
Warsaw, 10 July 2025
Opinion-Nr.: ODIHR-552/2025

OPINION ON FURTHER UPDATED DRAFT LAW ON AMENDMENTS TO THE LAW ON THE UNIFIED VOTER REGISTER

SERBIA

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Based on an English translation of the Draft Law provided by the National Assembly of the Republic of Serbia.



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EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS

The Unified Voter Register (UVR) of the Republic of Serbia has been the subject of a number of long-standing recommendations put forward in the election observation reports of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) that pertain to improving the accuracy and transparency in the voter lists. On 28 March 2025, ODIHR published an Opinion on the Draft Law on Amendments to the Law on the Unified Voter Register (LUVR), which had been requested by the Chairperson of the Committee on Constitutional and Legislative Issues of the National Assembly of the Republic of Serbia. A subsequent legal review of an updated version of the Draft Law was requested by the respective parliamentary committee, with ODIHR publishing its Opinion on 2 June 2025. On 26 June 2025, the Chairperson of the Committee sent to ODIHR a third request for a legal review of a further updated version of the Draft Law (“further updated Draft Law”).

The ODIHR June 2025 opinion assessed the previous version of the Draft Law as overall in line with the aim of previous ODIHR recommendations in its election observation reports, while highlighting a number of unaddressed recommendations from its March 2025 Opinion, including to introduce additional provisions to strengthen personal data protection and prevent unauthorized use of voter data, to engage a combination of professionals necessary to effectively conduct the audits, and to establish the frequency of the periodic audits. Additional recommendations put forward in the June 2025 Opinion based on the updated text included a key one to consider granting the responsibility to regularly audit the UVR to a new permanent or ad hoc independent body, such as the Draft Law’s proposed temporary commission for conducting the first audit to ensure its quality and, in turn, enhance public trust. ODIHR welcomes that the further updated Draft Law addresses some of the key recommendations put forward or reiterated in its June 2025 Opinion. However, the process of further updating the Draft Law did not address the law-making procedural deficiencies identified in its earlier Opinions and lacked an inclusive consultative nature built upon a broad political consensus as previously recommended by ODIHR. Further, the original parliamentary working group was not re-established to continue its work.

Addressing a recommendation put forward in ODIHR’s March and June 2025 Opinions, the further updated Draft Law grants responsibility for conducting periodic audits of the UVR every two years to a proposed independent audit commission whose members will serve five-year terms, with the first audit to be conducted and finalized within nine months of the appointment of its members. Several other recommendations offered or reiterated in ODIHR’s June 2025 Opinion have also been addressed in the further updated Draft Law, including the introduction of a deadline for the audit commission to consider complaints about the UVR’s accuracy, establishing the frequency of the periodic audits, and obliging the audit commission to adopt regulations on the auditing process. From a technical perspective, the further updated Draft Law has improved the clarity and coherence of the draft.

At the same time, ODIHR notes that some of the recommendations put forward or reiterated in its June 2025 Opinion have been left unaddressed or only partially addressed. These include expanding personal data protection provisions in connection with the access to and scrutiny of voter registration data, on the composition and powers of the proposed auditing commission, on requiring a combination of professionals necessary to effectively conduct the audits, and on enhancing the transparency of the auditing process for accredited observers. In addition, some of the latest changes in the further updated Draft Law have raised new concerns that prompted a range of additional recommendations aimed at improving the Draft. ODIHR encourages the Serbian authorities to further consider the remaining recommendations in order to bring the Draft Law in line with international standards, OSCE commitments, and good practice.

Lastly, ODIHR reiterates its previous recommendation to subject the proposed amendments to the LUVR to inclusive, extensive, and effective consultations, including with civil society.

More specifically, and in addition to what is stated above, ODIHR makes the following recommendations to further enhance the proposed amendments to the LUVR:

- A. To clarify how corrections and updates to the UVR are made following the Audit Commission's findings to avoid confusion over roles and division of responsibilities; [par. 18]
- B. To revise the newly-proposed changes on the selection of nominees to the audit commission which establish different rules for nominations by the parliamentary majority and the opposition and reduce the involvement of civil society organizations. The revision of these provisions should be carried out following agreement between the government, opposition and civil society on the composition of the audit commission; [par. 26]
- C. To consider making the recommendations of the audit commission final and implementable and to remove overlapping responsibilities for monitoring the implementation of the recommendations; [par. 39]
- D. To consider applying the proposed three-month period for alternating presidents of the audit commission to the process of conducting the first nine-month audit and establishing a longer period to apply after the first audit is finalized; [par. 41]
- E. To stipulate clearly the funding mechanism and ensure that sufficient funds are available on time for the audit commission to complete its work in accordance with the law; [par. 42]
- F. To expand the proposed right of accredited observers to attend the sessions of the audit commission to include all sessions, not only those held during an electoral period; [par. 43]
- G. To provide for timely implementation of the first audit, certain proposed timelines and deadlines, for instance those applicable to the adoption of regulations on the auditing process, to the harmonization of LUVR regulations with the new

legislation, and to the parliamentary vote on nominees to the audit commission should be shortened; [par. 44]

These and additional Recommendations, are included throughout the text of this Opinion, highlighted in bold.

As part of its mandate to assist OSCE participating States in implementing their OSCE human dimension commitments, ODIHR reviews, upon request, draft and existing laws to assess their compliance with international human rights standards and OSCE commitments and provides concrete recommendations for improvement.

TABLE OF CONTENTS

I.	INTRODUCTION	6
II.	SCOPE OF THE OPINION	7
III.	LEGAL ANALYSIS AND RECOMMENDATIONS.....	9
1.	TECHNICAL REMARKS.....	9
2.	UPDATES TO PROPOSED AMENDMENTS TO CHAPTER II – PROCEDURE FOR KEEPING THE ELECTORAL ROLL, SECTION 4 – PUBLICIZING PARTS OF THE ELECTORAL ROLL AND ELECTORAL ROLL CLOSURE	9
3.	UPDATES TO PROPOSED NEW CHAPTER/ARTICLES TO LAW ON THE UNIFIED VOTER REGISTER REGARDING AUDIT AND MAINTENANCE.....	10
ANNEX: Further Updated Draft Law on Amendments to the Law on the Unified Voter Register		

I. INTRODUCTION

1. On 2 June 2025, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) published an Opinion on the Updated Draft Law on Amendments to the Law on the Unified Voter Register (LUVR) requested by the Committee on Constitutional and Legislative Issues of the National Assembly of the Republic of Serbia.¹
2. The LUVR was adopted in 2009, and it regulates a single register of Serbian citizens, who have the right to vote. The Unified Voter Register (UVR) has been the subject of a number of long-standing recommendations put forward in ODIHR's election observation reports that pertain to improving the accuracy and transparency of the voter lists. The changes proposed in the updated draft amendments to the LUVR reviewed by ODIHR in June 2025 relate to the public display of, access to, and publication of information concerning the UVR, and introduce new articles on personal data protection and auditing of the UVR.
3. In its June 2025 Opinion on the updated Draft Law, ODIHR welcomed that it addressed some of the key recommendations put forward in its March 2025 Opinion that had assessed the earlier version of the Draft Law under review as overall in line with the aim of previous ODIHR recommendations in its election observation reports, including by expanding provisions on public scrutiny of the UVR and introducing long-term measures for auditing the UVR. However, the process of further updating the Draft Law did not address the law-making procedural deficiencies identified in its earlier Opinions and lacked an inclusive consultative nature built upon a broad political consensus as previously recommended by ODIHR. Further, the original parliamentary working group was not re-established to continue its work.
4. Moreover, the June Opinion raised concerns with the new proposal to grant the Republic Electoral Commission (REC) with responsibility for conducting the periodic audits of the UVR, noting that the REC has limited human and financial resources, which hinders its ability to sustainably improve its work in between electoral periods. In this respect, the Opinion recommended that the authorities consider granting another independent body, such as the Draft Law's proposed temporary commission for conducting the first audit, with permanent or ad hoc powers to periodically audit the UVR to ensure its quality and, in turn, enhance public trust. The Opinion further noted that some of the recommendations put forward in the March Opinion had been left unaddressed or only partially addressed, **such as on expanding personal data protection provisions in connection with the access to and scrutiny of voter registration data, on the composition and powers of the proposed auditing commission, on establishing the frequency of the long-term auditing measures, and on enhancing the transparency of the auditing process for accredited observers.** The Opinion also put

¹ See ODIHR [Opinion](#) on the Updated Draft Law on the Amendments to the Law on the Unified Voter Register. The 2 June Opinion followed from a 29 April 2025 request of the Chairperson of the Committee of Constitutional and Legislative Issues of the National Assembly of the Republic of Serbia to review the updated Draft Law submitted to the Parliament by a Member of Parliament Mr. Uglješa Mrdić. That Opinion assessed the extent to which the updated Draft Law addressed the recommendations put forward in a 28 March 2025 ODIHR [Opinion](#) on an earlier version of the Draft law that was prepared by the Serbian Progressive Party (SNS), reiterated those recommendations which remained to be addressed, and put forward several new recommendations related to the changes. Prior to its March Opinion, ODIHR provided Informal Comments on 28 November 2024 in response to a request from the respective Committee's Working Group for Improvement of the Election Process. Those comments addressed competing draft amendments to the LUVR submitted by the SNS and the Centre for Research, Transparency, and Accountability (CRTA). Both proposals were subsequently revised in January 2025; however, the Working Group was unable to reach a consensus or adopt a unified draft. ODIHR submitted updated Informal Comments on the revised drafts on 31 January and 4 February 2025, emphasizing the need for harmonization through an inclusive and transparent consultation process. Public hearings, initiated by the parliament as of 27 January 2025, faced procedural criticisms and led to the withdrawal of opposition parties and civil society representatives from the Working Group.

forward additional recommendations prompted by some of the updates to the Draft Law. Lastly, it reiterated its previous recommendation to subject the Draft Law to inclusive, extensive and effective consultations, including with civil society, on a timely basis and in line with established rules.

5. On 26 June 2025, the Chairperson of the Committee on Constitutional and Legislative Issues of the National Assembly sent to ODIHR another request for a legal review of the further updated version of the Draft Law on Amendments to the LUVR (“further updated Draft Law”). Based on the comments and recommendations presented in ODIHR’s June Opinion, the further updated Draft Law was submitted to the respective parliamentary committee by a Member of Parliament Mr. Uglješa Mrdić. This was followed by public hearings on the draft. While members of the ruling party stated a comprehensive process was provided for, some civil society organizations criticized it for lacking transparency and inclusiveness, with concerns raised about the absence of a public invitation and the exclusion of key stakeholders from the process.² In turn, this Opinion assesses the extent to which the further updated Draft Law addresses the recommendations put forward in the June 2025 Opinion (some of which are reiterated from the March 2025 Opinion), reiterates those recommendations which remain to be addressed by the further updated Draft Law, and puts forward a range of new recommendations related to the latest proposed changes.
6. ODIHR conducted this assessment of the further updated Draft Law within its mandate to assist the OSCE participating States in the implementation of their OSCE commitments, in particular, related to the electoral process. ODIHR welcomes the readiness of the Serbian authorities to follow up on the electoral recommendations provided herein and stands ready to assist the authorities of Serbia to further improve the electoral process.³

II. SCOPE OF THE OPINION

7. The Opinion does not constitute a full and comprehensive review of the entire legal and institutional framework regulating elections in Serbia. It focuses on the conformity of the Draft Law with international standards and good practice in electoral matters and highlights proposed changes that might address previous ODIHR election-related recommendations. As such, this Opinion should be read in conjunction with the recommendations issued in previous ODIHR election observation reports and legal opinions and informal legal comments. In this connection, it must be stressed that the pending ODIHR recommendations remain valid.⁴
8. The Opinion raises key issues and provides indications of areas of concern. In the interest of conciseness, it focuses more on those provisions that require amendments or improvements than on the positive aspects of the further updated Draft Law. The ensuing legal analysis is based on international and regional human rights and rule of law standards, norms and recommendations, as well as relevant OSCE human dimension commitments. Moreover, in accordance with the *Convention on the Elimination of All Forms of Discrimination against Women*⁵ (hereinafter “CEDAW”) and the *2004 OSCE Action Plan for the Promotion of*

² On 3 July, the Transparency International submitted [comments](#) on the Draft Law to the Committee, including their concerns regarding the process, in particular with respect to the public hearings.

³ In paragraph 25 of the 1999 Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations.”

⁴ See all previous ODIHR election-related [reports](#) on Serbia.

⁵ UN Convention on the Elimination of All Forms of Discrimination against Women (hereinafter “CEDAW”), adopted by General Assembly resolution 34/180 on 18 December 1979.

*Gender Equality*⁶ and commitments to mainstream gender into OSCE activities, programmes and projects, the Opinion integrates, as appropriate, a gender and diversity perspective.

9. This Opinion is based on an unofficial English translation of the Draft Law provided by National Assembly of the Republic of Serbia, which is attached to this document as an Annex.⁷ Errors from translation may result. Should the Opinion be translated in another language, the English version shall prevail.
10. In view of the above, ODIHR would like to stress that this Opinion does not prevent ODIHR from formulating additional written or oral recommendations or comments on respective subject matters in Serbia in the future.

⁶ See [OSCE Action Plan for the Promotion of Gender Equality](#), adopted by Decision No. 14/04, MC.DEC/14/04 (2004), par 32.

⁷ In the Serbian language, the Draft Law consistently uses the term “revizija” which in English is either “review” or “audit”, although the English translation provided to ODIHR by the Serbian authorities uses the word “revision”. For the purposes of this Opinion, the word “audit” is used.

III. LEGAL ANALYSIS AND RECOMMENDATIONS

1. TECHNICAL REMARKS

11. From a technical perspective, the further updated Draft Law has been improved in terms of its clarity and coherence. Firstly, the earlier versions of the Draft Law included numbering that made it unclear to which part of the LUVR the provisions regarding the audit of the UVR were to be inserted as many of the articles were given draft law article numbers but not article numbers for incorporation into the LUVR. In this respect, the June 2025 Opinion reiterated a recommendation from the March 2025 Opinion to *“either propose a new Chapter on auditing in the LUVR or indicate where to insert the proposed articles and that the order and number of the proposed Articles on the auditing process be reviewed and restructured as needed”*. Positively, the further updated Draft Law proposes a new chapter on the audit of the UVR, including all relevant provisions organized in a logical manner - that is, Article 4 of the updated Draft Law proposes a new Chapter Va Audit of the Voter Register, Articles 22a-22s.
12. The further updated Draft Law includes extensive technical corrections and clarifications to the draft text which enhances its clarity, but which does not affect the substance of the proposed text. This Opinion does not address these technical changes to the further updated Draft Law, except to point out problems with those proposed changes, as well as to highlight any new technical errors based on newly-proposed substantive text. These are as follows:
 - Article 2 of the further updated Draft Law, in proposed Article 17(5) of the LUVR, with respect to the manner of accessing voters’ data in the voter register, has been updated to add the phrase “paragraph 3” in the first line. However, the line already references “paragraphs 3 and 4”, which is correct in the context of the paragraph (referencing data referred in the previous paragraphs). The current draft now says “paragraph 3 paragraphs 3 and 4”. **As such, the new insertion should be deleted.**
 - Article 2 of the further updated Draft Law, in proposed Article 17(3) of the LUVR with respect to voters’ data in the voter register to be publicly displayed, has been updated to change “name of one parent” to “first name of one parent”. At the same time, in referring to the Audit Commission’s authorities in Article 4 of the further updated Draft Law – in the proposed Article 22k of the LUVR, paragraph 1 – it states that it will analyze data in the voter register at the level of personal data, including “name of father”. **These two proposed provisions should be harmonized and, in light of gender considerations, it is recommended that it be “name of one parent”.**

2. UPDATES TO PROPOSED AMENDMENTS TO CHAPTER II – PROCEDURE FOR KEEPING THE ELECTORAL ROLL, SECTION 4 – PUBLICIZING PARTS OF THE ELECTORAL ROLL AND ELECTORAL ROLL CLOSURE

13. ODIHR’s June 2025 Opinion recommended *“that Article 23 of the updated Draft Law sets a deadline for the Audit Commission to consider complaints [from the REC] about the UVR’s accuracy. Further, to ensure timely handling of such complaints, consideration should be given to introducing separate expedited deadlines in Articles 21 and 23 of the updated draft for the MPALSG and Audit Commission to address complaints during an electoral period.”* The further updated Draft Law addresses this recommendation by: (1) incorporating an additional second to last paragraph under the proposed Article 22g of the LUVR (Article 3 of the further updated Draft Law), which requires the Audit Commission to provide the REC with its response to the complaints of members and substitute members under that Article within 30 days from the date of receipt and (2) incorporating an additional third paragraph

under the existing Article 21 of the LUVR (Article 3 of the further updated Draft Law), which provides that during the election period, the ministry in charge of public administration must respond to complaints submitted by a member or substitute member of the REC under that Article within 5 days of receipt. Although the updates to the draft law do not provide an expedited deadline for consideration of complaints by the Audit Commission during an election period, this is not considered problematic since the audits are not expected to impact ongoing electoral processes and should, in any case, be finalized well-ahead of any election periods. **As such, the above-noted recommendation is considered fully addressed.**

14. The now fourth paragraph (previously third paragraph) of proposed Article 21 of the LUVR (Article 3 of the further updated Draft Law), grants civil society organizations accredited by the REC to observe elections in accordance with the law governing the election of Members of Parliament with the right to access all voter data contained in the voter register. It is unclear whether this provision also extends to observer organizations accredited for the presidential and local elections in terms of their right to access all data in the voter register during those electoral processes.⁸ **As a matter of transparency, it is thus recommended to consider amending this provision to clarify that accredited observers in all three types of elections are entitled to access all voter data in the voter register.** In addition, the June 2025 Opinion recommended “*to specify whether civil organizations that are not directly involved in election activities between electoral cycles but seek authorization from the REC to observe elections are entitled to access data on the voter register.*” This issue stems from the fact that the election laws allow only civil society organizations registered for election-related statutory purposes to be accredited to observe elections. **This recommendation has not been addressed by the further updated Draft Law.**
15. The June 2025 Opinion reiterated the unaddressed recommendation from the March 2025 Opinion “*to further strengthen personal data protection and prevent unauthorized use of the [voter] data, consideration could be given to expanding the proposed new chapter on personal data protection by adding explicit provisions that would eliminate ambiguities about compliance of the Draft Law with personal data protection laws and thereby enable a greater understanding of the rights and obligations carried out by different actors accessing and scrutinizing voter registration data*”. **This recommendation is not addressed in the further updated Draft Law, which does not expand on the proposed provisions on personal data protection, currently included in Article 5 of the further updated Draft Law (proposed Chapter VIa and Article 24a of the LUVR). As such, this recommendation is reiterated.**

3. UPDATES TO PROPOSED NEW CHAPTER/ARTICLES TO LAW ON THE UNIFIED VOTER REGISTER REGARDING AUDIT AND MAINTENANCE

16. The previous version of the Draft Law had proposed to introduce long-term UVR accuracy measures by mandating the REC with periodic auditing of the UVR after the first audit was to be conducted by a proposed ad hoc Audit Commission. The June 2025 Opinion on that version of the draft noted that while its earlier recommendation called for the introduction of long-term UVR accuracy measures in the form of either a permanent or ad hoc mechanism, it was intended to encourage the use of a newly-established independent mechanism for that purpose, emphasizing that previous ODIHR reports found that the REC has limited human

⁸ The Law on the Election of the President of the Republic and the Law on Local Elections do not regulate accreditation of observers but state that “provisions of the Law governing the election of Members of Parliamentary shall apply accordingly to local/presidential elections in matters not specifically regulated by the Law.” Under the Law on the Election of Members of Parliament, the REC is responsible for accrediting observer organizations, however, in practice, local election observers are accredited by local election commissions and not the REC.

and financial resources, which hinder its ability to sustainably improve its work between electoral periods. As such, that Opinion had recommended as follows: *“With the aim of addressing the concerns over the accuracy of voter lists and increasing public confidence, it is therefore advisable to reconsider the Draft Law’s proposal to grant the REC responsibility to audit the UVR and to consider mandating a permanent or ad hoc independent body, such as the Audit Commission, with regular or periodic auditing of the UVR.”* **ODIHR welcomes that the further updated Draft Law grants the Audit Commission permanent status and the long-term responsibility to conduct periodic audits, rather than the REC. It is thus considered that the above-noted recommendation has been fully addressed.**

17. To this end, proposed Article 22a of the LUVR (Article 4 of the further updated Draft Law) has been updated to provide that the auditing of the voter register shall be carried out by the Commission for Reviewing, Verifying and Controlling the Accuracy and Updating of the Voter Register (referred to in the further updated Draft Law as “the Commission” and in this Opinion as “the Audit Commission”). In light of the removal of the REC as the body responsible for conducting the periodic audits of the voter register, and the new proposal to grant the Audit Commission with sole responsibility to conduct the periodic audits, the text of the Draft Law has undergone extensive amendments to remove provisions related to the REC and to amalgamate the proposed provisions on regulating the dual auditing processes. As a result, several recommendations from the June 2025 Opinion related to the previously proposed mandate of the REC and duality of the auditing processes for the REC and Audit Commission are now moot (paras. 22, 26, 32-35, and 37 of the June 2025 Opinion).
18. The mandate of the Audit Commission - or rather the description of the audit of the voter register - set out in proposed Article 22a of the LUVR (Article 4 of the further updated Draft Law) is now as follows: “auditing of the Voter Register shall be a procedure for analysing and assessing the quality, accuracy, reliability, and efficiency of maintaining and updating the Voter Register.” Further, any draft recommendations put forward by the Audit Commission are to be “for the improvement of the manner in which the voter register is maintained and updated” (proposed Article 22l of the LUVR, second paragraph). In light of the descriptions of the Audit Commission’s mandate and role, the lack of clarity on how corrections and updates following the Audit Commission’s findings are made could lead to confusion over roles. The law should clearly state the Ministry’s role in implementing the changes and provide distinction between the Ministry and the Audit Commission’s authority in this regard.⁹ This includes clarity on responsibilities for conducting on-the-ground investigations of suspected technical irregularities identified by the Audit Commission. Providing clarity on these responsibilities is important since the actual correcting and updating of the voter register, especially following the finalization of the first audit, will be key to strengthening its short-term reliability, alongside the main long-term aim of improving the process for maintaining and updating the voter register.

⁹ The previous version of the Draft Law mandated the Audit Commission in previous Articles 6-7 to “review, verify, and control the accuracy and updating of the Voter Register” and to draft proposed recommendations “for improving the accuracy and the process for updating the Voter Register”. These descriptions for the Audit Commission have been removed in the further updated Draft Law and replaced with the descriptions that were used in the previous version of the Draft Law to describe the REC’s mandate in the long-term auditing process. In addition, the previous version of the Draft Law (Article 10) provided that following the submission of the Audit Report, the Audit Commission “shall control the accuracy and updating of the Voter Register and the implementation of recommendations made by the National Assembly’s competent committees”, while the updated version (newly proposed Article 22m of the LUVR) provides that the Audit Commission “shall monitor the implementation of recommendations made by the National Assembly’s competent committees”, without reference to controlling the accuracy and updating of the Voter Register.

RECOMMENDATION A

As such, it is recommended to clarify how corrections and updates are made following the Audit Commission's findings to avoid confusion over roles and division of responsibilities. It is also recommended to define the responsibility for on-the-ground investigations of suspected technical irregularities.

19. The June 2025 Opinion reiterated the earlier recommendation: *“To ensure legal certainty and stability of the long-term auditing process, ODIHR reiterates that the frequency of the audits should be established by law.”* In this respect, the further updated Draft Law in the first paragraph of proposed Article 22l of the LUVR now provides that the Audit Commission will submit an audit report on the audit of the voter register every two years. In addition, a transitional provision (Article 7) of the further updated Draft Law provides that *“the Commission [...] shall conduct the audit of the voter register within nine months from the date of appointment of members and substitute members of the Commission, and shall submit a report on the audit to the National Assembly within 30 days from the completion of the audit. These provisions read together fulfill the above-noted recommendation. **However, for clarity, the latter provision should refer to the “first” audit of the voter register. In addition, ODIHR reiterates its recommendation to conduct and finalize the first audit well ahead of the next elections, to provide sufficient time for the findings to be addressed and ensuring that the trust in the UVR is improved.**”* For the same reason, consideration can be given to providing in the Draft Law that **if the two-year mark for submitting a periodic audit report falls within a scheduled election year, the audit should be finalized at least six months before the election date.**
20. While recognizing the proposed extensive scope of the audit under the previous (and current) versions of the Draft Law (now under proposed Article 22k of the LUVR), the March and June 2025 Opinions recommended to include as part of the voter register audit, the auditing of public communication and voter education around the voter registration process. In this respect, paragraph 13 of the above-noted proposed Article already provides that, in the course of the audit, the Audit Commission is to initiate a voter education campaign on updating the Voter Register in cooperation with public media services, the ministry in charge of public administration and the REC (the latter is a newly added). While this is a positive measure, it is not the same as including auditing of public communication and voter education around the voter registration process within the scope of the audit itself. **As such, this recommendation has not been addressed in the further updated Draft Law.**
21. The previous versions of the Draft Law had explicitly required the relevant state and other authorities to provide all data and information to the Audit Commission. The March 2025 Opinion, reiterated in June 2025 Opinion, recommended that *“As a private data protection safeguard, consideration be given to explicitly limiting the data accessible to the Audit Commission to that relevant to the conduct of the audit and to fulfilling its mandate.”* **This recommendation has not been addressed in the further updated Draft Law in connection with the provision of information to the Audit Commission by the public authorities and is reiterated as such.**
22. The June 2025 Opinion reiterated a recommendation from the March 2025 Opinion as follows: *“For legal certainty and to enhance transparency of the Audit Commission's work, it is recommended that the Commission be obliged to adopt a regulatory and procedural framework after it is fully composed and within an established deadline and to promptly publish it. Consideration can also be given to establishing an independent website of the Audit Commission, rather than to have it rely on the National Assembly to publish its decisions, reports and other relevant documentation, as provided by the Draft Law.”* **The first part of**

this recommendation has mostly been addressed by a new paragraph proposed as the last article of proposed Article 22k, which states that the voter register’s audit procedure shall be regulated in detail by an act passed by the Audit Commission. However, a new transitional Article 11 of the further updated Draft law provides that the regulation is to be adopted within 60 days from the appointment of the members of the Audit Commission, which is rather long, considering that the commission is mandated to complete the first audit within nine months. A deadline of up to 30 days is considered more reasonable. Also, Article 11 infers that each newly-appointed commission (every five years) is to adopt new regulations, which does not seem necessary. **It is therefore recommended to revise Article 11 to clarify that it is the first commission that will adopt the applicable regulations, to shorten the 60-day deadline to a more reasonable period and to provide for the ability of each new commission to amend the regulations.** Regarding adoption of procedures, it is now noted that proposed Article 22o already included a provision that at its first session the Audit Commission shall adopt the Rules of Procedure regulating the organization and manner of work in detail. **The Draft Law does not, however, oblige the Audit Commission to promptly publish its procedures and regulations, which is recommended.**

23. The last part of the above-noted recommendation that proposes that the Audit Commission establish its own website rather than to have it rely on the National Assembly to publish its decisions, reports and other relevant documentation, as provided by the further updated Draft Law (currently, the second paragraph of proposed Article 22r of the LUVR) has not been addressed. In light of the fact that the Audit Commission is now being proposed as a permanent, rather than ad hoc body, with a renewed composition every five years, it is even more important that it establish and maintain its own website in line with its independent status and legal obligation to conduct its work in a transparent manner. **It is thus reiterated that the second paragraph of proposed Article 22r be amended to include a requirement for the Audit Commission to establish and maintain a website to publicize its work, instead of using the National Assembly’s website. A reasonable deadline for the first-composed Audit Commission to establish the website, of up to 30 days can be included in the transitional provisions of the Draft Law.**
24. On the composition of the Audit Commission, the June 2025 Opinion concluded that the following recommendation from the March 2025 Opinion had not been addressed in the Draft Law: *“In order to ensure the actual and perceived independence of the Audit Commission and gain public confidence in its work, it is recommended that prior to reaching agreement on the final composition to be proposed in the draft, the topic should be the subject of inclusive consultations between the government, opposition, and civil society.”* This recommendation flowed, in part, from the fact that a separate Draft Law earlier proposed by the CRTA suggested a different composition for the Audit Commission from that put forward in the SNS’s previous version of the Draft Law. Specifically, the CRTA draft had proposed nine members, with three nominated by each of the ruling party, opposition and civil society organizations, while the SNS draft had proposed ten members, out of which five would be nominated by the parliamentary majority, three from the opposition, and two by citizens groups. ODIHR’s March 2025 Opinion noted that greater flexibility and balance would be ensured if the composition had a similar number of experts nominated by the government and opposition – as had been proposed by the CRTA – and that an increased number of civil society nominees would enhance public trust in the work of the Audit Commission and the actual and perceived independence of the audit(s). In this respect, the further updated Draft Law does not include any changes to the proposed composition of the Audit Commission – neither in the balance of political representatives from the two sides nor in the level of inclusion of civil society nominees – which still proposes ten members, out of which five would be nominated by the parliamentary majority, three from the opposition, and two by citizens groups. **As such, the above-noted recommendation has not been addressed, and**

the authorities are again encouraged to engage in inclusive consultations to seek agreement on the composition of the Audit Commission.

25. The further updated Draft Law includes some other types of changes with regard to the composition of the Audit Commission. First, the previous version of the now first paragraph in proposed Article 22c of the LUVR had provided that the five largest parliamentary groups in the National Assembly that are part of the parliamentary majority shall each nominate one member (and one substitute member) to the Audit Commission. The revised version in the further updated Draft Law provides that the parliamentary groups in the National Assembly that are part of the parliamentary majority shall nominate five members (and five substitute members) of the Audit Commission.¹⁰ As such, these five nominations would not be single nominations by each of the five largest majority groups but rather by all majority parliamentary groups as a whole. However, the provision does not establish how these groups are to decide on the five nominees, whether by mutual agreement or any other method. Moreover, if by mutual agreement, the provision does not provide for a deadlock mechanism in case an agreement cannot be reached on one or more of the five nominees, a situation that is more likely to occur if there are not exactly five majority parliamentary groups at the time of the selection.
26. At the same time, the corresponding paragraph for the nomination of the three members of the Audit Commission by the opposition parliamentary groups remains the same (now the second paragraph of proposed Article 22c) – that is, that the three largest opposition parliamentary groups shall each nominate one member (and one substitute member), and a new fifth paragraph provides that if at the time of nomination, only two opposition parliamentary groups exist, the right to nominate two members shall belong to the larger opposition parliamentary group.¹¹ The rationale for having different rules apply to nominations by the parliamentary majority and the opposition is unclear and the revision in this respect appears unwarranted. In addition, the fifth paragraph does not explicitly state that the third nominee is to be nominated by the second largest opposition parliamentary group, with a possible interpretation that if there are only two opposition groups, only two nominees in total can be nominated.

¹⁰ A newly-proposed definition of “parliamentary group that is part of the parliamentary majority” is provided in the fifth paragraph of proposed Article 22c of the LUVR. This paragraph would more logically follow as the second paragraph, immediately after the paragraph that uses that term.

¹¹ This fifth paragraph would more logically follow as the third paragraph, immediately after the paragraph that concerns the opposition parliamentary groups selection of the three members. In addition, the previous version of the third paragraph of proposed Article 22f - that if one of the parliamentary groups authorized to nominate a member of the Audit Commission fails to submit a nomination, the next parliamentary group according to size will be entitled to nominate a member – has been changed to refer only to the opposition parliamentary groups since under the rewording of the first paragraph of proposed Article 22c all of the majority parliamentary groups are entitled to nominate five members to the Audit Commission, not just the largest ones.

RECOMMENDATION B

It is therefore recommended that the aforementioned paragraphs be revisited to harmonize the rules applicable to nominations to the Audit Commission by the parliamentary majority and opposition groups. The provisions should also provide for mutual agreements and appropriate deadlock mechanisms, if applicable, and otherwise ensure that the process for nominations is fully regulated taking into account all possible scenarios. Further, for clarity, if the new fifth paragraph in Article 22c is maintained, it should explicitly provide that the second largest opposition group will nominate the third nominee.

27. The previous version of the Draft Law had provided that the civil society organizations are entitled, by mutual agreement, to nominate two members (and two substitute members) to the Audit Commission (now proposed Article 22c of the further updated Draft Law). A newly-proposed fourth paragraph in that Article provides that if no agreement can be reached with the consent of all civil organizations participating in the nominating procedure, the final nomination of two joint candidates shall be established through a vote organized and facilitated by the staff of the parliamentary committee in charge of public administration. The proposed paragraph does not explicitly say that the vote by the parliamentary committee will be for the nominees submitted by the civil society organizations, leaving it ambiguous about whether the committee could select nominees other than those proposed, nor that the committee's voting process will be transparent. While providing a deadlock mechanism is a positive feature, the above-noted mechanism is too extreme given that there are alternative deadlock mechanisms that would still involve the civil society organizations in the final nominee selection, without having to resort to the selection being made by a parliamentary committee. For instance, if there are only two civil organizations participating in the nomination process and they cannot reach mutual agreement on the two nominees, the law could provide that each organization can nominate one member. If there are more than two organizations participating in the nomination process and agreement cannot be reached on two nominees, the final selection could be put to a consolidated vote of the members of all of the participating organizations. **It is therefore recommended that the aforementioned proposed paragraph be revisited to provide for more appropriate deadlock mechanisms for the civil society's nominations to the Audit Commission.**
28. The nomination process for members of the Audit Commission has been expanded in the further updated Draft Law, under proposed Article 22e of the LUVR, which applies to the nominations for the "new" composition of the Audit Commission which is presumably referring to all of the compositions after the initial one since it refers to "the expiry of the term of office of the appointed members". In this respect, it is noted that newly-proposed Article 22j provides that the Audit Commission members shall be appointed for a period of five years. Further, Article 22e provides that the nomination process will be conducted by the parliamentary committee in charge of public administration, while the whole procedure is laid out in proposed articles 22e-g. New transitional Article 6 of the further updated Draft Law provides that the respective parliamentary committee shall initiate the procedure for nominating the members of the Audit Commission within 45 days from the date of entry into force of the law, which presumably is referring to the initial composition. **For clarity, transitional Article 6 should state explicitly that it is referring to the "initial" composition of the Audit Commission and should reference that the nomination process should be conducted in line with the applicable provisions in Articles 22e-g.**
29. Regarding the joint nominations of two members of the Audit Commission by eligible civil society organizations, the second paragraph of proposed Article 22e provides that the respective parliamentary committee will publish a public call on the parliamentary website to

interested organizations for the submission of candidate nominations. It seems more appropriate that the eligible civil society organizations (those who are REC-accredited election observers and who have published at least three reports on the election observation findings as per proposed Article 22b) are each directly notified by the respective parliamentary committee of the opening of the nomination process, the nomination procedures, and the deadline. The list of eligible organizations can be provided to the respective parliamentary committee by the REC. Further, the third paragraph of proposed Article 22e provides seven days from the date of such public call (or notification to the parliamentary groups) to submit nominations, which has been reduced from the proposed fifteen days in the previous version of the Draft Law. Seven days is rather short, especially for civil society organizations to identify available, suitable candidates and to collaborate on nominating two of them (even more so, if the organizations are not directly notified of the call for nominations). It is noted that the 15-day deadline for parliamentary groups and civil society organizations to nominate replacements of dismissed or relieved members of the Audit Commission remains in the current draft (proposed Article 22j). **It is thus recommended to consider revising the manner in which eligible civil society organizations are notified of the opening of the nomination process and to extend the nomination deadline to at least 15 days.**

30. The June 2025 Opinion recommended “*that [...] any independent body granted responsibility for conducting the audits be obliged to engage a combination of professionals necessary to effectively conduct the periodic conducts*”. This recommendation flows from the fact that the proposed eligibility criteria for the professional background of the members of the Audit Commission (currently Article 4 of the further updated Draft Law – proposed Article 22d of the LUVR) did not ensure that the overall composition had a combination of all necessary skills for such a commission. A newly proposed provision in the further updated Draft Law – the fourth paragraph of Article 22s of the LUVR – provides that for the purpose of conducting the audit of the voter register, the Audit Commission may engage experts with higher education in mathematical, demographic, information or economic sciences or in social-statistical and other related scientific fields.¹² However, this provision neither obliges the Audit Commission to engage any professionals in the conduct of the audits nor to ensure that it involves professionals with a combination of all necessary skills for conducting such audits. **As such, the further updated Draft Law does not address this recommendation, and it is reiterated as such.**
31. It is noted that the further updated Draft Law does not include any provisions regarding conflict of interest of members of the Audit Commission in terms of eligibility to be appointed under proposed Article 22d. **It is advisable that the Draft Law incorporate a reference to any applicable conflict of interest laws with regard to eligibility to be appointed to, or remain a member of, the Audit Commission.**
32. Proposed Article 22g of the further updated Draft Law, second paragraph, newly provides a six-month deadline for the National Assembly to vote on the list of nominees to the Audit Commission that has been approved and submitted by the respective parliamentary committee (there was no deadline in the earlier version of the Draft Law). Given that under proposed Article 22e, second paragraph, the respective parliamentary committee can initiate the nomination procedure up to six months before the expiry of the term of office of the appointed members of the Audit Commission, and that it will take another few weeks for the nominee list to be approved and submitted to parliament (in light of the 7 or 15-day nomination deadlines and the 7-day deadline under proposed Article 22f for the parliamentary committee to examine the nominations to determine eligibility), the proposed six-month deadline for the plenary vote is technically too long. That is, the vote could potentially take place several

¹² According to the last paragraph in the respective Article, the experts are to be paid in an amount to be determined by the parliamentary committee for administrative and budgetary affairs.

weeks after the expiry of the term of office of the members of the Audit Commission, essentially leaving the commission non-functioning for that period. **It is thus recommended that the deadline for the parliamentary vote on the nominees for the renewed compositions of the Audit Commission be shortened to align with the deadlines in the nomination process.**

33. Moreover, for the initial composition of the Audit Commission, a separate expedited timeline for the parliamentary vote is not provided to ensure that the first audit can be undertaken as soon as possible. As noted earlier, transitional Article 6 of the further updated Draft Law provides that the respective parliamentary committee shall initiate the procedure for nominating the members of the Audit Commission within 45 days from the date of entry into force of the law. However, it does not provide any special timeline for the parliamentary vote on the first set of nominees, leaving the six-month deadline proposed in Article 22g to apply to the first composition. In addition, an expedited timeline is necessary for parliamentary votes on nominees who are to replace members terminated or relieved of their duties in accordance with proposed Article 22i. In this respect, proposed Article 22j regulates the nomination process for replacing a member of the Audit Commission and states that the provisions of Articles 22d – 22g of the law shall apply to that procedure, which includes the 6-month deadline for the parliamentary vote on the nominees. A paragraph in the previous version of this Article (previously Article 19) that had provided that the National Assembly shall appoint a new member (or substitute member) to the Audit Commission within 45 days following the date of termination or dismissal was removed and no longer appears in the draft. It is unclear why that provision was removed as it established a suitable deadline in those circumstances. **It is thus recommended to establish expedited deadlines for the parliamentary vote on the initial composition of the Audit Commission and for the vote on the nominees replacing terminated or dismissed members.**
34. Regarding the circumstances under which a member (or substitute member) of the Audit Commission may be dismissed from his or her post, a provision in proposed Article 22i was changed from “if he or she fails or refuses to carry out the duties of a member or substitute member of the Commission for a period of at least one month continuously, without a valid reason” to “if they fail to attend the Commission’s sessions for longer than a year”. The former phrasing was included at a time when the Audit Commission was being proposed only as an ad hoc body for nine-month period. Considering that the term of office of the Audit Commission members has now been proposed to be five years, a longer limit than the originally proposed may be appropriate, one year absence is too long in ODIHR’s opinion especially given the timing of audits every two years. Further, as noted, under transitional Article 6, the initially-composed Audit Commission must complete the first audit within nine months of the date of appointment of the members, in which case a one-year absence, if maintained, would not be acceptable as the member would not be participating at all in that first audit if they fail to attend sessions for the first year after appointment. **As such, it is recommended to consider shortening the permitted absence period before dismissal is triggered, for instance a period of six months could be considered and to provide an appropriate permissible period in the transitional provisions for those members appointed to the initial composition of the Audit Commission, such as the one month that had been proposed under the previous version of the Draft Law.**
35. The previous version of the Draft Law had required that the Audit Commission submit an audit report to the National Assembly that “shall” contain draft recommendations, while the further updated Draft Law, in proposed Article 22l (second paragraph) stipulates that the audit report “may” contain draft recommendations. While it may happen (although unlikely) that the Audit Commission does not have any applicable recommendations to put forward following its auditing of the voter register, granting full discretion on whether or not to submit recommendations does not seem appropriate. **In this respect, it is recommended that the**

provision provide that the audit report “shall contain applicable recommendations”.

This rewording would ensure that the Audit Commission drafts and submits applicable recommendations, if any, based on its findings.

36. Further, the proposed Article 22l simplifies the post-audit report process compared to the previous version of the Draft Law (previously Articles 6-11 of the Draft Law) which had provided for a particularly convoluted process. Under the further updated Draft Law, following the Audit Commission’s submission of an audit report to the National Assembly, the report will be considered by the competent parliamentary committees within 30 days. The Audit Commission is to be invited to the respective committee sittings and have the right to participate in the work of the committees when considering the audit report. Based on their consideration of the audit report and recommendations contained therein, the respective committees are to set out their own recommendations for improving the maintenance and updating of the voter register and submit them to the competent authorities and organizations, as well as to the Audit Commission.
37. It is unclear why the recommendations put forward by the Audit Commission - an independent competent body - on matters of a technical nature, that is, on improving the manner in which the voter register is maintained and updated, cannot stand on their own without the approval of a parliamentary committee. The proposed process could potentially lead to valid technical recommendations being discarded or altered by the respective parliamentary committees without providing any justification for doing so. This essentially leaves the outcome of the audits in the hands of the parliamentary committees which can lead to politicization of the auditing process, the voter register, and ultimately the conduct of elections. It is also noted that the above-noted 30-day deadline for the respective committees to “consider” the audit report does not clearly provide that their recommendations must be set out within the 30 days. This opens the possibility to undue delays or obstruction in moving forward with improving the accuracy of the voter register. An alternative could involve the respective committees having the opportunity to add to or comment on the recommendations put forward by the Audit Commission based on the findings of the audit report, rather than approving, discarding or altering them. **In this respect, it is recommended that the Serbian authorities consider making the recommendations of the Audit Commission final and implementable as is.**
38. Under proposed Article 22l, the competent authorities and organizations must act upon the respective parliamentary committee’s recommendations within 120 days and shall submit a report thereon to the respective committee and to the Audit Commission. The further updated Draft Law sets out a somewhat revised role for the Audit Commission in the process for following up on the implementation of the recommendations from that proposed under the previous version of the draft. At the same time, overlapping responsibilities of the respective parliamentary committees and the Audit Commission in the follow-up process (now the last paragraph of proposed Article 22l and Article 22m) still remain in the draft. Specifically, the last paragraph of proposed Article 22l provides that “the competent committee shall monitor the implementation of their recommendations and submit a report on the implementation to the National Assembly and the Audit Commission” and Article 22m provides that “following the submission of the audit report, the [Audit] Commission shall monitor the implementation of recommendations made by the competent committees of the National Assembly and may submit periodic reports thereon to the National Assembly.”¹³

¹³ The previous version of the Draft Law (Articles 9-10) provided that “the competent [parliamentary] committees shall monitor the implementation of their recommendations [...] and submit a report on their implementation to the National Assembly” and “following the submission of the audit report, the [Audit] Commission shall control the accuracy and updating of the Voter Register and the implementation of recommendations made by the National Assembly’s competent committees, and submit periodic reports thereon to the National Assembly [...] until all recommendations [...] have been implemented”.

39. Regarding the above, it is unclear why the Draft Law establishes an overlapping responsibility, but the blurring is clearly related to the fact that, under the proposal, the recommendations put forward by the Audit Commission on the improvement of the voter register are not considered final and implementable, essentially overridden by the respective parliamentary committees which are granted the sole power to issue the implementable recommendations. If the Audit Commission's recommendations are made final and implementable, as is recommended above, it can be granted full responsibility to monitor their implementation and be obliged to periodically report on such to the National Assembly.¹⁴ In that case, the respective parliamentary committees need not monitor, since an independent body would be monitoring the implementation of its own recommendations by the competent authorities and reporting thereon to parliament.

RECOMMENDATION C

For clarity and accountability, Articles 22l and 22m should be revisited to provide the body whose recommendations are being implemented with sole responsibility for monitoring their implementation. As noted earlier, this body should be the Audit Commission with a reporting obligation on such to the National Assembly.

40. It is also noted that a paragraph that appeared in the previous version of the Draft Law (last paragraph of previous Article 10) has been removed in the further updated Draft Law, which had granted the members of the Audit Commission with the right to access all of the voter data in the voter register (except the unique master citizen number) in carrying out its monitoring of the implementation of the recommendations made by the parliamentary committees. The same right of access remains in the further updated Draft Law for the Audit Commission during the conduct of the auditing but not in the post-audit phase. It is unclear why the Audit Commission should not have access to the voter data in the voter register in the period it is monitoring of the implementation of recommendations for the improvement of the maintenance and updating of the voter register, especially if those recommendations are their own. It would seem that monitoring of such recommendations would be most effective if the monitoring body was able to access the voter register to determine its status and whether certain of the recommendations had been adequately addressed or not. Moreover, the parliamentary committees would not be able to fully monitor the implementation of the recommendations as their members and staff do not have access to the voter register. **It is thus recommended that, in addition to the auditing period, the members of the Audit Commission have a right to access the voter data in the voter register during its monitoring and until all of the Audit Commission's recommendations have been fully addressed.**
41. Proposed Article 22g regulates the holding of the first session of the Audit Commission. However, it maintains the wording from the previous version of the Draft Law in which only an ad hoc audit commission was proposed to be established, text which is not suitable in the context of the now proposed permanent audit commission. **As such, the wording of Article 22g should be revised to align with the proposed permanent nature of the Audit Commission, as follows:** The first paragraph refers to the "first session of the commission", rather than the "first session of each commission". Further, point 1 under the second paragraph provides that at the first session, three commission members will be elected from among each of the three represented groups (majority, opposition, civil society) who will alternate every

¹⁴ The Audit Commission's obligation to submit periodic reports to the National Assembly has been replaced with discretionary submission under the further updated Draft Law (i.e., "shall" versus "may").

three months in the position of the Commission President, and that the first President shall be the member nominated by the civil society organizations. This provision was tailored when it was only to be an ad hoc commission to conduct one audit over a nine-month period. However, now with a proposed audit commission that will be recomposed every five years, the changeover of its president every three months is not necessary and may be less effective than having a longer serving period. While it may be suitable to maintain such approach for the first composed audit commission which must conduct its first audit within nine months, **it is recommended to consider extending that period after the first audit is completed, for instance to one-year, and that the alternating pattern carry over each time the Audit Commission is recomposed.**

RECOMMENDATION D

It is recommended to consider applying the proposed three-month period for alternating presidents of the audit commission to the process of conducting the first nine-month audit and establishing a longer period to apply after the first audit is finalized.

42. ODIHR’s March 2025 Opinion recommended that *“It is important to stipulate clearly the funding mechanism and ensure that sufficient funds are available on time for the Audit Commission to complete its work in accordance with the law.”* This recommendation was reiterated in the June 2025 Opinion, additionally providing that *“as the updated Draft Law introduces a new measure for long-term auditing of the voter register, timely and sufficient funding for this periodic auditing process should be guaranteed for the relevant body to ensure effective audits can be carried out”*. This recommendation is in reference to the current Article 4 of the further updated Draft Law – proposed Article 22s, paragraph 5 – which generally provides that the work of the Audit Commission will be funded from the national budget but does not stipulate clearly the funding mechanism to ensure that sufficient funds are available on time for the Audit Commission to complete its work. **As such, the above-noted recommendation has been left unaddressed and is reiterated.**

RECOMMENDATION E

It is recommended to stipulate clearly the funding mechanism and ensure that sufficient funds are available on time for the audit commission to complete its work in accordance with the law.

43. The June 2025 Opinion recommended that *“the updated Draft Law explicitly provides that accredited observers have the right to observe the implementation of [...] the Audit Commission’s mandate [...] to [...] audit the UVR, or to observe the work of any other body granted responsibility to conduct periodic audits of the UVR.”* The further updated Draft Law includes a new provision – the last paragraph of proposed Article 22r – which provides that *“during elections, sessions of the [Audit] Commission may also be attended by representatives of associations that, in accordance with the law governing the election of Members of Parliament, have been authorized by the Republic Electoral Commission to observe the elections”*. While this provision partially addresses the above-noted recommendation, it limits such observation of the work of the Audit Commission to electoral periods. The above-noted recommendation was aimed at ensuring full transparency of the auditing process, not only during an election period. In addition, similar to the earlier-discussed fourth paragraph of

Article 22g regarding observers access to voter data in the voter register, Article 22r has a gap regarding access by observers accredited for local and presidential elections.

RECOMMENDATION F

It is therefore recommended to fully address the above-mentioned recommendation by providing accredited observers (from all types of elections) the right to attend all sessions of the Audit Commission at any time.

44. There are several transitional provisions in the further updated Draft Law that establish time periods that should be reconsidered. Firstly, proposed Article 8 provides that the Ministry in charge of internal affairs shall submit to the Ministry in charge of public administration the data necessary for carrying out tasks referred to in Article 2 of the law, within six months following the date of entry into force of the Law.¹⁵ Related to this, transitional Article 12 provides that Articles 1 and 2 of the law shall enter into force one year following the date of entry into force of the Law.¹⁶ **Unless there is a conclusive reason why the ministry of internal affairs would need six months to forward the needed data, it is recommended that the six-month and one-year periods in Articles 8 and 12, respectively, be shortened.** In addition, transitional Article 9 provides that the minister in charge of internal affairs shall align the regulations for implementation of the LUVR with the provisions of the Law within six months following the date of entry into force of the Law. **It is unclear why the ministry would require such an extended period of time to harmonize the applicable regulations and, as such, it is recommended to significantly shorten the deadline in Article 9.** Further, the 60-day deadline established in transitional Article 11 – for the adoption of regulations by the Audit Commission – is already the subject of a recommendation noted above.

RECOMMENDATION G

To provide for timely implementation of the first audit, it is recommended to consider shortening certain proposed timelines and deadlines, for instance those applicable to the adoption of regulations on the auditing process, to the harmonization of LUVR regulations with the new legislation, and to the parliamentary vote on nominees to the audit commission.

45. Lastly, ODIHR takes the opportunity to reiterate its overarching recommendation from its June and March 2025 Opinions: *“The public authorities are encouraged to ensure that the Draft Law(s) is subjected to inclusive, extensive and effective consultations, including with civil society. [...] [S]uch consultations should take place in a timely manner, at all stages of the law-making process, and strictly adhere to established rules. Consideration should be given to undertaking measures to encourage opposition parties and civil society actors to reengage in the consultation process. As an important element of good law-making, a consistent monitoring and evaluation system of the implementation of the Draft Law and its impact should also be put in place that would effectively evaluate the operation and effectiveness of the Draft Law, once adopted.”*

[END OF TEXT]

¹⁵ Article 2 relates to public display of the voter register with certain listed data and the publication of whether a voter will vote in the place of permanent or temporary residence, or their place of residence abroad.

¹⁶ Article 1 relates to the periodic publication of the number of voters disaggregated by local self-government units and the data on the number of changes to the parts of the voter register, by each unit, as well the legal grounds for such changes.

DRAFT LAW

AMENDING

THE LAW ON THE UNIFIED VOTER REGISTER

Article 1

In the Law on the Unified Voter Register (Official Gazette of RS, nos. 104/09, 99/11 and 44/24), in Article 14, after paragraph 2, a new paragraph 3 shall be added, worded as follows:

“Until the Voter Register’s closure, every seven days, the ministry in charge of public administration shall publish on its website the number of voters disaggregated by local self-government units and the data on the number of changes to the parts of the Voter Register referring to each local self-government unit, as well as the legal grounds for those changes for the past seven days.”

Article 2

In Article 17, after paragraph 2, new paragraphs 3-5 shall be added, worded as follows:

In order to display the Voter Register for public scrutiny, the ministry in charge of public administration shall provide access to voter data on its website (name, first name of one parent and surname) disaggregated by polling stations in the territory of a local self-government unit, as well as to the data on the number of voters per household, i.e. address and apartment number.

Upon the Voter Register’s closure, the ministry in charge of public administration shall also, in addition to the data referred to in paragraph 3 of this Article, publish on its website data indicating whether the voter will vote in the upcoming elections according to their place of permanent residence or temporary residence in the country, or their place of residence abroad.

Access to the data referred to in paragraph 3 paragraphs 3 and 4 of this Article shall be made possible by previously entering the data on the unique master citizen number and the identity card number of the interested party who is accessing the data on the website of the ministry in charge of public administration affairs.”.

Article 3

Article 21 shall be amended to read as follows:

“Article 21

Members and substitute members of the Republic Electoral Commission shall have the right to access the Voter Register and all the voter data in the Voter Register, except for the unique master citizen number, via a special module on the website of the ministry in charge of public administration affairs, which is accessed by logging in using a two-factor authentication.

Members and/or substitute members of the Republic Electoral Commission, through the Secretary of the Republic Electoral Commission, shall be entitled to submit complaints regarding the accuracy and up-to-dateness of the Voter Register to the ministry in charge of public administration affairs, which shall provide its response to the Republic Electoral Commission within 15 days following the date of receiving the complaint.

By way of derogation from paragraph 2 of this Article, during the election period, the deadline for the response of the ministry in charge of public administration to the complaint submitted by a member or deputy member of the Republic Electoral Commission, as referred to in paragraph 2 of this Article, shall be five days following the date of receiving the complaint.

Following the call for elections, the right to access all voter data contained in the Voter Register, except for the unique master citizen number, shall also be granted to associations authorised by the Republic Electoral Commission, in compliance with the law regulating the election of Members of Parliament, to observe the elections (domestic observers), through a person it has authorised for this purpose. The access shall be provided via a special module on the website of the ministry in charge of public administration affairs, which is to be accessed by logging in using two-factor authentication.

Once a proclaimed electoral list becomes legally valid, the right referred to in paragraph 4 of this Article shall be also granted to the nominator of the proclaimed electoral list, in the manner in which that right is exercised by domestic observers.

The nominator of the proclaimed electoral list shall also have the right to submit a request to the competent authority for a change to the Voter Register, which must be accompanied by the authorisation of the voter to whom the request pertains, as well as the relevant supporting evidence.

The right referred to in paragraphs 1, 4 and 5 of this Article may only be exercised upon signing a written data confidentiality protection statement certifying that the person accessing the data is familiar with the obligation that when accessing Voter Register data they must act in accordance with the law governing personal data protection and solely for the purpose of exercising the powers entrusted to them by this Law.

The form of the statement referred to in paragraph 6 of this Article shall be prescribed by the Minister in charge of public administration affairs and shall be an integral part of regulations envisaged for the enforcement of this Law.”

Article 4

After Chapter V, a new Chapter Va and Articles 22a to 22s shall be added, worded as follows:

“Va REVISION OF THE VOTER REGISTER

Article 22a

Revision of the Voter Register shall be a procedure for analysing and assessing the quality, accuracy, reliability and efficiency of maintaining and updating the Voter Register.

The revision of the voter register shall be carried out by the Commission for Revising, Verifying and Controlling the Accuracy and Updating of the Voter Register (hereinafter: the Commission).

Article 22b

The Commission shall comprise ten members and their substitutes appointed by the National Assembly.

Eight members of the Commission and their substitutes shall be nominated by parliamentary groups in the National Assembly, while two members of the Commission and their substitutes shall be nominated by associations that have been authorised, in compliance with the Law regulating the election of Members of Parliament, by the Republic Electoral Commission to observe at least three election procedures and that have published at least three reports on the election observation findings.

Article 22c

Parliamentary groups in the National Assembly that are part of the parliamentary majority shall nominate five members and five substitute members of the Commission.

Three largest opposition parliamentary groups in the National Assembly (parliamentary groups that are not part of the parliamentary majority) shall each nominate one member and one substitute member to the Commission.

Associations shall, by mutual agreement, nominate two members and two substitute members to the Commission.

If no agreement can be reached with the consent of all associations participating in the procedure for nominating candidates for members and substitute members of the Commission, the final nomination of two joint candidates shall be established through a vote organised and facilitated by the staff of the National Assembly committee in charge of public administration (hereinafter : the Competent Committee).

A parliamentary group whose members of parliament support the work of the Government shall be considered a parliamentary group that is part of the parliamentary majority.

If, at the time of nominating members of the Commission, only two opposition parliamentary groups exist in the National Assembly, the right to nominate two members and two substitute members of the Commission shall belong to the larger opposition parliamentary group.

Article 22d

A person may be nominated as a member or a substitute member of the Commission only if:

- 1) He/she is a citizen of the Republic of Serbia and has permanent residence in the territory of the Republic of Serbia;
- 2) He/she has acquired higher education in legal, mathematical, demographic, information or economic sciences or social and statistical and other related scientific fields and has at least five years of work experience in the profession.

A person who is a Member of Parliament or who is employed, elected, appointed or assigned by the ministry in charge of public administration or the ministry in charge of internal affairs may not be nominated or appointed as a member or substitute member of the Commission.

Article 22e

The procedure for nominating candidates for members and substitute members of the Commission shall be conducted by the Competent Committee.

The procedure for nominating candidates for members and substitute members of the new composition of the Commission shall be initiated no later than six months before the expiry of the term of office of the appointed members and substitute members of the Commission, by the Chairperson of the Competent Committee sending a letter to the parliamentary groups and publishing a public call on the website of the National Assembly to interested associations, for the submission of candidate nominations for members and substitute members of the Commission.

Nominations for candidates for members and substitute members of the Commission shall be submitted to the Competent Committee within seven days from the date of receipt of the letter from the Chairperson of the Competent Committee referred to in paragraph 2 of this Article, or from the date of publication of the public call.

The nominations for candidates shall contain:

- 1) candidate's name and surname;
- 2) candidate's date and place of birth;
- 3) candidate's residential address, telephone number and e-mail address;
- 4) candidate's data on educational background;
- 5) candidate's data on work experience.

The candidate's nomination shall be accompanied by:

- 1) candidate's written consent to accept the nomination for member of the Commission, containing their name, surname and the unique master citizen number;
- 2) candidate's statement that there are no obstacles for the appointment to the Commission referred to in Article 22d, paragraph 2 of this Law;
- 3) a document on a read ID card with a microcontroller (chip), or a photocopy of the candidate's ID card without a microcontroller;
- 4) proof of candidate's higher education qualifications;
- 5) proof of the candidate's professional work experience.

Along with the candidate's nomination, the associations shall also submit proof of fulfilment of the requirements referred to in Article 22b, paragraph 2 of this Law.

Article 22f

The competent committee shall, within seven days following the expiry of the deadline for nominating candidates for members and substitute members to the Commission, consider the submitted nominations and examine whether the nominations have been submitted by authorized nominators and whether the candidates for members and substitute members to the Commission meet the requirements for the appointment to the Commission.

The Competent Committee shall not take into consideration the nomination that was not submitted by an authorized nominator within the meaning of Article 22b and 22c of this Law, and it shall inform the concerned nominator thereon in writing.

If an opposition parliamentary group authorized to nominate candidates fails to submit a nomination for candidates for a member and a substitute member of the Commission, the Competent Committee shall address in writing the next opposition parliamentary group that, according to its size, is entitled to nominate candidates to the Commission, requesting that this parliamentary group submit nominations for candidates for a member and a substitute member of the Commission within seven days following the date of receiving the request.

If the Competent Committee establishes that any of the nominated candidates for member or substitute member of the Commission does not meet the requirements for designation to the Commission, it shall send a request to the authorised nominator who nominated that candidate to submit a new candidate nomination within seven days following the date of receiving the request.

Article 22g

The Competent Committee shall make a list of ten candidates for members and ten candidates for substitute members of the Commission (hereinafter: List of Candidates), and submit it to the National Assembly for consideration and approval.

The National Assembly shall decide on the List of Candidates at its next sitting within the regular session, and no later than six months from the date of submission of the List of Candidates.

The National Assembly shall vote on the List of Candidates in its entirety.

If the required majority of Members of Parliament does not vote in favour of approving the List of Candidates, the procedure for nominating candidates for members and substitute members of the Commission shall be repeated within 15 days from the date of the conclusion of the National Assembly sitting at which the vote on the List of Candidates was held.

Article 22h

Once appointed, members and substitute members of the Commission shall sign a written data confidentiality protection statement certifying that they are familiar with the obligation that when accessing personal data in carrying out the Commission's tasks they must act in accordance with the law governing personal data protection and solely for the purpose of exercising the powers entrusted to them by this Law.

The form of the statement referred to in paragraph 1 of this Article shall be prescribed by the Secretary General of the National Assembly.

Article 22i

A member and a substitute member of the Commission shall be appointed for a period of five years.

The term of office of members and substitute members of the Commission shall commence on the date of the decision on their appointment.

Before the expiry of the term of office, the term of office of a member and a substitute member of the Commission may cease by force of law, and the National Assembly shall ex officio terminate one's term of office:

- 1) in case of death;
- 2) if he/she is disfranchised;
- 3) if he/she has been sentenced to incarceration of at least 6 months, by a final court decision;
- 4) if he/she has been deprived of his/her legal capacity.

The National Assembly shall relieve a member or a substitute member of the Commission of their duties:

- 1) if they resign;
- 2) if it is established that they do not meet the conditions for membership to the Commission prescribed by this Law;
- 3) if they fail to attend the Commission's sessions for longer than a year.

A member or a substitute member of the Commission shall submit their resignation in writing to the Speaker of the National Assembly, and the resigning person's signature must be certified in accordance with the law regulating the certification of signatures.

Article 22j

A new member and/or a substitute member of the Commission shall be nominated by the authorized nominator who nominated the member or substitute member of the Commission whose term of office has ended by force of law or who has been relieved of duties, within 15 days following the date the National Assembly adopted the decision establishing the termination of the term of office by force of law or relieving the Commission member or substitute member of their duties.

Provisions of Articles 22d - 22g of this Law shall apply to the procedure for appointing a new member and/or substitute member to the Commission, accordingly.

The term of office of a Commission member appointed in place of a member whose term of office has ended by force of law or due to relief of duties shall last until the expiry of the term of office of the Commission member in whose place they were appointed.

By way of derogation, if less than six months remain from the date the National Assembly adopted the decision establishing the termination of the term of office by force of law or relieving the member or substitute member of the Commission of their duties until the expiry of the term of office of the appointed members and substitute members of the Commission, the process for appointing a new member or substitute member of the Commission shall not be commenced in accordance with the provisions of this Article.

Article 22k

For the purpose of revising the Voter Register, the Commission shall be authorised to do the following:

- 1) analyse data in the Voter Register, as well as civil registers and records of citizens' permanent and temporary residence (hereinafter: other records relevant to maintaining the Voter Register) at the level of personal data (name, name of father, surname, place and address of permanent residence);
- 2) analyse the legal validity of decisions on the grounds of which changes have been made to the voter register;
- 3) analyse/monitor statistical parameters of voter register variation;
- 4) analyse the process of updating and authorising changes to the voter register;
- 5) analyse data on the conducted supervisory inspections and on the measures proposed or ordered within the supervisory inspection procedure over the implementation of the regulations governing the Unified Voter Register;
- 6) analyse data from the report of the ministry in charge of internal affairs, on the movement of the population and their alignment with the data in the voter register;
- 7) analyse the reports on the actions of the Ministry of Internal Affairs' staff in charge of citizens' affairs (approval of permanent residence and temporary residence of citizens);
- 8) initiate field control of voters carried out by the ministry in charge of internal affairs, based on the analysis of the voter register;
- 9) initiate the rectification of irregularities identified in the voter register;
- 10) initiate the proceedings to determine responsibility if, in the process of establishing facts about the management and accuracy of the Voter Register, it finds grounds to suspect that a violation of the law has occurred, by reporting the violation of the law to competent authorities;
- 11) gather data from competent authorities on statistical trends in the Voter Register, permanent residence, temporary residence, passivation and other relevant data related to the voter register;
- 12) prepare periodic reports on the status of the voter register;
- 13) initiate a voter education campaign on updating the Voter Register in cooperation with public media services, the ministry in charge of public administration affairs and the Republic Electoral Commission;
- 14) initiate cooperation of relevant institutions for the purpose of efficiently implementing measures to improve the integrity of the Voter Register;
- 15) conduct other analyses necessary to establish the degree of integrity of the voter register updating process;
- 16) analyse and compare other records relevant to the maintenance of the voter register;
- 17) analyse the actions and powers of the staff maintaining the voter register, as well as the training they undergo;
- 18) analyse the equipment (software and hardware) at the level of specifications and the security of the equipment used by the staff to maintain other records relevant to maintaining the voter register;
- 19) analyse the security of databases based on technical descriptions (premises, servers) and other records relevant to maintaining the voter register;
- 20) analyse the legal framework governing the manner of maintaining the voter register and other records relevant to maintaining the voter register;
- 21) analyse data kept by the state authority in charge of statistics and by other public authorities in charge of statistics and compare them to the data in other records relevant to maintaining the voter register, as well as to the data in the voter register.

In carrying out the powers referred to in paragraph 1 of this Article, members of the Commission shall have the right to access all voter data in the voter register, except for the unique master citizen number, via a special module on the website of the ministry in charge of public administration affairs, which is accessed by logging in using two-factor authentication.

All state authorities, authorities of territorial autonomy and local self-government units shall provide the Commission, upon its request, with all data and information relevant to maintaining the voter register and making changes thereto, relating to the verification of the accuracy of entries or changes made to the voter register.

The voter register's revision procedure shall be regulated in detail by an act passed by the Commission.

Article 22l

The Commission shall submit a report on the revision of the voter register to the National Assembly every two years (hereinafter referred to as: the revision report).

The revision report may also contain draft recommendations for the improvement of the manner in which the voter register is maintained and updated.

The revision report shall be considered by competent National Assembly's committees, within 30 days following the date of its submission to the National Assembly.

The Commission shall be invited to the sitting of the Competent Committee where the voter register revision report is considered and the Commission's members shall have the right to participate in the work of the Committee when considering this Report.

Upon considering the revision report, competent committees of the National Assembly shall, following up on the draft recommendations of the Commission, set out recommendations for improving the maintenance and updating of the voter register and submit them to the competent authorities and organisations, as well as to the Commission.

The competent authorities and organisations shall act upon the recommendations referred to in paragraph 5 of this Article within 120 days following the date of receipt and shall submit a report thereon to the competent committee and to the Commission.

The competent committees shall monitor the implementation of their recommendations referred to in paragraph 4 of this Article and submit a report on their implementation to the National Assembly and the Commission.

Article 22m

Following the submission of the revision report, the Commission shall monitor the implementation of recommendations made by competent committees of the National Assembly, and may submit periodic reports thereon to the National Assembly.

Article 22n

The Commission shall decide by a two-thirds majority vote of all Commission members, provided that the decision is supported by at least one Commission member nominated by parliamentary groups in the National Assembly that are part of the parliamentary majority, one Commission member nominated by opposition parliamentary groups in the National Assembly, and one member nominated by associations.

A substitute member of the Commission shall replace a Commission member in the event of their absence, termination of office by force of law or relief of duties, until a new Commission member is appointed.

A substitute member of the Commission shall have the right to vote in the absence of the Commission member they are replacing.

A substitute member of the Commission shall have the same rights and duties as the Commission member they are replacing.

Article 22o

The first session of the Commission shall be convened by the Speaker of the National Assembly within 30 days following the appointment of members and substitute members of the Commission.

At its first session, the Commission shall:

- 1) elect three Commission members, one of whom has been nominated by the parliamentary groups that are part of the parliamentary majority, one nominated by the opposition parliamentary groups and one nominated by associations, who shall alternate every three months in the position of the Commission President, and the first President shall be the member nominated by associations;
- 2) adopt the Rules of Procedure regulating the organization and manner of work in more detail;
- 3) adopt the Commission's Work Plan.

Article 22p

The President of the Commission shall convene Commission's sessions, chair the sessions, ensure order at the sessions, as well as the implementation of the Commission's Work Plan, and sign acts passed by the Commission.

In case of absence or inability of the President of the Commission to chair a session of the Commission, the session shall be chaired by the substitute member of the Commission who has been nominated by the same authorized nominator as the President of the Commission.

Article 22q

The following shall participate in the work of the Commission, without decision-making rights:

- 1) three representatives of the ministry in charge of public administration affairs;
- 2) one representative of the ministry in charge of internal affairs;
- 3) one representative of the Commissioner for Information of Public Importance and Personal Data Protection.

The authorities referred to in paragraph 1 of this Article shall appoint their representatives within 15 days following the date of receiving the Commission's written request.

The following may also participate in the work of the Commission, without decision-making rights, at the invitation of the Commission:

- 1) representatives of international organizations and experts with the expertise in the field from the Commission's scope of work;
- 2) civil servants with an expertise in the field from the Commission's scope work, employed with public administration authorities and the authorities of autonomous provinces, or authorities of local self-government units, assigned by the head of the authority that employs these persons.

Invited persons referred to in paragraph 3 of this Article shall make available to the Commission all the information necessary for carrying out Commission's tasks prescribed by this Law.

Members and substitute members of the Republic Electoral Commission shall have the right to submit complaints to the Commission about the voter register's accuracy and up-to-dateness, in line with its right to access the voter register.

The Commission shall provide the Republic Election Commission with its response to the complaints of members and substitute members of the Republic Election Commission, within 30 days from the date of receipt of the complaints.

When the Commission considers complaints submitted to it by a member of substitute member of the Republic Electoral Commission in compliance with paragraph 5 of this Article, the member or substitute member of the Republic Electoral Commission who submitted the complaints shall be invited to this sitting of the Commission.

Article 22r

The work of the Commission shall be public.

Publicity of the Commission's work shall be ensured by publishing the following on National Assembly's website: convocations of Commission sessions, reports submitted by the Commission to the National Assembly, Work Plan, minutes of Commission sessions and other information from the Commission's scope of work relevant to the public.

During the elections, sessions of the Commission may also be attended by representatives of associations that, in accordance with the law governing the election of Members of Parliament, have been authorised by the Republic Election Commission to observe the elections.

Article 22s

The conditions for the work of the Commission shall be provided by the National Assembly.

The Commission shall have a Secretary and a Deputy Secretary appointed by the Secretary-General of the National Assembly from among the employees of the National Assembly Service.

Only a person with higher education in the field of legal sciences may be appointed as Secretary or Deputy Secretary of the Commission.

For the purpose of conducting the revision of the voter register, the Commission may engage experts with higher education in mathematical, demographic, information or economic sciences or in social - statistical and other related scientific fields.

Funds for the work of the Commission shall be provided from the budget of the Republic of Serbia.

Members of the Commission shall be entitled to a monthly remuneration for their work in the Commission, in the amount of one and a half times the average net salary, excluding taxes and contributions, paid in the Republic of Serbia according to the latest data published by the state authority in charge of statistics.

Members of the Commission shall be entitled to reimbursement of expenses incurred in connection with their work in the Commission in accordance with the regulations governing allowances and other remunerations of elected and appointed officials in state authorities.

Experts engaged by the Commission in accordance with paragraph 4 of this Article shall be entitled to monetary compensation, the amount of which shall be determined by the committee of the National Assembly competent for administrative and budgetary affairs.

Article 5

After Chapter VI, Chapter VIa and Article 24a shall be added, worded as follows:

“VIa PERSONAL DATA PROTECTION

Article 24a

All persons who are entitled to access personal data in the Voter Register on any grounds provided for in this Law shall handle that data in accordance with the law regulating the protection of personal data and solely for the purpose of exercising the powers entrusted to them by this Law.

Personal voter data accessed in the Voter Register must not be used for political purposes, to conduct election campaigns or otherwise misused.”.

Article 6

The Competent Committee shall initiate the procedure for nominating members and substitute members of the Commission within 45 days from the date of entry into force of this Law.

Article 7

The Commission whose composition is appointed in the procedure initiated under Article 6 of this Law shall conduct the revision of the voter register within nine months from the date of appointment of members and substitute members to the Commission, and shall submit a report on the revision to the National Assembly within 30 days from the completion of the revision.

Article 8

The Ministry in charge of internal affairs shall submit to the Ministry in charge of public administration affairs the data necessary for carrying out tasks referred to in Article 2 of this Law, within six months following the date of entry into force of this Law.

Article 9

The Minister in charge of internal affairs shall align the regulations envisaged for implementation of the Law on the Unified Voter Register with the provisions of this Law within six months following the date of entry into force of this Law.

The Minister in charge of public administration affairs shall lay down the form of the statement referred to in Article 3 of this Law within 30 days following the date of entry into force of this Law.

Article 10

The form of the statement referred to in Article 4 of this Law (Article 22h) shall be prescribed by the Secretary-General of the National Assembly within 30 days from the date of entry into force of this Law.

Article 11

The act referred to in Article 4 of this law (Article 22k) shall be adopted by the Commission within 60 days from the appointment of the members and substitute members to the Commission in the procedure initiated pursuant to Article 6 of this Law.

Article 12

This Law shall enter into force on the eighth day following the date of its publication in the Official Gazette of the Republic of Serbia, except for the Articles 1 and 2 that shall enter into force one year following the date of entry into force of this Law.