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PUBLIC AGENCIES IN SERBIA

In modern societies, public administration functions have become increasingly diverse and complex. It is necessary to find a new organizational form and transform an administrative system in order to achieve professionalization and depolitization of administrative tasks, setting higher standards of activities, simplify administrative procedures, make decision making transparent and encourage competition within the public sector.

In the most of developed European countries Public agencies have proved themselves to be the most appropriate form for achieving those goals.

Public agencies became part of Serbian administrative system through new Public Agencies Act (2005) other special laws (Civil Service Act, Public Administration Act, Planning and Building Act, Telecommunications Act, Broadcasting Act, Security Information Agency Act, Waste Materials Act etc.) and through Government regulations and procedures (Decree on the General Secretariat and other government services). However, their legal status (organization, jurisdiction and powers) are different. Public agencies are established as agencies, organizations and services and that determines their status in the administrative system of Republic of Serbia.

It is said that agencies are independent in their activities because they have independent legal personality which they acquire through entry in the Register of a Court. However, this does not apply to all agencies.

According to their legal position, agencies can be divided into four or five groups: non-state public agencies as entities with public authoritative functions - public services (e.g., Agency for Privatization), public agencies as other organizations with special status outside a state administration (e.g., Agency for Telecommunications), public agencies as state agencies, and the "professional government services" - government agencies (e.g., Agency for improvement of Public Administration), public agencies as a separate public (state's) administrative organizations within the government administrative system (e.g., Security Information Agency) and at the end agencies that may not fall into any of these four groups - agencies *sui generis* (i.e. Agency for Deposits Insurance, Bankruptcy and Liquidation of Banks).

Public agencies have, by their legal nature, a dual character. They belong to a state administrative system (agencies founded by the Government or agencies that exist as separate/administrative organizations), as well as to non-state system of public administration (public agencies established by the provinces or local governments).

Main problem is the control of public agencies because their independent legal status does not mean that they can be irresponsible. The control function of public agencies should be in the hands of the Parliament. This cannot be interpreted as political pressure over the work of independent bodies, although it may be so in the constellation of concrete political relations, especially because the practice showed and opened another problem in a work of Public agencies, which is inadmissible political impact and influence of executive and administrative branches on their work. Control over actions of each institution and Public agency is legitimate and complies with the principles of rule of law and separation of powers. Otherwise they become "sacred cows" that not only perform a parallel executive and even legislative powers as uncontrolled regulatory function. Therefore, our controllers have to be controlled!