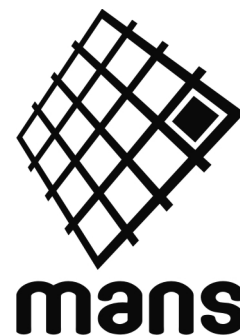


**NETWORK FOR AFFIRMATION OF
NGO SECTOR - MANS**



**XI REPORT ON THE IMPLEMENTATION
OF INNOVATED ACTION PLAN
FOR THE IMPLEMENTATION OF THE
PROGRAMME OF FIGHT AGAINST CORRUPTION
AND ORGANIZED CRIME**

1st JANUARY 2008 - 30th SEPTEMBER 2009

Supported by



British Embassy

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INTRODUCTION

This is the eleventh report of MANS that includes information on the realization of the Innovated Action Plan for implementation of the Programme of Fight against Corruption and Organized Crime, for the period from 2008 until the end of September 2009.

The Innovated Action Plan was adopted by the Government and it includes measures, subjects, indicators and time limits, for implementation of activities of all relevant state institutions with the aim to improve fight against corruption and organized crime. Implementation of the Action Plan is monitored by the National Commission made up of representatives of institutions in charge of implementation of activities prescribed by that document, whose member is also one representative of MANS. The time limit for implementation of the Innovated Action Plan is the end of 2009, after which a new document will be produced, which is to be implemented from 2010 to 2012.

MANS has been producing parallel reports on the implementation of the Innovated Action Plan based on the information submitted to it until November 5 2009, and collected by means of the Law on Free Access to Information from institutions obliged to implement measures.

The document includes information from quarterly reports of only three institutions out of 54 which are obliged to produce reports for the National Commission, because only those institutions produced and published quarterly reports in accordance with the time limit prescribed by the President of the National Commission. Customs Administration and Tax Administration publish the reports on their websites, while the Administration for Anti-Corruption Initiative submitted to us its quarterly report.

Even though in its latest Montenegro Progress Report the European Commission stressed the importance of reforms in the area of corruption and organized crime, the analysis presented in this report shows that every second activity planned by the Innovated Action Plan has been only partly implemented, or has not been started at all.

We submit reports on the implementation of the Action Plan to all the institutions whose competence is prescribed in that document, to international organizations, members of Montenegrin Parliament as well as the media, with the aim of having a more objective picture on the efforts of institutions in fight against corruption and organized crime.

The present Report was elaborated in accordance with the database containing data on indicators for each measure from the Innovated Action Plan and it is available from:

<http://www.mans.co.me/borba-protiv-korupcije/akcioni-plan-za-borbu-protiv-korupcije-i-organizovanog-kriminala/izvjestaji-i-studije-slucajeva/baza/>

SUMMARY

Degree of implementation of the Innovated Action Plan has increased in relation to the previous period, which shows a continuity in the efforts of institutions to initiate activities prescribed in that document, and access to information on the implementation of particular activities has been improved. Still, the level of implementation and the results of a number of activities are still considerably below the expected.

While one half of the planned activities has been implemented, one fourth has only begun and one fourth of the planned reforms has not been implemented. Having in mind that the time limit for implementation of the Innovated Action Plan is the end of 2009, it is realistic to expect that many of the planned reforms will not be implemented.

After 21 months, almost one half of the activities from the Innovated Action Plan have been implemented, while almost one fourth of the activities have been started. Over one fourth of the planned activities have not been implemented. Since the time limit for the implementation of all activities is the end of the current year, there is serious concern that the results of the Action Plan implementation will not be at the level of those foreseen.

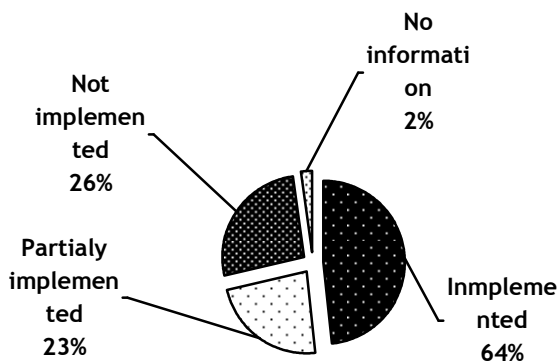


Diagram 1: Implementation of the Innovated Action Plan from January 2008 to September 2009

The analysis shows that the state institutions implemented most of the activities that establish the legal and institutional infrastructure, and worked on the administrative capacity building. Many laws and other acts have been implemented, including a number of ethic codes, the lacking staff has been hired in most institutions, numerous trainings and study visits have been organized. Most institutions procured the necessary equipment, as well as the work space, while their projects are being supported by a number of foreign donors. Numerous interinstitutional agreements and memoranda on cooperation were signed with institutions from other states, a part of the statistical data that did not exist before the adoption of the Action Plan were provided, public campaigns were started and telephones for reporting corruption established in a number of institutions. The reporting system of institutions on the Action Plan has been improved and the content of the National Commission report has been improved to a certain extent.

Moreover, even the implemented reforms are not yielding the expected results, while institutions are investing more intensive efforts in hiding the existing state, than they would need to resolve the problems. Important laws that were adopted as part of the reform package are not harmonized with the conventions on corruption and human rights, and some are contrary to the judgements of the European Court of Human Rights. Implementation of anti-corruption laws and concrete results in processing of corruption and organized crime are rather limited. Data of institutions show that citizens rarely report cases of corruption to them. Internal controls implemented within institutions, or by the bodies in charge of supervision, do not result in revealing and efficient criminal prosecution of corruption and organized crime. Interinstitutional cooperation frequently does not focus on results, but on administrative issues, while cooperation with institutions of other states yielded only limited results, especially when corruption at the highest level is in concerned. Judiciary information system has not been established.

An efficient system of coordination of work of executive authorities institutions in prosecution of corruption and organized crime has not yet been established, numerous signed agreements did not contribute to improvement of cooperation in concrete cases, while most institutions avoid making analyses on their work, or on cooperation with other state bodies, but focus on promotion of rather limited results of implemented activities. Access to information, especially to documents that could reveal cases of corruption, still represents a huge problem. In practice there is no system to ensure control of abuses of secret surveillance measures.

The Law on Conflict of Interest has very limited range, participation of the public in decision making in the area of privatisation is marginalized, while most of the decisions are made in secrecy, owing to big discretionary authorizations and cumulating of a number of functions by the Government members.

PART I: REPORT ON IMPLEMENTATION OF THE INNOVATED ACTION PLAN (JANUARY 2008 - SEPTEMBER 2009)

I POLITICAL AND INTERNATIONAL OBLIGATION TO ACT

Since the beginning of implementation of the Innovated Action Plan there has been an evident progress in implementation of measures related to the area of political and international obligations and actions, since a great number of planned laws were adopted, although a considerable number of scheduled activities have not been implemented yet.

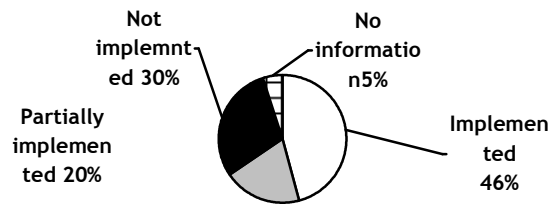


Diagram 2: Political and international obligation to act

Almost half of the measures were implemented, whereas the implementation of around one third of measures was not even initiated. Implementation of one fifth of measures was initiated, but there is no information regarding the implementation of other measures.

Since the beginning of Innovated Action Plan implementation the Parliamentary Board for Political System, Jurisdiction and Administration and the Board for Economy, Finance, and Budget did not complete the activities related to implementation of the Resolution on the Struggle against Corruption and Organized Crime passed by the Parliament of Montenegro on December 27, 2007. No work was done related to amendments to the Rules of Procedure of the Parliament in order to extent the boards' capacities.

Innovated instructions for reporting on Action Plan implementation were drawn up. There is an evident progress in the institutions' obligation to submit reports to the National Commission as opposed to the earlier period¹. Although almost all institutions started to submit reports, there is still a problem regarding their contents. The data on indicators for evaluating efficiency of measure implementation are still fragmentary or non-existent, whereas most reports contain plans for the upcoming period, and not results of previous activities. Following intensive pressure from MANS, the Administration for Anti-Corruption Initiative (UAI) initiated regular updating of the National Commission's website and publishing institutional reports².

In its reports pertaining to 2008, UAI ascertained that the Parliament had adopted a number of laws, aimed at harmonizing the legislation with international standards in the area of corruption and organized crime, although some of them, according to the assessment of international experts, are not harmonized with relevant standards³. At the beginning of May of the current year, the UNDP Office in Montenegro submitted to the Administration the final expert analysis of four laws⁴ with the assessment of their compatibility with the UN Convention against Corruption. According to the Administration's data, an analysis of the compatibility of another four legal acts was carried out⁵. In its reports for 2009, the Ministry of Justice submitted data on analyses of the existing Penal Code carried out during 2008 and 2009 by UNODC⁶ and the Council of Europe⁷. It remains unclear whether any reports were drawn up on conducted analyses, but none were submitted to the National Commission. There are no separate reports on the compatibility level of the legislation that should contain a number of laws for which analysis was carried out and the conventions based on which such analysis was done. The number of established amendments to the laws also remains unclear.

The Action Plan provides for ratification and adoption of international conventions, and the adoption of a series of laws relevant for the struggle against corruption and organized crime and the laws in the area of general legislative reform. The data on the implementation level are given in Tables 1 and 2.

Convention	Working group	Draft	Bill	In parliamentary procedure	Ratified
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No.198)	√	√	√	√	√
Convention on the Prevention of Terrorism (CETS No.196)	√	√	√	√	√
Convention on the Suppression of Terrorism (CETS No.190)					
Convention on Action against Trafficking in Human Beings (CETS No.197)	√	√	√	√	√
Convention on Cybercrime, and its additional Protocols (CETS No. 189)	√	√	√	√	

Table 1: Ratification of conventions

Upon ratification, the convention's wording is published on the Parliament's website and the Official Gazette. In the area pertaining to the struggle against corruption and organized crime five ratified international agreements were published in a special edition of the Official Gazette of Montenegro entitled 'International Agreements'.

Law	Working group	Harmonized with EU standards	Draft	Public debate	Bill	In parliamentary procedure	Adopted
Penal Code	√	Not available ⁸					
Code of Criminal Procedure	√	Not available ⁹	√	Not available	√	√	√ ¹⁰
Law on Amendments to the Law on Supreme State Prosecutor	√	Not available	√	Not available	√	√	√ ¹¹
Amendments to the Law on Identity Cards							
Law on Genetic Privacy	√						
Law on Biological Material Sampling	√						
Law on National DNA Registry	√	Not available	√				
Law on Prevention of Conflict of Interest in Exercising Public Office	√	Not harmonized ¹²	√	√	√	√	√
Law on Protection of Persons Reporting Corruption ¹³							
Law on Integrity in the Public Sector (which will include corruption prevention, drafting integrity plans, rules on lobbying, the conflict of interest, protection of persons reporting corruption)	√	Not available	√ ¹⁴				
Law on Financing Political Parties	√	Not applicable	√	Not available	√	√	√ ¹⁵
Law on Financing Campaigns for Electing the President of Montenegro, Mayors and Municipality Presidents	√	Not applicable	√	Not available	√	√	√ ¹⁶
Law on Electronic Communication	√	Not harmonized ¹⁷	√	Not available	√	√	√ ¹⁸
Law on the System of Internal Audit in the Public Sector	√	Not available	√	Not available	√	√	√ ¹⁹
Law on the Protection of Personal Data	√	Not available	√	Not available	√	√	√ ²⁰
Law on Management of Temporarily and Permanently Confiscated Property	√	Not available	√	Not available	√	√	√ ²¹
Law on Property and Legal Relations	√	Not available	√	Not available	√	√	√ ²²
Law on State Election Commission ²³							
Law on Obligatory Relations	√	Not available	√	√	√	√	√ ²⁴
Law on Foreigners	√	Not available	√	√	√	√	√ ²⁵

Table 2: Drafting and adoption of laws

Table 3 provides an overview of measures related to signing of agreements on cooperation and information exchange with other countries and international organizations, for the purpose of organizing joint operations in a struggle against organized crime.

Institution	Annual plans for signing agreements	With regional countries	With EU countries	International organizations
Police Administration	Yes ²⁶	2 agreements ²⁷	None	3 agreements ²⁸
Customs Administration	Yes ²⁹	5 agreements ³⁰	1 agreement ³¹	No
USPNFT	None	1 agreement ³²	1 agreement ³³	1 agreement ³⁴

Table 3: Cooperation and exchange of information between countries

The Supreme Court, Supreme State Prosecutor, Police Administration, Customs Administration and the Administration for Prevention of Money Laundering and Financing Terrorism (USPNFT) did not elaborate reports on results of international cooperation in the struggle against corruption and organized crime. During implementation of the Innovated Action Plan, the Police Administration undertook eight international police operations, which resulted in submission of seven criminal charges in Montenegro. No data is available on charges and legally binding rulings as a result of international cooperation. Since the commencement of Innovated Action Plan implementation, USPNFT has submitted 45 reports on suspicious transactions to the prosecutor's office and the police, but no data is available on the number of charges and legally-binding rulings as a result of international cooperation.

The Report on Implementation of Declaration on Ten Joint Measures for the Struggle against Corruption in South Eastern Europe, which was drawn up by the UAI provides data on implementation of three out of ten measures envisaged. A report of GRECO on assessment of anti-corruption measures and activities in Montenegro was published, asserting that most recommendations have been implemented, and that one third of GRECO's recommendations was partially acknowledged³⁵.

Institutional data on implemented projects and assets provided for such purposes are imprecise and incomplete, as stated in Table 4.

Institution	Defining priorities, project elaboration and application for funds from the Budget and foreign donors	No. of elaborated and submitted projects from the Budget	Provision of budgetary support for implementation of project applications	Provision of support from international organizations for implementation of project applications
UAI	Priorities defined	1 project	€382,000 ³⁶	No accurate information available
Customs Administration	Priorities defined	0 project	No projects funded from the Budget	No projects submitted
Tax Administration	No accurate information available ³⁷	1 project	Does not require funding by budgetary assets	Project worth of €900,000 ³⁸
Commission for Establishing Conflict of Interest	No data available	1 project	€60,000	14 project applications, no project obtained assets
Commission for Control of Public Procurement Procedure	No accurate information available ³⁹	0 projects	One project funded from the Budget	No accurate information available
Supreme State Prosecutor	Priorities defined	1 project No data available	Assets for participation of state prosecutors in seminars	No accurate information available
Supreme Court	Priorities not defined	0 projects	No projects funded from the Budget	0
Police Academy	No data available	No data available	No data available	No data available
USPNFT	Priorities not defined	0 projects	500,000 € ⁴⁰	0
Human Resources Administration	No accurate information available ⁴¹	No accurate information available	Training programmes worth of € 1,3 ⁴² mil	One project ⁴³ worth of 9,125 €
Police Administration	Priorities defined	No accurate information available	€ 4.6 mil ⁴⁴	11 projects ⁴⁵ total amount of envisaged amounts to around 600,000 €

Table 4: Defining priorities and providing financial assets for project implementation

¹ In the period January-June, out of 54 institutions, 47 submitted the report, in the period July - September the reports were submitted by 87% institutions, in the period of October - December, reports were submitted by 85% institutions. In the first quarter of 2009 as many as 53 institutions submitted a report out of 54 competent institutions, i.e. 98% institutions, as for the period May-June 98%. For reports covering the period July-September 2009 the number of institutions that submitted the reports is not available.

² The website of the Commission contains all four reports of the National Commission on implementation of the Action Plan, the wording of the Innovated Action Plan with the Annex and innovated list of competent institutions, in a local language and in English, all reports of competent institutions are uploaded, all minutes of National Commission sessions, as well as Recommendations defined in the Fourth Report on implementation of measures from the Innovated Action Plan for implementation of the Programme to curb corruption and organized crime for the period 01.07.2008-31.12.2008.

³ In cooperation with UNDP, during the previous year UAI engaged an international expert David Banisar for analysis of laws dealing with the area of protecting civil servants which report cases of corruption and the Technical Instructions. During analysis, the expert highlighted major flaws of the law and the new Technical Instructions, and deviations from international conventions related to the protection of persons who report corruption. The analysis was submitted to the Ministry of Internal Affairs and Public Administration.

⁴ The Law on Responsibility of Legal Persons for Criminal offences, the Law on Free Access to Information, the Law on International Legal aid in Criminal Matters and the Law on Financing Political Parties.

⁵ As part of the IPA project 2007, Component C, the following analysis was executed: the Law on Preventing the Conflict of Interest, The Law on Civil Servants and Employees with respect to Articles 54, 59, 61, which relates to the institute of insider protection, the Code of Ethics of civil servants and employees the Draft Bill on Integrity in the Public Sector.

⁶ UNODC analyzed harmonization of provisions of criminal law with general instruments against terrorism and the Convention of the Council of Europe on the Prevention of Terrorism from 2005; UNODC gave an expert overview of criminal offences against humanity and other right guaranteed by international law in the Penal Code, criminal offences against copyright, patent right and other rights (Chapter 21 of the Penal Code), criminal offences against human health (Chapter 24 of the Penal Code) and criminal offences against the environment (Chapter 25 of the Penal Code), as well as expert opinion of chapters and articles which regulate actions related to corruption and organized crime in Montenegrin Penal Code. Analyses and expert opinions are elaborated further to standards of the Council of Europe, the European Union and documents of the United Nations.

⁷ Provisions of the valid Penal Code were analyzed as part of the regional PROSECO project "Support to Prosecutors' Network in South Eastern Europe" implemented by the Council of Europe, and funded by the European Commission. Analyses are related to confiscation of financial gain acquired by criminal acts with a special emphasis on the concept of extended confiscation and invert the evidential burden when proving the origin of property acquired through a criminal act. Furthermore, this project also included the analysis of chapter twenty-eight of the Penal Code related to criminal offences against security of computer data.

⁸ Working group was established, several analyses were submitted (UNODC, OSCE, CE, Jefferson Institute) dealing with specific parts of the valid Penal Code and their harmonization with international standards (provisions related to criminal offences: against humanity and other rights guaranteed by international law; with elements of corruption, organized crime and terrorism; against copyright, patent and other rights; against human health; against the environment; against the Army of Montenegro).

⁹ Code of Criminal Procedure Bill was drawn up on 5 March 2009 and submitted to parliamentary procedure. No data is available on its harmonization with international standards; the bill provides for introduction of the institute of inverted evidential burden.

¹⁰ Adopted Law 27 July 2009.

¹¹ Adopted Law 19 June 2008.

¹² The new Law was adopted on 27 December 2008. The Law is not harmonized with the UN Convention for the Struggle Against Corruption - UNCAC, in the part related to the comprehensiveness of definition of a public office holder, and therefore individuals with public competencies, especially in the area of privatization, are not recognized as public office holders. The new Law is also not harmonized with GRECO recommendations as regards granting of independence to the body competent for enforcement of the Law. Contrary to recommendations of GRECO and the European Commission, this Law enables public office holders to perform several public offices and enjoy many privileges thereby.

¹³ No special Bill on the protection of Persons Reporting Corruption was drafted, as envisaged by the AP; instead, the Manual for Officials was adopted, and the Ministry of Interior Affairs and Public Administration states that the measures of protection of officials were incorporated in the Law on Civil Servants and Employees.

¹⁴ The Working Group submitted to the Ministry a Draft Bill on Integrity in the Public sector with a rationale thereof, thereby meeting the deadline envisaged by IAP. The opinions of the Draft Law wording by the Ministry of Justice, the Secretariat of Legislation and the Ministry of Interior Affairs and Public Administration were submitted. In view of the stated opinions, the National Commission was asked to submit its opinion regarding further procedure for regulating these issues.

¹⁵ The Law was adopted on 21 July 2008.

¹⁶ The Law was adopted on 26 January 2009.

¹⁷ The Law on electronic communication was adopted on 29 July 2008. This Law is an example of violating privacy rights and its adoption was supposed to be preceded by the adoption of the Law on the Protection of Personal Data which was only adopted in November 2008. The law on Electronic Communication is not harmonized with European standards and international conventions, because it enables direct access to databases of telecommunication operators - call registers, by the police, without prior permission of the court. According to rulings of the European Court of Human Rights, this is a violation of privacy rights, and the procedure for assessing the constitutionality of this provision is conducted in the Constitutional Court. MANS submitted an appeal to the Constitutional Court for violation of privacy rights, and a complaint to the Constitutional Court for declaring as confidential an agreement with one telecommunication operator.

¹⁸ Bill was drawn up on 28 February 2008. The Law was adopted on 29 July 2008.

¹⁹ Bill was drawn up on 9 October 2008. The Law was adopted 26 November 2008.

²⁰ Bill was drawn up on 20 November 2008. The Law was adopted on 18 December 2008.

²¹ Bill was drawn up on 18 April 2008. The Law was adopted on 29 July 2008.

²² Bill was drawn up on 12 June 2008. The Law was adopted on 26 January 2009.

²³ In coordination with the Speaker of the Montenegrin Parliament, an agreement was reached that the Bill on state Election Commission shall be drafted by the inter-party group of the Parliament, as it was the case when drafting previous election laws.

²⁴ Bill was drawn up on 23.maja 2008.godine. Law je adopted 29.jula 2008.godine

²⁵ Bill was drawn up on 13 November 2008. The Law was adopted on 16 December 2008.

²⁶ According to the data from reports of these institutions submitted to the National Commission, there are annual plans, but the institutions failed to submit them to MANS per request for information.

²⁷ An agreement was signed with BIH and Serbia.

²⁸ Agreements were signed with Frontex, Slovakia, on technical cooperation of KFOR "TOPA" (Temporary Operating Procedures Agreement) and with Europol (September-October 2008)

²⁹ According to the data from reports of these institutions submitted to the National Commission, there are annual plans, but the institutions failed to submit them to MANS per request for information.

³⁰ Agreements signed with Albania, Serbia, Moldova, Ukraine, and Belarus

³¹ Agreement signed with Slovenia

³² Agreement signed with Ukraine

³³ Agreement signed with Romania

³⁴ Agreement signed with EULEX

³⁵ 16 out of 24 recommendations were implemented, and 8 were partially acknowledged.

³⁶ The report submitted by the Administration for Anti-Corruption Initiative(AAI) to the National Commission (NC) for the period July-September 2009, states that it was informed in August 2009 that a grant was approved to it from the package of bilateral assistance of the Kingdom of Norway for implementation of the project submitted in March 2009 - »Strengthening of Operative Capacities of the Administration of Anti-Corruption Initiative of Montenegro « Data on the value of the approved project are not available, the information on 382.000€ was quoted in previous reports.

³⁷ Quarterly institutional reports do not provide precise data on implementation of this measure.

³⁸ As part of the Project for Pre-Accession Assistance to Candidate Countries and Potential Candidates - IPA 2007, assets were approved for the project "Improvement of capacities for more efficient and functional work of the Tax Administration in line with European standards", in the amount of 900,000€, out of which as much as 100,000€ is allotted for procurement of IT equipment, and 800,000€ as consultant assistance.

³⁹ Quarterly reports do not contain precise data on implementation of this measure.

⁴⁰ Data is not precise because they refer to the overall institutional budget.

⁴¹ Quarterly institutional reports do not contain precise data on implementation of this measure.

⁴² Data is not precise because they refer to the overall institutional budget.

⁴³ UZK concluded an agreement with the OSCE regarding execution of training courses related to the Law on Data Confidentiality, execution of 4 training courses for civil servants and amendments to the Manual of practical application of the Law on SPI.

⁴⁴ Data is not precise because they refer to the overall institutional budget.

⁴⁵ The Administration submitted project applications and requested cca 600,000 € for their implementation from foreign donors, implementation of these projects is scheduled during 2009, five projects thereof were initiated.

II GENERAL AIMS

In the area of general aims almost one half of planned activities were implemented, and one third of planned measures were partially implemented.

There were no activities focusing on implementation of almost one fourth of envisaged measures. A small number of measures lack information.

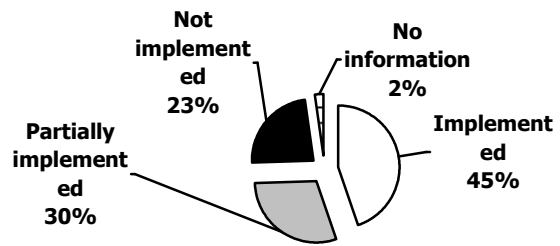


Diagram 3: General aims

A) Efficient criminal prosecution aimed at corruption and organized crime control

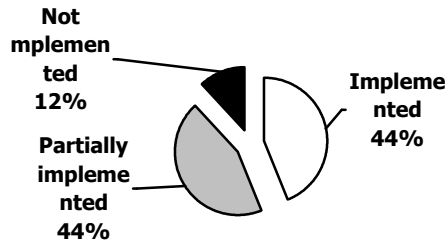


Diagram 4: Efficient criminal prosecution aimed at corruption and organized crime control

Most measures from this chapter have been implemented or their execution is in progress, whereas each tenth measure remains unimplemented. Implemented and partially implemented measures refer to the training of staff and processing statistical data on the work of institutions.

Implementation of activities related to the analyses of problems in the work of state institutions is problematic, as well as those activities related to the control of applying measures of secret surveillance of the police. A legal deadline for establishing an institution for managing temporarily and permanently confiscated property suspected to be criminal proceeds.

Police Administration affirms that that Training Programme which was elaborated by the Police Academy, based on expressed needs of the Administration's organizational units, envisages that during 2009 there shall be seminars and courses in six areas⁴⁶ dealing with organized crime and corruption. The needs for training prosecutors and judges are stipulated by the training programme of the Training Centre of Judicial Office Holders (CENPF). The Supreme State Prosecutor submitted a data that the assessment was carried out and that the needs for the prosecutor training programme for 2009 were identified. In the first half of 2009, CENPF elaborated a plan and initiated activities in conducting training for the judges of the Supreme Court in three areas⁴⁷. Since the beginning of Innovated Action Plan implementation, CENPF has organized six joint seminars⁴⁸ with over 100 representatives of the judiciary and the prosecutor's office related to new legislative solutions of the Code of Criminal Procedure.

Since the beginning of implementation of the Innovated Action Plan, the Judicial Council, the Supreme State Prosecutor and the Police Administration have not received a single complaint by persons who have been subjected to the measure of secret surveillance (MSS), thus no control was conducted. The Police Administration did not conduct controls of MSS implementation, since there were no complaints related to its implementation. Parliamentary control of MSS implementation was not conducted during sessions of the Security and Defence Board. The Police Administration declared as confidential the data on the number of effected MSS.

The Law on Management of Temporarily and Permanently Confiscated Property stipulates the establishment of a separate institution for management of such property, but that body has not been founded yet.

A Tripartite Commission was established, composed of representatives of the police, the prosecutor's office and the judiciary in order to harmonize the methodology for processing statistical data, analyze and determine problems so as to contribute to increased efficiency of criminal prosecution and legally-binding rulings. Statistical indicators and analyses for the judiciary, the prosecutor's office and the police were also elaborated, for a 42-month period, until September 30, 2009. The reports of the Tripartite Commission submitted to the National Commission and published on the website contain harmonized methods of expressing statistical data by the police, the prosecutor's office and the judiciary, and statistical data are comparable. There are no detailed statistical data on the work of the police, and the number of cases reported to the police remains unclear. The reports do not identify specific problems of presenting evidence in the pre-criminal and criminal proceedings, preliminary investigation and the main hearing, which impinge on the efficiency of criminal prosecution and legally binding rulings, as envisaged by the Action Plan.

At the end of last year, the Office of the National Coordinator for the struggle against human trafficking adopted the Innovated Action Plan for the Struggle against Human Trafficking for 2009 and established a commission comprising representatives of the Police, the Supreme State Prosecutor, and the Supreme Court. A quarterly report on implementation of the plan with statistical data was also drawn up⁴⁹ related to victims and perpetrators of criminal offences of human trafficking, and it was published on the Office's website⁵⁰.

B) Prevention and training

Almost one half of measures have been completely implemented. More than one third of measures remain unimplemented, whereas implementation of almost of fifth of measures was initiated.

The instructions for reporting corruption to the police were adopted, but the citizens reported a small number of cases. An office for reporting corruption in the judiciary was promoted, but it did not achieve any results. Special rooms for interrogation of witnesses and victims were provided.

The work related to sectoral anti-corruption policies was initiated. Planned codes of ethics have been adopted and training courses are organized, but there have been no results in uncovering offences. Most public office holders submit reports on revenues and property which is publicly known, but they do not report gifts. Problems with access to information on reforms still persist, despite positive judicial practice in the area of free access to information.

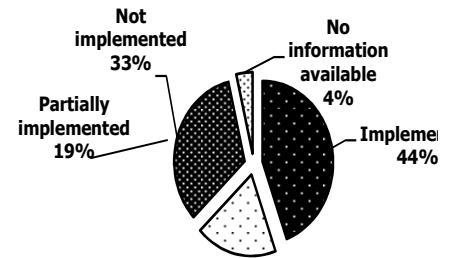


Diagram 5: Prevention and training

In 2008, the Higher Court of Podgorica provided a room for interrogation of injured parties who are victims of sexual violence and the interrogation of witnesses with the aid of technical devices. The Higher Court of Bijelo Polje does not provide a separate room, but if necessary, another safe room is vacated for such purposes.

In the second quarter of 2009, activities were enhanced at raising public awareness of the existence and the work of the Office for Reporting Corruption in the Judiciary. In 2009, the Office received 15 complaints, but none of these was related to corruption, but to inefficient practice of judges, or to dissatisfaction of the parties with the judges' work. Only one complaint was forwarded to the prosecutor for the purpose of undertaking specific actions and checking allegations of the complainant, but no data is available on its results.

Recently, codes of judicial ethics were adopted, the code of the Prosecutor's Office, the Police, as well as the general code for all civil servants and employees. Table 5 gives an overview of implementation of a number of measures related to increasing the integrity of judges, prosecutors and the police through application of Codes of Ethics.

Institution	No. of disciplinary proceeding for violating the Code of Ethics	No. of rulings	No. of training courses on applying Code provisions
Judicial Council	0 cases	0 rulings	Not applicable
Supreme state Prosecutor - Prosecution Council	0 cases	0 rulings	Not applicable
Police Administration	58 cases ⁵¹	2 remitted in order to be amended, no data available on other cases	6 training courses; 105 civil servants ⁵²
Police Academy	No information available	No information available	6 training courses; 105 participants
Human Resources Administration	No information available	No information available	22 training courses; 98 participants
Supreme Court	1 case ⁵³	No data available	Not applicable

Table 5: Application of the Codes of Ethics

At the end of October 2008, the Police Administration adopted Technical Instructions to regulate procedures of reporting corruption to the police, practice of authorized officers to act pursuant to complaints, protection of persons who report corruption and promotion of procedures and protection. The instructions were drawn up in cooperation with representatives of the OSCE, the Secretariat for Legislation and the Ministry of Interior Affairs and Public Administration. Since the adoption of Instructions, four training courses on their implementation were conducted, with around 70 police officers attending. UAI continued to promote the Instructions through the third bulletin „Anticorruption“ which was printed in 1000 copies and distributed to state institutions and at education sessions conducted by UAI. The UAI elaborated a plan for resuming promotion of Instruction for the current year, by means of public discussions and the media⁵⁴. No special reports on implementation of the promotion plan were drawn up. Since the adoption of Instructions until September 2009 the Police Administration received a total of 28 complaints about corruption, out of which seven resulted in submission of criminal complaints to the competent Special Prosecutor⁵⁵. Technical instructions are not available to the public on the website of the Police Administration.

According to the report of the Ministry of Interior Affairs and Public Administration, a six-month report was drawn up related to the work of the organizational unit for supervision of the work of the Police

Administration. The report is not available to the public, and it was allegedly submitted later on to the National Commission, although it was not published on the Commission’s website by the publication of this report. It is unclear which period the report covers, or the number of reports drawn up since initiation of AP implementation.

The reports on property and income were submitted by 99.8% state and 79.7% municipal office holders. Only one gift was reported since the beginning of implementation of the Innovated Action Plan, but no data are available on its value. Commission for Establishing Conflict of Interest updates the public register of reports on income and property once a year - in February, by supplementing it in case it has new data submitted.

Table 6 gives data on the measures on curbing potential corruption in the public sector through adoption of special action plans.

Action Plan	Working group	AP Draft	Commission	AP Proposal	Adopted AP
Action Plan for the struggle against corruption in the area of health care and social welfare ⁵⁶	√				
Action Plan for the struggle against corruption in the area of education and culture ⁵⁷	√	√	√	√	√
Action Plan for the struggle against corruption in the area of spatial planning	√	√			

Table 6: Adoption of special anti-corruption action plans

Since the initiation of Innovated Action Plan implementation, the State Election Commission (DIK) was declared as incompetent for almost all measures related to it, given that the new Law on State Election Commission was not adopted. DIK did not draw up manuals for members of the state and municipal election commissions and for authorized representatives of political parties and employees who are directly involved with finance. Databases on financial reports submitted by political parties have not been drawn up, nor databases with reports on assets expenditure by the State Election Commission.

Table 7 gives an overview of implementation of measures related to conducted training courses for corruption prevention.

Training	No. of training courses	No. of attendants
Training police officers for implementing Instructions on Reporting Corruption to the police	3	43
Organizing seminars for authorized persons form political parties and employees who are directly involved with finance	0	0
Organizing consultations with authorized persons from political parties for conveying knowledge acquired in international seminars	0	0
Training citizens and the NGO sector on enforcement of the Law on Financing Political Parties and the Law on Electing the President of Montenegro, Mayors and Municipality Presidents	0	0
Training civil servants and employees in enforcement of the Law on Free Access to Info	22	ca 98 ⁵⁸

Table 7: Training courses for corruption prevention

The Manual for civil servants on efficient enforcement of the Law on Free Access to Information was drawn up, officially presented to the public at a press conference of the Human Resources Administration⁵⁹.

Since the beginning of Innovated Action Plan implementation, MANS has submitted over 7,300 requests for information and the institutions have submitted one quarter of requested data⁶⁰. Diagram 7 indicates that institutions still maintain the practice of not responding to around one third of submitted requests.

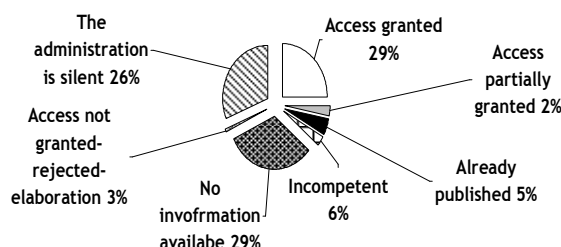


Diagram 6: Requests for information submitted by MANS

Institutions still do not have information sought in one third of submitted requests, although they refer to indicators for assessing implementation of activities that such institutions are in charge of, in accordance with the Innovated Action Plan.

Since the entry into force of the Law on Free Access to Information, out of total 1758 rulings of the Administrative Court, 80% thereof were ruled in favour of MANS, i.e. unlawful documents of institutions were annulled thereby, or the institutions were ordered to submit replies to requests⁶¹.

For the purpose of providing even greater amount of information to the public about the right to free access to information, MANS conducted a project “Do you know you have the right to know’ and conducted a public campaign in all Montenegrin municipalities⁶².

C) The public, civil society and the media

Over one third of planned activities were fully implemented, whereas one half of measures were partially conducted. One tenth on measures were not implemented.

Table 8 provides data on implementation of anti-corruption campaigns aimed at raising public awareness.

Institution	Topic of the campaign	Participants	Material and brochures	Report on the campaign	Assets
UAI ⁶³	One	31 lectures for 700 participants ⁶⁴	Yes ⁶⁵	None	No information available IPA 2007
Ministry of Education and Science	One		None	None	
Customs Administration ⁶⁶	None	None	None	Drawn up ⁶⁷	
Media-related NGOs	One ⁶⁸	Unknown	None	None	

Table 8: Anti-corruption public campaigns

The Government has abandoned the elaboration of a special law on prohibited concentration of print media, stating that such issues have already been regulated by the Law on Competition Protection⁶⁹.

The Ministry of Economic Development drew up and adopted the operative plan for eliminating business barriers in cooperation with the private sector, which was published in 2008. The first report on implementation of the plan of activities was drawn up for 2008. Out of 20 planned activities, five have been implemented⁷⁰.

“The Black List” of enterprises, which have been convicted of criminal offences with elements of corruption was not drawn up, since no such rulings were made, and the Rules on the Manner of Keeping Criminal Records of Legal Persons were also adopted.

D) Local self-government

Two thirds of measures were not implemented, whereas one third of measures were partially implemented.

On July 10 2008, the Government established a Programme Model for the struggle against corruption in local self-government and adopted the Action Plan of measures for preventing and curbing corruption on the local level. Data given in Table 10 indicate activities of local self-governments in adoption of anti-corruption programmes and local action plans.

Municipality	Working group	Draft	Bill	Programme	Action Plan	Working group for monitoring
Podgorica	Established	Drawn up	Drawn up			
Cetinje	Established	Drawn up	Drawn up			
Danilovgrad	Established	Drawn up				
Nikšić	Established	Drawn up	Drawn up	Adopted	Adopted	Yes
Pljevlja	Established	Drawn up	Drawn up	Adopted	Adopted	Yes
Žabljak	Established	Drawn up	Drawn up	Adopted	Adopted	
Šavnik	Established					
Kolašin	Established					
Mojkovac	Established					
Bijelo Polje	Established	Drawn up	Drawn up			
Berane	Established	Drawn up	Drawn up	Adopted	Adopted	
Plužine	Established	Drawn up	Drawn up	Adopted	Adopted	
Andrijevica	Established	Drawn up	Drawn up	Adopted	Adopted	
Rožaje	Established	Drawn up	Drawn up	Adopted	Adopted	
Plav	Established	Drawn up	Drawn up			
Bar	Established	Drawn up				
Ulcinj	Established					
Budva	Established	Drawn up	Drawn up			
Kotor	Established	Drawn up	Drawn up	Adopted	Adopted	Yes
Tivat	Established	Drawn up	Drawn up			
Herceg Novi	Established					

Table 9: Adoption of local anti-corruption programmes and action plans

⁴⁶ Police cooperation in the region in curbing organized crime, curbing and detection of computer crime - detection of criminal offences with elements of corruption, money laundering and financial investigations, struggle against illegal migration, struggle against human trafficking.

⁴⁷ The areas of organized crime and corruption, confiscation of gained property as in the part related to solutions in the new Code of Criminal Procedure.

⁴⁸ In cooperation with the US Embassy in Podgorica and the Organization for Security and Cooperation in Europe (OSCE) - Mission to Montenegro, the CENPF Centre organized the following seminars: 1) April 2009, "New solutions in the Code of Criminal Procedure of Montenegro - the prosecutors' role in the investigation and the judges' role for investigation". 2) "Secret surveillance measures and confiscation of property acquired through criminal offence. 3) June 2009 "Agreement on Admission of Guilt. 4) June 2009 "Agreement on Admission of Guilt". Also, as part of the so-called "twinning" project of EU's support to the Centre (Project title: "Advisory Support to Prosecutors' Training in Montenegro", a seminar was held on organized crime and corruption. The seminar was intended for prosecutors. The United Nations Development Programme (UNDP) - Office in Podgorica, provided participation of a minor number of judges in the above mentioned seminar. It was attended by prosecutors, counsellors, judges and the police. As part of the same project, a three-day International Conference entitled "Investigation Undertaking by the Prosecutor" for prosecutors of Montenegro and the region. The United Nations Development Programme (UNDP) - Office in Podgorica, provided participation of a minor number of judges. There were over 100 representatives of prosecutors' officers, the judiciary and the police in four seminars held during 2009, whereas no data are provided for 2008.

⁴⁹ According to the data from the report during implementation period of the Innovated AP (2008 and 2009), the Police Administration submitted four criminal charged for 13 persons for criminal offences related to human trafficking; the prosecutors pressed charges against 12 persons; the courts passed three sentences for 10 persons whereby the defendants were found guilty and three judgements whereby the defendants were acquitted of judgement, according to judgements reached in a repeated procedure after annulment of the first instance judgement by a second instance court one acquittal was passed for three persons and one condemnatory judgement for four persons; one legally-binding judgement was passed for one person. There are no precise data on the number of investigations, and such data is not stated in this report. The report states that the injured parties were mainly foreign nationals, aged between 20 and 35.

⁵⁰ <http://www.antitragging.vlada.cg.yu/vijesti.php?akcija=vijesti&id=175122>

⁵¹ Analysis of the Code of Ethics of the Police was the second half of 2008 was elaborated.

⁵² Six training courses for 105 officials of the Police Administration were organized, out of which 46 training officers were trained

⁵³ The Office for reporting corruption cases in the judiciary received 15 complaints, but none of them referred to corruption. The Office submitted 1 complaint to the prosecutor, but there are no data on the results, or whether that complaint relates to the violation of the judges' Code of Ethics.

⁵⁴ The Police Administration and the UAI held a press conference in June 2009, to mark the initiation of implementation of the joint campaign "Report corruption, the rest is our responsibility", and presented a TV commercial on the occasion. Towards implementation of this campaign leaflets and posters were produced, and billboards set up in regions of Montenegro. On the occasion of promoting Technical Instructions, representatives of the Police and the UAI participated in radio and TV broadcasts. The technical Instructions were promoted also in the second issue of the internal bulletin of the Administration "Anticorruption". Technical Instructions were also promoted as part of all training sessions conducted by the Administration for General and Professional Public. 500 posters and 40,000 flyers were printed. Also in July 2009, the National Police and AAI held a press conference on the occasion of completion of one-month joint campaign that started on June 16 2009.

⁵⁵ Data is taken over from the statement of the Head of the Economic Crime Department, "Vijesti" Daily dated 13 March 2009., "Đurović: Public office do not protect from responsibility"

⁵⁶ The Ministry of Health, Labour and Social Welfare agreed with UNDP to conduct research of instances, causes and the level of corrupt practices in the area of healthcare, to be followed by expected specific recommendations which shall serve as basis for measures of the future AP; working version of the Action Plan was drafted.

⁵⁷ The Action Plan for the struggle against corruption in the area of education and culture was posted on the website of the Ministry of Education and Science <http://www.gov.me/minprosv/index.php?akcija=vijesti&id=173714>

⁵⁸ 22 training courses, for at least 98 officials, local civil servants and employees and persons authorized to act in accordance with the Law on free Access to information.

⁵⁹ Press conference was held on 19. 11. 2008. It remains unclear whether it was distributed among the officials, or how many copies were made.

⁶⁰ As regards the application of the Law on Free Access to Information by all state institutions, from the adoption of that Law in December 2005 until July 2009, MANS submitted over 23,300 requests, 3/4 submitted answers, out of which 40% cases granted access to information. In over 1800 cases, the second instance authority annulled the ruling or ordered a new ruling to be passed, whereas in over 80% of 2793 rulings of the Constitutional Court, law violation on the part of the institutions was established.

⁶¹ Since December 2005 until October 2009, MANS submitted over 2800 complaints to the Constitutional Court. Over 1700 rulings were passed, out of which over 1400 in favour of MANS. The remaining 1000 submitted complaints are pending.

⁶² Public campaign implied organizing performance and material distribution. MANS gave the citizens to fill in a template of requests for free access to information and submit it to competent institutions. Promotion material also contained contact phone from which citizens could get legal support in implementation of the Law on free access to information. Leaflets distributed to all municipalities contained short information on significant provisions of the Law on Free Access to Information related to rights of citizens and a short description of the legal procedure for the purpose of exercising and protecting this right. The actions were implemented in July and September 2009.

⁶³ Since 2 April 2009, the Government of Montenegro adopted a Programme of intensive promotion of obtained results in implementation of obligations prescribed by IAP, and in its resolution of 9 April 2009, entrusted the Administration for Anti-Corruption Initiative to prepare periodical reports on promotion of implemented obligations. Further to collected individual reports of state authorities and institutions, the Administration will draw up a Report on implementation of the Programme of intensive promotion of obtained results in implementation of obligations from the Innovated Action Plan for the period January-June 2009 and submitted it to the Government.

⁶⁴ In cooperation with the UAI, the Ministry organized a number of lectures about corruption in secondary schools and the university, thus the data are identical.

⁶⁵ Six brochures were printed in over 8000 copies, 3500 copies of pocket calendars, 901 copies of posters, cca 8000 copies of distributed leaflets, one bulleting printed in 2000 copies; 2250 copies of the "Guide to Anti-Corruption for Secondary Schools"; procedures for submitting complaints were not published.

⁶⁶ The Customs Administration Report states data on information published in the media (interviews and press releases); data on implementation of the campaign that included promotional material remains unclear.

⁶⁷ The Customs Administration drafted a quarterly report in implementation of the public campaign for the period January-March 2009, according to which 68 pieces information were published, as follows: in January eight positive and seven neutral, in February 18 positive and seven neutral, and in March 15 positive and 13 neutral information; there weren't any negative information.

⁶⁸ Within IPA 2007, AAI and the Institute for Media of Montenegro held in Podgorica an interactive seminar/workshop for journalists named "Investigative journalism and fight against corruption". The seminar was attended by journalists from Montenegro printed,

electronic and on-line media, but their number is not available

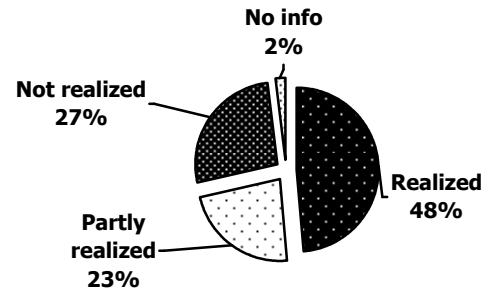
⁶⁹ In April 2008, Governmental commissions examined the Draft Law on prohibited concentration of print media and concluded that it was not harmonized with remarks and suggestions given by the Ministry of Economic Development, which stresses out the discrepancy with the Law on Competition Protection and the Constitution on a part regulating the freedom of press. The Government entrusted the Ministry of Culture and the Media to look into and examine proposed solutions and harmonize contested provisions. The Ministry of Culture states that the Law on Competition Protection provides for the manner, procedure and measures of protecting competition on the market and appoints a competent authority for protecting competition on the market, thus it is unnecessary to adopt a separate Law which would be related to the media. During 2009 there were no changes regarding adoption of this Law.

⁷⁰ Report available from www.biznis-barijere.com/cms/mestoZaUploadFajlove/lzvjestaj_o_realizaciji_plana_aktivnosti_za_2008.pdf

III SPECIFIC MEASURES AGAINST CORRUPTION AND ORGANIZED CRIME

In the area of specific measures against corruption and organized crime, which makes the biggest part of the Innovated Action Plan, one half of the measures were implemented, while the implementation of almost one fourth of the measures started. More than one fourth of the measures have not been implemented.

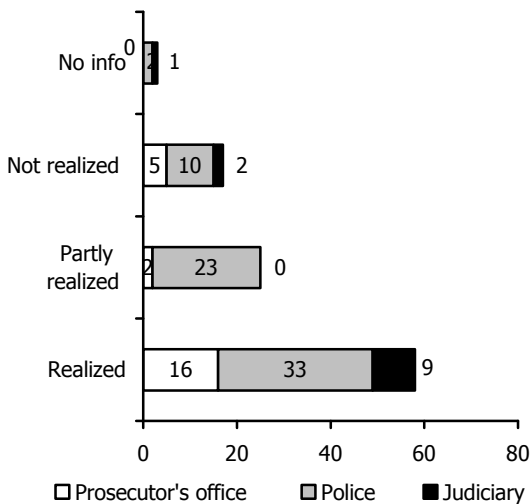
In some areas, which the courts, prosecutor's office and the police are in charge of, as of the beginning of implementation of the Action Plan, not a single step forward was made while a number of measures referring to training, reorganization, provision of equipment and recruiting of necessary staff, as claimed by the institutions, are carried out continuously, even though there are no precise data about that and /or available information indicate that their effects are limited.



Graph 7: Specific measures against corruption and organized crime

Every fourth planned activity of other specialized institutions relevant for combat against corruption and organized crime is realized, every second is partly realized and every fourth is not realized. The lowest level of realization of measures is found in the areas of financing of political parties and corruption in the election process, privatization and conflict of interest of public officials.

A) Effective criminal prosecution and trials



Graph 8: Efficient criminal prosecution and trials

More than one half of the planned activities have been implemented within the chapters which refer to effective criminal prosecution and trials is conducted, which the police, prosecutor's office and judiciary are in charge of. Realization of a quarter of the planned measures is accomplished, and every fifth planned activity was not realized.

Prosecutor's office conducted more than two thirds of the planned activities, partly realized one tenth but almost every fourth planned activity of the prosecutor's office is not realized.

The Police conducted one half of the planned activities; more than 1/3 is underway while 1/6 is not realized. There is no information on realization of other measures.

More than 2/3 of the planned activities of judiciary are realized. Every sixth measure is not realized while for other measures there is no information on realization.

A.1.) Prosecutor's office

Table 10 gives the overview of measures aimed at strengthening of capacities of the prosecutor's organization.

Description	Number of needed prosecutors	Number of new staff
Increased number of prosecutors and administrative staff in accordance with the new Criminal Procedure Code, the Law on Public Prosecution	No data ⁷¹	No precise data ⁷²
Increased number of Deputy Special Prosecutors for fight against of organized crime including terrorism, corruption and war crimes.	No data ⁷³	5 ⁷⁴
Increased number of technical assistants in the Division for fight against organized crime	3 technical assistants	No hiring

Table 10: Strengthening of capacities of prosecutor's office

Budget of the prosecutor's office in 2009 is by 44% bigger than the budget for 2008⁷⁵. However, there are no precise data on the amount of the budget approved for concrete measures prescribed by the Innovated AP, including the funds for improvement of special-technical capacities, training of personnel⁷⁶, improvement of material position of prosecutors⁷⁷, civil servants and state employees⁷⁸.

VDT has submitted the information stating that the analysis of the present state regarding the manner and criteria for addressing the housing needs of state officials has already been conducted regarding holders of judicial functions and the report has been submitted to the Prime Minister and the President of the

Governmental Commission for Addressing the Housing Issues of State Officials. The analysis is not available for public and its results are not known. It is not known whether any funds were granted for resolution of housing issues for the holders of prosecution function from the beginning of 2009. In November 2008 funds for resolution of housing issues were granted to three holders of prosecution function whose identity is not known, in the total amount of €150 thousand.

In VDT's report it is stated that the analysis of the number and structure of the issues in the area of corruption and organized crime is conducted in regard to the present staff through the reports of a Tripartite Commission and the Division for Fight against Organized Crime, Corruption, Terrorism and War Crimes. However the above mentioned report contains only statistical overview of the procedures which were conducted in the police, prosecutor's office and courts and does not contain the analysis which would show whether the present number of personnel is adequate in terms of their number and structure of cases.

Table 11 shows measures aimed at strengthening of capacities of prosecutors through implementation of a set of trainings.

Type of training	Annual plan	No. of trainings / no. of fields	Total no. of trainees and per field
Acquainting the prosecutors with comparative practices of the countries in the region in the area of combat against corruption and organized crime	Made ⁷⁹	6 trainings / 3 areas	About 100 / about 45 per area
Development and implementation of the program of education for prosecutors in regard to criminal actions with elements of corruption and organized crime particularly new forms of appearance	Made ⁸⁰	7 / unknown	86 ⁸¹ /No data
Development and implementation of the program of education for criminal acts from Head XXIII of the Criminal Code and Head XXVIII of the Criminal Code	No info	6 ⁸² / unknown	About 100 /No data
Development of the program and implementation of training on application of the measures of secret surveillance (MTN)-(from the experience of the countries in the region)	Made	4 / 37 ⁸³	No data
Specialization of prosecutors for prosecution in criminal offenses with elements of corruption	Made ⁸⁴	18 / unknown	About 184/ no info
Specialization of prosecutors for prosecution of organized crime	Not foreseen	23 trainings/3 areas	About 180/ about 45
Specialization of prosecutors for prosecution of criminal offenses of war crimes	Not foreseen	2 / unknown	11/ unknown
Specialization of prosecutors for prosecution of criminal offenses of terrorism	Not foreseen	2/ No data	No data

Table 11: Training and specialization of prosecutors

Division for Fight against Organized Crime is reorganized in accordance with the Law on Changes and Amendments to the Law on State Prosecution and new Deputy Special Prosecutors are appointed and underway is development of the new Rule according to which reorganization of the Division should be conducted. According to data of the Supreme State Prosecutor⁸⁵ the Division for Fight against Organized Crime, Corruption, Terrorism and War Crimes is fully equipped: in terms of space, offices and technically. For these needs 60,000.00€ was allocated from the state Budget. The need for three Technical Assistants was determined, but the Division has not employed any new personnel.

Prosecutor's offices are not connected within the information system and in accordance with the Action Plan for implementation of the Strategy for Reform of Judiciary 2007-2012, the Government established in their session in November 2008 the Council for realization of the Project of Judiciary Information System (PRIS)⁸⁶. Periodical reports are made but they include only the number of perpetrators but not the structure of criminal acts. These reports are not the product of PRIS and a special data base which is foreseen by the respective measure, but instead they are made by a Tripartite Commission.

At the beginning of 2008 the international Treaty on Cooperation with VDT was signed on combat against organized crime with the Prosecutor's Office of Russia and in 2009 the Memorandum of Understanding was signed with the Prosecutor's Office of Kosovo.

The Police Administration protects personal security of the State Public Prosecutor and Special Prosecutor for Fight against Organized Crime on the basis of a special decision of the Government⁸⁷, when on the basis of a security assessment of the Agency for National Security in cooperation with Police Administration it is found that there are indicators for endangering of personal security.

A.2.) Police

A new Rulebook on the internal organization and job description of the Police Administration has not been passed. The Administration has formed a Working Group for development of the Rule which has made a new general proposal for organization and functioning of the Police Administration which is analyzed by the branch and local police offices. Underway are the activities aimed at determining of realistic needs and rescheduling of employees.

The Ministry of Interior and Public Administration (MlandPA) produced a six-month report on the work of organizational unit for supervision of the work of the National Police for the first half of 2009, and submitted it to MANS. The number of reports produced so far is not known.

No act was passed which would guarantee payment of a special bonus to the employees of the Sector of Criminal Police. No plan of protection was made and thus no plan of protection of these police officers was implemented⁸⁸.

The document Technical instructions on taking actions in the cases of international wanted lists, was passed on 24 December 2008 and it came into force immediately. Police Administration adopted a Technical Instruction on protection of persons who report corruption. The Police Administration in August 2008 formed a Working Group for development of the Instructions for application of measures of secret surveillance and in May 2009 Draft Instructions was made⁸⁹.

The Police Administration signed the agreement with the Customs Administration and Tax Administration. Computer networks of police and customs offices are connected with optical link and underway are the activities aimed at development of the Annex to the Agreement with detailed technical procedures in relation to realization of exchange of data through the established link. For that purpose the Working Group works on development of the Annex of the Agreement with Tax Administration. Agreements on cooperation with other institutions have not been signed⁹⁰ and links and connections with data bases have been established. New agreements are not made which define the procedures for establishment of links with data bases of telephone operators but the Agreement was signed earlier with "M-tel"⁹¹ and was proclaimed confidential.

Table 13 presents data on measures aimed at strengthening of capacities of the Police Administration through reorganization, employment, trainings, provision of needed equipment and adequate working premises.

Description / division	Reorganization	Determined needs for training	No of trainings / Trainees	Description / space	Value of the equipment
Division for internal control of the Police Administration	Not applicable	Yes ⁹²	8/22	Equipment provided ⁹³	No data
Division for combat against organized crime and corruption	Not reorganized ⁹⁴	Yes ⁹⁵	87/210	Provided ⁹⁶ /not provided	No data
Division for suppression of economic crime	Not applicable	Yes ⁹⁷	35 ⁹⁸ / about 50 ⁹⁹	A part of the equipment provided ¹⁰⁰ /partly provided ¹⁰¹	No data
Division for special checks	Not reorganized ¹⁰²	N/A	25 ¹⁰³ / about 270	A part of the equipment provided ¹⁰⁴ /provided	Not applicable
Division for combat against drugs and smuggling	Not applicable	Yes ¹⁰⁵	32 ¹⁰⁶ / about 300	A part of the equipment provided ¹⁰⁷ /provided	No data
Unit for witness protection	Not applicable	Yes ¹⁰⁸	1 /3	Not provided ¹⁰⁹ equipment	No data
Center for criminal technique and forensic unit	Reorganized ¹¹⁰	No	12/ not known	A part of the equipment provided ¹¹¹	No data
Sector of criminal police for prevention of terrorism	Not applicable	Yes ¹¹²	21/163	Not applicable	No data
Special anti-terrorist unit(SAJ)	Not applicable	Yes ¹¹³	No precise data ¹¹⁴	Needs estimated ¹¹⁵	No data ¹¹⁶
Sector of cross border police	Not applicable	Yes ¹¹⁷	103/900	Provision of equipment underway ¹¹⁸	No data
National Bureau of Interpol	Not realized	11 employees	4/9	Equipment provided ¹¹⁹	18.500,00 € ¹²⁰

Table 12: Strengthening of capacities of the Police Administration in combat against corruption and organized crime

In the Division for combat against crime and corruption three inspectors are employed, and it is

estimated that four are needed.

Criminal - intelligence operations and measures of secret surveillance - the organizational unit for criminal -intelligence operations in branch offices was not established, or DESKs on the central or regional level because the Rules of Procedure have been changed. In the Division for special checks 64% of working places are filled. A Proposal of Criminal - Intelligence Work was developed. Plan of needs and provision of technical equipment for application of MTN for 2009 was made. A unique data base for operational data was not formed although equipment for at least two regional offices was provided ¹²¹ in 2008. The Police Administration first signed the agreement with one of three telecommunication operators which foresees provision of links and direct access of the police to their data bases¹²². Contract with the Central Bank for the purpose of the provision of funds for the needs of implementation of the Measures of Secret Surveillance was signed at the end of October 2008, but its content is unknown, and no periodical reports on its realization are foreseen.

Combat against trafficking of human beings - Information on implementation of Memorandum of Cooperation between the Ministries in charge and NGO sector in combat against trafficking of human beings and protection of victims¹²³ is included in the reports of the National Coordinator. According to the data of the Office of the National Coordinator for combat against human beings trafficking, 12 meetings were held, 6 workshops and one study visit. The data base of perpetrators has been taken over which was until recently held by the Police Administration and one training was conducted on how to use data base. This base will be now updated by the Office on the basis of data they will receive from the Police Administration.

Combat against drugs - In May 2008 the National Strategy for combat against drugs and prevention of drug abuse was passed.

Unit for witness protection - Four agreements are signed with the respective services of the countries in the region on understanding and cooperation in the area of witness protection - Serbia, B&H, Macedonia and Bulgaria.

Forensic and other criminal techniques - In December 2008 a new Forensic Center in Danilovgrad was established and according to the Police Administration by its equipping technical preconditions for performance of all kinds of criminal-technical expertise and DNA analysis are provided. Verification of standards ISO 17025 is underway as of the end of 2008.

Combat against terrorism - No Strategy was made for combat against terrorism, one Working Group is formed which will work on development of the Draft. Needs were not assessed but specialist training was conducted in the area of combat against terrorism¹²⁴.

Combat against cross-border crime -Four Agreements were signed with other countries¹²⁵, but the available information is not sufficient to estimate whether the quality of cooperation was improved on bilateral and regional level, because no special reports on this issue were made. Reports of institutions submitted to the National Commission contain only data on the meetings they held but no information on identified problems and recommendations that is their realization.

NCB Interpol - the proposal for reorganization of NCB Interpol was made in 2008 and it envisaged establishment of the organizational unit for international police cooperation within which the National Central Bureau of Interpol and National Bureau of Europol would operate, but this reorganization has not been conducted yet. There is the organizational unit within which Interpol is systemized and a direct connection is established to the communication system I-24/7 for the purpose of communication with Interpol. Officers of NCB Interpol took part in the work of two working groups, one conference on the annual level and one meeting of Chiefs of NCB Interpol on the annual level whose aim is combat against international organized crime in the region. In 2009 no new meetings were held. 14 border crossings were networked with NCB Interpol for the purpose of spreading of Interpol's services towards border crossings and performance of direct searches of data bases and inspection of persons, travel documents and vehicles on border crossings.

National Bureau of Europol - A Strategic Agreement with Europol was signed for the purpose of enabling of exchange of data between Europol and the Police Administration, the Law on Ratification of the Agreement with EUROPOL is forwarded to the Parliament for adoption. The National Bureau of Europol has not been established and no special staff was recruited and thus planned trainings were not conducted and underway is provision of equipment. No security communication system was established for exchange of data with Europol and there is no data about whether data are being exchanged and to what extent.

A.3) Judiciary

No activities were undertaken in the area of introduction of electronic system for random assigning of

cases whose purpose is implementation of the principles of random case assignment. No Judiciary information system was established (PRIS) with unique data base and courts are not networked into a unique information system and there are no data on development of PRIS. The Ministry of Justice inspected 11 basic courts to check their performance, ten basic prosecutor's offices and 13 bodies in charge of offenses, but there is no information about actions of courts in the reports¹²⁶.

As of the beginning of 2008 until the end of September 2009 three judges were released of duty, temporarily dismissed from duty 9 judges who are subject to criminal proceedings and one more judge is in the procedure for dismissal from duty, while one judge is in detention and one at personal request asked for termination of his judicial function. There is no data on the reported cases of disciplinary responsibility of judges. The Judicial Council gave a recommendation to judges to avoid membership and presiding of election commissions and damage compensation commissions and they resigned from their duties.

Special divisions are formed for trials in criminal cases of organized crime, corruption, terrorism and war crimes at the Higher Court in Bijelo Polje and Podgorica. In Higher Court in Podgorica the Division processed 32 cases against 103 persons, out of which 90 persons were condemned, 13 court decisions were releasing, two were abolished and 16 cases against 110 persons are underway while one criminal case ended with a legal valid decision. There is no data on work of the Division in Bijelo Polje.

The Law on Courts defines payment of bonus with salaries of judges in specialized divisions of the Higher Court in Podgorica and Higher Court in Bijelo Polje in the amount of 25% of monthly salary.

According to data from the report of the Judicial Council submitted to the National Commission all vacant positions are filled and administrative capacities of courts are strengthened which created as stated by the Council, the conditions for the courts to perform their judicial function in a full capacity¹²⁷. The need for employment of six judges was determined for the Special division for combat against organized crime, corruption, terrorism and war crimes and three for the Higher Court in Podgorica and Higher Court in BP.

The necessity of provision of personal protection of judges was determined and police is undertaking measures of protection of personal safety of judges of the Higher Court in Podgorica who are presiding in trials in cases of organized crime.

According to the data of the Judicial Training Center special annual and periodical programs of education for judges presiding the trials in cases of organized crime and corruption are made within the Annual Education Program of the Center¹²⁸. A separate part refers to the criminal area and within this part the issues of organized crime and corruption are specially treated. As of the beginning of implementation of the AP total of 35 seminars were organized for about 340 trainees but the areas in which trainings are conducted are unknown.

The Rules of Procedure of work of the Judicial Council are passed and criteria and procedures in the process of election of judges are defined and they are published on their site. According to the analysis of NGO Action for human rights, the established criteria are not objective and do not enable impartial assessment of the work of judges.

⁷¹ At the requests for information on hiring of administrative personnel in prosecution, the Ministry of Finance was proclaimed responsible while the Prosecution Council did not response to any of the requests for information.

⁷² 19 newly employed staff, but no accurate data on the number of new prosecutors as opposed to the reappointed. In 2009 increased number of prosecutors, civil servants and state employees is planned by 50 %. Approved is the Budget for the Prosecutor's Office for 2009 in the total amount of 4,982.150 euros which represents increase by 44% compared to 2008. By the Budget for 2009 increase of gross salaries by about 5% is planned.

⁷³ The number of described jobs as opposed to the number of appointed deputies unknown.

⁷⁴ Five Deputy Special Prosecutors were appointed from among the state prosecutors and deputy state prosecutors but it is not known how many deputies are in charge of corruption and organized crime.

⁷⁵ As opposed to 2008, budget for 2009 increased by 44%, and increase for sub-programs is foreseen as follows: "Administration" 1.406.452 €, "Prosecutor's offices" 3.500.262 €, "Prosecution Council" 75.435 €, as well as the increase of the total amount of gross salaries by about 50%.

⁷⁶ No precise data on the percentage of increase of the budget of the prosecutor's office in accordance with increase of the number of trainings, 24 seminars organized on the national and 10 on international level, the the number of prosecutors who attended all the trainings is unknown, since the beginning of implementation of the IAP, 79 trainings were organized for around 260 participants

⁷⁷ Based on the Law, salaries of prosecutors are increased by 25% and a special bonus by 25%. No data on resolution of housing issues for prosecutors in 2009 and in 2008 the amount of 150.000 euros was allocated for three prosecutors whose identity is unknown. It is known that the needs assessment was conducted but it is not available to public. Decisions of housing issues are adopted by the governmental commission.

⁷⁸ Salaries of civil servants and state employees are not increased and bonuses are not introduced because the Law on Civil Servants and State Employees was not amended. No data on allocation of flats and housing loans.

⁷⁹ The number of trainings unknown as well as the number of foreseen trainees.

⁸⁰ The number of trainings unknown as well as the number of foreseen trainees.

⁸¹ In April 2009 data on the number of trainees submitted for the first time.

⁸² Details in footnote no. 46

⁸³ Data on the number of trainees are not precise because VDT did not submit them at requests for information.

⁸⁴ Number of planned trainings unknown as well as the number of planned trainees.

⁸⁵ VDT submitted as their responses to MANS the information that that they do not have data on needs assessment and that they do not have the report on value of the equipment provided while in the report submitted to the National Commission it is stated that the Division is fully equipped.

⁸⁶ Task of the Council is to organize and synchronize the activities of institutions in the process of realization of PRIS, to monitor spending of funds, priorities, dynamics and deadlines for realization and to estimate the achieved results and to submit to the Government the reports at least twice a year. The Council has established an Expert Team headed by the Secretary of the Ministry of Justice who is at the same time the Project Manager. President of the Council is Deputy Prime Minister Vujica Lazović, and members are: Minister of Justice, Minister of Finance, President of the Supreme Court, VDT, Secretary of Secretariat for Development and Representative of University. Secretary of the Council is Chief of the Cabinet of the Minister of Justice.

⁸⁷ Off. Gazette no 69/06

⁸⁸ Police Administration formed the Working Group which has held four meetings and made draft Instructions Manual for Plan of Protection.

⁸⁹ The Working Group held a set of meetings in which conclusions were made about the necessity to collect working papers and experiences of organizational units whose competences include realization of MTN. A Sub-group consisting of the staff of the Sector of Criminal Police (SKP) was established and they are included in direct activities of realization of MTN. In May 2009 the Working Group held a set of meetings with experts from the Northern Ireland and expert officers of SKP and the first Draft Constitution was made.

⁹⁰ Real Estate Directorate, USPNTT, Ministry for Economic Development, Central Depository Agency.

⁹¹ The Agreement was proclaimed confidential and its contents are unknown, and it enables a direct access of the police to data bases of M-tel without any prior approval of the judge or a prosecutor due to which MANS initiated procedures before the Administrative and Constitutional Courts.

⁹² Needs determined, but the number of realized out of the planned trainings unknown.

⁹³ Needs for equipment determined, value of the equipment provided in relation to the assessed needs not known, but the following is provided: 8 computers, 11 printers which as assessed by the Administration satisfy the needs of the Division.

⁹⁴ Proposal of changes and amendments of job description of the Division for combat against organized crime and corruption is subject of consideration of the Working Group for changes and amendments of the resent Rule.

⁹⁵ Needs determined, but the number of realized out of the planned trainings unknown.

⁹⁶ Ministry of Interior and Public Administration and Police Administration on 28 December 2007 signed the Agreement on use of personal and other data generated by the Ministry of Interior and Public Administration and the Police Administration and on 16 January 2008 the Annex to the Agreement on use of personal and other data was signed. However the Ministry of Interior and Public Administration have not acted yet in accordance with the duties of the Agreement.

⁹⁷ Needs determined, but the number of realized out of the planned trainings unknown.

⁹⁸ Twenty-one basic trainings were conducted, there are no data on the number of participants, and 14 specialist trainings with around 50 participants. Data on the number of participants not precise because there is no info on the number of trainees.

⁹⁹ This data refers to the number of the participants who were attending specialist trainings, but there is no data on the number of participants for basic trainings.

¹⁰⁰ Computer equipment was provided for three regional offices, total of four computers, four printers and one desktop.

¹⁰¹ They dispose of three offices but they need four.

¹⁰² DESKs were not established, the Organizational unit for criminal-intelligence operations in the regional offices was not established, and only the Proposal of the Instructions on criminal-intelligence operations was made but not adopted.

¹⁰³ Eight basic trainings were conducted attended by 130 trainees and 17 specialist trainings were attended about 140 trainees.

¹⁰⁴ The Plan of needs for 2009 was made, one part of technical equipping was realized, in the mid May 2009 specification of the equipment was made and forwarded to the European Commission on the basis of which at the end of June it called the international tender.

¹⁰⁵ Needs determined but the number of realized out of the planned trainings unknown. .

¹⁰⁶ 23 specialist trainings were conducted for 220 trainees and 9 basic trainings for about 90 trainees.

¹⁰⁷ Assessment of needs was conducted in terms of the equipment in the amount of 212.000 euros, 4 motor vehicles were provided and 3 scooters.

¹⁰⁸ Needs defined but the number of realized out of the planned trainings unknown.

¹⁰⁹ Equipment needs assessment conducted.

¹¹⁰ Proposal of changes and amendments to the internal organization and job description for the Forensic Center is adopted.

¹¹¹ Needs for equipment assessed. The facility of the Forensic Center in Danilovgrad equipped, four vehicles provided, equipment for DNK laboratory provided and forensic lights, no precise data on the value of the equipment provided.

¹¹² Needs determined, but the number of realized out of the planned trainings unknown. .

¹¹³ Plan of trainings on monthly and annual levels made.

¹¹⁴ According to the data from the Reports of the Police Administration, trainings are conducted on daily basis-continuously.

¹¹⁵ No data on the value of the equipment provided in relation to the equipment assessed as needed.

¹¹⁶ In the report of the Police Administration it is stated that trainings are realized in accordance with assessed needs, other data are not available.

¹¹⁷ Needs determined but the number of realized out of the planned trainings unknown.

¹¹⁸ The Plan of needs is made. Within the project two mobile centers are made, long range radar was set and for the other one a container and a bearing construction is set, 6 radars of short range are set and 5 cameras for daily observation of the territory. Connecting of sensors with command center in bar is in the last stage as well as the provision of software.

¹¹⁹ In 2008 equipment 18.500 euros worth was provided. The equipment for mobile access to Interpol's data bases was set in operation - it enables safe access via lap-top computers and mobile devices. NCB Interpol made assessment of needs for provision of additional equipment and specification is included into the project of spreading of Interpol's services MIND/FIND technologies) to the border crossing of Debeli Brijeg, Dobrakovo, Dračenovac and Sitnica where the system was set in operation. Underway is development of the new needs analysis, and in accordance with that, development of the project, that will refer to development of software solutions for the need of AFIS systems within NCB Interpol (automatic search of data base).

¹²⁰ This data refer to the value of the equipment provided in 2008, no data on the value of the provided equipment for 2009.

¹²¹ The equipment for 2 regional units is provided for the purpose of establishment of data base. In the Police IS a software module 1 for work with operational information 4x4 was established and is being tested for Bar and Budva and development of 2 other modules started.

¹²² Agreement signed with "M-tel" the Administration proclaimed confidential.

¹²³ The Police Administration proclaimed itself in charge of that measure and stated that they have submitted total of 13 notifications to the Office of the National Coordinator for combat against trafficking of human beings; of that number five notifications refer to 2009.

¹²⁴ 7 trainings for 64 trainees for elimination of danger from improvised explosive devices, 5 trainings for 34 participants for ant-

diversion protection and 9 trainings for 46 participants for negotiations with kidnapers (terrorists)

¹²⁵ Agreements are signed with Albania, Serbia and B&H, as well as TOPA agreement on cooperation with KFOR. Sector of border police for the purpose of higher quality cooperation conducted 154 joint activities, 305 meeting on the national, regional ad local level with 7 countries.

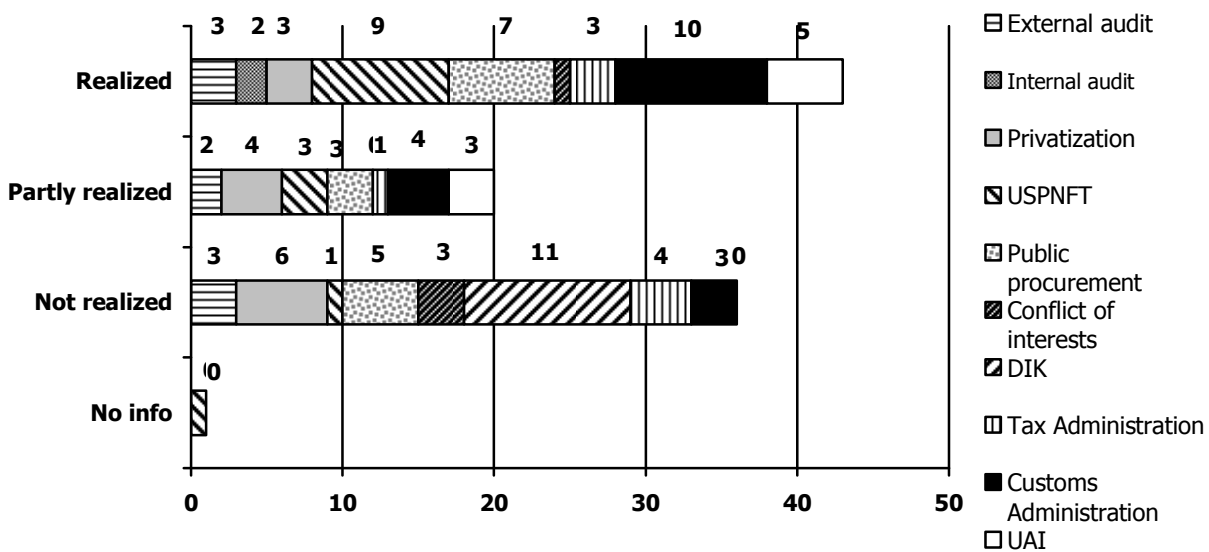
¹²⁶ As of January to September 2009 52 files were submitted and all of them entered the procedure but their results are not known.

¹²⁷ The Judicial Council passed 35 decisions on election by which 13 presidents of courts were elected and 34 judges.

¹²⁸ On CENPF site the plans for 2008 are published and for the first two months of 2009, while for the remaining period they are still not published and thus it is not known whether they are made, <http://www.coscg.org/test/planovi.php> .

B. Other specialized institutions

More than 1/3 of the planned activities in the area of **external audit** are realized, realization of 1/4 has started and 1/3 of measures have not been implemented yet. All the measures related to **internal budget audit** have been implemented. Almost a half of measures has not been realized which refer to implementation of anti-corruption policy in the process of **privatization**, one third has been realized partly, and less than one fourth of the foreseen measures has been realized. More than two thirds of measures under the competence of **Administration for Prevention of Money Laundering and Terrorism Financing (APMLTF)** have been implemented, while the implementation of one fourth of the measures begun, and one measure was not implemented. Almost a half of measures have been realized in the area of **public procurement** while realization of one fifth of measures has started and one third of measures have not been realized. One fourth of measures the **Commission for establishment of the conflict of interests** have been realized while three fourths of the planned activities have not been implemented. None of the measures is realized which the **State Election Commission** is in charge of. More than one third of measures under the competence of the **Tax Administration** have been realized, while almost one sixth of the activities have started. More than one half of the activities have not been implemented. The **Customs Administration** realized more than a half of measures, and it started by implementation of one fourth of activities. Almost one quarter of planned activities has not been realized. The **Directorate for Anticorruption Initiative** has realized two thirds of measures, while one third of the activities have already been initiated.



Graph 9: Other specialized institutions

B.1. External audit

Report on external audit of the final account of the Budget was conducted by the State Audit Institution (DRI) for 2007 and underway is the audit of the final account for 2008. Eleven recommendations were given to the budget units¹²⁹ and 97 recommendations in individual audits of 13 budget users. Total of 94 recommendations were accepted. No criminal charges were filed after the audits conducted.

Regarding audit of the budget funds expenditure, 15 audits were conducted in 2008, and 14 more were started in 2009, 154 recommendations were given and 94 were accepted.

Electronic connection with the Ministry of Finance and all consumer units - auditees was not conducted and nothing was done in terms of innovated methodological development in the area of auditing of public sector. A plan was made and a set of trainings was conducted¹³⁰.

Public was not educated about understanding activities related to control of spending of budget funds, no manual was developed, no media campaign was conducted. DRI states that public got informed of spending of budget funds through the debate about the Final Account of the Budget of Montenegro for 2007 in the Parliament and through media. No strategy for public relations was developed and its development started in September 2008.

B.2. Internal audit of the budget

The Internal Audit Department of the Ministry of Finance on the basis of the audit plan for 2008 conducted the audit in eight budget users. In 2009 21 audits were conducted and reports with recommendations are submitted to the auditees. It is now known what budget users this refers to and there is no data on the number of irregularities found and the number of recommendations neither of the number of corrected irregularities of the detected. There is also no data on whether any criminal charges were brought after the audits conducted.

Three bylaws are drafted¹³¹ relating to application of the new Law on the system of internal financial controls in public sector. The Department for Internal Audit has been established and is in charge of performing of the operations of internal auditing of the Ministry of Finance and this Department employs three employees. Special units for internal auditing of budget users have not been established.

Eight audits were completed in 2008. In 2009 21 audits were conducted. Recommendations were submitted to entities, but there is no information to which entities. There were no crime reports.

B.3. Strengthening of capacities of institutions for the implementation of the anticorruption policy in the privatization process

The Parliament has established the Committee for monitoring the transparency of privatization process and passed the Rulebook on its operations. Four meetings of the Committee were held, of which two in 2009. The agreement between members of the Committee for initiating one control hearing and three initiatives for the control of the privatization procedures was not reached. The Committee submitted to the Privatization Council the request for the submission of documentation on privatization of Aluminum Plant Pedagogical and obtained the documentation.

No public hearings on plans and strategies from the privatization of the companies that are of strategic importance occurred, particularly in the energy sector, transportation, tourism and privatization of public companies. DRI performed one audit concerning privatization process, i.e. it performed the audit of partially state owned company, "Željeznica CG".

A system for control of investments into privatized companies was not established, and the Privatisation Council and the Agency for Economic Restructuring and Foreign Investments state that the control obligation is defined through individual contracts on privatization and that the Agency does not have at disposal unified information. Four tenders for sale of state owned capital were published in the first six months 2008, and there were no data on tenders for the selection of legal and financial privatization advisors.

Since the beginning of the implementation of the Action Plan, according to the responses obtained from the competent institutions, no requests were submitted nor questions asked by citizens and employees concerning their rights to participate in the decision making and the control of privatization process¹³².

The web site of the Agency posted 28 public invitations and relevant regulation, but it does not contain other documents important for the transparency of specific privatization processes, as well as any privatization contract. The web site of the Privatization Council has been also developed, <http://www.savjetzaprivatizacijju.me>, which contains 23 privatization contracts.

Since the adoption of the Law on Free Access to Information, MANS submitted more than 1000 requests to the Council and the Agency. The access to information is allowed in approximately 20% of cases, but in none of them the copies of documents were submitted. Over 200 complaints were filed, with their ruling annulled in over 100 cases, while in almost 100 remaining cases the proceeding is under way.

The Committee for reviewing objections, complaints, proposals and suggestions of the citizens to the privatization process was established, which has held one meeting so far. The Committee claims that it is not competent for acting in cases of conflict of interest although this is prescribed by the Action Plan. The Commission considered five initiatives of MANS¹³³. Since its founding, the Committee discussed five initiatives submitted by MANS, four requests submitted by citizens and one complaint, but there are no information on the decisions reached by the Committee. The Committee developed a brochure in cooperation with the Administration for Anti-Corruption Initiative for reporting corruption in privatization process.

B.4. Administration for the Prevention of Money Laundering and Terrorism Financing

Amendments to the Rulebook on internal organization and job position scheme of the Administration were adopted, the Division for the control of covered parties was established, and 23 new employees were hired. The Administration established Guidelines on Development of Risk Analysis for the purpose of prevention of money laundering and terrorism financing for obligors from Article 4 paragraph 2 items 14 and 15 of the Law on Prevention of Money Laundering and Terrorism Financing¹³⁴, which came into force on the day of their signing i.e. September 25 2009, and which are published on the website of the Administration¹³⁵.

Based on Article 46 of the Law on Prevention of Money Laundering and Terrorism Financing¹³⁶, the Ministry of Finance adopted the Rulebook on Indicators for Recognizing Suspicious Clients and Transactions. This Rulebook determines more closely the List of Indicators for recognizing suspicious clients and transactions and it is published on the website of the Administration.¹³⁷

Approximately 30 representatives of the Administration participated on 20 seminars organized by international institutions. Training programme has not been developed, but four seminars were organized

for compliance officers of the covered parties and employees having direct contact with clients, as well as two counseling¹³⁸, but the number of participants is unknown. The representatives of the Administration participated on four meetings of Egmond working groups.

Analytical basis for the preparation of the Training programme for the prevention of money laundering and terrorism financing was not prepared, and Ministry of Interior Affairs and Public Administration established a working group consisting of representatives of various institutions, among which were the representatives of the Administration as well¹³⁹.

The Administration informed that it made the analysis of the evaluation of the need to conclude bilateral agreements and agreements with international organizations¹⁴⁰. The Administration signed three agreements¹⁴¹, but it is unknown if this has been done before or after the preparation of the analysis. The Administration organized 11 meetings and, at the level of international cooperation, it submitted 66 reports on suspicious transactions to the prosecutor's office and police, but the results of the reports are unknown.

Since the beginning of implementation of the IAP 85 reports on suspicious transactions were submitted to the Public Prosecutor's Office and the police, but the acting of those institutions in concrete cases is not known. It is also unknown if the analysis of the implementation of agreements on cooperation with other authorized state bodies and organizations has been performed. The Administration did not sign new nor innovate existing agreements with the Police Administration, Tax Administration, Customs Administration, Securities and Exchange Commission, Central Bank and relevant ministries.

B.5. Public procurement

The Public Procurement Directorate (PPD) has employed one of three required officers, whereas the Commission for the Control of Public Procurement Procedures has hired six employees and one trainee, with one job vacancy still remaining.

The Commission for the Control of Public Procurement Procedures prepared the electronic registry, but an electronic public procurement system has not been established yet. There has been no training for public procurement officers and information technology bidders. The Commission for the Control of Public Procurement prepared the Public Procurement Manual in cooperation with the Montenegrin Human Resources Management Agency¹⁴² presenting a comparative analysis of the protection of bidders' rights in countries of the Western Balkans. A training plan was prepared and 11 training sessions on the Public Procurement Law enforcement were organized (some 260 participants - public procurement officers and bidders).

The Public Procurement Directorate opened a hot line for reporting violations of the public procurement procedures. From July 2008 to end-October¹⁴³ 2009 there were 39 reported violations, and the Public Procurement Directorate stated that all of them have been forwarded "in line with the Law and the submitters have been informed thereof. Only MANS forwarded 72 reports, 44 of which were rejected for alleged lack of competence and all the rulings were annulled by the Ministry of Finance, after which the Administration started acting pursuant to the reports of MANS and to submit reports on the determined irregularities. Information on reported violations and instructions for reporting violations are posted on the PPD website.

The Commission for the Control of Public Procurement Procedures does not post complaints of tender participants, but it does post decisions on complaints on the website. As of the Action Plan implementation, 266 complaints have been submitted, of which 68 have been upheld, and there has been no reporting to the prosecution service or the police. There was no information submitted to the National Police in relation to the determined irregularities, or crime reports submitted to the Public Prosecutor's Office and the police based on the irregularities noticed by the Commission for Control of Public Procurement Procedure. No report on the work of the telephone for reporting corruption in the public procurement procedure was produced.

One report was prepared and it included only 15% of covered parties, including the period January - June 2008 when the PPD monitored public procurement plans of 919 covered parties. In July 2009, the PPD estimated that the number of covered parties under the law is 497. There is no information on the number of tenders that were declared void on the grounds of announcing more than two public procurements using the shopping method, nor there is any information on the number of reports to the prosecution service or the police based on the received information.

The PPD prepared a report on public contract awarded under the shopping method in the period January - June 2008, but this report does not contain information on any violations of the law or corruption, but merely statistical data on the value and subject of public procurements. The PPD did not prepare semi-annual reports on the situation in the public procurement system in 2008.

B.6. Commission for Establishment of Conflict of Interest

Since the adoption of the updated Action Plan, the Commission for Establishment of Conflict of Interest has not informed the prosecution service of any case of misreported income and property, but in all proceedings initiated against public officials, it just determined that they “forgot” to report their property and only corrected information presented in the public officials’ reports.¹⁴⁴

A new Law on Conflict of Interest was passed at end-2008 and it is not in line with the recommendations advised by international institutions.¹⁴⁵

No analysis has been prepared on capacity building of the Commission in line with the new Law, nor has the Rulebook on internal organization and job systematization been amended, and there is no information on any additional staff being hired. Education of public officials, NGO and media representatives has been carried out on an ongoing basis.¹⁴⁶

B.7. State Election Commission

Special Law on the State Election Commission (DIK) was not adopted in the period of implementation of the Innovated Action Plan so there were no movements in realization of the measures which refer to DIK.

The Rule on internal organization and job description of this body has not been adopted, Division for control of transparency of political parties and candidates has not been formed nor the Service for receipt and processing of reports of abuse and making pressure on electorate during the election process. There was no employment of the new personnel and plans on education of employees and DIK members were not made and there was no education for municipal electoral commissions. The Code of Ethics was not made for this body or municipal electoral commissions and no Ethical Committee was established and thus there were no annual analysis on application of the Code of Ethics or the trainings on the application of the Code of Ethics.

No equipment suited to the identified needs was procured since the beginning of implementation of the Innovated AP. No detailed annual financial reports were made or the reports on elections on the local level and there are only the reports on elections on the national level which are placed on the site of this body.

B.8. Tax Administration

As of the beginning of implementation of the Innovated Action Plan no complaints on corruption were recorded by the phone dedicated to reporting of corruptive behaviour of the center of Tax Administration even though there were more than 1600 calls. None of corruption complaints was received through the “Citizens’ complaint boxes” placed in all organizational sections.

On the site of the Tax Administration it is stated that in almost 12 thousand procedures of internal control as of the beginning of 2008 until the end of September 2009 no irregularities were found which would require initiation of disciplinary actions or filing of criminal charges to the Police Administration. Six-month reports on internal control are made and they are available on site of the Administration and training for the employees of the division was organized¹⁴⁷.

The Ministry of Finance made the annual report on supervision of work of the Tax Administration¹⁴⁸, but it does not contain information on corruption but refers to administrative procedure and based on that document no complaints were filed¹⁴⁹. In 2009 the Ministry made a similar report for the first six months of the current year.

The exact number of trainings for use of information technology is not known, but it is known that over 300 officers were trained.

As of the beginning of implementation of IAP three disciplinary procedures were conducted and one employee from the Tax Administration is sanctioned due to violation of the Code of Ethics. In 2009 no disciplinary procedures were conducted.

The Tax Administration has published data on the number of cases in which it submitted the information to the police and the Directorate for prevention of money-laundering and financing of terrorism but there is no data on the results of these cases in the sense of initiation of court procedures and court decisions¹⁵⁰. The Agreement on cooperation was signed with the Tax Administration and the Police Administration, but no direct access is available to electronic data base of the Tax Administration.

B.9. Customs Administration

Within the campaign an “Open line” conducted by this agency, citizens can report corruption via telephone¹⁵¹. In 2008 fliers were made for the purpose of promotion of telephones which are allocated to all municipalities as well as in MUP and JU, Tax Administration, mobile operators, airports, Railway, municipalities, post offices and all border crossings.

The Customs Administration did not form a 24h operational center for notification of citizens about customs procedures. In 2008 the Customs Administration published on their site¹⁵² seven manuals and brochures and one instruction for citizens of how, where and who to submit complaints about work of customs officers among which there is the "Guidebook for citizens". In 2009 a Rulebook for determination of customs value was made which defines the manner of establishment of the customs value in accordance with WTO Agreement and application of Article VII GATT, which is included in the valid national regulations.

Even though the Customs Administration claims that they are producing annual and semi-annual reports on their work which contain a special part on the activities conducted in the area of combat against corruption, and that all the reports have been published on their site, these are not accessible.

Since the beginning of implementation of the Innovated AP, 44 internal investigations were carried out, of which two cases were forwarded for further proceeding for doubts of corruption, a six month report was produced, but they were not published on the web site or submitted to the National Commission.

16 trainings were organized for 15 employees of the Division for internal control. The rules of procedure for the Division for internal control was made and a six-month report on conducted internal control¹⁵³, but no data base was formed.

The Revised Action Plan on development of integrity in the customs service was made and printed in 100 copies and it is available on the site of this agency¹⁵⁴. The Code of Ethics was adopted and published on the notice board of the Customs Administration on 11 December 2008. It was printed in 1000 copies and delivered to all the employees. As of its adoption 8 disciplinary actions were taken¹⁵⁵.

The Ministry of Finance has developed a six-month report on supervision of work of the Customs Administration in 2008 but that document does not refer to the cases of corruption, but to administrative procedure and based on it no complaints were filed¹⁵⁶. In the first half of 2009 the Ministry developed a six-month report but there is also no data on the cases of corruption.

Equipment was provided¹⁵⁷ needed for identification of goods illegally transferred across the border. 21 trainings were organized for 57 employees on how to use IT.

Agreements on cooperation between the Customs Administration and Police Administration are signed but underway are negotiations on signing of the annex in order to provide access to data basis. Reports on realization of the signed agreements on cooperation were not made¹⁵⁸, and the Police Administration was not allowed to a direct access and use of data base of the Customs Administration¹⁵⁹. Instruction on obligatory actions of customs service towards VDT in the case of a committed criminal offense was passed at end of 2006 and there is no data about its implementation.

B.10. Directorate for Anti-Corruption Initiative

Directorate for Anti-Corruption Initiative (DACI) in 2008 made job description for the Division for Propaganda-Preventive Actions¹⁶⁰ and implemented trainings but it is not known in which fields and whether they included the newly employed. Adequate premises are provided¹⁶¹ as well as computer and office equipment from the budget funds¹⁶².

DACI conducted a research in 2008 - "Evaluation of integrity and capacity of judiciary system in Montenegro" which was published on site of DACI and started a research in the area of local self-governance which was completed in June 2009 and publicly presented. The results were published of a survey conducted within the seminar «Fight against Corruption in Public Administration», which was organized for state officials and public employees, as well as the results of a survey conducted among participants of the seminar „Ethics and the Code of Behaviour and Anti-Corruption Measures “ which was intended for members of the Special Anti-Terrorist Unit, Special Police Unit and Sector of General Competence. In the same period results of a survey conducted within the campaign «Choose the right way and report corruption» were published, which was intended for higher education institutions. Research on corruption from the aspect of private sector was initiated. Information-propaganda material was made and distributed for the purpose of rising of awareness and encouraging people to report corruption¹⁶³.

DACI in cooperation with CoE office organized a round table on implementation of the Civic convention of the CoE on corruption¹⁶⁴, one activity report for implementation of this Convention was produced, but it was not submitted to the National Commission. In the beginning of May UNDP Montenegro Office submitted to DACI a final expert analysis of harmonization of four laws¹⁶⁵ with the UN Convention against corruption. A list of laws that will be subject to further analysis was made and no proposal of changes to the law was made. For the purpose of presentation of work and projects going on within the Regional anti-corruption initiative, except the meetings and conferences, there were no other activities¹⁶⁶. GRECO's Report was published in which it is stated that one third of recommendations from their report are not fully implemented while the others are realized¹⁶⁷.

¹²⁹ Recommendations generally referred to the Ministry of Finance, Government of Montenegro and the Tax Administration.

¹³⁰ 22 trainings in total, about 350 trainees, round table, 2 counseling and 9 seminars and support in planning of 2 pilot audits.

¹³¹ Decree on establishment of the internal audit in public sector, Decree on titles of internal auditors and the rulebook on the manner of work of the internal audit.

¹³² Five requests of citizens were submitted due to unused right to vouchers for privatization and the issues related to those shares.

¹³³ The same is claimed also by the Commission for Conflict of Interest when conflict of interest in the privatisation process is concerned.

¹³⁴ "Official Gazette of Montenegro", number 14/07

¹³⁵ <http://www.gov.me/aspn/index.php?akcija=vijesti&id=176438>

¹³⁶ "Official Gazette of Montenegro", number 14/07

¹³⁷ List of indicators for recognizing suspicious clients and transactions is printed along with this Rulebook and makes its integral part, and includes the following: list of indicators for banks, list of indicators for the capital market, list of indicators for Customs Administration, list of indicators for Tax Administration, list of indicators for leasing companies, list of indicators for auditors, list of indicators for accountants, list of indicators for lawyers and general indicators. <http://www.gom.cg.yu/aspn/>

¹³⁸ One is counseling with representatives of the authorized participants on the capital market in 2008 and one with authorized representatives of commercial banks who have a direct contact with clients in 2009.

¹³⁹ ANB, Police Administration, Customs Administration, VDT, courts, UAI, CBCG, KHOV, DRI, Agency for insurance supervision, Directorate for games of chance, Association of banks and NGOs.

¹⁴⁰ www.antikorupc.vlada.cg.yu

¹⁴¹ With Romania, Ukraine and Eulex.

¹⁴² Issued in 500 copies.

¹⁴³ There are no data on the functioning of the telephone that can be found on the website of the Administration after June 2009.

¹⁴⁴ As of the beginning of implementation of the Law in April 2004, the Commission for Establishment of the Conflict of Interests informed the prosecutor's office about five irregularities but none of the cases was completed while the Commission got a feedback from the prosecutor's office only for one public official.

¹⁴⁵ Detailed info are in the chapter "Political and international actions", page 8.

¹⁴⁶ The Commission conducted total of 25 trainings for more than 900 local and state officials while in the period of implementation of IAP.

¹⁴⁷ 124 trainings were organized for over 400 trainees - officers of the Division for internal control.

¹⁴⁸ Tax Administration states that in 2008 there were 994 irregularities found during inspection but they do not refer to corruption.

¹⁴⁹ In the Report, data on decisions the Ministry reached after the complaints for tax accruals were presented, but there is no info about irregularities and potential cases of corruption in the Tax Administration.

¹⁵⁰ According to the data of the Tax Administration 34, cases were forwarded to the police, 16 to the prosecutor's office and 141 the Directorate for prevention of money laundering. According to the report of the Tax Administration all 28 USPNT request were responded to, based on which inspection orders were issued for control of 14 legal and 2 physical entities; the police was submitted 13 information and joint surveillance of 7 tax payers started. Three crime reports were submitted to the Prosecutor for initiating investigation due to tax evasion with private persons, on the request of Ombudsman an answer was submitted, six requests were received from the National Police and they were answered. In the last report period, data with documents of cases on legal persons were exchanged with APMLandTF and with the National Police for further processing and mutual control for tax payers from Bar, Podgorica and Kotor.

¹⁵¹ Only 29 telephone calls were received as of July 2008 until September 2009.

¹⁵² www.upravacarina.vlada.cg.yu

¹⁵³ <http://www.upravacarina.vlada.cg.yu/vijesti.php?akcija=vijesti&id=168629> The report refers to the first six months of 2009 when 20 investigations were conducted out of which one notification was forwarded to the Basic Prosecutor in Bijelo Polje due to suspected corruption and on the basis of 2 investigations a proposal for initiation of disciplinary procedure was submitted due to a suspected serious violation of the work duty.

¹⁵⁴ <http://www.upravacarina.vlada.cg.yu/vijesti.php?akcija=vijesti&id=168630>

¹⁵⁵ Eight disciplinary proceedings were initiated due to non-adherence to the Ethic Code, against six customs officials disciplinary proceedings are under way, nine were released from disciplinary responsibility, and two have been temporarily removed from the work positions until completion of disciplinary proceedings, for three officials disciplinary measure of termination of employment was pronounced and for 13 officials disciplinary measure - fine was imposed.

¹⁵⁶ In the report data of decisions of the Ministry to complaints in the area of tax accruals are presented, but there is no info about irregularities and potential cases of corruption in the Customs Administration.

¹⁵⁷ Mobile scanner was provided for the inspection of vehicles with goods and containers, 11 vehicle scales for 50 tons and 4 control cabins.

¹⁵⁸ In the period from January to September 2009 on the basis of 1 investigation, notification was forwarded to the prosecutor in Bijelo Polje on corruption.

¹⁵⁹ On the basis of the Agreement of the Police and Customs Administration physical connection was made via optical cable between the information systems of these two agencies and physical connection is successfully tested. Provision of additional equipment and defining of exchange of data follows.

¹⁶⁰ Seven jobs were subject to job description and 7 employees were employed and 8 trainings were conducted.

¹⁶¹ In the proposal of the budget for 2009 DACI was approved allocation of funds for leasing of working premises in the amount of 8.000 EUR.

¹⁶² From the available budget resources for 2008 this agency was provided with 6 computers, 2 monitors, 3 lap tops and 13 desks, 11 chairs, 2 telephones, 1 fax machine and software.

¹⁶³ 6 brochures were made in 8433 copies, 3500 paper edition calendars, 901 posters, 7620 distributive leaflets, one bulletin printed in 2000 copies; 2250 "A Guidebook though anti-corruption for high schools"; around 500 copies of the UN Convention against Corruption and Civil Law Convention on Corruption.

¹⁶⁴ Total of 40 representatives of the Chamber of Commerce, Union of Employers, Chamber of Attorneys, Supreme State Prosecutor (VDT, Supreme Court, Police Administration and Ministry of Finance) were present, an overview of legislature and practice was made relevant for application of the Civil Convention.

¹⁶⁵ Law on international legal assistance in criminal matters, Law on responsibility of legal entities for criminal offenses, Law on free access to information and the Law on financing of political parties.

¹⁶⁶ Director of DACI as a chairperson of RAI, for the purpose of presenting activities and projects of RAI on 28-30 April 2009 held meetings with representatives of the bodies of the European Commission and European Council. Director of DACI participated in the international conference "Capacity building and reduction of corruption in security sector", in organization of the Center for Security Cooperation (RACVIAC) and RAI. Also, representatives of AAI attended the preparatory meeting (23-25 September 2009, Cavtat), organized before to the meeting of the RAI Steering Group. The meeting was organized in order to establish priorities and

harmonize ideas on future joint projects through development of a work plan of RAI for the year 2010-2011, which was to be adopted at the RAI Steering Group meeting in Sofia. To this view, AAI submitted to the RAI Secretariat the annual report on the implementation of Declaration on 10 joint measures for fighting corruption in South East Europe (Brussels Declaration) and the report on the planned or envisaged conferences and trainings of employees, both at the national and regional level, in Montenegro

¹⁶⁷ Out of 24 binding recommendations, eight are partly implemented.

ANNEXES

Annex 1: Statistical data of MANS on the implementation of measures per chapters of the Action plan for the period January 2008 – September 2009

	IMPLEMENTED		PARTLY		NOT IMPLEMENTED		NO INFORMATION		TOTAL
	NO	%	NO	%	NO	%	NO	%	NO
I Political and international obligation to act	28	46%	12	20%	18	30%	3	5%	61
II General objectives	21	45%	14	30%	11	23%	1	2%	47
A. Efficient criminal prosecution with a view to preventing corruption and organized crime	4	44%	4	44%	1	12%	0	0%	9
B. Prevention and education	12	44%	5	19%	9	33%	1	4%	27
C. The public civil society and the media	3	38%	4	50%	1	13%	0	0%	8
D. Local self-government	2	67%	1	33%	0	0%	0	0%	3
III Specific measures against corruption and organized crime	101	50%	45	22%	53	26%	3	1%	202
A. Efficient criminal prosecution and trial	58	57%	25	25%	17	17%	2	2%	102
A.1. Prosecution	16	70%	2	9%	5	22%	0	0%	23
A.2. Police	33	49%	23	34%	10	15%	1	1%	67
A.3 Judiciary	9	75%	0	0%	2	17%	1	8%	12
B. External audit	3	38%	2	24%	3	38%	0	0%	8
C. Internal budget audit	2	100%	0	0%	0	0%	0	0%	2
D. Institutional capacity building for implementation of anti-corruption policy in the privatization process	3	23%	4	31%	6	46%	0	0%	13
E. Administration for prevention of money laundering and terrorism financing	9	64%	3	21%	1	7%	1	7%	14
F. Public procurement	7	47%	3	20%	5	33%	0	0%	15
G. Commission for Determining Conflict of Interest	1	25%	0	0%	3	75%	0	0%	4
H. State Election Commission	0	0%	0	0%	11	100%	0	0%	11
I. Tax Administration	3	38%	1	13%	4	50%	0	0%	8
J. Customs Administration	10	59%	4	24%	3	18%	0	0%	17
K. Administration for Anti-Corruption Initiative	5	63%	3	38%	0	0%	0	0%	8
TOTAL	150	48%	71	23%	82	26%	7	2%	310

Annex 2 : Table of submitted requests for information in the period January 2008 – September (messure assesment no. 97)

Competent institution	Requests submitted	Granted		Partly granted		Already published		Not competent		No informationu		Banned, refused, developed		Silence of administration	
	Number	NO	%	NO	%	NO	%	NO	%	NO	%	NO	%	NO	%
Agency of MN for Economic Restructuring and Foreign Investments	324	43	13%	1	0%	1	0%	15	5%	229	71%	10	3%	25	8%
National Security Agency	15	9	60%	0	0%	0	0%	0	0%	0	0%	0	0%	6	40%
Agency for Insurance Supervision	5	1	20%	0	0%	1	20%	0	0%	1	20%	2	40%	0	0%
Centre for Education of Judiciary Function Holders	92	92	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Central Bank of Montenegro	28	7	25%	1	4%	1	4%	1	4%	2	7%	12	43%	4	0%
Central Deposit Agency	12	2	17%	0	0%	0	0%	1	8%	9	75%	0	0%	0	0%
Direction for Public Procurement	193	61	32%	5	3%	42	22%	15	8%	56	29%	4	2%	10	5%
State Election Commission	122	16	13%	3	2%	18	15%	16	13%	59	48%	0	0%	10	8%
Državna revizorska institucija	174	83	48%	4	2%	15	9%	4	2%	32	18%	16	9%	20	11%
General Secretariat of the Government	146	3	2%	1	1%	2	1%	20	14%	71	49%	0	0%	49	34%
Office of the National Corrdinator for Fight against Trafficking in Human Begins	34	6	18%	0	0%	0	0%	2	6%	1	3%	0	0%	25	74%
Security Commission Montenegro	23	3	13%	0	0%	0	0%	0	0%	19	83%	0	0%	1	4%
Commission for Control of Public Procurement Procedures	88	42	48%	2	2%	1	1%	3	3%	15	17%	0	0%	25	28%
Commission for Consideration of Objections, Complaints, Proposals and Suggestions of Citizens and other entities in the privatization process	2	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	2	100%
Commission for Determining Conflict of Interest	130	65	50%	4	3%	31	24%	2	2%	15	12%	4	3%	9	7%
Ministry of Finance	704	21	3%	0	0%	5	1%	218	31%	51	7%	5	1%	404	57%
Ministry of Foreign Affairs	23	3	13%	1	4%	0	0%	4	17%	2	9%	0	0%	13	57%
Ministry of Culture, Sprot and the Media	31	13	42%	1	3%	0	0%	0	0%	8	26%	0	0%	9	29%
Ministry of Agriculture, Forestry and Water Management	44	15	34%	1	2%	0	0%	8	18%	17	39%	0	0%	3	7%
Ministry of Justice	98	14	14%	3	3%	6	6%	0	0%	13	13%	0	0%	62	63%
Ministry of Education and Science	55	25	45%	1	2%	13	24%	1	2%	5	9%	1	2%	9	16%
Ministry of Transport, Maritime Affairs and Telecommunications	43	6	14%	2	5%	8	19%	6	14%	13	30%	1	2%	7	16%
Ministry of Tourism and Environmental Protection	257	31	12%	0	0%	0	0%	24	9%	90	35%	9	4%	103	40%
Ministry of Internal Affaris and Public Administration	272	48	18%	0	0%	13	5%	5	2%	73	27%	17	6%	116	43%
Ministry for Economic Development	153	56	37%	0	0%	1	1%	4	3%	5	3%	0	0%	87	57%
Ministry for European Integration	26	3	12%	0	0%	0	0%	0	0%	22	85%	0	0%	1	4%
Ministry of Health, Labor and Social Affairs	69	18	26%	0	0%	2	3%	0	0%	3	4%	0	0%	46	67%
Police Academy	210	83	40%	15	7%	0	0%	0	0%	72	34%	0	0%	40	19%
Tax Administration	165	30	18%	12	7%	85	52%	0	0%	7	4%	26	16%	5	3%
Commercial Court (PG,BP)	246	36	29%	2	2%	30	12%	40	33%	78	63%	33	27%	27	11%
Privatization Council	233	48	21%	3	1%	18	8%	14	6%	132	57%	4	2%	14	6%
The Parliament of Montenegro	702	557	79%	1	0%	15	2%	2	0%	63	9%	3	0%	61	9%
Judicial Council	160	3	2%	2	1%	14	9%	10	6%	90	56%	22	14%	19	12%
State Prosecutors' Association	14	8	57%	0	0%	0	0%	0	0%	0	0%	0	0%	6	43%
Customs Administration	244	107	44%	15	6%	6	2%	0	0%	105	43%	2	1%	9	4%
Police Directorate	1054	196	19%	33	3%	14	1%	24	2%	282	27%	29	3%	476	45%
Directorate for Anti-corruption Initiative	265	181	68%	12	5%	10	4%	0	0%	56	21%	2	1%	4	2%
Human Resource Management Agency	84	36	43%	1	1%	3	4%	0	0%	43	51%	0	0%	1	1%
Real Estate Directorate	66	3	5%	0	0%	0	0%	0	0%	0	0%	0	0%	63	95%
Directorate for Prevention of Money Laundering and Terrorism Financing	283	76	27%	14	5%	20	7%	4	1%	156	55%	9	3%	4	1%
Higher Court in Bijelo Polje	42	0	0%	0	0%	0	0%	0	0%	1	2%	1	2%	40	95%
Higher Court in Podgorici	44	18	41%	3	7%	1	2%	0	0%	19	43%	3	7%	0	0%
Supreme Court	85	18	21%	0	0%	3	4%	1	1%	60	71%	0	0%	3	4%
Supreme State Prosecutor	306	33	11%	3	1%	6	2%	7	2%	143	47%	4	1%	110	36%
Total	7366	2119	29%	146	2%	385	5%	451	6%	2118	29%	219	3%	1928	26%