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Unlawful Removal of Senior Civil Servants

Legal Uncertainty and the Undermining of Merit-Based Public Administration

Executive summary

In the period between July 2025 and August 2026, Serbia's Government practiced dismissal of senior civil servants (SCS) without any legal grounds, in breach of the Civil Servants Law (CSL). The CSL lists a closed set of grounds for dismissal and requires merit-based, fixed-term appointments. In the analysed period, however, the Government dismissed at least five SCS without citing any ground. Such removals strip SCS of the stability that shields them from political pressure.

In every identified case, the dismissed officeholder was replaced by an acting official, and no vacancy has been launched since. In all but one case (the Public Policy Secretariat), the replacement was installed at the same session as the dismissal, and in several cases, appointees came from outside the civil service, contrary to the CSL. The Public Policy Secretariat was instead left without leadership for three months. Both routes deny the institutions merit-based, tenure-protected leadership.

The practice extends beyond the central state administration. Between January and July 2026, six directors of cultural institutions, a public agency, and a public

service were replaced in the same manner. These cases do not breach the CSL, which does not apply to the employees of these institutions, but they show a consistent method of asserting political control across the public sector.

This method rests on the routine misuse of acting appointments, which have become the default way of filling top management positions. In the latest PSHRM PAR Monitor 2024/25, 81% of SCS appointment decisions were identified as acting appointments, while the European Commission reported that 62% of SCS positions were filled on an acting basis (as of September 2025). A mechanism designed as a temporary exception has thus displaced merit-based recruitment.

The problem is systemic and likely larger than documented, considering that materials from 31% of observed Government sessions were not published on the Government portal.

As a result of these practices, what began as politicisation of the SCS has become a deeper rule-of-law issue. The brief recommends that the Government state the specific legal ground in every dismissal decision and publish key materials from all its sessions. The Government and HRMS should end excessive and prolonged acting appointments and launch competitions for vacant SCS posts, with HRMS systematically collecting and publishing competition data. The Administrative Inspection should regularly review the legality of acting appointments.

Introduction

Serbia's public administration reform agenda, and the rule of law more broadly, have come under growing strain in recent years. Independent institutions and oversight bodies have faced mounting political pressure, while Serbia's EU accession process has largely stagnated. Progress on key chapters and areas of fundamentals has been falling behind and even regressing. Within this broader context, the professionalism and political independence of senior civil servants (SCS) serve as one of the key indicators of this wider regression trajectory. This brief examines one such indicator: the dismissal of SCS. The legal protections attached to these positions exist precisely to insulate public administration from undue political interference, and erosion of such protections is among the clearest signs of democratic backsliding.

SCS positions are a distinct category of managerial posts within the Serbian civil administration, carrying responsibility for leading organisational units, managing public administration processes, and ensuring the lawful and effective implementation of government policies. Under the Civil Servants Law (CSL)[1] SCSs are appointed by the Government for a fixed term following a merit-based recruitment procedure. Under the CSL, a SCS term may end in several ways – the term expiring, resignation, moving into another role within a state authority, reaching retirement, or dismissal – but the law is for the most part strict about when a dismissal can happen, listing only a limited set of grounds: a poor performance review, a criminal conviction or disciplinary sanction, a recommendation from the Ombudsperson or the Anti-Corruption Agency, or, for heads of state bodies, serious failures in running the authority. Positions can also come to an end without any wrongdoing on the officeholder's part, simply because the position itself is abolished – for instance when an authority is shut down and its work is taken over by another body (or by none at all), when part of its responsibilities is transferred

1 Civil Servants Law, Official Gazette No. 19/2025. Available at: https://tinyurl.com/2wa4vwds

elsewhere, or when a new or amended internal regulation restructures the way the institution is organised. By narrowing the grounds for dismissal while keeping the abolition of positions as a separate, distinct process, the law aims to protect civil servants from being removed for reasons unrelated to their actual performance or conduct.[2]

Despite these clearly defined limitations on dismissal, in practice SCS are being removed from their positions without any stated legal justification. This is not merely a technical or procedural irregularity: The stability of SCS mandates is one of the main safeguards against undue political influence over senior administrative positions; fixed terms and clearly defined grounds for early termination allow SCSs to act with a degree of independence from political cycles, preserving the professionalism, continuity, and political impartiality the system is meant to secure. Premature termination without clear, legally established justification erodes this safeguard, creating risks of politicisation and weakening trust in the merit-based civil service system, and signalling a broader disregard for the rule of law in the exercise of public authority.

This brief examines the extent to which these protections have been upheld in practice. It is based on desktop research covering all publicly available Government session decisions between July 2025 and August 2026, cross-referenced with the relevant legal framework and with the findings of the WeBER PAR Monitor[3]. Drawing on this evidence, the brief identifies a pattern of SCS dismissals carried out without the legal grounds the law requires, examines how the acting appointment mechanism has been used alongside these dismissals, and situates both within the broader, long-documented practice of politicised personnel management in the Serbian civil service.

The Case of State Administration: Swift Dismissals and Replacements

In the observed period, the Government of the Republic of Serbia has decided to dismiss five SCS officeholders in state administration bodies (see Table 1 below). The dismissals within the Tax Administration, the Directorate for Agrarian Payments, Human Resource Management Service (HRMS), and the Republic Directorate for Property follow the same pattern, as an acting official was installed on the very same day the previous officeholder was removed. Theoretically, using the acting appointment to avoid leaving an institution without leadership is not problematic, as that is precisely what the instrument is designed for. What is concerning is the urgency and sequencing with which these dismissals were carried out: in none of them was the process the CSL prescribes for removing an SCS from a position followed, nor was any justification for the dismissal disclosed, and each was followed, without delay, by the same-day installation of an acting official. This is reinforced by what has happened since: positions remain filled by acting SCSs to this day, with no competition procedure launched in the months since, indicating that there was never any intention to fill them through the merit-based process the law prescribes, and that the acting appointment was the intended outcome from the outset, not a temporary stopgap.

2 Civil Servants Law, ar. 76-78.

3 PAR Monitor Report Serbia, Policy Development and Coordination 2024/2025, see: https://tinyurl.com/3487ubm8

Table 1. Summary of Identified Cases in State Administration

Government session	Date	Position
27th session	04.09.2025.	Assistant Director – Chief Inspector at the Tax Administration – Tax Police Sector
29th session	19.09.2025.	Director of the Agrarian Payments Administration
69th session	05.03.2026.	Director of the Human Resources Management Service
91st session	28.05.2026.	Director of the Public Policy Secretariat
109th session	30.07.2026.	Director of the Directorate for Property

Furthermore, the dismissals of the HRMS Director, Assistant Director of Tax Administration and Director of the Directorate for Property – whose mandate was still ongoing – were followed by the installation of an acting official from outside the institution, in some cases contrary to the CSL, which mandates that acting positions can be occupied from among actively employed civil servants[4]. Filling the position with an outsider, who, moreover, is not a civil servant, even temporarily, is thus in direct collision with the CSL, but it also serves no operational purpose since institutions in question almost certainly have civil servants who understand the work and functioning better than someone brought in from elsewhere. This sequence – removal of an SCS mid-mandate, without stated justification, followed by the installation of an outside acting official with no vacancy announced for months afterwards – suggests that the choice of an outsider was not incidental, too. Bringing in someone with no prior standing or relationships within the institution, at the exact moment the previous leadership was removed, leaves that institution more exposed to direction from outside its own professional structures.

The standardised wording of the contested dismissal decisions

The dismissal decisions identified in this brief follow a standardised legal formula, typically reading: "It is hereby established that [name] ceases to hold the position of [position], due to dismissal from the position — [date]." By contrast, other Government personnel decisions state an explicit, specific ground for the cessation of position — such as "upon personal request," "due to expiry of the term of appointment," or "due to termination of working life." The fact that the same decision-making template is evidently capable of citing a specific legal ground demonstrates that the absence of any such ground in the dismissals identified here is not a matter of format but rather indicates that no legally prescribed basis for the dismissal was invoked or disclosed when the decision was adopted.

The Director of the PPS was likewise dismissed in the middle of the mandate without stated justification. The position remained vacant for three months before an acting director was eventually appointed and, this time, from among PPS employees. In this case, one can argue that prolonged absence of leadership at the head of an institution responsible for coordinating public policy development carries direct costs: strategic decisions are delayed or left to lower-level staff without the authority to adopt them, institutional knowledge and continuity in ongoing policy processes are disrupted, and the institution's ability to represent

4 Civil Servants Law, ar. 61a.

its positions externally – including before other state bodies – is weakened. What is particularly telling, however, is that despite having had ample time to start filling the position through the regular merit-based procedure, the Government still did not start the recruitment procedure and had left the institution without leadership for three months (before resorting to an acting appointment). This suggests that the delay was not a matter of outstanding necessity, but a further instance of the Government's discretionary approach to SCS policy.

Beyond the State Administration: Spillover into Bodies Outside the CSL Framework

The pattern of undisclosed, mid-mandate removals is not confined to SCS positions governed by the CSL but extends to the leadership of public institutions operating under separate legal regimes (see Table 2 below). Between January and July 2026, the Government replaced, without published justification, the directors of several cultural institutions (Archive in Peć, Historical Museum of Serbia, the Archive of Yugoslavia, and Museum of Yugoslavia[5], the Directorate of Civil Aviation[6] (a public agency), and the Development Fund of the Republic of Serbia[7] (a public service). In each of these cases, an acting director was appointed at the very same Government session at which the previous director was dismissed, and to date, none of these institutions has had a permanent, competitively selected director appointed – all remain led by acting officials.

Table 2. Summary of Identified Cases Beyond State Administration

Government session	Date	Position
57th session	16.01.2026.	Director Of the Archives in Peć
69th session	05.03.2026.	Director of the Civil Aviation Directorate
69th session	05.03.2026.	Director of the Historical Museum of Serbia
86th session	07.05.2026.	Director of the Archives of Yugoslavia
86th session	07.05.2026.	Director of the Museum of Yugoslavia
94th session	04.06.2026.	Director of the Development Fund of the Republic of Serbia

It is worth noting that the nature of the concern differs somewhat from the SCS cases examined above. Because these institutions are governed by their own founding acts or sector-specific legislation rather than the CSL, their leadership does not benefit from the same closed, exhaustively defined list of dismissal grounds, and removing a director here does not, in itself, constitute the same kind

5 In July 2025, sixty days before the expiry of the director's mandate, the Museum of Yugoslavia's Managing Board sent a request to the Ministry of Culture for consent to launch a competition for the selection of a new director, in accordance with Article 35, paragraph 4 of the Law on Culture. The competent Ministry of Culture never responded to the letter, nor did it grant consent for the competition to be launched in accordance with the Law, see: https://tinyurl.com/3jana6hk

6 The Director was appointed to the position on three occasions. She was first appointed in 2014, following a period as acting director, one day before the tenth anniversary of the Serbian aviation regulator. She was reappointed through a competition for a second term in 2019, before beginning a third term in October 2024, which was set to run for five years, until 2029. See: https://tinyurl.com/bdcu7apx

7 Dismissed director appointed in December 2022 for four years.

of legal violation. The concern in these cases lies less in a breach of specific statutory safeguards, and more in what the pattern reveals about the Government's broader approach to institutional leadership: the same absence of publicly stated grounds for dismissal, followed by same-day replacement with an acting appointee, recurs here just as it does in the SCS cases, which is evidence not of unlawful conduct in the strict legal sense, but of a deliberate, informal method of asserting political control that operates independently of whatever legal protections, strong or weak, happen to apply to a given position. This suggests that the misuse of dismissals and acting appointments functions as a standing instrument for installing leadership without competition or scrutiny of competencies, and without a protected mandate, extending political control over institutions well beyond the boundaries of state administration. The consistency across such institutionally and legally diverse bodies indicates that this is a systemic feature of how personnel decisions are made across the public sector as a whole.

Going Hand in Hand with Acting Appointments as an Omnipresent Modus Operandi

The cases of legally unjustified dismissals identified in this brief do not stand apart from a broader, long-standing, and deliberate erosion of SCS in Serbia. This is not a newly identified problem: both the European Commission, in its annual enlargement reports, and SIGMA have for years flagged the excessive reliance on acting appointments in the Serbian civil service. The European Commission's 2025 report[8], for instance, found that 62% of SCS positions were filled on an acting basis as of September 2025. SIGMA's most recent assessment[9] similarly describes this as a systemic distortion of the system the CSL envisages, with roughly half of top managerial positions held on an acting basis, and the legal time limit on such appointments routinely disregarded; the mechanism has moved far beyond its intended, exceptional use. As also repeatedly stated by the WeBER PAR Monitors, the misuse of acting appointments has plagued the Serbian SCS for years. This issue is threefold, at least: 1) there is no way to confirm whether acting appointments are done in line with the CSL, 2) these appointments have turned into a permanent solution in practice, and 3) time limits for acting statuses are repeatedly extended.

Namely, the HRMS does not maintain state-wide records on the previous employment status of acting appointees, nor do the Government's publicly available appointment acts contain this information. As a result, whether the legal requirement for acting officials to be drawn from the existing civil service is being observed can be hardly verified – the absence of records makes this legal safeguard, by design or by neglect, devoid of purpose.

In addition, what was legally designed as a temporary, exceptional mechanism has, in practice, become the ordinary way SCS positions are filled. According to the last PAR Monitor,[10] the scale of the practice is substantial: in the observed period of twelve months[11], out of 130 appointment decisions, 105 (81%) were

8 European Commission, Serbia Report 2025, page 27, available at: https://tinyurl.com/mww8dv9f

9 SIGMA/OECD, Public Administration in Serbia 2024: Assessment against the Principles of Public Administration, pp. 57-58. Available at: https://tinyurl.com/26pvjun3.

10 PAR Monitor Report Serbia: Public Service and Human Resource Management 2024/25, available at: https://www.par-monitor.org/area-public-service-and-human-resource-management/

11 1st April 2024 – 1st May 2025

acting appointments, and only 25 (19%) were regular ones. When the exception so heavily outweighs the rule, it is no longer possible to describe acting appointments as a mechanism reserved for genuine, short-term vacancies – they have effectively displaced the merit-based procedure the CSL treats as the default.

Finally, the misuse of acting appointments is compounded by how long individuals remain in acting status. As noted in the previous PAR Monitor for Serbia[12] the same individuals are repeatedly reappointed to acting positions well beyond the legal time limits, in some cases for several years. Since the CSL caps acting status at six with the possibility of three additional months, this repeated reappointment turns this strictly temporary arrangement into an indefinite one, maintained in clear and sustained breach of the law.

Taken together, such acting appointment practices have over the years entrenched the system-wide method through which top management in the Serbian civil service is degraded. Read alongside the unlawful dismissals examined earlier, it becomes apparent that these are two complementary methods of the same underlying intent – to establish and secure control over SCS, by using political instead of professional, merit-based considerations for their selection, and thus make them easily expendable.

Additional Factors Compounding the Problem

The picture presented in this brief is aggravated by two further factors: the incompleteness of the available data, and a separate legal route through which SCS can be removed without any dismissal decision at all.

It should be noted that analysed cases of undue dismissals in this brief might be just a tip of the issue of greater volume. In the reference period, between July 2025 and August 2026, the Government of the Republic of Serbia held 96 sessions – 41 in the second half of 2025[13] and 55 in the first seven months of 2026.[14] Yet, decisions or related information for 31% of sessions were not publicly available on the Government's official website. This is consistent with another finding of the PAR Monitor, according to which the Government either does not fully disclose information from held sessions or publishes no information at all.[15] The persistence of this gap firmly places non-transparent decision-making as a structural feature of the Government's practice. For these reasons, the personnel decisions identified in this brief cannot be treated as a complete set of cases, and the actual extent of unlawful SCS dismissals may be greater than the available data indicate, given the existing transparency gap.

While these transparency gaps obscure the scale of unlawful dismissals, the abolition of a position through a change to an internal rulebook, carried out with

12 Available at: https://www.par-monitor.org/par-monitor-reports/

13 Government sessions during the mandate of the Government of the Republic of Serbia elected on April 16, 2025 - documents from sessions held in 2025, see: https://tinyurl.com/3njfjdv5

14 Government sessions during the mandate of the Government of the Republic of Serbia elected on April 16, 2025 - documents from sessions held in 2026, see: https://tinyurl.com/bdzyr7jn

15 PAR Monitor Report Serbia, Policy Development and Coordination 2024/2025, see: https://tinyurl.com/3487ubm8. During the observed period, the Government held 22 sessions from 1 November 2025 to 1 February 2026. No agenda items were published for any of these sessions, either in advance or afterwards, and no session minutes were made publicly available. Press releases were issued for 16 out of the 22 sessions (73%), providing partial information about decisions taken. Taken together, the limited publication of materials, particularly the absence of agendas and minutes, speaks of highly opaque decision-making process and therefore restricted public access to relevant information

the aim of removing an SCS (deemed politically inconvenient), is far less visible still, and considerably more convenient: unlike a dismissal decision, which is at least a discrete, identifiable act, this route leaves no equivalent record to scrutinise at all.

This third route around the safeguards the CSL provides – one that does not require a dismissal decision at all. As said earlier, the position itself can be abolished through amendments to the rulebooks on internal organisation and job systematisation that the CSL allows state bodies, special organisations, and government services to adopt. Such amendments can restructure or eliminate entire sectors without the Government ever having to invoke, or disclose, any of the grounds for dismissal the CSL prescribes. Once a sector is abolished in this way, the SCS mandate attached to it ceases to exist. This mechanism achieves, through an administrative act framed as routine reorganisation, precisely the outcome that a lawful dismissal would require justification for – removing a SCS from their position – while leaving no dismissal decision, and therefore no legal basis, to scrutinise at all.

Taken together, these two factors point in the same direction: the true scope of political interference in SCS appointments is broader, and harder to fully document, than the cases identified in this brief suggest. Whether through dismissals that go unrecorded in undisclosed session materials, or through reorganisations that remove an SCS from office, the mechanisms available to circumvent the CSL's safeguards extend well beyond those that can be captured through publicly available information alone.

Conclusion: SCS dismissals as a rule-of-law problem

Across the cases identified in this brief, consistent patterns emerge.[16] In all but one case (PPS), an acting official was installed at the very same Government session at which the previous officeholder was dismissed. More fundamentally, however, in every single case identified, the dismissed officeholders were replaced by acting officials, and no competition procedure for the permanent, merit-based appointment of their successors has been announced to date, not even in cases where a year has passed since the original dismissal. For example, the Tax Administration sector of Tax Police and the Directorate for Agrarian Payments have been led by acting officials since September 2025, with no indication that the Government intends to regularise either position through the procedure the law itself prescribes.

The case of the PPS stands out as the one partial exception to this pattern, and for that reason is equally telling. Rather than installing an acting director, the Government has left the position vacant for months. This suggests that undue political control over public sector leadership is not achieved through a single, uniform method, but through at least two distinct mechanisms: the same-day installation of an acting official who lacks a competitive mandate and can be replaced at will, or the prolonged vacancy of a position altogether, which similarly denies the institution stable, legitimate leadership while avoiding the formal recruitment appointment procedure entirely. Both mechanisms, despite operating in opposite directions, produce the same outcome – an absence of merit-based, tenure-protected leadership at the head of the institution concerned.

16 It should be repeated that the SCS cases were examined over thirteen months, while institutions outside state administration were reviewed only for the first half of 2026; the actual extent of the pattern in this category may therefore be broader than currently documented.

Notwithstanding the slight differences in analysed cases, their concentration, both in timing and in method, is difficult to read as coincidence. It points instead to a deliberate practice, one in which SCS are removed from office with no transparent reasoning, and where acting appointments are used to sidestep merit-based, tenure-protected procedures not as an occasional workaround, but as a recurring feature of how the Government handles leadership.

> Individuals unlawfully dismissed are, in principle, entitled to challenge their removal in court[17] and seek compensation – a cost that would ultimately fall on taxpayers. In practice, however, this right is unlikely to be exercised: Serbia's notoriously slow judiciary makes litigation an unattractive path, and few dismissed SCSs are likely to risk open conflict with the same political authority that removed them. As a result, the right to legal redress does little to deter unlawful dismissals or hold the Government accountable, leaving the practice, in effect, unchecked.

Taken together, findings in this brief thus point to something broader than a set of unlawful dismissals in state administration. They speak of a broader pattern in which the **Government disregards the law governing the civil service altogether, treating established rules on dismissal, and the rules on appointment, as optional constraints to be set aside whenever convenient.** The erosion of legal safeguards designed to protect institutional leadership from arbitrary or politically motivated removal is not confined to the boundaries of the CSL – it extends, through the very same mechanism, to the leadership of public institutions governed by entirely separate legal frameworks.

In such circumstances, where the Government openly disregards the law and the scale of the problem is known, judicial review of each unlawful personnel decision, whether concerning dismissal or the appointment of acting officials, appears to be the only remaining safeguard against the further erosion of SCS in Serbia. This is ultimately not merely a matter of protecting the professionalism and stability of the civil service: when the executive can disregard statutory safeguards governing the appointment and removal of senior management at will, the issue becomes fundamentally one of the rule of law. Or, in other words, what began as the politicisation of the SCS has, through the systematic disregard of the legal safeguards governing it, become a rule of law issue.

Recommendations

- The legislative provisions restricting the period of time a top manager can spend in the acting status are not observed in practice. The Government should cease the practice of excessive acting appointments and their repeated prolonging to periods longer than those prescribed by the CSL, and with HRMS support develop an operational plan for filling in the top management vacancies through competitions.
- In the SCS domain, critical issues that affect professionalism are: excessive use of acting appointments to senior civil service positions, constant prolonging of acting terms past the legally allowed time period, and breaching the provision requiring that appointments to acting positions are made from within the civil service. Thus, control mechanisms are necessary to ensure legal

17 Under Article 79 of the CSL, an appeal against a decision establishing termination of work in SCS position is not permitted, but administrative proceedings may be initiated against such a decision.

compliance in this area. In that regard, the Administrative Inspection should introduce regular inspection of the legality of decisions on acting appointments in its work programme. This would require not only noting which appointments are not made in accordance with the CSL, but also submission of requests for the annulment of the decisions which breach the prescribed time period or appoint persons outside of the civil service to acting positions.

- Dismissal decisions for SCS positions are being adopted without any of the legally prescribed grounds under the CSL being cited or disclosed. The Government should ensure that every SCS dismissal decision explicitly states the specific legal ground on which it is based, in line with the closed list of grounds set out in the CSL, and should discontinue the practice of citing "dismissal from the position" without further specification.
- The HRMS does not systematically gather, analyse and publish information on the competitions conducted for the appointment of SCS and acting appointments, ultimately undermining transparency, accountability and merit-based recruitment in SCS positions. The HRMS should establish a practice of systematic and regular gathering and publishing of information related to internal and public competition procedures.
- Materials and decisions from a substantial share of Government sessions during the period under review were not made publicly available, preventing independent verification of whether personnel decisions comply with the law. The Government should establish clear legal obligations for the proactive publication of key information from its sessions, including agendas, minutes, all adopted acts and decisions, and press releases, as previously recommended by the WeBER PAR Monitor.

Turning these recommendations into practice will require more than awareness of the problem. It will require sustained political will to follow through, particularly given that similar concerns have already been raised across successive PAR Monitor cycles and SIGMA and EU progress reports without producing lasting change. This is where the broader context matters: public administration reform and the rule of law remain among the benchmarks Serbia is expected to meet in its EU accession process, and consistent, verifiable action on SCS dismissals and acting appointments would provide a concrete, measurable sign of progress. Equally, addressing these issues is a precondition for a public administration that functions predictably, based on law rather than discretion, which is a baseline any credible reform effort, EU-driven or otherwise, depends on.

While this brief was being finalised, early parliamentary elections were held in Serbia on 25 October 2026, in which the Student List won a decisive victory, with preliminary results giving it an absolute majority in the National Assembly.[18] The Student List placed the rule of law and independent institutions at the centre of its programme, the “Student Plan”.[19] The recommendations set out in this brief therefore gain particular importance in the months ahead. Ending unexplained dismissals, curbing the misuse of acting appointments and publishing Government decisions are concrete, verifiable steps through which this commitment can be tested in the civil service.

18 RTS, „RIK results with 8,155 processed polling stations: Student list 52.73, United Serbia 39.15 percent of votes”: https://www.rts.rs/lat/vesti/izbori-2026/6069936/rezultati-rik-a-sa-8155-obradjenih-birackih-mesta-studentska-lista-5273-ujedinjena-srbija-3915-odsto-glasova.html. Official results: https://www.rik.parlament.gov.rs

19 Student list, Student plan: https://studenti.org.rs/plan/

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