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Freedom of Information in the Western Balkans: 2025 Annual Report

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Author: Megi Reçi, Research Lead, BIRN Hub

Research collaborators:

Bylyre Serjanaj, BIRN Albania
Emina Dizdarevic, BIRN Bosnia and Herzegovina
Jelena Mitrovic, BIRN Montenegro
Kristina Voko, BIRN Albania
Tijana Uzelac, BIRN Serbia
Vasko Magleshov, BIRN Macedonia
Xheneta Murtezaj, BIRN Kosovo

Additional contributions:

Arbrita Uka, BIRN Kosovo
Goce Trpkovski, BIRN Macedonia
Gordana Andric, BIRN Serbia
Jovana Damjanovic, BIRN Montenegro
Nermina Kuloglija, BIRN Bosnia and Herzegovina
Vladimir Karaj, BIRN Albania

BIRN
Balkan Investigative
Reporting Network 

 Austrian
Development
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List of Abbreviations

BiH	Bosnia and Herzegovina
BIRN	The Balkan Investigative Reporting Network
CSO	Civil Society Organisation
EU	European Union
FOI	Freedom of Information
FOI Law	Freedom of Information Law
FOI protection institution	Public institution for protection of freedom of information in each Western Balkan country, i.e. the Right to Information and Data Protection Commissioner (Albania), the Institution of Human Rights Ombudsperson of Bosnia and Herzegovina (Bosnia and Herzegovina), the Information and Privacy Agency (Kosovo), the Agency for Personal Data Protection and Free Access to Information (Montenegro), the Agency for Protection of the Right to Free Access to Public Information (North Macedonia), the Commissioner for Information of Public Importance and Personal Data Protection (Serbia)
IPA	Kosovo Information and Privacy Agency
NGO	Non-Governmental Organisation
SLAPP	Strategic Lawsuit Against Public Participation
WB	Western Balkans

Introduction

The 2025 Freedom of Information (FOI) Report represents the seventh annual assessment conducted by the Balkan Investigative Reporting Network (BIRN) on access to information practices in the Western Balkans, covering Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia.

To provide a comprehensive understanding of the transparency landscape across the six countries, this report is structured around several interconnected areas of analysis.

It begins with an examination of the **regulatory environment, exploring the legal and policy frameworks** that shape access to information in each country. This section **tracks legislative developments** that occurred during 2025 affecting FOI guarantees, including key **amendments**, government transparency **policies**, as well as instances of **institutional crises** that, in some cases, have hindered or temporarily blocked the functioning of FOI oversight bodies.

Building on this, the report moves from the regulatory framework to the **practical implementation** of FOI laws. It presents a regional quantitative overview of FOI implementation, **drawing on 1,740 FOI requests submitted by BIRN** in the Western Balkans during 2025. The report identifies regional trends in approval rates, patterns of administrative silence and the persistent enforcement gap, particularly in cases where oversight bodies issue binding decisions in favour of disclosure, yet public institutions fail to provide the requested information.

The analysis then turns to **country-specific assessments**, providing detailed examinations of institutional performance in each country. These sections **identify key case studies and document malpractices** that hinder access to information, while also highlighting institutions that routinely rely on administrative silence, overly broad legal exemptions, or procedural obstacles to withhold information.

To illustrate how transparency challenges manifest in practice, the report includes a series of **thematic investigations based on FOI mechanisms**, focused on three areas of significant public interest. The first examines the **procurement and deployment of surveillance technologies** and biometric systems, sectors often characterised by limited public scrutiny. The second explores **environmental issues**, demonstrating how FOI requests have been used to uncover illegal landfills, hazardous waste management practices, and failures in fire safety oversight. The third investigates **economic cooperation**, focusing on state contracts, lobbying activities, and strategic investments that shape public policy and economic development.

Recognising that access to information is not solely a legal or administrative issue, the report also **examines journalists' professional experiences** across the region. This section analyses journalists' **perceptions on broader administrative culture** surrounding transparency, including entrenched practices of secrecy, the use of procedural technicalities

to obstruct requests, and the increasingly challenging environment in which investigative journalists operate. Particular attention is paid to **experiences of intimidation, smear campaigns and legal threats** faced by reporters pursuing public-interest investigations. Finally, the report provides a review of **success stories**, highlighting cases in which persistent use of FOI mechanisms has **contributed to criminal investigations, exposed wrongdoing and supported policy discussions**.

The report concludes by outlining **targeted recommendations** for specific actors aimed at strengthening transparency, accountability, and public access to information throughout the region.

On the project

Since 2013, BIRN Kosovo and the BIRN HUB, with support from the Austrian Development Agency (ADA), have been implementing the “Paper Trail to Better Governance” initiative to strengthen transparency, accountability and good governance in the Western Balkans through improved application of FOI laws. Currently in its fourth phase, the project builds on over a decade of work to promote access to information as a key element of rule of law and EU integration, supporting stronger oversight, institutional responsiveness and public sector transparency across the region.

Methodology

The 2025 Freedom of Information Report assesses freedom of information practices and regulatory frameworks across Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia.

The report is based on data collection conducted between April and June 2025 by a team of six BIRN journalists, coordinated by the BIRN Research Lead. Standardised research guidelines were applied across all countries to ensure consistency and comparability of findings.

The methodology combines qualitative and quantitative approaches. It includes an analysis of developments affecting national FOI laws and related legal frameworks, including data protection and state secrecy regulations, and how these interact in practice. It also examines how these frameworks are applied on the ground and how they shape access to information in practice.

The quantitative component is based on a total of 1,740 FOI requests submitted by BIRN journalists during 2025. These data are used to assess institutional performance, including rates of disclosure, refusals, delays and non-responses, as well as the effectiveness of appeal mechanisms.

In addition, dedicated country case studies were analysed alongside six structured interviews with BIRN journalists (one from each country), to provide first-hand insights into the functioning of FOI regimes and institutional responses to transparency obligations, helping to contextualise and interpret the statistical findings.

The report does not aim to provide an exhaustive assessment of FOI practice in the region but reflects the experience of BIRN journalists in seeking information for investigative reporting. It is intended to inform broader debates on transparency, media freedom and accountability in the Western Balkans.

Regulatory Environment for Freedom of Information in the Western Balkans

Across the Western Balkans, the right to information is guaranteed through both constitutional and legislative provisions. Legal frameworks continue to converge with EU and international standards, driven by ongoing reforms in data protection, digital governance, and transparency strategies.

However, these formal advances are often not matched by corresponding improvements in administrative practice. In 2025, implementation gaps included instances where oversight bodies were unable to function for extended periods. Key proactive transparency tools and digital disclosure platforms also remained underutilised or were not fully operational. At the same time, proposed or enacted legal amendments in some contexts raised concerns about the expansion of exemptions and the weakening of safeguards.

In Albania, the legal framework on the right to information is anchored in Article 23 of the Constitution. The primary governing legislation remains Law No. 119/2014 "On the Right to Information", which was not amended in 2025¹.

A significant development in late 2024 was the adoption of Law No. 124/2024 "On the Protection of Personal Data"², which entered into force in 2025. This law ensures full alignment with the EU's General Data Protection Regulation (GDPR) and the Directive on the processing of personal data by law enforcement authorities (Police Directive), fulfilling a key requirement of the country's integration process.

Moreover, policy measures related to transparency are integrated into the Inter-Sectoral Strategy against Corruption 2024-2030³ and the 6th National Action Plan (2023-2025) under the Open Government Partnership (OGP)⁴.

Despite Albania's high RTI (Right to Information) Rating (ranked 7th globally) regarding the quality of the legal framework⁵, according to the European Commission's 2025 Report, implementation of the law remains weak⁶. The Report highlights the need to establish shorter, legally binding deadlines for responding to journalists' requests, and notes that authorities continue to withhold information by citing broad and undefined references to "public interest".

¹ Republic of Albania. Law no. 119/2014 "On the Right to Information," Accessed June 6, 2026. <https://idp.al/legislacion-per-te-drejten-e-informimit>;

² Republic of Albania. Law No. 124/2024, "On the Protection of Personal Data," Accessed June 6, 2026. <https://idp.al/wp-content/uploads/2025/02/ligi-2024-12-19-124-1.pdf>

³ National Strategy Against Corruption 2024 – 2030 (drejtesia.gov.al); https://antikorrupsioni.gov.al/wp-content/uploads/2025/07/SNKK-2024-2030_eng_e-miraturar-.pdf

⁴ Open Government Partnership, *Albania 2023–2025 National Action Plan* (March 2023). Accessed June 6, 2026. https://www.opengovpartnership.org/wp-content/uploads/2023/04/Albania_Action-Plan_2023-2025_EN.pdf

⁵ Global Right to Information Rating. Accessed April 17, 2025. <https://www.rti-rating.org/country-data/>

⁶ European Commission. (2025). *Albania 2025 Report*. https://enlargement.ec.europa.eu/albania-report-2025_en

Although the 2025 Annual Report of the Commissioner for the Right to Information and Personal Data Protection⁷ shows improvements in proactive transparency indicators, particularly among central government institutions, these formal gains are not consistently reflected in practice. While the number of complaints related to access to information slightly decreased compared to 2024, many cases still involve delays, refusals or incomplete responses that are often resolved only after administrative review.

Reports by BIRN Albania and SCiDEV⁸ further indicate that journalists continue to face restricted access to information, institutional obstacles and lengthy procedures, especially during the 2025 electoral period, when around 70 per cent of journalists reported difficulties in accessing information. Although perceptions of access to information in 2025 appear somewhat more balanced than the negative assessments recorded in 2024, structural barriers remain largely unchanged.

This assessment is reinforced by findings from Res Publica⁹, the Media Pluralism Monitor 2025¹⁰, and the SafeJournalists Index 2024¹¹, all of which underline that, despite an existing legal framework and formal complaint mechanisms through the Commissioner, enforcement remains weak, responses from institutions are often inconsistent or delayed, and the effectiveness of oversight mechanisms continues to depend on reactive and time-consuming post-factum interventions rather than genuine proactive transparency.

The regulatory environment in **Bosnia and Herzegovina** (BiH) remains fragmented across national and entity levels.

While the state-level Constitution guarantees the direct application of the European Convention on Human Rights (ECHR), it does not explicitly recognise the right to freedom of information, unlike the Constitution of the Brčko District, which does provide for it. However, Article 10 of the ECHR which protects freedom of expression, includes the right to receive and impart information.

The 2023 Law on Freedom of Access to Information is still not fully harmonised or consistently implemented across Bosnia and Herzegovina¹², while the two entities, the Federation of Bosnia and Herzegovina and Republika Srpska, continue to apply older laws. This is largely due to ongoing political fragmentation and persistent institutional disputes between different levels of government, obstructing the uniform application of the law

⁷ Commissioner' Office in Albania. (April 2026). *Annual Report 2025*.

⁸ BIRN Albania and SCiDEV. Annual Report 2025: Tracking Albania's Progress on Media Freedom and Journalistic Safety in Line with the European Union standards. (March 2026). <https://birn.eu.com/wp-content/uploads/2026/03/ANNUAL-REPORT-2025-MEDIA-FREEDOM-AND-JOURNALISTIC-SAFETY.pdf>

⁹ Respublica. Right to information 2024, 10 years with the "sixth in the world" law. Accessed June 6, 2026. <https://www.respublica.org.al/wp-content/uploads/2025/03/E-drejta-e-informimit-2024.pdf>

¹⁰ Besar Likmeta and Kristina Voko, "Monitoring media pluralism in the European Union: results of the MPM2025. Country report: Albania." Accessed June 9, 2026. <https://cadmus.eui.eu/entities/publication/f5be0d78-00ae-4b29-aadb-b487390fcbf2>

¹¹ Blerjana Bino, "ALBANIA Indicators on the Level of Media Freedom and Journalists' Safety Index 2024," Safejournalists.net, accessed June 9, 2026. <https://scidevcenter.org/wp-content/uploads/2026/01/index-ALB-ENG-2024.pdf>

¹² *Parliamentary Assembly of Bosnia and Herzegovina, Law on Freedom of Access to Information at the Level of the Institutions of Bosnia and Herzegovina, adopted August 30, 2023*. Accessed June 9, 2026. <https://parlament.ba/data/dokumenti/pristup-informacijama/2023%20ZOSPI%20-%20B.pdf>

across the country. This lack of harmonisation continues to undermine citizens' and journalists' ability to access public information equally across jurisdictions. The single digital platform for proactive disclosure of information and open data sets was not established or operationalised in 2025, despite a statutory deadline to launch in 2024.

An important legislative development occurred in October 2025 with the adoption of a District-level Law on Freedom of Access to Information in the Brčko District¹³. While this law introduced an appeals procedure and proactive transparency, civil society critics argue that it remains unaligned with European standards¹⁴ and contains ambiguous data protection provisions, which are frequently misused to deny requests¹⁵.

The European Union's 2025 Progress Report on Bosnia and Herzegovina¹⁶ highlights that the state-level Law on Freedom of Access to Information remains insufficiently aligned with international standards, particularly concerning the independence of the appeals procedure. Similar shortcomings persist in freedom of information laws adopted in Brčko District.

The absence of effective sanctions allows institutions to repeatedly evade compliance and ignore legal obligations. In 2025, Transparency International BiH¹⁷ initiated 24 administrative disputes over refusals to provide information, while 24 cases from previous years were resolved in the organisation's favour, highlighting the systemic nature of violations of the right to access information.

In response to identified shortcomings in the legal framework, 28 civil society organisations published a joint initiative in April 2026 proposing to amend freedom of access to information laws at all levels of government in the country.¹⁸

Kosovo's transparency regime is governed by Law No. 06/L-081 on Access to Public Documents¹⁹. While the primary law remained unchanged in 2025, the Agency for Information and Privacy (AIP) introduced several secondary regulations.

¹³ Brčko District Assembly, *Law on Freedom of Access to Information in the Brčko District of Bosnia and Herzegovina*, adopted October 15, 2025. Accessed June 9, 2026. <https://skupstinabd.ba/3-zakon/ba/Zakon%20o%20slobodi%20pristupa%20informacijama%20u%20Brc--ko%20distriktu%20BiH/01B38-25%20%20Zakon%20o%20slobodi%20pristupa%20informacijama%20u%20Brc--ko%20distriktu%20BiH.pdf>

¹⁴ Transparency International Bosnia and Herzegovina. "TI BiH on the New Law on Freedom of Access to Information in Brčko District: It Is Unacceptable to Deny Citizens the Right to Appeal." Accessed June 4, 2026.

<https://ti-bih.org/ti-bih-o-novom-zakonu-o-slobodi-pristupa-informacijama-brcko-distrikta-nedopustivo-je-gradjanima-uskracivati-pravo-na-zalbu/#:~:text=Br%C4%8Dko%20distrikt%20je%20do%20nedavno%20primjenjivao%20zakon,zakona%20na%20dr%C5%BEavno m%20novou%20u%20paketu%20tzv>

¹⁵ Selma Melez, "Bosnia and Herzegovina still without key media laws," *Detektor*, March 24, 2026, <https://detektor.ba/2026/03/24/bosna-i-hercegovina-i-dalje-bez-kljucnih-medijskih-zakona/>

¹⁶ European Commission, *Bosnia and Herzegovina 2025 Report (SWD(2025) 751 final*, Brussels, November 4, 2025), https://www.dei.gov.ba/uploads/documents/izvjesce-o-bosni-i-hercegovini-za-2025-bhs3_1764581924.pdf

¹⁷ Transparency International Bosnia and Herzegovina. "Corruption and non-transparency still dominant in the work of institutions." Accessed June 4, 2026.

<https://ti-bih.org/korupcija-i-netransparentnost-i-dalje-dominantne-u-radu-institucija/>

¹⁸ Transparency International Bosnia and Herzegovina. "Ensure real access to information: Necessary changes in law at all levels." Accessed June 4, 2026.

<https://ti-bih.org/osigurati-stvarni-pristup-informacijama-neophodne-izmjene-zakona-na-svim-nivoima/>

¹⁹ *Republic of Kosovo, Law on Access to Public Documents, Official Gazette of the Republic of Kosovo, no. 13 (July 4, 2019)*, https://mapl.rks-gov.net/wp-content/uploads/2017/12/LAW_NO_06_L-081_ON_ACCESS_TO_PUBLIC_DOCUMENTS.pdf

At the beginning of 2025, the AIP issued Regulation No. 01/2025 on the Internal Review of Complaints, which standardises procedures for handling complaints on institutional silence and refusals²⁰.

Moreover, in February 2025, the Kosovo Judicial Council approved Administrative Instruction No. 01/2025, introducing new guidelines for the publication of court judgments to enhance transparency, strengthen public trust, and promote consistent judicial practice across all courts in Kosovo while safeguarding personal data. The guidelines require the publication of the full names of defendants and expert witnesses in criminal cases, replacing the previous practice of using initials, while continuing to protect sensitive personal information such as personal identification numbers, dates and places of birth, addresses, and parents' names²¹.

In December 2025, the AIP launched the Case Management System (CMS), a digital platform designed to strengthen its role as an independent supervisory mechanism by improving the efficiency of complaint handling and reducing the administrative burden for both the agency and the public.

According to the European Commission's 2025 annual report, the platform has contributed to improving the agency's performance²²; however, the report also notes that the AIP's institutional and operational capacities still require further strengthening.

In 2025, the AIP handled a total of 1,007 complaints, including 80 cases carried over from the previous year. Of these, 832 were resolved and closed in accordance with the procedures set out in the Agency's internal rules on complaint review²³.

The 2025 European Commission report indicates that while 95 per cent of requests are reportedly fulfilled positively, according to government data, journalists continue to face regular delays and obstacles²⁴.

In **Montenegro**, parliament adopted a new Law on Free Access to Information in December 2025²⁵. The new law was presented²⁶ by the government as an effort to improve transparency and align national legislation with international and European standards.

²⁰ Republic of Kosovo, Information and Privacy Agency, Regulation No. 01/2025 on the Internal Procedure of Access to Public Documents Appeals Handling (March 26, 2025), <https://aip.rks-gov.net/download/rregullore-nr-01-2025-per-proceduren-e-brendshme-te-shqyrtimit-te-ankesave-per-gasje-ne-dokumente-publike/?wpdmcl=8343&refresh=69fddae48d79a1778244324>

²¹ Labinot Leposhtica, "Justice with Names: Increasing Judicial Transparency," Kallxo.com, July 30, 2025, <https://kallxo.com/lajm/drejtesia-me-emer-rritja-e-transparences-gjyqesore/>

²² European Commission, Kosovo 2025 Report (SWD(2025) 752 final, Brussels, November 4, 2025), https://enlargement.ec.europa.eu/kosovo-report-2025_en

²³ Republic of Kosovo, Information and Privacy Agency, Annual performance report for the year 2025 (March 2026), <https://aip.rks-gov.net/download/raporti-vietor-i-performances-se-agjencise-2026-sqarim-raporti-nuk-eshte-aprovuar-akomanga-kuvendi-i-republikes-se-kosoves/?wpdmcl=11544&refresh=6a0db598cbab21779283352>

²⁴ European Commission, Kosovo 2025 Report (SWD(2025) 752 final, Brussels, November 4, 2025), https://enlargement.ec.europa.eu/kosovo-report-2025_en

²⁵ Agency for Personal Data Protection and Free Access to Information of Montenegro. "Constitution and laws". Accessed June 4, 2026, <https://www.azlp.me/me/propisi>

²⁶ Government of Montenegro, "Montenegro is improving the openness of public sector data." Accessed June 5, 2026, <https://www.gov.me/clanak/crna-gora-unapreduje-otvorenost-podataka-javnog-sektora>

The amendments were intended to strengthen proactive transparency by requiring public authorities to publish a greater volume of information without the need for individual FOI requests. The new law also seeks to clarify the grounds for restricting access to information by introducing more precise definitions of exemptions and harm tests, including protected interests, such as personal data, classified information, and national security. At the same time, it reinforces the obligation to apply a public interest test when considering disclosure. In addition, it aims to strengthen institutional oversight and enforcement mechanisms.

However, civil society representatives argued that their recommendations were not sufficiently reflected in the final text of the law and that the latter was adopted without meaningful public debate or genuine consultation. They also raised concerns that several provisions expanded the grounds for refusal, particularly in relation to personal data protection, business secrecy and internal decision-making processes²⁷. In addition, they questioned whether the requirement to apply a public interest test when restricting access was sufficiently robust or clearly operationalised in practice, for example on corruption cases.

The civic sector had also initially announced plans to challenge the constitutionality of provisions introducing a requirement for applicants to cover part of the administrative costs, including in cases where it was established that public authorities had unlawfully withheld information²⁸. However, the proposed amendment was ultimately withdrawn from the legislative procedure.

Civil society actors further highlighted persistent weaknesses²⁹ in safeguards against administrative silence, noting that despite long-standing issues with non-responsiveness by public institutions, the new law did not introduce effective sanctions capable of deterring such practices or of ensuring timely replies. There are also concerns³⁰ about whether oversight bodies have sufficient independence, capacity, and enforcement authority to ensure compliance.

²⁷ Radio Television Nikšić, "The civil sector challenges Law on Free Access to Information before the Constitutional Court." January 14, 2026.

<https://rtnk.me/politika/civilni-sektor-osporava-zakon-o-slobodnom-pristupu-informacijama-pred-ustavnim-sudom/?utm>

²⁸ Radio Television Nikšić, "The civil sector challenges Law on Free Access to Information before the Constitutional Court." January 14, 2026.

<https://rtnk.me/politika/civilni-sektor-osporava-zakon-o-slobodnom-pristupu-informacijama-pred-ustavnim-sudom/?utm>

²⁹ Human Rights Action. "Open letter to members of the Parliament of Montenegro regarding the Law on Free Access to Information". Accessed June 5, 2026.

<https://www.hraction.org/2025/12/26/otvoreno-pismo-poslanicama-i-poslanicima-skupstine-crne-gore-povodom-zakona-o-slobodnom-pristupu-informacijama/?utm> ;

CDT Portal, "The government does not want citizens to know what they are doing behind closed doors", September 27, 2025.

<https://www.cdtmn.org/2025/09/27/vlast-ne-zeli-da-gradani-znaju-sta-rade-iza-zatvorenih-vrata/?utm>

³⁰ CDT Portal, "PES as once DPS: Continuity of sabotaging free access to information", January 15, 2026.

<https://www.cdtmn.org/2026/01/15/pes-kao-nekad-dps-kontinuitet-sabotiranja-slobodnog-pristupa-informacijama/>

More broadly, the interaction between freedom of information and personal data protection remains a key issue³¹, as the alignment of Montenegro's data protection framework with EU standards continued to shape the scope of access to information. This balancing exercise, alongside limitations arising from classified information and national security legislation, directly influences the practical reach of FOI rights under the new law. Persistent challenges, such as administrative silence and uneven application, remained relevant concerns according to the EU Commission Report 2025³². The effectiveness of the new legal framework in tackling these challenges remains to be seen in practice.

With regard to its strategic and policy framework, Montenegro submitted a new OGP Action Plan (2025–2029) in 2025³³, which includes commitments on transparency, citizen participation, and access to information, and also adopted a Public Administration Reform Action Plan for 2025–2026³⁴. The latter is relevant for FOI implementation, as it seeks to improve institutional responsiveness, and records management and data availability, all of which are key administrative conditions for handling information requests.

At the same time, Montenegro continues to advance digital governance and open data frameworks, often closely linked to both OGP commitments and broader public administration reform efforts. Ongoing policy discussions³⁵ focus on strengthening open data portals, APIs, and data reuse systems, alongside recommendations for more regular metadata updates and improved accessibility of publicly available data.

There is broad consensus that Montenegro's framework on freedom of information is formally comprehensive and largely aligned with European standards. However, implementation remains uneven and often ineffective, particularly in politically sensitive cases or those involving high public interest.

In **North Macedonia**, the Law on Free Access to Public Information was not amended in 2025. However, at the end of 2024, draft amendments were published in the Electronic Register of Regulations and opened for public consultation³⁶. The proposed changes included shortening the response deadline for access to information requests from 20 to 15 days, establishing a dedicated unit within the Agency for the Protection of the Right to Free Access to Public Information to handle misdemeanour proceedings, and extending accountability beyond information officers to include heads of institutions. At the time of publication of this report, these amendments had not yet been adopted by parliament.

³¹ Milica Popović and Tamara Samardžija. "Data protection and cybersecurity laws in Montenegro." CMS. Accessed June 5, 2026. <https://cms.law/en/int/expert-guides/cms-expert-guide-to-data-protection-and-cyber-security-laws/montenegro?utm>

³² European Commission, Montenegro 2025 Report (SWD(2025) 754 final/2, Brussels, November 4, 2025), https://enlargement.ec.europa.eu/montenegro-report-2025_en?prefLang=lv&utm

³³ Open Government Partnership. "Montenegro Action Plan 2025–2029." accessed June 5, 2026. <https://www.opengovpartnership.org/members/montenegro>

³⁴ Government of Montenegro, Ministry of Public Administration, Action Plan 2025-2026 for the Implementation of the Public Administration Reform Strategy 2022-2026, (April 11, 2025) <https://www.gov.me/en/documents/971c6a5b-0724-4161-88db-81a51ea7331b?utm=>

³⁵ European Union, Open Data Maturity 2025 Country Factsheet: Montenegro, 2025, https://data.europa.eu/sites/default/files/2025-12/2025_odm_factsheet_montenegro.pdf

³⁶ Government of North Macedonia ENER system (the Electronic National Register of Regulations): https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=87901

In a more recent development, the process of co-creating a new National Action Plan for the Open Government Partnership 2026-2028 began in April 2026³⁷. Led by the Ministry of Public Administration, the process aims to strengthen transparency, accountability and public participation in policymaking.

The most critical development during 2025 was the executive leadership vacuum at the Agency for the Protection of the Right to Free Access to Public Information, which lasted from December 25, 2025 until April 8, 2026. The mandate of the director expired, and although parliament had been notified in advance, no timely appointment was made. The legal succession mechanism through the Deputy Director also failed, leaving the Agency without effective leadership and unable to process appeals for three-and-a-half months, including a period in which its website was also non-functional.

During this period, civil society warned of an institutional breakdown and urged parliament to act³⁸. After two unsuccessful recruitment attempts, a new head of the Agency was appointed on April 8, 2026, and the institution resumed work, with 150 appeals accumulated during the vacancy³⁹. The agency received 626 complaints in 2025, a nearly 82 per cent increase compared to 2024. Of these, administrative silence accounted for approximately 70 per cent of the cases⁴⁰.

In its 2025 report on North Macedonia, the European Commission noted that further improvements are needed regarding responses to access to information requests and proactive disclosure of information⁴¹. The report states that the level of information published on the websites of state administration bodies remains unsatisfactory.

The Annual Monitoring Report on the Proactive Transparency of State Administration Bodies for 2025⁴² found that only 63 out of 99 institutions have a clearly visible "Public Information" link on their homepage, and only 57 out of 99 monitored institutions published their budgets. While the 2025 Active Transparency Index⁴³ showed a slight decline in

³⁷ Ministry of Public Administration. "The process of co-creating the new National Action Plan for the Open Government Partnership 2026–2028 has begun," 2025 <https://mja.gov.mk/mk-MK/odnosi-so-javnost/soopstenija/1zapocna-procesot-na-ko-kreiranje-na-noviot-nacionalen-akciski-plan-za-partnerstvo-za-otvorena-vlast-2026-2028>

³⁸ The Platform of Civil Society Organisations to Fight Corruption
<https://www.antikorupcija.mk/%D0%B0%D1%80%D1%85%D0%B8%D0%B2%D0%B8/1848>

³⁹ Jasmina Jakimova, "Gajdov: Clearing backlog of complaints is a priority. Interview with the Director of the Agency for Access to Information, Petar Gajdov," Prizma, April 24, 2026,
<https://prizma.mk/gajdov-prioritet-e-raschistuvaneto-na-zaostanate-zhalbi/>

⁴⁰ Information provided to BIRN Macedonia, by the Agency for the Protection of the Right to Free Access to Public Information, via FOI request, on April 29, 2026.

⁴¹ European Commission, North Macedonia 2025 Report https://enlargement.ec.europa.eu/document/download/267b368e-6b55-4a42-bb72-6395593de4da_en?filename=north-macedonia-report-2025.pdf

⁴² Agency for the Protection of the Right to Free Access to Public Information. Government institutions with a high level of transparency in 2025. December 11, 2025.
<https://aspi.mk/%D0%BD%D0%BE%D0%B2%D0%BE%D1%81%D1%82%D0%B8/%d0%b4%d1%80%d0%b6%d0%b0%d0%b2%d0%bd%d0%b8%d1%82%d0%b5-%d0%b8%d0%bd%d1%81%d1%82%d0%b8%d1%82%d1%83%d1%86%d0%b8%d0%b8-%d1%81%d0%be-%d0%b2%d0%b8%d1%81%d0%be-%d0%ba-%d0%be-%d0%bd%d0%b8%d0%b2%d0%be-%d0%bd/>

⁴³ Center for Civic Communications. Active Transparency Index 2025. Accessed June 9, 2026.
<https://www.ccc.org.mk/wp-content/uploads/2025/09/indeks-na-aktivna-transparentnost-2025.pdf>

government transparency to 84 per cent from 86 per cent in the previous year, with 44 per cent of institutions showing a decline in their level of active transparency

In April 2026, in a landmark ruling, the Constitutional Court⁴⁴ found a violation of the right to freedom of expression in relation to a 2025 freedom of information request filed by a journalist that had been repeatedly ignored by the Development Bank of North Macedonia, despite prior orders issued by the competent agency. The decision highlights the importance of access to public information as a cornerstone of freedom of expression.

In **Serbia**, the Law on Free Access to Information of Public Importance⁴⁵ became the subject of controversy in 2025 following a failed attempt to amend it. A draft law, prepared in 2024⁴⁶ and adopted by the government in February 2025 without public consultation, was submitted to parliament. It included a controversial proposal, attributed to the Commissioner for Information of Public Importance and Personal Data Protection⁴⁷, to introduce the possibility of refusing requests considered an “abuse of rights”. This referred to situations where excessively frequent or repetitive requests for the same or similar information would place such a burden on an authority that it could no longer function properly, or its regular work would be seriously hindered.

Civil society organisations criticised the substance of the amendment and the legislative process, arguing that their exclusion from the working group undermined transparency and participation⁴⁸. They further warned that the proposed changes would weaken existing access to information safeguards by broadening grounds for restriction and creating space for potential misuse. Following this sustained criticism, the draft was withdrawn from parliamentary procedure in March 2025 without official explanation⁴⁹.

Beyond this legislative development, broader institutional pressures on the right of access to information persisted throughout 2025. Earlier changes in court practice regarding reimbursement of representation costs continued to contribute to a high volume of FOI complaints. This, in turn, placed additional strain on the Commissioner’s office and limited its capacity to process cases efficiently, with implications for overall enforcement effectiveness⁵⁰.

⁴⁴ Constitutional Court of the Republic of North Macedonia, “The court found a violation of the freedom of thought and public expression of thought of journalist David Ilieski and ordered the Development Bank to provide him with the requested information of a public nature.” April 29, 2026, <https://ustavensud.mk/archives/39054>

⁴⁵ “Law on Free Access to Information of Public Importance.” Official Gazette of RS, no. 120/2004, 54/2007, 104/2009, 36/2010 and 105/2021. Paragraph Lex, accessed June 9, 2026.

https://www.paragraf.rs/propisi/zakon_o_slobodnom_pristupu_informacijama_od_javnog_znacaja.htm

⁴⁶ Proposal for amendments to the Law on Free Access to Information of Public Importance. Paragraph Lex, accessed June 9, 2026. <https://www.paragraf.rs/dnevne-vesti/121224/121224-vest12.html>

⁴⁷ “Due to massive abuses, the Law on Free Access to Information of Public Importance is being changed.” Magločistač, September 27, 2024. <https://www.maglocistac.rs/u-fokusu/zbog-masovnih-zloupotreba-menja-se-zakon-o-slobodnom-pristupu-informacijama-od-javnog-znacaja>

⁴⁸ National Convention on the European Union. “The proposed amendments to the Law on Free Access to Information of Public Importance reduce the achieved level of rights and open up space for additional abuses” accessed June 9, 2026. <https://eukonvent.org/predlozene-izmene-zakona-o-slobodnom-pristupu-informacijama-od-javnog-znacaja-umanjuju-dostignuti-nivo-prava-i-otvaraju-prostor-za-dodatne-zloupotrebe/>

⁴⁹ Beta, “NUNS: Government withdraws Bill on Free Access to Information of Public Importance,” N1 Serbia, March 10, 2025. <https://n1info.rs/vesti/nuns-vlada-povukla-predlog-zakona-o-slobodnom-pristupu-informacijama-od-javnog-znacaja/>

⁵⁰ Commissioner for Information of Public Importance and Personal Data Protection. “Report of the Commissioner for 2025.” accessed June 9, 2026. <https://www.poverenik.rs/sr-yu/o-nama/godisnji-izvestaji/4526-izve%C5%A1taj-poverenika-za-2025-godinu.html>

In quantitative terms, the Commissioner registered 24,875 cases in 2025, including 17,492 related to access to information. A total of 21,104 complaints were handled during the year (8,802 newly received and 12,302 carried over), of which 9,817 were resolved. The Commissioner noted that the continued high inflow of cases reflects systemic patterns that place significant pressure on the FOI system and affect its operational efficiency⁵¹.

Serbia's access to information framework is further assessed against international and EU standards. The European Commission's 2025 Serbia Report⁵² highlights the need to strengthen transparency and ensure full implementation of pending recommendations issued by GRECO, SIGMA, and OSCE/ODIHR, particularly in relation to access to information and public accountability mechanisms. The report underscores persistent gaps in enforcement and institutional practice, despite the existence of a formal legal framework aligned with international standards.

The country's framework is further shaped by ongoing commitments under broader governance reforms. These include the Open Government Partnership (OGP) Action Plan 2023-2027⁵³, the Public Administration Reform Strategy 2021-2030⁵⁴ and its Action Plan 2021-2025⁵⁵, as well as related digitalisation initiatives.

The OGP framework, which contains ten commitments on open government, produced mixed results in 2025. Some measures, such as electronic citizen initiatives, monitoring of submissions, and increased transparency in media co-financing, were considered implemented according to a draft self-assessment report of the Ministry of Public Administration and Local Self-Government⁵⁶. Others relating to public consultations, transparency in civil society organisation financing, and broader administrative openness showed limited progress or were not implemented.

Similarly, the Public Administration Reform emphasises proactive transparency, stronger enforcement of the FOI law and institutional capacity-building. However, implementation gaps remained evident in practice, including weak enforcement of Commissioner decisions, administrative silence and uneven levels of proactive disclosure.

Finally, digital governance initiatives under the E-Government Development Programme 2023-2025 aim to advance service digitalisation and data availability. However,

⁵¹ Republic of Serbia. Commissioner for Information of Public Importance and Personal Data Protection "Annual Report of the Commissioner for 2025," accessed June 9, 2026. https://www.poverenik.rs/images/stories/dokumentacija-nova/izvestajiPoverenika/2024/LATgod_izvestaj_2025.pdf

⁵² European Commission. Directorate-General for Enlargement and Eastern Neighbourhood "Serbia Report 2025", accessed June 9, 2026. https://enlargement.ec.europa.eu/document/download/6e68ce26-b95b-48e1-921a-c60c12da8f00_en?filename=serbia-report-2025.pdf

⁵³ Open Government Partnership. "Serbia Action Plan 2023-2027." Accessed June 9, 2026. <https://www.opengovpartnership.org/documents/serbia-action-plan-2023-2027-december/>

⁵⁴ Ministry of Public Administration and Local Self-Government of the Republic of Serbia. Public Administration Reform. Accessed June 9, 2026. <https://mduls.gov.rs/en/public-administration-reform/>

⁵⁵ Ministry of Public Administration and Local Self-Government of the Republic of Serbia, "Action Plan 2021-2025 for the Implementation of the Public Administration Reform Strategy in the Republic of Serbia".

⁵⁶ Ministry of Public Administration and Local Self-Government of the Republic of Serbia. "Public call for participation in the development of the Open Government Partnership Action Plan", February 27, 2026. Accessed June 9, 2026. <https://mduls.gov.rs/javne-rasprave-i-konsultacije/javni-poziv-partnerstvo-za-otvorenu-upravu/?script=lat>

implementation progress remains uneven, with only 50 per cent of the planned activities completed to date⁵⁷.

The 2025–2030 AI Strategy was also adopted; as it is still in the early implementation phase, there is limited evidence of its measurable impact on freedom of information or other policy areas.

Regional Overview of FOI Requests Submitted by BIRN Journalists in 2025

The period from 2022 to 2025 has been marked by a rapid expansion in the use of FOI mechanisms by BIRN journalists. Over this four-year period, the total number of requests **increased by about 363 per cent**, rising from 376 in 2022 to 1,740 in 2025.

Importantly, the number of requests alone does not capture the volume of information sought or obtained, as a single request may encompass hundreds of documents or datasets. For example, through 474 FOI requests submitted in 2025, BIRN Montenegro sought access to 621 distinct information items. Similarly, datasets obtained from electoral bodies and analysed by BIRN Albania contained 2,919 party-level financial reporting entries and 8,362 candidate-level transactions.

A regional overview (see Table 1) of the outcomes of BIRN FOI requests during 2022–2025 reveals several key trends:

- **Approval rates improved.** Institutional responsiveness shows a clear upward trajectory. Full approval rates have nearly doubled, increasing from 38.03 per cent in 2022 to 58.22 per cent in 2025. This suggests that as journalistic use of FOI mechanisms expands, so does the disclosure of information.
- **Administrative silence cases increased.** The rate of non-response declined significantly between 2022 (56.65 per cent) and 2024 (23.35 per cent). However, this progress was reversed in 2025, when the non-response rate rose again to 28.16 per cent. Despite earlier gains, more than a quarter of requests still go unanswered, underscoring a persistent barrier to transparency.
- **Rejection rates remained generally low.** Overall rejection rates have stayed low and consistent throughout 2022–2025, peaking at 12.4 per cent in 2024 before slightly declining to 8.51 per cent in 2025.

The statistical findings on rejection and administrative silence rates should be interpreted in conjunction with the qualitative analysis presented in the next section on “Country-based Overview of FOI Requests Submitted by BIRN Journalists in 2025”. That section examines specific high-public-interest cases of refusals and administrative silence, providing the necessary context and nuance to the statistical data. It highlights that, **beyond aggregate figures, it is often the most sensitive and consequential information that is withheld, shaping the real impact of access to information practices.**

⁵⁷ Republic of Serbia, Program for the Development of Electronic Government for the Period 2023–2025, accessed June 5, 2026. <https://preu-monitoring.mduls.gov.rs/#>

Table 1. Overview of the Outcomes of FOI requests submitted by BIRN journalists in the Western Balkans during 2022-2025	2022	2023	2024	2025
Number of <u>requests submitted</u> by BIRN	376	715	1 015	1740
Percentage of <u>approved requests</u>	38.03 %	48.95 %	55.86 %	58.22%
Percentage of <u>partially approved requests</u>	3.99 %	14.55 %	8.37 %	5.11%
Percentage of <u>rejected requests</u>	3.72 %	11.47 %	12.41 %	8.51%
Percentage of requests resulting in <u>administrative silence</u> (no response from the institutions)	56.65 %	25.03 %	23.35 %	28.16%

Regionally, data from 2025 points to a system under significant strain. Of the 1740 FOI requests submitted by BIRN in 2025, 58.22 per cent received full disclosure of information, while 5.11 per cent were only partially fulfilled. Meanwhile, 8.51 per cent of requests were formally rejected, and 28.16 per cent encountered administrative silence, with institutions failing to respond altogether (See Table 1).

While overall information disclosure is increasing compared to previous years, enforcement mechanisms struggle to keep pace and guarantee effectiveness. Several key trends in the 2025 regional data illustrate this imbalance (see Table 2).

- **An enforcement gap is visible.** Of the 1,740 FOI requests submitted in 2025 across the Western Balkans, 201 resulted in formal complaints to FOI oversight authorities. Yet the effectiveness of these mechanisms was undermined by slow case processing: 58.2 per cent of complaints (117 cases) remained unresolved, pointing to persistent delays in FOI oversight and enforcement. At the same time, complaint mechanisms were not consistently utilised by BIRN journalists, with only 11.6 per cent of requests resulting in a formal complaint to FOI Authority. This was largely due to the time-sensitive nature of investigative reporting and the limited effectiveness of appeal procedures, which are often constrained by understaffed institutions, significant case backlogs, and lengthy processing times. As a result, information is frequently disclosed only after it has lost much of its journalistic value, reducing incentives for journalists to pursue formal appeals.
- **Non-compliance persists (even) after rulings.** A concerning trend is the limited implementation of FOI authority decisions. Although 72 rulings were issued in favour of BIRN, only 47 cases (23.38 per cent) ultimately resulted in the disclosure of information. This points to weak enforcement of legally binding decisions and suggests the persistence of a "culture of impunity" even after formal intervention.

- **Judicial remedies remain limited.** The court system continues to provide only a limited enforcement mechanism and, as a result, is used relatively infrequently by BIRN journalists (3.2 per cent of cases resulted in court proceedings in 2025). In half of the countries, no new court cases were initiated in 2025, although many cases from previous years remained pending (accompanied with respective notes in Table 2). In some instances, it was difficult to track ongoing court cases because BIRN was treated as a third party to the judicial proceedings and was not always properly notified. This issue is linked to the practice whereby institutions often bring legal action against the FOI Authority rather than BIRN, even though BIRN is the actual applicant. Of the 56 administrative disputes filed during the year across the region, only one court verdict was reached (1.79 per cent), highlighting significant judicial delays and bottlenecks that further weaken accountability mechanisms. The case was decided in favour of BIRN in North Macedonia.

The statistical findings on appeal processes and mechanisms should be interpreted in conjunction with the qualitative analysis presented in sections, such as “Regulatory Environment for Freedom of Information in the Western Balkans” and “BIRN Journalists’ Experience with Public Institutions in 2025 on Access to Information”, including the dedicated subsection “The Appeal Process: Blocked or Ineffective Enforcement”. This part of the analysis complements the statistical findings by providing detailed insights into the legal and institutional framework, as well as journalists’ direct experiences with public institutions in pursuing freedom of information requests.

Table 2. Outcomes of FOI requests submitted by BIRN journalists in the Western Balkans, 2025, by country							
Outcome / Metric	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia	Total
Total number of FOI requests submitted by BIRN in 2025	96	479	453	474	129	109	1740
Number and percentage of fully answered FOI requests	65 (67.71%)	267 (55.74%)	250 (55.19%)	294 (62.02%)	73 (56.59%)	64 (58.71%)	1013 (58.22%)



Number and percentage of <u>partially answered</u> FOI requests	6 (6.25%)	11 (2.3%)	26 (5.74%)	39 (8.23%)	4 (3.1%)	3 (2.75%)	89 (5.11%)
Number and percentage of <u>denied</u> FOI requests	13 (13.54%)	10 (2.09%)	7 (1.55%)	82 (17.3%)	15 (11.63%)	21 (19.27%)	148 (8.51%)
Number and percentage of <u>unanswered</u> FOI requests (administrative silence)	12 (12.5%)	191 (39.87%)	170 (37.52%)	59 (12.45%)	37 (28.68%)	21 (19.27%)	490 (28.16%)
Number of <u>complaints</u> filed to the FOI Authority	9	N/A ⁵⁸	28	115	37	12	201
Number and percentage of <u>complaints</u> concluded with a <u>ruling</u> in favor of <u>information</u> seekers	9 (100%)	0	20 (71.43%)	13 (11.3%)	29 ⁵⁹ (78.38%)	1 (8.33%)	72 (35.82%)
Number and percentage of cases in which <u>institutions</u> disclosed the <u>information</u> after the ruling of the FOI Authority	4 (44.44%)	0	20 (100%)	9 (7.83%)	14 (37.84%)	0	47 (23.38%)

⁵⁸ Bosnia and Herzegovina does not have a centralised FOI authority. BIRN pursued its access-to-information appeals through the courts.

⁵⁹ The remaining 8 complaints were withdrawn because the information arrived later.



Number and percentage of complaints that were <u>rejected or ruled in favor of institutions</u>	0	0	5 (17.86%)	0	0	0	5 (2.49%)
Number and percentage of complaints that still in the process	1 ⁶⁰	0 ⁶¹	3 (10.71%)	102 (88.7%)	0	11 (91.67%)	117 (58.21%)
Number of <u>administrative dispute cases before the courts</u>⁶²	N/A ⁶³	8 ⁶⁴	0	47 ⁶⁵	1 ⁶⁶	N/A ⁶⁷	56

⁶⁰ One case is pending from 2024.

⁶¹ Bosnia and Herzegovina does not have a centralised FOI authority. BIRN pursued its access-to-information appeals through the courts and has 216 cases pending (8 from 2025).

⁶² This category concerns ongoing court cases, including those initiated by BIRN in 2025 challenging e.g. denial of access to information or administrative silence, as well as cases in which public institutions have contested in court the FOI Authority's decisions to grant BIRN access to requested information.

⁶³ There are several ongoing court cases from previous years, some of which are difficult to track, particularly when BIRN is treated as a third party and is not notified of proceedings, a challenge further compounded by institutions often suing the FOI Authority rather than BIRN directly, despite BIRN being the original applicant for the freedom of information request.

⁶⁴ 208 court cases are pending from previous years.

⁶⁵ These cases refer to the 2025 court action initiated by the BIRN against the Freedom of Information Authority, concerning multiple cases of administrative silence.

⁶⁶ This case concerns a lawsuit filed by the Anti-Corruption Commission against the Agency for Protection of the Right to Free Access to Public Information after the agency ordered the Commission to grant BIRN access to the foreign language proficiency certificate of the director of the National Security Agency. The Administrative Court dismissed the lawsuit.

⁶⁷ There are several ongoing court cases from 2023.



Number of administrative dispute cases concluded with a <u>ruling in favour of the information seeker</u>	0	0	0	0	1 ⁶⁸	0	1 (1.79%)
Number of administrative dispute cases that were concluded with a <u>ruling against the information seeker</u>	0	0	0	0	0	0	0

Country-based Overview of Requests Submitted by BIRN Journalists in 2025

The 2025 regional data is best understood through the varying levels of institutional responsiveness and the effectiveness of enforcement mechanisms across six countries. The country sections presented below provide insight into these dynamics and highlight emerging negative trends in the handling of FOI requests and the protection of the right to access information, with particular attention to cases involving the denial of information and administrative silence.

Across the region, cases of denied access to information and administrative silence have disproportionately affected key sectors involving significant public resources and public interest, including public procurement, infrastructure development, public employment practices, security-related matters, and state-owned enterprises. In several instances, they have also become linked to major corruption investigations and criminal proceedings, highlighting deeper structural weaknesses in governance and the management of public resources.

⁶⁸ This case concerns a lawsuit filed by the Anti-Corruption Commission against the Agency for Protection of the Right to Free Access to Public Information after the agency ordered the Commission to grant BIRN access to the foreign language proficiency certificate of the director of the National Security Agency. The Administrative Court dismissed the lawsuit.



Albania

Out of **96 FOI requests** submitted by BIRN Albania, 65 were fully answered, while six received only partial responses. Thirteen requests were denied and 12 were left unanswered, constituting cases of administrative silence. BIRN filed nine complaints with the Commissioner, **all of which were decided in its favor**. However, enforcement remains weak, as fewer than **half of these favourable rulings led to the actual disclosure of information**. No new court appeals were initiated in 2025, although several cases from previous years remain ongoing.

Within the subset of denied requests, **the most frequently withheld information concerned strategic investments and public property** (8 requests), followed by transportation and infrastructure (2 requests). Other rejections related to the work of parliament, court verdicts and public procurement or contracts.

The Albanian Investment Development Agency (AIDA) recorded the highest number of denials (3). Requests related to strategic investments, public property management and development plans were frequently rejected or only partially fulfilled. In some instances, the agency stated that it did not hold the requested information, or redirected BIRN to publicly available sources that did not contain the relevant data.

Other significant cases of **denied FOI requests involved major infrastructure projects**, including the “Unaza e Madhe” project⁶⁹ and the Llogora Tunnel⁷⁰. In one case, the Ministry of Infrastructure and Energy redirected the request to another public institution instead of providing a direct response. In another case, the Albanian Road Authority refused access, citing an ongoing investigation and the seizure of documents by Special Prosecution Against Corruption and Organised Crime (SPAK). Former Deputy Prime Minister and former Minister of Infrastructure and Energy Belinda Balluku is currently under criminal investigation (at the time of publication) in connection with these cases over alleged violations of the principle of equality in public procurement procedures.

Administrative silence was also common in requests related to strategic investments and public property (6), followed by agreements between countries or institutions (2). Some requests concerning construction projects, healthcare, trade and public administration data also went unanswered.

The Ministry of Infrastructure and Energy recorded the highest number of unanswered requests (2). These requests concerned strategic investments, the management of public assets and concessions or PPP procedures for major infrastructure projects, including the Milot-Thumanë, Kashar-Pezë-Lekaj, and Lekaj-Konjat-Fier road segments.

⁶⁹ Vladimir Karaj, “Big Ring, Small Competition: What Belinda Balluku is accused of,” Reporter.al, November 24, 2025, <https://www.reporter.al/2025/11/24/unaza-e-madhe-konkurrenca-e-vogel-per-cfare-akuzohet-belinda-balluku>

⁷⁰ Vladimir Karaj, “Llogora Tunnel: From rigged tenders to questions over construction quality,” Reporter.al, November 10, 2025, <https://www.reporter.al/2025/11/10/tuneli-i-llogarase-nga-tenderat-e-manipuluar-te-pikepyetjet-mbi-cilesine-e-ndertimit/>

Several municipalities, including the Municipality of Malësi e Madhe, the Municipality of Konispol, the Municipality of Lezhë and the Municipality of Tropojë, also failed to respond to FOI requests concerning strategic investments and management of public property.

Other cases of **administrative silence** involved the National Agency for Information Society and parliament, which did not respond to requests concerning international cooperation agreements. Similarly, the Ministry for Europe and Foreign Affairs failed to answer a request seeking information on individuals holding diplomatic passports. The Ministry of Health and Social Protection also left unanswered a request concerning the treatment of patients suffering from cerebral ischemia (stroke) within the public healthcare system.

Bosnia and Herzegovina

Out of **479 FOI requests** submitted by BIRN Bosnia and Herzegovina, 267 were fully answered, while 11 received only partial responses. Ten requests were formally denied and 191 remained unanswered, representing **the highest rate of administrative silence in the region**.

Bosnia and Herzegovina also recorded significant procedural obstacles, reflecting its layered institutional structure and complex governance framework. In the absence of a centralised FOI oversight body, appeals are pursued through the courts. The limitations of this system were underscored by the **region's largest judicial backlog, with 208 cases pending from previous years**. In 2025, none of BIRN's appeals resulted in the disclosure of information, and no court rulings were issued despite 8 cases being filed.

Zooming in on **denied requests and the institutions involved**, key FOI denials were issued by the Municipal Court in Gradačac, the Prosecutor's Office of Bosnia and Herzegovina, the Republic Administration for Inspection Affairs of Republika Srpska and the Municipality of Hadžići. These denials primarily concerned court rulings, criminal investigations and public infrastructure projects.

In one notable case, the Municipal Court in Gradačac was the only court in Tuzla Canton that refused to provide BIRN researchers final judgments related to domestic violence and femicide cases, despite the clear public interest in understanding how institutions respond to violence against women⁷¹.

The Prosecutor's Office of Bosnia and Herzegovina also denied access to internal correspondence concerning proceedings against Milorad Dodik, former President of Republika Srpska, citing the confidentiality of the information⁷².

⁷¹ Azra Husarić Omerović, "Conditional justice for women victims of domestic violence in Tuzla Canton," Detektor, Accessed June 5, 2026.

<https://detektor.ba/uslovna-pravda-za-zene-zrtve-porodicnog-nasilja-u-tuzlanskom-kantonu-bih/>

⁷² Nermina Kuloglija-Zolj, "UDT without decision on the responsibility of judges and prosecutors in the proceedings against Dodik," Detektor, August 4, 2025.

<https://detektor.ba/2025/08/04/udt-bez-odluke-o-odgovornosti-sudije-i-tuzioca-u-postupanju-u-predmetu-protiv-dodika>

In another case related to the “Krupačke stijene” landfill, concerning an illegal operation and a related environmental disaster that endangered residents’ health, the Republic Administration for Inspection Affairs of Republika Srpska refused access to inspection reports, stating that “the requested documentation had been seized by prosecutors”⁷³. A similar justification was used by the Municipality of Hadžići, which denied access to contracts concluded with contractors for the reconstruction of the Miševići–Binježevo road following a gas explosion that destroyed a family house and resulted in one death⁷⁴.

Administrative silence was most common in requests related to court verdicts (38 requests) and other court files, including documents and videos (26 requests), followed by urbanisation and construction matters (4 requests). Other unanswered requests also concerned indictments, complaints and appeals, public grants to NGOs, construction projects, and personnel and salary data in public institutions.

The Court of Bosnia and Herzegovina recorded the highest number of unanswered requests (6), followed by the Faculty of Dentistry with Dental Clinical Center and the Municipality of Konjic (4 requests each).

Kosovo

Out of **453 FOI requests** submitted by BIRN Kosovo, 250 were fully answered and 26 partially fulfilled. Seven requests were formally denied, while 170 remained unanswered, representing the second-highest rate of administrative silence in the region. Of the 28 complaints submitted, 20 were ruled in favour of BIRN, five were rejected or decided in favour of the institutions, and three remain ongoing. Notably, **post-ruling compliance was high, with a 100 per cent rate** of disclosure following decisions by the Information and Privacy Agency.

However, BIRN Kosovo filed a **relatively low number of complaints** (28) relative to the high volume of requests and instances of administrative silence. This is largely due to the time-sensitive nature of its reporting, combined with delays at the FOI Authority linked to limited staffing and lengthy processing times, which can reduce the relevance of information once disclosed. As a result, BIRN frequently relied on alternative sources of information, rather than pursuing formal complaints. No court cases were initiated by BIRN Kosovo in 2025.

Zooming in on the **institutions involved in refusals**, key FOI denials were issued by the Municipality of Suharekë, the Air Navigation Services Agency, the Municipality of Kaçanik, the Energy Regulatory Office, the Regional Water Company “Gjakova,” the Prosecution Office

⁷³ Aida Trepanić Hebib, “Inspectors are checking the landfill that polluted the air in Sarajevo, but when will responsibility for the failures be determined?” Detektor, July 3, 2025.

<https://detektor.ba/2025/07/03/inspektori-provjerajavaju-deponiju-koja-je-zagadila-zrak-u-sarajevu-ali-kada-ce-se-utvrditi-odgovornost-za-propuste/>

⁷⁴ Lejla Memčić, “One death, two defendants and questions about responsibility for the gas leak,” Detektor, December 22, 2025.

<https://detektor.ba/2025/12/22/jedna-smrt-dvojica-optuzenih-i-pitanja-o-odgovornosti-za-curenje-plina>

of Prizren and the Ministry of Finance, Labour and Transfers. The denied categories of information primarily concerned **public procurement procedures, infrastructure projects, energy contracts, education and security-related matters.**

In several cases, institutions justified refusals by claiming that the requested documentation was part of ongoing investigations by the Prosecutor's Office. These included requests concerning procurement documentation for road asphalt works in Suharekë, electricity import contracts sought following suspicions of multi-million-euro abuses and inflated costs, the "Student Transportation Services" tender in Kaçanik; the procurement of vans by the Regional Water Company "Gjakova"⁷⁵, and the academic credentials of the director of the Air Navigation Services Agency.

BIRN Kosovo was also denied access to information requested from the Prosecution Office of Prizren regarding a tender in which an economic operator had allegedly been blacklisted for procurement fraud, again on the grounds of an ongoing investigation.

In another case, BIRN was refused information concerning the Security Fund, with authorities classifying the data as state information⁷⁶.

Administrative silence was most common in requests related to education (23 requests), prosecution office data concerning ongoing investigations and statistical information (22 requests), public safety and police work (19 requests), and urbanisation, construction, healthcare, and personnel data in public institutions (15 requests each). Requests concerning public officials' assets, spending and campaigns accounted for 13 unanswered requests, while construction projects accounted for 9.

The Ministry of Education, Science, Technology and Innovation recorded the highest number of unanswered requests (12), followed by the Municipality of Pristina (10), while the Ministry of Internal Affairs, Kosovo Police and the Regional Water Company "Gjakova" each failed to respond in 8 cases.

Montenegro

Out of a total of **474 FOI requests** submitted by BIRN Montenegro in 2025 (covering 621 separate information items), 294 were fully fulfilled and 39 partially disclosed. 82 requests were formally denied, while 59 remained unanswered, constituting cases of administrative silence. BIRN Montenegro also filed **115 complaints with the FOI Authority, the majority of which (102) remain pending**, reflecting significant delays attributed to chronic understaffing and the absence of adequate digitisation tools, with case processing still largely carried out manually, thereby stalling the overall appeals process.

⁷⁵ Egzon Dahsyla, "The suspicious tender for the purchase of pickup trucks from the Gjakova RWC is being investigated by the Special Prosecution Office," Kallxo.com, July 18, 2025. <https://kallxo.com/gjate/tenderi-i-dyshimte-per-blerjen-e-kamionetave-nga-kru-gjakova-po-hetohet-nga-prokuroria-speciale/>

⁷⁶ Shqipron Xhema, "Secret Security Fund – the budget for the public army," Kallxo.com, January 2, 2026. <https://kallxo.com/gjate/fondi-i-sigurise-sekret-buxheti-per-ushterine-publik/>

In cases where rulings were issued, information was disclosed in nine out of 13 instances following decisions in BIRN's favour. Montenegro also **stands out for a litigious environment, accounting for 47 of the 49 administrative court disputes** initiated in 2025 by BIRN, mostly concerning cases of administrative silence. However, no court cases were concluded during the reporting period.

Regarding the content of denied requests, the **most frequently withheld information** concerned BIRN FOI requests on public expenditure (25 requests), employment records (19), security and defence matters (6), complaints and appeals (5), court registries (4) and trade-related information (4).

Public expenditure requests mainly involved procurement procedures, contracts with attorneys, travel costs, representation expenses, severance payments, and housing loans. These were most often denied on confidentiality grounds. Employment-related requests, covering employment contracts, service agreements, and agency-based hiring, were also frequently refused as confidential across public institutions and state-owned companies. Similar categories of information were disclosed by other institutions or companies in comparable cases.

The institutions that most frequently denied FOI requests were the state-owned company Monteput (12 denials), the Port of Bar (11), and the Ministry of Internal Affairs (5).

Monteput rejected several FOI requests related to public expenditure, arguing that accessing the requested documentation stored in the company's archive would require disproportionate administrative and technical resources⁷⁷. Although the Agency for Personal Data Protection and Free Access to Information upheld BIRN Montenegro's complaints in full, Monteput maintained its refusal even after the ruling, later partially disclosing data only after the publication of a monitoring report and further engagement with the BIRN research team⁷⁸.

The Port of Bar denied access to expenditure-related documentation, arguing that disclosure would undermine its competitiveness and market position⁷⁹. The Ministry of Interior refused requests related to software ownership, transport permits for controlled goods, and procurement of IMSI catchers, citing confidentiality, lack of available data, or risks to ongoing investigations⁸⁰.

⁷⁷ Samir Kajošević, "They don't have the capacity to bring documents from Sozina." Birn.me, April 16, 2025.

<https://birn.me/vijesti/nemaju-kapaciteta-da-donesu-dokumenta-sa-sozine/>

⁷⁸ BIRN Montenegro, "Report on the monitoring of the consumption of funds by state-owned transport companies." Birn.me, November 26, 2025.

<https://birn.me/projekti/izvijestaj-o-monitoringu-potrosnje-sredstava-od-strane-saobracajnih-preduzeca-u-drzavnom-vlasnistvu/>

⁷⁹ Ivan Ivanović, "Without the transparency of state-owned companies, suspicions of corruption grow," Birn.me, November 27, 2025.

<https://birn.me/vijesti/bez-transparentnosti-drzavnih-kompanija-rastu-sumnje-u-korupcije/>

⁸⁰ Ivan Ivanović, "Without the transparency of state-owned companies, suspicions of corruption grow," Birn.me, November 27, 2025. <https://birn.me/vijesti/bez-transparentnosti-drzavnih-kompanija-rastu-sumnje-u-korupcije/>

Administrative silence was most frequent in requests related to public expenditure (27 requests) and employment records (16 requests).

The **institutions that most often failed to respond** were Airports of Montenegro (14 requests), the Development Bank of Montenegro (9), and the University of Montenegro (7).

North Macedonia

Out of **129 FOI requests** submitted by BIRN in North Macedonia, 73 were fully fulfilled and four partially fulfilled. Fifteen requests were formally denied, while 37 remained unanswered, constituting cases of administrative silence. BIRN also filed 37 complaints, resulting in 29 rulings in its favour. The remaining eight complaints were withdrawn after the requested information was provided at a later stage. However, **enforcement remains inconsistent**, as information was ultimately disclosed in only 14 cases following positive rulings.

No complaints were rejected by the FOI Authority, which was nevertheless **non-functional for several months during the reporting period**. One lawsuit was filed by the Anti-Corruption Commission against the Agency for Protection of the Right to Free Access to Public Information after the Agency ordered the Commission to **grant BIRN access to the foreign language proficiency certificate of the Director of the National Security Agency**. The case was **ultimately resolved in BIRN's favour**, with the Administrative Court upholding the Agency's decision.

The FOI requests most frequently denied to BIRN in North Macedonia concerned categories of information related to **urbanisation, construction and illegal construction matters** (6 requests), and personnel and salaries in public institutions (4). **Key institutions that denied FOI requests** (2 denials each) were the State Commission for Prevention of Corruption, the Ministry of Environment and Physical Planning, the Municipality of Kisela Voda, and the Municipality of Karpoš.

The State Commission for Prevention of Corruption denied requests related to alleged wrongful certification of a public official citing personal data protection and ongoing prosecutorial proceedings. The information was provided after appeal.

The Ministry of Environment and Physical Planning refused access to a waste export permit and its revocation, as well as documentation on annual fees under the environmental permit system, invoking trade secrecy, personal data protection, and a broadly applied harmfulness test, without providing a detailed explanation of how the test was conducted or how disclosure would result in a violation of tax procedures. A complaint regarding the latter request was submitted and upheld by the Agency in favour of BIRN; however, the institution still did not provide the requested documents.

The Municipality of Karpoš denied requests for demolition decisions and records of illegally constructed buildings (2022–2024), first arguing the information was not of public nature, and later rejecting a repeated request on personal data grounds even after an appeal on the first request was upheld. The Municipality of Kisela Voda also denied similar requests on

demolition decisions and construction permits, initially citing personal data protection and lack of public interest, later partially providing information after appeals.

Administrative silence was most frequent in categories of information concerning urbanisation and illegal construction (16 requests), education (5 requests), inspections (4), as well as healthcare and construction projects with 3 cases each.

Administrative silence was most frequently recorded at the Ministry of Health (4 requests) and the Municipality of Čair (3). The PHI City General Hospital "8th September" along with municipalities of Gazi Baba, Sòpishte and Studenichani, each recorded two unanswered requests.

A key case involved the Ministry of Health's failure to respond to a request for tender documentation for parking services at the University Clinic Center "Mother Teresa" in Skopje. The tender involved a single bidder proposing to build and manage hospital parking in exchange for 1 per cent of annual revenue. The information was only disclosed after BIRN's reporting⁸¹, after which the Ministry annulled the tender, highlighting the public interest significance of delayed disclosure.

Serbia

In Serbia, out of **109 FOI requests** submitted by BIRN journalists, 64 were fully answered and three partially fulfilled. Twenty-one requests were formally denied, while another 21 remained unanswered, constituting cases of administrative silence. BIRN also submitted 12 complaints, 11 of which remain pending, reflecting **slow and ineffective appeal procedures within a de facto blocked FOI system**. One complaint was ruled in BIRN's favour; however, the requested information **was not disclosed**.

No court proceedings were initiated in 2025, while several cases from 2023 remain pending. Lengthy administrative court procedures discourage journalists from pursuing judicial remedies, which are generally not considered an effective means of obtaining information. Instead, **court action is typically used in response to failures by the FOI Authority to act or issue decisions** within the prescribed timeframe.

Zooming in on the content of refusals, the **most frequently denied categories of information** included **verdicts** (4 cases), indictments (3), construction projects (3), alongside requests related to urban development, personnel data and other court files, with two cases of denials each.

The institutions that most frequently denied access to information to BIRN in Serbia included the Higher Court in Belgrade (4 cases), followed by the Anti-Corruption Agency, the

⁸¹ Frosina Dimeska, "Albanian "Gjoka Construction" will manage the parking lot at the Clinical Center," Prizma, March 6, 2025. <https://prizma.mk/albanskata-goka-konstrakshn-ke-stopanisuva-so-parkingot-na-klinichki-tsentar/>



Commission for Protection of Competition, the Republic Geodetic Authority, and the Third Basic Public Prosecutor's Office in Belgrade with two cases of denials per each institution. For example, these institutions denied requests for case files of public interest covering arrest warrants, indictments and judgments against specific individuals based on multiple grounds, including claims that the institution did not hold the requested documents, reliance on personal data protection rules, and procedural objections requiring submission by post or with a certified electronic signature. In other instances, indictments and related case materials were denied on the basis that the volume of case files made anonymisation impracticable.

In a notable set of **construction-related requests** concerning the General Staff ("Generalštab") site in Belgrade, access to information was refused on grounds that data protection procedures were still ongoing, that relevant procedures had not been concluded, or that the institutions did not hold the requested information. The building is linked to plans for a hotel and residential development involving US President Donald Trump's son-in-law, Jared Kushner⁸².

Administrative silence affected the same core areas of judicial transparency and public administration oversight. The categories most affected by administrative silence were verdicts (7 cases), followed by personnel and salary-related data in public institutions (3), information on public officials' assets and asset declarations (3), and transportation and infrastructure-related requests (2).

Institutions most frequently failing to respond included the Higher Court in Belgrade (3 cases), the Administrative Inspectorate (2 cases), and the Public Utility Company for Public Transport Management Belgrade (2 cases).

Thematic Analysis of BIRN Requests: Technology, Environment and Economic Cooperation
This section presents a thematic analysis of selected FOI requests submitted by BIRN across six Western Balkan countries in 2025, focusing on state use of technology, the environment, and economic cooperation. Over the years, these areas have proven particularly sensitive and consistently of high public interest in this region, while FOI requests in these fields have exposed surveillance practices, environmental risks, and the use of public funds in domestic and international economic arrangements.

The cases presented here show how access to information is used to uncover how decisions are made in practice, who benefits from them, and what risks or consequences they carry, with several leading to concrete investigations, official disclosures, institutional responses, and, in some instances, the initiation of criminal or administrative proceedings. They also highlight the persistent barriers that continue to limit transparency in these high-stakes policy areas across the region.

State Deployed Technology

⁸² Guy De Launey, "How plans for Trump International hotel in Belgrade unravelled" BBC, February 4 2026. <https://www.bbc.com/news/articles/cx2y8lg9e2jo>

BIRN's 2025 Digital Rights Report in Southeast Europe⁸³ highlights the rapid expansion of state-deployed surveillance across the Western Balkans, often accompanied by limited transparency, weak oversight, regulatory gaps, and opaque procurement procedures that enable the unchecked use of invasive technologies. Concerns are further heightened by the growing reliance on technologies supplied by foreign governments and companies with poor human rights records.

In one illustrative case in Montenegro, BIRN requested documentation from the **National Security Agency** and the **Ministry of Internal Affairs** regarding the procurement of **IMSI catchers** (International Mobile Subscriber Identity catchers) since 2016. These surveillance devices impersonate mobile phone towers to identify, track, and sometimes intercept data from nearby mobile phones. The request sought tender reference numbers, supplier names, technical specifications, copies of contracts and information on whether the devices are currently in use and whether internal rules govern their deployment. Both institutions rejected the requests in full, relying on broad confidentiality claims.

Such **blanket refusals** effectively prevent public scrutiny of surveillance technologies that may have significant implications for privacy rights and democratic oversight.

In **Serbia**, proactively disclosed public procurement data from 2022-2024 were analysed by BIRN to investigate the expanding deployment of **biometric surveillance systems with facial-recognition capabilities** across hospitals, schools, student dormitories, prisons, cultural institutions, public transport networks, utilities, and local governments.

The investigation found that many public authorities had procured cameras and software capable of identifying and profiling individuals, often without conducting legally required privacy impact assessments or transparently disclosing the systems' full capabilities, despite experts arguing that such practices are largely incompatible with Serbian data protection law⁸⁴.

During the months-long investigation conducted by BIRN and several Serbian media partners, journalists identified more than 30 such procurements and subsequently submitted 32 freedom-of-information requests to public institutions. Twenty-two institutions provided complete responses, while 10 failed to respond altogether.

At a regional level, the limited number of illustrative cases examined in this year's report also reflects the continued constraints on public scrutiny of state-deployed surveillance technologies across the Western Balkans, shaped by lack of transparency and broad confidentiality practices. While **documented instances of misuse of these surveillance technologies**⁸⁵ against activists and journalists represent only one strand of a wider

⁸³ BIRN. Digital Rights Violations Annual Report 2025. Accessed June 5, 2026.

<https://balkaninsight.com/wp-content/uploads/2025/11/BIRN-Digital-Rights-Violations-Annual-Report-2025.pdf>

⁸⁴ Aleksa Tešić, Mila Tomić, Katarina Pejić, Tamara Radovanović, Zoran Strika, "The silent spread of biometric surveillance: Public institutions under a network of facial recognition cameras," Birn.rs, November 6, 2025,

<https://birn.rs/sve-vise-biometrijskih-kamera-u-javnim-institucijama/>

⁸⁵ BIRN. Digital Rights Violations Annual Report 2025. Accessed June 5, 2026. <https://balkaninsight.com/wp-content/uploads/2025/11/BIRN-Digital-Rights-Violations-Annual-Report-2025.pdf>

picture, they nonetheless reinforce growing concerns and heighten the urgency of addressing them. This points to a broader systemic challenge and underscores the need for stronger accountability in the deployment of surveillance technologies.

Environment

BIRN Bosnia and Herzegovina requested **inspection reports** from the past ten years from the Republic **Administration for Inspection Affairs of Republika Srpska** following a fire at the “Krupačke stijene” landfill in July 2025, which triggered renewed debate over the site’s illegal operation and responsibility for the environmental disaster that endangered local residents’ health.

The landfill, described as illegal, is located approximately 30 meters from the Željeznica River, whose underground water sources are used by nearby residents through wells. Environmental activists warned that medical and animal waste had been disposed of at the site, allowing carcinogenic substances to contaminate underground water supplies and flow into the river. According to reports published on July 3, 2025, inspectors were deployed to the site after the fire, but earlier warnings and inspections had failed to result in accountability or effective action by the authorities.⁸⁶

After BIRN published an article on the rapid spread of illegal landfills in Bosnia and Herzegovina over the past 15 years, the Administration responded to the initial inquiry, disclosing that the municipal company “Trnovo” had sought permission to continue operating the unregulated landfill through adjustment measures. However, the Ministry of Spatial Planning rejected the request due to incomplete documentation⁸⁷. The case illustrates the consequences of institutional inaction and lack of transparency, in connection to a hazardous landfill which remained operational until it escalated into a serious environmental and public health crisis.

An investigation by **BIRN Kosovo** in 2025 revealed transparency issues regarding a **state contract for the operationalisation of a rendering plant for animal waste treatment**, intended to meet EU environmental standards. The plant was meant to play a key role in the management of animal waste, including the disposal of infected animals as well as the processing of animal bones from slaughterhouses.

BIRN Kosovo submitted numerous FOI requests asking for the **lease agreement for the factory, internal evaluation files supporting the decision, and inter-institutional correspondence**, which were initially withheld by the **Ministry of Agriculture** and the

⁸⁶ Aida Trepanić Hebib, “Inspectors are checking the landfill that polluted the air in Sarajevo, but when will responsibility for the omissions be determined?” Detektor, July 3, 2025.

<https://detektor.ba/2025/07/03/inspektori-provjeravaju-deponiju-koja-je-zagadila-zrak-u-sarajevu-ali-kada-ce-se-utvrditi-odgovornost-za-propuste/>

⁸⁷ Aida Trepanić Hebib, “Surrounded by garbage: How did wild landfills spread in Bosnia and Herzegovina?” Detektor, September 2, 2025.

<https://detektor.ba/2025/09/02/okruzeni-smecem-kako-su-se-sirile-divlje-deponije-u-bih/>

Food and Veterinary Agency. The documentation was only released after the Information and Privacy Agency intervened and ordered the institutions to provide access, and after the publication of the first part of a BIRN Kosovo investigation on 16.05.2025⁸⁸.

The impact was immediate after the second part of the investigation was published by BIRN on May 25, 2025, based on the information received through FOI requests. On May 27, 2025⁸⁹, the Kosovo Police conducted a raid on the Ministry of Agriculture by order of the Special Prosecution. Investigations were launched into the leasing process and several high-ranking officials were interviewed by the Special Prosecution regarding the case of the animal by-products Factory⁹⁰. This case demonstrates how access to environmental data can act as a **fundamental tool for uncovering abuse** and ensuring that industrial operations adhere to environmental laws.

BIRN Montenegro sought information from the **Ministry of Spatial Planning** and the **Public Enterprise for Coastal Zone Management (Morsko Dobro)** on the **inspection reports of illegal construction and waste discharge from vessels** in the protected Platamuni Nature Park, between 2022-2025. Installation or construction of facilities that pollute, damage or threaten the marine and coastal ecosystem in the Platamuni Nature Park is prohibited in the country.

While Morsko Dobro responded to the BIRN request, the Ministry failed to do so, highlighting uneven transparency. The resulting investigation showed that the **state was largely ignoring constructions within a protected area**⁹¹.

The case underscored the importance of transparency in understanding **how environmental risks are managed** and **accountability is enforced**, particularly where industrial and construction interests may be **operating outside the law** and depleting natural resources.

BIRN in North Macedonia submitted FOI requests concerning **hazardous waste permits and documentation on pollution fee calculations for industrial facilities**. The **Ministry of Environment and Physical Planning** rejected both requests. It justified the first refusal on grounds of personal data protection and business confidentiality, and the second by citing the extensive scope of the requested documentation.

⁸⁸ Valon Fana, "Research: Animal waste file," Kallxo.com, May 16, 2025.
<https://kallxo.com/lajm/hulumtim-dosja-e-mbetjeve-shtazore/>

⁸⁹ Valon Fana, "Behind the scenes for the animal waste factory: Subsidies were foreseen 7 months before the contract was signed," Kallxo.com, May 25, 2025.
<https://kallxo.com/lajm/prapaskenat-per-fabriken-e-mbetjeve-shtazore-subvencionet-u-parashikuan-7-muaj-para-se-te-nenshkruhej-kontrata/>

⁹⁰ Valon Fana, "Acting Deputy Prime Minister Bislimi summoned by the Special Prosecution Office in the Animal Waste Factory case," Kallxo.com, June 10, 2025.
<https://kallxo.com/lajm/zv-kryeministri-ne-detyre-bislimi-ftohet-nga-prokuroria-speciale-per-rastin-e-fabrikas-se-mbetjeve-shtazore/>

⁹¹ Ivan Ivanović, "The state ignores construction in Platamuni Nature Park," Birn.me, July 7, 2025.
<https://birn.me/istrazivanja/drzava-ignorise-gradnju-u-parku-prirode-platamuni>

This resulted in significant delays in BIRN's investigation into hazardous waste disposal at an industrial facility in Skopje, forcing reliance on alternative, non-institutional sources to verify the available information. The investigation found that hazardous **waste management was inadequately controlled**, with regulatory oversight failing to address visible violations, resulting in prolonged accumulation of hazardous materials and ongoing environmental and public health risks⁹².

In **Serbia**, a BIRN investigation found that authorities had been aware since 2018 that the "Ivanović" elderly care home **did not meet basic fire safety standards**, but failed to shut it down, despite repeated inspections uncovering serious violations and falsified fire safety documentation. Seven years later, in January 2025, a fire at the home killed 11 residents⁹³. The reporting was based on documents obtained by BIRN from the Ministry of Interior through FOI requests.

While the information was eventually used for reporting⁹⁴, the two-year delay meant it arrived long after the issue had reached its peak public concern and **after the fatal consequences had already occurred**. This underscores a critical limitation of delayed disclosure, where information that is formally accessible loses much of its protective value for public safety and accountability.

Economic Cooperation

BIRN Montenegro, using data obtained through FOI requests, uncovered **documentation on licenses issued for the export of military equipment to Israel following the outbreak of the war in Gaza**. Following the FOI request, the Ministry of Economic Development disclosed the permits granted to the legal entity "Montenegro Defence Industry". The documents showed that while the **Montenegrin state had approved the exports**, the deal was later halted due to a Turkish embargo.

The resulting investigation⁹⁵ highlighted how freedom of information can expose **sensitive state-level defence and economic cooperation**, helping to inform public debate on foreign policy and international partnerships.

BIRN Albania submitted FOI requests to the **National Agency of Information Society** and to **parliament** seeking access to **cooperation agreements** with the Tony Blair Institute⁹⁶, a think tank and consultancy firm founded in 2016 by the former British Prime Minister Tony Blair. The requests concerned international advisory cooperation and governance-related

⁹² Jasmina Jakimova and Goce Trpkovski, "Tons of dangerous dust are spilling onto the lot behind 'Makstil'," Prizma, February 16, 2026.

<https://prizma.mk/toni-opasna-prashina-se-razleva-na-plats-zad-makstil/>

⁹³ Radmilo Markovic, "11 people die in a fire in Barajevo: How could the MUP prevent the 'Ivanović' home from burning down," Birn.rs, July 15, 2025.

<https://birn.rs/kako-je-mup-mogao-da-spreci-pozar-u-barajevu/>

⁹⁴ Radmilo Markovic, "Vračar Tunnel: Playing with Security in the Center of Belgrade," Birn.rs, September 2, 2021.

<https://birn.rs/vracarski-tunel-poigravanje-bezbednoscu-u-centru-beograda/>

⁹⁵ Ivan Ivanović, "Montenegro approves export of military equipment to Israel, deal halted due to Turkish embargo," Birn.me, August 4, 2025.

<https://birn.me/istrazivanja/crna-gora-odobrila-izvoz-vojne-opreme-izraelu-posao-stopiran-zbog-turskog-embarga/>

⁹⁶ Blerina Gjoka, "Government keeps consultancy contracts with Tony Blair's company secret," Reporter.al, August 7, 2025.

<https://www.reporter.al/2025/08/07/qeveria-mban-sekret-kontrat-e-konsulences-me-kompanine-e-tony-blair/>

activities during 2023-2025. Both institutions failed to respond. Consequently, key information regarding the scope, financial arrangements, and institutional implications of the cooperation remains inaccessible, limiting meaningful public oversight of **external advisory influence on state governance**.

In another effort, **BIRN Albania** submitted **28 FOI requests to monitor strategic investments and the management of public property** in Albania, seeking information on projects granted "strategic investor" status, including their sectoral distribution, the share of foreign direct investments, cases under review for revocation, and the financial or infrastructural benefits granted by the state since 2016. The results revealed a consistent pattern of limited transparency, with most central and local institutions either failing to respond or claiming they did not possess the requested data; some attempted to redirect responsibility to other bodies or relied on narrow institutional mandates to justify their silence. Only the Transmission System Operator (OST), provided substantive documentation, such as property transfer records. The findings point to **fragmented accountability** and a systemic **lack of accessible information on state-supported investment schemes**, limiting meaningful public scrutiny over how major public assets and state support mechanisms are being administered.

BIRN in Bosnia and Herzegovina in July 2025 asked the **Ministry for European Integration and International Cooperation of Republika Srpska** for a decision on the confidentiality of lobbying contracts, including the implementing decision. The ministry provided a complete response within the legal deadline.

The resulting investigation⁹⁷ revealed that **public funds** intended for the promotion of the entity were **used to finance lobbying materials** supporting Milorad Dodik, former President of Republika Srpska, on social media. The materials were reportedly distributed by the US-based firm RRB Strategies LLC under a lobbying contract signed with the Government of Republika Srpska in March 2025.

In another effort, **BIRN in Bosnia and Herzegovina** investigated a 100 million BAM (approximately 51.1 million euros) **EU-funded solar power plant** project in Stolac and encountered significant transparency barriers. The project, involving Chinese workers, came under scrutiny after a worker **died** from injuries sustained in an on-site accident⁹⁸. According to the investigation, workers did not have the required documentation to legally work in Bosnia and Herzegovina. BIRN asked the local court and Town of Stolac for cadastral records and contracts. However, the **Municipal Court refused to share any information**. At the same time, the municipality had already granted state-owned land through concessions and was collecting related fees.

The project involves Aurora Solar (linked to Technomercur), with NORINCO International as the main contractor. The latter is a Chinese state-owned company listed on US sanctions-

⁹⁷ Nermina Kuloglija-Zolj, "Dodik's campaigns paid for from entity budgets," Detektor, July 24, 2025.

<https://detektor.ba/2025/07/24/kampanje-za-dodika-placene-iz-budzeta-entiteta/>

⁹⁸ Selma Melez, "More than half a year of investigative actions due to the death of a Chinese worker near Stolac," Detektor, February 23, 2026.

<https://detektor.ba/2026/02/23/duze-od-pola-godine-istraznih-radnji-za-stradanje-kineskog-radnika-kod-stocaj>

related blacklists⁹⁹. The lack of access to key project documentation, particularly in a case involving a fatality and sanctioned actors, underscores serious **limits to institutional transparency and weak public oversight of strategic infrastructure investments**.

BIRN in North Macedonia submitted FOI requests to the ruling VMRO-DPMNE party seeking details on the costs of its "The Time of Macedonia Has Come" campaign. The party did not respond for more than two months, despite its legal obligation to provide the requested data. In September 2025, BIRN published an article highlighting the party's refusal to disclose the information¹⁰⁰. Within hours of publication, the party released the requested figures, confirming a campaign budget of about 33,000 euros¹⁰¹. Through sustained media scrutiny and public accountability pressure, BIRN helped to prompt the disclosure of **politically sensitive information, such as party finances**, when formal access-to-information mechanisms failed to deliver timely responses.

Research¹⁰² by **BIRN Kosovo** highlighted concerns about **international agreements** with countries including Denmark, Belgium and the United Kingdom, which reportedly involve Kosovo accepting foreign prisoners and rejected asylum seekers, the possible **establishment of centres for managing rejected asylum seekers**, and broader cooperation in penal and migration systems, in exchange for hundreds of millions of euros in financial and political support. However, key operational details of these agreements have not been disclosed by the **government or the Ministry of Justice**.

BIRN Kosovo reporting¹⁰³ highlights a broader lack of public debate and institutional transparency, as significant aspects of the agreements remain unpublished. This has prompted questions about the actual conditions attached to these arrangements, their long-term costs and benefits for Kosovo, and their potential implications for the country's international reputation and justice system.

A **BIRN Serbia** investigation found that major construction projects within Belgrade Waterfront, including a luxury four-star hotel, a new market building, and a fire station, were being built or used **without legally required permits**. The development company, Belgrade Waterfront, is 33 per cent owned by the State of Serbia, while the remaining 67 per cent is held by Eagle Hills Waterfront Investment-LLC, from the United Arab Emirates. The investigation drew on proactively available public data, including permit registers, land registry records, satellite imagery, and official planning documents, as well as freedom of information requests to relevant state institutions, which went unanswered¹⁰⁴.

⁹⁹ Office of Foreign Assets Control. Sanctions List Search. Accessed June 5, 2026.

<https://sanctionssearch.ofac.treas.gov/Details.aspx?id=30957>

¹⁰⁰ Jasmina Jakimova, "VMRO-DPMNE hides campaign costs for one year in power," Prizma, September 18, 2025.

<https://prizma.mk/vmro-dpmne-gi-krie-troshotsite-na-kampanata-za-edna-godina-vlast/>

¹⁰¹ Jasmina Jakimova, "'The time is coming for Macedonia!' – VMRO-DPMNE's campaign cost 33,000 euros," Prizma, September 19, 2025. <https://prizma.mk/doaga-vremeto-na-makedonija-kampanata-na-vmro-dpmne-chinela-33-000-evra>.

¹⁰² Antigone Isufi, "In exchange for support, Kosovo risks becoming a 'prison and asylum'," Kallxo.com, January 3, 2026.

<https://kallxo.com/gjate/ne-kembim-te-mbeshtetjes-kosova-rrezikon-te-behet-vend-burgu-dhe-strehimi/>

¹⁰³ Antigone Isufi, "In exchange for support, Kosovo risks becoming a 'prison and asylum'," Kallxo.com, January 3, 2026.

<https://kallxo.com/gjate/ne-kembim-te-mbeshtetjes-kosova-rrezikon-te-behet-vend-burgu-dhe-strehimi/>

¹⁰⁴ Radmilo Markovic, "Wild construction in Belgrade on the water: Niche luxury hotel without a permit," Birn.rs, September 19, 2025. <https://birn.rs/divlja-gradnja-beograd-na-vodi/>

Key Freedom of Information Cases in 2025

The following section analyses selected country case studies, based on FOI requests submitted by BIRN across six Western Balkan countries. The cases highlight the value and impact of FOI mechanisms in supporting investigative reporting and research and in strengthening accountability. They cover a range of public interest topics, including electoral integrity, campaign finance, public spending, qualifications of public officials and media ownership.

Albania

In Albania, two FOI-based investigations highlight **systemic challenges to electoral integrity linked to transparency in political competition and campaign environments**. In the first case, BIRN Albania used the FOI framework to obtain official records on “city lights” advertising permits from **the Municipality of Tirana**. The request, initiated in November 2024, was met with prolonged delays and repeated refusals on the grounds that company identities constituted personal data, before the full documentation was released **nearly a year later** (in October 2025) following appeals.

The data enabled an investigation¹⁰⁵, which revealed that long-term permits for highly visible public advertising space were heavily concentrated in a single company and granted without transparent competitive procedures, raising concerns about the creation of a de facto monopoly that coincided with the 2023 local elections, potentially giving the ruling party an unfair advantage in campaign visibility while limiting transparency over political advertising.

In the second case, during the 2025 parliamentary elections, BIRN Albania compiled and processed two large-scale campaign finance datasets obtained through FOI requests to the **Central Election Commission**, including 2,919 party-level financial reporting entries and 8,362 candidate-level transactions, covering 32 electoral subjects and 1,456 candidates.

As a result, an analytical was published¹⁰⁶ highlighting inconsistencies between party and candidate reporting practices following recent Electoral Code amendments. This evidence-based work supported investigative reporting and institutional engagement with the Central Election Commission on improving financial disclosure systems, offering a broader assessment of electoral finance transparency.

Bosnia and Herzegovina

In June 2025, **through 59 FOI requests**, BIRN Bosnia and Herzegovina requested court verdicts from 2019 to 2024 across multiple jurisdictions involving prison sentences that were replaced with community service. Community service is an alternative criminal

¹⁰⁵ Vladimir Karaj, “The ‘city lights’ advertising monopoly limited the electoral race for Tirana’s municipality,” Reporter.al, December, 2025.

<https://www.reporter.al/2025/12/04/monopoli-i-reklamave-city-lights-kufizoi-garen-elektorale-per-bashkine-e-tiranes/>

¹⁰⁶ BIRN Albania. Campaign Financing for the 2025 Parliamentary Elections in Albania: Sources, Expenditures, and Reporting Transparency. March 2026.

<https://birn.eu.com/wp-content/uploads/2026/03/Campaign-Financing-for-the-2025-Parliamentary-Elections-in-Albania.pdf>

sanction that allows prison sentences of up to one year to be replaced with community service, but its application and enforcement depend on coordination between courts and ministries.

The resulting BIRN investigation¹⁰⁷ examined how this alternative sanction is applied in practice and how responsibilities are split between courts, which impose the measure upon request of the convicted person, and ministries of justice, which must secure implementation through agreements with employers.

While most courts provided the requested judgments, information on whether sentences were actually served was often incomplete or unavailable, with 44 institutions responding fully and 14 not responding, and one institution providing a partial answer.

The findings revealed significant shortcomings in enforcement, indicating that many community service sentences remain unexecuted. As a result, some convicted individuals, including some found guilty of serious offences, are effectively able to evade serving their court-imposed penalties.

Kosovo

BIRN Kosovo submitted a FOI request in August 2025 seeking detailed records of public expenditures for the official foreign visits of the (then) President Vjosa Osmani and her staff. The request sought data on travel and accommodation expenses, logistical costs covered by embassies and consulates, and total expenditures for official visits abroad.

The **Ministry of Foreign Affairs and Diaspora** initially failed to deliver the requested documents within legal deadlines and provided some general data instead of the requested invoices, after a complaint was filed. Following a **second complaint** to the Information and Privacy Agency, the Ministry granted BIRN Kosovo access to the invoices, as requested. The resulting investigation by BIRN Kosovo¹⁰⁸ **revealed that about €300,000 was spent by 28 diplomatic missions to cover these visits, reinforcing the essential role of FOI mechanisms in ensuring transparency in the use of public funds.**

Montenegro

In Montenegro, BIRN requested information from the Faculty of Economy at the University of Montenegro on the **educational records of Finance Minister Novica Vukovic**, to verify his academic qualifications. The request was relevant in light of concerns about the minister's 2007 degree from the private Faculty of Business Services (FABUS) faculty in Sremska Kamenica, which reportedly lacked accreditation at the time and was associated with various controversies.¹⁰⁹

¹⁰⁷ Nermina Kuloglija-Zolj, "Loopholes in the system help criminals avoid punishment," Detektor, Accessed June 5, 2026. <https://neizvršenepresude.detektor.ba/>

¹⁰⁸ Antigonë Isufi, "How much money did embassies spend on official visits by President Osmani and her staff?" Kallxo.com, October 6, 2025. <https://kallxo.com/gjate/sa-para-i-shpenzuan-ambasadat-per-vizitat-zyrtare-te-presidentes-osmani-dhe-stafit-te-saj/>

¹⁰⁹ Jovana Damjanović, "Vuković graduated from a university without accreditation," Birn.me, October 30, 2025. <https://birn.me/istrazivanja/vukovic-diplomirao-na-fakultetu-bez-akreditacije/>

Although the institution acknowledged receipt of the request (**formally positive response**), it did not provide the requested certificates or transcripts, instead offering a vague response that effectively avoided disclosure. This procedural “non-refusal” blocked the use of standard administrative appeal mechanisms, exposing a legal gap that allows institutions to withhold information without formal denial, or administrative silence.

Despite this, BIRN journalists gathered sufficient material from other sources to proceed with publication, revealing that the minister had graduated from an unaccredited institution and prompting renewed public scrutiny of the academic credentials of senior officials. The Ministry of Finance publicly stated that the minister’s diploma is valid¹¹⁰. Following publication, some public statements accused BIRN and the journalist of conducting a smear campaign, and the minister threatened legal action against BIRN, although no lawsuit was ultimately filed.

North Macedonia

In a similar case concerning the **public interest in the education of public officials**, in January 2025, BIRN North Macedonia requested access to **a foreign language proficiency certificate held by Bojan Hristovski, Director of the National Security Agency (NSA)**. A criminal investigation¹¹¹ into whether the certificate had been falsified was unable to reach a conclusive determination.

The **State Commission for the Prevention of Corruption** initially rejected the request, arguing that the document formed part of a **confidential pre-investigative procedure** conducted by the Public Prosecutor’s Office. Even after the Agency for the Protection of the Right to Free Access to Public Information ordered the Commission to disclose the information, the Commission **did not comply, citing data protection**, and initiated legal proceedings against the Agency.

Following a months-long legal dispute, the **Administrative Court dismissed the Commission’s lawsuit** and confirmed that the qualifications of public officials are a matter of public interest, ordering the Commission to provide the requested documents to BIRN¹¹². The case established an important precedent, reaffirming that procedural objections cannot be used to obstruct access to information.

The documents obtained after the ruling enabled BIRN to continue its investigation, revealing significant inconsistencies in the certificate, including a test center code that did not match the stated location and indications that the results may have been expired or irregularly obtained¹¹³.

¹¹⁰ BIRN Montenegro, “The Ministry of Finance claims that Vuković’s diploma is legal,” Birn.me, November 4, 2025. <https://birn.me/pisma-uredniku/reagovanje-ministarstva-finansija-diploma-ministra-vukovica-je-potpuno-zakonita/>

¹¹¹ Vasko Magleshev, “The prosecution is investigating the NBA director’s certificate in a roundabout way,” Prizma, March 3, 2025. <https://prizma.mk/obvinitelstvoto-po-zaobikolen-pat-go-istrazhuva-sertifikatot-na-direktorot-na-anb/>

¹¹² Vasko Magleshev, “The court ruled: SCPC must provide insight into Bojan Hristovski’s certificate,” Prizma, June 02, 2025. <https://prizma.mk/sudot-preseche-dsk-mora-da-dade-uvod-vo-sertifikatot-na-bojan-hristovski>

¹¹³ Vasko Magleshev, “New doubts about the TOEFL certificate of the NBA director,” Prizma, June 18, 2025. <https://prizma.mk/novi-somnezhi-za-toefl-sertifikatot-na-direktorot-na-anb/>

Serbia

In Serbia, BIRN submitted a FOI request to the **Competition Commission** regarding **the acquisition of the media outlet Kurir by Telekom Srbija, a state-owned company**. The request sought access to the decision approving the transaction, along with documentation explaining the use of confidentiality measures during the process, including the legal basis for the approval and whether all procedural requirements had been met.

The Commission initially refused to disclose the materials, arguing that the decision was **subject to a “data protection process”** that permitted partial withholding of information. As a result, the decision remained **inaccessible for a year-and-a-half** until the appeal process was completed. Even after the document was eventually published, it was placed in a **non-transparent section of the Commission’s website, making it difficult to locate**, while supporting documentation explaining the legal basis for the restrictions was still withheld¹¹⁴.

This case highlights weak implementation of FOI law in Serbia, and shortcomings in the appeal process, demonstrating how in practice they limit meaningful public access to **information on media ownership, the acquisition of a major media outlet by a state-owned company, and the role of public authorities in approving such transactions**.

BIRN Journalists’ Experience with Public Institutions in 2025

Based on six interviews with BIRN journalists from Albania, Bosnia and Herzegovina, Montenegro, Kosovo, North Macedonia and Serbia, the following section examines journalists’ experiences with public institutions while navigating the region’s freedom of information landscape.

The interviewed journalists work for BIRN offices in the Western Balkans, across reporting, editing, research and investigative journalism, covering areas such as education, healthcare, corruption, crime and public accountability. Despite their diverse backgrounds and focuses, they all described freedom of information requests as an essential tool for obtaining data and documents that public institutions often fail to disclose proactively, as well as for verifying information prior to publishing investigations.

The use of FOI requests by BIRN journalists ranges from routine daily practice to more story-specific applications. But overall, FOI remains a central component of the investigative work for most. Several journalists reported submitting large numbers of requests over time, in some cases involving the same request sent horizontally to multiple institutions simultaneously – for example, to several municipalities in North Macedonia or to multiple courts in Bosnia and Herzegovina.

In Montenegro, FOI use was described as particularly intensive, with journalists filing more than 400 requests in a single year, a figure that is also linked to BIRN Montenegro’s programmatic monitoring activities, including the production of two monitoring reports in

¹¹⁴ Interview with BIRN Serbia journalist held on April 29, 2026.

2025. In several other countries, journalists reported submitting an average of two requests per week, alongside hundreds of requests filed over the course of their careers.

Drawing on the experiences of the six interviewed journalists and the BIRN offices they represent, the pursuit of transparency in the Western Balkans emerges as an ongoing struggle between investigative journalists and public institutions that often perceive and treat information as “private property” rather than a public good.

The journalists’ accounts reveal a regional landscape in which legal guarantees of access to information frequently fail to translate into meaningful transparency in practice, turning the exercise of a formally guaranteed constitutional right into a process that often requires persistence, resistance, and continuous pressure.

Administrative Culture: Openness vs Gatekeeping

Across the Western Balkans, journalists describe FOI laws as essential but sometimes burdensome tools for accessing information that should already be publicly available. Rather than functioning as mechanisms that facilitate transparency, FOI procedures are sometimes treated by institutions as defensive or bureaucratic processes, designed to control, delay or discourage scrutiny. Interviewees stressed that many public institutions still operate within a culture of secrecy, despite legal obligations toward openness.

A recurring regional trend is that institutions frequently fail to distinguish between granting access to “documents” and “information”, both guaranteed equally under law. Journalists from Kosovo and Serbia highlighted this problem. The Serbian journalist described how police refused to provide statistical data because “such documents” did not exist, even though the **law guarantees access to information – not only to pre-existing documents**. Similarly, the journalist from Kosovo reported that officials often appear to assume that citizens may only file complaints when documents are withheld, rather than when access to information itself is denied.

Another common pattern is the importance placed on knowing the purpose behind requests, even though this is not legally required. In Kosovo, the journalist described a case when institutions became cooperative only after they were convinced that the requested information through FOI would be used “just for reporting”. Officials repeatedly sought explanations about why information was needed and how it would be used. In Montenegro, Monteput, a state-owned company, systematically denied access to information related to public expenditure. Following the publication of a BIRN monitoring report¹¹⁵, it later provided only partial documentation, stating that it would have supplied the data had it known it was intended for a monitoring report. **This suggests a broader administrative mentality in which access to information is perceived as conditional rather than as a legal right.**

Journalists across the region also emphasised that they routinely request data that should already be proactively published, by law. In Bosnia and Herzegovina, the interviewed journalist pointed to the absence of the public registers of information prescribed by law.

¹¹⁵ BIRN Montenegro, “Report on monitoring the spending of funds by state-owned transport companies,” Birn.me, November 26, 2025.

<https://birn.me/projekti/izvjestaj-o-monitoringu-potrosnje-sredstava-od-strane-saobracajnih-preduzeca-u-drzavnomo-vlasnistvu/>

The journalist from Albania similarly noted that budgets, reports, contracts and procurement-related information remain inaccessible unless specifically requested, despite legal obligations for their proactive publication. **In practice, this turns FOI into a substitute for proactive transparency – a significant departure from the core purpose of FOI legislation.**

Several interviewees connected these patterns to broader political and institutional cultures. In North Macedonia, journalists described an administration that inherited a **“culture of secrecy,”** where civil servants avoid risks, wait for approval from superiors, and treat information as belonging to the state rather than the public. In Albania as well, the decision-making around FOI requests was described as centralised, with institutional heads often directly controlling responses. The journalist from Serbia noted that public officials often perceive FOI as a defensive mechanism, against those within or close to the government who prefer to withhold information. When criticised for releasing information, officials can point to their legal obligation under FOI laws. Following the same logic, according to the Serbian journalist, officials refuse to respond to journalists’ requests for comment, arguing that any obligation to communicate applies only within the formal FOI procedure.

The same journalist linked the decline in openness in Serbia to shifts in the broader political environment that started in 2013. With attacks on critical independent media intensifying in 2015 and since becoming increasingly normalised, direct communication between institutions and journalists declined. The Serbian journalist put it: **“FOI is now the only tool of communication. We are forced to use it a lot because we have no other channel, especially with the government, both local and central.”**

This constrained information environment in Serbia is further compounded by the limited protection afforded to whistleblowers, as most individuals who disclose information in the public interest, according to the interviewee, do not hold formal whistleblower status. In recent years, several cases have underscored the risks involved, including detentions and dismissals of public officials after allegedly sharing information on suspected abuses of power.

The sense that institutions **perceive transparency as a burden** rather than an obligation emerged clearly in some cases. A journalist from Kosovo recalled how the (then) Minister of Education reacted¹¹⁶ when confronted publicly with the number of complaints filed against the institution: **“This is good because it shows how difficult my work is.”** For the journalist, the statement reflected a refusal to acknowledge systemic problems with transparency and access to information.

Despite these obstacles, experiences vary across institutions and sectors. In Bosnia and Herzegovina, the interviewed journalist reported instances of **constructive engagement**, where officials helped to clarify requests to ensure more precise answers, or communicated proactively to request additional time for responses. In North Macedonia, former journalists

¹¹⁶ Jeta Xharra and Arbrita Uka, “KALLXO.com offers access to the Book Review Report, after Kurti and Nagavci did not share it with the public,” Kallxo.com, August 3, 2025.

<https://kallxo.com/lajm/kallxo-com-ofron-gasie-ne-raportin-e-rishikimit-te-librave-pasi-kurti-e-nagavci-se-ndane-me-publikun/>

working as public relations officers, as well as long-serving civil servants who have “survived” multiple administrations or were reportedly reassigned to FOI-related roles following leadership changes, were perceived as more supportive and efficient in facilitating access to information.

Overall, interviewees shared the perception that if access to information is so difficult for specialised and more resourced actors, such as investigative journalists, it is likely even more inaccessible for ordinary citizens.

Operational and Strategic Barriers to Information Access

The interviewed BIRN journalists described a wide range of practical and administrative barriers that obstruct effective access to information. While outright refusals occur, they are less common than patterns of delay, procedural obstruction, or the provision of incomplete and unusable information.

FOI access is sometimes hindered by **practical and administrative practices** that are either formally compliant or introduce additional requirements not foreseen in law, making the process slow, resource-intensive, and difficult to use.

The journalist from Kosovo described the **FOI workflow** used by their team, noting that requests are carefully drafted, legally grounded, recorded, signed, and formally submitted. Given that institutions rarely acknowledge receipt, BIRN journalists systematically follow up with reminders, warnings of appeal, references to patterns of non-compliance, and escalation to higher-level officials, alongside formal appeals.

One investigation into invoices from the Kosovo Ministry of Education required, after access was granted on appeal, repeated in-person visits to ministry archives over several months. The journalist described “**spending hours in the cold basement of the Ministry of Education during winter, photographing invoices one by one**”. This process, which started in April 2025, was finalised in mid-2026. Although the Ministry of Finance reportedly holds an electronic system containing the relevant data, journalists were not provided access to it. From the perspective of the interviewed journalist, the case illustrates how the **lack of digital accessibility and proactive disclosure turns routine information requests into resource-intensive investigative work**.

The Serbian journalist similarly reported examples where institutions relied on technicalities to obstruct access. For example, some institutions require **certified electronic signatures**, whose issue by the police is complicated, even though the law does not mandate them, creating unnecessary procedural hurdles.

The interviewed journalist from North Macedonia described institutions as partially responsive, while identifying a **pattern of formally compliant but practically unhelpful replies**, such as providing information already available on institutional websites. For example, when requesting data on government payments to employment services, the response consisted solely of the names of the agencies involved.

Institutions were also reported to routinely wait until the final legal deadline before responding, often releasing or withholding information in ways that offer little journalistic

value. As one journalist explained: **“They do everything to fulfil their formal obligations, but in a way that prevents us from making meaningful use of the information.”**

In Albania, the journalist highlighted a case involving a request to the Albanian Road Authority, which, after requesting two extensions to the legal deadline, ultimately provided irrelevant information.

Montenegro presents another variation of obstruction through what the interviewed journalist termed **“formally positive responses”**. In these cases, institutions acknowledge requests and say they will comply, but then provide irrelevant information that avoids the substance of the inquiry. In one case concerning the educational credentials of the Montenegrin Minister of Finance, Novica Vukovic, the university responded with generic enrolment details rather than the requested transfer documentation and academic records. Because the response was “formally positive”, appeal mechanisms were ineffective.

Other examples from a journalist in Montenegro included delays in providing complex information and releasing it after a report had already been published, as well as refusals to provide access on the grounds that a document was **“located in another building”**.

In a case from Albania, the Municipality of Tirana withheld the requested information for almost a year and subsequently **asked BIRN Albania to cover the cost of printing the materials**.

In Bosnia and Herzegovina, the legal and institutional framework itself creates barriers. Journalists must **navigate four different FOI laws depending on the institution involved**, while individual institutions can adopt their own internal rulebooks imposing additional requirements, including, for example, **physical delivery of the request**. The journalist from Bosnia and Herzegovina described one case where the request was rejected because it lacked **BIRN’s stamp**, even though it is not legally required. In Albania, journalists are required by some institutions to provide the **personal identity card** attached to the FOI request, even though it is not a legal obligation.

In Kosovo, the journalist noted a case when an official had marked as closed her FOI file even though the matter was still ongoing, requiring the journalist to resubmit a request or appeal. In another instance, documents covering 122 decisions made by the Rector of the University of Prishtina, which had not been published, were shared with BIRN via a drive. However, confirmation had to be provided because there was no actual access granted to the documents in drive. For each decision, journalists had to **submit an access request – 122 separate requests in total**. Eventually, they were also offered the option of receiving the documents on a USB drive.

In parallel, access is also constrained through the **broad or strategic application of legal exemptions to withhold information**.

Although legal frameworks provide that **disclosure should prevail where there is an overriding public interest** and require a proportionality assessment when balancing privacy and other legal exceptions against transparency concerns, failure to meaningfully apply these standards emerged as a recurring theme across the region.

The interviewed journalists reported that institutions commonly rely on data protection rules, confidentiality provisions, or “pre-investigation” arguments to deny access to information, particularly in **politically sensitive cases**.

As a result, journalists emphasised **the need for expertise in multiple legal areas** beyond FOI law itself; including criminal law, judicial regulations, and personal data protection – frameworks that are often invoked in ways that may conflict with, or be used to justify, denial of access to information.

In Serbia, journalists described how prolonged “pre-investigation” phrases resulted in withholding information indefinitely, particularly within prosecutorial institutions in Belgrade, effectively delaying access beyond meaningful timeframes.

However, interviewees also stressed that institutions willing to cooperate often find legal ways to provide at least partial information, suggesting that obstruction is frequently a matter of choice rather than strict legal constraint.

The journalist from Serbia noted: **“Some courts found a way to provide information on search warrants for installing spyware on journalists’ and activists’ phones, stating that ‘no such warrants had been issued (by that court) for the specific individuals’, without violating confidentiality. It shows that when there is willingness, information can be disclosed. Other courts, however, refused to provide it, citing confidentiality.”**

The journalist from Albania described similar patterns of delay and the strategic use of legal exceptions, including courts’ persistent insistence on anonymising even publicly pronounced, open-court judgments. This practice often fails to distinguish between genuinely sensitive personal data (such as victims of domestic violence, or children) and cases involving high-ranking public officials under criminal investigation, where the public interest should prevail.

According to the journalist from Albania, institutions also frequently invoke **personal data protection, commercial secrecy, tax legislation or state secrecy** to withhold information, even in cases involving publicly available information, such as company names. Requests are often delayed through repeated extensions, partial responses, and procedural back-and-forth. The Albanian journalist emphasised that access to meaningful information in investigative cases almost always comes only after appeals and sustained follow-up. In their words: **“In every case where we obtained crucial information for an investigation, it happened as a result of appeals, not the FOI request itself.”** They added that this persistence reflects the rare advantage of working for a media outlet that does not focus solely on breaking news, but instead invests in investigative journalism.

In Montenegro, certain institutions, such as the Agency for National Security, were reported to provide no responses at all, while state-owned companies often classify contracts as business secrecy, reinforcing a broader pattern of opacity in sensitive or security-related areas.

In North Macedonia, the interviewee had observed a **shift in practice, with institutions increasingly relying on data protection and commercial confidentiality** clauses to restrict access to information, whereas anonymisation had been more commonly used in the past. They also noted that, in sensitive cases, institutions either ignore FOI decisions or challenge them through legal action.

In recent years, according to the Macedonian journalist, particularly sensitive areas have included the energy sector, especially high-value imports and contracts linked to thermal power plants, as well as joint-stock and state-owned companies, which frequently classify

information as commercially sensitive to deny access. Security-related institutions, such as intelligence services, the police, and the military, also remain consistently resistant to disclosure.

One example cited involved a request for documentation concerning the director of a security agency in North Macedonia, specifically evidence of foreign language proficiency certification, which was denied, and afterwards appealed by BIRN. In a comparable case in Montenegro, BIRN requested access to the diplomas of all members of parliament and a minister, but faced administrative silence or received “formally positive” but irrelevant responses.

Across the region, journalists stressed that requests concerning sensitive topics face the greatest resistance, with institutions often relying on broad interpretations of legal exemptions to withhold information. Importantly, these commonly include **public procurement, corruption allegations, contracts involving state-owned companies, judicial proceedings, police misconduct, environment and energy-sector deals, and the educational or professional credentials of public officials.**

Appeal Process: Blocked or Ineffective Enforcement

Although appeal mechanisms formally exist across the Western Balkans, BIRN journalists described them as slow, inconsistent, and insufficiently effective. Appeals are often necessary to obtain information, yet the time required frequently undermines the relevance of the information itself.

In Kosovo, the interviewee reported that appeals commonly extend access timelines by several months. The journalist recalled ongoing efforts to obtain invoices from educational institutions from April 2025, including hearings in August 2025, repeated referrals between agencies, an initial grant of access in November 2025 – and continued delays in obtaining the full set of information into 2026.

Despite **personally filing around 30 complaints in a single year**, the journalist noted that, in their experience, until recently, no fines had been imposed on institutions. The complaints, given the focus of their work, mainly concern access to employment candidate files in the education sector. In the words of the journalist: **“When I searched my email using the keyword ‘complaint,’ it became clear how much time and energy I had spent on this.”**

However, over a month after the interview, on May 28, 2026, the University of Prishtina was fined 3,000 euros¹¹⁷ after seven professors from the Faculty of Medicine failed to respond to the journalist’s questions, which had been submitted in October 2025. This marked the first time that one of the complaints of the interviewed Kosovo journalist resulted in a financial

¹¹⁷ Arbrita Uka, “Medicine professors did not answer KALLXO.com's questions, UP is fined 3,000 euros,” Kallxo.com, May 29, 2026.

<https://kallxo.com/lajm/profesoret-e-mjekesise-nuk-u-pergjigjen-ne-pyetjet-e-kallxo-com-up-gjebet-me-3-mije-euro/>

sanction, bringing their personal "annual record" to 29 complaints without sanctions, and one that led to a fine.

According to the interviewee, the responsible agencies in Kosovo tend to prioritise encouraging institutional cooperation rather than sanctioning violations. They also highlighted broader capacity constraints of the institution, including limited staffing and the workload related to the dual agency mandate of handling both access to information and personal data protection. The journalist argued that **"fines could help create reflection and behavioural change, especially when violations are repeated."**

The Serbian journalist expressed even deeper frustration with the appeal system following legal changes adopted in recent years. Appeals in Serbia must pass through the Commissioner before reaching courts, while amendments allowing legal fees for FOI-related appeals reportedly generated thousands of submissions from lawyers. As a result, the Commissioner's office faces a **backlog of tens of thousands of appeals**. The interviewed journalist stated that waiting periods can now reach three years, making appeals practically irrelevant for journalistic reporting. As a result, they said **they no longer use the appeal mechanism** because it is not effective.

North Macedonia faced a separate institutional crisis. From late-2025 until April 2026, the FOI agency was left without a director, **effectively paralysing appeals**. The journalist described the institution as politically neglected and vulnerable to government influence. Nevertheless, the interviewee recalled that before the crisis, they would use the appeal mechanism for at least one-third of cases, and that the agency had previously played an important "educational" role by encouraging institutions to release information and **challenge misuse of privacy clauses**.

Montenegrin journalists frequently use appeals but describe the system as slow and ineffective. Administrative appeals can take six to eight months, while court cases may exceed one year. In some situations, appeal mechanisms are rendered meaningless because institutions provide formally positive but substantively empty responses. In the words of one: **"The agency is not looking into the content of the document, just the positive response"**.

In Bosnia and Herzegovina, appeals are often successful, but the interviewed journalist emphasised that they can require **significant legal expertise and sustained persistence**. As the interviewee noted: **"Sometimes the processes are so complex it seems you have to have a lawyer in the office to get the information."** For appeals to succeed, investigative journalists often rely on templates, specialised training, and established case law developed by organisations such as Transparency International. Court proceedings can last up to three years, forcing reporters to be selective and strategic about which cases they pursue. At the same time, established jurisprudence, beyond delays, helps strengthen and streamline future appeals.

The journalist from Albania similarly described appeals to the Commissioner for the Right to Information and Data Protection as **routine but slow**. Appeals often produce at least partial

disclosure after several months, yet institutions rarely face sanctions. The interviewee also pointed to cases where proceedings were quietly closed without notification, or where institutions repeatedly delayed and withheld information despite intervention by the Commissioner. According to the interviewed journalist in Albania: **“There is a perception that there are no consequences from appeals.”**

They provided an example involving the Tirana Municipality, which lasted from November 2024 until October 2025, and concerned information that should have been publicly available, including advertising in public spaces and companies provided with permissions by the municipality for this activity. Several FOI requests were sent before any information was released. When initially provided, key data, including the names of companies, had been redacted. Following an appeal, the full **information was obtained after almost one year.**

A common regional concern is the absence of meaningful consequences for institutions that obstruct access to information. Journalists repeatedly emphasised that delays, partial compliance, and repeated violations rarely result in sanctions, reinforcing institutional perceptions that ignoring FOI obligations carries little risk.

Challenges in the Media Environment

The difficulties surrounding access to information unfold within increasingly hostile environments for investigative journalism and declining media freedom across parts of the region. While the severity of threats varies by country, some interviewees described a **climate marked by intimidation, smear campaigns, political pressure and occasional direct threats.**

In Serbia, the interviewed journalist highlighted a particularly hostile media environment. They described how BIRN investigative reporters have been **targeted during protests**, subjected to **tabloid smear campaigns**, and publicly **labelled as “foreign mercenaries” or “spies.”** They also referenced **spyware-related incidents** and **public threats** made by influential figures, stressing the **gradual, sustained normalisation of attacks on independent media.**

The journalist from Kosovo described multiple forms of pressure faced by BIRN journalists, **including insults, online harassment, lawsuits and intimidation** during field reporting. **Online harassment campaigns** and the public dissemination of journalists’ personal information were also noted.

In Montenegro, the interviewed journalist reported **indirect political pressure and threats of legal action** after publishing a story on the Finance Minister’s educational credentials. Public statements accused BIRN and the journalist of a smear campaign, although no lawsuit followed.



The journalist from North Macedonia also described a comparable case in which BIRN faced **threats of a lawsuit** from a public official in relation to their reporting, although the lawsuit did not proceed.

In Albania, journalists **did not report direct threats or lawsuits** during the period covered by this report but pointed to more **subtle forms of pressure**, also in relation to FOI processes. In one case, Tirana Municipality reportedly informed a businessman connected to a BIRN request that journalists were seeking documents related to his business interests, **after which the businessman contacted BIRN**. The interviewee described such practices as creating discomfort and potentially discouraging less-resourced media outlets from pursuing sensitive investigations, given the **risk that institutions may share information with third parties**.

Across the region, journalists stressed that even where direct threats are uncommon, prolonged obstruction, public discrediting and legal uncertainty contribute to an atmosphere that discourages sustained investigative reporting.

Success Stories and the Way Forward

Despite the obstacles that they described, BIRN journalists across the Western Balkans also highlighted cases demonstrating the value of FOI mechanisms when information is eventually obtained. Several **investigations with significant public impact** were made possible through persistent use of FOI mechanisms.

In Bosnia and Herzegovina, journalists successfully used FOI requests to **investigate how prison sentences were replaced with community service**, obtaining court data largely within legal deadlines. In North Macedonia, FOI documents **enabled reporters to reconstruct institutional responsibility** in a case involving the deterioration of a protected house in Ohrid. Another **investigation into environmental pollution and waste disposal** at a steel factory was strengthened through information eventually received after publication.

The Montenegrin journalist cited **investigations into arms exports to repressive regimes** as examples of impactful reporting **based entirely on FOI-obtained data**. However, they also noted that, after publication, institutions became significantly less cooperative, resorting to administrative silence.

In Albania, the interviewed journalist described **extensive investigations into major infrastructure projects**, including the Tirana ring road, where procurement files, contracts, and technical studies were eventually obtained after prolonged appeals. However, the interviewee stressed that delays in access significantly reduced the immediacy and impact of reporting. The journalist noted, the material regained relevance when investigations into former Deputy Prime Minister Belinda Balluku brought related tenders back into public attention.

In Serbia, FOI data and public records enabled **several impactful investigations**, including exposing the use of prohibited biometric surveillance systems¹¹⁸, revealing that Serbia had granted citizenships to sanctioned Russian oligarchs¹¹⁹, uncovering illegal construction within the Belgrade Waterfront project¹²⁰, and showing that authorities ignored serious fire safety violations before a deadly elderly care home fire¹²¹. Mass FOIA requests to courts also supported an investigation into prosecution of rape cases in Serbia, revealing systemic failures, with reported cases halving over the past 15 years and many never reaching trial due to institutional shortcomings.¹²²

In Kosovo, **key environmental investigations** demonstrated the impact and importance of freedom of information by exposing institutional failures, uncovering corruption risks, and triggering public scrutiny and official investigations into environmental and public health threats¹²³¹²⁴.

Journalists consistently argued that meaningful reform requires both **stronger enforcement and more proactive transparency**.

Their recommendations converged around several core demands:

- application of sanctions for institutions that systematically delay or obstruct access;
- shorter deadlines for information that already exists in documented form;
- greater proactive transparency, including publication of budgets, contracts, procurement data;
- improved digitalisation and electronic access systems;
- stronger independence and capacity for FOI oversight bodies;
- clearer limits on legal exemptions to FOI (e.g. personal data protection, commercial secrecy etc.) and clearer proportionality tests to ensure the public interest prevails.

¹¹⁸ Aleksa Tešić, Mila Tomić, Katarina Pejić, Tamara Radovanović, Zoran Strika, "The silent spread of biometric surveillance: Public institutions under a network of facial recognition cameras," Birn.rs, November 6, 2025.

<https://birn.rs/sve-vise-biometrijskih-kamera-u-javnim-institucijama/>

¹¹⁹ Miloš Katić, Gordana Adrić, "Miloš Vučević granted Serbian citizenship to a sanctioned Russian oligarch," Birn.rs, September 25, 2025.

<https://birn.rs/milos-vucevic-dao-drzavljanstvo-olegu-boiku/>

¹²⁰ Radmilo Marković, "Wild construction in Belgrade on the water: Niche luxury hotel without a permit," Birn.rs, September 19, 2025. <https://birn.rs/divlja-gradnja-beograd-na-vodi/>

¹²¹ Radmilo Marković, "11 people die in a fire in Barajevo: How could the MUP prevent the 'Ivanović' home from burning down," Birn.rs, July 15, 2025. <http://birn.rs/kako-je-mup-mogao-da-spreci-pozar-u-barajevu/>

¹²² Jelena Zoric, Ljubica Jovic and Gordana Andric, "Systemic Humiliation: Why So Few Rape Survivors in Serbia Seek Justice," BalkanInsight, July 28, 2025. <https://balkaninsight.com/2025/07/28/systemic-humiliation-why-so-few-rape-survivors-in-serbia-see-justice/bi/>

¹²³ Valon Fana, "Acting Deputy Prime Minister Bislimi summoned by the Special Prosecution Office in the Animal Waste Factory case," Kallxo.com, June 10, 2025.

<https://kallxo.com/lajm/zv-kryeministri-ne-detyre-bislimi-ftohet-nga-prokuroria-speciale-per-rastin-e-fabrikese-mbetjeve-shtazore/>

¹²⁴ Valon Fana, "Behind the scenes for the animal waste factory: Subsidies were foreseen 7 months before the contract was signed," Kallxo.com, May 25, 2025.

<https://kallxo.com/lajm/prapaskenat-per-fabriken-e-mbetjeve-shtazore-subvencionet-u-parashikuan-7-muaj-para-se-te-nenshkruhej-kontrata/>

Several interviewees emphasised that **proper implementation of FOI laws would fundamentally transform journalism and democratic accountability** in the region.

The interviewed Serbian journalist reflected: **"If FOI law was implemented, our work would change enormously. I can't imagine that, because I hardly remember the time when it was normal to get responses."**

The interviewee argued that greater access to official information would significantly improve the speed, quality, and impact of journalistic work, while also strengthening citizens' ability to make timely, informed decisions. In their view, it would not only transform reporting practices but also fundamentally reshape understandings of governance and accountability.

In an FOI "utopia," according to the Serbian interviewee, **access to internal communications and decision-making records in high-impact cases, such as the Novi Sad railway station tragedy, involving fatalities**, would be essential for understanding how and why decisions were taken. As they put it: "They should be public domain, not 'owned' by officials," enabling real-time scrutiny and stronger accountability.

Journalists added that the same applies to major legislative decisions, such as the **non-amendment of femicide-related laws, asking "who decided"** such outcomes and highlighting how the absence of access to these processes severely limits democratic oversight.

Across all the interviews, journalists underlined that access to information remains heavily dependent on persistence, legal knowledge, institutional goodwill and newsroom resources. Investigative outlets able to sustain long-term reporting and appeals processes are often the exception rather than the rule in the region. As the interviewed Albanian journalist observed, many of **these investigations were only possible because their newsroom could afford, and was dedicated to, pursuing information long after daily media attention had moved elsewhere.**

Conclusion

Across the Western Balkans, freedom of information laws are **largely aligned with EU and international standards, while related reforms in data protection, digital governance and transparency continue to evolve.** However, beneath this formal convergence, a more complex reality is taking shape. Some recent and proposed legislative amendments were intended to expand exemptions, strengthen restrictions related to data protection and introduce potential procedural obstacles that may hinder access to information in practice. At the same time, journalists across the region report that **existing exemptions are often interpreted broadly, or applied selectively, to deny access to information**, particularly in politically sensitive cases, while **public-interest tests and proportionality assessments frequently are disregarded.** As a result, despite generally robust legal frameworks, regulatory ambiguity, the expansive use of exceptions and **the risk of legislative backsliding** threaten to weaken transparency safeguards and limit effective public access to information.

BIRN's FOI request data from 2022–2025 shows a **clear surge in journalistic use** across the region, accompanied by **gradual gains in approval rates** – from 38.03 per cent in 2022 to 58.22 per cent in 2025. But this upward trend masks a stubborn structural reality: information may be requested more often and granted more frequently, **but access is still routinely disrupted. Administrative silence continues to affect a substantial share of requests (28.16 per cent in 2025)**, while unreasoned refusals, non-responses, lengthy appeals procedures and poor implementation of binding decisions continue to undermine the effectiveness of access-to-information regimes. Consequently, transparency may be improving in formal terms, but public access to information remains uneven and unreliable in practice.

A key factor behind this disconnect is the persistent enforcement gap. Oversight authorities are struggling to keep pace with growing demand, with **58.21 per cent of complaints still pending** at the end of 2025. Many face **limited institutional capacity, concerns about their independence**, and, in some cases, **severe institutional crises** that have effectively paralysed their work for extended periods – de jure in North Macedonia and de facto in Serbia. Even when oversight bodies rule in favour of applicants, public **institutions frequently fail to comply with legally binding decisions** (in 76.62 per cent of cases), often without facing any consequences, reinforcing a **culture of impunity. Judicial remedies offer only limited recourse.** Administrative disputes are often subject to lengthy delays, with **just 1.8 per cent of court cases finalised in 2025**. As a result, **requested information frequently loses its relevance by the time a final decision is issued.** The cumulative effect of these shortcomings has weakened confidence in enforcement mechanisms and **discouraged journalists from pursuing formal remedies.** In 2025, only 11.6 per cent of FOI violations were challenged through formal complaints to FOI oversight authorities, while just 3.2 per cent resulted in court proceedings.

FOI-driven BIRN investigations in **policy areas concerning technology, environment, and economic cooperation** further highlight both the power and fragility of access to information as an investigative tool. In these sectors, FOI requests have repeatedly opened doors into opaque surveillance practices, environmental risks and public health concerns, and complex flows of public money tied to sensitive economic arrangements at home and abroad. **Disclosures have often triggered public debate, institutional reactions, or follow-up scrutiny.** Yet every breakthrough has been shadowed by familiar obstacles: blanket confidentiality claims, administrative silence, delayed or partial responses and uneven enforcement. **In areas where scrutiny matters most, transparency is often hardest to secure, leaving accountability permanently a step behind.**

In this context, access to information appears **less as an enforceable right than as a negotiated outcome**, shaped by persistence, available resources, and institutional responsiveness.

This lack of timely access has, in some cases, had **severe consequences for public safety and democratic oversight.** Case studies, such as the fatal fire in an elderly care home in Serbia and illegal landfills in Bosnia and Herzegovina, illustrate how delayed disclosure can hinder the prevention of environmental disasters and, in some instances, cost lives. Moreover, journalists operate in an **increasingly hostile environment**, facing smear

campaigns, online harassment and threats of legal action when investigating sensitive issues related to corruption or public expenditure – symptomatic of a **broader hostile environment for media freedom and a weak accountability ecosystem across the region.**

Recommendations

To address these systemic challenges, the report proposes the following regional recommendations:

For Governments and Legislators

- Legally require the application of penalties for institutions that engage in systematic violations of FOI laws or ignore oversight rulings.
- Establish clear and dedicated mechanisms to prevent and address administrative silence, including time-bound automatic consequences for non-response in cases of non-complex requests.
- Ensure effective enforcement of FOI oversight bodies' decisions by establishing clear institutional mandates and strong implementation mechanisms, while also providing adequate staffing, funding, and operational independence, with safeguards against paralysis and non-compliance with binding rulings.
- Explicitly prohibit institutions from introducing extra-legal procedural requirements, ensuring that access to information remains simple and fully accessible to all citizens.
- Reduce response times specifically for pre-existing documents and digital records to ensure information remains relevant for timely journalistic reporting.
- Introduce safeguards against legislative backsliding by requiring ex-ante assessments of FOI amendments for compliance with EU and international transparency standards, including consultation with oversight bodies, journalists, and civil society, and by enshrining a non-regression principle to protect existing access-to-information guarantees.
- Introduce legal and institutional safeguards to protect journalists and other FOI users from harassment, intimidation, and Strategic Lawsuits Against Public Participation (SLAPPs) arising from their engagement in investigation, reporting, or research.

For Freedom of Information Oversight Bodies

- Strengthen proportionality tests by adopting clear and rigorous guidelines to ensure that exemptions related to personal data, national security, criminal investigations, commercial confidentiality or similar grounds are not used to withhold information where public interest prevails.
- Prioritise systemic violators by identifying and sanctioning institutions that repeatedly fail to comply with FOI law and rulings, thereby increasing the “cost” of non-compliance and secrecy.
- Introduce systematic monitoring and public reporting on both proactive and reactive transparency, including rates of administrative silence, to strengthen accountability and deterrence across institutions.

- Implement a digital case management system to track complaints and enhance institutional responsiveness.

For Public Institutions and State-Owned Companies

- Fulfil proactive transparency obligations by publishing budgets, public procurement contracts, strategic investment agreements and other public interest documents on official websites, thereby reducing reliance on individual FOI requests and easing the administrative burden on institutions and applicants.
- Digitise archives and invest in electronic record-keeping systems that enable searchable, structured data access, replacing outdated physical archives that impede effective oversight.
- Institutionalise FOI training of staff to strengthen understanding of access to information as a fundamental right and to promote consistent, rights-based application of disclosure obligations.
- Ensure the consistent and lawful application of access-to-information exemptions by requiring mandatory public interest and proportionality tests within internal decision-making procedures.