University of Perugia
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ANTI-CORRUPTION MODELS AND EXPERIENCES

THE CASE OF THE WESTERN BALKANS

HANDBOOK
APRIL 2022

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1. INTRODUCTION

THIS PUBLICATION IS A RESULT OF THE PROJECT **"APTA-MOD, ADMINISTRATIVE PREVENTION THROUGH TARGETED ANTI-CORRUPTION MODELS FOR CANDIDATES COUNTRIES"**, ORGANIZED BY THE DEPARTMENT OF POLITICAL SCIENCES OF THE UNIVERSITY OF PERUGIA (IT) BETWEEN JANUARY 2020 AND APRIL 2022.

OVER THE SPAN OF JUST TWO YEARS, THE APTA-MOD PROJECT HAS CONDUCTED COMPARATIVE LAW STUDIES AND HIGH-PROFILE RESEARCH ACTIVITIES IN THE FIELD OF ADMINISTRATIVE PREVENTION OF CORRUPTION, WITH A SPECIFIC FOCUS ON ALBANIA, MONTENEGRO, NORTH MACEDONIA AND SERBIA. THE ACTIVITIES HAVE BEEN CONDUCTED BY THE ACADEMIC TEAM OF THE UNIVERSITY OF PERUGIA, WITH THE PRECIOUS COLLABORATION OF ON-SITE EXPERTS (MIRJON BRAHIMLLARI, GORAN IVIĆ, ARMELA MAXHELAKU, KATARINA NIKOLIĆ, NATAŠHA SARDŽOSKA, ROZETA TRAJAN). INTERNATIONAL ROUND TABLES AND FINAL CONFERENCE WERE HELD IN THE FRAMEWORK OF THE PROJECT AND INVOLVED INSTITUTIONAL ACTORS AND CIVIL SOCIETY STAKEHOLDERS FROM THE INTERESTED COUNTRIES, RELATIONSHIPS THE UNIVERSITY IS BUILDING UPON FOR FURTHER FUTURE ACTIVITIES IN THE FIELD OF THE ADMINISTRATIVE PREVENTION OF CORRUPTION.

THE PRESENT HANDBOOK COLLECTS SHORT CONTRIBUTIONS THAT, WITH A JURIDICAL AND INTERDISCIPLINARY SLANT, FROM DIFFERENT ANGLES, ADDRESS THE PHENOMENON OF ANTI-CORRUPTION IN THE CONTEXT OF THE WESTERN BALKANS, IN PARTICULAR HIGHLIGHTING SPECIFIC SOLUTIONS AND CONCRETE STEPS TO TACKLE CORRUPTION.

ANTI-CORRUPTION IS NOT AN ISSUE THAT CONCERNS ONLY THE JUDICIARY, THE LEGAL SYSTEM AND POLICE AUTHORITIES, BUT IT IS, ABOVE ALL, A CHALLENGE FOR SOCIETY AND INSTITUTIONS AS A WHOLE. AND IT IS A CHALLENGE TO BE TRANSFORMED, IN PARTICULAR, INTO A CHANGE IN ADMINISTRATIONS AND INSTITUTIONS, IN THEIR WAY OF ORGANIZING AND FUNCTIONING.

THE ACADEMIC PUBLICATION ON THE SAME TOPIC, *ANTI-CORRUPTION MODELS AND EXPERIENCES, THE CASE OF THE WESTERN BALKANS,* EDITED BY ENRICO CARLONI, DILETTA PAOLETTI (FRANCO ANGELI, 2022) IS DOWNLOADABLE FROM HTTPS://WWW.MONTESCA.EU/APTA-MOD/.

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2. THE RULE OF LAW

WHAT DOES THE RULE OF LAW IN EUROPE MEAN?

The Rule of law principle, understood as a system of rules that inspire and limit the exercise of public power, represents today in Europe one of the founding values of the Union (art. 2.1. TEU), common to the Member States (art. 2.2. TEU).
In the European Union, the rule of law principle is developed in a plurality of action plans: in relations between the EU and the recipients of Union acts; in relations between the EU and the Member States and between the EU and the States requesting access to the Union; and, finally, in international relations with states outside the EU and with international organizations. The TEU, to guarantee this principle, has provided, among other things, that any violation involves the initiation of control and sanctioning procedures (Article 7 of the TEU); which is one of those principles that must guide the Union's external actions (Article 21 TEU); and finally that compliance with this principle is a prerequisite for States requesting access to the Union (art. 49 TEU). Also the Charter of fundamental rights of European Union refers to this principle in the preamble "Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice".

THE ROLE OF THE VENICE COMMISSION

It is necessary to rework the Rule of Law into more specific parameters, transforming it into a set of concrete, understandable and directly applicable principles in all member states.
In Europe, a fundamental role in this regard is played by the Venice Commission, a consultative body of the Council of Europe on constitutional matters, which provides assistance to member states in adapting national legal systems to the principle of the Rule of Law.
The role of the Venice Commission is part of the action conducted by the Council of Europe to ensure compliance with the Rule of Law.
The rule of law principle is identified, together with Democracy and Human Rights, as one of the three fundamental values of the Council of Europe.
In its Report on the Rule of Law, the Venice Commission highlights how, unlike the other two pillars, the rule of law has been dealt in a marginal and generic way.
In recent years there has been an attack on the constitutional principles that make up the rule of law in Europe and several states have shown a tendency towards authoritarian and illiberal methods.
As a result, the Council of Europe has resumed thinking about the rule of law concept in order to provide adequate support to Member States in line with the constitutional standards; and the Venice Commission was set up for this purpose.
The Venice Commission has a particularly important, concrete and directly operating role in the legal systems of individual states: this institution, with the usual cooperative spirit and with the authority that derives from the technical expertise of its members, has produced valuable documents and guidelines for the verification of the rule of law in the systems affiliated to it in support of the action of all the institutions, national and European, involved.

THE ENLARGEMENT PROCESS AND RULE OF LAW IN EASTERN EUROPEAN COUNTRIES

The principle of the Rule of Law is enshrined in article 2 of the Treaty on the European Union (TEU) together with other fundamental values of the Union.

It is also laid down in article 49 of the TEU as a paramount condition to be respected by a candidate State, that to become a member of the EU must respect "the values referred to in Article 2 and be committed to promoting them".

The European Commission has the task of monitoring and assessing how a Candidate Country for accession complies with the Role of Law principle within its legal order and government duties.

To perform these functions the European Commission has set out some key elements to evaluate the level of conformity to the principle by Candidate countries. In this regard four main aspects are taken into account:

1. Justice system, that should be effective, in particular, it has to be capable to manage justice and assure its main attributes (trials conducted in a reasonable time, fair treatment of the contendents, general access to justice, etc.) in an independent and autonomous way.

2. Anti-corruption framework, which requires the presence of an effective legal anti-corruption framework, to be measured mostly through the public perception of the fairness of the juridical and administrative public systems created to prevent corruption. Another key element is the capability to conduct fair and independent criminal investigations for cases of corruption, guaranteeing adequate sanctions.

3. Media pluralism, to be weighed up by looking to the presence of an independent media framework system, where the availability of independent resources, a fair mechanism of appointment of the boards, as well as transparency of media ownership are assured to all the actors involved.

4. Institutional checks and balances, such as: the active role of a Supreme or Constitutional court; the presence of effective procedures to strengthen institutional checks and balances (mechanisms of constitutional review open to citizens, exceptional recourse to emergency legislation by the executive; meaningful consultations especially with stakeholders and experts, etc.).

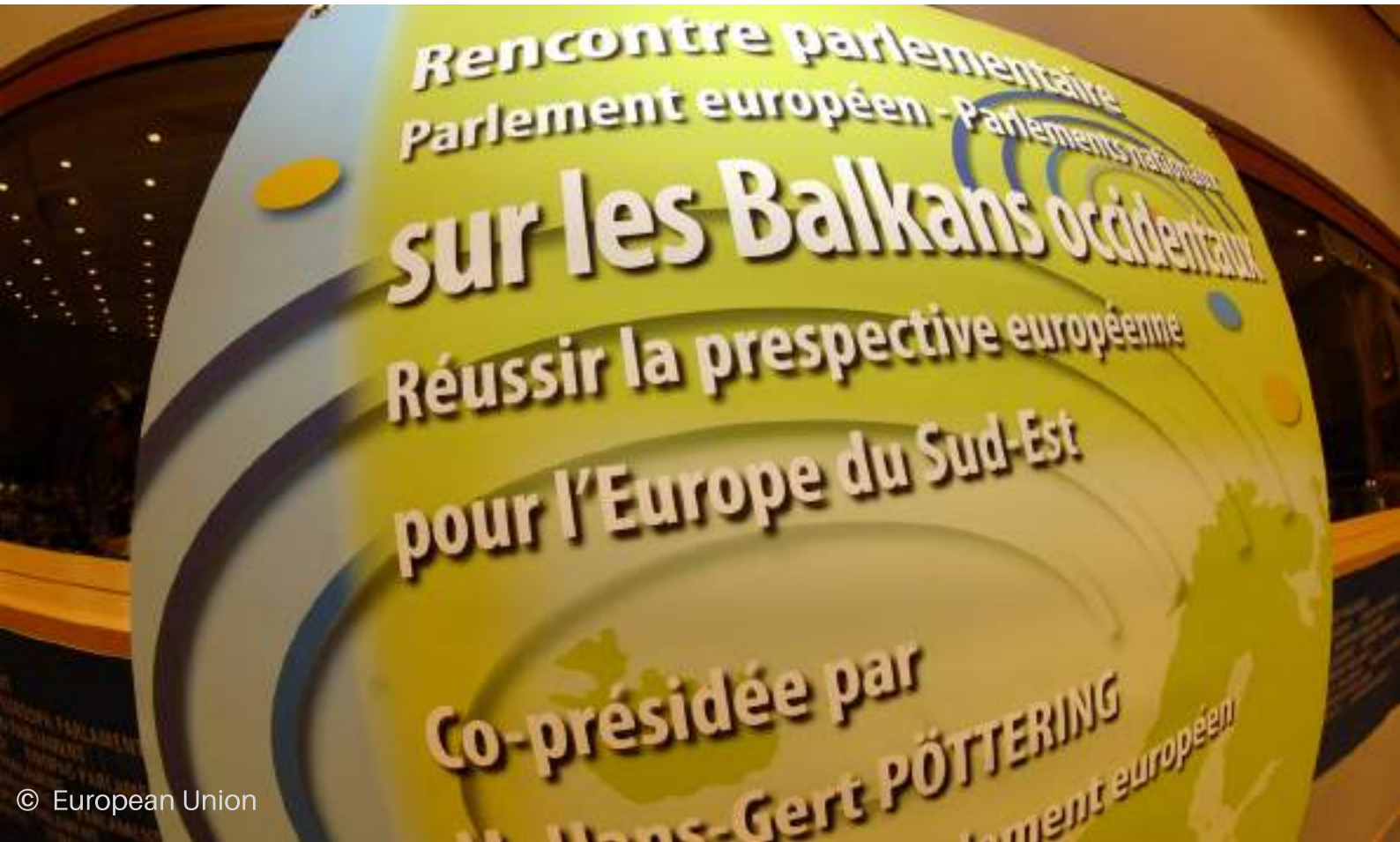
Considering the level of compliance assessed by the Commission regarding the Eastern European Countries participating in the accession process, the main reasons of concern are:

• Albania. It seems moderately prepared in implementing EU acquis and European standards on respecting the principle of the Rule of Law; amongst the problems that still affect the country are an unsatisfactory action against corruption; a weak judicial system as well as a poor legal education system.

• Montenegro. The country must in particular: ensure better the effective independence and professionalism of the judiciary; implement the relevant constitutional and legal framework, and review the disciplinary and ethical framework for judges and prosecutors.

• North Macedonia. More progress is required with respect to the implementation of the judicial reform strategy, including a new law on civil procedure; new recruitments in the judiciary and public prosecution network; improvement of the automated court case management information system.

• Serbia. The main elements of concern are: the current legal framework does not provide sufficient guarantees against political pressure over the judiciary; regarding corruption, the situation is not positive; the introduction of new and fair procedures for the appointment, career management and disciplinary proceedings of judges and prosecutors are necessary.



3. MEASURING CORRUPTION

THE STATE OF THE ART:

ALBANIA

Albania has an electronic procurement system managed by the Public Procurement Agency, used for electronically processing procedures related to public procurement and concessions. Contracting bodies must use the system for all transactions above 100,000 ALL. Moreover, as regards very low-value procedures, procurement law requires publication in the portal of related information. Moreover, in this country we have the "open procurement Albania" project, which collects open data on tender procedures published in the country, starting from July 2015.

MONTENEGRO

Since January 2021, the country has had a new e-procurement system, which includes the publication of procurement plans, tender documents, the public opening of tenders and tender submission. As underlined by OECD, despite the overall satisfaction of contracting authorities and economic operators with this new system, improvements should be undertaken in order to increase its efficiency.

NORTH MACEDONIA

Differently from the other countries involved in the project, North Macedonia's public procurement data flow into TED as regards the above-threshold procedures. Furthermore, an advanced electronic system for public procurement is implemented in the country, where contracting bodies must publish, among others, notices and tender documents.

SERBIA

Since July 2020, Serbia has an advanced electronic public procurement portal, which allows for the e-submission of tenders and access to monitoring and data collection on award procedures. The portal is managed by the Public Procurement Office and is employed for the announcement of all notices and for the communication between contracting bodies and economic operators. Moreover, the information contained in the portal is freely available to the public and can be downloaded in spreadsheet format. However, data on contract management and execution are not included in the system.

POLICY RECOMMENDATIONS

The following policy recommendations are common to all member States involved in the Apta-Mod project, given their substantially common current condition in terms of public procurement data.

Public procurement databases are databases of national interest. They form the backbone of the public information assets. As such, they should be reliable databases, homogeneous in type and content, relevant for the institutional functions of public administrations and for analysis purposes.

Public procurement data should be open and FAIR, that is, Findable, Accessible, Interoperable, Reusable. At this regard, the European Commission (European Commission - Directorate-General for Research & Innovation, 2016) published a document called Guidelines on FAIR Data Management in Horizon 2020, which is, a set of guiding principles to make data Findable, Accessible, Interoperable and Reusable.

Data in public procurement should be published in such a way that a data consumer can find them easily and straightforwardly.
Data in public procurement should be accessible as well. Any barriers to fully leveraging the data contained in databases of public interest should be removed to support enhanced data access and empower anyone, in any role, to rely on data to derive critical insights and make informed decisions.
Data interoperability implies the possibility for two or more data systems to communicate with each other through the use of a common vocabulary. Indeed, to achieve interoperability in public data, data need to be standardized and expressed in a common vocabulary. Such a need crashes with the current technological fragmentation experienced by many member States. Most existing public databases today have been designed and built distinctively and without the support of a general common overview. Over time, this has produced the fragmentation of the public administration information assets into silos, that is, "containers" in which data are often replicated and stored in an inconsistent way. A common standard aims at reducing this fragmentation and is based on four principles:

1. facilitating the development of new information systems, based on a common shared model;
2. promoting the exchange of data, based on a common language;
3. enabling the integration of data from different sources;
4. standardizing data.

The need for a shared standard for public procurement data is guided by two key aims:
- building a common data description language recognized by any public organization;
- guaranteeing the semantic interoperability between different data collections, both national and international.

In this direction, the Open Contracting Data Standard (OCDS) (https://www.open-contracting.org) is an internationally accepted standard with a growing community of users in more than 30 Countries. Hence, approaches to monitoring and measuring improvements can be shared across jurisdictions. The European Commission is aligning its publication with OCDS through i. eForms, that is, the standards used to publish information about public procurement under the EU Directives) and ii. the work of its eProcurement Ontology Working Group. With respect to eForms, many of the changes that the EU recently adopted were inspired and informed by the OCDS, both directly and indirectly, whether in terms of modeling (example) or in terms of the more general increase in the use of statistical codelists and identifiers. The European Commission is also promoting OCDS implementation by member states as part of contract registers. It has given Italy and Finland funding to do so through its Connecting Europe Funding Facility.
The G7 and G20 have both endorsed open contracting principles, they are embedded into the OECD's Methodology for Assessing Procurement Systems. Open contracting is recommended as a transformational reform by the Open Government Partnership. In line with such developments, it is recommended that involved Countries align with Open Contracting Data Standard.

Finally, data in public procurement should be reusable. Data reuse is an important facet of the policy and research process that enables the verification of results, minimizes duplicate work, and builds on the work of others. The European Commission is moving determinedly towards the implementation of an open and re-usable framework in Europe: in 2012, it encouraged all European Union EU Member States to put public-funded research results in the public sphere to strengthen their knowledge-based economy, via a Recommendation (European Commission, 2012).

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4. MEDIA AND CORRUPTION

Country-specific recommendations

When discussing anti-corruption strategies, the news media is constantly brought up, since they are seen as effective tools for revealing misconduct and criticizing illicit behavior (Lindstedt and Naurin 2010; Camaj 2013; Worthy and McClean 2014), following the idea that "a free press is bad news for corruption" (Brunetti and Weder 2003). However, having rules guaranteeing press freedom is insufficient to create an effective deterrence against corruption, especially in countries that have just completed a democratic transition (Dobek-Ostrowska and Głowacki 2015) and where certain vestiges of the non-democratic past remain (Andresen, Hoxha, and Godole 2017).

The four analysed countries are young and growing democracies with fragile and unstable institutions, polarized civil society, and transnational economic pressures; as a result, their media systems are especially sensitive to political and corporate influences (Zielonka 2015). The fragility of journalistic professionalism, manifested in the inability to exercise independent control over the news production process or in the reliance of news content on "external" sources of legitimacy (political or economic), may result in partisan coverage of corruption that not only does not contribute to its reduction, but may even increase it (Tsetsura 2005; Ristow 2010; Yang 2012; Mancini et al. 2017). Finally, corruption may be covered in an instrumental way aimed at destroying the reputations of economic and political players (Ledeneva 2006; Kol'cova 2009; Gerli, Mazzoni, and Mincigrucci 2018).

Non-state actors must have the competence and flexibility to hold political actors responsible in the absence of robust horizontal accountability and efficient enforcement tools. However, throughout the fourth analysed countries, the media and civil society face direct and indirect forms of pressure, such as: physical threats and attacks, smear campaigns and defamation lawsuits, the use of government or political party advertising to finance pro-government media, on the one hand, and the use of tax inspections and unequal application of the law to intimidate media critical of the government, on the other, and the co-optation of civil society organizations to promote the interests of the government.

The media industry in all four countries is characterized by strong government control, foreign intervention, and self-censorship, undermining the media's ability to function as an independent and impartial watchdog. It is not surprising, then, that – according to Reporters Without Borders (RSF) 2021 World Press Freedom Index ranking – the countries covered in this report represent some of the worst performers for press freedom in Europe. Respectively, among the 180 countries analysed by the RSF index, Albania occupies the 83rd place, North Macedonia the 90th, Serbia the 93rd and Montenegro the 104th.

In light of this, the key recommendations for all the analysed Balkan countries are:

Albania

The intense development of communication technology has changed the structure of media system, spurred by easier access to the Internet and the advent of social media to the point that today the precise number of registered media is still not known. Beyond the public service media, the state should regulate, and where already present implement, the media outlets registration system in order to provide the precise number of registered media.

The leading media in Albania are polarized and are considered to be divided into pro-government and anti-government. There are legal obligations to ensure the independence of the media, but these provisions are formulated only as general principles. The apparent practice of political pressure has developed into a culture of self-censorship. It should be guaranteed that the media and civil society organizations are regulated in an effective and apolitical manner.

Albanian journalists have often suffered threats and violence as a result of political and criminal pressure. Foreign-funded civil society organizations that oppose the government are frequently portrayed in the media as “traitors” and “enemies of the state”. The country should investigate any allegations of threats and violence against media and civil society leaders and impose harsh penalties when they are proven to be true.

Due to the weak economy and constant liquidity problems, the state still has a significant role and influence in the media market. It continues to control the media through direct media ownership and public funding. The government has to: i) guarantee that the media and civil society organizations compete fairly and on a level playing field; ii) give funding from the state budget to non-governmental organizations through a public competition, establishing clear and objective criteria and describing how these were matched, and establishing systems for supervising the implementation of supported programs.

There are also problems such as low wages, irregular payments and unpaid overtime, irregular work and lack of social security. Added to this is the fact that trade union actions are poor and insufficient to fight exploitation by private owners and pressure from political actors. For that, it is therefore useful to strengthen the existing trade union structures and if necessary create others so as to be able to put pressure on political and private owners in order to obtain decent minimum wages for journalists and to make official statistics available on the number of journalists who have signed employment contracts or the amount of money they make. A better regularization of the journalistic profession certainly does improve the levels of professionalization in the country.

It is also important to include legal protections for journalists in the media law and to set limits to the influence of the owners on the contents of the media, both in public service and for private media. The editorial independence, even if already formally guaranteed, must be ensured in all cases.

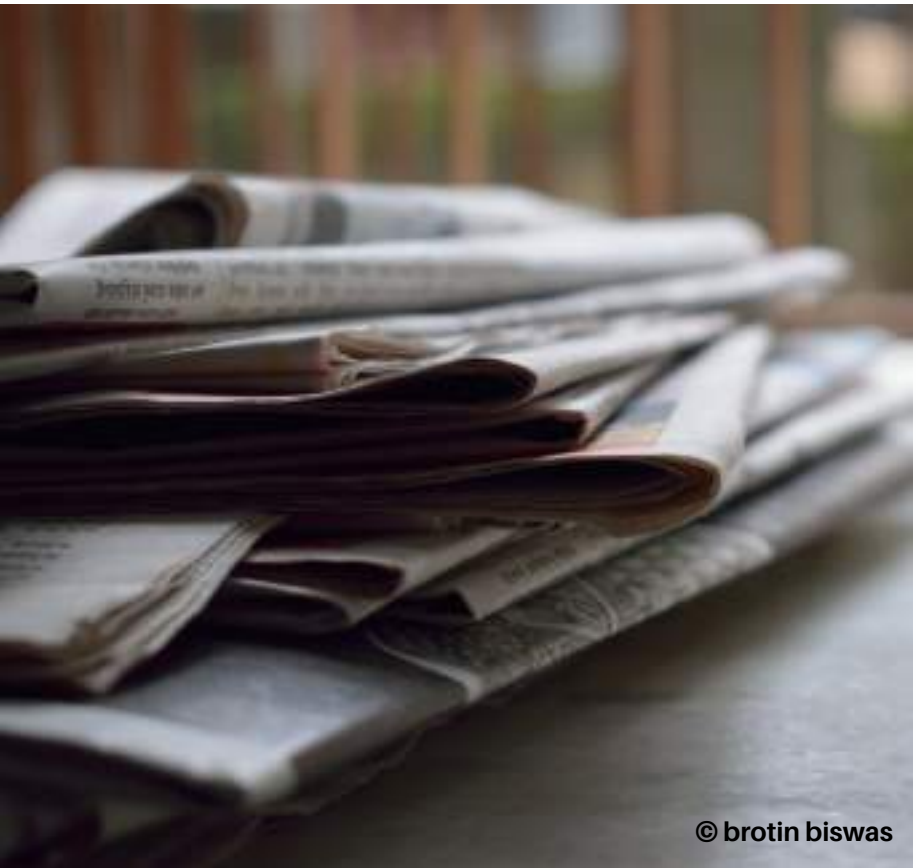
Montenegro

The strong push towards commercialization and tabloidization resulting from the intervention of foreign media companies has resulted in a decrease in journalistic professionalism. The lack of a clear separation between the worlds of politics, business and media underlies the deep dependence of journalists on many economic and political groups, which means that journalists do not have any professional identity and are frequently related to political parties or politicians. In this country, the independence of the media and individual journalists must therefore be better guaranteed through a clear separation between the worlds of politics, business and media.

Journalists who investigate corruption cases are frequently accused of jeopardizing supposed national interests and labeled as “traitors to the nation” by top-level government officials. Frequent threats and attacks on journalists help to quiet individuals who dare to probe sensitive problems and criticize the government or other powerful interest groups, thereby encouraging self-censorship. It is pivotal that the institutions investigate any allegations of threats and violence against media and civil society leaders and impose harsh penalties when they are proven to be true.

The development of communication technology and the advent of social media has changed the structure of media system in Montenegro. Beyond the public service media, the state should regulate, and where already present implement, the media outlets registration system in order to provide the precise number of registered media that at this time is still not known.

A better regularization of the journalistic profession certainly does improve the levels of professionalization in the country. So, in order to reduce low wages, irregular payments and unpaid overtime, irregular work and lack of social security, it is useful to strengthen the existing trade union structures and if necessary create others so as to be able to put pressure on political and private owners. In addition, we suggest to make official statistics available on the number of journalists who have signed employment contracts or the amount of money they make.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Due to the weak economy and constant liquidity problems, the state still has a significant role and influence in the media market. It continues to control the media through direct media ownership and public funding. The government has to guarantee that the media and civil society organizations compete fairly and on a level playing field. We recommend that the government also gives funding from the state budget to non-governmental organizations through a public competition, establishing clear and objective criteria and describing how these were matched, and establishing systems for supervising the implementation of supported programs.

North Macedonia

In recent years the structure of media system in this country has changed, and now news coverage can take three different paths: public broadcasting service (PSB), commercial media, and social media. Beyond the public service media, the state has to regulate, and where already present implement, the media outlets registration system in order to provide the precise number of registered media that at this time is still not known.

Due to the weak economy and constant liquidity problems, the state still has a significant role and influence in the media market through direct media ownership and public funding. We recommend that the government: i) guarantees that the media and civil society organizations compete fairly and on a level playing field; ii) gives funding from the state budget to non-governmental organizations through a public competition, establishing clear and objective criteria and describing how these were matched, and establishing systems for supervising the implementation of supported programs. In North Macedonia, the state maintains tight influence over the media through unrestricted government advertising. Besides, the government has to guarantee that the media and civil society organizations compete fairly and on a level playing field. It must also ensure that political advertisements are not permitted in public media services, and that they are governed by national licenses.

A better regularization of the journalistic profession certainly does improve the levels of professionalization in the country. So, in order to limit low wages, irregular payments and unpaid overtime, irregular work and lack of social security, it is necessary to strengthen the existing trade union structures and if necessary create others so as to be able to put pressure on political and private owners. In addition, it is useful to make official statistics available on the number of journalists who have signed employment contracts or the amount of money they make.

Although formally a regulation of political parallelism on the public service is provided, journalists and editors of the public broadcaster depend heavily on political power in practice. Over the years, pressures have been reported on journalists working in Macedonian PSB in the form of job relegation, pay cuts, professional marginalization, and direct political threats. Therefore, the government has to ensure that the media and civil society organizations are regulated in an effective and apolitical manner. It has to also investigate any allegations of threats and violence against media and civil society leaders and impose harsh penalties when they are proven to be true.

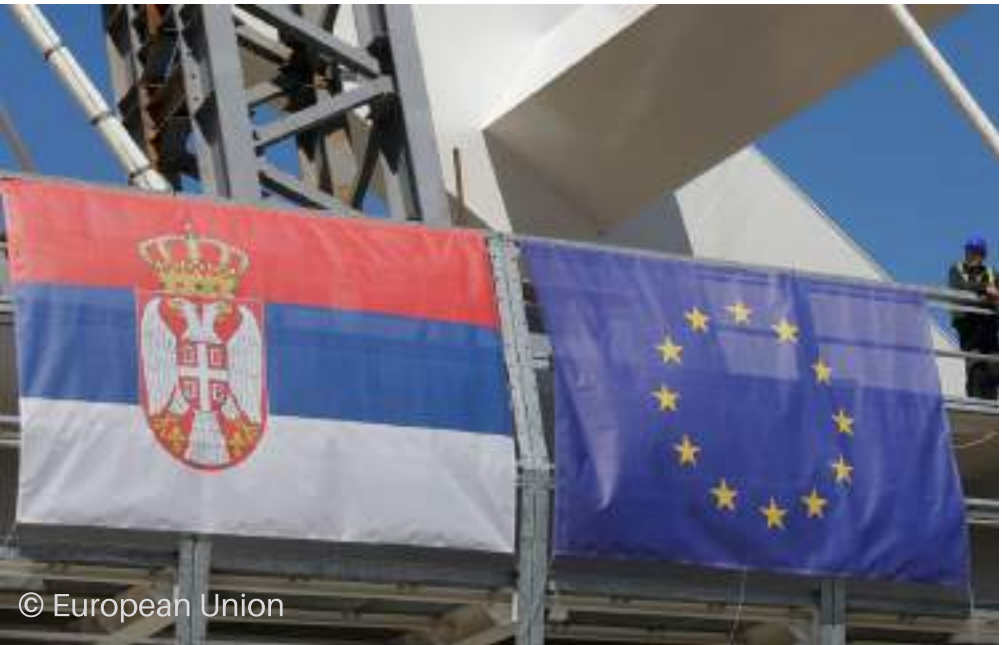
Serbia

The development of communication technology has changed the structure of media system, spurred by easier access to the Internet and the advent of social media to the point that today the precise number of registered media is still not known. Beyond the public service media, it is necessary that the state regulates, and where already present implement, the media outlets registration system in order to provide the precise number of registered media.

The leading media in Serbia are polarized and are considered to be divided into pro-government and anti-government. There are legal obligations in Serbia to ensure the independence of the media from politics, but these provisions are formulated only as general principles. The apparent practice of political pressure has developed into a culture of self-censorship. In this country, the independence of the media and journalists has to therefore be better guaranteed through a clear separation between the worlds of politics, business and media. Serbian authorities have to also investigate any allegations of threats and violence against media and civil society leaders and impose harsh penalties when they are proven to be true.

Due to the weak economy and constant liquidity problems, the state still has a significant role and influence in the media market through direct media ownership and public funding. We recommend that the government guarantees that the media and civil society organizations compete fairly and on a level playing field. The government has to also give funding from the state budget to non-governmental organizations through a public competition, establishing clear and objective criteria and describing how these were matched, and establishing systems for supervising the implementation of supported programs.

Political party leaders continue to form their own civil society organizations in order to receive state money for education or training of party members and officials. The government has to establish complete transparency in terms of media and civil society organization ownership and funding. It is mandatory for media outlets to disclose public information on key financiers and advertisers.
A better regularization of the journalistic profession certainly does improve the levels of professionalization in the country. So, in order to reduce low wages, irregular payments and unpaid overtime, irregular work and lack of social security, it is convenient to strengthen the existing trade union structures and if necessary create others so as to be able to put pressure on political and private owners.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In addition, it is useful to make official statistics available on the number of journalists who have signed employment contracts or the amount of money they make. It is also important to include legal protections for journalists in the media law and to set limits to the influence of the owners on the contents of the media, both in public service and for private media. The editorial independence, even if already formally guaranteed, must be ensured in all cases.

5. THE QUALITY OF CIVIL SERVANTS

The quality of civil servants is an important tool in the fight against corruption. The integrity of administrations and the impartiality of administrative action to a great extent depend on the quality of public officials and, therefore, on the rules of access to public management, the human resources management system, and the provision of training programmes for those who actually perform administrative functions, particularly on issues relating to public ethics and the prevention of corruption.

The following are the main observations for the countries addressed by the analysis.

Albania

- **Training of public employees**

Strengths:
- The Albanian legal system has established a national school of public administration, the Albanian School of Public Administration - ASPA.
- Professional training is compulsory and required by law for both managers and officials.
- Training planning and adapting to the different training needs of the various types of public officials

Weaknesses:
- Vocational training programs are heavily centered on traditional legal training and little on technical training and ethical skills;
- There are some categories of administrative employees who are not subject to the same professional training obligation as other employees because of the law no. 152/2013 On the Civil Servants which contains training obligations has exceptions;
- The training of officials depends too much on the will of the higher offices

Suggestions:
- Enrich training programs by giving more space to ethical training and technical training
- Widen the number of employees involved in professional training to all those who work in public administrations without exception, but by adapting the training to the type of official to whom it is addressed

- **Recruitment system and appointing senior management positions**

Strengths
- Concerning admissions to State administration civil service, Albania has a centralized system that provides that recruitment procedures are managed by the Department of Public Administration (DoPA). The system includes pool recruitments – mainly driven by efforts to curb political influence over the process. Recruitment is carried out through public vacancy announcements published nationwide. The hiring procedures have been designed not to give internal candidates an unfair advantage by imposing unreasonable burdens on external candidates. Furthermore, there is the transparency of the public decisions of the selection committees and these can be made available to the applicant.
- An interesting experience has been carried out during the pandemic period, when recruitment procedures have taken place entirely online, for those institutions of the State administration that are managed centrally by the DoPA. The procedure consisted of two steps: a written test online and a structured oral interview online. An important advantage of this type of selection method is the transparency of the procedure.

Weaknesses:
- Although recruitment at the state level is characterized by a substantial uniformity, thanks also to the centralization of procedures, there is a lack of of uniform standards on merit-based recruitment, promotion and dismissal across the whole public administration, due to a fragmented legislative framework;
- Access to employment for the highest roles still remains influenced by politics

Suggestions:
- Identify uniform standards for access to employment in the public administration on the basis of merit, including through rationalization of the legislative framework.
- Identify more transparent methods of selection for the highest roles.

Montenegro:

- **Training of public employees**

Strengths:
- Professional training is compulsory and required by law for both managers and officials;
- Training planning and adapts to the different training needs of the various types of public officials.

Weaknesses:
- Vocational training programs are heavily centered on traditional legal training and little on technical training and ethical skills;
- There is no national school of public administration, but a Regional School of Public Administration (ReSPA). The establishment of a regional school of public administration certainly had the advantage of filling an important gap in the Western Balkans, but the difficult coordination between different governments on training programmes and the voluntary participation of individual administrations in its activities did not guarantee constant training of civil servants;
- The training of officials depends too much on the will of the higher offices.

Suggestions:
- Enrich training programs by giving more space to ethical training and technical training;
- Widen the number of employees involved in professional training to all those who work in public administrations without exception, but by adapting the training to the type of official to whom it is addressed;
- Evaluate the opportunity to establish a national school of public administration that better adheres to the training needs of Montenegrin civil servants.

- **Recruitment system and appointing senior management positions**

Strengths
- Montenegrin policy regarding public sector recruitment is part of the Public Administration Reform Strategy 2016-2020. The Strategy places particular importance on the need to improve the recruitment and professional development system. A competency framework was established to ensure adequate recruitment procedures for senior civil service positions. An electronic testing system was introduced for the professional entry exam for working in the public administration, including at local level.

Weaknesses
- Lack of uniform standards on merit-based recruitment across the whole public administration. The Law on Civil Servants and State Employees includes the central public administration, the parliamentary administration, the administration of the presidency and the administration of certain agencies and insurance funds, but does not recognise regulatory authorities as institutions to be included within in its scope.
- It is possible to appeal an unlawful competition but that rarely takes place and appeals against the results of public competitions are not frequent in part because of the misjudgment of the plausible failure of the outcome and in part because that is perceived generally as a negative thing. The short deadline for appealing a decision on the selection of public officials should also be noted: only eight days.

Suggestions
- Identify uniform standards for access to employment in the public administration on the basis of merit, including through rationalization of the legislative framework.
- Increase the length of time to appeal a decision on the selection of public officials, also to strengthen the perception of the usefulness of the appeal as a tool to sanction violations of law.

North Macedonia:

- **Training of public employees**

Strengths:
- Professional training is compulsory and required by law for both managers and officials;
- Training planning and adapting to the different training needs of the various types of public officials.

Weaknesses:
- Vocational training programs are heavily centered on traditional legal training and little on technical training and ethical skills;
- There is no public training school for public officials. There is a so-called Academy for the Professional Development of Administrative Officers which is an organizational unit within the Ministry of Information and Information Society. However, this academy is not highly functional. North Macedonia leans on the Regional School of Public Administration (ReSPA). The establishment of a regional school of public administration certainly had the advantage of filling an important gap in the Western Balkans, but the difficult coordination between different governments on training programmes and the voluntary participation of individual administrations in its activities did not guarantee constant training of civil servants;
- The training of officials depends too much on the will of the higher offices.

Suggestions:
- Enrich training programs by giving more space to ethical training and technical training;
- Widen the number of employees involved in professional training to all those who work in public administrations without exception, but by adapting the training to the type of official to whom it is addressed;
- Evaluate the opportunity to establish a national school of public administration that better adheres to the training needs of North Macedonia's civil servants.

- **Recruitment system and appointing senior management positions**

Strengths

- The legislative effort to make changes to the recruitment system for the civil service to make it merit-based.
- Reserving interim management positions for public employees hired through merit-based recruitment procedures

Weaknesses:
- Despite several amendments made to the law on civil servants and the law on public servants, legislation continues to be fragmented and does not provide a framework of unity in the civil service. One of the key remaining problems is that public employee recruitment is subject to different legislation and, in addition to politicized recruitment and lack of information in regards to the total number of public employees.
- An high number of temporary posts in the administration. This form of employment was not in line with procedures set in the law and does not guarantee merit based recruitment and transparency during the process.

Suggestions:
- Identify uniform standards for access to employment in the public administration on the basis of merit, including through rationalization of the legislative framework.
- Improve transparency of data about the public administration and its personnel.
- Reduce the number of temporary posts in public administration and, in any case, improve the reliability and transparency of the procedures for assigning them.

Serbia:

- **Training of public employees**

Strengths:
- The Serbian legal system has established a national school of public administration, The National Academy of Public Administration.
- Professional training is compulsory and required by law for both managers and officials.
- Training planning and adapting to the different training needs of the various types of public officials

Weaknesses:
- Vocational training programs are heavily centered on traditional legal training and little on technical training and ethical skills;

Suggestions:
- Enrich training programs by giving more space to ethical training and technical training

- **Recruitment system and appointing senior management positions**

Strengths
- The civil service legislation, last amended in December 2018, provides for merit-based recruitment and dismissal procedures. In the next future, Serbia should start recruiting senior civil servants effectively through a merit-based procedure and reduce the excessive number of acting positions.

Weaknesses
- No sizeable reduction of the excessive number of acting senior manager positions.
- The heads of institutions still have too much discretion in setting up selection committees.
- The possibility to convert certain categories of temporary contracts into permanent civil service contracts needs to be considered carefully in order to avoid possible abuse.

Suggestions:
- Increase transparency of selection procedures and reduce interim management positions.
Identify common standards for selection for access to public administration also to reduce the discretion of selection committees.

6. THE INTEGRITY OF PUBLIC OFFICIALS

Albania

The duties of conduct in Albania are embodied within Law No. 152/2013 On the Civil Servants adopted to achieve two key objectives: a) to introduce ethics within the body of public servants; b) to provide the legislative basis for the adoption of more specific and detailed ethics laws by various sectors of the public administration.

The Act applies generally to any official exercising public authority in an agency of the state administration, an autonomous agency, or a local government. Precisely by official the law intends to refer to a person who performs the functions for the exercise of administrative authority, public, on the basis of merit and professionalism, participating in the drafting and implementation of policies, supervising the implementation of rules and administrative procedures, ensuring their execution and providing general administrative support for their implementation.

This regulatory framework has some critical issues. The first is that there are numerous exceptions. The law does not apply by express regulatory exclusion to the following categories: (a) elected officials; (b) ministers and deputy ministers; (c) officials appointed by the Assembly, the President or the Council of Ministers; ç) judges and prosecutors; (d) civil judicial administration; (dh) military personnel of the armed forces; (e) personnel of the State Information Service; ë) personnel of direct service delivery units ; (f) members and chairmen of the management committee of collegial bodies or institutions dependent on the President of the Council of Ministers or the Minister; (g) administrative employees; (gj) cabinet officials. In 2015 the exception was also extended to h) employees who assume the powers of Agent/Officer of the Judicial Police and those authorized to carry arms in accordance with the law; i) civilian employees of the Armed Forces structures; j) employees of the Financial Supervisory Authority; k) employees of drainage agencies; l) lawyers at the State Bar.

In many cases there are sector-specific duties of conduct, but some activities relating to the provision of public services or some administrative activities in the hands of the Council Presidency risk remaining uncovered by duties of conduct.

A second critical issue is the effectiveness of the duties of conduct and their widespread compliance within the administration. Violation of the rules of conduct is entrusted to the individual administrations and ultimately to the Commissioner for the Monitoring of the Civil Service, which is an independent public body tasked with overseeing legality in the management of the civil service and compliance with the law. Despite its presence, however, international documents still point to a still low effectiveness of duties.

The policy recommendations that emerge from the research are: 1) provide for a single national code of conduct, containing the duties of conduct provided for in the law and the specific duties for each administration; 2) broaden the range of employees who must comply with the duties provided for in the law, in particular to c) officials appointed by the Assembly, the President or the Council of Ministers; ë) staff of direct service delivery units; g) administrative employees ; gj) cabinet officers; 3) Provide for oversight by the Commissioner for Monitoring the Civil Service of compliance with the duties of conduct in individual administrations and the adoption of specific codes of conduct for each administration.

Montenegro

Corruption prevention and integrity policies in Montenegro have only been adopted in recent years. The overall anti-corruption legislative framework is substantially in line with international standards, although the relevant bodies are urging some timely and further action. Montenegro has invested significantly in strengthening public integrity and promoting anti-corruption education.

The duties of public employees are mainly established in the following documents: Law on prevention of corruption (Official Gazette of Montenegro 53/2014 and 42/2017); Code of Ethics of Civil Servants and State Employees (Official Gazette of Montenegro 050/18 and 20/2018); Law on civil servants and State Employees (Official Gazette of Montenegro 2/2018 and 34/2019).
Although Montenegro has adopted a satisfactory legislative framework, there are still some elements that should be strengthened and/or modified.

The independence of the Authority for Prevention of Corruption (APC) is one of the main components of the UNCAC Convention and when reading the Montenegrin Anti-Corruption Law there are several articles that affect its independence (Articles 18.4; 22.5; 26.4; 49.3 and 97.4). In these articles, a determining role on the part of the Ministry in charge of anti-corruption clearly emerges, for example on the management and organization of the registry of gifts. The law should establish more strongly that the Agency for the Prevention of Corruption has total independence to establish both internal rules and procedures. For this reason, it would be appropriate for the mentioned articles to be amended to remove the ability of the Ministry of Anti-Corruption to influence the work of the Agency.

Regarding conflict of interest, Article 7.2 of the Anti-Corruption Law does not cover the apparent conflict of interest, which is one of the cornerstones of the recommendations in this area. It is therefore important that the law also provides for and protects this form of conflict of interest.
Also for the matter of gifts and presents, article 6 of the law does not seem comprehensive as it only speaks of "adequate compensation". On the other hand, as is well known, some gifts may have been given at a significant price reduction that in any case constitutes a form of pressure on the employee. Moreover, again on the subject of gifts, the range of persons from whom it is forbidden to receive gifts seems unsatisfactory. The following prohibition should also include those who do not live with the employee as children or spouses.

The Code of Ethics for Employees and Civil Servants (Official Gazette of Montenegro", No. 050/18 of July 20, 2018) does not seem at all coordinated with the Anti-Corruption Law and does not include any rules of a preventive nature. It is hoped for an amendment that could incorporate more rules a little bit in all areas and include a special rule that would enshrine the responsibilities arising from non-compliance with the rules of the code.

In conclusion, it seems appropriate to strengthen the duties of public employees in the codes of ethics, to establish stricter rules on conflicts of interest and to guarantee greater and stronger independence for the authority for the prevention of corruption.

North Macedonia

The development of the principle of integrity in North Macedonia has been placed at the center of the state program for the prevention and repression of corruption and in its action plan. The rules of integrity of officials are embedded in the following documents: Law on Prevention of Corruption and Conflicts of Interest (Official Gazette of RNM no. 12/19); the Law on Public Employees 59/2000 and in the Code of Administrative Officials (Official Gazette of RNM no. 183/14).

The legislative framework on integrity and the duties of civil servants appear to be quite solid and almost entirely in line with international standards. However, some elements are noted that hinder the full development of an effective system of corruption prevention and integrity.

The State Commission for the Prevention of Corruption (SCPC) is a solid integrity body, but it appears to be primarily focused on political personnel. Therefore, more attention should be given to public administration personnel as an essential component for widespread implementation of integrity policy in the public sector and effective prevention of corruption. MISA and SCPC should act together to approve specific integrity policies for civil servants.

Codes of ethics and codes of conduct have been adopted for all categories of public officials. These include not only general codes for civil servants and senior administrative employees, but also sector-specific codes that account for various corruption risks. However, some codes are not enforceable.

Regarding the duties included in the code of administrative officials, there is a lack of rules that are linked with the preventive system, several detailed references such as conflict of interest, whistleblowing and other duties that should be contained in this act are missing. It is therefore necessary to strengthen the enforcement mechanisms of codes of ethics and include more specific rules of conduct that are consistent with the prevention of corruption. In fact, in the 2014 code there is a greater focus on the performance obligations of the employee, while the duties that are related to the subjective impartiality of the function are enshrined in the Law on Prevention of Corruption and Conflict of Interest and the Law on Public Employees.
The Law on Administrative Officials is not precise enough when it comes to monitoring the performance of civil service employees.

The 2019 Law on Prevention of Corruption and Conflict of Interest is very detailed and in line with the structure of relevant laws in other jurisdictions. However, there is a noticeable focus on conflict dynamics related to political staff, less so for that of civil servants.

In conclusion, North Macedonia has adopted a very detailed legislation regarding the duties of public officials in the strategy of prevention of corruption and integrity. Nevertheless, European and international bodies that monitor developments in this field specify that the preventive approach still needs to be strengthened and implemented more concretely and assimilated through training processes that seem to be insufficient. Another factor that seems to be lacking is the disciplinary system which, as is well known, is essential for the effectiveness of a good corruption prevention policy.

Serbia

Integrity and corruption prevention measures in Serbia are substantially in accordance with international recommendations and Conventions. In the current Strategic Plan 2019-2023, strengthening the integrity of the public sector is considered as an essential component of corruption prevention, the main responsibility of which lies with the Anti-Corruption Agency and consists in preparing the useful mechanisms to promote and ensure the integrity of the entire public sector. The ACA is in charge of approving the Integrity Plan which is considered as the main mechanism to prevent corruption and strengthen integrity.
The duties of civil servants are embodied in the following acts: Law on Corruption Prevention (Official Gazette of the RS no. 35/2019 and 88/2019); Law on civil servants (Official Gazette of RS, no. 79/05); The Code of Conduct for Civil Servants (Official Gazette of the Republic of Serbia no. 29/2008).
There are, however, a few critical points regarding the current framework adopted in the Republic of Serbia.

The code of conduct should be expanded and updated, as it appears to be insufficiently coordinated with the anti-corruption plans and the general preventive framework. The main critical points of the codes are: lack of norms on whistleblowing; there are few references to sanctions deriving from non-compliance with the rules of the code (only in art. 2 there is a reference, among other things, that is not very clear); art. 7 makes little mention of conflicts of interest and the obligation to abstain; art.9 does not specify the modest value of gifts, while it would be appropriate to do so for greater clarity (the same thing in art. 61 of the law on the prevention of corruption); art. 17 discriminates against women, in that in prohibiting the use of inappropriate clothing, examples are given that are clearly related only to women's clothing; there are no requirements for employees regarding public contracts and other contractual acts.

It would therefore be appropriate to include in the code greater attention to sanctions and to coordinate them with the provisions of the law on public employees and the law on the prevention of corruption. The adoption of codes of administration is highly recommended in order to make the duties of public employees more detailed in relation to the different types of administrations.

Some doubts concern the ACA: despite the fact that the powers of the Agency are significantly expanded, Law n.35/2019 introduces some changes that could affect its independence, modifying the procedure for hiring the director and members of the Agency Council, which would still seem vulnerable to the influence of political direction. The independence of the agency is an essential criteria for an effective framework of administrative corruption prevention. Therefore, it is to be hoped for an intervention that can preserve this element of assurance for the solidity of the system.

Regarding conflict of interest, in Article 42 of the Law on Prevention of Corruption, the provision requiring officials to make disclosure of a conflict of interest to the agency is not very clear. In general, in articles 40-44 there are no examples of conflicting situations, especially with regard to previous collaborations. It is considered necessary to prescribe more precise and clear duties regarding reporting and to provide some specific examples of conflicts of interest, such as those regarding direct or indirect collaborative relationships with private individuals in previous years, and also to specify which relationships are to be considered conflictual.

In conclusion, it is advisable to better define the duties of civil servants. There is, therefore, a need to clarify and improve certain rules of a preventive nature, to strengthen codes of conduct and harmonize them with laws on prevention, and, finally, to invest more in the formation of employees in order to reinforce their level of ethical conduct and to enable them to assimilate the preventive logic and effectively comply with the duties with which they are required to comply.

7. TRANSPARENCY AND ACCESS TO INFORMATION

Transparency is a doctrine of governance composed of more than one feature but mainly established in order for governments to be subject to scrutiny by the public through many disclosure rules and procedures. The architecture of transparency is aimed toward a "full disclosure system" etched on the relations between state and individuals, because it subdues public authorities under a general overview, assuring accountability of the executive's power. In that framework, freedom of information is a proper step towards requesting accountability.

Albania

In Albania, article 23 of the Constitution dated 1998 established: "*The right to information is guaranteed. 2. Everyone has the right, in compliance with the law, to obtain information about the activity of state organs, and of persons who exercise state functions. 3. Everyone is given the possibility to attend meetings of elected collective organs*".
The right to get the information must be read together with the freedom of expression, article 22, "*1. Freedom of expression is guaranteed. 2. Freedom of the press, radio and television is guaranteed. 3. Prior censorship of means of communication is prohibited. 4. The law may require authorisation to be granted for the operation of radio or television stations*", where anyone has the right, in compliance with the Constitution, to obtain information about the activity of state organs, and of persons who exercise state functions.

The Albanian Law no. 119/2014 on the Right to Information, which replaced the legal act applicable in the country from 1999, is also considered one of the best pieces of FOIA legislation (RTI-rating) with a good guarantee of reactive and proactive publication of essential categories of information. Under Art. 4, each public sector body must prepare and implement an institutional transparency program to be revised periodically, setting out the categories of data being made public ex officio and making this information public. In art. 7, the law lists the information categories that the public sector bodies must make available to the public, and it is a good amount of data. Moreover, in case of failure to prepare, review, and implement institutional transparency programs. In addition, there are sanctions and fines for civil servants (Art. 18).

For a request-driven approach, following the individual right to access has been setting up a body is charged with supervising and monitoring compliance with the Commissioner for Right to Information and Protection of Personal Data, eligible to use disciplinary sanctions against those violating the requirements of the Law. Under the law, every public authority is obliged to designate a Coordinator for the Right to Information whose task will be to supervise the authority's responses to information requests within ten days.

The legislation provides administrative sanctions, too, in the form of monetary fines, for officials violating the provisions of the law. Anyway, steps forward are needed for the knowability of power; as noted by the European Commission on 2020 report, parliamentary documentation, such as minutes of plenary sessions and committee meetings, should be subject to greater transparency. With online data on MPs' financial benefits, information about research staff and support for MPs and parliamentary groups should be disclosed and the central registry for information requests should be expanded too. On the other hand, in case of the request is rejected, the applicant can appeal to the Commissioner and then to the courts.

Anyway, following the application of the legislation, the Commissioner's annual report for 2018 noted that there are some issues related to ministries' transparency level, they did not update all the legal obligations, and several documents are missing, which should be published, in accordance with Article 7 of the Law "On the Right to Information". Mainly the problem is about the information on the budget, procurements and audit reports, and the coordinators. The right to information has limited power over the ministry's structures, which makes compliance difficult, especially answering citizens' required documentation within ten days challenging.

The critics also highlighted the scares knowledge on transparency of the "coordinators" who are not sufficiently trained. The best performances are at the local level, where the authorities improve over time their transparency rate. Otherwise, overall, the evaluation paper shows that the state administration's performance is still poor, and more power is needed for the Ombudsman, the Commissioner for Protection against Discrimination and other independent institutions. They should be strengthened with greater powers of oversight. This is crucial to fight the high level of corruption in public affairs, as highlighted by the declaration of the UN anticorruption resources centre in 2019: "*State capture is present in Albania and the country's political systems and institutions do not adequately ensure checks and balances on power. Prior to current reforms, most appointments to important senior positions in bodies such as the prosecutor general, the constitutional court and the supreme audit institutions are made by the parliament based on a simple majority. The only exception was the ombudsman institution appointed by a two-thirds majority of parliament*"

Montenegro

In Montenegro, the Constitution of 2007 declared, in article 51, the right to access to information to everyone: "*Access to information Everyone shall have the right to access information held by the state authorities and organizations exercising public authority. The right to access to information may be limited if this is in the interest of: the protection of life; public health; morality and privacy; carrying of criminal proceedings; security and defence of Montenegro; foreign, monetary and economic policy*".

While the right of expression is reported at the article 47: "*Freedom of expression Everyone shall have the right to freedom of expression by speech, writing, picture or in some other manner. The right to freedom of expression may be limited only by the right of others to dignity, reputation and honour and if it threatens public morality or the security of Montenegro*".

Montenegro signed the 'Tromso Convention', Treaty No. 205 of 2009 of the Council of Europe (CoE), an important sample of access to information request-driven, and it will be into the force next year 2023, as announced to the representatives of the government, who reviewed the previous legislation on the law on Free Access to Information of 2012.

The model of Law enables the more efficient exercise of citizens' right to access information held by government bodies and more transparent work, said the Minister of Public Administration. But until now was criticized by journalists, civil organizations and international organizations because of the exercise of the discretionary power over the draft of law established lack of minimum legal standard about a broader area of limits and secrecy, the poor power for evaluating public interest on access by the authorities, thus an extremely discretion to deny the request.

In the last legislation act the role of the agency to overview the application of transparency was sacrificed with no enforcement power, and because of the insufficient administrative organization capability to manage the implementation through guidelines, etc. Most of all, in the application field some NGOs noted that the government selectively ignored their requests for information under the Law on Free Access to Information. And the European Commission identified in its 2019 Progress Report on Montenegro, as "*matters of serious concern" the practice of "controversial dismissals of prominent nongovernmental organizations*" representatives from key institutions and bodies" and the rising trend of declaring secret and classified info asked.

North Macedonia

In North Macedonia, access to public information found a constitutional provision, adopted in 1991, establishing freedom of access to public data.

It recognised the right to obtain and receive data with no legit restriction from authorities. Article 16 of the Constitution reads: "*the freedom of personal conviction, conscience, thought and public expression of thought is guaranteed. The freedom of speech, public address, public information, and the establishment of institutions for public information is guaranteed. Free access to information and the freedom of reception and transmission of information are guaranteed. The right of reply via the mass media is guaranteed. The right to a correction in the mass media is guaranteed. The right to protect a source of information in the mass media is guaranteed. Censorship is prohibited*".

Following these principles, the Law on Free Access to Public Information, No.13/2006, provides publicity and openness for public administration and enables individuals and legal entities to exercise the right to free access. But from a critical point of view, the area and scope of exemptions for free access to public information were vast.
Moreover, the Commission for Protection of the Right to Free Access to Public Information (SCPC), responsible for reviewing appeals, could not monitor compliance with the proactive disclosure of information requirement, nor was it empowered to impose penalties for non-compliance with the right to access. So, following the European and OECD recommendation, in January 2019, the government submitted a new Draft Law on Free Access to Public Information to the Parliament, which was subsequently adopted on 24 April 2019, and published in the Official Gazette of the Republic of North Macedonia no. 101/2019 of 22.05.2019.

The law now is considered compatible with better legal standards because the Draft has followed the recommendation of an international organisation and was submitted under the review of the Organisation for Economic Co-operation and Development (OECD). Anyway, there is still a problem with the application concerning the management of transparency, as we can see following the comment of the European Commission of 2021, which reports:

The “proactive disclosure of information and datasets on official websites remains very low”, which indicates significant gaps in the implementation of the new Law, and the Agency for Protection of the Right to Free Access to Public Information still does not have legal jurisdiction to conduct regular ex officio inspections of the compliance with the legislation on access to information. And other limits of the legislation or “concerns were also raised regarding the substantial number of cases of conflict of interest and asset disclosure involving top executive functions processed by the SCPC”.

The latter was in charge of FOIA up to 2019, when it was transformed into an agency: “the employees of the Commission for protection of the right to free access to public information with the day of the beginning of the application of this law continue to work in the Agency” (art. 44). The State Commission for Prevention of Corruption is an essential element of the transparency system to guarantee monitoring by establishing the Anti-Corruption Authority. Those dates back to 2002, and his role is the result of a political change aimed at strengthening the rule of law and democracy.

The Authority, subject to numerous criticisms for inactivity and ineffectiveness, the scandal that led to the resignation of part of the staff, was transformed in 2019. And in that case, its powers and its areas of intervention were expanded. Under the provisions of the Law on Prevention of Corruption and Conflict of Interest, which is in force from January 2019, the State Commission is competent to adopt a five-year national strategy (instead of state programmes) for the prevention of corruption and conflict of interest with related action plans for its implementation. Adopting the Strategy to prevent corruption and conflict of interests with Action Plan 2020-2024 by the Assembly confirms the seriousness of the corruption problem and the need to involve all stakeholders. SCPC is competent in monitoring the implementation of the Strategy measures and activities and submitting annual reports to the Assembly. The Strategy diagnoses and selects priority issues that generate a high risk of corruption and identifies actions to overcome them.

The Assembly also determines the budget of the SCPC. Still, there is a problem with a not provision like the one in the Law on Prevention of Corruption of Montenegro, to which the Agency cannot receive less than 0.2% of the total state budget annual level. Namely, in the last ten years of the functioning of the Commission, it has never exceeded 0.01% of the entire state budget. In contrast, one of the standards set by Transparency International is that each anti-corruption body has at least 0.1% of the state budget. This aim was also to strengthen the capacity to implement the anticorruption competencies and transform the bodies into an independent subject.

As a result, the last Commission became an agency regarding transparency as an autonomous and independent state body. Another significant legal development is adopting a new ‘Law on Personal Data Protection on 16 February 2020 to harmonise national legislation with the applicable EU legislation on data protection. The adoption includes a definition of personal data, clarifying obligations for data controllers, provides power to monitor the implementation.

Serbia

Serbian fundamental chart of 2006 enshrined freedom of expression, including the right to receive and seek information, as established in the article 46: "*the freedom of thought and expression shall be guaranteed, as well as the freedom to seek, receive and impart information and ideas through speech, writing, art or in some other manner*".
The Constitution of the Republic of Serbia also recognised Freedom of thought and expression, including the right to free access to public information in the article 51.2: "*Everyone shall have the right to access information kept by state bodies and organisations with delegated public powers, in accordance with the law*".

The legal basis for protecting this right was secured by Law No. 120/2004, Law on Free Access to Information of Public Importance. Even those seem to be (RTI- rating) among the best access to information globally. Anyway, the main limitation of the Law was the inadequacy of the "compliance mechanisms for effective enforcement". So, the application demonstrates that bodies did not respond to complaints, as shown by the 2019 report signed by the Commissioner for Information of Public Importance and Personal Data Protection. This Commissioner is entitled to complain in case of refusing Information of Public Importance and Personal Data Protection in case of the requested information is rejected or denied.

Numbers reveal that out of the total number of complaints received, 88.7% were ignored or refused. In 2020, the trend ameliorated but was still grave because out of the total number of complaints; the percentage was about 53.2%. According to the Commissioner's statements, the main issue was the lack of the Commissioner's power. Since 2007 civil society organisations have been sensitive to the point and joined the Coalition for Free Access to Information, submitting a proposal for a new law to the Parliament. However, just recently, on 3 November 2021, the rule containing amendments to solve the main problems of the previous legislation passed. And that was when the necessity of information became a big political issue, and the quest to monitor expenses for the pandemic crisis raised awareness of public opinion.

Another strong justification for passing the proposed amendments concerned the standardisation of procedures for the publication of general public expenses to strengthen the responsibility of public officials. This necessity for more proactive publishing was one of the main issues of the new legislation, together with intending to harmonise the EU Directive 2019/1024 on open data and the re-use of public sector information.

Anyway, there are still weaknesses now impacting knowable areas because of the compliance rate of the public institutions.