://normalizacija.rs/wp-content/uploads/2022/07/Mapa-puta-za-primenu-sporazuma-o-energetici-.pdf>



body and signed a commercial contract with KOSTT (Kosovo transmission system operator). The problem arose in connection with the signing of the contract on the distribution and collection of electricity from users by Elektrosever Ltd. \_ should sign with KEDS (the Kosovo electricity distribution company in Kosovo), which has not happened to date.

On the last day of July 2022, barricades were set up in the north of Kosovo by local Serbs in order to exert pressure to resolve the issue of the use of vehicles with KM registration plates. Based on the reports of KFOR and EULEX, the presence of armed persons was observed at these barricades. The quick reaction of the American ambassador in Kosovo, Geoffrey Hovenier, prevented the action of the special police forces of Kosovo in breaking these barricades, which were withdrawn during the same evening and the following morning.

As part of the normalization dialogue, at the beginning of September 2022, an extended delegation of negotiators visited Belgrade and Pristina, which included, in addition to the special representative of the European Union, Miroslav Lajčak, Jens Pettner, the envoy of German Chancellor Scholz, as well as Emanuel Bone, envoy of French President Macron . During this visit, they came up with a draft of the so-called "German-French" proposal, which will be the basis for further negotiations on the normalization of Serbia and Kosovo. However, in addition to talks about seeking a political solution, more and more incidents are happening in the north of Kosovo between special police forces and the local population, and a huge amount of mistrust is being created between the Serbian people and their political representatives, on the one hand, as well as the Government of Kosovo, on the other. the other side.

After the suspension of the regional commander for the North region by the Government of Kosovo and Aljbin's statement Kurti that "there is no Union of Serbian Municipalities", on November 5, 2022, representatives of the Serbian List called on all members of the Serbian people from the north of Kosovo to leave their work in Kosovo institutions. On that occasion, the president of the Serbian List, Goran Rakić, stated that the decision to leave the institutions remains in force until "Pristina begins to respect the agreed agreements, which means until the decision on the re-registration of vehicles is revoked and until the Union of Serbian Municipalities is formed in accordance with the Brussels agreement and other agreements".<sup>143</sup>At the invitation of the Serbian List, the mayors of four majority-Serb municipalities in the north of Kosovo, councilors, deputies in the Assembly of Kosovo, judges, prosecutors, administrative staff in the prosecution and judiciary, as well as all members of the Kosovo Police in the North region, submitted their irrevocable resignations. The abandonment of all Kosovo institutions in the north of Kosovo created an institutional and security vacuum in these municipalities. In practice, this meant an even greater presence of special police forces in the north of Kosovo.

The security situation further worsened at the beginning of December 2022, when barricades were re-installed on the main highways as a result of the arrest of former members of the Kosovo police

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<sup>143</sup>Source: BBC, *Serbia and Kosovo: Serbs withdrew from all institutions, policemen took off their uniforms, EU calls for reason* , from November 5, 2022; available at: <https://www.bbc.com/serbian/lat/srbija-63527308> .

force from the Serbian community. This crisis brought new instability, on the verge of conflict between special police forces and local Serbs. As at the end of July, the presence of armed persons was visible at the barricades, which made the situation even more complicated. The situation was further complicated by the decision of the President of Kosovo, Vjosa Osmani, on the organization of extraordinary elections for mayors and councilors in Serbian municipalities in the north, which were scheduled for December 18 and 25. This crisis ended at the end of December, with the mediation of the European Union and the USA, as well as representatives of KFOR. All barricades have been removed, and the elections have been postponed to April 23, 2023.

Big agreements come after big crises, so it's no surprise that Belgrade and Pristina, on February 27, 2023, reached an agreement in Brussels on the Agreement on the Road to Normalization between Kosovo and Serbia.<sup>144</sup>The implementation roadmap, in the form of an annex to this Agreement, was reached on March 18, 2023 in Ohrid.<sup>145</sup>Although not formally signed, both parties have verbally committed to work on the implementation of the Agreement and its Annex. Provisions from these documents will also become an integral part of the process of joining the European Union for Serbia and Kosovo. In the case of Serbia, these provisions will be an integral part of the new version of Chapter 35.

As the first step in the international affirmation of Kosovo and its membership in multilateral organizations, the procedure for accepting Kosovo's application in the Council of Europe was initiated. At the insistence of Germany and other Quinte members, Kosovo's candidacy was first put on the agenda of the Committee at the level of ambassadors (on April 21, 2023), then it was accepted by the Committee of Ministers of the Council of Europe (on April 24, 2023) and, on finally, by the Parliamentary Assembly of the Council of Europe (May 19, 2023). This move by Germany and the other countries of the Quinte was greeted with great displeasure by the official Belgrade.

Despite the reached Agreement and Annex, the situation in the north of Kosovo has not calmed down. The Serbian List has decided to boycott the extraordinary elections scheduled for April 23, 2023. This time there was no pressure to postpone the elections, so the elections were held with a turnout of about 3.5% of voters. In other words, only a small number of Albanians who live in several villages in the north of Kosovo voted in these elections and thus elected mayors in municipalities with a Serbian majority in the north of Kosovo. Despite the low turnout, the elections were recognized by the USA and other Quinte countries, mostly emphasizing that the new mayors are expected to perform tasks of an exclusively administrative nature, from "alternative locations", and never from municipal buildings located in Serbian communities.

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<sup>144</sup>The text of the agreement in English can be found on the EEAS website:

[https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-eu-proposal-agreement-path-normalisation-between-kosovo-and-serbia\\_en](https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-eu-proposal-agreement-path-normalisation-between-kosovo-and-serbia_en) .

<sup>145</sup>The text of the Annex to the Agreement in English can be found on the EEAS website:

[https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-implementation-annex-agreement-path-normalisation-relations-between\\_en](https://www.eeas.europa.eu/eeas/belgrade-pristina-dialogue-implementation-annex-agreement-path-normalisation-relations-between_en) .

Despite this request, Aljbin On May 26, 2023, Kurti sent special police units to occupy administrative municipal buildings in Leposavic, Zubin Potok and Zvečan. After the occupation of these buildings, the newly elected mayors were brought into them.<sup>146</sup> Realizing that the situation could lead to conflict between Kosovo police and local Serbs, KFOR deployed its forces in front of municipal buildings, creating a buffer zone between the two opposing sides. The conflict occurred on May 29, 2023 in Zvečan, when several dozen members of KFOR were wounded. On that day, Dragiša Galjak was also wounded, who was shot by members of the Kosovo police, while several local Serbs were arrested.

Condemning the incidents in Zvečan, on June 3, 2023, the European Council<sup>147</sup> presented a three-point plan on de-escalation in the north of Kosovo, which includes: the withdrawal of special police forces from municipal buildings, the performance of duties by the newly elected mayors from alternative locations and the exit of Serbs to repeated elections. Bearing in mind that the Government of Kosovo has not started implementing this plan, at the end of June the European Council introduces a set of measures towards Kosovo, which includes the restriction of bilateral meetings with Kosovo officials, unless they are related to dialogue and de-escalation in the north, the freezing of EU funds for Kosovo and other measures.

One of the few positive results of the dialogue in this period is the adoption of the text of the Declaration on Missing Persons, which the two sides accepted on May 2, 2023.<sup>148</sup>

After a relatively peaceful summer in the north of Kosovo, autumn brought a new dynamic that had a negative impact on both the political aspect of the dialogue and the deterioration of security in the north of Kosovo. The implementation of the Agreement and the Annex on the normalization of relations has not even started, nor has the Three Point Plan for de-escalating the situation in the north. In the meantime, the Ministry of Local Self-Government Administration of the Government of Kosovo has adopted an administrative instruction for the citizens' initiative to replace the mayor,<sup>149</sup> which includes a complex algorithm with several steps in collecting signatures and organizing the referendum, which in ideal conditions will last no less than four months.

New high-level meeting between Aleksandar Vučić and Aljbin Kurtija, organized in Brussels on September 14, 2023, did not produce concrete results. In a statement after the negotiations, the High Representative of the European Union for Foreign Affairs, Josep Borelj said that the result was not achieved due to the opposition of the Kosovo side to accept the proposed points on steps

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<sup>146</sup>In the municipality of Leposavić, the mayor is Ljuljzim Hetemi decided to permanently reside in the municipal building, so he remained there until the writing of this report (September 30, 2023) – over four months after entering the municipal building.

<sup>147</sup>Statement for the media of the European Council of June 3, 2023; available at: <https://www.consilium.europa.eu/en/press/press-releases/2023/06/03/statement-by-the-high-representative-on-behalf-of-the-eu-on-kosovo-and-latest-developments/>.

<sup>148</sup>The Declaration on Missing Persons text is available at: <https://www.rts.rs/vesti/politika/5184482/deklaracija-onestalin-osobama-brisel.html>.

<sup>149</sup>The administrative instruction is available at: <https://mapl.rks-gov.net/wp-content/uploads/2023/09/02-619-4-2023-1.pdf>.

in the implementation of the Agreement on Normalization and the Annex from Ohrid. A few days after that, Borelj came out again with concrete demands on what the EU expects from both parties in the Dialogue.<sup>150</sup>

A few days later, on September 24, 2023, an armed conflict ensued in the village of Banjska between an armed group of Serbs, led by Milan Radoičić,<sup>151</sup> and special police forces, in which one member of the Kosovo police was killed, as well as three attackers.<sup>152</sup> This incident drew a lot of attention from the international public, which unequivocally condemned the violent action of the local Serbs, often using the qualification that it was an act of terrorism. Despite the claims of Kosovo officials, for now there is no clear evidence that official Belgrade is behind this armed action, but transparency, an objective and thorough investigation is requested from the Government of Serbia, in order to shed light on all the events related to Banjska. This incident will certainly lead to a new dynamic in the negotiations between Belgrade and Pristina, which can only be put back on track with great effort and pressure from the representatives of the European Union and the Quinte countries.

### **Recommendations of the NCEU Working Group for Chapter 35**

The working group for Chapter 35 proposes a set of short-term measures and long-term recommendations that are directly related to this chapter, normalization of relations between official Belgrade and Pristina, de-escalation of the situation in the north of Kosovo, and reconciliation between Serbs and Albanians.

#### *Short-term measures:*

1. The parties in the dialogue should adhere to the full implementation of the three-point plan for de-escalation of the situation in the north of Kosovo, which was proposed by the European Commission, and whose implementation was supported by all the countries of the European Union, the USA and Great Britain. Also, we are looking for an urgent reaction from the European Union and the countries of the Quinte so that this plan can be implemented more quickly.
2. Any form of violence in the north of Kosovo should be stopped immediately, whether it was committed by special police units of Kosovo against members of the Serbian ethnic community

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<sup>150</sup>The text of Josep Borelho's statement from September 19 is available at:

<https://www.consilium.europa.eu/en/press/press-releases/2023/09/19/belgrade-pristina-dialogue-statement-by-the-high-representative-on-behalf-of-the-european-union-on-expectations-from-serbia-and-kosovo/> .

<sup>151</sup>Milan Radojičić is the vice-president of the Serbian List and one of the leaders of the Kosovo Serbs. After the events in Banjska, Radojičić publicly admitted that he was the organizer of that action and resigned from the position of vice-president of the Serbian List. In December 2022, Radojicic was placed on the US Treasury Department's sanctions list for allegedly belonging to corrupt networks linked to organized crime.

<sup>152</sup>the Wikipedia website : [https://sr.wikipedia.org/sr-ec/Oružani\\_sukob\\_u\\_Banjska](https://sr.wikipedia.org/sr-ec/Oružani_sukob_u_Banjska) .

or by hooligans against journalists, members of KFOR/EULEX or the police. It is especially important to stop violence against children as the most sensitive category of society. We call on EULEX and human rights organizations to investigate all cases of police brutality against children, civilians and detainees and report publicly on their findings and conclusions.

3. KFOR and EULEX should form an independent commission that would investigate all the circumstances of the recent arrest of members of the Kosovo police. This case must not remain the product of different interpretations by officials in Belgrade and Pristina, because over time this would significantly undermine the process of normalization of relations and reconciliation between Serbs and Albanians.
4. It is necessary to urgently take steps to withdraw the (verbal) measures of the Government of Kosovo, which aim to suspend the Agreement on the Freedom of Movement of Goods and People. The international community should immediately condemn all measures that stop the free movement of goods and people, because they directly affect the normalization of trade and represent the basis for building the future of our region.
5. As part of broader de-escalation measures, it is necessary to take steps to protect the property rights of the Serbian ethnic community in the municipalities in the north of Kosovo, including the suspension of the expropriation procedure, as well as the withdrawal of amendments to the law on expropriation from the legislative procedure.

*Long-term recommendations:*

1. Both parties should approach the full implementation of the Agreement on the path to normalization of relations between Kosovo and Serbia (hereinafter: the Agreement on Normalization) and its Annex, as well as all agreements previously reached in Brussels.
2. The European Commission should amend the benchmarks for Serbia related to Chapter 35, so that they reflect the new obligations arising from the Agreement on Normalization and the Annex, which includes the establishment of credible mechanisms for monitoring the implementation of the benchmarks and reporting obligations.
3. The Government of Serbia should re-establish the Internal Dialogue on the resolution of the Kosovo issue in a form that enables an open and constructive dialogue between representatives of the Government, opposition parties, civil society organizations and other interested parties, because this is the only way to achieve social consensus, ensure the implementation of the Agreement on normalization and ensure the sustainability of the solutions achieved.
4. In parallel with the Brussels dialogue, work on building trust and reconciliation between the Serbian and Albanian communities should be supported. In this sense, it is necessary to support sports and cultural activities, tourism and trade that will enable positive interaction between the two peoples, as well as the efforts of civil society in initiating dialogue between

communities. It is crucial to encourage the participation of Government representatives and public office holders in these activities.

5. Create measures to improve living conditions in Kosovo (including freedom of movement, business and international cooperation), ensure that the crimes of the past are never repeated (including finding the missing as a primary task for both sides) and create conditions for the development of democratic and fundamental rights in Kosovo and Serbia.
6. To encourage Serbs from the area of Kosovo and Metohija to take an active part in political processes within the Kosovo system, as well as social processes within their communities. Also, it is necessary to work on strengthening human resources and creating institutional mechanisms for a more effective struggle of the Serbian community for its rights within Kosovo institutions.
7. Establish direct cooperation between law enforcement institutions and the security sector of Serbia and Kosovo. It is necessary to establish direct channels for information exchange, coordination and direct cooperation at the operational level. It is especially important to establish functional cooperation in order to resolve all the circumstances related to the murder of Oliver Ivanovic. The existing cooperation within UNMIK, EULEX or informal channels (ILECUs) proved ineffective, because it cannot provide an adequate response to security threats, risks and challenges.
8. It is necessary to change the content and manner of communication in and with the public, so that verbal provocations, nationalist outbursts and hate speech towards the "other side" are avoided. Conduct public communication in such a way as to highlight the positive aspects of cooperation between the two nations, emphasizing the gains from the agreements reached.

# INTERSECTORAL WORKING GROUP FOR FREEDOM OF EXPRESSION AND MEDIA

**Coordinator: CITIZEN INITIATIVES, Maja Stojanović**

## Introduction

Due to the complexity and breadth of the area of freedom of expression, as well as its importance, the Intersectoral Working Group for Freedom of Expression and Media monitors the situation in this area through six negotiation chapters, considering that an intersectoral approach is the only way to look at all aspects of the protection of this right. Monitoring and analysis of the state and trends, activities of institutions and civil society refer to chapters 5, 8, 10, 23, 28 and 32. Progress in the process of European integration is monitored according to the defined goals of the online tool for monitoring freedom of expression and the media - Media Freedom Matrix <sup>153</sup>.

Civic initiatives have defined the following risks that accompany the monitoring of this area in the process of European integration: a wide range of competent institutions; lack of action plans for each chapter; impossibility of assessing the success of certain measures in the short term; unequal readiness of state authorities for cooperation and insufficient transparency in work; the necessity of monitoring the results at all levels of government - from national to provincial to local <sup>154</sup>.

**Chapter 5** regulates the area of *public procurement*. The monitoring objective of this chapter refers to the financing of the media through public procurement.

**Chapter 8 - Competition Policy.** The goal of monitoring this chapter refers to the control of the concentration of media ownership and competition in the field of media and the control and/or financing of the media through the provision of state aid.

**Chapter 10 - Information society and media.** The monitoring of this chapter refers to the independence of regulatory bodies in the field of media, the independence of the work of public services and the control of program contents for the protection of minors and vulnerable groups.

**Chapter 23 - Judiciary and fundamental rights** is the central chapter when it comes to freedom of expression and the media. The monitoring objectives of this chapter refer to the protection of journalists, the regulation of state financing of the media (withdrawal of the state from media ownership), the end of state control of the media, and the leaking of information from investigations into the media. A special part of this chapter refers to media freedom and expression in minority languages.

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<sup>153</sup>See: <https://mediji.gradjanske.org/> .

<sup>154</sup>See: <https://mediji.gradjanske.org/wp-content/uploads/2018/07/Pra%C4%87enje-slobode-izra%C5%BEavanja-i-medijskih-sloboda-u-procesu-EU-integracija.pdf>, pages 30-31.

**Chapter 28** regulates the area of *consumer protection and health protection*. The goal of monitoring this chapter is related to the control of the media through the financing of media content.

**Chapter 32 - Financial control.** Freedom of expression and the media, within this chapter, refers to the supervision of the spending of budget money by the State Audit Institution for the financing of political parties and competitions for co-financing of the media.

## Recommendations of the Intersectoral Working Group for Freedom of Expression and Media

### Chapter 5

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	Specify the relationship between content of public interest in the sphere of public information and the system of public procurement by the competent institution through amendments to the Annex and the Law on Public Procurement .	Unfulfilled established: 2017/18	Closing benchmark no.3

### Chapter 8

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	To specify the obligations of the recipients of state aid, the method of reporting and the control of the	Unfulfilled established: 2017/18.	Opening benchmark no. 1



	allocation of state aid. It is necessary to define special rules for the allocation of state aid in the field of public information, if the co-financing of media for reporting in the public interest remains in the system of state aid.		
2.	Clearly specify and define by law the sanctions for violating the law on granting state aid.	Unfulfilled established: 2017/18.	Opening benchmark no. 2
3.	Increase and clearly define the competence of the Commission for the allocation of state aid.	Unfulfilled established: 2017/18.	Opening benchmark no. 2
4.	Specify the legal benchmarks when it is possible to examine the distortion of competition in the media sector by the Commission for the Protection of Competition.	Unfulfilled established: 2017/18.	Opening benchmark no. 2

## Chapter 10

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	Consistently apply the Action Plan for the implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia until 2025.	Unfulfilled established: 2020	
2.	Make changes to legal and by-law regulations in order to ensure greater independence of public media services (JMS), and in this sense it is necessary: <ul style="list-style-type: none"> <li>to ensure greater financial independence of public media services by changing the existing method of financing, thereby increasing the safety of journalists and media workers employed in JMS;</li> <li>ensure greater transparency, communication and accountability to the public;</li> <li>to ensure greater independence of the members of the Board of</li> </ul>	Unfulfilled established: 2019	

	<p>Directors, by prescribing clear benchmarks for their selection and by changing the method of their selection;</p> <ul style="list-style-type: none"> <li>• define the role and powers of the Program Council in order to ensure a more efficient way of controlling public media services, as well as the way of selecting the members of that council so as to ensure a higher level of their independence in relation to the management board and external pressures;</li> <li>• ensure compliance with the decisions of the Press Council in the process of project co-financing of content of public interest;</li> <li>• specify the legal provisions regarding the prohibition of hate speech and the protection of children and minors from inappropriate content, with the possibility of imposing monetary sanctions;</li> <li>• introduce a mandatory analysis of the quality of media content of public media services.</li> </ul>		
<b>Recommendations to the National Assembly of the RS</b>			
3.	Ensure legality in the work of the REM and provide public discussions on the work of the REM.	Unfulfilled established: 2016/17-	
4.	<p>Improve the work of the Regulatory Body for Electronic Media by amending the law to ensure the selection of independent and objective experts, stability and independence in the work of this body:</p> <ul style="list-style-type: none"> <li>• to change the authorized proposers for the selection of REM members, in order to ensure their greater independence, by excluding political and state bodies and determining clear benchmarks for selection;</li> <li>• provide clear benchmarks for the selection of REM Council members;</li> <li>• to ensure greater stability by ensuring the financial independence of REM, by increasing income through the means of fining media broadcasters, reducing political</li> </ul>	Unfulfilled determined: 2016/2017.	

	<p>influence and pressure from the authorities, as well as increasing transparency when determining the financial plan;</p> <ul style="list-style-type: none"> <li>• provide REM with the possibility of directly imposing monetary sanctions on broadcasters when determining violations of legal and by-laws;</li> <li>• determine the adequate responsibility of REM Council members and responsible persons in professional services in relation to established failures to apply regulations;</li> <li>• to legally regulate and ensure the permanent obligation of REM to carry out permanent monitoring of the pre-election campaign;</li> <li>• specify and establish objective benchmarks for monitoring, ensure public publication of findings and continuous reporting to the public, as well as responsibility for presented data and results;</li> <li>• REM must perform mandatory supervision instead of the Provisional Body for Media Monitoring. If there is an attempt to introduce special bodies for media supervision, it must be done in accordance with the Law on Electronic Media and the given competences.</li> <li>• to amend the proposed Draft Rulebook on the manner of performing the obligations of public media services during the election campaign and edit it so that it includes all media service providers, not only public media services;</li> <li>• ensure greater transparency, responsibility for actions undertaken or failure to undertake certain actions within the jurisdiction, as well as better communication of REM with citizens.</li> </ul>		
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## Chapter 23

Recommendation number	Recommendation of the National Convention on the EU	From what year is the NCEU recommendation repeated	With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	Amendments and improvement of legal regulations that would introduce certain restrictions and additional control of decision-makers, audit of their actions and responsibility of their decision-makers, due to observed abuses in application when limiting the basic human rights of journalists, media workers and citizens of the Republic of Serbia.	Unfulfilled established: 2020	
2.	Adopt a new Action Plan for the implementation of the Media Strategy (the Action Plan that was applied until now has expired), which should include all the measures that were foreseen in the previous plan, but were not fulfilled until the expiration of its validity.	New recommendation	
3.	Consistent implementation of the Action Plan for the implementation of the Strategy for the Development of the Public Information System in the Republic of Serbia until 2025.	Unfulfilled established: 2020	
4.	Deadlines for implementation that have passed, and the activities have not yet been implemented, must be revised together with the activities, where it is necessary to determine the responsibility for their non-fulfillment.	Unfulfilled established: 2021	
5.	Ensure inclusive and transparent work on amendments and additions to relevant laws related to media freedoms, which must be in accordance with the envisaged Media Strategy.	Unfulfilled established: 2021	
6.	All regulations that are intended to be amended and supplemented, and which relate to issues of the media, journalists and journalistic sources, must be in line with the acquired and guaranteed rights from the law in force, as well as the Media Strategy.	Unfulfilled established: 2021	

7.	The foreseen amendments to the Law on Public Information and Media must be strictly adhered to as stipulated in the Media Strategy, and in the parts where this is not possible, the acquired rights in the existing laws must not be reduced or abolished.	Unfulfilled established: 2021	
8.	Solve and shed light on all cases of attacks on journalists and threats to their safety as soon as possible, initiate and, within a reasonable time, complete the processes against the perpetrators.	Unfulfilled determined: 2017/2018.	
9.	Urgent suspension of support, especially political and financial, to media that continuously violate the Law on Public Information and Media, the Law on Electronic Media, the Code of Journalists of Serbia, which constantly spread national and other hatred, put pressure on critical media, cause panic and create an atmosphere of fear and violence in society.	Unfulfilled established: 2020	
10.	Take all measures to protect journalistic sources by specifying legal provisions and prevent unauthorized interception of journalists' and their sources' communications.	Unfulfilled determined: 2017/2018.	
11.	Government representatives should urgently stop calling names, insulting, belittling and discriminating against journalists, media, journalistic and media associations, endangering their safety and declaring them enemies of society, "foreign agents" and "traitors".	Unfulfilled established: 2020	
12.	Ensure greater safety of journalists and other media workers: <ul style="list-style-type: none"> <li>• improve cooperation between state institutions and media and journalist associations through the existing mechanism, established by signing the Agreement on cooperation and measures to raise the level of safety of journalists, as well as by improving the work of the Permanent Working Group and the Working Group for the Safety of Journalists under the auspices of the RS Government;</li> <li>• clearly and precisely organize the scope of work of all working groups on the topic of journalists' safety, coordinate their work and raise the level of cooperation;</li> <li>• ensure immediate and quick action in action and without</li> </ul>	Unfulfilled established: 2020	

	<p>exception in all cases of attacks and threats that have elements of criminal and misdemeanor offenses;</p> <ul style="list-style-type: none"> <li>• the communication strategies of the public prosecutor's offices and the MUP must be raised to a significantly higher level; openness of a wide range of public prosecutor's offices and the Ministry of Internal Affairs regarding the publicity of proceedings, to the extent that the prosecutor's investigation and proceedings are not jeopardized. In this sense, allow public prosecutors and their deputies to go public and communicate in the cases they lead, but to the extent that the procedure itself, the investigation and the prosecutor's function are protected;</li> <li>• to clearly, unequivocally and indiscriminately condemn any violence against journalists by high-ranking public officials, in order to convey the message of unacceptable behavior, as well as making certain statements by officials that may indirectly lead to jeopardizing the safety of journalists;</li> <li>• to maintain the continuity of permanent trainings, intended for members of the police, as well as prosecutors within public prosecutor's offices, with the aim of improving the reaction of members of the MUP and prosecutors within their jurisdiction (threats on the Internet and the online sphere, special crimes against journalists, attitude towards injured journalists and victims, secondary victimization , work with attacks), but also, in particular, to ensure a better understanding of the problem and more effective action in cases of endangering the safety of journalists. In the training, it is important to include familiarization of journalists with regard to the right to criminal-legal protection, as well as the first and obligations as injured</li> </ul>		
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	<p>persons with regard to criminal proceedings, the way of internal control of the MUP and the right to protection in relation to abuses by officials;</p> <ul style="list-style-type: none"> <li>• to ensure clear and non-selective internal responsibility of the authorities responsible for prosecuting perpetrators of crimes against journalists, both in the sphere of the commission of such crimes by members of the MUP, considering the more direct contact with journalists, and public prosecutors due to omissions during the conduct of proceedings;</li> <li>• determine the clear scope of criminal acts and legal gaps that arise due to existing understandings and interpretations of the nature of certain criminal acts;</li> <li>• it is necessary to change the criminal law practice in the understanding of certain criminal acts that protect journalists, such as endangering security from Article 138 paragraph 3 of the Criminal Code or a more precise interpretation of the special offense of endangering security from Article 138a;</li> <li>• to introduce the protection of journalists of existing criminal acts, such as the protection of human rights fighters;</li> <li>• to introduce new forms of criminal offenses against journalists and to add enhanced protection to already existing criminal offenses in which there is a special danger in relation to journalists, and to pay special attention to acts that appear to be attacks and threats on the Internet;</li> <li>• involve representatives of judges in the problems of safety of journalists and the consequences arising from attacks and threats, especially in the parts related to understanding the nature of criminal acts to the detriment of journalists;</li> <li>• to ensure the acquired levels of protection for journalistic sources</li> </ul>		
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	in relation to non-processing of protective regulations and the potential harmful effects of other regulations that can undermine their position (such as the Law on Internal Affairs).		
13.	<p>To ensure a better labor law status of journalists and other media professionals:</p> <ul style="list-style-type: none"> <li>• by signing a branch collective agreement that would provide journalists and media workers with better working conditions; also, to empower the journalists themselves to organize themselves into trade unions and provide education so that they are better acquainted with the possibilities of exercising their labor and professional rights;</li> <li>• establish more effective inspections in order to reduce illegal work and other cases of violations of journalists' rights;</li> <li>• establish measures and procedures for improving the position of journalists, editors, women employed in various positions and jobs in the media, as well as creating better conditions for their greater representation in management positions;</li> <li>• ensure greater independence of journalists and newsrooms in relation to media owners and management by signing special acts that would enable that independence or provide for the signing of an annex to the employment contract that defines the professional rights and obligations of journalists and editors and that would more effectively protect their professional status;</li> <li>• ensure special protection of journalists in local media in relation to pressures that threaten their labor law status.</li> </ul>	Unfulfilled established: 2020	
14.	The state should urgently take measures that will enable the news agency Tanjug and Radio-television Kragujevac to get out of their illegal position as soon as possible, as well as to implement the privatization of other	Unfulfilled determined: 2017/2018.	



	media entities that are still owned by the state.		
15.	Reconsider the role of the state in the media market and its participation in transactions during the purchase of TV B92, TV Nova, Adria media group and the establishment of the Euronews Serbia franchise.	Unfulfilled established: 2021	
16.	<p>Amend legal and by-law regulations for the purpose of improving the process of project co-financing of media content of public interest by:</p> <ul style="list-style-type: none"> <li>• foresee the obligation to call for tenders for the co-financing of media content, as well as responsibility and sanctions for responsible persons in cases of non-call at the local self-government levels;</li> <li>• to ensure the independence of co-financing from political influence during the year (and most often in election years), by providing for the obligation for all providers of funds to announce tenders at the beginning of the year;</li> <li>• to introduce mandatory analyzes of the needs for media content, which would be carried out by municipalities, as well as cities, as competition implementers, whose goal would be to determine the public interest for each particular local self-government;</li> <li>• determine clear criteria for the selection of members of expert commissions, improve the work of expert commissions, clearly determine the application of regulations in the event of gaps in action (change of commission members, annulment and adoption of new decisions), including the prescription of sanctions for failure of commission members to act in accordance with regulations ;</li> <li>• foresee the mandatory models of documents that are applied in the implementation of the competition, unify them, specify their content, but also the storage of such documents (especially work minutes, transcripts) and their availability to the public in</li> </ul>	Unfulfilled established: 2020	

	<p>accordance with the regulations governing access to information of public importance and the protection of personal data , determine the manner and rules of communication in the procedure;</p> <ul style="list-style-type: none"> <li>• to oblige expert commissions to take into account the decisions of the regulatory body and the Press Council when deciding on the distribution of funds;</li> <li>• improve the control mechanisms of co-financing procedures and establish an effective legal remedy in this area. In terms of strengthening legal remedies, it is necessary to raise awareness about the effectiveness of inspection controls, especially administrative inspections in terms of implementing regulations, as well as budget inspections in terms of the expediency and adequate purpose of projects;</li> <li>• introduce a mandatory evaluation of the projects that have been implemented for all institutions that implement them, as well as the implementation of an external financial audit of the media that received funds above a certain amount;</li> <li>• ensure better and more efficient control, also by the State Audit Institution, of conducted tenders, realization of assigned topics and contracts through mandatory audit programs of allocation and spending of funds. It would be very useful to introduce audits of the expediency of the projects, which would determine the efficiency, as well as the effectiveness of the allocated funds.</li> </ul>		
17.	Improve and adapt the process of conducting administrative disputes in lawsuits regarding illegality in the implementation of tenders for project co-financing.	Unfulfilled established: 2020	
18.	Tax and other inspections to stop exerting pressure and endangering the work of independent media.	Unfulfilled established: 2019	

19.	Radio and Television of Serbia to start implementing the legally prescribed obligation to broadcast programs in the languages of national minorities.	Unfulfilled determined: 2017/2018.	
20.	necessary to harmonize judicial practice with the practice of the European Court of Human Rights in proceedings against journalists for compensation of damages related to the publication of information.	Unfulfilled established: 2019	
21.	It is necessary to ensure greater transparency of state institutions through a larger mandatory set of data that they must proactively publish.	Unfulfilled established: 2019	
22.	Additionally improve or change access to information of public importance in order to provide greater support to journalists, in relation to public authorities that ignore, do not act on requests for access to information, provide incorrect and false answers that are difficult to verify and abuse deadlines for delaying the delivery of answers .	Unfulfilled established: 2020	
23.	Ensure the protection of journalistic sources and reduce the effects of biometric data collection and processing, as well as the responsibility of the persons who do it. In particular, strengthen the responsibility and sanctioning of persons who abuse and harm sources and journalists.	New recommendation	
24.	Provide adequate alternative channels for obtaining information from public authorities that have such information and documents in their possession, but refuse to act (control and other institutions in accordance with certain competences).	Unfulfilled established: 2020	
25.	Strategically envisage and develop special systems of anti-SLAPP regulations, which would protect journalists and the media from malicious lawsuits and establish liability, especially of government representatives who abuse those lawsuits.	Unfulfilled established: 2021	
26.	Implement the activities provided for in the Media Strategy in the spirit in which they were written, and which refer to: <ul style="list-style-type: none"> <li>analysis of the regulatory framework in order to define potential changes to the Criminal</li> </ul>	New recommendation	

	<p>Code and the law governing criminal procedure;</p> <ul style="list-style-type: none"> <li>• education in the field of protecting the safety of journalists, namely: representatives of the judiciary, the Republic Public Prosecutor's Office, the Ministry of Internal Affairs and lawyers, as well as journalists and media workers, which includes gender-sensitive content on the safety of journalists and media workers;</li> <li>• raising awareness about the exposure of journalists and media workers to sexual harassment, psychological and other forms of abuse, as well as the necessity of establishing a safe environment and decisive response to any form of harassment or violence;</li> <li>• education of journalists and media workers about security risks in the online space in order to prevent and better prepare for the protection and prevention of such attacks, in cooperation with the existing centers for the prevention of security risks in ICT systems (CERT);</li> <li>• improvement of personnel, organizational and technical capacities of state bodies in order to better recognize and address security threats in the online environment, including gender-specific threats;</li> <li>• education of judges, public prosecutors, lawyers, as well as relevant ministries on forms of endangering the information security of journalists and the media, also including content on gender-specific risks and threats.</li> </ul>		
27.	Strengthen cooperation through partnerships between states, the technology sector, civil society and organizations to effectively deal with online attacks.	New recommendation	
28.	Return special records of attacks on media websites to the Supreme Public Prosecutor's Office; they were established by a special instruction in 2015, but that ceased to be valid in	New recommendation	

	2020 with the adoption of a new mandatory instruction.		
29.	Within the framework of legal and by-laws, ensure that the impact of secondary victimization and further endangerment of injured journalists who during the procedure have to face the person who threatened them and present certain personal information to him is reduced.	New recommendation	
30.	Provide incentive measures through amendments to the Law on Public Information and Media and accompanying by-laws for media that have internal documents that provide for measures and procedures to ensure a safe working environment for journalists and media workers.	New recommendation	
<b>Recommendations to the National Assembly of the RS</b>			
31.	Ensure compliance with the Rules of Procedure of the National Assembly of Serbia and prevent insults and hate speech in the parliament towards the media, journalists and media workers.	Unfulfilled established: 2021	

## Chapter 28

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	The legal provisions shall determine and specify in more detail the ways and possibilities of advertising of state bodies and other public entities.	Unfulfilled established: 2017/18.	
2.	Ensure transparency of data on advertising of state bodies, other public entities and public companies.	Unfulfilled established: 2017/18.	
3.	Advertising in the media should become one of the priorities of the work of the Government of the Republic of Serbia, including the implementation of the adopted solutions on advertising from the Media Strategy, and the supervision of the implementation of these provisions should be clearly established.	Unfulfilled established: 2021	

4.	Introduce special rules governing political advertising, in order to prevent official campaigns and potential abuses by political parties that are in power.	Unfulfilled established: 2021	
5.	Improve legal regulations with the aim of ensuring the transparency of political advertising and spending of funds by political parties on online platforms during the election campaign.	Unfulfilled established: 2021	
6.	In terms of further improvement of legal regulations, determine the existence of responsibility of public information media and their web pages - portals on which, in the form of covert advertising, news with displays of statements and illustrations were published.	New recommendation	

## Chapter 32

<b>Recommendation number</b>	<b>Recommendation of the National Convention on the EU</b>	<b>From what year is the NCEU recommendation repeated</b>	<b>With which EU benchmark is the recommendation of the Convention related - state the number of the EU benchmark and the type of benchmark in question (opening, transitional, closing)</b>
<b>Recommendations to the Government of the Republic of Serbia</b>			
1.	Clearly define and specify sanctions for irregularities found during the business audit.	Unfulfilled established: 2017/18.	Closing benchmark no.3
<b>Recommendations to the State Audit Institution</b>			
2.	The state audit institution to audit the expediency of REM's operations for at least two previous years.	Unfulfilled established: 2017/18.	Closing benchmark no.3
3.	Monitor the work of the audit firm that audits REM every year.	Unfulfilled established: 2017/18.	Closing benchmark no.3

## **INTERSECTORAL WORKING GROUP FOR ECONOMIC REFORMS PROGRAM (ERP)**

**Coordinator: NATIONAL ALLIANCE FOR LOCAL ECONOMIC DEVELOPMENT (NALED), Jelena Stojović**

### **Introduction**

Economic management is gaining more and more importance in the enlargement process, and the European Commission monitors it through the Economic Reform Program and through the assessment of compliance with the economic criteria for accession.

Program of economic reforms (*Economic Reform Program* - ERP) is a strategic document of the Republic of Serbia that includes medium-term macroeconomic projections (GDP growth, inflation, trade balance, capital flows, etc.), budget plans for the next three years and a list of priority structural reforms. Serbia, like other candidates and potential candidates for EU membership, has been preparing the ERP in accordance with the guidelines of the European Commission since 2015 as part of the so-called "European Semester<sup>155</sup> light ". The process of coordination of economic policies represents the highest level of cooperation between the Western Balkans and Turkey with the European Union when it comes to social and economic issues, giving them the opportunity to prepare for future participation in the coordination of EU economic policy in the phase of pre-accession negotiations. The European Commission and the European Central Bank evaluate economic reform programs every year and initiate a multilateral dialogue with the economies of the Western Balkans and Turkey, including the EU member states, which results in the adoption of joint conclusions and therefore specific guidelines for the Republic of Serbia <sup>156</sup>.

Since its formation in 2015, the Intersectoral Working Group (MRG) of the National Convention on the European Union for ERP has been actively participating in the process of preparing this strategic document and monitoring the implementation of priority structural reforms, providing expert support and bringing the perspective of citizens into the entire process.

The activities of the MRG for ERP, among other things, include giving specific recommendations for each cycle of ERP preparation, consultative meetings with the Ministry of Finance, other

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<sup>155</sup>The European Semester is the framework of the European Union for the coordination and supervision of economic and social policies, created in 2010. During the European Semester, member states harmonize their budgetary and economic policies with the rules agreed at the EU level. This socio-economic policy coordination process takes place every year from November to July. More information at: <https://www.consilium.europa.eu/en/policies/european-semester/> .

<sup>156</sup>See: [https://www.eeas.europa.eu/delegations/turkiye/economic-and-financial-dialogue-between-eu-and-western-balkans-and-turkiye\\_en?s=230](https://www.eeas.europa.eu/delegations/turkiye/economic-and-financial-dialogue-between-eu-and-western-balkans-and-turkiye_en?s=230) .

relevant ministries and institutions, cooperation with representatives of the European Commission, etc.

Although the recommendations of civil society, which was organized through the NCEU Intersectoral Working Group for ERP, were regularly considered by the Ministry of Finance and other entities involved in the ERP preparation process in previous years, they were largely not accepted and found their place in the ERP annex -a as a list of proposals received in the process of public consultations. So, ERP 2023-2025. includes only one MRG recommendation since 2022 concerning green public procurement.

### Recommendations of the Intersectoral Working Group for the Economic Reform Program (ERP)

Recommendation number	Recommendation of the MRG for the Economic Reform Program (ERP)
<b>Recommendations to the Government of the Republic of Serbia</b>	
1.	It is necessary to adopt the Development Plan of the RS, the hierarchically highest, long-term development planning document of the RS, as well as the Investment Plan, a document that plans public investments in areas of public interest in accordance with the priority development goals set by the Development Plan.  Development planning documents such as the Development Plan and the Investment Plan, which are planning documents of the widest scope, have not been adopted, therefore most of the challenges and measures defined in the previous programs of economic reforms are of an incentive and institutional management nature, which are not preceded by public policy measures that are of a regulatory nature (Law on the Planning System of the RS, 2018). In this sense, progress is not expected even in the process of preparing the ERP 2024-2026.
2.	Structural reforms should be identified/selected based on their priority and importance for the Serbian economy and in the context of economic management. It is necessary for the Government, with the support of donors or from the national budget, to provide funds for the implementation of priority structural reforms, and not the other way around.
3.	Structural reforms should be focused on the entire economy, which would clearly reflect on competitiveness, sustainability and resilience, as well as on human capital in Serbia as a whole.
4.	ERP should be prepared in such a way that performance indicators are presented in addition to the result indicators.
5.	In the ERP, clearly highlight the direct impact of the planned (implemented) structural reforms on the reduction of regional disparities in Serbia, highlighting the expected (achieved) positive results for the given period.
6.	In the next cycles of ERP preparation, try to describe all structural reforms in detail, avoiding excessive generalization. This will ensure a better understanding of the objectives of each of the envisaged reforms, as well as the strategies for their implementation.
7.	Clearly define activities that directly contribute to the realization of structural reforms. Taking into account the new guidelines of the European Commission and the reduced number of structural reforms, it is necessary to avoid dealing with "old" structural reforms (ERP 2023-2025) as new activities within the ERP 2024-2026.
8.	Remove from the ERP all structural reforms that are already present in several consecutive cycles and are being actively implemented (they are considered business as usual) and



	exclude from the ERP all structural reforms/measures that were not worked on at all in previous years, but were continuously transferred from year to year to ERP.
9.	Perform an assessment of the territorial impact ( <i>Territorial Impact Assessment - TIA</i> ) of planned measures for the improvement of employment and social protection, respecting the Regulation on establishing a unified list of development of regions and local self-government units from 2014.
10.	Put more emphasis on the green transition. It is crucial to prioritize structural reforms dedicated to this area, reflecting the importance of sustainability and environmental considerations in the planning process.
11.	Include reform measures that support the digital transformation of companies. It is crucial to recognize that the improvement of public infrastructure alone will have limited value if economic entities do not have the capacity to use it.
<b>Recommendations to the European Union</b>	
12.	Ensure timely communication of all changes in ERP preparation instructions, notifying all interested parties in advance of such activities. Consider adjusting the calendar of activities in the ERP preparation cycle. We propose to reduce the time frame between the submission of the document to the Commission and the assessment and adoption of the Joint Conclusions of the Economic and Financial Dialogue between the EU and the Western Balkans and Turkey.
13.	Provide support to MRG's ERP initiative: <ul style="list-style-type: none"> <li>• establishment/strengthening of regional exchange with CSOs in the Western Balkans active in this area, as well as transfer of experience and knowledge to Ukraine, Moldova and Georgia;</li> <li>• building the capacity of organized civil society through MRG for ERP through existing EU mechanisms/projects (training <i>Center of Excellence in Finance - CEF</i>, Ljubljana, meetings with representatives of the European Economic and Social Committee, i.e. members of their Ad hoc group for the European Semester, participation in the Brussels Economic forum, etc. ) and raising the awareness of CSOs about the economic criteria for joining and ERP;</li> <li>• ensure greater visibility of the ERP: organization of the ERP day, which will include a high-level conference with representatives of the Government of Serbia, the EU, CSOs and other interested parties; multilateral and bilateral consultations between the civil and public sectors, press conferences, etc.</li> </ul>
<b>Recommendations to civil society organizations</b>	
14.	Ensure continuous engagement in the process of preparing and monitoring the implementation of structural reforms, as well as in the process of regional cooperation on the topic of further improvement of economic management.

## INTERSECTORAL WORKING GROUP FOR POLITICAL CRITERIA

**Coordinator: CENTER FOR EUROPEAN POLITICS (CEP), Srdan Majstorović**

### RELATIONS OF SERBIA AND THE EUROPEAN UNION (APRIL 2022 – JULY 2023)

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#### Introduction - A time of missed opportunities

In last year's Book of Recommendations of the NCEU, it is stated that 2021 represented a breakthrough in relations between the European Union (EU) and Serbia and that relations improved to a certain extent after the turbulent 2020. The same cannot be said for the assessment of the situation for 2022 and the first half of 2023, for which the following factors were key: the report of the European Commission (EC) on the progress of Serbia, which for the first time recorded a setback in an area due to non-compliance Serbia with the policy of EU sanctions towards Russia; elections and almost nine months of work of the Government in the technical mandate; repeated long-term stagnation in the opening of new clusters; as well as the authorities' irresponsible treatment of the demands of the mass and continuous protests of citizens throughout Serbia. In short, it is a period of missed opportunities, considering that Serbia has yet to send a clear message to the domestic and international community that it is committed to the basic values of the EU, both domestically and on the foreign policy front.

#### Recommendations:

- It is necessary for the Government of Serbia to recognize the moment that arose after the Russian aggression against Ukraine. Serbia should take the call to speed up the enlargement policy through gradual/phased accession as an incentive to approach reforms more decisively.
- It is necessary for the Government of Serbia to work on harmonizing its foreign policy with the Common Foreign and Security Policy (CFSP) and thereby make a clear and unambiguous decision towards EU membership. Harmonization with the CSDP is an obligation that every candidate must fulfill before joining the EU, and this would strengthen Serbia's credibility and improve its shaken image.
- It is necessary to renew the practice of discussing the EC report at the plenary session of the National Assembly. The discussion should be transparent and include representatives of civil society organizations.
- It is important that the Ministry of European Integration (MEI) continues with the practice of conducting an analysis of public opinion on Serbia's membership in the EU. This will

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<sup>157</sup>Authors: Đorđe Dimitrov and Strahinja Subotić, Center for European Policies (CEP)

contribute to greater transparency and enable one to gain insight into the real support of citizens for European integration.

- Additional efforts need to be made in order to speed up the process of harmonizing domestic regulations with the EU acquis and significantly improve the implementation of the National Program for the adoption of the EU acquis. It is necessary for the MEI to continue with the reintroduced practice of publishing reports on the implementation of the National Program, because it is a good way to familiarize the public with the specific activities undertaken by the Government as part of the EU accession process.
- From the point of view of the quality of the EC report, this year as well, there was no qualitative evaluation of the EU on political criteria, that is, on the "functioning of democratic institutions". Given that Serbia continues to face the "elements of a captive state", the fact that there is a lack of assessment of the degree of readiness for membership, and that in the area that is included in Cluster 1, i.e. among *the Basics*, according to the revised methodology from 2020, reduces the "driving force" report, making it difficult for citizens to understand the key message of the EC report. It is necessary that the part of the report on political criteria be even more detailed and consistent, in order to provide a deeper and wider insight into the real state of affairs in this area. In this way, the EC would have the opportunity to send a clear message to the citizens and define more specific instructions for the further development of democracy in Serbia.
- Given that 2024 will be an election year in the EU, it is necessary that by the end of 2023 the European Commission, the Council of the EU, the European Council and the European Parliament send an unequivocal message that the perspective of membership is credible and achievable for all countries of the Western Balkans. In this regard, it is necessary to operationalize the idea of "phased accession", which is visible in the revised methodology, and which was additionally developed and promoted by civil society organizations from the region and the EU. The possibility of setting 2030 as the year by which the EU will complete internal reforms in order to be ready for future enlargements should also become a subject of consensus, which would encourage Serbia and other countries in the region to direct their reform processes, as well as the process of adoption difficult political decisions in the visible perspective.

## ELECTION CONDITIONS: NO MOVEMENT<sup>158</sup>

### Introduction

The past period marked the return of the opposition to the National Assembly, which represents a positive development. Despite the very precise recommendations of the OSCE, which refer to the improvement of electoral conditions in Serbia, most of them are still not fulfilled. The trend of announcing possible early elections, immediately before and after the ones just held, further hinders the predictability and holding of democratic elections at regular intervals. At the same time, the practice of extraordinary elections directly affects the establishment of adequate electoral conditions before their holding.

In the past period, organizations that deal with monitoring the media representation of political parties in the media have confirmed that the ruling parties are dominantly represented in relation to the opposition parties. This kind of media coverage reflects the unequivocal inequality on the political scene, which makes it impossible for the opposition parties to address the widest circle of voters to the extent that the ruling parties do.

The National Assembly still does not exercise its key supervisory role over the work of the executive branch. The transparency of the work of the National Assembly is problematic, sessions are scheduled arbitrarily, and discussions are conducted in an atmosphere characterized by inflammatory speech and mutual accusations, as well as a large number of insults, primarily by members of the ruling majority addressed to the opposition.

### Recommendations:

- It is necessary that the Government, the National Assembly and other relevant institutions, as soon as possible, implement *all* the recommendations from the report of the Office for Democratic Institutions and Human Rights ( KDILJP ) on the elections held in 2022, with special emphasis on the recommendations related to the media, pressure on voters and abuse of public office.
- Unjustified breaks in the work of the parliament, such as not scheduling the first session in the first regular session of 2023 until April 18, should be completely avoided; the adoption of the annual work plan of the National Assembly would contribute to that goal.
- The National Assembly should apply the urgent scheduling of sessions and the merging of agenda items as an exception, not as a rule.
- The control function, independence and transparency of the work of the National Assembly need to be strengthened: by the presence of members of the Government at sessions for parliamentary issues every last Thursday of the month; by placing on the agenda legal

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<sup>158</sup>Authors: Aleksandar Ivković and Nikola Burazer, Center for Contemporary Politics

proposals submitted by members of parliament and citizens; as well as the maximum involvement of civil society in the work of the National Assembly in accordance with valid rules and good practice, unless there are objective obstacles for this.

- The President of the National Assembly should impartially sanction inflammatory speech and raising tensions by all MPs, regardless of their party affiliation.
- People's deputies should show a much greater degree of mutual tolerance and collegiality, avoid denying a quorum at the plenary session and in working bodies, as well as using the parliament as a platform for mutual calculations.

## **CIVIL SOCIETY<sup>159</sup>**

### **Introduction**

Events during 2022 point to a further trend of narrowing of civil space and deterioration of the already unfavorable environment for civil society activities in Serbia. The practice of endangering the freedom of expression, assembly and association continued, and the number of SLAPP lawsuits targeting the media, CSOs and activists with the aim of preventing their active action recorded a growing trend. Due to the holding of parliamentary elections, and then waiting for the formation of a new Government, during 2022 there was almost no legislative activity, which led to the fact that no progress was made in terms of the framework for civil society action. The establishment of the Council for Development and Cooperation with Civil Society, which should improve cooperation between state institutions and CSOs, is still ongoing, and according to the latest announcements, its formation is expected in September 2023. The current course of 2023 has been marked by protests against violence, which began to take place throughout Serbia after two mass murders in May, which shook and changed Serbia forever.

### **Recommendations for improving the position of civil society:**

- It is necessary that the authorities in Serbia urgently and consistently apply all valid regulations (laws and by-laws) in the area of freedom of association, freedom of assembly and freedom of expression in order to defend the achieved standards of basic civil rights, as well as to strengthen the responsibility of all relevant institutions responsible for the protection of basic rights . In addition, a strong political message from the highest public office holders about the need to protect the integrity, life and property of activists and journalists is also needed.
- It is necessary to establish a mechanism to prevent the abuse of regulations and standards in the area of money laundering prevention and harmonize the work of the Directorate for the Prevention of Money Laundering and Terrorist Financing with the standards prescribed by the

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<sup>159</sup>Authors: Alma Mustajbašić and Tara Petrović, Civic Initiatives

FATF. Also, an institutional resolution of the "List" affair is needed, i.e. public announcement of the reasons and outcome of the procedure conducted by the Directorate for the Prevention of Money Laundering.

- It is necessary to provide stronger political support for the improvement of the philanthropic framework with stronger incentives for corporate donations, introduction of incentives for donations by natural persons, harmonization of the definition of public interest in various regulations, as well as the establishment of a system for collecting data on donations.
- It is necessary to develop additional qualitative criteria for the participation of CSOs in the distribution of state funds based on expertise and contribution to areas of public interest, as well as the establishment of a system for efficient and regular data collection on all types of state funding.
- At the same time, it is necessary to develop additional qualitative criteria for the participation of CSOs in decision-making processes based on expertise and contribution to areas of public interest, as well as establishing a system for efficient regular data collection on the participation of CSOs and other interested public in decision-making processes.
- It is necessary to strengthen the capacity of civil society in order to improve resistance to various external factors that affect the environment for the operation of CSOs. In addition to the collapse of basic civil liberties and the rule of law, it also implies the consequences of various global crises that are reflected in changes in the way of working and acting, the strengthening of digital technologies and changed donor policies.
- CSOs are recommended to consider more flexible and participative models of management and leadership, diversification of funding sources, transparency of work, identifying and strategic connections with the support base, strategic communication with targeted publics, stronger concern for the psychological and health condition of employees and activists, strengthening solidarity, strategic networking with other actors of civil society, but also outside it.

## **DEMOCRATIC CIVILIAN CONTROL OF THE SECURITY SECTOR<sup>160</sup>**

### **Introduction**

Despite the role of the National Assembly as a symbol of democracy and the competent body for the supervision of the security sector, the new convocation of the parliament did not stand out for its proactivity and efficiency in performing this supervisory role during the reporting period. The return of the opposition to the assembly brought more dynamic discussions, but the ruling majority

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<sup>160</sup>Author: Milica Starinac, Belgrade Center for Security Policy (BCBP)

obstructed the work of the parliament, and the president of the assembly abused his position. Even the tragedies of May did not influence the authorities to change their approach. Discussions on important topics in the field of security were often marked by political tensions, and the opposition was left without answers to important questions. The competent committees did not provide a proactive approach, and there were no discussions on topics that are important to the public.

### **Recommendations :**

- The President of the Assembly should schedule the sessions within the time limit provided in the Rules of Procedure, so that the deputies have the opportunity to adequately prepare for them, as well as to propose changes and additions to the agenda. Also, the president should make sure that every last Thursday of the month, a session devoted to parliamentary issues is organized, as the Rules of Procedure provide.
- The President of the Assembly should consistently take care of the implementation of the Rules of Procedure and the Code of Conduct of MPs and implement them without discrimination, in order to ensure an atmosphere for discussion in the Assembly and prevent inappropriate insults of MPs.
- The Security Services Control Board and the Defense and Home Affairs Committee should act proactively and use all powers at their disposal to strengthen oversight of the security sector. Deputies should nominate topics of importance for the agenda of committee meetings and committees should consider budget proposals in detail.
- In every convocation, the practice of electing the presidents of the Security Services Control Committee and the Defense and Internal Affairs Committee from among the opposition should be observed.

## **PUBLIC ADMINISTRATION REFORM<sup>161</sup>**

### **Introduction**

The trend of insufficient transparency and lack of publicly available information about the work of the Government is becoming a constant. Reports on the work of the Government are not published regularly, and when they are published, their form is not adapted to citizens. Also, insufficient transparency of decision-making is still present. By the end of July 2023, the current Government held 67 sessions, of which no records are available for 20 of them. Positive developments were noted when it comes to the involvement of interested parties in the process of drafting public policy documents, as consultative processes were carried out for all documents

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<sup>161</sup>Authors: Milica Divljak and Milica Škorić, Center for European Policies (CEP)

adopted during the calendar year. However, in the same period only 29% of the laws were consulted, which is far below the target values.

Also, there is still not enough publicly available information about the civil service system in Serbia, which would present data on the total number of employees, the number of employees per state administration body, the salary system, and the like. For years now, the practice of excessive appointments of acting civil servants has been a burning problem and a source of politicization of state administration.

The findings also point to the uneven practice of state administration bodies regarding the type of information they publish proactively, as well as the manner in which it is presented, and there is still not enough effort to make available information accessible and adapted to citizens. Similarly, it is possible to improve the practice of service providers in publishing complete and up-to-date information, given that citizen-friendly guidelines are not available for all analyzed services, nor are all services digitized.

### **Recommendations for public administration reform at the central level:**

Although progress has been noted in certain aspects of the public administration reform when it comes to the practice of the authorities, the recommendations for 2022 have not been fulfilled in most or all of them, and are mainly repeated:

- For the purpose of greater transparency of the Government's work and public insight, it is necessary for the Government to publish all planning documents and reports on their implementation in full, regularly and in a location that is easily accessible and that enables continuous transparency of reporting.
- Regular and consistent publication of agendas and minutes from Government meetings is needed, which is still missing, in order to enable precise determination of the number and type of decisions adopted by the Government and which should have been publicly announced.
- It is necessary for the Government to urgently stop the practice of excessive and re-appointment of acting officials and, in accordance with the law, conduct competitions for filling positions in the state administration that are occupied by acting officials.
- The Ministry of Finance should designate a place on its website for all information on budget execution (reports on budget execution during the year, semi-annual and annual reports), presenting each of the reports separately.
- State administration bodies should inform the public using simple, understandable language for citizens on their websites. It is important that, when publishing documents, state administration bodies briefly explain/present their content and purpose without bureaucratic terminology, focusing on the most important aspects and their impact on the daily life of citizens.



- State administration bodies should proactively publish their annual work reports online. Also, they should start preparing and publishing their annual budgets (financial plans) in a way that is adapted to citizens.
- State administration bodies should clearly display information about cooperation with civil society and other interested parties, preferably through an easily accessible section on the home page of the website.
- Service providers' websites and the eGovernment Portal should provide users with channels for providing feedback as standard practice. That data on satisfaction with administrative services should be proactively published, at least annually and in a way that is easily accessible.
- It is necessary to standardize the measurement of service user satisfaction so that all institutions that provide services, as well as the eGovernment portal, establish and widely promote advanced channels for providing feedback that are easily accessible and easy to use.
- In addition to regular consultations with interested parties and public discussions on all drafts of public policy documents and laws, starting from the early stages of the process of creating public policies, it is necessary to introduce the practice of systematic and uniform reporting on their implementation.
- The recommendation to the European Commission to continuously insist on greater transparency in the work of the Government is still valid, since the public publication of all key documents and decisions is essential for the further progress of Serbia in the process of accession to the European Union.
- When participating in public consultations and public hearings, as well as when monitoring their implementation, it is recommended that civil society organizations continue to emphasize the need for uniform reporting on conducted consultations/public hearings. This implies that the participants, comments, as well as the answers of the state administration bodies must be listed in a clear and precise manner.

## INTERSECTORAL WORKING GROUP FOR SUSTAINABLE DEVELOPMENT

**Coordinator: CENTER FOR SUSTAINABLE DEVELOPMENT OF SERBIA, Nataša Gligorijević**

### Introduction

In September 2015, the Republic of Serbia, together with the members of the United Nations (UN), adopted the 2030 Agenda for sustainable development and thus decided to follow the vision of development based on prosperity based on social inclusion and preservation of the planet. The foundation of development is based on the principle "that no one is left behind".

The 2030 Agenda for Sustainable Development recognizes five basic principles, among which the guiding principle is "*Leave No One Behind*" (*LNOB*) and prioritizing marginalized social groups. During 2022, the UN team in the Republic of Serbia drafted the Instrument for the inclusion of the principle "that no one is left behind" in the legal and strategic documents of the Republic of Serbia. The goal of the Instrument is to define guidelines for the application of principles in all phases through which legal, planning and strategic documents pass. In July 2022, a meeting of the Intersectoral Working Group (IMG) for sustainable development was held with representatives of the UN team for the promotion and implementation of the Instrument "so that no one is left behind" and a proposal was made to establish more intensive cooperation between the representatives of the UN and the MIG for sustainable development.

The implementation of the 2030 Agenda for sustainable development of the UN is inseparable from the process of European integration. At the end of 2019, the European Commission presented a new growth strategy - the European Green Deal. The European Green Deal is an integral part of the Commission's strategy for the implementation of the United Nations 2030 Agenda and Sustainable Development Goals. The key role of the European Green Deal is to enable the European Commission to, on the one hand, put the goals of sustainable development at the center of the adoption of EU policies and measures, and on the other hand, to make the well-being of citizens and sustainability the center of economic policy.

EU accession and implementation of the 2030 Agenda creates synergy effects for both processes. By achieving the goals of sustainable development, the candidate states are simultaneously fulfilling their obligations in the process of joining the European Union through reform processes, strengthening institutional capacities and improving public policies.

The cross-sectoral working group for sustainable development of the National Convention on the EU monitored the connection of the accession process and the achievement of the sustainable development goals for the working groups of MRG members: Working groups for Chapter 5, Working groups for Chapter 10, Working groups for chapters 11, 12 and 13, Working groups for

Chapter 15, Working Parties for Chapter 20, Working Parties for Chapter 22, Working Parties for Chapters 25 and 26, Working Parties for Chapter 27 and Working Parties for Chapter 32.<sup>162</sup>

### Recommendations of the Intersectoral Working Group for Sustainable Development

<b>Recommendation number</b>	<b>MRG recommendation for sustainable development</b>	<b>From which year the recommendation is repeated</b>
1.	Start the process of drafting the Development Plan of Serbia as provided for by the Constitution of the Republic of Serbia and the Law on the Planning System of the Republic of Serbia, first by adopting the Regulation on the procedure for preparing the Draft Development Plan of the Republic of Serbia.	Completed: 2023 (Proposal of Regulation adopted) established: 2021
2.	Adopt the RS Spatial Plan	since 2021
3.	Publish the Investment Plan Serbia 2025 on the website of the RS Government.	since 2021
4.	Form the Council for Sustainable Development under the Government of the RS or re-form the Interdepartmental Working Group for Sustainable Development.	since 2021
5.	Define the activities for the implementation of Agenda 2030 in the Work Plan of the Government of the RS.	since 2021
6.	Make the work of the Focus Group for Sustainable Development at the National Assembly of the RS more transparent and make information about the work of the Focus Group available to the public.	since 2021
7.	On the NSRS website, create a section of Focus groups for sustainable development, where the members and annual activities related to the implementation of the 2030 Agenda will be announced.	since 2021
8.	Providing the opinion of the Focus Group when the draft laws enter the parliamentary procedure on the contribution to the implementation of the 2030 Agenda.	since 2021
9.	Regularly involve members of the MRG for Sustainable Development of the National Convention in the activities of the Focus Group for Sustainable Development at NSRS.	since 2021
10.	Make the work of the Supervisory Board transparent and publish all previous activities.	since 2021
11.	Start the process of drafting the Voluntary National Report with a process of broad public consultation with all interested parties at the national and local level.	since 2021

<sup>162</sup>The members of the MRG for sustainable development have prepared analyzes on the connection of the negotiation chapters that follow the Agenda 2030 in 2021 - analyzes available on request.

12.	Enable a greater degree of participation when organizing workshops on Sustainable Development Goals data, with a focus on greater and more regular involvement of civil society organizations.	since 2022
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## INTERSECTORAL WORKING GROUP FOR REGIONAL COOPERATION

**Coordinator: CENTER FOR DEMOCRACY FOUNDATION (FCD), Nataša Vučković**

### Introduction

The intersectoral working group for regional cooperation monitors regional cooperation as a priority within the Berlin Process, as well as other regional initiatives.

The Berlin Process, initiated in 2014 by the Federal Republic of Germany, is a multilateral intergovernmental platform that aims to improve regional cooperation in the Western Balkans and encourage cooperation between the European Union and the Western Balkans. The following are participating in the process: Austria, France, Germany, Greece, Italy, Poland, Slovenia, Bulgaria, Croatia, the United Kingdom, as well as the countries of the Western Balkans - Albania, Bosnia and Herzegovina, Montenegro, Kosovo\*, North Macedonia and Serbia. EU institutions, international financial institutions, the civil society of the Western Balkans, the Regional Office for Youth Cooperation and the business community are also involved in the process.

The main achieved results of the Berlin Process so far include the establishment of the Regional Office for Youth Cooperation (*Regional Youth Cooperation Office - RYCO*), the agreement on the Common Regional Market, the conclusion of the regional agreement on roaming, the creation of green corridors during the COVID-19 pandemic, etc.

The Western Balkans and EU Summit was held on November 3, 2022 in Berlin, and the Civil Society Forum was also held on that occasion. At the summit, the role of the Berlin Process in strengthening regional cooperation and accelerating the integration of the Western Balkan region into the EU was reaffirmed. Progress achieved, current challenges and perspectives for regional cooperation were discussed. The main topics were the Common Regional Market, and in the context of the war in Ukraine, energy security and the green transition. The Chairman's Declaration - Declaration on Energy Security and Green Transition of the Western Balkans was adopted at the summit. The key role of the Regional Council for Cooperation (*Regional Cooperation Council - RCC*) and the Central European Free Trade Agreement (*Central European Free Trade Agreement - CEFTA*) in the development of the regional market.

Immediately before the summit, a meeting of the Ministers of the Interior (20 October 2022), a meeting of the Ministers of Foreign Affairs (21 October 2022) and a meeting of the Ministers of Energy (24 October 2022) was held.

The leaders of the six countries of the Western Balkans signed agreements on the mutual recognition of identity cards, university diplomas and professional qualifications between these countries on November 3 at a summit within the framework of the Berlin process.

In April 2023, Serbia ratified all three signed agreements: the Agreement on the Recognition of Professional Qualifications for Doctors of Medicine, Dentists and Architects in the Context of the Central European Free Trade Agreement (with Annexes I, II and III), the Agreement on the Recognition qualification in higher education in the Western Balkans, as well as the Agreement on freedom of movement with identity cards in the Western Balkans.

During 2022, two sessions of the Civil Society Forum were held (in June and October 2022) organized by the Aspen Institute and the Association for Southeast Europe. Civil society sent recommendations to the governments of the Western Balkan countries, as well as to the EU, in the areas of energy transition, climate change, nature protection and sustainable development, the process of European integration in changed geopolitical circumstances, information and media, infrastructure investments. Civil society representatives spoke about the rule of law and the fight against corruption, the state of transitional justice, regional economic cooperation, the position of Roma in the Western Balkans, etc.<sup>163</sup>

The intersectoral working group for regional cooperation monitored the activities of other regional programs and initiatives, among others, activities within the Cooperation Process in Southeast Europe (the summit was held in June 2022 in Thessaloniki). She also followed the activities within the Open Balkans initiative, which brought together Serbia, Albania and North Macedonia and whose future is questionable considering the statement of the Prime Minister of Albania that the Open Balkans fulfilled its mission of "improving the Berlin process"<sup>164</sup>.

### **Recommendations of the Intersectoral Working Group for Regional Cooperation**

1. Continuously improve regional cooperation through regular political and social dialogue at the bilateral and multilateral level, aimed at solving open issues and improving economic growth and economic exchange, through joint regional projects, attracting investments, fighting against poverty and social exclusion, and developing human capital in the region.
2. Through bilateral cooperation, invite the countries of the Western Balkans that have not yet ratified the agreements on the mutual recognition of identity cards, university degrees and professional qualifications, which were signed by the leaders of the six countries of the Western Balkans at the summit within the Berlin process, to do so in order to start the implementation of these agreements. These agreements were evaluated as a step forward in regional cooperation with the belief that they, together with bilateral agreements that some countries have already concluded, will contribute to the easier movement of people, education of young

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<sup>163</sup>The report from the Civil Society Forum 2022 is available at: [https://www.aspeninstitute.de/wp-content/uploads/Think-Tank-Forum-2022\\_2212199.pdf](https://www.aspeninstitute.de/wp-content/uploads/Think-Tank-Forum-2022_2212199.pdf).

<sup>164</sup>Listed according to: <https://www.slobodnaevropa.org/a/otvoreni-balkan-zasto-zavrsio-edi-rama/32490131.html>.

people, openness of the labor market in the region, and economic exchange and cooperation in all other areas. areas.

3. Continue the process of development of the Common Regional Market in cooperation with the Regional Cooperation Council (RCC), within which the creation of regional guidelines and procedures for monitoring mechanisms of foreign direct investments initiated by the RCC should be supported, which should ensure the transparency of investments.
4. Accelerate reforms in the area of the Green Agenda of the Western Balkans, through joint projects of the countries of the Western Balkans, in cooperation with the Regional Cooperation Council.
5. Support domestic companies, civil society organizations, research centers, cities and municipalities for participation in regional programs aimed at strengthening cooperation in the field of innovation, human capital development, economic empowerment of women, improving the position of vulnerable groups through employment policy, youth empowerment, as well as through Digital agenda.
6. Through the Berlin process and other regional initiatives, encourage the continuation of reforms in the field of democratization, the rule of law, the fight against corruption, public policies that will responsibly and in the long term address the problems of depopulation , migration, accelerate reforms in the field of energy transition, sustainable development with an emphasis on a just transition , as well as solving the remaining open issues in the region.
7. Through the National Convention on the EU, continuously involve civil society in consultations related to summits and meetings held within the framework of the Berlin Process, as well as for other regional initiatives, and ensure the active participation of civil society within the Forum of Civil Society of the Berlin Process, as well as through other platforms for cooperation.