



Law on Parent Carers and Carers

Recommendations for fair and financially sustainable implementation

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POLICY BRIEF – SEPTEMBER 2026

 **ideas**

The Law on Parent Carers and Carers (hereinafter: the Law), adopted in July 2026, will apply from 1 October 2026. It provides parents and other family members who meet the statutory conditions with a monthly allowance of RSD 65,000, together with the payment of taxes and contributions for pension, disability and health insurance.¹ The measure can significantly strengthen the social security of families providing intensive care, but its effectiveness will depend on predictable funding, equal conditions of access and continuity of support. Four groups of risks should therefore be addressed before implementation begins.

KEY MESSAGES

Readiness for implementation should be made publicly verifiable.

The Law requires secondary legislation on documentation, the content of the contract, the procedure for submitting applications and records to be adopted within 60 days of its entry into force.² The ministry responsible for social protection (hereinafter: the Ministry) should adopt and publish these acts within the statutory deadline and, by 1 October, put in place an implementation plan, an operational electronic register and uniform practice across centres for social work (CSWs).

The financial plan is not sufficiently substantiated.

The estimate of about 3,270 beneficiaries corresponds to a calculated annual expenditure of about RSD 3.5 billion, but the accompanying documentation does not make it possible to verify how coverage was estimated. Illustrative scenarios developed by IDEAS put coverage at between 5,341 and 8,999 beneficiaries and expenditure at RSD 5.8 to 9.8 billion a year. They do not establish the actual number of beneficiaries, but they show that coverage needs to be verified and funding planned better.

¹ Law on Parent Carers and Carers (Official Gazette of the RS, No. 63/2026; hereinafter: the Law), Articles 6, 7 and 14. Available at: <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2026/63/5/reg>

² The Law, Articles 4(3), 6(9), 8(11) and 13(3).

The full dependence requirement for adults is not sufficiently defined.

The Law sets neither criteria nor a specific procedure for establishing it. Inconsistent interpretation may lead to territorial disparities in access to the entitlement and to unpredictable budgetary commitments.

Continuity of support is not adequately ensured.

Payment is suspended before the CSW issues a decision terminating the entitlement. The carer's temporary inability to provide care is not clearly distinguished from permanent inability, and the right to respite and replacement care is not regulated. Further legal uncertainty arises from the payment contract and from the relationship with the lifelong benefit under the Law on Social Protection (LSP).

IDEAS calls on the Government and the National Assembly to prepare and adopt the necessary amendments to the Law as a matter of priority, and on the Ministry to ensure, within its existing powers, the conditions for implementation from 1 October. The allowance should be developed as part of a long-term care policy that links carers' social security with the autonomy of the person in need of support and with available community-based services.

IDEAS recommendations

BEFORE IMPLEMENTATION BEGINS, UNDER THE LAW IN FORCE

1. Secure funding for payments based on a verifiable coverage estimate and determine in advance how any shortfall will be covered if recognised entitlements exceed the plan. Align the 2027 budget with data on applications and with the indexation of the allowance.
2. Publish the estimation methodology and, at least quarterly, data on applications, decisions, grounds for refusal, processing times, appeals and payments, disaggregated by age and by CSW, while protecting personal data.
3. Adopt secondary legislation on all four matters specified by the Law within the statutory deadline, ensure that the electronic register is operational and issue public guidance for uniform practice across CSWs. Secondary legislation should neither introduce substantive conditions nor alter the grounds for termination of the entitlement.
4. Standardise the contract and regulate its timely conclusion. Ensure payment from the date of application if the statutory conditions were met then, regardless of when the contract is signed.

THROUGH AMENDMENTS TO THE LAW

5. Specify the full dependence requirement through a support needs criterion and an assessment procedure, with the participation of the person concerned, respect for their will and preferences, and continuity of support during the transition to adulthood.
6. Introduce procedural safeguards before payment is suspended, retention of the status during temporary inability, the right to respite and replacement care, and an explicit exemption for residential respite care.
7. Amend Article 94 of the LSP so that a parent can receive the lifelong benefit and a pension at the same time, and count the period of care during the status towards the 15-year requirement.
8. Review the incompatibility of the status with any form of work and ensure continued support when the status ends because of age or retirement. Link the allowance to the funding and development of community-based services.

1 Funding for payments

The Regulatory Impact Assessment Report submitted together with the Bill on Parent Carers and Carers (hereinafter: the Bill) estimates that about 3,270 persons will obtain the status in 2026. The baseline consists of 37,271 recipients of the increased allowance for assistance and care by another person (hereinafter: increased attendance allowance) in February 2026, of whom 6,769 were minors and 30,502 adults. The estimate for 2027 is about 3,400 and for 2028 about 3,600 beneficiaries, i.e. growth of about four and six per cent a year.³

The accompanying documentation does not set out how the baseline was reduced to 3,270 beneficiaries. Without the number of persons excluded under each statutory condition and the data sources used, the reliability of the estimate cannot be assessed independently. The full dependence requirement for adults is an additional source of uncertainty. Unless its relationship with the increased attendance allowance is specified, neither the further narrowing of coverage nor the corresponding fiscal impact can be determined reliably. This issue is discussed in more detail in Section 2.

The Explanatory Memorandum to the Bill states that funds have not been provided in the 2026 budget and estimates a need of RSD 591.5 million for October and November, while the December payment is scheduled for January 2027.⁴

Croatia offers a comparable example: it has a similar scheme, based on differently designed criteria and a different expert assessment procedure.⁵ In its report for 2025, the Croatian Ombudsperson for Persons with Disabilities cites about 7,000 holders of parent carer or carer status.⁶ Based on population estimates for 2024, this is approximately 1.81 beneficiaries per thousand inhabitants of Croatia⁷, while the estimate of 3,270 beneficiaries for Serbia corresponds to a rate of about 0.50.⁸ Applying the Croatian rate to Serbia for illustrative purposes gives about 12,000 beneficiaries.

To assess the adequacy of the impact assessment, IDEAS carried out an indicative three-step sensitivity analysis. First, starting from 37,271 recipients of the increased attendance allowance and using working assumptions on residential care and on whether the family includes a carer who meets the statutory conditions on age, employment status and pension, the analysis arrives at 3,517 children and 7,070 adults. The additional full dependence requirement does not apply to children, while for adults the assumed share of those who would meet it is varied. Both groups are then assumed to have an application rate of 85% among eligible persons. The specific conditions for other family members under Article 3 and the ratio between the number of persons in need of care and the number of status holders need further verification. Assumptions and limitations are set out in the Annex.⁹

The three scenarios differ in the assumed share of adults who would meet the additional requirement. The first two use external reference values from the report of the Republic Institute for Social Protection (RISP) on the distribution of support levels among 1,334 adult users of day care for persons with

³ Bill on Parent Carers and Carers, No. 2039-26 (Government of the Republic of Serbia; hereinafter: the Bill), Regulatory Impact Assessment Report, Annexes 2 and 3. Available at:

https://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/14_saziv/2039-26%20-%20Lat..pdf

⁴ The Bill, Explanatory Memorandum, Part IV, and Regulatory Impact Assessment Report, Annex 5.

⁵ Social Welfare Act (Official Gazette of the Republic of Croatia, Nos 18/2022, 46/2022, 119/2022, 71/2023, 156/2023 and 61/2025; hereinafter: SWA), Articles 61 and 64. Available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2022_02_18_181.html

⁶ Report on the Work of the Ombudsperson for Persons with Disabilities for 2025 (Republic of Croatia), p. 7. Available at: <https://posi.hr/wp-content/uploads/2026/04/Izvjesce-o-radu-Pravobranitelja-za-osobe-s-invaliditetom-za-2025.pdf>

⁷ Population Estimate of the Republic of Croatia, 2024 (Croatian Bureau of Statistics, STAN-2025-3-1). Available at: <https://podaci.dzs.hr/2025/hr/97253>

⁸ Population Estimates, 2024 (Statistical Office of the Republic of Serbia). Available at: <https://publikacije.stat.gov.rs/G2025/HTML/G20251177.html>

⁹ The Law, Articles 2–5.

disabilities in 2021.¹⁰ These shares serve solely for the sensitivity analysis. Differences in coverage and reference period, and the absence of an established link between the level of support and the statutory full dependence requirement, mean that they cannot be used to estimate how many people in the target population meet that requirement. However, since the object of assessment is the same, varying the assumed share of users with different levels of support gives an indication of the possible number of beneficiaries:

- Scenario 1 uses a share of 39.1%, which corresponds to the share of adult day care users with Level I support (522 out of 1,334).
- Scenario 2 uses a share of 74.0%, which corresponds to the combined share of adult day care users with Level I and Level II support (987 out of 1,334).
- Scenario 3 assumes that all adults in the model who receive the increased attendance allowance meet the additional requirement.
- The comparative illustration applies the Croatian per capita coverage rate, subject to the limitations on comparability set out above.

An IDEAS survey published in 2016, conducted in September 2015 by telephone interviews with 500 households including a person with a disability in Belgrade, classified about 39% of respondents, on the basis of the SFE-BSM scale, into the two groups in need of intensive support, which corresponds to Scenario 1.¹¹

The scenarios use the same implicit unit cost as the accompanying documentation. RSD 591.5 million for two months and 3,270 beneficiaries corresponds to a monthly cost of RSD 90,443, or RSD 1,085,321 a year per status holder. The calculation assumes 12 months of payments at an unchanged unit cost, without indexation of the allowance or additional administrative expenditure.

Table 1. Number of beneficiaries and annual expenditure by scenario

Scenario	Beneficiaries	Annual expenditure (RSD bn)	Difference from the reference calculation (RSD bn)	Share of expenditure and outlays of the 2026 budget
Reference calculation	3,270	3.55	–	0.13%
Scenario 1 Share of adults 39.1%	5,341	5.80	+2.25	0.21%
Scenario 2 Share of adults 74.0%	7,435	8.07	+4.52	0.29%
Scenario 3 Share of adults 100%	8,999	9.77	+6.22	0.35%
Comparative illustration Croatian coverage rate	about 12,000	13.02	+9.47	0.47%

In the three illustrative scenarios, annual expenditure exceeds the reference calculation by RSD 2.25 to 6.22 billion, while applying the comparable Croatian rate points to an even larger deviation. These differences justify publishing the methodology and reviewing the financial plan, but they cannot replace an estimate based on data on the target population.

¹⁰ Report on Social Protection Services at Local Level Provided by Licensed Service Providers in 2021 (Republic Institute for Social Protection, 2022), p. 44, Table 3-28. Available at: <https://www.zavodsz.gov.rs/media/2454/izvestaj-lplu-2021.pdf#page=44>

¹¹ For Life in the Community (Marko Milanović, IDEAS, 2016), pp. 7–9 and 15–16. Available at: https://ideje.rs/wp-content/uploads/2026/10/Za_zivot_u_zajednici_Sazetak.pdf

If the number of recognised entitlements exceeds the plan, the Government will have to provide additional funds. Since this is a statutory entitlement, its funding must not depend on administratively limiting the number of beneficiaries. At the same time, funding for community-based services should be protected in advance, so that higher cash transfers do not slow down the development of services and deinstitutionalisation.

Two provisions require particular attention when planning cash flows and future commitments:

- **The entitlement is recognised from the date of application if the conditions were met at that date.** Delays in issuing the decision or concluding the contract do not postpone the start of the entitlement, so the financial plan must also cover payments for the period before the decision is issued or the contract concluded.¹²
- **The allowance is indexed on 1 March each year in line with the nominal growth of the average net wage in the previous year.** The first indexation is due on 1 March 2027, so an annual calculation based on an unchanged allowance is not sufficient for budget planning.¹³

The implicit monthly cost of RSD 90,443 exceeds the net allowance by RSD 25,443. Without a published calculation, it is not possible to verify the breakdown of taxes and contributions or the contribution base for pension insurance. A future pension also depends on the total insurance record and other contribution bases, so it cannot be derived from this amount alone.¹⁴

Indexation in line with average net wage growth does not guarantee that the allowance will not fall below the minimum wage. If the policy objective is to maintain such a floor, it should be laid down explicitly in law and included in the fiscal projection.

RECOMMENDATIONS

- Before implementation begins, the Ministry should publish the baseline data, assumptions and intermediate results of the coverage estimate, as well as the calculation of taxes and contributions and the contribution base for pension insurance.
- A multi-annual projection should show the expected trend in applications, the indexation of the allowance and implementation costs.
- The Government should confirm the source of funding and, if the number of recognised entitlements exceeds the plan, increase the funds for payments without delay, in accordance with budgetary rules.
- The 2027 budget should be adjusted to data from the first months of implementation and to the indexation of the allowance.
- Data on applications, decisions, appeals, processing times and payments should be published at least quarterly, disaggregated by the age of the person receiving care and by centre for social work, while protecting personal data.

2 Full dependence

For children, the Law relies on a recognised entitlement to the increased attendance allowance.¹⁵ For adults, it additionally requires full dependence on assistance and care by another person.¹⁶ The CSW

¹² The Law, Articles 6(2) and 8(9).

¹³ The Law, Article 6(7) and (8).

¹⁴ The Law, Article 6(3)–(5).

¹⁵ The Law, Article 2(2).

¹⁶ The Law, Article 2(3).

decides on the status, but the Law does not establish a specific instrument for assessing this requirement, professional responsibility for the assessment, the means of evidence or the validity of findings.¹⁷

The minister's power to prescribe documentation does not extend to establishing new substantive conditions for exercising the entitlement.¹⁸ The Constitutional Court confirmed this in case IU-49/2006, in which it found that the minister had exceeded the powers conferred by laying down, in the rulebook on financial support for families with children, the content of certain statutory institutions, which points to clear limits on rule-making powers.¹⁹ Since the Law does not define full dependence and a rulebook cannot make up for this, inconsistent interpretation increases the risk of different decisions in comparable cases, which would later have to be corrected through appeals and administrative disputes.²⁰

A particular risk arises at the transition to adulthood, when the additional full dependence requirement begins to apply.²¹ Without a transitional safeguard, a family may lose carer status even though the need for support has not changed.

RECOMMENDATIONS

- Amendments to the Law should specify the content of the full dependence requirement and clearly define responsibility for the assessment and procedural safeguards, with a clear mandate for the technical development of the assessment instrument. General comment No. 5 of the UN Committee on the Rights of Persons with Disabilities (hereinafter: the Committee) directs assessment towards individual needs, barriers in the environment and the will and preferences of the person, with their full participation.²²
- Until the Law is amended, the Ministry should support uniform practice across CSWs through public professional guidelines and training. Such guidelines may not introduce new conditions, restrict the means of evidence beyond what the law provides or predetermine the outcome of individual proceedings.

3 Safeguards against interruption of support

Suspension of payment before a decision on termination

Once a month, before payment, the Ministry checks the conditions through the electronic register and data exchange with official records. If it finds that the conditions are not met, it suspends payment and then notifies the CSW so that proceedings to terminate the entitlement can be initiated.²³ An appeal and an administrative dispute are expressly provided for against the decision on termination.²⁴ The general rules of administrative procedure remain applicable in accordance with Article 8(10) of the Law. For the

¹⁷ The Law, Article 8(5).

¹⁸ The Law, Article 4(3).

¹⁹ Decision of the Constitutional Court No. IU-49/2006 of 15 July 2010 (Official Gazette of the RS, No. 27/2011), reasoning on the limits of the power to adopt rulebooks. Available at: <https://sudskapraksa.rs/dokument/iu-49-2006-odluka-ustavnog-suda-o-neustavnosti-odredaba-pravilnika-o-finansijskoj-podrsци-porodici-867ecd0bf3>

²⁰ The Law, Article 8(6)–(8).

²¹ The Law, Article 2(2) and (3).

²² General comment No. 5 (2017) on living independently and being included in the community (UN Committee on the Rights of Persons with Disabilities, CRPD/C/GC/5; hereinafter: the Committee), paras 60–61. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?Lang=en&symbolno=CRPD%2FC%2FGC%2F5

²³ The Law, Article 10(1) and (2).

²⁴ The Law, Article 12(3)–(5).

prior suspension, however, the Law does not specifically provide for the beneficiary's right to be heard, a reasoned decision or a time limit for correcting errors. Since the allowance may be a key source of household income, discrepancies between records should be checked before they lead to an interruption of support.

RECOMMENDATIONS

- Amendments to the Law should make suspension conditional on prior verification of the facts, an opportunity to be heard and a reasoned decision against which an effective remedy is available, with urgent decision-making and payment of arrears where the suspension proves unfounded.
- The rulebook on records may regulate data quality, the traceability of checks and the correction procedure.²⁵ Such technical rules cannot replace statutory procedural safeguards or change the sequence of steps laid down in Article 10.

Carers' illness and rest

The Law provides for termination of the entitlement when the carer is unable to provide care, without expressly distinguishing between temporary and permanent inability.²⁶ This leaves a risk of interruption of support during illness, hospitalisation or recovery. Nor is the right to respite and replacement care regulated. The Croatian model provides for the allowance to be retained during four weeks of rest a year and during temporary inability to provide care of up to two months, with the possibility of arranging replacement care.²⁷

In addition, the relationship between the status and the use of residential respite care needs to be clarified. The Law excludes the status when the person is placed in a social protection institution.²⁸ Residential respite care is a time-limited family support service, with a prescribed duration of up to 45 days a year and no more than 20 consecutive days.²⁹ The LSP does not single out respite care as a separately named type of residential service.³⁰ The Rulebook on Social Protection Services regulates it among residential services, and the providers may be social protection institutions. Without an explicit distinction, there is therefore a risk that temporary use of respite care will be treated as residential placement that excludes the status.

Continuity of care during illness and rest requires a statutory guarantee and available replacement care. This guarantee cannot be provided by contract, since the payment contract cannot alter the statutory grounds for termination of the entitlement.³¹

²⁵ The Law, Articles 8(10), 10, 12 and 13(3).

²⁶ The Law, Article 11(1).

²⁷ SWA, Article 66(1)–(3).

²⁸ The Law, Article 5.

²⁹ Rulebook on Detailed Conditions and Standards for the Provision of Social Protection Services (Official Gazette of the RS, Nos 42/2013, 89/2018, 73/2019 and 66/2026; hereinafter: Rulebook on Social Protection Services), Articles 27 and 28. Available at: <https://pravno-informacioni-sistem.rs/eli/rep/sqrs/ministarstva/pravilnik/2013/42/3/reg>

³⁰ Law on Social Protection (Official Gazette of the RS, Nos 24/2011 and 117/2022 – Constitutional Court decision; hereinafter: LSP), Article 40. Available at: <https://pravno-informacioni-sistem.rs/eli/rep/sqrs/skupstina/zakon/2011/24/2/reg>

³¹ The Law, Articles 6(2) and 11(1).

RECOMMENDATIONS

- The Law should provide for retention of the status and the allowance during temporary inability and rest, the conditions for replacement care and an exemption for residential respite care.
- The organisation and funding of replacement care must be an integral part of the Law. Guidance can clarify practice but cannot by itself establish these exemptions.

The contract with the Ministry and the role of CSWs

The Law separates recognition of the status by a CSW decision from the contractual arrangements governing the timing and method of payment and other rights and obligations.³² The open-ended reference to “other rights and obligations” and the absence of a deadline for concluding the contract create legal uncertainty even after the entitlement has been recognised. The CSW decides within 15 days of the documentation being complete, while data from official records are obtained ex officio.³³ The procedure should be organised so that obtaining these data and concluding the contract do not delay the exercise of an entitlement that has already been recognised.

RECOMMENDATIONS

- A rulebook should standardise the contract and limit its content to the implementation of the statutory entitlement, without additional conditions.
- A model contract should be published and, within the statutory mandate, a deadline for its conclusion should be set.
- Payment must cover the period from the date of application if the conditions were met at that date, in accordance with Article 8(9). The date on which the contract is signed cannot change the start of the entitlement.

Relationship with the lifelong benefit under Article 94 of the LSP

The LSP guarantees one parent who is not in employment and who has directly cared for a child entitled to the increased attendance allowance for at least 15 years a lifelong monthly benefit equal to the minimum pension in the employees' insurance scheme upon reaching the general retirement age, provided that the parent has not acquired a pension entitlement. If the parent acquires a pension later, they may choose between the pension and this benefit.³⁴

The Law provides for the payment of pension and disability insurance contributions for the duration of parent carer status.³⁵ The payment of contributions does not in itself establish an employment relationship, nor does it prevent the period of direct care from counting towards the 15-year requirement for the lifelong benefit, but the way in which that period is proven needs to be regulated. However, under the current Article 94 of the LSP, acquiring a pension entitlement rules out receiving the lifelong benefit at the same time. As a result, a pension earned through the new contributions may replace the social benefit that the parent would otherwise receive, with only a limited increase in their overall income security.

To ensure the income security of parent carers in old age and to mitigate the consequences of limited opportunities for employment and earning an income during many years of care, IDEAS advocates

³² The Law, Article 6(2) and (9).

³³ The Law, Articles 8(5) and 13(2).

³⁴ LSP, Article 94(6)–(8).

³⁵ The Law, Articles 6(3)–(5) and 7.

retaining the lifelong benefit as a stand-alone social benefit, with the possibility of receiving a pension at the same time.

Under this arrangement, the social benefit would provide lasting income support that recognises the long-term consequences of direct care for the parent's economic position. The pension would be acquired in accordance with pension and disability insurance legislation, on the basis of the total insurance record and the contribution bases on which contributions were paid, including contributions paid during parent carer status. Receiving both entitlements at the same time requires amending Article 94 of the LSP and ensuring adequate funding.

RECOMMENDATIONS

- Amend Article 94(6) and (7) of the LSP so that a parent who meets the other statutory conditions can receive the lifelong benefit in full and a pension at the same time, without having to choose between the two.
- Ensure that the period of direct care during parent carer status counts towards the 15-year requirement and that there is equal access to receiving both entitlements at the same time.
- Include in the long-term fiscal projection the cost of paying the lifelong benefit and the pension at the same time, with a clear separation between the funding of the social benefit and pension insurance entitlements.

Employment status and termination of the status at 65

The status cannot be obtained, or is lost, by a person who is employed or engaged in work on any basis, is self-employed or receives a pension.³⁶ The incompatibility of the status with work also covers limited work compatible with the necessary care and may entrench long-term detachment from the labour market. The status also ends when the carer reaches the age of 65, even though the needs of the person receiving care do not change.³⁷

RECOMMENDATIONS

- The possibility of limited work while maintaining the quality and continuity of care should be assessed, with a view to balancing professional and family responsibilities.
- Before the status ends because of age or retirement, an individual plan for continued support should be put in place, with the participation of the person in need of support and with available services or another carer.

4 Preparation process and the European and international framework

Impact assessment and consultation

The annexes to the Bill follow the numbering and structure of the templates of the 2019 decree. Since 31 March 2025, the Decree on Regulatory Impact Assessment (hereinafter: the Decree) has applied, providing for ex ante and ex post impact assessment reports and consultation reports, subject to

³⁶ The Law, Articles 4(1) and 11(1).

³⁷ The Law, Articles 4(2) and 11(1).

review by the Public Policy Secretariat (PPS).³⁸ Article 31 of the Decree allows the previous regime to apply to regulations submitted for opinion before it began to apply. The difference in templates should therefore be clarified by publishing the relevant documentation and the PPS opinion. The form of the annexes alone is not sufficient to conclude that the procedure was unlawful.

RECOMMENDATIONS

- Amendments to the Law should be based on an impact assessment under the Decree and on the early and accessible involvement of persons with disabilities through their representative organisations. Article 4(3) of the Convention on the Rights of Persons with Disabilities (hereinafter: the Convention)³⁹ and General comment No. 7 require meaningful consultation and consideration of its results.⁴⁰
- Reasoned responses to the proposals should be published.
- After the first year of implementation, the effects on carers' employment, the gender distribution of care, continuity of support and the availability of services should be evaluated and published.

European and international framework

The Law contributes in part to the objectives of the European care strategy (hereinafter: the Strategy). The allowance and social insurance contribute to the recognition and protection of family care, while preserving other entitlements makes it possible to combine different forms of support. The Strategy, however, links support for carers with accessible, high-quality services, the autonomy of care receivers, gender equality and carers' participation in the labour market.⁴¹ The Strategy starts from the premise that informal care should be a matter of choice rather than necessity, and that carers should decide for themselves to what extent they combine care with paid work.⁴² The absence of guaranteed respite and replacement care, the incompatibility of the status with work and the insufficiently regulated participation of the person concerned are areas in which the Law does not make the necessary contribution to these objectives.

The Council Recommendation on access to affordable high-quality long-term care (hereinafter: the Council Recommendation) further steers policy towards home care and community-based care, needs assessment, respite care and support for informal carers that does not discourage labour market participation.⁴³ To move closer to this framework, the allowance needs to be linked to individual support planning, available services and protection during the carer's temporary inability. The proposed amendments should therefore be assessed together with the funding of services, and not only in terms of the amount of the allowance.

³⁸ Decree on Regulatory Impact Assessment (Official Gazette of the RS, Nos 20/2025, 27/2026 and 30/2026; hereinafter: the Decree), Articles 22, 23, 31 and 33 and Annexes 1–3. Available at: <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/vlada/uredba/2025/20/4/reg>

³⁹ Law on the Ratification of the Convention on the Rights of Persons with Disabilities (Official Gazette of the RS – International Treaties, No. 42/2009), Article 4(3) of the Convention. Available at: <https://pravno-informacioni-sistem.rs/viewPdf/408439>

⁴⁰ General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention (Committee, CRPD/C/GC/7, 9 November 2018), paras 15, 43 and 48–54. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?Lang=en&symbolno=CRPD%2FC%2FGC%2F7

⁴¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the European care strategy (COM(2022) 440 final; hereinafter: the Strategy). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022DC0440>

⁴² The Strategy, section 3.2.

⁴³ Council Recommendation of 8 December 2022 on access to affordable high-quality long-term care (2022/C 476/01, OJ C 476, 15.12.2022, p. 1), points 4, 5 and 9. Available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022H1215\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022H1215(01))

The Convention is a treaty binding on Serbia, while the Committee's general comments provide authoritative guidance on the interpretation of its provisions. The Strategy and the Council Recommendation constitute a policy framework, so partial alignment with their objectives is not the same as a breach of binding European Union (EU) law. Directive (EU) 2019/1158 on work-life balance for parents and carers (hereinafter: the Directive), by contrast, is binding on EU Member States and regulates the rights of working parents and carers, including leave and flexible working arrangements.⁴⁴

The Directive matters for Serbia because of EU accession. It forms part of the EU acquis under Chapter 19 – Social policy and employment, which Serbia must adopt by the time it accedes. In its 2016 screening report for this chapter, the European Commission found Serbian legislation to be partially aligned and noted the need for alignment with the Parental Leave Directive 2010/18/EU.⁴⁵ The Directive replaced it with effect from 2 August 2022.⁴⁶ Its transposition into labour legislation will therefore be part of the negotiations on this chapter.

The Directive defines a carer as a worker providing personal care or support to a relative, as defined in the Directive, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason.⁴⁷ It guarantees such workers five working days of carers' leave per year, time off from work on grounds of force majeure for urgent family reasons, and the right to request flexible working arrangements such as remote working arrangements, flexible working schedules or reduced working hours. Employers must consider such requests and give reasons for any refusal or postponement. Carers' leave and requests for flexible working may not be grounds for dismissal, and the exercise of these rights may not give rise to less favourable treatment.⁴⁸ The aim of the Directive is to enable carers to keep their jobs while providing care.

The Labour Law contains certain forms of protection for carers. Paid leave of up to five working days a year covers several situations, including serious illness of an immediate family member, and more favourable arrangements may be laid down in a general act or the employment contract.⁴⁹ A special regime of temporary incapacity for work to care for a sick immediate family member exists under health insurance legislation.⁵⁰ Article 96 of the Labour Law regulates special care of a child up to the age of five, while Article 98 allows part-time work to care for a person with certain serious illnesses, subject to the opinion of the competent health authority and without that age limit. Work under Article 98 may not be less than half of full-time working hours, and pay is proportionate to the hours worked.⁵¹ Employers are already required to consider requests to move between full-time and part-time work. Work from home and remote work may be agreed, but the Labour Law does not lay down a general procedure for requesting all flexible working arrangements for caring purposes, with the obligation to give reasons for any refusal or postponement provided for in Article 9 of the Directive.⁵²

⁴⁴ Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (OJ L 188, 12.7.2019, p. 79; hereinafter: the Directive), Articles 2, 6 and 9. Available at: <https://eur-lex.europa.eu/eli/dir/2019/1158/oj>

⁴⁵ Screening report Serbia, Chapter 19 – Social policy and employment (European Commission, 18 January 2016), pp. 11 and 14. Available at: https://enlargement.ec.europa.eu/document/download/c910c8f8-adfe-4f1f-8d6c-b5ab7120dee7_en?filename=screening_report_ch_19_serbia.pdf

⁴⁶ The Directive, Article 19.

⁴⁷ The Directive, Article 3(1).

⁴⁸ The Directive, Articles 6, 7, 9(1) and (2), 11 and 12(1).

⁴⁹ Labour Law (Official Gazette of the RS, Nos 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 – Constitutional Court decision, 113/2017, 95/2018 – authentic interpretation and 109/2025 – other law), Article 77(1), (2) and (6). Available at: <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2005/24/1/reg>

⁵⁰ Law on Health Insurance (Official Gazette of the RS, Nos 25/2019, 92/2023 and 109/2025 – other law), Articles 73(1) and 78(1). Available at: <https://pravno-informacioni-sistem.rs/eli/rep/sgrs/skupstina/zakon/2019/25/1/reg>

⁵¹ Labour Law, Articles 96(1)–(4), 98 and 99.

⁵² Labour Law, Articles 40(4) and 42(1) and (2).

The Law follows a different model. Parent carer status is incompatible with any form of work, so a carer with the status cannot use the rights that the Directive attaches to employment, and an employed carer is not entitled to the allowance even when working part-time. Unless the conditions of the status change, carers would still have to choose between the status and a job after the Directive is transposed. Although the Directive does not in itself require this allowance to be combined with employment rights, the complete incompatibility of the status with work nevertheless limits the achievement of the objectives of European policy on carers' labour market participation. Aligning labour legislation with the Directive is therefore an opportunity to regulate, together, limited work alongside the status and flexible working arrangements for working carers.

RECOMMENDATION

- The Ministry should supplement the alignment analysis for Chapter 19, assessing separately the obligations under the Convention, the relevant EU legislation and the objectives of European care policy.

Annex: Assumptions and calculation method

The scenarios show the sensitivity of expenditure to the selected assumptions and are not a forecast of the number of beneficiaries. Steps 2 to 4 use working values that have not been verified by linking records on persons in need of care and potential carers, so the model must be validated before it is used for budget projections.

Table A1. Number of persons after each step

Step	Condition	Children	Adults	Basis for the assumption
1	Baseline: recipients of the increased attendance allowance, February 2026	6,769	30,502	Bill, Annex 2
2	Residential care and availability of a family member who could obtain the status, subject to the conditions in Articles 2 to 5	5,700	13,478	Working assumption: 84.2% of children and 44.2% of adults retained.
3	Carer's employment status: not employed or engaged in work on any basis	3,600	7,492	Working assumption: 63.2% of children and 55.6% of adults retained.
4	Exclusion of carers who receive a pension	3,517	7,070	Working assumption: 97.7% of children and 94.4% of adults retained.
5	Assumed share of adults meeting the additional requirement	not applicable	39.1% 74.0% 100%	RISP, report on local services in 2021, p. 44, Table 3-28: adult day care users, Level I 522/1,334; Levels I and II 987/1,334.
6	Application rate	85%	85%	Model assumption, not empirically verified.

Table A2. Results by scenario

Scenario	Children	Adults	Total	Annual expenditure (RSD bn)
Scenario 1 Share of adults 39.1%	2,989	2,352	5,341	5.80
Scenario 2 Share of adults 74.0%	2,989	4,446	7,435	8.07
Scenario 3 Share of adults 100%	2,989	6,010	8,999	9.77

Calculation: $N = (3,517 + 7,070 \times p) \times 0.85$, where $p = 522/1,334, 987/1,334$ or 1 . The total number of beneficiaries is the sum of the rounded numbers of children and adults. Annual expenditure = $N \times (591,500,000 \div 2 \div 3,270) \times 12$. The reference annual calculation for 3,270 beneficiaries amounts to RSD 3,549,000,000. The share of budget expenditure in Table 1 is calculated on the basis of total expenditure and outlays of the originally adopted 2026 budget of RSD 2,751.7 billion.⁵³

⁵³ Law on the Budget of the Republic of Serbia for 2026 (Ministry of Finance, Budget Portal). Available at: <https://budzet.mfin.gov.rs/sr-cir/news>