



Centar za građansko obrazovanje
Centre for civic education

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RESPONSIBILITY FOR ALLOCATION OF MEANS TO BE IDENTIFIED

Centre for Civic Education (CCE) considers that the recently concluded open competition for allocation of the part of the income from lottery games has not fulfilled proscribed legal acts, which opens the issue of possible abuse and illegal use of these means.

Since the opening of the competition, CCE has put efforts to support the work of the Commission, which was very difficult, considering the fact that the Commission for allocation of part of the incomes from lottery games, which was conducted by Mr. Dragan Drobnjak, deputy minister of culture, sport and media has not given the basic information about its work on which the Law on free access to information obliged it.

In this way, CCE has never got the list of organizations that have applied, with what kind of projects and for what support, neither the reasons that determined the Commission to violate the Regulation on criteria for determination of users and the manner of allocation of the part of incomes from lottery games and Art 15 of the same Regulation, which stipulates the minimum amount of the means, which may be allocated to an organization based on the participation on the competition that cannot be less than 60% of the complete amount required for financing their programmes.

We have not received information on the structure of the Commission that decided about projects submitted by CCE, a copy of the rating list and the conclusions on it have also been inaccessible, even though Art 17 of the Regulation clearly stipulates that every organization that requires this kind of clarification has the right to get it.

At the 4th sitting of the Commission for allocation of the portion of incomes from lottery games, which was held on 9 April, 2009 a decision was brought that ***an opinion of the Ministry of Finance whether the Commission has strictly to respect the Art 15 of the Regulation of criteria for determination of users and the manner of allocation of the part of incomes from lottery games needs to be folloed during the evaluation of the programmes, and the opinion of the Secretariat of legislation on whether it can change the Art 15 of the same Regulation, if the competition has already started by the actual Regulation.*** This is scandalous by itself, since the Commission was looking for accomplices to violate legal framework! Based on this, CCE addressed the Commission and required a copy of the complete written communication that Commission conducted with the Ministry of Finance and the Secretariat of Legislation considering the required opinion. Also, CCE has addressed the Ministry of Finance and the Secretariat of Legislation and required a copy of the communication conducted with the Commission and asked them to submit the answers to the required opinion.



We received an answer that the Commission has not required any written opinion considering this issue from the Secretariat and that there is no any written communication between the Commission and the Secretariat. We got as well an answer from the Ministry of Finance, which says that “Ministry believes that the work and conclusions of the **Commission have to be within the frame of the Regulation of criteria for determination of users and the manner of allocation of the portion of incomes from lottery games**. If there is an opinion that the Art 15 is a significant limitation for the allocation of the incomes, we kindly ask you to address any request for changing or amending it to the Ministry of Finance, since it has been the proposer of the Regulation.” which, of course, did not happen. But, even though it has not found accomplices, the Commission broke this and some other provisions of the Regulation

Besides the issues mentioned, CCE required copies of following documents, which we, after expiration of all the deadlines, did not get:

- Copy of the specification of the costs, where precisely will be indicated where 50.000,00 EUR allocated for the work of the Commission and its expenses has been spent?
- List of the contracted persons and the information on how much have they been paid for the work in the Commission?
- Copies of the documents about the conducted control of the organizations that got support within the category B.
- Copy of the list of names of the particular organizations (Minutes of the 2nd sitting held on 16 March, 2009) that got support within the category B and that allegedly abused it.
- Copies of the act that stipulates the amount of honorarium fee of the members of the Commission for allocation of the part of incomes from lottery games
- Copy of the full list of the organizations that applied and what was the amount of the requested support by project
- In what manner the Commission will conduct monitoring and evaluation of the approved projects?
- Which articles of the Law on lottery games and the **Regulation of criteria for determination of users and the manner of allocation of the part of incomes from lottery games** stipulate that the Commission has to work in sub-commissions and that it is forbidden that all members take part in decision making about all projects.
- On what article of the Law or the Regulation is based the position that all organizations that have submitted their final accounts for the last year until the day of 31/03/2009 are allowed to supplement their application for the competition?

Considering the last issue, it is important to emphasize that the Commission has stipulated by its own competition that only organizations that have submitted their final accounts for the 2008 may apply. But, as it came out that a significant number of those for which chairman of the Commission Mr. Dragan Drobnjak had special understanding did not do so this condition was changed which lead into discriminatory position number of NGOs that could not apply due to this condition!



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Within the framework of all above stated the overall situation of the allocation of means becomes very interesting. To summarize, Commission obviously works on its own, without consideration towards legal provisions, and bodies that were asked to be accomplices in that have practically refrain from that through the opinions that we got from them thus confirming CCE positions.

Od Ministarstva unutrašnjih poslova i javne uprave još nijesmo dobili odgovore o statusu tih organizacija što takođe ukazuje na mogućnost da se radi o subjektima koji nijesu ispunili elementarne zakonske kriterijume, ali očito je presudilo poznanstvo sa predsjednikom Komisije, koji je odgovoran za rad Komisije.

There is a flagrant fact that some of the organization, which gained the means from the Commission for the allocation of the part of incomes from lottery games, are not even registered as regular tax payers within Tax Directorate. We have not yet received answers from the Ministry of Interior and Public administration about the status of these organizations which also indicates that maybe these subjects did not fulfill basic legal criteria. Obviously, relation with the chairman of the Commission, who is responsible for the overall work of the Commission, is the decisive criteria.

Dragan Drobnjak, the chairman of the Commission has many questions to answer publically, and prosecution should investigate if within the allocation of 3, 440 000 EUR are any elements of corruption or other criminal acts. Moreover, the fact that the same problem is repeating for years now and that there is justified doubt that Mr. Drobnjak is abusing his position, opens the question if he can contribute to the credibility of the Government in process of forming.

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