

### III MONITORING OF THE ADOPTION OF NEW LEGISLATION

#### 1. Law on Amendments to the Law on Free Access to Information of Public Importance

On April 8, 2010, the Government of Serbia adopted in urgent proceedings the Draft Amendments to the Law on Free Access to Information of Public Importance and tabled it to the Parliament for adoption. The said Law authorizes the Commissioner for Information of Public Importance and Personal Data Protection to charge fines for non-compliance with his decisions.

Article 28 of the Law on Free Access to Information of Public Importance stipulates that the decisions of the Commissioner – which he is authorized by law to pass in relation to complaints of unsatisfied requestors for information – shall be binding, final and enforceable. The Law also says that the enforcement of such decisions of the Commissioner will be provided for, as appropriate, by the Government of the Republic of Serbia. In practice, the latter has never happened: not in a single case where it was requested by a party supported by the Commissioner’s decision has the Government undertaken any kind of forcible measure. Commissioner Rodoljub Sabic has warned several times that such state of affairs is actually encouraging those who infringe upon the law. The proposal tabled by the Government to Parliament for adoption resulted from a meeting of the Commissioner with Prime Minister Cvetkovic in March, where the two discussed the problems in the implementation of the Law and especially issues that may be blamed on the Government. Sabic and Cvetkovic agreed that the Government will ensure better conditions for the forcible enforcement of the Commissioner’s decisions and take concrete steps to enforce the decisions that have remained unenforced so far. A decision adopted by the Government authorizes the Commissioner – at the request of the party whose request was approved by the Commissioner’s decision – to successively charge fines up to the amount of 200.000 dinars until the decision in question is enforced. In case of further non-compliance, the decision is to be forcibly enforced by the Government. The general view is that the proposed amendment to the Law, as well as the decision of the State Administration and Local Self-Government Ministry to initiate a considerable number of proceedings (referred to in Section II, subparagraph 3 of this Report – Monitoring of the Implementation of Existing Laws), represents a serious step forward in the attitude of the authorities towards the exercising of the right to free access to information of public importance.