

## THE NATIONAL ASSEMBLY OF SERBIA AS A “WORKING” PARLIAMENT: LEGAL PROSPECTS AND ACHIEVEMENTS

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**Abstract.** *The paper examines the legal framework and parliamentary practice that provides opportunities for the National Assembly of Serbia to act as a “working assembly”. After theoretical considerations on the “talking” and “working” assemblies, the author analyzes some issues relating to the Rules of Procedure which regulate the organization, working conditions and functioning of the National Assembly. The subject matter of analysis are the parliamentary committees, the Conference of Presidents, and the plenary sessions of the National Assembly. The Rules of Procedure indicate that there was an intention for the parliament to acquire the characteristics of a “working” assembly. However, parliamentary practice and the absence of good customs indicate that this intention was not achieved in practice. The general conclusion would be that the National Assembly has retained most of the attributes of the “talking” assembly, which performs most of its work in the plenum.*

**Key words:** *National Assembly of Serbia, parliamentary committees, Conference of Presidents, plenary session, Rules of Procedure*

### 1. INTRODUCTION

The internal composition of parliament derives from the parliamentary autonomy and the parliament’s right to control its own composition. The comparative analysis of European systems shows that the parliamentary composition is adjusted to the needs of the contemporary representative body as well as to the demands of achieving more working efficiency and being more open to the public. The political structure of the contemporary parliament and the new rules of the political game have imposed some new solutions for the internal composition of parliament. However, these new challenges are still unusual to the Serbian parliamentary law.

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There are two types of bodies within the internal composition of parliament: parliamentary committees and parliamentary groups. Whereas parliamentary committees prepare parliamentary work in the technical sense (primarily in the legislative processes), parliamentary groups represent the center of political decision-making and bargain-creating actions. Taking into account the scope and the strength of impact that parliamentary committees have, parliaments can be classified into a “working” assembly and a “talking” assembly. In spite of a large number of parliamentary committees in the National Assembly of the Republic of Serbia, none of them have taken on the role of an active and influential participant in the parliamentary process. The parliamentary committees, made up on the principle of proportionate representation of parliamentary groups, have lost the elements of expertise and professionalism. Instead of that, they have assumed the position of the interaction body which is ineffective and inactive in the Serbian parliamentary law.

The parliamentary competence, as a legislative authority to regulate own internal organization, comes out of the parliamentary autonomy as a principle embodied in the Rules of Procedure. Despite the fact that each legislature can independently dispose of its own Rules of Procedure, the parliamentary stability is based on the durability of these rules. Continuity of the Rules of Procedure should ensure the good parliamentary practice and parliamentary customs. As these rules of procedure have to connect the many different elements of the legislative procedure, the Serbian academician M. Jovičić said: “To express a heretical thought, it is more difficult to create a good Rule of Procedure than a good Constitution, even most acts of law” (Jovičić, 1998: 5).<sup>1</sup>

In Serbia, the parliamentary autonomy is primarily regulated by the Constitution (2006), as well as by the National Assembly Act (2010) and the Rules of Procedure of the National Assembly (revised and consolidated in 2012). The Constitution regulates the issues related to parliamentary law in general, such as composition and dissolution of the National Assembly, parliamentary sessions, the right to propose laws, the manner of decision-making, the terms of office, and the parliamentary privileges. On the other hand, the National Assembly Act (2010) as an ordinary act of parliament regulates the constitutional matter *par excellence*, and its importance is not in accordance with the hierarchy assigned to it by the Constitution. According to its normative subject matter, this Act belongs to the legal sources that shape not only the parliamentary but also the constitutional construction. This is further complicated by the contradiction of the constitutional provisions on the competence of the National Assembly to regulate its own autonomy. Unlike the National Assembly Act, which should be adopted by the simple majority, the Rules of Procedure must be adopted by the absolute majority of votes of all deputies, which makes it a qualified parliamentary act.

In order to consider possibilities of the National Assembly as a “working” or a “talking” assembly, one should first take into account the normative framework and then consider the parliamentary practice, which in many segments is a decisive factor for determining the nature of parliament.

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<sup>1</sup> A long time ago, E. Pierre (1902) concluded that the Rules of procedure are “a dangerous instrument in the hands of parties”, which often has a greater and stronger influence on the “flow of public affairs” than the constitution itself (Cf. Jovičić, 1998: 5)

## 2. ABOUT A “TALKING” AND A “WORKING” ASSEMBLY

In order to guarantee parliamentary autonomy in the separation of powers system, it is necessary for the parliament to be able to arrange its internal organization and functioning in such a way that it could respond to the dominant executive branch. One of the assumptions for improving the parliament’s position in relation to the executive authorities is a well-built relationship between the parliamentary plenum and the parliamentary committees. The connection established in the relationship between the plenum and the committees is the basis for designating the parliament as a “talking” or a “working” assembly. The “talking” assembly refers to parliaments that mainly discuss issues, while the “working” assembly refers to finding a rational measure regarding the efficiency of work and the implementation of parliamentary competences in relation to the Government. (Hague, Harrop, 2004: 251).

The parliament with effective committees (a strong “committee system”) enables the “working” assembly to be active through parliamentary bodies and performs most of the tasks without an influence of the Government or ministries (Lijphart, 1999: 102). Although the Government’s dominance in the legislative process has become a reality, through good internal organization of the parliament, committees can take the initiative and, participate in the creation and control of government policy. Therefore, the committees contribute to strengthening the position of the parliament in relation to the executive authorities, especially the Government. While the importance of specialized parliamentary bodies is diminished in the “talking” assemblies, specialized bodies diminish the deep differences between the parliamentary majority and minority in the “working” assemblies. There is an opinion that parliament is becoming increasingly powerless in proportion to the time it spends in plenary sessions (Beyme, 2000: 53).

During the second half of the 20<sup>th</sup> century, the model of a “working” assembly was developed in most European assemblies. The American Congress is also known as a distinctly “working” assembly because the center of activity is transferred to the committees. As early as 1885, Woodrow Wilson wrote that Congress in its plenary session is only a public performance, while Congress in its committees sections is the working Congress (Wilson, 1885). The British Parliament, however, performs a predominantly deliberative and debating function and largely neglects the activity of parliamentary committees. Due to their importance in the internal organization and rationalization of the parliamentary process, a large number of European constitutions directly regulate the parliamentary committees.<sup>2</sup>

The intention of modern constitutions is not to limit the parliamentary autonomy, but to strengthen the functions of the legislative authority: firstly, to strengthen the legislative function through an efficient parliamentary procedure, primarily preventing parliamentary obstruction, and secondly, to restore the control function over the Government whose activities are overseen by parliamentary committees.

The “working” assembly acts in the legislative process through parliamentary bodies, not allowing the Government to impose the rules of the game. Although the Government dominates in proposing the laws/acts, the parliament could take the initiative through committees as specialized bodies. On the other hand, the plenum provides ample opportunities

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<sup>2</sup> The issue of parliamentary committees is the subject matter of regulation in many European constitutions, such as Bulgaria (art. 79), Greece (art. 68), Denmark (art. 51-52), Italy (art. 72), Hungary (art. 21), Germany (art. 44), Poland (art. 110-111), Portugal (art. 181-182), Romania (art. 64), Slovakia (art. 92.), Finland (art. 35), Czech Republic (art. 30-31), Switzerland (art. 151), Spain (art. 75), The Austrian Constitution regulates in detail the matter of investigative committees (arts. 52a, 52b, 53).

to unnecessarily turn the procedure into a broad public discussion. There are examples of committees even having full legislative capacity. For instance, according to the Rules of Procedure of the Italian Chamber of Deputies, the parliamentary committee is allowed to act as an active legislator. If the committee has considered and approved a bill, the plenum does not discuss about it, but only adopts the act passed in the committee procedure.<sup>3</sup>

Working in committees provides the opportunity for negotiation with professional discussion and arguments. The model of public hearings has been developed because the citizens are more interested in that form of parliamentary activity than in the work of the parliamentary plenum. Also, parliamentary committees are trained to perform a range of tasks that correspond to ministerial portfolios. Hence, the number of standing committees corresponds to the number of formed ministries. In addition to using traditional instruments of parliamentary control (i.e. parliamentary questions, interpellation, vote of no confidence), the parliament can thus control the Government through the activities of its committees.<sup>4</sup>

Finally, the representative function of parliament received its new expression in the form of a “working” assembly. The new construction caused the committee seats to become important for all participants in the parliamentary process. In the “parliamentarism of political parties”, which has replaced the original “parliamentarism of distinguished individuals”, committees have become important for political groups because of the influence they can exert through these bodies. The new parliamentary structure ensured, albeit indirectly, that the content of the free parliamentary mandate was preserved. When a deputy (MP) resigns from a parliamentary group or a political party, he/she loses only his/her seat in the parliamentary committee, and retains the position of an independent MP until the end of the parliamentary legislature. This problem is faced by the countries of the “new” democracy, including Serbia.

The need to maintain party discipline in the contemporary parliament is quite clear, but it does not enjoy direct legal protection under the principle of free mandate. Due to the important and influential role of committees, in most Western European systems, political parties are allowed to recall their representatives in the committees. Thus, the recalled MPs lose their seat in the parliamentary group and the seat in the committee, but remain in parliament as independent MPs until the expiry of their term of office.<sup>5</sup> In this way, party discipline received an effective means of legal protection, which does not contradict the principle of a free parliamentary mandate.<sup>6</sup>

The “working” assembly is based on the following principles:

1) *The principle of efficiency*: Unlike the plenum, which cannot fully oversee the Government, committees ensure constant cooperation with the relevant ministry and thus represent a politically adequate and competent substitute for an inert plenum. In order to rationalize the parliamentary process, the committee may cover several ministries.

2) *The principle of representation*: By its structure, the parliamentary committee represents a mini-assembly because the committee composition fully reflects the political

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<sup>3</sup> According to some estimates, committees pass as many as three quarters of acts in the Italian Parliament. (Lees, Shaw, 1979)

<sup>4</sup> Christensen, Laegrid and Roness think that the parliament “through its internal organization, puts a stronger focus on control by organizing investigative committees, introducing public hearings, expanding the time for asking questions (Question time) and expanding the audit function” (Schedler, Mastronardi, 2005: 261)

<sup>5</sup> This constitutional rule is applied by Austria, Belgium, Denmark, Finland, Germany, Greece, Iceland, Luxembourg, Holland, and Spain.

<sup>6</sup> For more details on the parliamentary mandate in comparative systems, see Pejić, 2006: 41-52.

profile of the parliament. Each parliamentary group is assigned a number of committee seats in proportion to its participation in the distribution of the total number of parliamentary seats.

3) *The principle of transparency*: Like the plenum sessions, committee sessions are public, committee reports are published and individual members are entitled to express their separate opinions in written form. Thus, the individual responsibility of deputies is strengthened, as well as the collective responsibility of the assembly but the latter tends to weaken in the plenum.

4) *The principle of expertise*: By strengthening the professional capacity of their members, the committees become specialized; it enables them to take initiative in the process of submitting amendments and amending bills, especially those originating from the Government. However, this principle does not legally oblige political groups in parliament to designate their members to the committees on the basis of the criteria of expertise, although this has become a good practice resulting from the *modus operandi*, powers and authority of the committees in the parliamentary process.

5) *The principle of effective parliamentary control*: The committee organization and activity contribute to strengthening the parliamentary control (not only through the so-called investigation committees but also through permanent committees). To this end, the Rules of Procedure may prescribe the minister’s obligation to respond to the request of the parliamentary committee and submit a report or (more mildly) a statement on a specific issue.

### 3. THE PARLIAMENTARY COMMITTEES IN THE NATIONAL ASSEMBLY

The establishment of parliamentary committees in the National Assembly of Serbia is based on a good solution that each parliamentary group has the number of committee seats in proportion to the number of its parliamentary members. The proposal of parliamentary groups on the composition of committees has to be adopted by an absolute majority of votes of all deputies (MPs). These two solutions could come into conflict because the guarantee of proportional representation of parliamentary groups may be called into question if an absolute majority is not secured in accordance with the Rules of Procedure.

As a rule, one deputy can be a member of more than one committee, which pretty much distorts the construction of the “working” assembly. The explanation for this may be found in the number of standing committees and the number of all seats in permanent committees, taking into account the principle of proportional representation of all parliamentary groups. There are no provisions on the distribution of Chair positions in committees among parliamentary groups. Comparative practice shows that the positions of presidents of some standing committees, such as the finance or budget committee, are always reserved for the parliamentary opposition. Although it proved to be good practice in some sessions of the National Assembly, this unwritten rule should be protected by the Rules of Procedure.

Based on formal criteria, the Serbian National Assembly aimed to develop the model of a “working” assembly, especially before the adoption of the new Rules of Procedure in 2010, when as many as 30 standing committees were organized. Their competences were not strictly related to the subject matter of expertise of the specific ministry; their number exceeded the number of ministerial departments. However, since the National Assembly mainly acted in the plenum, while the committees did not take the initiative towards the ministries action, the goal was not achieved because the legislature failed to strike a proper

balance between work in the plenum and committees work. Despite the large number of standing committees, the held committee meetings indicate that their activity was far from expected; so, the National Assembly realized its position mainly as a “talking” forum.<sup>7</sup>

Since the adoption of the new Rules of Procedure of the National Assembly in 2010, the number of standing committees was reduced from 30 to 20 parliamentary bodies.<sup>8</sup> There is also a possibility of establishing temporary working bodies of the National Assembly *ad hoc*, including inquiry committees and commissions. However, the action and control function of these bodies will depend on the strength of the parliamentary opposition to prompt their establishment in order to control the Government, as well as on the tolerance of the political majority to allow the application of this instrument of parliamentary control.

The structure of standing committees in the National Assembly shows they do not meet the principles of the so-called “working” parliament.<sup>9</sup> The main function of a committee is to ensure efficiency in the internal organization of the parliament, but also to protect the parliamentary autonomy from the external influences of the executive power by taking the initiative and reviewing the proposals coming from the Government. As professional and working bodies, parliamentary committees should be structured in such a way as to enable the parliament to provide a relevant response to government policy. The deputies’ actions through committees should strengthen the National Assembly and constrain the Government influence on the parliamentary affairs.

The basic features of parliamentary committees (such as expertise, internal cohesion and support) have not come to the fore both due to the large number of committees (which caused an unnecessary overlap of responsibilities) and due to their composition (which has been an obstacle to the efficient work and effective influence on the parliamentary plenum). The committee members should be chosen from among MPs according to the criteria of their expertise, which would enable the committee to act as a specialized body that permanently tackles subject-specific issues in the parliamentary process. Internal cohesion indicates that a relatively small group of MPs gathered in a committee, although representing different political orientations, could reach an agreement more easily than political groups in the plenum. Finally, support implies that the committees are referred to experts in specific fields, which enables committee members to base their proposals on a professional stance instead of being guided only by political reasons (Hague, Harrop, 2004: 251).

Considering that one parliamentary group in the Serbian National Assembly may be composed of minimum five deputies (MPs), it is not possible for such political miniatures

<sup>7</sup> For example, immediately before the adoption of the new Rules of Procedure (2010), more than two-thirds of the standing committees held fewer than ten sessions per year (Pejić, 2011: 285)

<sup>8</sup> The Serbian National Assembly includes the following permanent committees: 1) Committee on Constitutional and Legislative Issues, 2) Defence and Internal Affairs Committee; 3) Foreign Affairs Committee; 4) Committee on the Judiciary, Public Administration and Local Self-Government; 5) Committee on Human and Minority Rights and Gender Equality; 6) Committee on the Diaspora and Serbs in the Region; 7) Committee on the Economy, Regional Development, Trade, Tourism and Energy; 8) Committee on Finance, State Budget and Control of Public Spending; 9) Agriculture, Forestry and Water Management Committee; 10) Committee on Spatial Planning, Transport, Infrastructure and Telecommunications; 11) Committee on Education, Science, Technological Development and the Information Society; 12) Committee on Kosovo and Metohija; 13) Culture and Information Committee; 14) Committee on Labour, Social Issues, Social Inclusion and Poverty Reduction; 15) Health and Family Committee; 16) Environmental Protection Committee; 17) European Integration Committee; 18) Committee on Administrative, Budgetary, Mandate and Immunity Issues; 19) Security Services Control Committee; 20) Committee on the Rights of the Child. (RoP NA, 2010, art. 46-47).

<sup>9</sup> There is an opinion that committees are the most significant organizational phenomenon in the modern parliament and they contribute to the economy of the parliamentary procedure (Judge, Earnshaw, 2003: 177).

to meet the criteria of expertise because they do not have a sufficient number of deputies who can competently participate in the committee’s work. In addition, such a small group does not have the capacity to invite or engage external associates because the fragmentation of the parliament contributes to the alienation of experts fearing the risk of abuse and political games they do not want to “play” as independent experts.

The structure of the committees and their membership only formally meet the criteria set before a modern parliament. All parliamentary groups are represented in the structure of standing committees in proportion of their strength, whereby there is a rule that an MP can be a member of several committees. If one parliamentary group does not want to exercise the right to distribution of seats in the committees, then the number of elected members of the parliamentary committee will be considered the final composition, if it represents more than half of the number of committee members determined by the Rules of Procedure. In 20 permanent committees, the total number of seats is 315 (each committee comprises 17 members, except for the Security Services Control Committee which has 9 members); it means that MPs occupy seats in at least two (or more) parliamentary committees. In this way, small parliamentary groups may have the same representative in several standing committees, which does not contribute to strengthening the professional capacities of the committees. Thus, for example, in the 8<sup>th</sup> legislature (2008-2012), when the Serbian National Assembly had 30 parliamentary committees with over 460 seats, some parliamentary groups that brought together less than five percent of MPs were represented in the membership of as many as 80% of standing committees (Pejić, 2021: 47).

The activity of parliamentary committees cannot be measured only by the number of meetings held but also through the effects of discussions and conclusions that influence decision-making in the plenum. During the 12<sup>th</sup> legislature, which lasted less than two years (22 October 2020 to 2 August 2022), a total of 570 committee meetings were held. Taking into account that the committee sessions lasted 38.3 minutes on average, and that even 31% of all sessions lasted less than 10 minutes, it can be concluded that these bodies did not fulfill their role. Moreover, during the 12<sup>th</sup> convocation, only six committees organized a total of 23 public hearings (Open Parliament/CRTA, 2022:15, 16, 31).<sup>10</sup>

In addition to the mentioned shortcomings in terms of organization, there has been a notable absence of practice in conducting public hearings before standing committees. Given that the Rules of Procedure only regulate public hearings in general, Pajvančić is of the opinion that there is no clear demarcation between the public hearings which are part of the legislative process and the public hearings which are established as a control function of the National Assembly. It gives rise to the key questions: what is the purpose of compiling and submitting the information from the public hearing, and what will happen to the information that is submitted to the President of the National Assembly, committee members and other participants of the public hearing (Pajvančić, 2012: 17).<sup>11</sup>

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<sup>10</sup> Open Parliament/CRTA (2022): The Annual state of play Report of the National Assembly 2021, by the Open Parliament Initiative, CRTA, June 2022, available at <https://otvoreniparlament.rs/istrazivanje/75>

<sup>11</sup> In the 12<sup>th</sup> convocation of the legislative body, committees organised a total of 23 public hearings, the largest number of which were organised by the Committee on Constitutional and Legislative Issues, while a total of 10 hearings were dedicated to changing the Constitution in the field of justice (Open Parliament/CRTA, 2022:31).

### 3.1. The Conference of Presidents

In comparative law, special importance is given to the institutionalized form of inter-factional cooperation in parliament. The special body has the features of governing authority of parliament and it is composed of the Chair/President of the parliament and the heads of the parliamentary groups. Its composition is in proportion to the strength of each parliamentary group. Large groups have more members than smaller groups; thus, the composition and functioning of this body reflect the political relations from the plenum.<sup>12</sup> The same rule is applied to the formation of other parliamentary bodies, and all of them should be only a minor political form of parliament. This is a very important question from the legal notion of the parliamentary opposition.

In the Serbian National Assembly, and in the state-controlled media, the opposition has never had equal opportunities, and it has not been fairly allocated influential, primarily financial resources. According to the Rules of Procedure, parliamentary services are available to all parliamentary groups; yet, the parliamentary opposition has not had any influence either in the parliamentary plenum or in parliamentary committees. The parliamentary opposition activity has also been hampered by an emerging distortion in the Serbian parliamentary life, embodied in parliamentary obstruction by the majority, which prevents or limits the participation of the opposition in the discussion and the legislative initiative.<sup>13</sup>

The inter-fractional body is predominantly advisory in nature. It is expected to reach a certain compromise, which will be adopted later in the plenum. In this way, all represented political groups strive to highlight and protect their interests. In addition to the presidents of the parliamentary groups, other members of political groups could also be represented. The goal is to reach a bargain among the political groups in advance, especially regarding the distribution of Chair seats in the committees. Although it does not have the authority of a decision-making body, the inter-fractional body exercises an important advisory and mediating role. As a deliberative body, it could prepare the program of work, agendas and sitting times of the plenum and committees. This body has a central role in misunderstandings concerning the Rules of Procedure interpretation.

The National Assembly Collegium is a completely new subsidiary body of the National Assembly established by the National Assembly Act (2010). In that way, one of the standards in the interior organization of the parliament was met. However, this solution requires a detailed elaboration of the Rules of Procedure. The National Assembly Collegium consists of the President and the vice-presidents of the Assembly and the presidents of parliamentary groups. It is an advisory body and its competences should be considered in that context. The National Assembly Act (Article 26) provides that the Rules of Procedure shall regulate the competences of the Collegium in more detail and expand

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<sup>12</sup> The German Council of Elders (*Ältestenrat*) includes the president of the Bundestag and his deputies and a maximum of 23 members appointed in proportion to the strength of individual fractions (Par.12. GeoBt). Deutscher Bundestag (2023). Council of Elders; <https://www.bundestag.de/en/parliament/elders>  
In France, the Conference of Presidents (*Conférence de Présidents*) consists of the president of the National Assembly, vice-presidents, presidents/chairs of permanent committees, the parliamentary bureau of the Conference of Presidents, and, if needed, presidents/chairs of special committees, presidents/chairs of parliamentary groups, the general rapporteur of the Finance Commission and the president of the delegation of the NA for the European Union (Art.13. R.A.N.). Assemblée nationale/French National Assembly (2023). La Conférence des Présidents; [https://www2.assemblee-nationale.fr/15/la-conference-des-presidents/\(block\)/42495](https://www2.assemblee-nationale.fr/15/la-conference-des-presidents/(block)/42495).

<sup>13</sup> Taking into account the complexity of the legal concept of the opposition, it can be said that the Serbian constitutional system has not even started searching for an answer to this question (Pejić, 2021: 50).



them in matters within the competence of the President of the National Assembly. For example, when declaring a state of emergency in the Republic of Serbia in 2020, the President of the National Assembly should have previously consulted with the Collegium on whether there was a possibility of holding a parliamentary session or not (which the President of the Assembly did not do).

In the Serbian National Assembly, there is no collective governing body such as a presidency; instead, there is an individual one, embodied in the function of the President of the NA who should maintain order among deputies and ensure that the requirements for an effective operation in parliamentary sessions are met. However, it would be good if the Rules of Procedure would regulate certain powers that the President of the NA would exercise after consulting with all the vice-presidents, in the form of some informal presidency, taking into account the rule that each parliamentary group has the right to one vice-president.

The President of the NA does not have the power as other constitutional authorities but his role is not only of a ceremonial nature. The reason for establishing the principle *primus inter pares* should not be excluded but the influence that his/her political group exert in the work of the parliament should be not ignored either. For this reason, the satisfaction of both parties (the parliamentary majority and the minority) rests on the provisions of the Rules of Procedure and their implementation which largely depends on the tact and conscience of the President of the NA who runs the sessions. Yet, this is not enough in the modern parliament which is no longer made up of strong individuals (only) but is a parliament of political parties. A collective body in the form of the presidency should be granted these complex leadership prerogatives for the purpose of oscillating between different political groups.

### 3.2. Plenary sessions

The range of constitutional competences and the complexity of affairs in modern parliaments indicate the need for certain rationalization measures in the parliamentary process, especially when it comes to work in the plenum. However, these measures should be cautiously applied because they may produce a dual effect as they have good and bad sides. On the one hand, the abolition of the debating quorum enables parliamentary sessions to be held, but it encourages the MPs’ abstention. As parliamentary sessions are publicly broadcast on the national television, it indirectly affects the citizens perception of the legislature and projects a bad image about people’s representatives. That is why the provision on the quorum should be systemically linked to the provision on the number of days for parliamentary sessions. The Rules of Procedure of the National Assembly provide for two types of quorum: quorum for opening the discussion and quorum for decision-making. The decision-making quorum is necessary in several cases: at the first opening session, on the voting day, and when adopting the minutes and setting the agenda. Instead of the debating quorum (which existed until 2005), the Rules of Procedure establish a type of “introductory quorum”, i.e. a quorum for opening the debate (one-third of the total number of MPs).

The parliamentary plenum should be strengthened by a mandatory discussion quorum (presence of one-third of MPs during the entire session) in the course of two “sitting” days of the week. In other cases, it would be enough to have only the so-called introductory quorum. The rule on mandatory “sitting” days, which is applied in some European parliaments,<sup>14</sup> would

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<sup>14</sup> For example, the rule on three working days per week was established in France, and on two working days in the Netherlands. As part of the parliamentary reform, motivated by the deputies’ low attendance in the parliamentary plenum, the German Bundestag in 1995 introduced the so-called core time (from 4 to 6 hours a week) for discussing essential issues which have been put on the agenda and could not be postponed.

enable MPs to perform other duties related to their parliamentary functions. In order to avoid wasting time and a bad impression of an ineffective assembly (due to empty chairs during sessions), the reform should bring the MPs back to the benches in the period that is essential for discussing certain issues.

The aim of this analysis is not to limit or diminish the importance of the parliamentary plenum. Although in modern times the public discussion no longer has a central place in the parliamentary procedure, MPs and parliamentary groups are interested in making their political program available to the public. Discussion in the plenum strengthens the function of informing and influencing the citizens. In the long legislature period between two elections, equal chances should be provided to the parliamentary majority and the minority to gain importance and verify their political views with the electorate. Parliamentary discussion sublimates the individual right of MPs to speak, which is limited because MPs rarely have the opportunity to present their own opinions. They do so on behalf of their parliamentary group or on behalf of their political party. As a rule, the time for participation in the parliamentary debate is distributed between the parliamentary groups, which determine who the time will be allocated to and how many of their members will take part in the debate.

Apart from the plenum where parliamentary bills are discussed, there is work in the plenum which comes as a result of parliamentary questions that MPs put forward to the Government. Unfortunately, in the Serbian National Assembly, parliamentary questions are not followed by discussion, and the allocated time is often used for other purposes rather than for asking parliamentary questions, which significantly reduces the capacity of MPs to discuss issues related to the work of the Government. The Rules of Procedure of the National Assembly regulate two forms of parliamentary questions: oral and written questions. The oral ones may be asked only on the last Thursday of the month, when the National Assembly has the so-called “sitting” days. A special form of control called “parliamentary questions on topical issues” is reserved for parliamentary groups which are completely passive in using this instrument of parliamentary control. One session per month is reserved for the Parliamentary Question Time, which is held every last Thursday of the month from 4pm to 7pm. Thus, more restrictions are introduced; not only is the question time scheduled only once a month but it is also done “during an ongoing parliamentary sitting” when the work in line with the agenda “shall be adjourned” (Article 205 para.1 Rules of Procedure NA). Hence, the effect of the control instruments is minimal and the National Assembly cannot be designated as a “working parliament” even in this segment of its work. ..

For example, during the short 12<sup>th</sup> legislature (October 2020-August 2022), MPs had the opportunity to ask questions to the Government (Question Time) only ten times. In such limited conditions for exercising parliamentary control, it is interesting that the opposition deputies were given only 15 percent of the total time, while 85 percent was used by the parliamentary majority (Open Parliament/CRTA, 2022: 34). This indicates that, on most occasions, parliamentary questions were not used as an instrument of parliamentary control but for providing support to the executive authorities, primarily to the President of the Republic, whom the majority of MPs addressed in their speeches, highlighting his merits.

#### 4. CONCLUSION

The Rules of Procedure of the Serbian National Assembly indicate that the legislative body was intended to acquire the structure of a “working” assembly. However, the disproportionately large number of permanent parliamentary committees, and the (in)activity of some of them,

indicates that this intention has not been put into effect. The National Assembly has retained most of the attributes of the “talking” assembly, which performs most of its work in the plenum. The parliamentary plenum is still the central place for parliamentary activities, and MPs are often exhausted in protracted debates dominated by the political majority, whose primary task is to neutralize every proposal of the opposition. In the last couple of convocations of the National Assembly, a distorted form of obstruction has been observed in Serbian parliamentary practice, which is applied by the parliamentary majority in order to prevent the opposition from presenting its amendments and discussing them. This form of action in the parliamentary plenum is completely replicated in standing committees, where professional and expert discussion is made completely impossible.

The current practice and the normative framework on the operation of the Serbian National Assembly, as well as parliamentary experiences with a long-standing tradition, indicate that it is desirable to profile the National Assembly as a “working” body. It rests on the assumption of a rational internal organization, including well-organized and active parliamentary committees and parliamentary groups. It would contribute to improving the efficiency in the parliamentary process, while establishing a proper balance in terms of the internal organization and functioning of the national parliament would be the basic prerequisite for strengthening the independent position of parliament in relation to the Government.

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## **NARODNA SKUPŠTINA SRBIJE KAO „RADNI” PARLAMENT: PRAVNI OKVIR I DOSTIGNUĆA**

*Unutrašnja organizacija parlamenta proizilazi iz ustavnog principa o parlamentarnoj autonomiji i prava parlamenta da uređuje svoju unutrašnju kompoziciju. Uporedna analiza evropskih parlamentarnih sistema pokazuje da je kompozicija parlamenta usmerena na stvaranje predstavničkog tela koje bi ostvarilo zahteve za postizanje veće efikasnosti u radu i otvorenosti prema javnosti. U unutrašnjoj organizaciji parlamenta mogu se razlikovati dve vrste organa, skupštinski odbori i parlamentarne grupe. Dok skupštinski odbori imaju zadatak da pripreme rad parlamenta u tehničkom i stručnom smislu, parlamentarne grupe predstavljaju centar političkog odlučivanja koji se odražava direktno na akte usvojene u parlamentu. Uzimajući u obzir stepen i nagu uticaja skupštinskih odbora, parlamenti se mogu podeliti na „radne“ i „raspravne skupštine“. Uprkos velikom broju skupštinskih odbora u Narodnoj skupštini Republike Srbije, oni nemaju očekivanu uticajnu ulogu, pa se ni ovo predstavničko telo ne može svrstati u „radne parlamente“. Parlamentarni plenum je i dalje centralno mesto za parlamentarne aktivnosti, a ono se iscrpljuje u dugotrajnim raspravama u kojima dominira politička većina sa zadatkom da neutrališe svaki predlog opozicije. U poslednjim legislaturama u srpskoj parlamentarnoj praksi pojavio se i skrivljeni oblik opstrukcije koji primenjuje parlamentarna većina da bi onemogućila opoziciju da istakne svoje amandmane i o njima diskutuje. Ovaj oblik delovanja u plenumu u potpunosti se preslikava na parlamentarne odbore u kojima je argumentovana i stručna rasprava potpuno onemogućena.*

*Ključne reči: Narodna skupština Republike Srbije, parlamentarni odbori, parlamentarni plenum, Poslovnik Narodne skupštine Srbije.*