Study

Role and work of the National Assembly of the Republic of Serbia in the process of Serbia's accession to the European Union

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Summary

The National Assembly is the highest representative body and the holder of the constitutional and legislative power in the Republic of Serbia (Article 98 of the Constitution). Therefore, **the process of harmonisation of the national legislation with the acquis communautaire** lies within the scope of its competence. The overall oversight over the work of the executive performed by the National Assembly includes **oversight over the work of the Government in the accession negotiations** and in the entire process of European integration of Serbia, since the Government is responsible for conducting policy, including negotiations. The National Assembly has also an **informative and educational function**, which includes informing citizens about topics of importance to society, and thus about the EU accession process, primarily by organising public hearings and thematic sessions on important topics.

In this study, we will show through examples how **these three functions of the National Assembly collapsed** (legislative, oversight and informative and educational) and how such a way of functioning of the National Assembly reflects on the process of Serbia's accession to the European Union. The legislative function is limited by the lack of a legislative plan of the National Assembly and is significantly affected by the excessive use of urgent procedures and violations of the Rules of Procedure of the National Assembly, which is reflected on the quality of adopted laws. The oversight function is conducted formally, but there is no actual oversight over the work of the executive. The informative and educational function is narrowed by a smaller number of public hearings and by the fact that there are no debates in the plenum about the progress in the EU accession process, which the Assembly envisaged in its *Resolution on the role of the National Assembly and principles in negotiations on Serbia's accession to the EU* from 2013.

Introduction

The most important part of the process of accession to the European Union (EU) falls within the competence of the Serbian Government. The Government is competent to determine and conduct policy (Article 123 of the Constitution), including the policy of accession to international organisations such as the EU. Nevertheless, according to Article 98 of the Constitution, the National Assembly is the highest representative body and the holder of the constitutional and legislative power in the Republic of Serbia. It enacts laws that harmonise national legislation with EU regulations, which is a key segment of accession negotiations with the EU. The National Assembly is also the controller of the work of the executive in all matters, including European integration and negotiations on accession to the European Union.

When we consider the work and functioning of the National Assembly of the Republic of Serbia during this convocation, which is the subject of this analysis[1], we can see a clear difference in the functioning of the Assembly before June 2019 and after June 2019, but also the way how the European Union's objections affect its work. June 2019 is a key moment in the functioning of the Assembly as the Annual Report of the European Commission on the progress of the Republic of Serbia on the path to EU membership was published. Since the focus of this analysis is the role of the Assembly in the process of Serbia's accession to the European Union, monitoring of legislative activity will primarily refer to the period after 2018, since there are Government reports on progress in the process of harmonisation of legislation for that period. There are no such reports for the period 2016–2017, although the Government is held to prepare and publish them, which in itself speaks volumes about the commitment to the process.

In the Annual Report for 2019[2], in the summary of its report, in the part concerning the work of the National Assembly, the European Commission reported the following:

> "The ruling coalition's parliamentary practices have led to the collapse of legislative debate and control and have significantly weakened the Parliament's oversight of the executive. There is an urgent need to create more space for genuine cross-party debate and conditions for meaningful participation of the opposition in the Assembly. The role of independent regulatory bodies needs to be urgently guaranteed and supported."

This report only confirmed the tendencies in the functioning of the National Assembly from previous years, which was also noted in the Annual Report for 2018. Nonetheless, in 2018, the report was obviously not taken seriously, so all the negative practices that were detected at that time continued at the same pace until June 2019.

In February 2020, the European Commission presented a new methodology for conducting accession negotiations, which was unanimously[3] without much discussion adopted by the EU Council of Ministers in March 2020.4 Having in mind the situation in the Western Balkans and the declining trends in democracy, including countries that are already conducting accession negotiations (Montenegro and Serbia), the new methodology particularly emphasises that candidate countries must meet the obligations related to the functioning of democratic institutions:

[1] The constitutive session of this convocation of the National Assembly was held on June 3rd, 2016.

[2] Serbia Progress Report for 2019, available at: https://www.mei.gov.rs/upload/documents/eu_dokumenta/godisnji_izvestaji_ek_o_napretku / 20190529-serbia-report_SR _-_ REVIDIRANO.pdf

[3] Demonstrating the existence of a consensus on expansion unprecedented in the last 10 years.

[4] New Methodology for conducting accession negotiations: https://ec.europa.eu/neighborhood-enlargement/sites/near/files/en-largement-methodology_en.pdf, confirmed by the conclusions of the EU Council of Ministers.

*"It **means the Western Balkans leaders must deliver more credibly on their commitment** to implement the fundamental reforms required, whether on rule of law, fighting corruption, the economy or **ensuring the proper functioning of democratic institutions**[5] and public administration, and foreign policy alignment."*[6]

It is therefore envisaged that the candidate countries develop special roadmaps for building democratic institutions.[7] According to the methodology, these requirements concern only Albania and Northern Macedonia. The criterion "functioning of democratic institutions" will be specifically monitored within the cluster (set) of the Fundamentals chapter, which also includes Chapters 23 - Judiciary and Fundamental Rights and 24 - Justice, freedom and security.[8] This cluster will be the first to open and the last to close. Although the new methodology cannot be fully applied to Serbia, as it has already opened 18 out of the 35 chapters, it is clear that the EU's attention will be devoted to the work of democratic institutions, where the National Assembly is the most important one, as it is a legislative body elected in the general elections representing all citizens of the Republic of Serbia. From this review of EU documents, created in the last three years, it is clear in which direction the EU is shifting its focus. There is a clear difference in comparison to the 2004 enlargement, when such an EU focus was not needed. Therefore, the general quality of the work of the National Assembly, even when it is not directly related to the EU accession process as in the case of adoption of the law from the "European agenda" and the discussion of negotiating positions, will be one of the key parameters by which the EU will measure Serbia's progress towards the EU membership.

The National Assembly has four key functions: representative, legislative, oversight and informative and educational. Since the representative function is not directly related to the process of Serbia's accession to the European Union, this study will analyse the work of the National Assembly in terms of the other three key functions:

- legislative,
- oversight and
- informative and educational.

Legislative function

The functioning of the National Assembly in this convocation (but also in previous ones) before June 2019 was marked, above all, by **the frequency of urgent procedures and the absence of a legislative plan**.

One of the basic problems facing the National Assembly is the lack of a legislative work plan. This shortcoming significantly reduces the predictability of the work of the National Assembly. However, it must be acknowledged that this shortcoming is not solely the "merit" of the Assembly, but primarily of the Government, which submits the Annual Work Plan, only to propose to the Assembly bills that were not stated in the Annual Plan and to avoid those that were foreseen in the Annual Plan[9]. Due to the lack of statistics on the overall fulfilment of the Governments work programme, we took as a parameter the implementation of the National Program for the Adoption of the Acquis (NPAA), where reports are available for 2018 and three quarters of 2019 (but not for 2016 and 2017. The report for

[5] Bold letters are the author's emphasis.

[6] Statement from the European Commission: Enhancing the accession process - A credible EU perspective for the Western Balkans, Brussels, February 2020, page 3.

[7] *Ibidem,* page 4.

[8] *Ibidem,* Technical Annex to the Statement from the European Commission.

[9] The author was not able to find comprehensive data on the fulfilment of the Government's Annual Work Programme for 2019. The Government's report for 2018 has 1804 pages and is a compilation of individual reports of institutions without summaries or overall statistics, and is available at: http://www.gs.gov.rs/doc/IZVESTAJ_O_RADU_VLADE_ZA_2018.pdf

the fourth quarter of 2019 was not available even in June 2020)[10]. The fulfilment of the NPAA of only 41% at the level of laws for the period covering 2018 and three quarters of 2019 speaks in favour of this thesis, since **the Government did not prepare and propose to the National Assembly 59% of laws from the "European agenda" planned in the NPAA**. (More will be said about the NPAA itself later). In such a situation, any work plan of the Assembly is doomed to failure in advance. However, the Assembly has elected the Government and its task is to control how much the Government fulfils its plans and obligations.

The use of urgent procedures was the basic characteristic of the work of the National Assembly during this convocation until June 2019. The regular legislative procedure is determined by Article 154 of the Rules of Procedure of the National Assembly[11], which stipulates that "a bill prepared in accordance with the provisions of these Rules of Procedure may be included in the agenda of a sitting of the National Assembly within 15 days of its submission". Urgent procedure is defined in Article 167, paragraph 2 of the Rules of Procedure of the National Assembly, which foresees that "an emergency procedure may be enacted to regulate issues and relations arising from unforeseeable circumstances, while failure to enact an emergency procedure it could cause harmful consequences for human life and health, national security and the work of bodies and organisations, as well as for the fulfilment of international obligations and harmonisation of regulations with European Union regulations", bypassing the 15-day deadline set forth in Article 154 of the Rules of Procedure. Nevertheless, practice has shown that such exceptions are often misused to cover up poor planning in the legislative process, as well as delays in the work of the Government. It is therefore necessary to further specify and limit these criteria and to ensure substantial and thorough oversight of the justifications for urgency submitted by the Government.

According to the report of the European Commission, **from February 2018 to February 2019, 44% of the laws were adopted by urgent procedure**. In the period from February 2019 to June 2019, this trend has intensified - in that period, 48% of laws were adopted by urgent procedure. At some sittings in spring session in 2019, almost all laws were adopted by urgent procedure: nine out of eleven laws (14 out of 16 if we count the laws on ratification of international agreements) were adopted by urgent procedure at the Fourth sitting, and four out of five laws (12 out of 13 if the laws on confirmation are taken into account) at the Fifth Sitting in spring 2019. Bearing in mind that the reasons for urgent adoption of the Rules of Procedure are conditioned by the existence of "unforeseeable circumstances", such frequent use of urgent procedures either indicates the existence of serious extraordinary circumstances, the inability of the planner, or points to the lack of desire to do the planning properly and subsequently stick to it in order to comply with the existing legislative rules.

Nonetheless, the culmination of urgency and violation of the Rules of Procedure, but also of the predictability on which the legal, democratic state is based, is the adoption of amendments to the Criminal Code on May 21st, 2019 ("Official Gazette of the Republic of Serbia", no. 35/19). At that time, the Criminal Code was amended by introducing a new, stricter sentence of life imprisonment, only 11 days after the Government sent the bill to the National Assembly (the proposal was sent on May 10th).)[12] It should be borne in mind that in 2015, a public debate was held on the topic of introducing

[10] The NPAA is a key document of the Government for planning and monitoring the fulfilment of obligations during the negotiations, which contains all the legislative obligations that Serbia has undertaken by submitting negotiating positions to the European Union in individual negotiation chapters. The first NPAA was adopted in 2008. The NPAA is prepared and adopted by the Government following the structure of accession negotiations organised around 35 negotiation chapters. Reports on the NPAA are submitted on a quarterly basis. As a rule, the report is prepared three to four weeks after the end of the reporting quarter. The assessment of fulfilment is determined according to whether the act was published in the Official Gazette or not. Acts being prepared shall be deemed not to have been adopted until they have been published. Reports are generated automatically from the database monitored by the NPAA. The report is submitted to the National Assembly, which discusses it at the Committee on European Integration. The NPAA adopted in 2018 covers the period until the end of 2021. The NPAA and reports are available at: https://www.mei.gov.rs/srp/dokumenta/nacionalna-dokumenta/npaa.

[11] Rules of Procedure of the National Assembly are available at:
http://www.parlament.gov.rs/upload/documents/Poslovnik%20Narodne%20skups- tine% 20-% 20precisceni% 20tekst% 20Sluzbeni% 20g.pdf.

[12] Agenda of the sitting is available at:
http://www.parlament.rs/upload/archive/files/cir/doc/kalendar/2019/5.sednica%201.redov- no% 20zasedanje% 20NS% 20u% 202019.godini .pdf.

this criminal sanction, and that the Ministry of Justice concluded at the time that "it was not possible to give a final judgment on the topic, because the expert public was divided on this issue."[13] Hence, such a serious issue became a valid right within 11 days from the proposal, despite all the divisions among experts, and, as can be seen from the Explanation of the Bill submitted by the Government to the National Assembly, the Assembly and the Government were aware of the questionable nature of this decision from the point of view of the legal profession.

It should be borne in mind that **the urgency of the law adoption process directly reflects on the quality of the laws** that are adopted. Urgent procedure prevents thorough preparation of MPs for a debate, as the quality of preparation is directly proportional to the available time and knowledge of laws that will be the subject of a debate.

Furthermore, the procedure for the adoption of the law envisages only one so-called "Reading", where the law immediately comes to the Assembly sitting and is adopted within a few days from the day of submitting the proposal, if there is a political majority. The above-mentioned example of amending, within 11 days, the Criminal Code, which is one of the pillars of the legal order, represents a negation of the predictability of a system. Predictability is a key element of legal certainty, because citizens and the economy must know what system they are operating in and be able to behave accordingly. Frequent and urgent changes, especially those provoking open controversy and division, in this case among experts, lead to uncertainty and mistrust in the order, showing that the system can change overnight and that one day we can literally go to bed in one country and wake up in a different one the next day. The Criminal Code (which is why it is called the *Code* - to emphasise its uniqueness) is one of the pillars of every state and society.

The Criminal Code was amended by urgent procedure with the explanation that it should be adopted "in order to prevent the occurrence of harmful consequences for human life and health, national security, work of state bodies, as well as to fulfil international obligations arising from the report of the Council of Europe MANIVAL and the harmonise the Criminal Code with the recommendations of the FATF - an intergovernmental body that sets forth global standards in the field of combating money laundering and terrorism financing". As this is a nearly literal transcript of Article 167, paragraph 2 of the Rules of Procedure of the National Assembly and as no further explanations were provided, it is clear that the explanation was written for the sake of form, implying that the Assembly will not question such an explanation, although it does not offer an essential explanation of the reasons for urgency. The explanation that the law is passed by urgent procedure in order to fulfil the international obligations arising from the report of the Council of Europe MANIVAL committee is particularly unfounded, since the explanation of the Bill states that these recommendations were given to Serbia in 2016. It is clear that three years after receiving the recommendations, we can only talk about the serious delay of our country in fulfilling its international obligations, but not about the justification of the urgent adoption of the law, because all reasonable deadlines have long expired.

Such rash decisions in amending the legislation ought to be avoided. The **introduction of a second reading, which would take place at least 15 days after the first one**, with the exception of the reasons "for the security of the country and the prevention of harmful consequences for human life and health"[14] would represent a step in the right direction. Certainly, without the existence of the political will to solve this problem and not to change the laws overnight, any normative solution can be disavowed. Time savings are best made with good and smart planning and timely and dedicated work. For example, recommendations from 2016 should not have been adopted in 2019, as shown earlier, or the Act on Games of Chance would not have been amended by urgent procedure in 2012 in order to adopt FATF recommendations[15] from 2012 so that Serbia would have been removed from the FATF "blacklist". As far as the quality of laws is concerned, in this case we can ask the question whether the FATF should put Serbia on the "blacklist" of countries that do not fight enough against money laundering and terrorism financing so that Serbia would introduce the provision that "founder or owner , as well as a member of the governing body of a legal entity that is the organiser of games of chance, cannot be

[13] Explanation of the Bill on Amendments to the Criminal Code: https://otvoreniparlament.rs/uploads/akta/1_Predlog% 20zakona% 20o% 20izmenama% 20i% 20dopunama% 20Krivi% C4% 8Dnog% 20zakonika.pdf

[14] Exceptions should be explained seriously and in detail, instead of giving the tautological explanations as is the case today.

[15] Financial Action Task Force (FATF), http://www.fatf-gafi.org/about/.

a legal entity convicted by a final conviction for a criminal offense in terms of the law governing the liability of legal entities for criminal offenses, or a natural person convicted of criminal offenses against rights based on labour, economy, property, justice, money laundering, terrorism financing, public order and peace, legal traffic and official duty", since this is an amendment that was urgently introduced in 2018 in order to fulfilled the 2012 FATF recommendation.

The urgency in the work of the National Assembly is also reflected in **the urgency of convening sittings of the National Assembly**. The Rules of Procedure of the Assembly[16] stipulate that in the regular procedure, the sitting is to be scheduled at least seven days before the day set for the beginning of the sitting, which leaves the MPs enough time to prepare for the debate. Since the National Assembly does not have a work plan, the work agenda and the dynamics of the sittings are determined by the Government with its requests for holding sittings of the Assembly. By doing so, the Assembly does not take any steps to protect its own integrity from this practice of the Government. During the ordinary autumn session sittings in 2018 and ordinary sittings in 2019 spring sessions (October 2018 – May 2020), seven out of ten sittings were convened in less than eight days, most often in three to four days and sometimes even for the next day (like the Fourth sitting in 2019 spring session when 16 bills were adopted[17]). The lack of a plan and the lack of coordination in the Government itself, not only in connection with the bills submitted to the National Assembly, leads to situations that, the 16th extraordinary sitting was, for instance, convened on August 23rd for September 9th[18] (respecting the eight-day rule, although it does not apply to extraordinary sittings that suppose extraordinary circumstances) and only four days later, on August 27th, the 17th sitting was schedules for September 4th[19], i.e. five days before holding of the 16th extraordinary sitting.

It is clear that when time savings are made to the detriment of time for debate in the Assembly and time (un)spent for public debate, then the urgency of the procedure inevitably affects the quality of the law, which then leads to a later repetition of the legislative procedure to correct mistakes. The hastiness provokes serious shortcomings in the quality of laws, so only a few months later, these laws are amended, and sometimes the amendments are adopted with retroactive effect. Such an example was seen in the case of the Law on Radiation and Nuclear Safety and Security ("Official Gazette of the Republic of Serbia", no. 95/18), which was adopted on December 7th, 2018. The law was adopted at the Fourth sitting in the autumn session, at which the Law on Budget for 2019 was also one of the items on the agenda, together with 61 more items. The said Law on Radiation and Nuclear Safety and Security was amended by urgent procedure two months later, at the sitting held on February 14th, 2019[20]. The law was adopted with retroactive effect in order to alleviate the shortcomings built into the text adopted in December 2019. These shortcomings would have been noticed had the debate in the National Assembly been properly and thoroughly organised. Since the main item on the agenda of the December sitting was the Budget Law and the ruling majority deputies were still using the practice of submitting 300 amendments to block the debate, there was almost no debate on this bill.

The quality of the law is also evidenced by the frequent **authentic interpretations** provided by the National Assembly. Thus, the Law on Enforcement and Security ("Official Gazette of the Republic of Serbia", no. 106/15, 106/16 - authentic interpretation, 113/17 - authentic interpretation, 54/19 and 9/20 - authentic interpretation) lived up to as many as three authentic interpretations of the National Assembly. The last example is the adoption of an authentic interpretation of the Law on Local Elections ("Official Gazette of the Republic of Serbia", no. 129/07, 34/10 – Decision of the Constitutional Court, 54/11, 12/20 and 16/20 - authentic interpretation), where an authentic interpretation of the amendment to the Law was given after only 19 days from the day of adoption

[16] Article 86, paragraph 1 of the Rules of Procedure.

[17] Agenda is available at:
http://www.parlament.rs/upload/archive/files/cir/doc/kalendar/2019/saziv%204.sednica%201.redov- no% 20zasedanje% 20NS.pdf.

[18] Agenda is available at:
http://www.parlament.rs/upload/archive/files/cir/doc/kalendar/2019/Saziv%2016.vanredno%20zase- danje%20NS.pdf.

[19] Agenda is available at:
http://www.parlament.rs/upload/archive/files/cir/doc/kalendar/2019/SAZIV%2017%20vanredno%20 2019.pdf.

[20] Transcripts are available at:
http://www.parlament.rs/Jedanaesto_vanredno_zasedanje_Narodne_skup%C5%A1tine_Republike_Srbije_u_Jedanaestom_sazivu.35749.941.html.

of the amendment to the Law.

The quality of the debate was also affected by the violation, i.e. abuse of Article 157, paragraph 2 of the Rules of Procedure, which stipulates that the National Assembly may decide to conduct a **joint debate on several bills** on the agenda of the same sitting, which are mutually conditioned or their resolution are interconnected. However, deciding on each bill must be made separately. In this way, bills that have no points of contact were often grouped and a unified debate was conducted. A striking example is the Fourth sitting of the 2018 autumn session when 62 items were unified and a general joint debate was conducted. In addition to the Law on Budget (and a set of laws accompanying the Law on Budget), there was also the Law on Amendments to the Law on Inspection Supervision, the previously mentioned Law on Radiation and Nuclear Safety and Security, the Law on Amendments to the Law on Companies, several laws on ratifications of loan agreements, the Law on the Science Fund of the Republic of Serbia and many others. By uniting the discussion, a completely heterogeneous group of discussion points was created. In this way, the substantive debate in the National Assembly was eliminated, because the deputies had to choose which laws to discuss about, since the limited time prevents the substantive debate on all proposals. By merging the debate on 62 items on the agenda, instead of five hours of discussion in principle, the deputies were actually given five minutes.[21] If a representative of the parliamentary group, who has 20 minutes[22] at their disposal, according to the Rules of Procedure, wished to speak about each item on the agenda of this sitting, they would have 19.4 seconds for each of the items.

This trend of **limiting the possibility of a debate** eventually led to the *de facto* abolition of the debate on laws in detail (amendments), as the ruling majority introduced the practice submitting 300 amendments to the first bill on the agenda. In addition to the previously described unification of the debate, this practically eliminated the possibility of conducting a debate on amendments due to lack of time. Article 158, paragraph 4 stipulates that "each submitter of an amendment has the right to explain their amendment, in up to two minutes, provided that the total duration of the hearing about detail on this basis may not exceed ten hours". Since the total time for debate on amendments was limited to 10 hours (600 minutes), by submitting 300 amendments to Article 1 of the bill, the ruling majority (in the period December 2017 - December 2018) managed to spend the entire time foreseen for debates and not to reach further than Article 3 or 4. Since all items on the agenda are jointly discussed in principle, the total time for discussion on amendments to all items on the agenda is 10 hours. At the end of the debate, the ruling majority would simply not vote for the amendments submitted and explained by their MPs during the debate. The Rules of Procedure do not provide for such a practice, and therefore do not prohibit it. It is also important to emphasise that the Rules of Procedure cannot and **must not** restrict the right of MPs to submit and reason amendments, because that would open other paths to possible abuses and narrowing of the rights of MPs. Nevertheless, in this case, it is clear that we are talking about the obstruction, because upon inspection of contents, it is obvious that the amendments are meaningless, written in a template and that only certain words are changed so that texts could be formally different and each proposer given two minutes to discuss. One of the examples are the amendments submitted to Article 1 of the Draft Law on War Memorials[23], which proposed adding paragraph 2 to Article 1, which reads "The Law on War Memorials ensures the overall development of the Republic of Serbia with special emphasis on increasing investment." The second proposed amendment to the same article has the same wording only "with special reference to industrialisation", and the third "with special reference to the use of economic potentials". It can be argued whether these amendments should have been rejected as insulting, because they do not respect the memory of war memorials, put war memorials, and thus all the victims that Serbia suffered in the wars, in an extremely inappropriate "business" context. The Rules of Procedure foresee the possibility of rejecting offensive amendments[24]. These amendments,

[21] CRTA press release, December 7th, 2018, https://otvoreniparlament.rs/aktuelno/56

[22] Article 96 of the Rules of Procedure.

[23] The text of Article 1 of the Law reads: "This Law regulates issues of importance for protection, regular maintenance, investment maintenance, arrangement, removal and financing of maintenance and arrangement of war memorials, establishment and keeping of prescribed records, as well as other issues of importance for war memorials in the Republic of Serbia and abroad."

[24] Article 163 of the Rules of Procedure: "Amendments submitted in a timely manner shall be addressed by the Speaker of the National Assembly to the proposer of the law, MPs, the competent committee and the Government. The competent committee will reject incomplete and offensive amendments, and will submit a report thereof to the National Assembly.

however, were approved and discussed. This practice stopped after December 2018, after a part of the opposition left the National Assembly.

It convenes to point out that the Fifth sitting of the autumn session in 2017, when the Budget Law for 2018 was adopted, was the first case when this practice of submitting 300 amendments was applied. The Fifth sitting of the autumn session in 2017 is a blatant example of violations of the Rules of Procedure and the Law on Budget System. Article 31 of the Law on Budget System[25] determines the budget calendar for the adoption of the budget, which envisages that the Government adopts the Bill on Budget and submits it to the National Assembly on November 1st, 2017. The Government adopted the Bill and submitted it to the National Assembly on November 30th, 2017[26]. The sitting was scheduled on December 4th for December 6th, in violation of Article 86, paragraph 1 of the Rules of Procedure, which requires at least seven days to schedule a sitting. The sitting was also scheduled six days following the receipt of the proposal, although Article 172 of the Rules of Procedure explicitly foresees that "the discussion of budget proposals at the National Assembly sitting may commence no earlier than 15 days from the day of receipt of budget proposals in the National Assembly". There was a joint discussion on all items on the agenda (31 items), although the items on the agenda were not mutually connected, nor were the solutions of all items interdependent (admittedly some were, but a significant part of them were not), which violated the article 157 paragraph 2 of the Rules of Procedure. 300 amendments were submitted to the first item on the agenda (which does not constitute a violation of the Rules of Procedure), which would not have prevented the discussion on amendments to the Budget Bill if Article 157, paragraph 4 of the Rules of Procedure had been complied with. This paragraph stipulates that "the debate the Law on the Budget of the Republic of Serbia is conducted in such a way that after the completion of the general hearing, the detailed hearing follows immediately". As this article of the Rules of Procedure was not respected, the debate on the amendments to the bills was conducted following the order of the items on the agenda. As the Bill on Budget was the sixth item on the agenda, there was no time left to discuss the amendments. More or less the same practice was applied during the adoption of the Law on Budget for 2019 at the Fourth sitting of the autumn session in 2018. Then, the Bill on Budget for 2019 was submitted to the National Assembly on November 23rd, the sitting was scheduled on November 24th for November 27th, and over 500 amendments were submitted to the first item on the agenda.[27]

The practice of submitting 300 amendments in order to eliminate the debate continued throughout 2018, including the adoption of the Budget Law for 2019. During the debate on the Budget Law for 2019, one part of the opposition left the sitting and started a boycott of the work of the National Assembly.

After a part of the opposition left the work of the National Assembly in December 2018, the practice of submitting 300 amendments was discontinued. In the conditions of the boycott of one part of the opposition, a separate sitting was organised for the adoption of the Budget Law for 2020 (Sixth sitting of the autumn session, November 20th, 2019), with only one item on the agenda, with double time available for discussion, which lasted six days. This can be understood as a direct consequence of the open criticism of the work of the National Assembly presented in the Annual Report of the European Commission.

Nevertheless, with the adoption of the Law on Confirmation of Decrees passed by the Government with the co-signature of the President of the Republic during the state of emergency, where one of the 44 decrees in that Law was the Decree on Amendments to General Revenues and Receipts, Expenditures and Expenses of the 2020 Budget in order to eliminate the harmful consequences due to the COVID-19 disease caused by the SARS-CoV-2 virus ("Official Gazette of the Republic of Serbia", no. 60/20), which essentially represents the rebalance of the budget for 2020, is a continuation of the practice of adopting the budget without discussion.

[25] "Official Gazette of the Republic of Serbia", no. 54/09, 73/10, 101/10, 101/11, 93/12, 62/13, 63/13 - rectified, 108/13, 142/14, 68/15 – state law, 103/15, 99/16, 113/17, 95/18, 31/19 and 72/19.

[26] Available at:
http://www.parlament.rs/upload/archive/files/cir/doc/kalendar/2017/5.sednica%202.%20redovno%20zasedanje.pdf.

[27] Available at:
http://www.parlament.rs/%C4%8Cetvrta_sednica_Drugog_redovnog_zasedanja_Narodne_skup%C5%A1tine_Republike_Srbije_u_2018._godini_.35365.941.html.

The process of European integration takes place primarily through the harmonisation of legislation and, consequently, the policy pursued by the Republic of Serbia. Although, numerically speaking, the majority of harmonisation has been done at the level of bylaws (mainly government regulations and ordinances adopted by state administration bodies), the adoption of the law is the first and most important step in this process, which is also the legal basis for harmonisation at the level of bylaws. Laws from the so-called "European agenda" make up on average about 18.1% of the total number of adopted laws (ratifications and guarantees are not included in the calculation of the total number of adopted laws) in the National Assembly, if we look at the period from March 2018 to the 2020 elections (a total of 293 adopted laws, 53 being laws from the "European agenda")[28].

In order to harmonise the regulations with the acquis communautaire and to supervise that harmonisation, the National Programme for the Adoption of the Acquis Communautaire (NPAA) is adopted and implemented. The second revised NPAA was adopted on November 17th, 2016 for the period 2016–2018. However, reports regarding this period have never been published although it is an obligation pursuant to the Government's conclusion on the adoption of the NPAA. Reports are adopted on a quarterly basis. After the adoption of the report by the Government, the report is submitted to the National Assembly and discussed in the Committee on European Integration. The Government did not fulfil this obligation during 2016 and 2017. The third revision of the NPAA was adopted on March 1st, 2018[29] and covers the period until the end of 2021, with the aim of achieving full compliance with the acquis communautaire. The government has regularly adopted reports on the implementation of the NPAA since March 2018. In February 2020, the Committee for European Integration discussed the report for the third quarter of 2019, and that report was adopted (five months after the end of the reporting period). However, the Government has still (until mid-June 2020), not adopted the report for the fourth quarter of 2019, as well as for the first quarter of 2020, which would provide insight into the final success of the implementation of the NPAA in 2019.[30] Consequently, the report was not submitted to the National Assembly. Due to the parliamentary elections and their postponement due to the COVID-19 disease epidemic, the discussion and adoption of the final report on the fulfilment of the NPAA for 2019 will wait until the autumn of 2020 and the new convocation of the Parliament. We can conclude that for the entire Government's mandate (2016–2020), reports on the harmonisation of legislation with the acquis communautaire are available only for the period from January 1st, 2018 to September 30th, 2019, which is not appropriate for a country aspiring to join the EU.

The fulfilment of the NPAA for 2018 and the three quarters of 2019 is at the level of 49%, out of 440 total planned measures (laws and bylaws), 215 of them were adopted. At the level of adoption of laws, the NPAA was fulfilled by 41% because only 44 of the 108 planned laws were adopted[31]. In the conditions of the existence of a stable majority of 150 MPs, this result can be assessed as very bad. For comparison, in the period 2008-2012, the National Integration Programme - NPI (the forerunner of the NPAA) was 88 percent fulfilled, since a total of 1030 laws and bylaws were adopted out of the planned 1172[32]. At the level of laws, the fulfilment was 83% because, as out of 243 planned laws, 201 laws were adopted. The methodology for measuring the fulfilment of the plan has not changed since 2008.

[28] This period has been taken as a reference because in that period there is the National Programme for the Adoption of the Acquis (NPAA) adopted in March 2018 and the Government regularly reports on its implementation, which is not the case with the period 2016-2017, for which NPAA implementation reports are not available. Since the last published report for the third quarter, the number of laws adopted from October 2019 to March 2020 was obtained by reviewing the agendas of the National Assembly sittings.

[29] The NPAA and all reports are available on the website of the Ministry of European Integration: https://www.mei.gov.rs/srp/dokumenta/nacional-na- dokumenta/npaa

[30] Dynamics of reporting on NPAA compliance requires that the report for the first quarter of 2020 be available in mid-June 2020, so that reporting is now six months behind schedule.

[31] Number of adopted laws from the NPAA and the number we presented earlier for the period 2018-2020 differ since we do not have reports for the fourth quarter of 2019 and that the calculation for the period after September 30th, 2019 was obtained upon inspection of the materials of the National Assembly sittings.

[32] Data available on the website of the Ministry of European Integration: https://www.mei.gov.rs/srp/dokumenta/nacionalna-dokumenta/npaa

It convenes to point out that **the National Assembly adopted almost all bills that the Government had sent before the announcement of the 2020 elections**. Out of the total number of proposals submitted by the Government, only 20 bills were not adopted, most of which were submitted in February 2020. Only six of the 20 non-adopted proposals are on the "European agenda" [33]. Thus, **the delay in fulfilling the plan is a consequence of the Government's delay** in submitting laws to the National Assembly. Nonetheless, it can be noticed that for some laws from the "European agenda" the procedure **dragged on in the National Assembly for several years before the adoption**. Some laws had waited for more than a year to be adopted: the Law on Amendments to the Law on General Product Safety, proposed on September 26th, 2017, adopted on October 30th, 2019 ("Official Gazette of the Republic of Serbia", no. 77/19) and the Law on Postal services, proposed on November 29th, 2017, and adopted on October 30th, 2019 ("Official Gazette of the Republic of Serbia", no. 77/19). Both laws are important for the Chapter 1 – Free movement of goods and Chapter 3 – Right of establishment and freedom to provide services, and neither of these Chapters has been opened. Both laws were adopted after the publication of the critical Annual Report of the European Commission in May 2019. However, despite this, some laws crucial for negotiations were not adopted by the end of the mandate, such as the Bill on Amendments to the Law on Accreditation, proposed on April 17th, 2019 and the Bill on Technical Requirements for Products and Conformity Assessment, proposed on January 26th, 2018. Both laws are essential for the negotiations in Chapter 1 - Free movement of goods. Serbia has not yet fulfilled criteria for opening of this Chapter although they were established in June 2015. It should be borne in mind that it happened that the laws were adopted by urgent procedure, under the pretext that they were relevant to the EU accession process, although they had nothing to do with it, such as the Law on Detective Activity ("Official Gazette the Republic of Serbia", no. 87 / 18).

At the end of May 2019, the **European Commission** published the Annual Report on Serbia's Progress towards the EU Accession Process and very sharply criticised the work of the National Assembly.

After that, a change in the behaviour of the ruling majority occurred in relation to the respect of the Rules of Procedure of the National Assembly. Thus, eight out of ten sittings during the autumn session in 2019 were convened in a regular procedure, and not urgently. No law was adopted at the autumn session by urgent procedure, and (as we said) a sitting was held with the Law on Budget as the only item on the agenda. It is important to point out that the Government submitted only one proposal under the urgent procedure. However, when we look at the extraordinary sittings in 2020 (all from the 19th to the 27th sitting) for which the rule of seven days for scheduling the sitting does not apply, we see that all of them have been scheduled within one to six days.

Also, the sessions were organised thematically so that there was no need to group unrelated points into one combined discussion. However, it was done on several occasions (4th sitting of the autumn session in 2019 and 19th, 20th and 26th extraordinary sitting in 2020).

What has not changed even after the annual report are the insulting and inappropriate vocabulary used in the National Assembly and the campaign aimed at insulting the opposition and individuals.

Oversight function

In the Annual Report for 2019, the European Commission assessed the oversight function of the Assembly over the executive as weak, and stated that "as in previous years, the Assembly had not supported the role of independent institutions. Since 2014, the Assembly had not considered any of the annual reports of independent bodies in its plenary sessions, thus illustrating the lack of readiness to ensure effective oversight of the work of the Government".

As a direct consequence of this assessment in the Annual Report, at its extraordinary sittings in June

[33] Bill on Amendments to the Law on Railway Transport Contracts, Bill on Amendments to the Law on Railways, Bill on Amendments to the Law on Railway Safety, Bill on Safety and Health at Work, Bill on Amendments to the Law on Accreditation and Bill on Technical Requirements for Products and Conformity Assessment.

and July 2019 (24th[34] and 25th[35] special sitting) and at the 1st sitting of the autumn session[36], in October 2019, the National Assembly debated and adopted the reports of the independent institution for 2018. Unfortunately, reports for the period 2014-2017 had not been considered and the question remains whether this will happen, because the debate on them is still a legal obligation of the National Assembly, which will continue to be monitored during the accession negotiations.

The Action Plan for Chapter 23 - Judiciary and Fundamental Rights[37] foresaw the adoption of amendments to the Constitution by the end of 2017 in order to ensure the independence of the judiciary, which is not guaranteed by the 2006 Constitution. The action plan envisages that the National Assembly be the main institution in drafting amendments to the Constitution, in accordance with constitutional competences. Nonetheless, during 2017 and 2018, the Government, i.e. the Ministry of Justice started drafting amendments to the Constitution (without forming a working group envisaged by the action plan). The Government led a series of debates on the subject, prepared the text of the amendments and sent it to the Venice Commission of the Council of Europe for an opinion[38]. When, in June 2019, in accordance with Article 203, paragraph 1 of the Constitution, the Government submitted a proposal to amend the Constitution, it did not submit to the Assembly the text of the amendments on which the debate had been conducted and on which the Venice Commission had given an opinion. When, at the 111th session of the Committee on Constitutional and Legislative Issues, the Chairman of the Committee requested that the Government submit to the Assembly the text of the amendments it had prepared, the Government (represented by the Minister of Justice) declared that it was not competent to prepare the text of amendments and that it fell in the scope of competences of the Assembly.[39] Consequently, the whole process was returned to the beginning, i.e. to the position from 2016 before the public debate and before obtaining the opinion of the Venice Commission. Serbia is today more than three years late in relation to the obligations undertaken in the accession negotiations. The European Union's new methodology for conducting accession negotiations with Northern Macedonia and Albania, adopted in March 2020, stipulates that no chapters in the negotiations will be closed until the transitional criteria for Chapters 23 and 24 (Justice, Freedom and Security) shall have been met. The adoption of these amendments to the Constitution is the most important transitional measure for Serbia in Chapter 23, which Serbia has undertaken to fulfil by the end of 2017.

Leaving aside the unconstitutional approach of the Government exhibited in the process of amending the Constitution and, consequently, in the negotiations on EU accession, the National Assembly failed to ask for an explanation why the Government, as an incompetent body, had performed work within the competence of the National Assembly and also failed to hold accountable those who had led to such an encroachment by the executive on the constitutional competences of the legislature and violations of the constitutional framework, as well as those responsible for wasting time in accession negotiations and a three-year delay in relation to the plan. In conditions when the Assembly is not even trying to defend its constitutional powers, it is clear that the oversight function of the Assembly cannot be strong nor efficient.

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[34] Reports available at:
http://www.parlament.rs/Dvadeset_%C4%8Detvrta_posebna_sednica_Narodne_skup%C5%A1tine_Republike_Srbije_u_Jedanaestom_sazivu_.36731.941.html

[35] Reports available at:
http://www.parlament.rs/Dvadeset_peta_posebna_sednica_Narodne_skup%C5%A1tine_Republike_Srbije_u_Jedanaestom_sazivu.36964.941.html.

[36] Reports available at:
http://www.parlament.rs/Prva_sednica_Drugog_redovnog_zasedanja_Narodne_skup%C5%A1tine_Republike_Srbije_u_2019._godini.37437.941.html.

[37] Available on the website of the Ministry of Justice: https://www.mpravde.gov.rs/tekst/9849/finalna-verzija-akcionog-plana-za-pregovaran- je-poglavlja-23-koja-je-usaglasena-sa-poslednjim -recommendations-and-confirmed-by-the-European-Commission-in-Brussels-.php.

[38] The quality of the debate itself and the opinion of the Venice Commission (the first and especially the second one) are the subject of a special discussion, which is not the subject of this study.

[39] Report from the 111th session of the Committee is available at:
http://www.parlament.rs/111._sednica_Odbora_za_ustavna_pitanja_i_zakono- davstvo.36702.941.html.

When it comes to holding sittings at which MPs ask questions to the Government on the last Thursday of the month, as foreseen in Articles 204-208 of the Rules of Procedure, it can be said that there has been some progress in terms of the number of sittings held. In the four years of this convocation of the National Assembly, 14 of such sittings were held. During 2016, only one sitting was held, in 2017 also only one sittings, in 2018 and 2019 five sittings were held, and in 2020, until the calling of the elections, two of such sittings were held. However, it can be noticed that this institute has been turned into a promotional campaign of the Government instead of representing a conversation with MPs and answering questions. Usually, five to six MPs would be able to ask questions, while the government would waste most of the remaining time. For example, at the sittings held in October 2019, only five MPs were able to ask questions. In doing so, they spent 34 minutes asking questions, while the Government spent 134 minutes[40] answering them, within the three hours that the sitting lasts according to the Rules of Procedure. This emanates from the fact that the Rules of Procedure do not limit the time for the Government to respond. European integrations appear very rarely as a topic on which MPs question the Government, and that only happens when something significant happens in the process, such as the publication of the 2019 Annual Report. A change in the Rules of Procedure, which would limit the time for the Government's replies, would be useful because the MPs would have more time to ask questions.

In December 2019, at the Ninth Session of the regular autumn session, the National Assembly adopted all annual statements for the period 2002-2018. The non-adoption of these reports was a constant point of criticism of the work of the National Assembly in the field of oversight over the work of the Government of Serbia.

When we talk about the oversight of the EU accession process, it can be noticed that the report on the implementation of the NPAA (since its adoption in March 2018) has never been represented by the Minister of European Integration, but by the Assistant Minister of European Integration. The last report (in February 2020) was presented by the advisors to the Minister. Incidentally, out of 20 committees of the National Assembly, the Committee for European Integration is the only committee of the National Assembly the president of which comes from a party that does not form the ruling majority[41]. Without questioning the expertise of the services of the Ministry of European Integration, the report should primarily be presented by the Minister as an official elected by the National Assembly. Moreover, the Assistant Minister (as a civil servant in office) cannot lead a political debate with MPs, which is the basic function of the debate in the Committee. In this way, the oversight function of the National Assembly has been significantly reduced, as the Assembly must primarily communicate with the Government, and not with civil servants.

On December 16th, 2013, as part of the preparations for the opening of negotiations with the European Union, the National Assembly adopted **a Resolution on the role of the National Assembly and the principles in the negotiations on the accession of the Republic of Serbia to the European Union[42]**. This resolution stipulates that the Government, before submitting a negotiating position to the European Union, submits a position proposal to the National Assembly, whose Committee on European Integration will consider the proposal and issue comments and suggestions[43]. According to the Resolution, during the negotiations, *the National Assembly seeks to strengthen the social and political consensus on the accession of the Republic of Serbia to the European Union. The National Assembly cooperates with civil society, the professional public and other interested parties, in order to achieve their involvement in all phases of the process of negotiations on the accession of the Republic of Serbia to the European Union* (Item 24 of the Resolution). To this end, before adopting a position at the Committee on European Integration, the negotiating position will be presented to the representatives of civil society organisations gathered within the National Convention on the European Union (NCEU). The Committee will, before taking its position, consider the proposals, contributions and recommendations of the NCEU. So far, during the accession negotiations, the Committee on European Integration has considered all 17 proposals for negotiating positions (11 of them in this convocation) prepared by the Government, and organised meetings with NKEU on that

[40] https://crta.rs/wp-content/uploads/2019/01/Narodna-skup%C5%A1tina-Republike-Srbije-hram-ili-paravan-demokratije.pdf.

[41] The Chairman of the Committee is Nenad Čanak from the League of Social Democrats of Vojvodina.

[42] Document is available at: http://www.parlament.gov.rs/aktivnosti/evropske-integracije/dokumenta.2188.html

[43] The Board held 75 sessions during the 11th convocation.

occasion whenever necessary. NKEU organises a plenary session of all members every year. This session is held in the building of the National Assembly, in the presence of the Minister for European Integration and the head of the Negotiating Team (until the resignation is submitted). The President of the Republic also attended the session held in June 2019. This is an example of good practice in the participation of the National Assembly in the accession process. However, it is questionable whether and to what extent the proposals of negotiating positions submitted by the Government to the National Assembly underwent changes after the discussion in the relevant committees or were only confirmed by the ruling majority, because it is not possible to compare the proposals of the negotiating position submitted to the National Assembly (the public has no insight thereto) and the final version submitted to the European Union, which becomes a public document after the opening of the negotiation chapter.

Nonetheless, the Committee on European Integration has decided not to get involved in the amendment of the Constitution that would ensure the independence of the judiciary, as one of the key criteria in Chapter 23, on which the dynamics of the entire negotiations depend. At the 33rd session of the Committee, held in March 2018, the opposition MPs proposed that the Committee organise a public hearing on the topic of amendments to the Constitution in the part related to the judiciary. The ruling majority rejected this proposal, explaining that the public hearing will be held when the opinion of the Venice Commission on the text of the amendments will have been obtained[44]. At the 57th session held on the same day, the Committee for Constitutional Issues and Legislation also took the position that it was not necessary to hold a public hearing[45]. Although the Venice Commission submitted opinions on two occasions (in June and October 2018), a public hearing had never been held, and in June 2019, the Government declared itself incompetent to prepare amendments to the Constitution.

By the previously mentioned Resolution (item 23), the Assembly obligated the Government to submit to the National Assembly a report on the course of negotiations on the accession of the Republic of Serbia to the European Union twice a year, i.e. after the six-month presidency of the Council of the European Union. The Assembly also undertook to consider the report at the session of the National Assembly. Although more than 12 six-month cycles of presidency of the Council of the European Union have passed since the opening of negotiations in 2014, and despite the fact that the Government regularly submits reports compiled by the Negotiating Team, the Assembly has never discussed it in plenary. Such a discussion would be very important for informing the public about the course and topics of the negotiations and would dispel the prejudices and fears that are spreading on this topic in the public. The reports are regularly adopted by the Committee on European Integration, after a discussion at which they are represented by the head of the Negotiating Team for Accession Negotiations with the EU.

The declaration of the state of emergency in 2020 during the COVID-19 disease pandemic further called into question the capacity of the National Assembly to oversee the work of the executive and to carry out its constitutional powers and tasks.

The Constitution of Serbia stipulates, in Article 200, paragraphs 1–4, that a state of emergency is declared by the National Assembly, as well as that the Assembly may prescribe measures derogating from the human and minority rights guaranteed by the Constitution. However, a state of emergency was declared on the basis of Article 200, paragraph 5 of the Constitution, which foresees that, in the event that the National Assembly is unable to convene, a state of emergency may be imposed jointly by the President, the Speaker and the Prime Minister. Article 200, paragraph 6 stipulates that, when the Assembly cannot convene, the Government may, by decree, with the co-signature of the President of the Republic, prescribe measures derogating from the human and minority rights guaranteed by the Constitution.

[44] The recording from the session is available at:
http://www.parlament.rs/33._sednica_Odbora_za_evropske_integracije.33378.941.html.
[45] The recording from the session is available at:
http://www.parlament.rs/57._sednica_Odbora_za_ustavna_pitanja_i_zakonodavstvo.33371.941.html.

The reason for the impossibility of the Assembly to meet was found in the Government Decision[46] dated March 11th, 2020, followed by the Order of the Minister of Health[47], which prohibits the gathering of more than 100 people in public places indoors in order to prevent the spread of the infection.[48] A state of emergency was declared four days later, on March 15th[49], when schools and kindergartens had just been closed (as over 100 people must be staying or participating in classes at any given time).

In this case, we have a situation that the decision of the executive power (on the prohibition of assembly) has disabled the work of the legislative power. Although, according to the Constitution, the National Assembly can convene upon call during a state of emergency (Article 200, paragraph 3), the National Assembly met for the first time on April 28 to confirm all decrees passed by the Government during the state of emergency. Failure to convene the Assembly to declare a state of emergency is a lone example in Europe and the region.

Informative and educational function

As far as informing the public about the EU accession process is concerned, the fact that the last public hearing on the topic of Serbia's European integration was held back in 2011 speaks a lot. It was envisaged that the plenary sessions, which should have been held every six months, give a clear picture to the citizens of where Serbia is and what the main challenges along the way are. This would have dispelled many doubts and fears of citizens, which are primarily a consequence of the lack of real and verified information. However, even though the Assembly passed a Resolution by which it determined its obligations, so far no thematic session has been held since the negotiations were opened in 2014. These sessions would be of special importance, since Serbia will have to change the Constitution twice before joining the EU, in order to harmonise it with the obligations arising from EU membership and to prevent possible problems in the application of EU rules after joining. At the first intergovernmental conference held on January 21st, 2014 at which the accession negotiations were opened, the Government of Serbia declared, and thus committed itself, to hold a referendum on Serbia's accession to the European Union at the end of the negotiations.

At the 9th session of the Committee on European Integration, held on November 10th, 2016, an unprecedented incident occurred, when the head of the European Union Delegation in Belgrade was prevented from presenting the Annual Report on Serbia's progress in the accession process, which was a common practice every year.[50] After that, the report was no longer presented to the National Assembly at the Committee on European Integration, but was handed over to the Speaker of the National Assembly.[51]

The new EU methodology for conducting negotiations envisages holding a **special intergovernmental conference** (EU member states and Serbia) after the publication of the European Commission's Annual Progress Report on Serbia. We believe that it is necessary to discuss the Annual Report at the plenary session of the National Assembly, instead of just presenting it to the Committee on European Integration, although it does not always pass without incidents like the ones seen in 2016.[52] Such a thematic session, in compliance with the Resolution on the role of the National Assembly in the accession process, which envisages a plenary debate on the progress of negotiations after every six months, would be a great opportunity to really discuss the course of negotiations and familiarise citizens with what really happens in negotiations.

[46] https://www.srbija.gov.rs/prikaz/451794
[47] Order no. 512-02-9/1/2020-01
[48] Regulations adopted during the state of emergency are available at: https://www.propisi.net/propisi-doneti-povodom-vanrednog-stan- ja-covid-19/
[49] Decision on the declaration of the state of emergency: http://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/predsednik/odluka/2020/29/1/reg
[50] https://www.danas.rs/politika/radikali-nisu-dozvolili-davenportu-da-predstavi-izvestaj/.
[51] https://europeanwesternbalkans.rs/fabrici-predao-izvestaj-evropske-komisije-predsednici-skupstine-srbije/.
[52] https://www.slobodnaevropa.org/a/devenport-skupstina-srbije/28108442.html.

Only citizens who heed the negotiations and who have the necessary information can make an informed decision and vote in that referendum. It is clear that an intensive campaign at the end of negotiations can convince citizens that it is good to support Serbia's accession to the EU, since there are a really large number of arguments for that, but it is much more efficient for citizens to actually know what EU accession means and what benefits and obligations they and the state of Serbia will acquire and take over in that process, as well as to listen to these numerous arguments during the entire course of negotiations. The National Assembly, as a representative of the electoral will of the citizens, is an ideal place for informing the citizens. Nevertheless, so far, the National Assembly has not performed this function, and from the rostrum in the Assembly, one can hear criticism of the European Union, which is rarely factually supported, louder than verified information on the relations between Serbia and the EU or promotional messages. Such a relationship is already reflected in the European path of Serbia and the attitudes of the citizens. Inappropriate statements by state officials directed against the EU have already become a topic in relations between Serbia and the EU. In this way, instead of closing open issues on the road to EU membership, Serbia is adding new topics to the agenda.

The environment and climate described in this way in the National Assembly are not at all favourable for the process of the European integration of Serbia and the conduct of accession negotiations with the European Union. The issue of building a national consensus is essential for the successful conduct of accession negotiations, and the Assembly should play a significant, if not a key role. However, it is becoming a source of division among the citizens of Serbia. Most of the accession negotiations are not being conducted in Brussels at all, nor with EU member states. Most of the negotiations actually include negotiations between various social groups and actors in Serbia, as well as the process of implementing reforms. It is necessary to make difficult and long-term decisions on how to transform the whole society and enter the EU together, because the whole country enters the EU, and not only the Government, the Assembly or the ruling party. It is necessary to make decisions that bring with them profound changes in the established way of working, implying opening certain monopolies for competition, loss of certain privileges for certain groups, introduction of certain expenses that citizens will have to bear, changes that entail long-term consequences not only for today's population but also for future generations of this country. Such decisions must be made by consensus, through negotiations and talks, and not by imposition. The imposed solutions, even if they were the best for the state and society, will not lead to acceptance, but to doubt in the real intentions behind such solutions, which will inevitably lead to resistance and rejection. The measures that ought to be introduced must be accepted and understood. The reasons for their adoption must be honestly and straightforwardly explained. Joining the EU is a generational issue of a society, and that is how it should be treated. The light and too frequent use of explanations of certain activities with the phrase "because the European Union demands it" is not good in the long run. In that way, animosity towards the European Union is created among the citizens, and also gives the impression that the authorities of the state of Serbia do not ask anything, which is not true at all. The result is a further increase in "anti-EU" feelings among citizens and a further loss of trust in national institutions, which is nowadays already at a low level. On the other hand, such an explanation brings short-term benefits to the ruling majority, as it allows different decisions to be presented as necessary for the EU accession, although pure decisions are made in the context of public policy, with negative points being shifted to the EU, which is not in a position to defend itself.

The introduction of the excise tax on electricity in 2015 under the pretext of harmonisation with EU regulations is an example of behaviour that should be avoided. According to the Law on Budget for 2019, the planned budget revenue from the excise tax on electricity was 17 billion dinars. It is true that the candidate country is expected to introduce an excise tax on electricity, but that obligation must be fulfilled by the time of EU accession. In 2015, when the excise tax on electricity was introduced, Serbia was more than a decade apart from the accession. On the other hand, Serbia has not yet opened Chapter 16 - Taxation, in which this obligation is formally since the criterion for opening that chapter has not been met. In comparison to Croatia and Montenegro, that are the only countries in the region that have reached accession negotiations through the Stabilisation and Association Process, only Serbia has been given an opening benchmark in Chapter 16. The opening benchmark requires Serbia to fulfil obligations undertaken by signing the Stabilisation and Association Agreement, back in 2008, which prohibits fiscal discrimination of goods originating in the EU in relation to goods from Serbia (Article 37 of the SAA). In this case, it is about excise discrimination

against alcoholic beverages and coffee originating from the EU. In conclusion, Serbia has not fulfilled the obligation from the EU accession process from 2008, but it has fulfilled the obligation arising from EU membership in advance. Had this decision been taken near the end of accession negotiations with the EU, it could have been defended by EU rules and the requirements stemming from EU membership. However, in this case, the decision is a pure political choice of the Government of Serbia to raise taxes, but such choice was defended by EU rules, which were therefore "guilty" of increasing the electricity bills of citizens. Such an approach can only provoke citizens' animosity towards the European Union. A Government devoted to long-term planning must always keep in mind the referendum that awaits Serbia at the end of accession negotiations. If regular sessions of the National Assembly dedicated to EU accession were held every six months, such things would be clarified to the citizens.

Conclusions and recommendations

We can conclude that the role of the National Assembly is significantly limited by the behaviour of the ruling majority and the Government itself. The quality of the legislative and oversight function has been significantly reduced. As far as the oversight function is concerned, one can ask a question whether it exists at all, apart from formally. The debate in the Assembly is significantly limited and the space for the opposition to act, even constructively, is significantly narrowed. The level of aggression and inappropriate speech, directed both towards the opposition in the Assembly and towards the one that boycotts the Assembly, but also towards prominent individuals and citizens of Serbia who do not share the views and opinions of the ruling majority, is reaching a level inappropriate for the 21st century and a state that considers itself to be democratic and pluralistic. A country that has the status of a candidate and aspires to become a member of the EU is required to have a significantly higher level of communication, especially if we keep in mind that the functioning of democratic institutions is one of the basic requirements measured when a country joins the EU.[53] The success of the accession negotiations with the EU will largely depend on the progress in building democratic institutions.

The process of joining the EU can have a beneficial effect on strengthening democratic institutions in Serbia, which was confirmed by a change in in behaviour after the publication of the EU Annual Report in May 2019. It remains to be seen whether the changes are only of a cosmetic and temporary nature in order to appease the European Union, or perhaps, with the new convocation of the Assembly, after the elections, the approach will actually change. A significant change in approach is needed for the Assembly to perform its functions properly. However, it is also clear that the change in the functioning of the National Assembly is not affected by objections from Serbia, regardless of whether they come from the opposition, other political actors, academic community or civil society, but only by external remarks (even if they are only superficial). This fact speaks of the extent of the division of Serbian society and the need to normalise the national political scene, primarily through respect for the Constitution and the law.

The percentage of fulfilment of the NPAA in the part of the adoption of the law of 41% in the period from 2018 to September 2019 shows that European integration is not a priority activity for the Government of Serbia. Given the existence of a stable parliamentary majority of 150 MPs, this result can be described as a very bad. On the other hand, the National Assembly adopted almost all the proposals submitted by the Government. However, its oversight function during the negotiations was weakened by the failure to hold plenary debates on accession every six months, to which the Assembly committed itself in its own resolution on its role in the accession process.

Changing the way of behaving in the Assembly and respecting its constitutional role, primarily by the executive and the ruling majority, is an absolute priority, if we want to stop the further decline of the level of democracy in Serbia and make this country a truly democratic and pluralistic state.

The main reasons for this situation cannot be found in the normative acts and their shortcomings, although improvements are possible and necessary, especially in accordance with the recommendations defined by the CRTA in 2019[54]. The Rules of Procedure of the National Assembly, as it is today, if respected to the end, would make the Assembly function differently than today, given that the functioning of the Assembly was different with the same Rules of Procedure from 2012 to 2016, although the ruling majority was the same. Compliance with the Rules of Procedure of the Assembly must be improved and creative interpretations must be avoided and eliminated. The same applies to compliance

[53] New Methodology for conducting accession negotiations: https://ec.europa.eu/neighborhood-enlargement/sites/near/files/enlargement-methodology_en.pdf, confirmed by the conclusions of the EU Council of Ministers from March 2020: https: // data.consilium.europa.eu/doc/ document/ST-7002-2020-INIT/en/pdf

[54] Recommendations available on the CRTA website: https://crta.rs/crta-preporuke-za-unapredjenje-rada-narodne-skupstine/.

with sectoral laws that define the oversight function of the Assembly and stipulate that the National Assembly regularly discuss and adopt reports of independent bodies, as well as that on the basis of these reports requires the executive to improve the situation, which will be regularly monitored. Furthermore, it is necessary for the National Assembly to respect the resolutions that it has adopted. Therefore, simple compliance with the existing regulations, even without their change (which is necessary and possible), would lead to a significant improvement in the functioning of the National Assembly. Compliance with regulations and the Rules of Procedure of the National Assembly directly depends on the existence of the will to apply the regulation.

We believe that the procedure for the adoption of the bills should be changed in order to prevent the excessive use of urgent procedures, as, for example, they resulted in amendments to the Criminal Code within eleven days. Such behaviour is a negation of the predictability of the state and trust in the legal system. Therefore, we believe that it is necessary to abandon the existing procedure of adopting the bill after only one reading in the plenum and that it is necessary to introduce two readings of the same regulation, which would be separated by at least 15 days. Also, the permitted exceptions for the application of urgent procedures must be limited in order to allow the use of urgent procedures only in order to prevent situations that *may cause harmful consequences for human life and health and the security of the country*. Such exceptions must be accompanied by a serious and detailed explanation.

In order to make the institute of parliamentary questions to the Government more substantial and enable a larger number of MPs to ask questions on the last Thursday of the month (Articles 204-208 of the Rules of Procedure), it is necessary to limit the number of questions an MP can ask (three, for example), as well as the t time for the Government to respond. Currently, the Government has unlimited time to answer, which allows the Government to spend significantly more time than the MPs who ask questions.

In order to keep citizens informed about the progress of the EU accession negotiations, it is necessary, after six years of avoidance, to finally introduce the practice of debates in the plenum on the progress of negotiations every six months, as foreseen in the Resolution on the Role of the National Assembly in accession of the Republic of Serbia to the European Union from 2013. Also, it is necessary to re-establish the practice of presenting the Annual Report to the National Assembly and additionally introduce a special discussion in the plenum on the Annual Report of the European Commission on Serbia's progress in the EU accession process.

It is necessary to re-establish the practice that a certain number of committees is chaired by representatives of opposition parties in order to allow greater control of the executive. Currently, only one committee (the one for the European integrations), out of 20, is chaired by an opposition MP. However, this issue should not be codified by the Rules of Procedure (we think it is practically impossible to do so), but good customs should be developed. If there is a common understanding of what democracy and pluralism mean, some things do not have to be codified. The same applies to preventing the practice of submitting amendments in order to waste time provided for discussion. Since MPs cannot and must not be restricted in their right to submit amendments, the avoidance of such moves must depend on the development of political culture, and it is the development of that culture that will show the degree of development of democracy in Serbia.

We can conclude that even the best regulations cannot lead to positive results if there is no will to apply them correctly. The lack of that will is the biggest shortcoming of the National Assembly and this is a direction in which we should look for ways to improve the work of the Assembly, rather than in normative changes.

OPEN PARLIAMENT

The Open Parliament initiative has been monitoring the work of the National Assembly of the Republic of Serbia on a daily basis since 2012. The Open Parliament collects and publishes data on the activities of MPs, the work and results of the work of the National Assembly, and deals with the analysis of various processes from the perspective of transparency, accountability and participation. The main goal of the Open Parliament initiative is to increase the publicity of the work of the parliament, inform the citizens about the work of the parliament and establish regular communication between the citizens and their elected representatives. We base our work on the values contained in the International Declaration on the Openness of Parliaments, in the development of which the Open Parliament also participated.

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O vama se radi.