



■ WeBER Indicator Summary

AREA: POLICY DEVELOPMENT AND COORDINATION

SERBIA

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PAR Area	POLICY DEVELOPMENT AND COORDINATION	Country	SERBIA
SIGMA Principle	11. Policies and legislation are designed in an inclusive manner that enables the active participation of society		

WeBER Indicator	PDC_P11_I1: Inclusiveness and openness of policymaking
Indicator approach	
<p>The indicator measures the extent and the quality of involvement/contribution of the public and civil society to the policy making process through public consultations. Public consultations referred to in this indicator include all types of consultations normally used in practice such as face-to-face consultations (public debates, roundtables), online consultations (sending comments via email, participation in online discussions on proposals) as long as they are organised specifically for the purpose of consulting public in the development of legislation and other policy documents.</p> <p>Measurement of elements of this indicator is based on 1) collection and insight into available public consultation reports and other relevant data, but also means of communication towards external stakeholders and 2) perception of CSOs through a widely disseminated online survey. The survey is performed on a sample which aims to ensure a representation of CSOs working in as many research areas as possible, so the sample is as representative as possible.</p> <p>Focus groups are used to inform the narrative report with qualitative findings in parts related to perceptions, but not for the calculation of indicator values. They are conducted on a sample of 3 policy areas in each country where a substantial number of CSOs/think tanks actively work and perform research and analyses, ensuring that policy areas where institutes and think tanks are active are picked.</p>	
Summary of the findings	
<p>In Serbia, consultations and public debates on policy documents and primary legislation are insufficiently or inconsistently held, and administrative bodies fall short on meeting high public consultation standards.</p> <p>Namely, around half of the policy documents adopted in the second half of the 2019 were open for public debates (7 out of 13 strategies, programmes, and action plans in total), whereas public debates took place for only 35% of the government-sponsored draft laws adopted within the same period (32 out of 92). When policy documents and legislative proposals are considered together, it is significant to note that a single early consultation process took place for a draft law proposal (meaning before this draft proposal was prepared and policy directions had already been decided upon).</p> <p>Focusing on the consultations or public debates that have been implemented, for around 70% of policy documents and draft laws covered, reports have been published. The quality of these reports (28 in total) was, however, unsatisfactory, as only slightly more than a third (38%) met two out of three of the following quality criteria: if reports list all proposals/comments made by individual participants; if they contain clear feedback from the authority regarding on accepting or rejecting a proposal, and if they provide rationales for full or partial rejections for each proposal. One of the major issues in reporting on public debates/consultations is the absence of lists of all individual proposals (criterion 1). Many reports instead aggregated inputs, meaning that responses would not be provided for each proposal and that rationales were missing. Finally, overview of collected reports also discovered that consultation/public debates' results somewhat feed into government's policymaking; out of 1,037 comments/proposals that could be clearly identified from those 28 reports, only 22% was accepted.</p> <p>Analysis of the functionality of the national e-consultation portal (http://javnerasprave.euprava.gov.rs/) was hampered by the fact that the portal's search engine was inconsistent and unreliable. However, the portal does have various basic search functionalities, with an available database of public debates/consultations that dates to 2013. Nevertheless, administrative bodies do not consistently or frequently use this portal to announce consultations/public debates, and reports are not regularly attached, which renders it impossible to properly assess the functionality of this portal.</p> <p>That said, at the time of monitoring this indicator, there was only one active public consultation, and it was not posted on the e-consultation portal. Details on this consultation were published on relevant authorities' websites and social media accounts but were not released through the traditional media.</p> <p>Negative impressions and opinions prevail in CSO's perceptions of how consultations and public debates are conducted in practice, similar to the results of the baseline PAR Monitor 2017/2018. Approximately a quarter of respondents (26%) believes that formal procedures create preconditions for the effective involvement of the</p>	

public in policymaking processes, and only 15% believe these procedures are applied consistently by relevant institutions (representing a roughly 8% drop as compared to the baseline PAR Monitor). Furthermore, only 9% believe CSOs are often or always involved in the early phases of legislative or policy development. Additionally, 16% of respondents believe that CSOs are provided with information on policy proposals in a timely manner, whereas approximately 18% of them report that consultees are provided with adequate information on the content of these proposals.

At the same time, survey results once again showed negative impressions from CSOs regarding ministries' handling of specific aspects of consultations/debates. More specifically, only 12% of respondents noted that ministries ensure that diverse interests are represented, and only 7.5% noted that ministries often or always provide written feedback on accepting or rejecting consultees' inputs. What is more, as low as 5% believes that ministries actually accept these inputs. Finally, a negligible 6% of respondents believes that ministries hold constructive discussions on how consultees' views have shaped and influenced policy and final decisions of government.

Specific observations

Article 41 of the Rules of Procedure of the Government, which stipulates on what occasions public debates for laws and policy documents can be skipped, leaves a wide scope for interpretation and makes it difficult to ascertain just reasons for not holding public debates. As a result, researchers included in this analysis all draft laws approved by the government, apart from laws regarding the ratification of international agreements, even if regulatory impact assessments (RIAs) contained reasonings for as to why public debates or consultations were not held. There was only one ongoing consultation during the monitoring period, which was for a draft report on a policy programme. Although the methodology specifically requires consultations on policy documents and legislation, this sole event was included due to a lack of alternatives. It should be noted that the legislative activity was significantly reduced during 2020 due to parliamentary elections and the situation with COVID-19 that required urgent reactions, which had an impact on the number of ongoing consultations and public debates.

Reports of public debates were mixed in consistency and often lacked clarity, a problem which could be solved by adopting one template for all reports. Examples of publications that were easy to understand were the reports for the [Law on Public Procurement](#) and for the [Strategy for Public Procurement in the Republic of Serbia for the Period 2019-2023](#). Both clearly listed individual proposals in a table format, with responses laid out in the column next to them. Each response began by stating the decision of the institution regarding the proposal before providing a rationale. This technique should be a standard for all reports as it leaves less room for interpretation and provides more clarity for the reader. Nonetheless, all reports could also take a further step by publishing the total number of proposals made and by providing a breakdown of figures related to the type of response to the proposals: rejected, partially accepted, accepted, and similar.

The survey of CSOs was administered through an anonymous, online questionnaire. The data collection methods included CASI (computer-assisted self-interviewing). For Serbia, 184 respondents from CSOs were surveyed. The base for questions in this indicator was n=173 respondents.

PAR Monitor	2019/2020	2017/2018
Indicator score	6 (out of 50 points)	0 (out of 30 points)
Final indicator value	0 (scale 0 – 5) ¹	0 (scale 0 – 5)
Measurement period	22.04.2020-05.06.2020 Survey of CSOs: Jun 23 rd – July 24 th 2020	Survey of CSOs: April 23 rd – June 4 th 2018
Comment	As this indicator has been changed since the 2017/2018 monitoring cycle, the results from these two cycles are not directly comparable . In other words, in the previous monitoring cycle, point allocation was entirely based on the CSO perception survey, while this time it is based on a combination of survey-based data on the one hand, and available data on implemented consultations, communication with external stakeholders, and the functioning of the e-	

¹ Conversion of points: 0-9 points = 0; 10-17 points = 1; 18-25 points = 2; 26-33 points = 3; 34-41 points = 4; 42-50 points = 5.

consultation portal, on the other. What is comparable, however, is the survey-based part of the indicator, and it shows slightly lower percentage of responses to almost every question as compared to the previous monitoring cycle such as regarding: CSOs’ involvement in early stages of developing policy proposals (roughly 9% agree there is such involvement now, as compared to 12% in the previous monitoring cycle), the timeliness in the provision of necessary information by ministries (roughly 16%, as compared to 18% in 2017/2018), the adequacy of the information on the content of policy proposals (18% as compared to 20%), the representation of diverse interest groups in the public consultation process (12% compared to 17%), the provision of written feedback by ministries (7.5% compared to 12%), the acceptance of consultees’ input by ministries (4.6% compared to 9.3%), and the extent to which ministries hold discussions on how consultees’ inputs have influenced the policy-making process (5.8% compared to 7%).

However, as CSOs’ perceptions of the scope of their involvement in policymaking was already fairly negative in 2017/2018, this further decrease does not change the overall results.

INCLUSIVENESS AND OPENNESS OF POLICYMAKING

