

Comments on Report on the visit of the delegation of the Conference of International Non-Governmental Organisations (CINGO) of the Council of Europe to Serbia

Having reviewed the submitted Report on the visit of the delegation of the Conference of International Non-Governmental Organisations (CINGO) of the Council of Europe (hereinafter: the "CINGO Report") to Serbia, which was conducted in the period from 8-10 September 2025, we would like to suggest the following:

The main suggestion relates to the fact that the CINGO Report, in addition to the general framework for the activities of Civil Society Organizations (CSOs), their participation in the legislative process and transparent financing of CSOs, also provides a critical overview of the situation exclusively from the perspective of CSOs. Bearing in mind that the CINGO delegation held a series of meetings with representatives of state administration bodies and independent bodies, we believe that it would be important for the CINGO Report to also contain the views of state authorities regarding certain issues that were addressed.

The section **Legal Framework for the activities of Non-Governmental Organizations** states what is considered to be a Non-Governmental Organization (NGO) according to the Law on Associations and the Law on Endowments and Foundations. We note that the aforementioned laws do not provide definitions of NGOs, since the established term "Civil Society Organizations" is set by the Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the period from 2022 to 2030, which includes associations, endowments, and foundations.

The section **Legal Framework for Citizen Participation in the Legislative Process** lists only two regulations that regulate the issue of participation in the legislative process, namely the Law on State Administration and the Rules of Procedure of the Government. We emphasize the possibility of participation in the legislative process, as well as possible participation mechanisms regulated by a series of regulations, namely:

- Law on the Planning System of the Republic of Serbia ("Official Gazette of the Republic of Serbia", No. 30/18), with accompanying by-laws (Regulation on the Methodology of Public Policy Development ("Official Gazette of the Republic of Serbia", No. 20/2025, 27/2026, 30/2026) and the Regulation on the Regulatory Impact Assessment ("Official Gazette of the Republic of Serbia", No. 20/2025, 27/2026, 30/2026),
- Law on State Administration ("Official Gazette of the Republic of Serbia", No. 79/2005, 101/2007, 95/2010, 99/2014, 47/2018 and 30/2018 – other law) and the Rulebook on Good Practice Guidelines for Exercising Public Participation in the Drafting of Laws and Other Regulations and Acts ("Official Gazette of the Republic of Serbia", No. 51/19),
- Law on Local Self-Government ("Official Gazette of the Republic of Serbia", No. 129/2007, 83/2014 – other law, 101/2016 – other law, 47/2018 and 111/2021 – other law),
- Government's Conclusion on the Adoption of Guidelines for the inclusion of Civil Society Organizations in the regulation adoption process ("Official Gazette of the

- Republic of Serbia", No. 90/2014),
- Government Conclusion on the adoption of the Guidelines for the inclusion of Civil Society Organizations in Working Groups for drafting public policy documents and drafts, i.e. proposals of regulations ("Official Gazette of the Republic of Serbia", No. 8/2020 and 107/2021).

The CINGO Report further states that the by-laws of the Law on the Planning System are "a non-binding instrument prepared to mandate the use of the unified IT platform eConsultations", further stating that the other above-mentioned acts are also "non-binding instruments". We would like to note that legal acts adopted by the Government of the Republic of Serbia represent binding regulations whose implementation is imperative for all public administration bodies.

Page 8 of the CINGO Report states the membership of the Republic of Serbia in the multilateral initiative Open Government Partnership. The CINGO Report states that the mid-term self-assessment report from December 2024 highlighted that five commitments would be implemented by the end of the fourth quarter of 2025, "but that there is no evidence that any one of them had been fully implemented."

In order to monitor the implementation of the current Action Plan, the competent authority, in cooperation with the Special Inter-Ministerial Working Group for the Development and Monitoring of the Implementation of the Fifth Action Plan for the Implementation of the Open Government Partnership Initiative in the Republic of Serbia, had prepared and published the Self-Assessment Report for the period 2023-2025 on the implementation of the Action Plan for the Implementation of the Open Government Partnership Initiative in the Republic of Serbia for the period 2023-2027, which contains an overview of the results achieved during the first two years of implementation. According to the aforementioned Report, five commitments have been fully implemented, and a particularly significant result is reflected in the fact that among them are two commitments that the Independent Reporting Mechanism has recognized as "promising commitments", i.e. as commitments with special reform potential - Commitment 1. Electronic People's Initiative and Commitment 8. Open "green" data for more accessible information about the state of the environment in the Republic of Serbia.

Regarding the allegations made in the second paragraph, on page 9 of the CINGO Report, that CSOs were included in the Working Group or consultations in the process of creating the Action Plan "without their contribution significantly shaping the outcome". We emphasize that the process of developing the aforementioned Action Plan was created through a broad consultative process in accordance with the standards of the Open Government Partnership, which is described and presented in detail in the text of the Action Plan itself. The Working Group for the drafting of this Action Plan included a larger number of CSO representatives in the Working Group compared to their representation in the drafting of the previous Action Plan (from 9 to 14), resulting in the largest number of CSOs whose representatives were part of the Working Group during one OGP cycle. The Working Group remained open to the participation of all interested organizations during the entire period of drafting of the Action Plan, and thus the representatives of CSOs, who submitted proposals for commitments during the consultation process, were subsequently included in the work of the Working Group. In general, during the process of drafting the Action Plan, the proposals of commitments were discussed in detail at

the meetings of the Working Group in both full and narrower compositions, as well as with the relevant public administration bodies (PABs) under whose jurisdiction are the proposed commitments. A certain number of proposals of CSOs were included in the Action Plan in their original form, a number were modified in cooperation between the proposers and the competent authority, while in case of certain proposals it was concluded, by providing an explanation, that they could not be implemented under this Action Plan. More details about the process, as well as minutes from the meetings, are available at the following link: <https://ekonsultacije.gov.rs/ogpPage/1>

In the CINGO Report, within the same Chapter, in the section that mentions the formation of the Council for Creating an Enabling Environment for the Development of Civil Society and the adoption of the Strategy for Creating an Enabling Environment for the Development of Civil Society in the Republic of Serbia for the Period from 2022 to 2030 and the related Action Plans for its implementation, it is stated that "the Council is the body responsible for the implementation of the Strategy and related Action Plans." We note that in accordance with the adopted Action Plans, the competent PABs are responsible for the implementation of individual activities envisaged by the Action Plan, while the Council, according to the Decision on the Establishment of the Council for Creating an Enabling Environment for the Development of Civil Society, is the body that monitors its implementation.

The CINGO Report also states that the second Action Plan for the implementation of the aforementioned Strategy was adopted in January 2025, and that it contains the same objectives, activities and indicators as the previous one. We emphasize that in accordance with the Law on the Planning System, indicators and objectives set by the Strategy during the implementation period of the Strategy may only be changed if the Strategy is revised. According to the aforementioned law, the Action Plan is revised as necessary, in accordance with the results of implementation monitoring and the results of the *ex-post* analysis of the effects of the public policy document. Also, the Report on the implementation of the Strategy, which is the basis for the revision of the document, is prepared following the expiration of every third calendar year from the date of adoption of the Strategy; therefore, in the observed period, changes to the objectives and indicators were not possible.

The CINGO Report states that "a positive legal framework for citizen participation does not require mandatory public consultations." We would like to emphasize that the above-mentioned legal framework, and in particular Article 77 of the Law on State Administration and Article 41 of the Rules of Procedure of the Government, recognize a public hearing as the final stage of the consultation process with the interested public in the procedure for adopting draft laws or public policy documents. The same Article stipulates that the proposer is obliged to conduct a public hearing when drafting a law which significantly changes the regulation of an issue or which regulates an issue that is of particular interest to the public, and that public hearing is also conducted in the process of drafting public policy documents, as well as in the drafting of regulations and decisions. Article 41b regulates in detail the procedure and deadlines for conducting a public hearing.

The key mechanism for including CSOs in the legislative process are Public Calls for participation in the work of Working Groups for the drafting of public policy and regulatory documents and in other working and advisory bodies, which are implemented by the Ministry for Human and Minority Rights and Social Dialogue in cooperation with the competent

authorities proposing regulations who decide to include CSOs in the Working Groups.

During 2025, eight Public Calls were conducted. Within the framework of the aforementioned Public Calls, a total of 28 CSOs were requested to submit their proposals for the inclusion in Working Groups. It is important to note that the Commissions, which conducted the process of selection of CSOs that applied under Public Calls, proposed 32 CSOs, i.e. 14.3% more CSOs than the number of organizations requested through Public Calls, which is a testament to the openness of the administration to greater inclusion of CSOs in the work of working bodies.

In addition to involving CSOs through Public Calls, state administration bodies include organizations into Working Groups through direct invitations. Based on the data provided, in 2025, a total of 164 CSOs were included in the work of the Working Groups through a direct invitation. Considering that some CSOs are participants in multiple Working Groups, we can speak of a total of 116 CSOs which are directly involved in the work of the Working Groups.

Additionally, PABs have included 159 CSOs in 48 temporary working bodies that operated during 2025. Bearing in mind that some CSOs are active within multiple working bodies, the absolute number of CSOs involved is 100.

In the Chapter on **Transparent Financing of CSOs**, CINGO Report states the insufficient transparency of the process of financing CSOs from budgetary funds.

We emphasize that in accordance with the Regulation on Funds for Incentive Programmes or a Missing Part of Funding for Programmes of Public Interest implemented by Associations ("Official Gazette of the Republic of Serbia", No. 16/2018), all PABs at all three levels of government are obliged to submit data on planned public competitions intended for financial support to projects and programmes of CSOs during one calendar year to the Ministry for Human and Minority Rights and Social Dialogue, while the Ministry is responsible for collecting and publishing such data.

To this end, the Ministry has developed and published the Public Competitions Calendar software application, which contains information on the Annual Plans for Public Competitions in respect of bodies at all three levels of government, as well as unified monitoring of the plan and implementation of public competitions intended to support CSOs. This ensures the availability of data on the scope and purpose of budget support to CSOs for the implementation of activities of public importance.

The Chapter **Perspective of the Civil Society – A Critical Perspective** states the position expressed regarding the MONEYVAL Evaluation Report from 2016 in respect of the consultation process. We would like to recall that the 2025 MONEYVAL Evaluation Report is available. The Mutual Evaluation Report of Serbia under the fifth MONEYVAL evaluation round in 2025 had highlighted that Serbia has taken positive steps towards understanding the risks of misuse of the NPO sector for terrorist financing purposes, improving governance and transparency, and establishing outreach and monitoring programmes. The state has developed an initial understanding of the risks of terrorist financing in the NPO sector, with measures aimed at strengthening governance and transparency, as well as introducing outreach and monitoring activities. NPOs are subject to a risk assessment of misuse for terrorist financing purposes, although the existing risk weighting could be further improved. The outreach activities have been implemented, but their further development is needed to make them more systematic and targeted. The overall rating is much better than in previous reports.