



National Assembly of the Republic of Serbia

## The Oversight Function of the National Assembly



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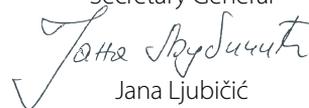
## A Word from the Secretary General

The fact that the position of the National Assembly within the system of government, its competencies, as well as the implementation of the oversight function were reflected only in the normative form and, to an extent, in professional literature, made the control mechanisms and processes of the National Assembly less accessible and understandable to the average reader, and/or visitor to the National Assembly.

Having the above in mind, the assessment was made that these questions regarding the position and operation of the National Assembly should be made more accessible through the brochure "National Assembly in the Process of Implementing the Oversight Function" that would show, in a simple way, the contents and methods of achieving the oversight function of the National Assembly.

We hereby note the considerable professional and material assistance provided in creating this brochure by the Westminster Foundation for Democracy and the National Democratic Institute, and we thank them for this.

Secretary General

  
Jana Ljubičić



The National Assembly, as the holder of legislative power and as part of implementing its competencies, undertakes the function of oversight over the work of the Government. By implementing this function, it is in a unique position to examine the responsibility of holders of executive power, as well as the way they manage policies and spend funds.

This simple brochure lists the mechanisms and institutes available to the National Assembly and its committees in implementing the oversight function, aiming to achieve the interests and rights of citizens and elevate the process of adopting laws to a higher, democratic level.

Authorization for interpellation and no confidence votes to the Government or a member of the Government, as key oversight processes, are rarely used. These processes may be considered as reserve authorizations, rather than means to make ministers, and/or the Government, accept responsibility for implementing policies, and, having that capacity, be open to criticism by the public. Contrary to this, the National Assembly has a number of mechanisms and processes that enable it to implement the oversight function, without obstacles or interruption, whilst creating more room for improving the quality of legislation.

# Introduction



Parliamentary questions are an efficient and one of the most frequently used processes; members of parliament ask the government or certain ministries over two hundred questions a year.

The Government provides answers to all questions in written or oral form, within the envisaged deadlines. Likewise, members of parliament ask for over three hundred notifications and explanations annually, among others, from ministers and officials in other state bodies and organizations who in turn submit their responses in writing.

One of the efficient processes of oversight is also the deliberation of the submitted reports on the work of the Government. Likewise, competent ministries submit quarterly information on their work to the National Assembly committees, with the relevant minister present for the committee sessions.

Finally, the process of public hearings implemented by the National Assembly committees has been normatively consistently regulated in recent years, impacting their wide use and considerably contributing to understanding and improving the situation in certain social areas. National Assembly committees hold an average of over twenty public hearings per year, related to diverse areas of social life (healthcare, education, culture, social protection, human rights, environmental protection, etc.)

# 1. Implementation of the oversight function of the National Assembly – why is it important?

**The fundamental values of our society, as a democratic system, are based on respect for human and minority rights and freedoms of all citizens, and the principles of division of power and rule of law.**

The National Assembly is the highest representative body and the holder of constitutional and legislative power, entrusted with the representative, legislative, elective and oversight functions. Its primary competence is to pass laws addressing the needs of society amid the quickly and constantly changing social conditions. Within our political and constitutional system, the National Assembly is an effective institution, providing for citizens' influence on the creation of policies and monitoring the effectiveness of their implementation.

The responsibility of all members of parliament also lies in the consistent performance of parliamentary oversight over institutions and organisations responsible to the National Assembly for their work. Parliamentary oversight provides the framework of the very idea of civil democratic governance, of essential importance for implementing the "Good Governance" model of reliability, accountability and transparency of the work of all institutions of public administration, i.e. the

State. Civil democratic governance rests on the principle of respect for public good and public interest, as well as the accountability of officials and civil servants for what has been done.

The result of the consistent realisation of the oversight function of the National Assembly ought to provide clear guidelines to the executive powers for increasing the efficiency and improving the quality of services offered to citizens. This primarily means providing institutional support in combating corruption, the opportunity for citizens to openly question what is happening within the political process on a larger scale and lead to the creation of codes of ethics to be applied in the public sector. Complete commitment of the legislative and the executive power, including all of their bodies and institutions, is unquestionably needed for the oversight function to be realised and their competences fulfilled. The same commitment is required from independent state institutions, organizations and bodies, citizen associations, expert organisations, the media and the public in the widest sense, including each individual citizen.

## **For Those Who Want To Learn More**

The competences of the National Assembly are regulated by the Constitution of the Republic of Serbia (Articles 98 and 99), whereas the functions of the National Assembly are regulated by the Law on the National Assembly (Articles 7, 15, 27, 40, 41, 53 and 56).

## 2. Ways in which the National Assembly is Implementing Oversight: Existing Mechanisms and Processes

The National Assembly of the Republic of Serbia utilizes a number of mechanisms and processes in implementing its control function and oversight over the work of the executive branch, as envisaged by the Constitution of the Republic of Serbia, the Law on the National Assembly and the Rules of Procedure of the National Assembly.

### Interpellations relating to the work of the Government or a Government member

Interpellation can be submitted by a minimum of 50 MPs, in writing, to the Speaker of the National Assembly. Interpellation may contain a clearly and briefly formulated question to be considered, an explanation, the name of the interpellation submitter, as well as signatures of all members of parliament who submitted it. The Government must reply to an interpellation within 30 days from receiving it, with the answer placed on the agenda for the first subsequent National Assembly session. Should it not accept the Government's reply, the National Assembly will then take a vote of no confidence in the Government or a Government member.

### Motion for no confidence vote in the Government or a Government member

The no confidence vote represents the harshest sanction the National Assembly may issue against the Government. This is the "zero option", since a successful no confidence vote against the Government or a Government member would unavoidably mean their resignation. A minimum of 60 members of parliament are required to submit an elaborated motion and request a vote of no confidence against the Government or a Government member. The National Assembly must debate on the motion during the first upcoming sitting, and the vote of no confidence

shall pass if the motion is voted for by the majority of the total number of MPs.

### Notifications and explanations

An MP has the right to ask the Speaker of the National Assembly, the Committee Chairperson, ministers and officials from other state institutions and organisations for information and explanation about the rights and duties of all officials within the institutions and organisations they are in charge of. Officials who have been asked by an MP for notifications or explanations must deliver them in writing to the MP within 15 days. Exceptionally, the head or authorised representatives of parliamentary groups may exercise this right even at a sitting of the National Assembly, verbally in a single address lasting up to five minutes on Tuesdays and Thursdays, immediately upon the opening of the National Assembly session on the day.

### Government reporting to the National Assembly on its work

The Government shall submit a report to the National Assembly on its work at least once per year, especially regarding policy implementation, application of laws and other general acts, implementation of development and special plans as well as the State Budget. The Government shall also submit such reports at the request of the National Assembly, or on its own initiative.

### Reviewing reports by state institutions, organisations and bodies

National Assembly committees shall consider reports submitted to the National Assembly by state institutions, organisations and bodies. Upon consideration in a committee session, the competent committee shall submit to the National Assembly

a report with the proposed conclusion or recommendations with measures to improve the situation in these areas. The National Assembly shall consider these reports by the competent committees, and immediately upon the completion of the discussion shall adopt conclusions or recommendations.

### Parliamentary questions

Members of parliament are entitled to pose parliamentary questions within their competence to the Government or an individual Minister. Questions need to be clearly formulated, and may be posed in writing or verbally. The Government is obliged to provide an answer to the question, verbally in session, and in writing within eight, or at the latest 30 days.

### Parliamentary questions relating to a topical subject

The Speaker of the National Assembly, acting on a proposal of a parliamentary group, shall appoint, at least once a month, a day when individual Ministers shall reply to parliamentary questions relating to a topical subject. Responding to these questions may take a maximum of three hours, with direct television broadcasting, with every Member of Parliament or parliamentary group entitled to ask questions, in accordance with a determined order.

### Forming Inquiry Committees and Commissions

Inquiry committees and commissions are temporary working bodies established by the National Assembly with a given goal. The National Assembly may decide to establish them to review the situation in a certain area and establish facts on certain items and events. An Inquiry Committee is composed of MPs, while a Commission is composed of MPs, representatives of institutions and organisations, scientists and experts. The Inquiry Committee or the Commission can demand data, documents and information from state institutions and organisations and take statements from individuals. Upon completing work, they report to the National Assembly on their findings and disband after the National Assembly adopts the decision on the report. Despite their authoriza-

tions and scope, it is important to note that these parliamentary bodies may not perform investigative and other judicial actions.

### Ministries informing Committees on their work

Every Minister must report on the work of its ministry to the competent committee of the National Assembly once every three months. Ministers may be asked to appear before committees to be asked about their reports. Thereafter, the committee will pass conclusions, on which it will then report to the National Assembly. Likewise, in the performance of activities within its scope of work, a committee may request from a Ministry, or other state institutions, data and information of importance for the committee's work.

### Public hearings

Committees may organise public hearings for the purpose of monitoring the implementation and application of legislation, i.e. the realisation of the oversight function of the National Assembly. This process represents a unique way for all stakeholders to be included in a discussion on the subject matter issue. Every committee member may submit a proposal to the Committee to organise a public hearing. The proposal contains the topic of the public hearing and a list of persons invited, with the decision to hold a public hearing adopted by the committee itself. After the public hearing, the committee Chairperson shall draft a memo and communicate it to the Speaker of the National Assembly, the committee members, and to the participants in the public hearing.

### Adoption and oversight of the budget execution, as well as the final balance sheet of the budget of the Republic of Serbia

Prior to discussions held at the National Assembly sitting, proposals for the budget of the Republic of Serbia may be considered by its committees, who thereafter notify the competent committee of their opinions. The committee holding competence over the budget submits a report to the National Assembly, containing opinions and proposals, with possible amendments. During the procedure of oversight over the implementation of the state budget, in addition to its implemen-

tation, the committee also considers the implementation of additional financial plans and the report of the State Audit Institution regarding the aspects of legality, effectiveness and efficiency in public spending.

The oversight over the budget execution undertaken by the National Assembly is of key importance both from the aspect of the National Assembly implementing its competences, as well as the population utilizing the budget funds and the citizens providing the funds for the budget.

### Supervision of the security sector

The National Assembly conducts oversight over the work of the security services through its committees holding competence over issues related to national security. Sitzings of the committee holding competence over national security issues may be closed to the public, while decisions to inform the public about the sitting are made by the competent Committee.



#### For Those Who Want To Learn More

Constitution of the Republic of Serbia (Articles 129 and 130).

Law on the National Assembly (Articles 41, 56 and 58).

Rules of Procedure of the National Assembly (Articles 68, 74, 76, 83, 84, 204—208, 209—216, 220—227, 228, 229, 237—241 and 287).

### 3. The National Assembly, its working bodies, state institutions, organizations and bodies implementing the oversight function – who contributes to the implementation of the oversight function of the National Assembly?

The Constitution of the Republic of Serbia and relevant laws establish the state institutions, organization and bodies entrusted with oversight over the work of the executive authorities, or individual tasks within the domain of executive power they are entrusted to undertake. These state bodies and organizations are mostly separate from the Government, as independent state bodies. They complete their work autonomously, pursuant to laws regulating their founding and scope, and account only to the National Assembly. The National Assembly is informed on their work through reports submitted at least once per year to the National Assembly for deliberation. These reports enable the National Assembly to get acquainted with their work and the work of public administration bodies, as well as with omissions perceived, with recommendations for corrections. The reports also contain an assessment of the implementation of laws and other regulations, as well as suggestions for amendments to laws and other regulations in force that may be required due to certain reasons. Some of these bodies are authorized by law to propose legislation within their competence or provide opinions on draft legislation.

In addition to independent state institutions, organization and bodies, the law also establishes other institutions organizationally linked to the competent ministry or Government, but pursuant to the law they are also required to inform the National Assembly at least once per year, independently or through the Government, on their work and the situation within the area of their competence.

Independent state institutions, organizations and bodies accountable solely to the National Assembly, along with other institutions and organizations founded by law, who report to the National Assembly in addition to the Government and the competent ministry, are founded in areas of particular importance for state security, public finance and the utilization of significant state resources (energy, natural resources, radio broadcasting and telecommunications), as well as aiming to consistently implement the constitutional principles guaranteeing the protection of human and minority rights to citizens and prohibiting all forms of discrimination, guaranteeing legal persons with the freedom of entrepreneurship, equal legal standing on the market and free competition.

In accordance with the Constitution of the Republic of Serbia, the independent, i.e. autonomous state bodies accountable for their work to the National Assembly and submitting annual reports on their work are: National Bank of Serbia, State Audit Institution, Protector of Citizens, High Judicial Council, Republic Public Prosecutor and the State Prosecutorial Council.

Other state institutions, organizations and bodies, founded by laws of the National



Assembly, obliged to report on their work to the National Assembly, are: the Commissioner for Information of Public Importance and Personal Data Protection, Commissioner for the Protection of Equality, Fiscal Council, Securities Commission, Fund for the Development of Serbia (through the Government), Council of the Republic Broadcasting Agency, Broadcasting Institution of Serbia, Broadcasting Institution of Vojvodina, Management Board of the Republic Telecommunications Agency, Commission for the Protection of Competition, Public Procurement Directorate, Republic Commission

for the Protection of Rights in Public Procurement Procedures, National Council of Education, Professional and Adult Education Council, Healthcare Association of Serbia, Commission for the Control of the Enforcement of Penal Sanctions, Security Information Agency, Military Security Agency and the Military Intelligence Agency, Council of the Energy Agency of Serbia, Agency for Environmental Protection (through the Government), Republic Postal Service Agency and the Deposit Insurance Agency.

### **For Those Who Want To Learn More**

Constitution of the Republic of Serbia (Articles 95, 96, 138, 153, 158, 160 and 164).

Laws: Law on the Free Access to Information of Public Importance, Law on the Protection of Personal Data, Law on the Protector of Citizens, Law on the State Audit Institution, Law on the Prohibition of Discrimination, Anti-Corruption Law, Law on the Budget System, Law on Capital Market, Law on the National Bank of Serbia, Law on the Development Fund, Broadcasting Law, Law on Electronic Communications, Law on the Protection of Competition, Law on Public Procurement, Law on the Fundamentals of the Educational System, Law on Healthcare Protection, Law on the Enforcement of Penal Sanctions, Energy Law, Law on Environmental Protection, Law on Postal Services, Law on the Deposit Insurance Agency, Law on the High Judicial Council and the Law on the Fundamentals of the Organization of Security Services.

Rules of Procedure of the National Assembly (Articles 200—203, 230—233 and 237—241).

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