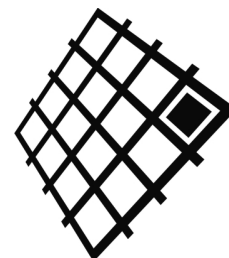


NETWORK FOR AFFIRMATION OF NGO SECTOR



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**XIV REPORT ON THE IMPLEMENTATION OF THE
ANTICORRUPTION AND ORGANISED CRIME
ACTION PLAN**

APRIL 2011

Supported by



British Embassy

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INTRODUCTION

The present document contains information on the implementation of the Action Plan (AP) to the Anticorruption and Organised Crime Strategy in 2010.

The AP was adopted by the Government and it contains the goals, measures, implementing agencies, indicators and timeframe for actions of all relevant state institutions aiming to step up anticorruption and organised crime efforts in the period 2010-2012. The AP implementation is monitored by the National Commission composed of the members of institutions responsible for taking actions as per the AP, and a MANS representative on behalf of the civil society.

This is the 14th MANS report featuring data on the implementation of envisaged anticorruption reforms, and at the same time the first report pertaining to the AP adopted by the Government of Montenegro on 29 July 2010. Regardless of the fact that AP was approved in mid 2010, the report covers the actions of relevant authorities taken throughout 2010.

The report was made based on information gathered from implementing agencies envisaged by the AP, provided to MANS by 9 March 2011 as per the Free Access to Information Law. The present document also features information from the reports submitted to the National Commission by most responsible institutions.

Out of the total of 266 AP measures, only 13% were fully followed through in 2010, while almost half of them are only partially implemented. The implementation of as many as 41% of measures has not even started, while two measures were impossible to be assessed based on information available.

The greatest share of measures implemented in 2010 were of administrative nature, and thus could not have had major contribution on actual reduction of the level of corruption and organised crime in Montenegro. The greatest share of measures implemented referred to training of civil servants, the lacking equipment was provided for a large number of agencies, and for some proper premises have been secured. Some authorities have conducted media campaigns aimed at raising awareness on corruption and informed the public of their activities through press releases. The institutions also concluded agreements with national and international institutions and foreign states, as well as adopted a number of pieces of secondary legislation.

On the other hand, the key actions that would lead to substantial outcomes in fight against corruption and organised crime have not even started yet. The Parliament of Montenegro has not set up a separate body to deal with anticorruption and organised crime, nor has the national legislation been fully aligned with the international conventions dealing with organised crime. Neither has the Law on Prevention of Conflict of Interest been amended, although recognised for many years now as highly problematic by all relevant international organisations. The amended legislation also failed to enhance protection of whistleblowers. The independence of the State Audit Institution has not been further strengthened through the amendments of existing legislation, just like the independent Audit Authority for auditing EU funds has not been established yet.

There has been no report made on the use, management and disposal of property and assets of Montenegro, and thus it is still unknown which assets belong to Montenegro and how they are managed.

As for the activities of criminal prosecution and adjudication bodies, there have been no permanently seized proceeds of corruption and organised crime offences, pursuant to enforceable

judgments, while the temporarily frozen assets totalled less than one million euro. Joint investigation team conducted only four investigations and two financial investigations in 2010. The Police Directorate failed to compile crime mapping of Montenegro, nor has it developed a report on the impact of organised and serious crime from the region to Montenegro. Moreover, the National Europol Office of Montenegro has not been established yet, nor has the police established criminal intelligence units in all of its regional offices.

After three years of insistence, the National Commission has finally endorsed the proposal of MANS and opened its sessions for the public, as well as enabled civic petitions. As a matter of curiosity, the new solutions have been supported by the same National Commission members who have several times over the previous period voted against the MANS proposal. This has finally given the procedural ground for more effective and active scrutiny by the National Commission and coordination of all relevant institutions in implementing reforms in the area of anticorruption and organised crime.

The views presented herein do not necessarily coincide with the views of the donor financially supporting the project. The Report has been made based on the database with indicators for each of the measures envisaged by the Action Plan accessible at:

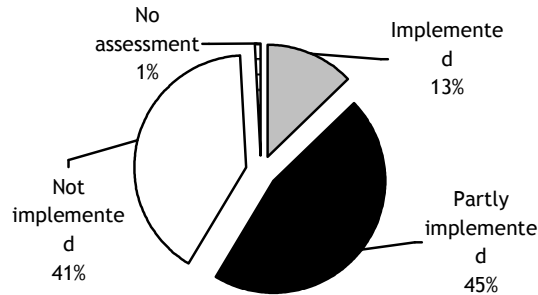
<http://www.mans.co.me/wp-content/uploads/ap/podaci-iz-baze.pdf>

1. GENERAL OVERVIEW OF THE ACTION PLAN IMPLEMENTATION

The new Action Plan accompanying the Anticorruption and Organised Crime Strategy 2010 - 2012 was adopted on 29 July 2010 by the Government.

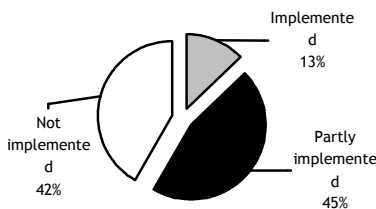
The Action Plan (AP) contains the goals set by the Strategy linked with specific activities, 266 in total, the responsible authorities and timeframe for their implementation, as well as progress indicators.

Out of the total of 266 measures envisaged by the AP, to date 34 have been fully implemented, 122 partly implemented, while 108 have not been implemented. Two measures, referring to monitoring, have not been assessed¹.

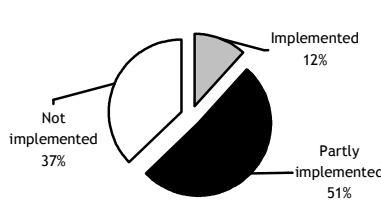


Graph 1: Degree of implementation of measures envisaged by the Action Plan

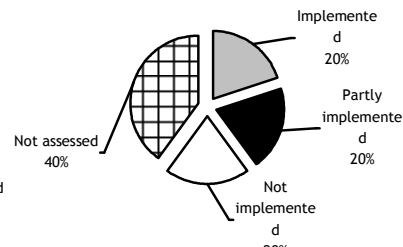
In the area of anticorruption the total of 28 measures have been implemented, 99 partly implemented, while 91 measures have not been implemented. As for combating organised crime, 5 measures have been implemented, 22 partly implemented and 16 have not been implemented. In the last area, monitoring, one measure has been implemented, one partly, and one not implemented at all, while two measures have not been assessed.



Graph 2: Degree of implementation of the AP measures - Corruption



Graph 3: Degree of implementation of the AP measures - Organised Crime



Graph 4: Degree of implementation of the AP measures - Monitoring

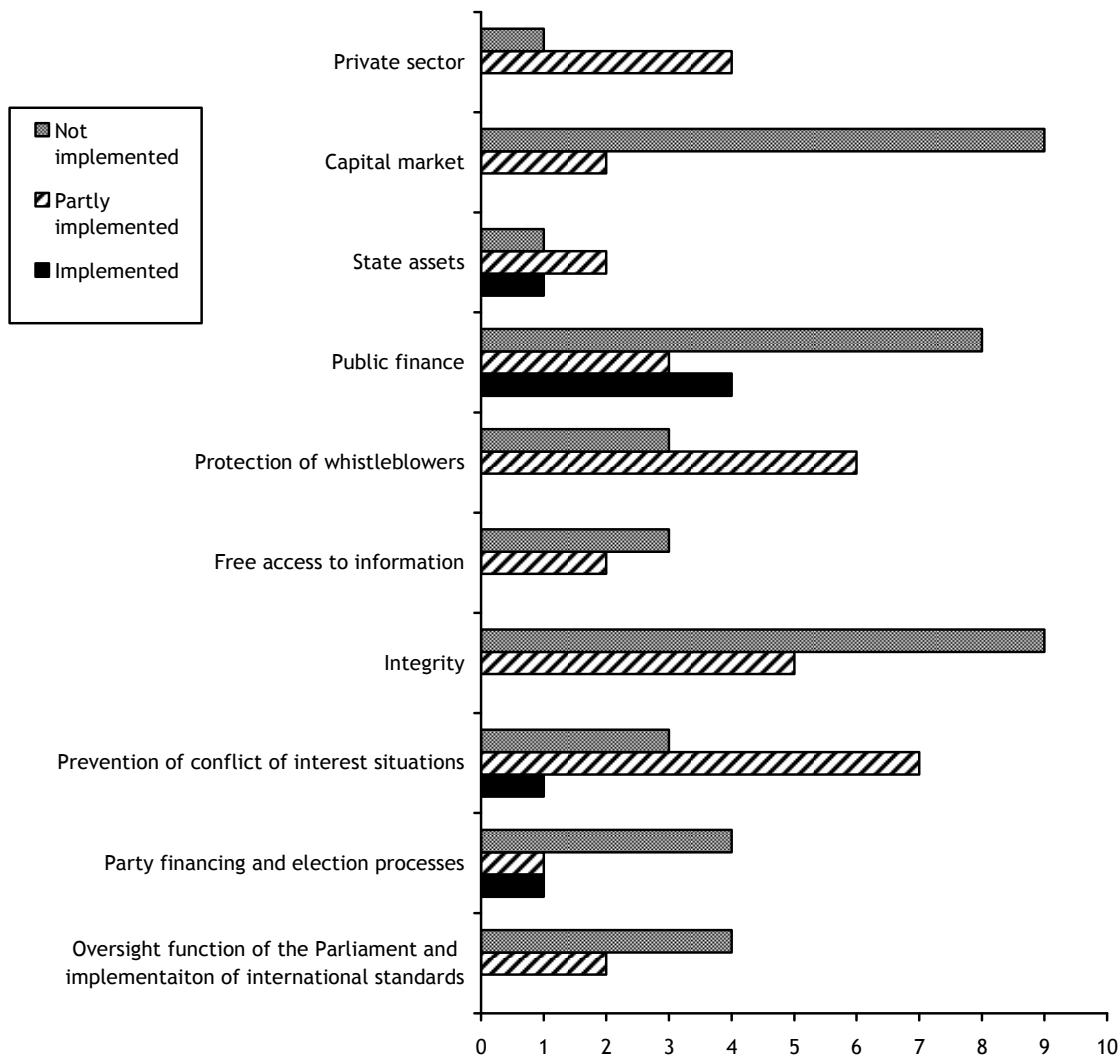
¹ The measures referring to the compilation of the 1st Report on AP implementation and submission of individual reports by institutions is not possible to be assessed, given that it is necessary for at least one reporting cycle to elapse.

2. CORRUPTION

The anticorruption measures have been divided into three areas: priorities in suppressing corruption at the political and international level, areas of special risk and prevention of corruption in law enforcement bodies

2.1. Priorities in suppressing corruption at the political and international level

This area of anticorruption priorities has the total of 86 measures, divided into 10 subareas. The greatest share of measures implemented refers to public finance. On the other hand, there is the total of six areas with no measure fully implemented, as shown below.



Graph 5: An overview of the implementation of measures among the priorities in combating corruption at the political and international level

2.1.1. Oversight by the Parliament and implementation of international documents and standards

Out of the six measures envisaged for this section, no measure has been fully implemented, only two partly implemented measures.

Over the period observed, the Parliament failed to compile the Report on Parliament's Oversight Function and Implementation of International Instruments and Standards, and has not established cooperation with the National Commission for Anticorruption and Organised Crime and other bodies and organisations from the AP. The Parliament failed to provide the data on the increased number of expert assistants to strengthen the capacities for implementing the scrutiny mechanisms, but it is stressed that the Parliament did use the oversight mechanisms on regular basis². As a result, last year the Parliament issued seven recommendations for five authorities, but there is no information available whether these have been followed through.

As for alignment of legislation with the international standards in combating corruption and organised crime, over the period observed the Ministry of Justice (MoJ), the Ministry of Interior (Mol), and the Directorate of Anticorruption Initiative (DACI) assessed the compliance of four laws³ in consultations with GRECO⁴, but there are no data available of any law being amended to follow through GRECO recommendations. Notwithstanding being obliged by the AP to assess the compliance of domestic law with international anticorruption standards, Montenegrin authorities made no reports to that effect. Harmonisation of domestic law with the conventions pertinent to organised crime, as stated by the MoJ, has been attained to a great degree, but there are no data available as per the number of laws that still need to be harmonised or the names of conventions that were assessed from this point of view. Alike, there are no data available on the number of draft laws and adopted amendments to laws towards such harmonisation.

2.1.2. Party financing and election processes

One measure pertinent to this section has been implemented, one partly, and four not at all.

Harmonisation of election legislation with the Party Financing Law has not been done yet, but this law is currently being drafted by a multi-party working group. Over the period observed, the State Audit Institution (SAI) has not held any training on financial auditing of parties, independent lists and candidates.

Financial statements of parties, independent lists and candidates are posted on the website of the State Election Commission (SEC); however there is no precise information on the number of documents published. There is no analysis of the legislative framework for the SEC work, although it adopted the Code of Ethics and Rules of Procedure, but there are no reports of its implementation.

2.1.3 Prevention of conflict of interest situations

As for this section, one measure has been implemented fully, seven partly, and three not at all.

² The Parliament stated that over the period observed there were 18 questions posed to the Prime Minister, 190 MP questions and 38 additional questions, there were 2 control and 12 consultative hearings, no parliamentary investigations. The four parliamentary committees considered in total 16 reports of various state authorities.

³ Criminal legislation, Law on Prevention of Conflict of Interest, Party Financing Law and Public Procurement Law.

⁴ At its 49th session in early December 2010, the Group of States against Corruption (GRECO) adopted the report of 3rd round of evaluation for Montenegro including the analysis of criminal legislation in relation to the Criminal Law Convention against Corruption and transparency in party financing, as well as the Additional Report on Montenegro's compliance within joint 1st and 2nd round of evaluations focusing on laws on prevention of conflict of interest and public procurement.

The Law on Prevention of Conflict of Interest is not in full harmony with international documents; according to the Commission for Prevention of Conflict of Interest, drafting of amendments is underway.

In 2010 almost all state and local officials declared their income and assets⁵. The total of 462 misdemeanour proceedings have been launched for failure to declare income and assets, and the fines pronounced totalling 22,850 euro.

Over the period observed, the Commission did not have any new recruitment, but in order to strengthen its administrative capacities, it procured some new equipment⁶. Although there was no training plan for 2010, the Commission members and expert staff attended three seminars and three international conferences.

According to the Commission report, in 2010, aiming at more efficient verification of data on income and assets of public officials, an agreement was signed with the Tax Administration, while the agreements with the Human Resources Management Administration (HRMA) and the Real Estate Administration have been drafted. There is no information available on the implementation of the said agreement, nor any reports. Over the same period, the Commission signed a cooperation agreement with their counterpart institutions in Croatia and Bulgaria.

Over the past year, the Commission held 17 training events for public officials, the NGO and the media, while there was no training organised for civil servants and state employees⁷. As for programmes intended to strengthen the implementation of the law on prevention of conflict of interest, the Commission carried out 5 of the intended 14 programmes⁸.

2.1.4 Integrity

No relevant measures have been fully implemented, five only partly, and nine not at all.

The amendments to the Law on Civil Servants and State Employees have not been adopted yet, but, judging by the Mol's report, the recommendations for such amendments have been defined. Neither has the amended Law on Salaries of Civil Servants and State Employees been adopted⁹.

Integrity Plans have been adopted by three state authorities only¹⁰. Over the period observed, the total of 81 specialised training events in strengthening integrity among public servants were held¹¹.

In 2010, nine Internal Organisation and Job Description Acts were updated¹². An analysis was made and objective criteria for promotion and remuneration of public servants introduced, but there are

⁵ On 31 December 2010, the Commission for Prevention of Conflict of Interest recorded the total of 2892 public officials in Montenegro, 1128 being state officials, and 1764 municipal. In 2009/2010, the total of 2799 officials declared their income and assets, 1120 of which are state officials or 99.3 % of the total, and 1679 municipal or 95.2 % of the total.

⁶ One PC with a monitor, a copier and two printers.

⁷ The Commission organised six seminars for 350 public officials, six training sessions for the media and five for NGOs. The number of participants attending the NGO and media training is not known.

⁸ The five programmes implemented include: Education Programme, New Database, Press Clipping, two brochures on Conflict of Interest Situations, and Regional Cooperation.

⁹ Their adoption is envisaged in 2011.

¹⁰ DACI, Ministry of Finance, Tax Administration.

¹¹ These were organised by: Tax Administration - 61 (the only one having the Training Plan), Customs Administration 15, Ministry of Sustainable Development and Tourism - 4, Anti Money Laundering and Terrorism Financing Administration - 3, Police Directorate - 2.

¹² The Internal Organisation and Job Description Acts have been updated by: MolPA, Administration on Games of Chance, Regional Misdemeanour Body in Bar, Regional Misdemeanour Body in Rožaje, Harbour Master, Institute for Metrology,

no data whether this has reduced the staff drain¹³. The Code of Ethics for Civil Servants and State Employees has not been amended¹⁴.

In 2010, there were the total of 4 training sessions on code of ethics for civil servants and state employees, while for the time being it is only the Customs administration staff who have accepted the obligation of signing the statement of acceptance of the Code of Ethics¹⁵.

There were no annual reports of the implementation of the Code of Ethics in 2010 by the Ministry of Interior and Public Administration (MoIPA), but 35 proceedings against members of the Police Directorate were launched for the breach of the Code of Ethics¹⁶. The MoIPA's website does not feature any information on the decisions and ethical dilemmas on this ground.

The area of lobbying is still not regulated¹⁷, and thus there was no increase in the number of staff of DACI and Ministry of Finance¹⁸, no increased technical capacities for the implementation of the Law on Lobbying.

2.1.5 Free Access to Information

No measures have been fully implemented, two only partly, while three not at all.

Law amendments aiming to introduce the second instance procedure and clearly stipulate the misdemeanour liability failed to be adopted. Over the period observed, the HRMA held four training events for officers dealing with requests for access to information. Only the Tax Administration reported reduced number of second instance cases regarding requests for access to information, while other authorities failed to provide such information.

Only two institutions report regularly on Free Access to Information Law implementation to the second instance body in charge of supervision¹⁹. Over the period observed, there were 575 decisions as per free access to information requests, while 140 requests were rejected²⁰. As per such requests, the Administrative Court decided in 315 cases²¹. There were no applications concerning the same case sent to one or more state bodies.

Agency for Protection of Personal Data, Ministry of Agriculture, Forestry and Water Management, and Public Procurement Commission

¹³ The analysis and criteria given in the Policy Paper for drafting the new Law on Civil Servants and State Employees.

¹⁴ Its implementation is envisaged for 2011.

¹⁵ The Code of Ethics training was organised by: Institution for Execution of Criminal Sanctions - 3 and the Administration on Games of Chance - 1. Although they have undergone no training, all employees of the Customs Administration, as they report, have signed the declaration on acceptance of the provisions of the Code of Ethics.

¹⁶ The total of 20 proceedings on the account of breaches of the Codes of Ethics were launched, and 15 disciplinary procedures.

¹⁷ The deadline for the adoption of the Law on Lobbying is Q2 2011.

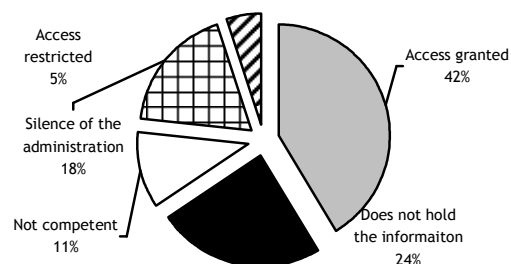
¹⁸ Strengthening of DACI and MoF capacities for effective implementation of the Law on Lobbying envisaged for Q2 2011.

¹⁹ These are: Customs Administration (monthly) and Tax Administration (monthly).

²⁰ The Ministry of Sustainable Development and Tourism granted 135 applications and rejected 29, the Institution for Execution of Criminal Sanctions granted only two requests, Customs Administration granted 85 requests and rejected 44, Tax Administration granted 27 and rejected 15, the Ministry of Transport and Maritime Affairs granted 3 and rejected 6, while the Ministry of Economy granted 10 requests.

²¹ The total of 181 complaints were granted, 37 dismissed, 87 stayed, and 8 rejected.

On the other hand, according to MANS data, the implementation of the Free Access to Information Law by state authorities is still not satisfactory. In 2010 we filed over 5.500 requests for information, where access to information was granted in somewhat over one third of cases. Silence of administration is still high, while in over one third of cases institutions declare themselves non-competent or claim not to hold the information requested.



Graph 6: Access to information held by state authorities requested by MANS in 2010.

In 2010, 11 state authorities and institutions reported regular updating their websites and having established electronic systems for providing services to individuals and businesses²².

There are no data of the Ministry of Culture available whether in absolute terms there has been a decrease in the number of requests filed as compared to the previous year, while MANS data show the 69% decrease in number of requests for information in 2010 as compared to 2009.

2.1.6 Protection of whistleblowers

No pertinent measure has been implemented fully, 6 only partly, while 3 not at all.

The Prime Minister's Cabinet assessed the need for adopting the separate law on people who report corruption (whistleblowers) in the public and the private sectors, leading to the conclusion that the protection of whistleblowers will not be subject to a separate law, but will rather be governed by amended provisions of existing laws²³. Nevertheless, this legislation has not been adopted yet. No amendments to the Labour Law have been drafted to extend the scope of protection for whistleblowers to all employees, although DACI reports that this Draft has been made.

With a view of training people who receive and process corruption reports, as well as protection of whistleblowers, training was delivered to 60 attendants²⁴. No semi-annual or annual reports on protection of whistleblowers with statistical data have been made. DACI and Police Directorate emphasise that there have not been any complaints of consequences suffered on the account of reporting corruption, and thus there have been no assessments of measures for protection of whistleblowers.

As for corruption reporting mechanisms within an organisation, they are clearly stated and available only at the Tax Administration, although no reports have been received as per this mechanism. The remaining three institutions are yet to establish such mechanisms²⁵. There have been no reports through corruption reporting mechanisms to second instance bodies either, since the competent authorities, the Mol and DACI, have not yet established this mechanism.

²² These are: the Parliament, Police Directorate, DACI, MoF, Customs Administration, Mol, Tax Administration, Ministry of Sustainable Development and Tourism, Ministry of Transport and Maritime Affairs, Public Procurement Directorate, and Ministry of Economy.

²³ The new Law on Civil Servants and State Employees is to ensure protection of whistleblowers in the civil service, while the private sector will be governed by the Labour Law.

²⁴ It covered 13 officers of the Police Directorate, 13 DACI staff, 4 Tax Administration staff, and 30 members of staff of the Public Procurement Directorate.

²⁵ DACI, Mol and Customs Directorate.

Aiming to promote corruption reporting routes and mechanisms, over the period observed nine information campaigns were carried out and two annual public opinion polls made²⁶. Within the set of lectures delivered in institutions and schools, DACI presented good examples of reporting corruption, but made no annual or semi-annual reports on this, nor organised any public campaigns.

Aiming to raise awareness and encourage citizens to report corruption, four public campaigns were carried out over the period observed, and there was an increase in the number of reports. Out of the total of 603 reports, MANS received 429, DACI 140, and Police Directorate 34.

2.1.7 Public Finance

The total of 4 pertinent measures have been implemented, 3 only partly, while 8 not at all.

The Draft Law amending the Law on State Audit Institution (SAI) has not been made, thus no public discussion on this matter could have been held. The regulation for establishment of the Audit Authority for IPA funds has not been drafted or adopted, nor has an independent Audit Authority outside SAI been established. All this led to no recruitment of staff for Audit Authority or their training for auditing the spending of IPA funds²⁷.

Over the period observed, there is an increase in the number of audits compared to 2009²⁸, while there are no data whether the regularity of public spending has improved, or whether external auditing of public finance has enhanced. SAI provided no information regarding whether the financial and fiscal discipline in public spending has increased. Over the same period, SAI had one press conference²⁹, while there are no data available as for the increased transparency in public spending. There is no information whether irregularities in public spending have reduced, but SAI noted that in audits performed so far 138 irregularities were noted and recommendations given for their removal³⁰.

The Recruitment Plan by 2012 has been prepared³¹ and used as a basis for public competition for recruiting new state auditors³² thus strengthening SAI staffing capacities.

The Tax Administration continuously publishes four types of reports on tax revenues and the number of registered taxpayers, all available at their website³³.

Internal audit within budget users has not been performed because internal audit units have not been established, thus there has been no recruitment or training of internal auditors.

²⁶ In 2010 DACI carried out three information campaigns: "Keep your eyes wide open - Report corruption", "Remove the virus - Report corruption" and the campaign conducted within student's dormitories for the duration of the competition for placements, as well as the annual survey of capacities and integrity in state administration authorities in Montenegro. The Tax Administration carried out the campaign "Do you know corruption can be reported at the open line 19707?", while MANS had three campaigns: "What is your share in the deal?", "Turn on the light", and the one referring to reporting corruption in urban planning and development.

²⁷ The establishment of the Audit Authority and pertinent legislation is envisaged for 2011 and 2012.

²⁸ In 2010, SAI performed 13 individual audits in addition to auditing the Final Account of the 2009 Budget of Montenegro.

²⁹ In November, SAI held a press conference to release their Annual Report on Audits Performed and Activities for the period October 2009 - October 2010.

³⁰ SAI issued 122 recommendations for auditees, while the Audit Report of the Final Budget Account contains 16 recommendations and measures.

³¹ Over the period observed, in its draft budget for the coming year, SAI provided provisional recruitment plan by 2012 referring to auditor posts as per Internal Organisation and Job Description Act.

³² The announcement referred to the recruitment of four auditors and two members of staff in the first half of 2010.

³³ Over the period observed, the number of registered legal and natural persons was 875. Over the same period, the Tax Administration collected taxes, contributions and other public revenues in the amount of 241,871,830.45 euro.

As for the control of compliance in the procedure of spending units opening accounts with commercial banks as well as the regularities of their operation, SAI performed only one follow-up audit³⁴, stating that most of the recommendations were followed through.

Over this period SAI has not delivered any training for managers and civil servants in spending units in the area of risk management, but SAI members appeared as lecturers in trainings organised by HRMA³⁵.

2.1.8 State Assets

One pertinent measures has been implemented fully, two only partly, and one not at all.

There is no Report on the Use, Management and Disposal of Movable Property and other Assets belonging to Montenegro and tasks pertaining to protection of assets³⁶.

Towards the implementation of the provisions of the Law on State Assets, the Ministry of Finance (MoF), in cooperation with the Assets Administration, adopted six pieces of secondary legislation³⁷, while the Administration also adopted the Internal Organisation and Job Description Act. Based on it, one new member of staff was recruited. There was no recruitment for the needs of the Protector of Property Interests³⁸. Hence, neither the Administration nor the Protector had any training for new staff.

Over the period observed, the Assets Administration was not able to procure the required technical equipment, while the Protector of Property Interests did procure the office supplies, technical devices, four vehicles to cater for the needs of three offices, stating they needed three more vehicles.

2.1.9. Capital Market

There are no measures pertinent to this area which have been fully implemented, only 2 partly, while 9 have not been implemented at all.

The harmonisation of the Securities Law, the Law on Investment Funds, the Law on Taking Over of Joint Stock Companies, the Law on Voluntary Pension Funds, and the Insurance Law with the relevant *Acquis* is yet to come³⁹. Introduction of the system of licensing custodies for open investment funds and supervision by foreign custodies has not been implemented since it is envisaged for the coming period, as well as the definition of the procedure for transfer of ownership based on nonmarket transactions and contract termination⁴⁰.

³⁴ Over the reporting period July-December 2010, SAI performed one follow-up audit within the Employment Agency of Montenegro.

³⁵ Training of managers and civil servants was conducted through HRMA which hired SAI Senate members as lecturers, but there are no data available as per the number of such events, the attendance and the like.

³⁶ According to the Protector of Property Interests of Montenegro, the drafting is underway.

³⁷ The MoF in cooperation with the Assets Administration adopted: Decree on Requirements and Manner of Keeping Records of Assets Owned by the State and on Census, Decree on Requirements for and Use of Vehicles Owned by the State, Decree on Requirements and Manner of Use of Facilities for Representation Purposes, Decree on Requirements and Manner of Giving Gifts Owned by the State, and the Decree on Requirements and Manner of Use of Official Buildings and Business Premises.

³⁸ Judging by the response of the Protector of Property Interests of Montenegro, the recruitment procedure for filling 15 posts for the needs of three offices, in Podgorica, Bijelo Polje and Kotor, is in progress.

³⁹ Envisaged to be completed by 2012.

⁴⁰ Ibid.

The work on enhancing the IT system is in progress⁴¹. The Securities Commission restricted access to information on signed bilateral memoranda of cooperation with international partners, thus there is no information available on this cooperation, while the Securities Commission has no cooperation memoranda with domestic institutions, nor has it made any report on the implementation of memoranda signed to date.

In 2010, the Rulebook on Contents, Deadlines and Manner of Publication of Financial Statement of Issuers of Securities was amended, and public information booklet with over 8.000 financial statements of companies was developed, available at the Securities Commission website. Over the same period, MoF pronounced 79 sanctions for failure to act in accordance with reporting obligations.

2.1.10. Private Sector

In this section, 4 measures have been partly implemented, and one not at all.

The new Action Plan for facilitating doing business has not been approved yet, but, judging by information obtained from the Council for Regulatory Reform and Improvement of the Business Environment, the draft AP has been developed. There is neither the report on the implementation of the Law on Improvement of Business Environment⁴², nor the Report on the implementation of the Action Plan to the Regulatory Reform Strategy whose drafting is envisaged for the upcoming period⁴³. In 2010, the Council held four sessions endorsing seven recommendations coming from the private sector aiming to create an environment more conducive to business. No relevant institution recognised as such by the AP developed any report on suppression of corporate corruption⁴⁴, while six round table discussions were organised around this issue delivering 18 recommendations⁴⁵.

2.2. Areas of Special Risk

There are 86 measures in total divided in seven subareas, pertinent to areas of special risk.

The greatest share of measures has been implemented in the area of education. On the other hand, it is only in the area of public procurement that no measure has been implemented, as shown in the graph below.

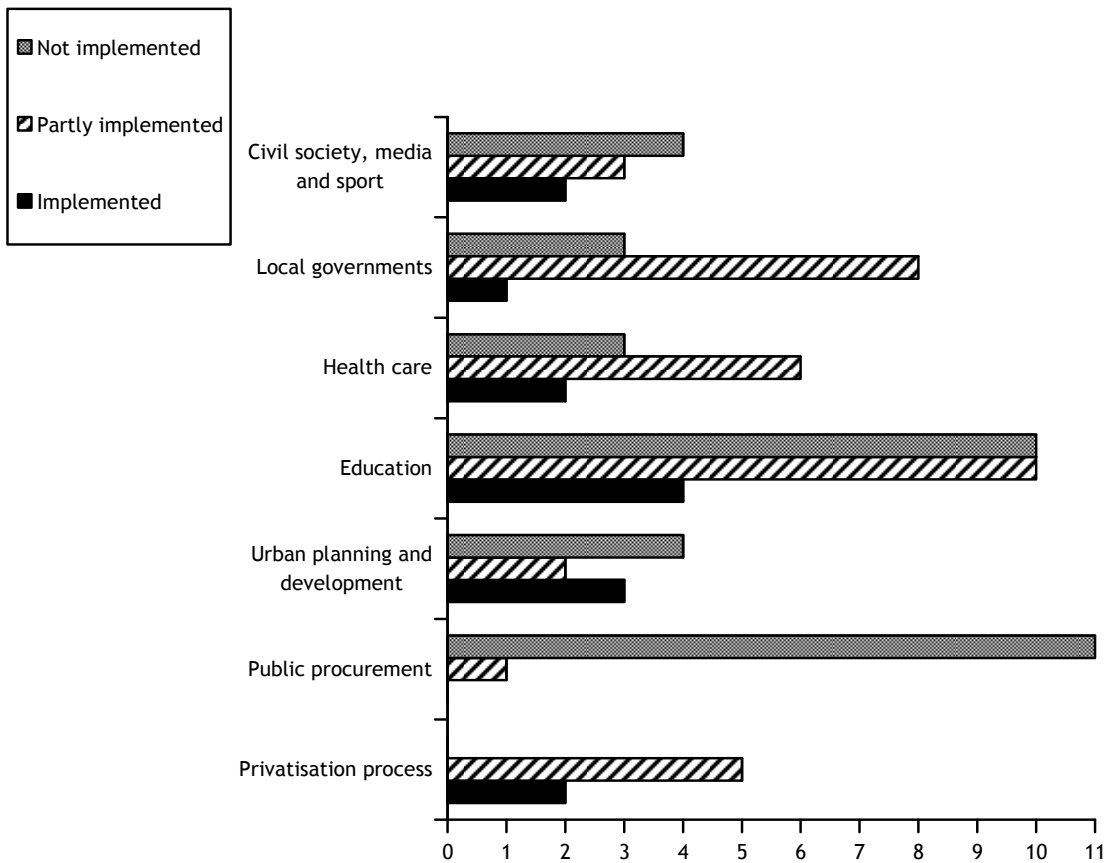
⁴¹ Within this activity, Data Management System (DMS) is currently being installed in Securities Commission, as well as the IT improvement for CDA a.d. Podgorica, and after merging of Nova berza hartija od vrijednosti CG a.d. Podgorica with Montenegroberza a.d. Podgorica, currently in progress, the need for possible IT improvement for the stock exchange will be assessed.

⁴² Instead of a separate report, the Council for Regulatory Reform and Improvement of Business Environment submitted to the National Commission the detailed information on their activities in 2010.

⁴³ By the end of 2011.

⁴⁴ Chamber of Commerce, Montenegro Business Alliance, Employer Federation, DACI and NGOs.

⁴⁵ The only recommendations on suppressing corporate corruption were issued by the Chamber of Commerce, 18 of them. The same institution reports of having delivered 59 different seminars, but there are no data available whether any of these focused on corporate corruption. DACI held six round table discussions on this issue.



Graph 7: Overview of implementation of measures in areas of special risk

2.2.1. Privatisation Process

In this subarea, 2 measures have been implemented, 5 partly, while there was no measure that has not been implemented at all.

The system for scrutiny over investments in privatised companies and meeting contractual obligations has been established by entrusting the Faculty of Economy with this task, and for the companies not covered by this arrangement, working teams have been set up within the Privatisation Council ⁴⁶. In 2010, the Council drafted two reports on implementation of privatisation agreements covering 25 privatised companies and developments. There is no information available whether a database of privatised companies has been set.

Over the period observed, the number of filed requests for access to information pertaining to privatisation agreements amounted to over 1,100, with access being restricted in the majority of

⁴⁶ The system of scrutiny over investments and meeting contractual commitments has been set by inviting tenders and selecting the consortium led by the Faculty of Economy to prepare reports for the needs of the Council and the Government. Also, working teams have been established to perform the control of companies not covered by this arrangement.

cases. Over the same period, the Administrative Court quashed the decisions brought by the Ministry of Economy and the Privatisation Council as per over 100 requests⁴⁷.

Over the previous year the persons authorised to pass decisions as per requests for access to information in the area of privatisation have undergone three training sessions provided by HRMA. For the same period the Privatisation Council portal featured 29 releases and calls for tenders.

The Parliamentary Commission for Monitoring and Control over Privatisation Process held six sessions sending requests for information pertinent to nine companies. The Commission held no consultative or control hearing, nor gave any recommendations to institutions in the area of privatisation.

There were no public discussions on privatisation plans and strategies for companies of strategic importance, Instead, the Privatisation Council, in cooperation with the OSCE, held two conferences on strengthening transparency in privatisation process attended by 100 participants.

2.2.2. Public procurement

No measures pertinent to this area have been fully implemented, only one partly.

The Public Procurement Law has not been adopted, but its draft has been prepared, containing EU compliant provisions regarding municipal services and protection of rights⁴⁸.

No other measure envisaged has been implemented, given the timeframe for their implementation which is late 2011 or 2012, and these include: adoption of secondary legislation, Public Procurement Development Strategy 2011-2014, systematisation of posts in authorities responsible for supervision over public procurement. The list of public procurement officers within ordering parties has not been compiled, nor any reports made on the operation of the Help Desk. Moreover, the new group for reporting irregularities in public procurement has not been set up, and, by extension, there are no reports of its work, nor are there in place any regulations governing e-procurement. In addition, no programmes have been compiled or training models for public procurement officers made, nor any applicable certification introduced.

2.2.3. Urban Planning and Development

In this area, 3 measures have been fully implemented, 2 only partly, while 4 not at all.

The Draft Law amending the Law on Spatial Development and Construction of Structures has been developed and submitted to Government for consideration, but the adoption procedure is not over yet.

In order to fill the vacancies envisaged by the internal systematisation acts, in 2010 the Ministry of Sustainable Development and Tourism recruited (MSDT) five new inspectors, but 15 more are needed. The MSDT approved a 30% increase in their salary as incentives. The inspectors attached to MSDT attended 16 training sessions over the period observed.

⁴⁷ According to the aggregate data of MANS and other institutions, the Ministry of Economy and the Privatisation Council 1,184 requests for access to information were filed in total, out of which 46 were rejected, 214 were granted, and in 381 cases the administration kept silent. In other cases they did not hold information requested, declared not being competent or referred to their website where the requested information was already posted. The Administrative Court quashed 102 decisions.

⁴⁸ Its implementation is envisaged by the end of 2011.

The conditions for the work of inspectors have not been improved, but according to MSDT, the tender dossier is ready and about to be published.

The procedures for reporting illegal construction are clearly set and available at the MSDT website⁴⁹. The same website features also the cumulative reports and work plans of the inspection attached to MSDT, regularly updated, but containing only numeric indicators, without any other relevant information; hence, it may not be regarded that this measure has been truly implemented⁵⁰.

The MSDT Internal Organisation and Job Description Act envisages the establishment of the Internal Audit Unit, but it is still not operational.

The Report on the implementation of the Action Plan regarding suppression of corruption in the area of spatial development and construction of buildings has not been adopted by the Government over the period observed.

2.2.4. Education

In this area the total of 4 measures have been implemented, 10 partly, and the same number of measures not implemented at all.

The responsible institutions made no reports on public announcements for filling vacancies and recruitment in education institutions, and thus it could not have been submitted to the Education Inspection, nor has this institution made an aggregate report on new recruitment⁵¹. Over the period observed the Ministry of Education failed to provide reports of education institutions on recruitment of interns, only that they gave their approval for the acceptance of 239 interns⁵².

The adoption of the Code of Ethics in Education is yet to be done, and one seminar attended by 35 directors of education institutions was held dealing with the development and observance of the Code of Ethics.

Over the period observed the total of 27 lectures, seminars and workshops on corruption were delivered aiming to increase the capacities of staff in education establishment, and such training events were attended by over 746 participants.

Over the period observed the Rulebook on the Criteria, Method, Requirements and Amount of Remuneration for Entitlement to Placement in Student Dormitories, Student Loans and Transport Benefits has not been revised, but it is underway. The rankings as per scholarships, student loans and placement in dormitories are regularly posted on the website of the Ministry of Education and Science, in "Prosvjetni rad" magazine and at least one daily⁵³.

⁴⁹ At <http://www.mse.gov.me/organizacija/inspekcijski-nadzor?pagerIndex=2> the MSDT posted a form for reporting illegal construction, and there is an open line for receiving such reports - 020/482-386. In addition to MSDT, MANS has a mechanism in place for reporting illegal construction.

⁵⁰ The website features only work plans for October, November, and December, as well as reports of Urban Planning Inspectorate, Environmental Inspectorate, and Construction Inspectorate for the same period.

⁵¹ In its report the Ministry of Education stated that in the forthcoming period the aggregate quarterly report of education inspection on all public announcements and recruitments would be submitted to the Ministry Secretary by the Education Inspectorate. To date only 11 schools have reported to the Education Inspectorate of job announcements and new recruitment.

⁵² In 2010 the Ministry of Education gave its approval for acceptance of 37 trainees in preschool establishments, 88 in primary schools and 49 in secondary schools, as well as one intern in a specialised institution.

⁵³ The ranking of students who were accepted in dormitories was posted on 28 October 2010, the ranking of student loan beneficiaries on 1 December 2010. These are available on the Ministry's website, in "Prosvjetni rad" and "Pobjeda".

In 2010, 41 standards of competences were developed, while over the same period the total of 14 training sessions on student assessment criteria were held attended by 425 teachers. The seminars devoted to quality assurance referring to delivery, systems and assessment, 10 in total, were attended by 206 teachers. One quality assurance centre was established at the university level, as well as quality assurance teams in private higher education institutions.

There have been no media campaigns for prevention of corruption in education by the competent state authorities, nor any campaigns on the issue of objectivity in student assessment with special emphasis on corruption. Late last year a special line for reporting corruption was established, but there have been no reports, given that in 2010 it was not operational⁵⁴. There have been no surveys of forms, causes or mechanisms of corruption in education. In addition, there have been no lectures, seminars or workshops held aiming to increase the participation of parents, lecturers and the civil society in planning and conducting anticorruption measures in education.

An NGO representative was selected for the Working Group for monitoring the anticorruption action plan in education, but not a representative of parents⁵⁵. Over the period observed two rulebooks stipulating the procedures for establishment and accreditation and reaccreditation of higher education institutions, and the list of licensed education establishments and higher education establishments is regularly updated on the Ministry of Education's website.

Over the previous period only the Tax Administration did the monthly reports on controls carried out in order to prevent unlicensed education institutions to perform the education activity, while the Education Inspectorate did not deal with such issues

No Integrity Plans for education institutions have been made, nor have the education institutions submitted their financial statements to the Ministry of Finance⁵⁶.

The sectoral anticorruption action plan for education has been harmonised with the national AP in late 2010 and submitted to the National Commission⁵⁷.

2.2.5. Health Care

The total of 2 pertinent measures have been implemented, 6 only partly, 3 not at all.

In the health care sector there have been no training events concerning the provisions of the Code of Ethics⁵⁸. Eight disciplinary procedures on the account of infringement of the Code of Ethics were launched, against eight persons, but there are no data whether the actual breach the Code of Ethics was finally established.

⁵⁴ On 15 December 2010 the Ministry of Education and Sport concluded an agreement with Montenegrin Telecom regarding a toll-free line for reporting corruption (080081234) which was granted to Education Inspectorate. Unfortunately, due to problems in installing the line, it did not become operational until 19 January 2011.

⁵⁵ The NGO representative is Daliborka Uljarević.

⁵⁶ These activities are supposed to be implemented in 2011 and 2012.

⁵⁷ The sectoral action plan for education is fully harmonised with the AP, and thus the National Commission's report was their sectoral report at the same time.

⁵⁸ The Medical Chamber of Montenegro did not hold any training on the application of the Code of Ethics provisions because the course in "Medical Ethics and Deontology" is offered at the Medical School as a general course. The Code of Ethics and Deontology for Health Care Practitioners was published and printed in 3,000 copies and distributed to all medical doctors and dentists.

IT support was introduced in 148 health care establishments enabling effective monitoring of health care system performances⁵⁹. The Ministry of Health (MoH) receives on monthly basis the waiting list of patients for cardio surgery, while there is no information regarding other waiting lists, whether these are being made at all and submitted. For lack of IT requirements the waiting list is not updated daily and posted on the MoH's website.

Three pieces of secondary legislation for the implementation of the Law on Health Care and the Law on the Protection of Rights of Patients have been developed⁶⁰. As a part of patient rights campaign, the MoH launched one information campaign and had one TV show, the protectors of the rights of patients have been appointed in all health care establishments, while the preparation of a brochure with information on patients' rights is under way⁶¹.

The national survey on integrity in health care system was completed in December 2010, while the public presentation of its findings will be made some time this year. The professional norms and standards improving the quality of work and patient security have not been adopted yet⁶².

Over the period observed the MoH compiled an annual report on public procurement in the health sector in 2009⁶³. Over the same period, the MoH submitted to the National Commission one half-yearly report on the implementation of the AP for combating corruption in the health care sector⁶⁴.

2.2.6. Local Governments

Only one pertinent measure has been fully implemented, 8 partly, while 3 remained unimplemented.

Over the period observed no workshops were held in local government units on harmonisation of local anticorruption Action Plans with the National Strategy and there are no data available whether any local AP have been aligned with the Strategy in the meantime⁶⁵. Over the same period, 12 reports were made on implementation of local anticorruption APs and four press conferences held. According to the data made available by local government units, 12 municipalities granted access to information⁶⁶, but there are no data on the number of granted or rejected requests for information, nor any data on reports made as per the Free Access to Information Law on municipal websites.

⁵⁹ The ICT are installed in 20 regional units of the Health Insurance Fund, pharmaceutical institutions "Montefarm" and "Galenika" in their pharmacies, 18 primary health care establishments and 108 dentist's offices. It needs to be introduced in 6 more establishments, the Clinical Centre, and specialised hospitals being among them.

⁶⁰ The Ministry of Health adopted: the Rulebook on Additional Work of Health Care Professionals, the Network of Public Health Care Institutions and the Rulebook on the Criteria for Conclusion of Agreements for Provisions of Health Care Services and the Method of Payment for Such Services.

⁶¹ The MoH's response states that in 2010 a number of important media events was organised: a show on RTCG "CG uživo", two newspaper articles on the Law on Patient' Rights, numerous releases in electronic and print media referring to suppression of corruption, promotion of the MoH's line 080081444 for reporting corruption, complaint boxes in all public health care institutions, nomination of protectors of patient rights, development of a brochure on patient's rights is in progress.

⁶² The professional norms and standards are being developed within the World Bank supported project to be implemented by the end of 2012.

⁶³ The deadline by which various institutions are obliged to submit to the MoH annual reports on public procurement in the health care sector is 28 February 2011 after which the aggregate 2010 public procurement report will be compiled.

⁶⁴ Refers to second half of 2010.

⁶⁵ In its report, the MoIPA states that the conclusions were brought at the meeting of the Commission for monitoring the implementation of the AP for combating corruption at the local level which will serve as the basis for developing relevant measures.

⁶⁶ According to their reports, the following municipalities granted access to information: Andrijevica, Danilovgrad, Cetinje, Tivat, Kotor, Berane, Herceg Novi, Nikšić, Plužine, Plav, Pljevlja, as well as the Capital City Podgorica.

Report on supervision of budget execution and purposeful spending was submitted by 13 municipalities⁶⁷. Over the same period, SAI audited the finances of one municipality only⁶⁸.

There have been no reports of the Council for Development and Protection of Local Governments in previous year, explained by the Union of Municipalities that this measure is yet to be implemented. All local assemblies have adopted ethics codes, while Ethics Commissions were set up in 11 municipalities.

Over the reporting period, seven public and round table discussions were held in local government units discussing draft laws and municipal acts, but there is no information whether these acts were adopted. The Ministry of Foreign Affairs and European Integration organised 11 training events on writing project proposals in local government units, while donors approved 10 project proposals in 2010⁶⁹.

There were no promotional campaigns in local government units aiming to promote the “empty chair” mechanism enabling NGOs to participate in the work of local assemblies. Aiming to enhance interaction of citizens and local authorities, the Union of Municipalities in cooperation with local governments convened four joint meetings, but there is no information available as to whether there were initiatives launched by citizens and NGOs and whether these were accepted.

2.2.7. Civil Society, Media and Sport

Two pertinent measures have been implemented, 3 partly, while 4 have not been implemented.

Aiming to foster greater and more efficient interaction between state authorities and NGOs in the anticorruption field, two joint activities have been implemented over the period observed⁷⁰ and over 4,400 pieces of information materials prepared. There have been no reports made on implementation of these public campaigns.

There is no information of any financial statement of any NGO being posted on the Commercial Court’s website, nor any analysis being done of financial reporting of NGOs. The legislative framework governing the work of NGOs has not been amended to increase the transparency of their operation, but according to Mol the relevant legislation has been assessed and the findings will be used as a basis for drafting the new NGO law⁷¹.

The new Decree on criteria for determining beneficiaries and the method of distribution of proceeds from games of chance to NGOs has been adopted, the report of the Government Commission on the work, distribution and supervision over the purposeful spending of funds appropriated to NGOs was made in December.

There has been no education of the media on corruption and organised crime and investigating journalism over the reporting period, nor any reports on the implementation of the Codes of

⁶⁷ Report on supervision of the budget execution was provided by the following municipalities: Andrijevica, Kolašin, Danilovgrad, Cetinje, Tivat, Kotor, Berane, Herceg Novi, Nikšić, Plužine, Plav, Pljevlja, and the Capital City Podgorica.

⁶⁸ Over the period observed, SAI audited the 2009 Final Account of the Municipality of Herceg Novi.

⁶⁹ The Ministry of Foreign Affairs was approved 9 projects including: IPA Technical Support to Implementation of Cross-Border programmes with Albania, BiH, Croatia, Serbia, and support to the implementation of the SEE programmes and the Mediterranean Programme in Montenegro.

⁷⁰ DACI had a joint campaign with CRNVO “Remove the Virus - Report Corruption”, while the Tax Administration in cooperation with SIPU carried out a public opinion poll on transparency in the work of Tax Administration (web-based poll).

⁷¹ Its completion is envisaged for 2011.

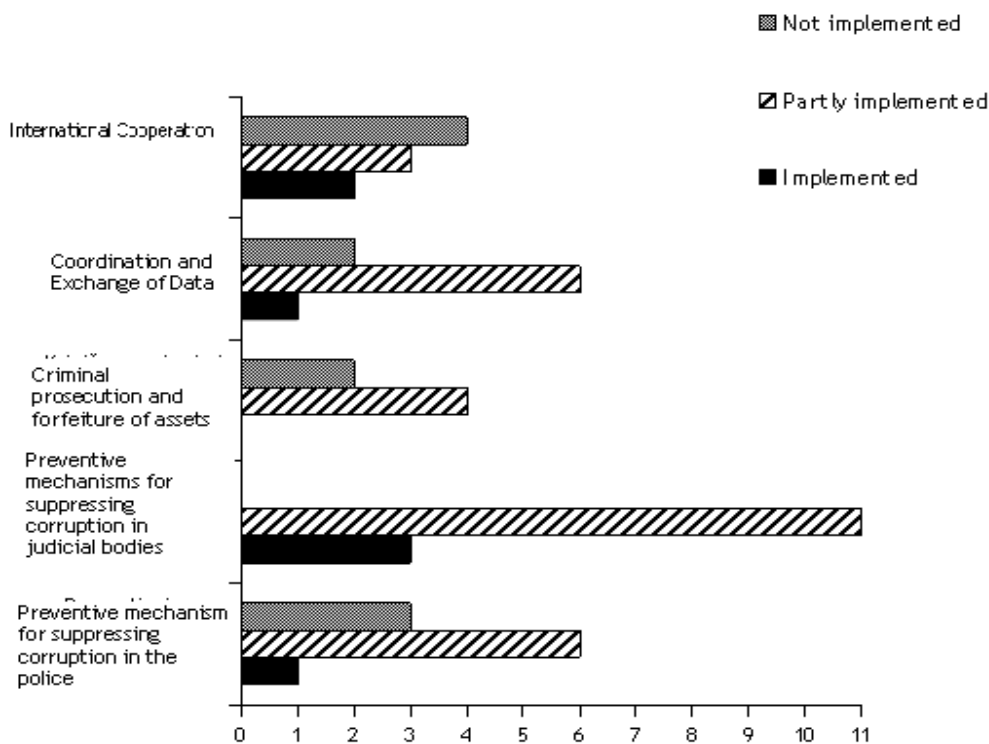
Journalist Ethics. Over the same period, aiming to provide for more objective public information, PRs of ministries and state administration had 1,458 press releases and 75 press conferences.

Aiming to step up the participation of citizens and stakeholders in public discussions of legislative acts in preparation, 81 public and round table discussions were organised.

2.3. Prevention of Corruption in Law Enforcement Bodies

The area of prevention of corruption in law enforcement bodies includes the total of 48 measures divided in five subareas.

The greatest number of measures refers to preventive anticorruption mechanisms in judicial bodies, while in the area of criminal prosecution and seizure of unlawful assets no measure has been fully implemented.



Graph 8: An overview of the implementation of corruption prevention measures in law enforcement bodies

2.3.1. Preventive mechanism for suppressing corruption in the police

In this area, one measure has been fully implemented, 6 partly, while 3 not at all.

The Law on Police has not been adopted, nor the respective secondary legislation⁷². Over the reporting period the Police Directorate did not amend the internal organisation and job description acts, while the Mol did.

⁷² The Police Directorate drafted the Police Law which was sent to Mol for further procedure.

Pursuant to the Law on Border Control, the Police Directorate passed a rulebook while nine more pieces of secondary legislation are needed for the implementation of the given draft law. The Police Development and Operation Strategy 2011-2013 has been adopted.

Given that the Internal Organisation and Job Description Act of the Police Directorate has not been amended, there has been no new recruitment of officers in charge of anticorruption⁷³.

The need for purchasing the lacking equipment for conducting investigations and covert surveillance measures has been noted and such equipment was procured. In addition, funds have been provided for the purchase of lacking IT equipment. Over the reporting period the total of 13 basic trainings in suppression of corruption were delivered attended by 126 participants, while there were no specialised trainings⁷⁴.

Aiming to eliminate conditions for corrupt behaviour in the police, the analysis of the Code of Ethics application was done, with 19 disciplinary proceedings launched over the reporting period on the account of breach to the Code of Ethics. At the same time, the MoI performed 117 checks over the work of the police and identified 21 instances of abuse. The Police Directorate did not conduct any campaign in order to promote reporting of corruption and measures to protect whistleblowers.

2.3.2. Preventive mechanisms for suppressing corruption in judicial bodies

In this field 3 measures were implemented, 11 partly implemented, and there are no measures that failed to be implemented.

The total of four persons are in charge of public relations in the Judicial Council, the Prosecutorial Council, the State Prosecution and courts, who on aggregate issued 32 press releases over the past year⁷⁵. Over the reporting period, the presidents of the Judicial Council and the Prosecutorial Council hosted three press conferences. Over the same period the Supreme Court published the annual newsletter. The websites of second-instance courts in Montenegro are regularly updated, but do not contain all the judgments passed, but only the characteristic ones⁷⁶. The Supreme Court organised the Open Court days on two occasions.

Over the reporting period there were 29 checks of the work of judges and prosecutors⁷⁷. There is no analysis done of disciplinary liability of judges and prosecutors⁷⁸, while the analyses of the implementation of the Code of Ethics for Holders of Judicial Office were done by the Judicial, and Prosecutorial Councils, respectively.

⁷³ With the adoption of the Internal Organisation and Job Description Act of the Police Directorate the number of officers in charge of anticorruption activities will increase.

⁷⁴ The Police Academy delivered the following trainings: "Cooperation with FRONTEX" - a seminar, "Undercover Agent" - a training course, "Cross-border Pursuits" - a training course, "Detection of Forged Documents" - three separate seminars attended by 104 participants, while the Police Directorate delivered 7 trainings attended by 22 officers.

⁷⁵ In the Supreme Court, High Court in Bijelo Polje and High Court in Podgorica there are media persons nominated who have undergone proper training delivered by OSC. The persons responsible for public relations in the Prosecution is Veselin Vučković, deputy Supreme Prosecutor, who had 32 press releases. Five persons had public relations training.

⁷⁶ Characteristic judgments are regularly published for the sake of making the case law harmonised and assisting lower-level courts in passing judgments, and the Administrative Court website features all its judgments.

⁷⁷ All courts have undergone checks, while the total of four checks were carried out in prosecution offices, although there is no information as to which offices were covered.

⁷⁸ The Prosecutorial Council says that no such analysis was possible given that there were no disciplinary proceedings against prosecutors within the reporting period, while the Judicial Council responded that the analysis of disciplinary proceedings against judges are underway, and the MoJ claims that the analysis has been done, but that the legislation has not been revised.

The Prosecutorial Council has regulated and set up a central database on the election, appraisal, disciplinary sanctions and advancement of prosecutors, while the Judicial Council and the Judicial Training Centre have not yet put in place similar procedures. Transparent procedures for training programme development and selection of lecturers were introduced by the Judicial Training Centre⁷⁹.

The translated judgments of the European Court for Human Rights in Strasbourg are posted on the website of the Supreme Court⁸⁰, while there are no such judgments on the Prosecution website.

To date adequate and technically equipped space has been provided only for one court in Montenegro⁸¹.

Over the previous year over 750,000 documents of courts and prosecution offices have been processed and stored in the joint database of the Judicial Information System (PRIS).

2.3.3. Criminal prosecution and forfeiture of assets

In this field, only four measures have been partly implemented, and two not at all.

With a view of the Implementation Plan for the Criminal Procedure Code, the total of 21 training events were organised attended by 433 holders of judicial office and members of the police⁸². No training curricula have been developed for bodies dealing with financial investigations, detection, freezing, seizure and management of proceeds of crime, but three trainings on these issues were carried out⁸³.

In 2010 the Police Directorate initiated with the Special Prosecution Office the launching of seven financial investigations, while the Special Prosecution launched only two of their own accord, both aiming at extended forfeiture of proceeds of corruptive offences and organised crime. The total value of assets frozen in 2010 was under one million euro⁸⁴.

The Assets Administration states that last year five vehicles were permanently confiscated as proceeds of crime in a criminal procedure⁸⁵. On the other hand, the Supreme Court reported that Montenegrin courts did not have any judgment towards permanent confiscation of proceeds of corruption and organised crimes.

2.3.4. Coordination and Exchange of Data

One pertinent measure was implemented, 6 partly, while 2 remained unimplemented.

⁷⁹ Four deputies of the Supreme State Prosecutor were delegated to the Judicial Training Centre boards, also designated as lecturers.

⁸⁰ The Supreme Court's website features some characteristic judgements of the ECHR, as well as some recommended by Montenegro's agent before the Strasbourg court. Still, it includes only a smaller number of judgments.

⁸¹ High Court in Podgorica.

⁸² The Police Academy had 17 training events regarding the new CPC for 346 members of the Police Directorate, while the Judicial Training Centre delivered four trainings for 87 attendants.

⁸³ The Police Academy held 2 seminars for 20 participants, and the Judicial Training Centre one training for 25 participants.

⁸⁴ Temporary freezing of 876,403.60 euro and 55,054.67 dollars.

⁸⁵ The Assets Administration response to MANS says that assets were seized in May 2010, 5 vehicles as proceeds of crime, and it was done in a criminal procedure: a Skoda Octavia, a BMW, a Audi, a Mercedes and a Scania lorry with a trailer.

DACI receives statistics on corruption reports from four authorities⁸⁶, but in uneven intervals. DACI is currently developing an IT system for automated, faster and more efficient exchange of data on corruption reports received by state authorities, with test software already available.

Over the reporting period the total of ten existing agreements among state and other bodies were reviewed aiming to provide for more efficient cooperation and data exchange⁸⁷. Annual DACI reports with analytical processing of data on corruption reports have not been done.

Aiming to inform the public on the activities undertaken as per corruption reports, the DACI had two TV shows, two newspaper articles and one press conference, but issued no recommendations to institutions receiving corruption reports aiming to improve the achievements in this area.

Training was delivered to police officers receiving corruption reports attended by 5 participants⁸⁸, while DACI delivered training for 13 participants from other state authorities also receiving corruption reports. The Police Directorate and DACI developed a standardized form for reporting corruption.

2.3.5. International Cooperation

For this area, 2 measures were implemented, 3 only partly, while 4 measures were not implemented.

With a view of stepping up international and regional anticorruption cooperation over the reporting period the total of 18 international agreements were signed with EU member states, third countries and international organisations⁸⁹.

Signing the operational agreement with Europol and establishment of an effective Unit for Coordination of International Police Cooperation and internal working procedures are the measures which have not been implemented yet⁹⁰.

There is a partial data protection system in place in the international police cooperation unit⁹¹, and a functioning office has been secured for the NCB Interpol only, but not for Europol and SIRENE bureaux.

⁸⁶ Reports are submitted by the Police Directorate, Customs Administration, Tax Administration and Public Procurement Directorate.

⁸⁷ Over the given period, the Customs Administration signed an agreement on improving cooperation in suppressing crime with the MoFA, the MoJ, Police Directorate, Anti Money Laundering and Terrorism Financing Administration and the Tax Administration. Public Procurement Directorate signed the agreement with DACI. DACI signed agreements with the Chamber of Commerce and Police Directorate, while the Tax Administration signed agreements with Monstat and the Institute of Accountants and Auditors.

⁸⁸ Over the reporting period there were three seminars held for Police Directorate staff, as follows: Receiving and Processing Corruption Reports and Protection of Whistleblowers - two officers, Rule of Law and Anticorruption in State Administration - one officer, and Advance Training in Investigating Corruption Offences and Related Matters - two officers.

⁸⁹ Supreme State Prosecution signed agreements with Italy, participating countries to the PROSECO project and the Russian Federation. Police Directorate signed a cooperation agreement with the Federal Crime Police of Germany and a memorandum of cooperation among border police services (countries participating to MARRI). MoI signed two agreements, with Malta and Kingdom of Belgium, while the MoJ signed agreements with Serbia, Croatia and BiH. Customs Administration signed agreements with their counterparts in Albania, with the Government of Serbia and the Border Cooperation Protocol with the Government of Serbia, and the same with the the Government of Kosovo, while DACI signed an agreement with FIUs of Moldova, Israel and San Marino, and revised the existing agreement with the Russian Federation.

⁹⁰ Deadline for these measures is by the end of 2011.

⁹¹ The data protection in place includes physical and electronic protection of the area

Over the reporting period, the Police Directorate compiled two reports on results of international cooperation, while the MoI prepared one. Supreme State Prosecution drafted the Analysis of Impacts of the Implementation of International Agreements, as well as the International Cooperation Programme for the forthcoming period⁹².

The Supreme Court, MoJ, MoIPA, Anti Money Laundering Administration, Customs Administration and Police Directorate failed to develop similar analyses and programmes, although they were obliged to do so.

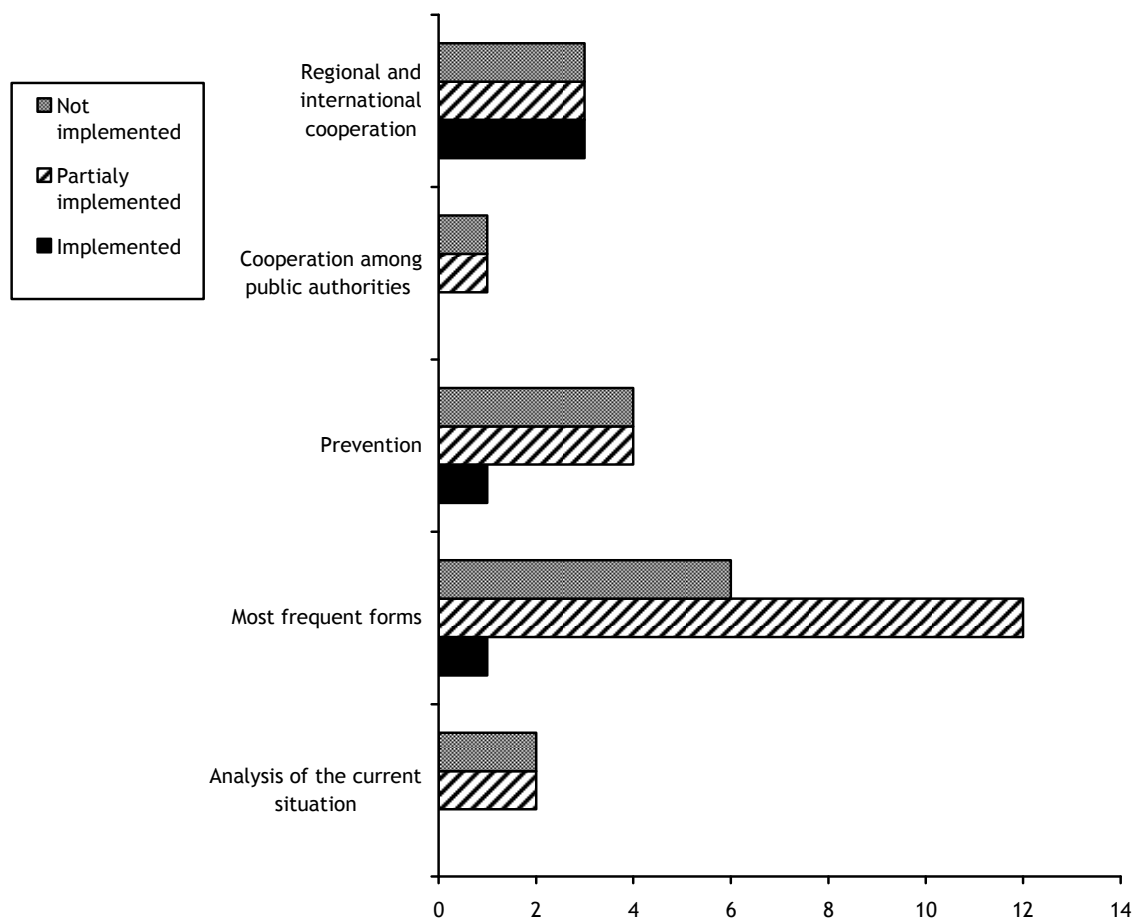
The Customs Administration and MoI have the annual plans for signing agreements with the neighbouring countries, the EU member states and international organisations, while the Anti Money Laundering and Terrorism Financing Administration and Police Directorate have not come up with such plans yet.

⁹² This measure has not been implemented by: the Supreme Court, MoJ, MoIPA, Anti Money Laundering Administration, Customs Administration and Police Directorate.

3. ORGANIZED CRIME

The activities related to the section entitled “Organized crime” are divided in five categories and include 32 measures. This section also includes the following sub-sections: analysis of the current situation, most frequent forms, prevention, cooperation among public authorities and regional and international cooperation.

Most of the measures in the area of regional and international cooperation have been implemented, while in the area of cooperation among public authorities and the analysis of the current state of organized crime no measure has been implemented yet.



Graph 9: Overview of the implementation of measures in the Organized Crime category.

3.1. Analysis of the current situation

Only two measures have been partly implemented in this section, while the other two have not been implemented at all.

The Police Directorate and the Anti Money Laundering and Terrorism Financing Administration have not prepared the Analysis of the current situation in the area of crime in Montenegro, or the analysis of the impact of organized and serious crime in the region on the condition in Montenegro, according to the EU-OCTA standards. With the purpose of securing the prerequisites for the work on

the Analysis of the crime scene in Montenegro, the Police Directorate has managed to identify six areas of special risk⁹³ while the Anti Money Laundering and Terrorism Financing Administration has failed to do it. The Police Directorate has also defined clear priorities in the fight against organized crime⁹⁴, while the Anti Money Laundering and Terrorism Financing Administration has not implemented this measure either.

3.2. Most frequent forms

In this section, one measure has been implemented, 12 of them have been partly implemented, while 6 of them remained unimplemented.

The Police Directorate has not increased the number of employees working on financial investigations. The inter-agency cooperation was established through the establishment of the Special Investigating Team in February 2010, but there is no information on this cooperation being additionally enhanced.

Six specialist training sessions were organized on conducting financial investigations attended by 22 participants from the Police Directorate and the Directorate Anti Money Laundering and Terrorism Financing Administration. The Police Directorate prepared the working version of the rulebook on the basis of which the employees working on the issues of organized crime in regional units will be distributed. The necessary conditions for criminal and criminal-intelligence affairs, as well as adequate premises for the employees engaged in the fight against organized crime and corruption in regional units currently exist solely with the Herceg Novi regional unit. The system for the conducting of border control has been partly improved⁹⁵ as well as IT networking of intelligence work EGP- IGP - SGP⁹⁶.

The Police Directorate compiled the proposal for the new organization of the existing Division for Special Checks and distributed to its employees 754 copies of the Manual on criminal intelligence work. The DESKs at the central level and at the level of regional units have not been established yet.

Three training sessions were organized during the reporting period with regards to the application of the Criminal Procedure Code and to conducting investigations with the use of secret surveillance measures, financial investigations and seizure of assets. The training sessions were attended by 12 employees of the Police.

No special fund was established for intelligence and operational affairs. The Police Directorate states that it acquired new equipment for conducting investigations and secret surveillance measures, but there is no specific information concerning this equipment.

⁹³ Sensitive areas have been identified - the areas of special risk in the system: privatization process; public procurements; urban planning; education; healthcare; local self-government.

⁹⁴ Six priorities have been defined: suppression and detection of all forms of organized crime, especially the international organized crime; reduction of the offer of drugs in the domestic market; more efficient interception of drug smuggling channels, especially the ones of heroin and cocaine; identification and processing of organized criminal groups and individuals dealing with drug trade; improvement of the organizational structure, increase in the number of employees, improvement of the methodology of work and the quality of equipment of criminal police; raising the level of training and material position of the employees of the police.

⁹⁵ The material base has been improved through the acquisition of: (1) technical equipment for the activities of the supervision of the state border; (2) spare parts for repairing and servicing outboard engines onboard the official vessels belonging to the Maritime Border Police Branch; (3) a specialized vehicle and equipment for the employees; (4) creation of special software for the installation of the system of electronic surveillance of the state border on the sea, including certain hardware components.

⁹⁶ Three border police branches have been connected into a system of intelligence work.

The second stage of the project "Intelligence Led Policing" has not been carried out, while the number of operational analysts for the affairs related to serious and organized crime has been increased by 16.

The instruction for the harmonization of methods of expressing statistical data by the Police Directorate, prosecution and judiciary has not been prepared.

In the Police Directorate regional units no criminal intelligence units were formed, nor was the risk analysis system established in the Border Police Division. Also, no unified base of operational data of the Police Directorate, prosecution and judiciary has been established either⁹⁷.

The Police Directorate established links with the databases of two providers of telecommunication services for the purpose of gathering data, in line with the authorities envisaged by the Criminal Procedure Code (CPC)⁹⁸.

3.3. Prevention

In this part, one measure has been implemented, four have been partly implemented, and four have remained unimplemented.

Within the framework of international projects intended for the specialization of entities who participate in the process of suppressing organized crime, 69 projects were organized for Montenegrin employees. Within the observed period, 13 regional seminars and international conferences were held with the participation of 39 employees of the Police Directorate, Police Academy and the Centre for Training of the Holders of Judicial Function⁹⁹.

The Police Academy offered training and specialization to 377 employees¹⁰⁰.

In the year 2010, the Police Directorate did not adopt the integrity plan, but the Ethics Committee made the half-year analysis on the application of the Code of Ethics. Due to the violation of the Code of Police Ethics initiated 19 disciplinary procedures against the employees of the Police Directorate¹⁰¹. No training was organized for the employees of the Police for the implementation of the Instruction on Reporting Corruption to Police.

In the year 2010, the Police Directorate established a link with the IT network of the Customs Administration, while the Tax Administration established the link with the Customs Administration, the Ministry for Information Society, the Pension and Disability Insurance Fund, National Health Fund, National Healthcare Institute, Central Register of Population, Personnel Information System and Register of Fines and misdemeanour records.

⁹⁷ The Police Directorate claims that the unified database was established in June 2010, but both the prosecution and the judiciary state that it has not been established.

⁹⁸ The links established with M-Tel and Montenegrin Telecom.

⁹⁹ The employees of the Police Directorate, 26 of them, participated in seven seminars. Two employees of the Police Academy participated in two seminars, while the employees of the Judicial Training Centre, 11 of them, participated in four seminars.

¹⁰⁰ According to the information submitted from the Police Academy, 329 employees of the Police Directorate, 24 employees of the Customs Administration, 12 members of the Insurance Companies who work on the assessment of damages on motor vehicles and one employee of the Police Academy, all underwent training.

¹⁰¹ The Police Directorate made the analysis of the application of the Code of Ethics for the second half of 2010. Out of 24 cases, the Ethics Committee submitted 19 of them to the disciplinary officer of the Police Directorate due to the violation of the provisions of the Code.

With the view of enhancing regional cooperation in the area of the protection of witnesses who are the victims of organized crime, the agreements on cooperation with regional countries have not been signed yet¹⁰². The Police Directorate and the Police Academy did not organize trainings for the employees of the Witness Protection Unit, nor was special equipment acquired for that unit.

3.4. Cooperation among public authorities

In this part, one measure was partly implemented, while one has remained unimplemented.

The National Coordination Office for the Suppression of Organized Crime has not been established since both the Police Directorate and the Ministry of Interior, recognized as the sole entities responsible for the implementation of this measure, declared themselves as having no jurisdiction.

Four investigations were being conducted and four charges were brought for the criminal acts of corruption and organized crime, among which there were four financial investigations, carried out by the Special Investigating Team¹⁰³.

3.5. Regional and international cooperation

In this part, three measures were implemented, and the same is the number of those partly implemented or unimplemented ones.

The Police Directorate has not fully established the system of monitoring the application of international standards and best practices for the suppression of organized crime¹⁰⁴. The organizational unit for international cooperation has not been established due to the failure to adopt the Rulebook on the organization and systematization of the Police Directorate.

The Police Directorate held 38 meetings and carried out 704 joint activities with the border police services of the neighbouring countries¹⁰⁵. The representatives of the NCB INTERPOL-Montenegro took part in the work of seven task forces dealing with the issue of the fight against organized crime in the region¹⁰⁶. The Police Directorate emphasizes that there are ongoing activities carried out in cooperation with the Secretariat General of the INTERPOL related to the acquisition of IT equipment for the needs of the INTERPOL with the estimated value of € 20.000¹⁰⁷. All 29 border crossing points have been connected into the NCB INTERPOL network.

¹⁰² The Police Directorate stated that they participate in the joint WINPRO project implemented by the Northern Ireland Government Agency (NICO) with the financial support of the EU. Besides Montenegro, other participating countries are Serbia, Bosnia and Herzegovina, Macedonia, Croatia, Albania and Kosovo. Still, this is not a witness protection agreement.

¹⁰³ Within the SIT, the police participate in several investigations, one of which has been concluded. Three criminal charges have been forwarded to the special prosecutor.

¹⁰⁴ The system of monitoring the application of international standards and best practices for the suppression of organized crime has been established in line with the standards of the INTERPOL. Current method of work is "Intelligence Led Policing".

¹⁰⁵ In cooperation with the border police services of Serbia, Bosnia and Herzegovina, Kosovo and Albania, within the stated period the Police Directorate organized 704 land and water/sea patrols.

¹⁰⁶ The response of the Police Directorate states that the representatives of the NCB INTERPOL participate in the work of three task forces, namely "Pink Panther", "Kanun" and "Besa". They also remind that periodically they participate in the work of four INTERPOL led task forces organized once a year - meetings of the European liaison officers; international pursuit; INTERPOL conferences and meetings of the NCB INTERPOL heads.

¹⁰⁷ Based on the analysis and needs assessment, made during the year 2010, via the INTERPOL and SEPCA funds were provided in the amount of € 20.000.

The National EUROPOL Bureau has not been established yet, so that no personnel have been employed for this bureau, nor has a secure communication system been established for the exchange of data with the EUROPOL¹⁰⁸.

The representatives of the prosecution and judiciary of Montenegro took part in 37 regional consultative meetings on the investigation of crimes with the elements of organized crime, and they also participated in six joint investigations¹⁰⁹.

4. MONITORING

The area of monitoring consists of five measures, of which one was implemented, one partly implemented and one remained unimplemented. Two measures remained unevaluated.

In the reporting period, the Anticorruption Directorate did not prepare the software solution or the methodological instruction with the purpose of monitoring the implementation of the Action Plan by all reporting entities, but it did prepare the form according to which the institutions report on the implementation of the measures envisaged by the Action Plan. The form was submitted to the reporting entities.

In the reporting period, the Anticorruption Initiative Directorate did not organize the training for the representatives of the institutions for the use of the software and the reporting on the implementation of this action plan through forms.

The website of the National Commission is updated on a regular basis, and in the previous year 10 new documents were uploaded.

In the reporting period, not a single report of the institutions was submitted on the implementation of the Action Plan¹¹⁰, but later on 74 out of 93 institutions which implement the measures from this action plan submitted their reports.

The half-year report of the National Commission has not been prepared since the envisaged deadline for the submittal of individual reports on the basis of which the report of the national Commission is compiled was January 2011. Because of that, this measure has been left as unevaluated.

5. PROPOSALS OF MANS TO NATIONAL COMMISSION MEETING

This chapter gives the overview of proposals of the MANS to the National Commission meeting at which the First report was considered on the implementation of measures from the Action Plan for the implementation of the Strategy for the Fight Against Corruption and Organized Crime.

Complete proposals of the MANS are given in the Annex 1 of this report.

5.1. Amendments to the report on the implementation of the Action Plan

¹⁰⁸ The Police Directorate emphasizes that it did not establish the National EUROPOL Bureau since the amendments to the Rulebook on the Organization and Systematization of the Police Directorate had not been adopted.

¹⁰⁹ The Prosecution reported four investigations and two financial investigations, stating also that there are two judgements for the criminal acts of organized crime which resulted in regional cooperation, i.e. one in Croatia and one in Bosnia and Herzegovina.

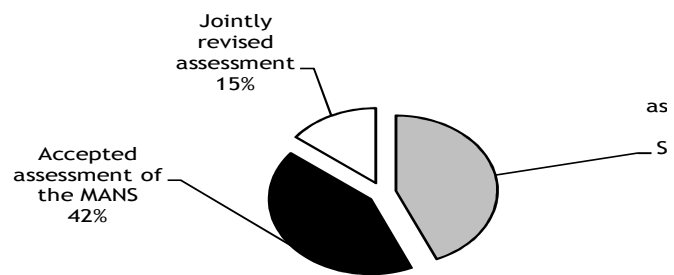
¹¹⁰ The deadline for the submittal of the report was 25th January 2011, thus it was not possible to evaluate this measure.

For the first time as of the establishment of the National Commission for the Monitoring of the Implementation of the Action Plan, the MANS harmonized the assessment of measures with the Secretariat of the National Commission before the Proposal of the First Report was submitted to the members of the National Commission. In this way, the long-established practice was avoided for a representative of the MANS to submit hundreds of amendments to the Proposal of the Official Report at the very meeting of the national Commission, in order to at least partly correct unrealistically evaluated reforms of the institutions in the area of the fight against corruption and organized crime.

With the Decision of the Chair of the National Commission to allow to the representatives of the MANS for the first time to do the harmonization of the assessment of the implementation of the measures with the Secretariat drastically reduced the administrative pressure from the National Commission, since there was not a large number of amendments to be considered. Only three amendments submitted by the MANS were considered at the meeting, but we withdrew them upon the request of one of the National Commission members¹¹¹.

At the meeting with the Secretariat, the MANS harmonized the assessment of the implementation of the total of 76 measures from the Draft Report.

Out of the total number of measures for which the harmonization was done, for 33 measures the MANS accepted the assessment of the Secretariat, for 32 assessments the Secretariat accepted the assessment of the MANS, while in the case of 11 measures, the assessment was jointly revised. Within the scope of jointly revised assessment, it was decided that two measures be left as unevaluated.



Graph 10: Harmonization related to the assessment of the implementation of the measures from the Action Plan with the National Commission

The table below gives the overview of the measures which were the subject of harmonization between the MANS and the National Commission Secretariat.

¹¹¹ The amendments were withdrawn upon the request of Vesna Ratković, PhD, the Director of the Anticorruption Initiative Directorate, since with the adoption of the amendment by the National Commission significant part of the First Report would have to be changed, in the part concerning the processing of statistical indicators, since the structure of the assessment of the implementation of the measures would be changed.

MANS accepted the assessment of the Secretariat		Secretariat accepted the assessment of the MANS		Jointly harmonized assessment	
Measure	Assessment	Measure	Assessment	Measure	Assessment
5 Analyse and secure the harmonization of legislation with international standards from the area of the fight against corruption and organized crime	Partly implemented	6 Continue with the harmonization of legislation with the UN Convention (Palermo, UNTOC Convention), and other conventions from the area of the fight against organized crime	Not implemented	58 Public presentation of the findings of the SAI through regular press conferences following the completed reviews	Partly implemented
18 Signing the agreement with public bodies	Partly implemented	10 Analyse the existing legal framework for the work of the State Electoral Commission	Not implemented	65 Permanent control and compliance with the recommendations from the findings of the State Audit Institution	Partly implemented
19 Signing the agreement with similar institutions in the region and the third countries, as well as with international organizations	Partly implemented	29 Revise and change the employment regime in the public administration (civil servants and public employees) with the introduction of objective criteria and advanced methods for testing candidates	Not implemented	83 Implementation of the Law on the Improvement of Business Environment	Partly implemented
25 Adopt integrity plans in public sector	Partly implemented	32 Revise the Code of Ethics of civil servants and public employees, and other individual codes	Not implemented	120 Enhance the criteria for awarding scholarships and credits and the admittance to pupils and students' homes in order to achieve their full transparency and objectivity	Partly implemented
31 Analyse the current state and propose objective criteria for promotion and rewarding of employees, with the purpose of preserving high quality employees and human resource management (merit-based career system)	Partly implemented	40 Establish the duty of the employees - responsible for acting upon the requests for free access to information, to submit to the second instance body (which monitors the implementation of the law) quarterly reports on the implementation of the Law, on the reasons for denying the access to information and on the judgements of the Constitutional Court	Not implemented	122 Drafting knowledge standards, at all level of pupils/students' achievements	Partly implemented
33 Training of civil servants and public employees at the central and local level on the Code of Ethics, with mandatory signing of the statement on accepting the Code of Ethics (on the occasion of getting the employment and once a year)	Partly implemented	41 Regular updating and accessibility of all the data from the competence of state bodies and public administration bodies, through: - Online presentation of institutions; - Development of electronic services adjusted to citizens and business entities;	Partly implemented	125 Form quality assurance centres with every university level institution	Partly implemented
43 Analyze the need for the enactment of a special law and enhance the mechanisms for the protection from negative consequences	Partly implemented	44 Expand the scope of protection to all the employed	Partly implemented	140 Efficient initiation and conducting of disciplinary procedures due to the violation of the Code of Ethics	Partly implemented
50 Promote good examples of	Partly	51 Conduct campaigns aimed at raising the level	Partly	148 Submitting the report to	Implemented

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reporting corruption (especially in case the report led to the prevention of an offence, to the prevention of damage or in case it pointed out to complicated procedures which open the space for corruptive actions)	implemented	of public awareness and stimulating citizens (and certain target groups) to report corruption	implemented	the Ministry of Health (MZ) on the quality of public procurement system	
69 Recruitment in line with the Rulebook on internal organization and systematization and training of new staff members	Partly implemented	61 Training of audit staff in auditing the IPA funds and in auditing cost-effectiveness, efficiency and effectiveness	Not implemented	206 Inform general and expert public on the activities being undertaken with regards to monitoring the reports of corruption	Partly implemented
70 Strengthening of technical capacities through the assessment of needs and the acquisition of the necessary equipment	Partly implemented	67 Prepare half-year report on the work of the Assets Administration and of the Protector of Property Interests of Montenegro	Not implemented	264 Submitting half-year reports concerning the Action Plan by reporting entities	Not evaluated
82 Drafting of the new action plan for the reform of the ease of business environment	Partly implemented	75 Work on harmonizing national legislation from the area of capital market with the appropriate EU directives - Law on Insurance	Not implemented	265 Preparation of the National Commission half-year report	Not evaluated
93 Organizing public discussions on the privatization plans and strategies for enterprises of strategic significance, especially in the area of energy, transport, tourism and the privatization of public enterprises	Partly implemented	78 Development of the information system of the participants in the capital market through the increase in the efficiency and reliability of the IT system of the Securities Commission of the Central Depository Agency and all the participants in the capital market	Partly implemented		
109 Training of inspectors	Implemented	81 Improvement in financial reporting by the authorized participants (companies, investment funds), establishing public information booklet	Partly implemented		
127 Opening a special phone line for reporting the cases of corruption	Partly implemented	88 Prepare reports on the implementation of privatization contracts	Partly implemented		
131 Inclusion of parents and NGO representatives in the monitoring of the implementation of the activities from the Action Plan	Partly implemented	89 Enable access to information related to privatization contracts, pursuant to the Law on Free Access to Information	Partly implemented		
138 Reporting on the implementation of the AP for the fight against corruption in the area of education	Implemented	90 Permanent training of the persons authorized for the passing of decisions allowing the access to information	Partly implemented		
152 Ensuring free access to information	Partly implemented	92 Regular meetings of the Commission for the Monitoring and Control of privatization procedure	Partly implemented		
154 Conducting external audit of	Partly	95 Bylaws and other implementation regulations	Not		

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the financial operation of local governments	implemented	and acts	implemented
160 Affirming the “empty chair” concept” in the local councils	Not implemented	96 Public Procurement System Development Strategy for the period 2011-2014	Not implemented
161 Improve the cooperation between the citizens and local self-government bodies	Partly implemented	145 Recognize and respect patients’ rights in the areas defined by the law	Partly implemented
		155 Reporting on the work of the Council for Development and Protection of Local Self-Government	Not implemented
176 Assess the need and acquire the necessary equipment for the improvement of the work of the Sector	Partly implemented	164 Amend the legal framework which regulates the establishment of NGOs and the auditing of their financial operations, with the purpose of preventing possible abuses of the NGO status	Not implemented
182 Hold press conferences of the Chairs of the Judicial and Prosecutorial Council every six months.	Implemented	180 Carry out permanent campaigns on the manner of reporting corruption and on the measures for the protection of citizens who report corruption	Not implemented
185 Organize “Open Doors” in courts and prosecution.	Partly implemented	218 Analysis of the effects of the application of international treaties and agreements: <ul style="list-style-type: none"> • With the countries in the region • With the EU member states • With international organizations 	Not implemented
199 Conducting financial investigations for the purpose of the extended seizure of illegally acquired assets by public authorities entrusted with detecting and prosecuting the perpetrators of criminal acts.	Partly implemented	219 Analysis of the criminality in Montenegro	Not implemented
201 Establish the system for mandatory submittal of statistical data on the reports of corruption and further proceedings to the Anticorruption Initiative Directorate	Partly implemented	220 Identification of the sensitive areas within the system	Partly implemented
202 Develop appropriate IT system for the submittal of data on the reports of corruption to the DACI	Partly implemented	221 Setting clear priorities in the area of the fight against organized crime	Partly implemented
208 Organize training sessions for the employees of the DACI, Police Directorate, Customs	Partly implemented	224 Improve interagency cooperation, through the Special Investigating Team	Partly implemented

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Administration and Public Procurement Directorate who receive/register the reports of corruption			
217 Drafting of annual plans for the signing of bilateral agreements on cooperation with similar institutions	Partly implemented	238 Establish criminal-intelligence units with the Police Directorate regional units	Not implemented
223 Increase the number of employees working on the activities of financial investigation	Partly implemented	248 Improving regional cooperation and signing the agreements with appropriate services in regional countries in the area of the protection of witnesses as victims of organized crime	Not implemented
227 Secure necessary conditions for detective and criminal-intelligence activities in regional units	Partly implemented	253 High quality management and application of standards and best practice, control and monitoring	Partly implemented
230 Securing functional working space for the employees of the regional units entrusted with the fight against organized crime and corruption	Partly implemented	254 Establish the organizational unit for international cooperation as an entity for the central management of all key functions of international police cooperation. (INTERPOL, EUROPOL, SIRENE, SECI, other international police organizations, liaison officers)	Not implemented
240 Establishing the unified base of operational data	Not implemented		
252 Creating conditions and capacities for more efficient work of the Joint Investigating Team	Partly implemented		

5.2. The amendments to the National Commission Rules of Procedure

At the Third meeting of the National Commission it was concluded that the Rules of Procedure would be amended so as to open to the public the meetings of the National Commission, according to the earlier proposals of the MANS, as well as to make it possible for the National Commission to consider concrete cases related to the fight against corruption and organized crime.

Thus, at the Fourth meeting of the National Commission the amendments were proposed to the Rules of Procedure which would make it possible for these proposals of the MANS to be implemented.

Since the proposed amendments to the Rules of Procedure have not sufficiently considered the initial proposals of the MANS, we submitted two amendments to the amendments of the Rules of Procedure and they received the support of the majority of the National Commission members. Thus, besides the opening of its meetings to public and the possibility for the National Commission to consider concrete cases related to the fight against corruption and organized crime, it was made possible for all the entities who are not the National Commission members, including citizens, to initiate the considering of these concrete cases. The second proposal referred to the fact that it be made possible to request from the institutions to make written reports on concrete topics that will be considered at the thematic meetings of the national Commission.

5.3. Addendum to the Agenda of the National Commission meetings

At the Fourth meeting, the MANS requested that the proposed agenda be supplemented with a new item - proposal for the scheduling of the new, thematic meeting of the National Commission with four items agenda:

1. Citizens' trust in the work of the police in the part related to reporting corruption;
2. Efficiency in the work of the Prosecution and the Special Investigating Team in the part related to financial investigations;
3. Transparency in the work of courts in the part related to the publishing of judgements for corruption, organized crime and defamation and compensation for non-pecuniary damage;
4. Role of the Parliament of Montenegro in the fight against corruption in the area related to the establishing of the National Branch of Parliamentarians for the Fight against Corruption.

Upon the proposal of the MANS, the National Commission entrusted also the Director of the Police Directorate, who is at the same time a member of the National Commission, to compile a special report on the practice of direct access to information in the possession of telecommunication providers, which the Agency for the Protection of Personal Data assessed as contrary to the Constitution and the law.

The National Commission accepted the proposal for thematic meetings to be organized on four topics proposed by the MANS, with the remark that by the next meeting the Chair of the National Commission, together with the Secretariat, is to prepare the proposal for the dynamics of the organization of thematic meetings proposed by the MANS.

Annex 1 - Proposals of MANS for 4th meeting of National Commission

AMENDMENTS TO PROPOSAL OF FIRST REPORT ON IMPLEMENTATION OF MEASURES FROM ACTION PLAN FOR IMPLEMENTATION OF ANTICORRUPTION AND ORGANIZED CRIME STRATEGY

Measure	Indicator	Assessment from Proposed report	Amendment	Reasoning
13. Drafting and adoption of the amendments to the Law on Prevention of Conflict of Interests	Law harmonized with International documents (UNCAC, recommendations of the EC, SE and others)	Partly implemented	Br. 1. Not implemented	The Law is not harmonized with international documents, which is testified by the most recent European Parliament Resolution on Montenegro (B7-0157/2011) dated 28 th February 2011. Not even the proposal of the amendments to the Law on the Prevention of the Conflict of Interests has been drafted.
112. Defining and publishing work plan of inspections and the report on the work of inspections ¹¹²	Work plans of inspections published on the website of the Ministry	Implemented	No. 2. Partly implemented	The work plans published on the website of the Ministry concern solely the last three months of the year 2010. Still, the work plans show only numerical indicators, and in no way indicate what inspections will do in the envisaged period, structure and type of structures that will be monitored and so on. The content of these plans needs to be significantly improved.

Particular problem is seen in the fact that the Action Plan does not clearly recognize the measure for the Three-partite commission to compile half-year analysis of the subject from the area of corruption and organized crime, which gives us no opportunity to assess the performance of the Three-partite commission. For this reason I suggest for the National Commission to assess as the amendment no. 3 of the MANS „that the Three-partite commission has solely partially fulfilled its task“ since its report, given with the Proposal I of the National Commission report, is a mere survey of statistical data. The report of the Three-partite commission does not contain proper analysis of corruption cases, does not give systematized data on high-level corruption cases as compared to the administrative corruption cases, and it does not contain the information on problems in cases related to the processing of the criminal acts of corruption and organized crime, with the recommendations for the elimination of the same. Because of that I think it is necessary for the Three-partite commission to state clearly that it is necessary to make a high quality analysis, and not the statistical survey of the criminal acts of corruption and organized crime, so as to be able to prepare such a document by the next meeting of the National Commission.

Also, I would like to inform you that the MANS and the National Commission Secretariat harmonized the assessment concerning the implementation of the total of 76 measures from the Proposed report, which is the reason why for the first time MANS does not have a large number of amendments at the National Commission. Out of that number, for 33 measures (43% of the considered ones) the MANS accepted the assessment of the Secretariat, for 32 assessments (42% of the considered ones) the Secretariat accepted the assessment of the MANS, and in case of 11 measures (15% of the considered ones) the assessment was revised jointly. Within the framework of jointly revised assessments it was decided that two measures be left non-assessed, for the reason that their assessing would not be principled from the methodological point of view.

At the meeting with the Secretariat we managed to come to an agreement with regards to the assessment of the following measures:

¹¹² It is related to the inspections under the Ministry of Sustainable Development and Tourism

Measure 220 - Secretariat accepted the assessment of the MANS

Measure 221 - Secretariat accepted the assessment of the MANS

Measure 223 - MANS accepted the assessment of the Secretariat

Measure 224 - Secretariat accepted the assessment of the MANS

Measure 227 - MANS accepted the assessment of the Secretariat

Measure 230 - MANS accepted the assessment of the Secretariat

Measure 238 - Secretariat accepted the assessment of the MANS

Measure 240 - MANS accepted the assessment of the Secretariat

Measure 248 - Secretariat accepted the assessment of the MANS

Measure 252 - MANS accepted the assessment of the Secretariat

Measure 253 - Secretariat accepted the assessment of the MANS

Measure 254 - Secretariat accepted the assessment of the MANS

Measure 264 - Joint view - without an assessment

Measure 265 - Joint view - without an assessment

AMENDMENTS TO DRAFT DECISION ON AMENDING NATIONAL COMMISSION RULES OF PROCEDURE FOR IMPLEMENTATION OF ANTICORRUPTION AND ORGANIZED CRIME STRATEGY

AMENDMENT 1

Article 2 is changed and it reads:

“In the Article 6, after the paragraph 1, new paragraphs 2, 3 and 4 are added which read as follows:

“Upon the initiative of the Chair, Vice Chair or a National Commission member, by means of the decision of the National Commission it is possible to request the presence of the representatives of public authorities and other organizations at thematic meetings of the National Commission with the purpose of gathering information from the public authorities with regards to the prevention and suppression of corruption and organized crime.”

Upon the proposal of the Chair, Vice Chair or a National Commission member, the Commission may request from a public authority to prepare a written report on the topic that will be discussed about at the thematic meeting, as well as specify the deadline within which the report is to be submitted to the National Commission.

The Commission votes on the report at the following meeting.

Former paragraph 2 becomes the paragraph 5.”

REASONING

It is necessary to empower the National Commission to be able to request written reports from the institutions concerning certain phenomenon, or problem, in order to for its members to be better informed.

AMENDMENT 2

Following the Article 2, new article 2a is added which reads:

“Following the Article 15 new chapter of the Rules of Procedure is added which reads:

“IV CONSIDERING APPLICATIONS”

Article 16

The National Commission is obliged to consider all petitions, complaints, applications and other documents (hereinafter referred to as application) coming from citizens, civil sector representatives, public authorities and public institutions (hereinafter referred to as the entity) submitted prior to the meeting, related to the application of reforms envisaged by the Action Plan measures.

Article 17

The Chair is obliged to insert into the agenda of the first coming meeting of the National Commission all the received applications, and to service to all the members the copies of all the received applications, together with invitation for the meeting and other materials from the Article 8 of the Rules of Procedure.

Article 18

At the meeting, the National Commission considers all the received applications, takes a stance on each one of them and passes a decision.

Article 19

With the purpose of having higher quality discussion on the received application, the National Commission can, upon the proposal of the Chair, Vice Chair or a Commission member, postpone the passing of decision on the application for the following, thematic meeting in order to invite to the same the representative of the institution which the application refers to.

At the following meeting, having received the information from the representative of the institution which the application refers to, the National Commission passes the decision on the proposals expressed in the application, as well as on possible proposals given by the National Commission members related to the application.

Article 20

After the passing of the decision upon the received application, the National Commission informs the applicant on all the activities being undertaken in relation to the application, as well as on the decision, not later than 7 days as of the day of the closure of the meeting at which the decision was passed.

All the applications submitted to the National Commission are published on the website of the Commission not later than 7 days as of the day of their receipt and they are supplemented with all the information related to the actions being undertaken upon the application not later than 7 days as of the day of the procedure.“

The existing chapter IV becomes Chapter V and the existing articles 16, 17 and 18 become the articles 21, 22 and 23.”

REASONING

It is necessary to secure that the National Commission considers all the received applications of citizens and the civil sector in order for the reforms in the area of fight against corruption and organized crime to be improved.

The regional practice shows that Montenegrin National Commission is the sole one that has no form of cooperation with citizens and civil sector, while all other similar institutions in the region consider citizens' applications, undertake action upon the same, thus considerably improving reforms, since this is the best way to identify problems in the fight against corruption and organized crime with state institutions.

Certainly, it is a good practice to consider applications. Unlike Montenegro, regional countries have recognized such practice earlier, thus the Croatian body established by the parliament monitors the implementation of national strategic documents and acts upon citizens' reports, i.e. considers concrete cases. Similar is the principle of the functioning of the Serbian Agency and the Council for the Fight against Corruption, as well as the Macedonian and Slovenian Commissions¹¹³. So far, only in the case of Montenegro it has not been possible by the National Commission to consider the applications, which would be eliminated by the adoption of this amendment, and the work of the Commission would become harmonized with the best practices in the region and the EU.

PROPOSAL TO SUPPLEMENT THE AGENDA OF FOURTH NATIONAL COMMISSION MEETING

The Agenda is supplemented with a new item which reads as follows:

“6. Proposal for the organization of a thematic meeting of the National Commission with the following agenda:

¹¹³ More information is available in the publication “Corruption or EU Integrations III” issued by the MANS and which can be found on the website http://www.mans.co.me/wp-content/uploads/mans/publikacije/korupcija_ili_eu_integracije_iii/korupcija%20ili%20eu%20integracije%20III%20-%20MNE.pdf

- I - Citizens' trust in the work of the police when it comes to reporting corruption;
- II - Efficiency of the work of Prosecution and Special Investigating Team with regards to financial investigations;
- III - Transparency in the work of courts with regards to publishing judgements for the criminal acts of corruption, organized crime, then defamation and compensation of non-pecuniary damages;
- IV - Role of the Parliament of Montenegro in the fight against corruption in the area related to the establishing of the National Branch of Parliamentarians for the Fight against Corruption;"

REASONING

I - Citizens' trust in the work of the police when it comes to reporting corruption is insufficient, which is indicated in the latest report of the National Commission on the implementation of the measures from the Action Plan for the Implementation of the Anticorruption and Organized Crime Strategy. Namely, during the year 2010 the Police Directorate received solely 43 citizens' reports of corruption (Annex 1, figures 1 to 4), while in the same period the DACI received 140 cases of corruption and MANS as many as 429, or 10 times more than the Police Directorate.

For the above reasons it is necessary for the Director of the Police Directorate, Mr. Veselin Veljović, to inform at the thematic meeting the National Commission members on the reasons because of which the citizens' trust in the Police Directorate is on such a low level, and to prepare a written report on the issue and give the proposal of possible solutions. At the end of discussion upon the item I of the thematic meeting, the Commission should give concrete recommendations for the Police Directorate in order for the stated problems to be corrected during 2011.

II - Efficiency of the work of Prosecution and Special Investigating Team with regards to financial investigations is insufficient, having in mind the indicators from the report of the National Commission on the Implementation of Measures from the Action Plan for the Implementation of the Anticorruption and Organized Crime Strategy. Namely, during 2010, the Prosecution conducted only two financial investigations (Annex 2, figure 5). Still, in the same period the Police Directorate forwarded to the Prosecution seven financial investigations against 21 persons (Annex 2, figure 6), but from the data it results that the majority of them were rejected.

Although in the Report this measure was assessed as partly implemented due to the fact that certain shift has happened in relation to the previous period, it is still quite unacceptable that in Montenegro solely two financial investigations are conducted a year, particularly when one has in mind that one of the priorities of Montenegro in the process of European integrations is the improvement of financial investigations.

Because of that, it is necessary that the Supreme State Prosecutor, Mrs. Ranka Čarapić, at the thematic meeting informs the National Commission members on the reasons because of which only two financial investigations were conducted in the previous period, as well as to prepare a written report on the issue, which would include the data on concrete cases in which financial investigations were being conducted, what kind of assets was seized and what was it worth, what were the problems in work and which part requires improvement. At the end of the discussion upon the item II of the thematic meeting, concrete recommendations should be made for the Supreme State Prosecutor and possibly for the police, so as to correct the problems during 2011.

III - Transparency in the work of courts with regards to publishing judgements for the criminal acts of corruption, organized crime, then defamation and compensation of non-pecuniary damages is inadequate. Namely, the AP envisages permanent publishing of the judgments of the Court of Appeals and the second instance courts, at which the Report of the National Commission indicates that this measure is not implemented in an adequate manner (Annex 3, figure 7). On the

other side, the access to judgements, especially to those passed by the basic courts is frequently impossible even on the grounds of the Law on Free Access to Information, although by law court judgements are public, including the judicial proceedings. Some courts often pass decisions by means of which they put a ban on making available the copies of court judgements, which is then confirmed by the Ministry of Justice, being the second instance body according to the Law on Free Access to Information, and then the Administrative and the Supreme Court within the scope of administrative proceedings.

Because of the above reasons, which are totally contrary to the declarative political will of the President of the Supreme Court and the Chair of the Judicial Council, Mrs. Vesna Medenica and the Minister of Justice, Mr. Duško Marković for all the courts in Montenegro to work transparently, we think that both Medenica and Marković should inform the National Commission members at the thematic meeting on the reasons because of which, in practice, some court judgements are inaccessible. Also, it is necessary for the President of the Supreme Court to prepare a report for the thematic meeting on the issue of the courts which do not comply with the Law on Free Access to Information and do not make available court judgements upon request, in order for the National Commission to be fully informed on the transparency of the work of courts. The MANS can help in this part to the President of the Supreme Court by submitting to her court decisions banning us access to court judgements with the reasoning that the data were confidential.

At the end of the discussion upon the Item III of the thematic meeting, concrete recommendations should be made for the Supreme Court and the Judicial Council in order for the problems related to the access to court judgements to be corrected during 2011.

IV - Role of the Parliament of Montenegro in the fight against corruption in the area related to the establishing of the National Branch of Parliamentarians for the Fight against Corruption has not been improved. Although the Resolution on the Fight against Corruption and Organized Crime was adopted in the Parliament of Montenegro on 27th December 2007 (Annex 4), the Parliament has still not fulfilled the key section of that resolution related to the establishing of the National Branch of Parliamentarians for the Fight against Corruption. What is more, in the Analytical report of the European Commission that accompanied the Opinion on the Membership Candidature of Montenegro emphasized that the role of the Parliament in the fight against corruption is weak and that it is necessary to enhance its oversight role.

Because of that, we suggest for the National Commission to invite the Speaker of the Parliament, Mr. Ranko Krivokapić, to inform the Commission members why the National Branch of the Parliamentarians has not been established even three years following the adoption of the Resolution, since the National Commission members who represent the Parliament are obviously not capable, or are not willing to secure the implementation of this measure. Also, it is necessary for the Parliament to submit to the National Commission a written report, as to why the National Branch has not been established, as well as what the Parliament has done so far towards the fulfilment of this duty. Following the discussion upon this item of the agenda, it is necessary to adopt concrete recommendations for the Parliament, including the deadline for the establishment of the National Branch as a standing working body of the Parliament with the strong powers of overseeing the process of the fight against corruption.

<p>51 Sprovoditi kampanje u cilju podizanja nivoa javne svijesti i podsticanja građana (i pojedinih ciljnih grupa) da prijavljuju korupciju</p>	<p>a) Stepen realizacije</p> <ul style="list-style-type: none"> • Djelimično realizovano <p>Uprava policije u navedenom periodu nije sprovodila kampanje u cilju podizanja nivoa javne svijesti i podsticanja građana da prijavljuju korupciju. Međutim, policijski službenici, koji rade na poslovima otkrivanja i suzbijanja koruptivnih krivičnih djela su u više navrata imali nastupe u medijima, elektronskim i pisanim, u kojima su, između ostalog, pozivali građane da prijave korupciju, objašnjavajući na koji način da to urade.</p>
	<p>b) Indikatori uspjeha</p> <p>Promovisanje kroz nastupe u medijima</p>
	<p>c) Faktori rizika</p> <ul style="list-style-type: none"> • Administrativni kapaciteti • Finansijska sredstva • Obuka • Kadrovi • Ostalo
	<p>d) Izvori finansiranja</p> <ul style="list-style-type: none"> • Budžetsko finansiranje • Eksterni izvori (navesti koji)
<p>II OBLASTI OD POSEBNOG RIZIKA</p>	
<p>CIVILNO DRUŠTVO, MEDIJI I SPORT</p>	

Figure 1: Report of the Police Directorate serviced to the Secretariat on the implementation of the measures from the AP during 2010

XIV Report on Implementation of the AP for Implementation of the Strategy for Fight Against Corruption and Organized Crime







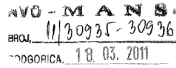

 <p>NVO - MANS - BROJ: 10/30480 PODGORICA, 24. 12. 2010.</p> <p>Crna Gora Vlada Crne Gore UPRAVA POLICIJE Odjejenje za planiranje, razvoj i analitiku 09 Br: 051/10 - 44430/2 Podgorica, 21.12. 2010. godine</p> <p>MREŽA ZA AFIRMACIJU NEVLADINOG SEKTORA - MANS - Izvršna direktorica, Vanja Čalović</p> <p><u>Podgorica</u></p> <p>Predmet: Vaš zahtjev za dostavljanje informacija br:10/30480 od 08.12.2010. godine</p> <p>Na osnovu Zakona o slobodnom pristupu informacijama, obavezama Uprave policije iz Akcionog plana za borbu protiv korupcije i organizovanog kriminala i dostavljenog zahtjeva, obavještavamo Vas da je, u periodu januar - jul 2010 godine, shodno Stručnom uputstvu o procedurama za prijavu krivičnih djela sa elementima korupcije i zaštiti lica koja prijavljuju ova djela, Uprava policije zaprimila od strane građana 23 prijave, i to:</p> <ul style="list-style-type: none">- januar - sedam(7) slučajeva korupcije;- februar - dva (2) slučaja korupcija;- mart - pet (5) slučajeva korupcije;- april - dva (2) slučaja korupcija;- maj - dva (2) slučaja korupcija;- jun - tri (3) slučaja korupcija;- jul - dva (2) slučaja korupcija. <p>S poštovanjem,</p> <p> R. K. VODILAC, Biljana Ljunić</p> 	 <p>NVO - MANS - BROJ: 10/29016-29017 PODGORICA, 25. 11. 2010.</p> <p>Crna Gora Vlada Crne Gore UPRAVA POLICIJE Odjejenje za planiranje, razvoj i analitiku 09 Br: 051/10 - 35687/2 Podgorica, 24.11. 2010. godine</p> <p>MREŽA ZA AFIRMACIJU NEVLADINOG SEKTORA - MANS - Izvršna direktorica, Vanja Čalović</p> <p><u>Podgorica</u></p> <p>Predmet: Vaš zahtjev za dostavljanje informacija br:10/29016 - 29017 od 05.10.2010. godine</p> <p>Na osnovu Zakona o slobodnom pristupu informacijama, obavezama Uprave policije iz Akcionog plana za borbu protiv korupcije i organizovanog kriminala i dostavljenog zahtjeva, obavještavamo Vas da, u periodu avgust- septembar:</p> <ul style="list-style-type: none">- Uprava policije nije učestvovala u sprovođenju kampanja u cilju podizanja nivoa javne svijesti i podsticanja građana(i pojedine ciljne grupe) da prijavljuju korupciju;- Odsjeku za borbu protiv organizovanog kriminala i korupcije dostavljena je 11 prijava, koje su u fazi provjera. <p>S poštovanjem,</p> <p> R. K. VODILAC, Biljana Ljunić</p> 
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Figure 2, 3 and 4: Responses of the Police Directorate according to the Law on Free Access to Information with exact data on the reports of corruption submitted by the citizens for the year 2010 - the total of 43 reports.





Crna Gora
Vlada Crne Gore
UPRAVA POLICIJE
Odjejenje za planiranje, razvoj i analitiku
09 Br: 10/101-97/2
Podgorica, 15.03.2011. godine

MREŽA ZA AFIRMACIJU NEVLADINOG SEKTORA - MANS
- Izvršna direktorica, Vanja Čalović -

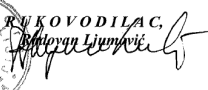

Podgorica

Predmet: Vaši zahtjevi za dostavljanje informacija
br:10/30935-30936 od 10.01.2011 godine

Na osnovu Zakona o slobodnom pristupu informacijama, obavezama Uprave policije iz Akcionog plana za borbu protiv korupcije i organizovanog kriminala i dostavljenog zahtjeva, obavještavamo Vas da, u periodu oktobar – decembar 2010 godine:

- ♦ Nijesu sprovedene kampanje u cilju podizanja nivoa javne svijesti i podsticanja građana (pojedinih ciljnih grupa), da prijavljuju korupciju;
- ♦ Zaprimljeno je devet prijava po osnovu korupcije, koje su u fazi provjera.

S poštovanjem,

Cilj br. 89	
Mjera br. 197 Sprovođenje finansijskih istraga	a) Step en realizacije Realizovano Povećan broj finansijskih istraga.
	b) Indikatori uspjeha Sprovode se dvije finansijske istrage. U okviru jedne finansijske istrage, blokirana - „zamrznuta“ su novčana sredstva na računima fizičkih i pravnih lica u iznosu od 876.403,60 EUR i 55.054,67USD.
	c) Faktori rizika Nema rizika
	d) Izvori finansiranja Budžet

Figure 5: Report of the Supreme State Prosecutor submitted to the Secretariat on the implementation of the measures from the AP during 2010

KRIVIČNO GONJENJE I ODUZIMANJE NEZAKONITO STEČENE IMOVINE	
197 Sprovođenje finansijskih istraga od strane državnih organa zaduženih za otkrivanje i gonjenje učinilaca krivičnih djela	<p>a) Step en realizacije</p> <ul style="list-style-type: none"> • Djelimično realizovano <p>U izvještajnom periodu Uprava policije inicirala je prema nadležnim tužiocima sprovođenje 7 finansijskih istraga protiv 21 lice.</p> <p>b) Indikatori uspjeha U odnosu na prvih sedam mjeseci 2010. godine broj iniciranih finansijskih istraga prema nadležnom tužiocu je povećan za 5.</p> <p>c) Faktori rizika</p> <ul style="list-style-type: none"> • Administrativni kapaciteti • Finansijska sredstva • Obuka • Kadrovi • Ostalo

Figure 6: Report of the Police Directorate submitted to the Secretariat on the implementation of the measures from the AP during 2010

<p>→</p>	<p>181. Sudskom savjetu, Tužilačkom savjetu, državnom tužilaštvu i sudovima angažovati osobe zadužene za odnose sa javnošću i obezbijediti adekvatnu obuku.</p> <p>182. Polugodišnje održavati konferencije za štampu predsjednika Sudskog savjeta i predsjednika Tužilačkog savjeta.</p> <p>183. Najmanje dva puta godišnje objavljivati Bilten Vrhovnog suda,</p> <p>184. Na WEB sajtu Vrhovnog, Upravnog Apelacionog i Viših sudova (drugostepenih vijeća) objavljivati sve odluke.</p> <p>185. U sudovima i tužilaštvima organizovati "Otvorena vrata".</p> <p>186. Svakih 6 mjeseci izvršiti kontrolu rada sudija od strane</p>	<p>Podgorici, zadužene su osobe za odnose sa javnošću koje su prošle adekvatnu obuku po programu i organizaciji OSC-a, a osoba izaduzena za odnose sa javnošću Vrhovnog suda je ovlašćena da daje saopštenja i za Apelacioni sud. Održane su dvije konferencije za štampu i dvoje akcije "Otvorena vrata", sa velikim brojem posjetilaca uz prisustvo svih medija. Izdat je jedan bilten Vrhovnog suda, a u pripremi je izdavanje drugog biltena. Izdata je brošura koja obuhvata stručne radove sudija, koji su bili tema na "Danima sudstva" u prošloj godini. na WEB stranici Vrhovnog, <u>Apelacionog i Viših sudova objavljuju se karakteristične odluke radi ujednačavanja sudske prakse i pomoć nižim sudovima u odlučivanju, a na Sajtu Upravnog suda objavljuju se sve odluke toga suda.</u></p> <p>Izvršena je kontrola svih sudova i pojedinačnog rada sudija, sačinjeni zapisnici, održani sastanci nakon</p>	
<p>Figure 7: Report of the Supreme Court submitted to the Secretariat on the implementation of the measures from the AP during 2010</p>			

Resolution of the Parliament of Montenegro on the Fight against Corruption and Organized Crime

- Aware of the fact that corruption and organized crime constitute a serious threat to the basic principles and values of the society;
- Convinced that corruption and organized crime harm citizens' trust, endanger the rule of law, democracy and social justice;
- Concerned with the fact that corruption and organized crime slow down economic development, endanger the stability of democratic institutions and undermine moral basis of the society;
- Conscious that the fight against corruption and organized crime, as one of the most dangerous national and global phenomena, calls for the harmonized efforts and activities of the state institutions and its citizens, as well as the utilization of cotemporary and efficient methods at the international level;
- Convinced that the fight against corruption one of the key challenges which Montenegro is faced with on the path towards the EU membership;
- Being based upon the requirements of the Convention of the United Nations against Corruption, Council of Europe's Criminal Law and Civil Law Conventions on Corruption, as well as other relevant conventions;
- Respecting the recommendations of the Council of Europe's Committee against Corruption (GRECO) in the implementation of twenty leading principles in the fight against corruption, as well as ten principles for the strengthening of the fight against corruption promoted by the CoE Resolution and the Declaration on Ten Joint Measures for Suppressing Corruption in South-Eastern

Europe from the ministerial conference on joint measures for suppressing corruption in South-Eastern Europe;

- Convinced in the necessity for the Montenegrin society to be protected from corruption and organized crime, literal implementation of the existing and the enactment of appropriate laws;
- Confirming the decisiveness for the obligations to be discharged from the Parliamentary Declaration on Joining the European Union, passed on 8th June 2005 and its readiness to contribute to the "elimination of all legal, institutional and political shortcomings in the fight against organized crime, corruption, human trafficking, drugs, illegal immigration and border security";
- Starting from the fact that Montenegro ratified the Agreement on Stabilization and Association, as a special agreement by means of which it expressed its devotion to the strengthening of cooperation in the fight against organized crime, corruption and terrorism, the Parliament of Montenegro, at the sixth sitting of the second regular session in 2007, on 27th December 2007, passed the

**RESOLUTION
ON FIGHT AGAINST CORRUPTION AND ORGANIZED CRIME
("OG of MNE", no. 02/08 dated 11th January 2008)**

The Parliament of Montenegro:

1. Expresses the readiness to engage all its capacities on building national anticorruption legislation and on establishing as closer possible international and regional cooperation in the area of the suppression of corruption and organized crime;
2. Undertakes to accept international regulations in the area of the fight against corruption and all forms of organized crime, by ratifying relevant anticorruption conventions, based on the obligations resulting from Montenegrin membership in international organizations and institutions;
3. Invites the Government of Montenegro to continue with the harmonization of national legislation with the UN Convention against Corruption and to intensify the proposing of laws relevant for the fight against corruption and organized crime, as well as the laws from the domain of general legislative reform, by implementing the international instruments and standards from this area;
4. Confirms its readiness to develop the mechanism of permanent and efficient oversight of governmental structures, based on defined legislation, which is a prerequisite for the protection of citizens' democratic rights and their right to free access to information;
5. Expresses its readiness to affirm the cooperation with the NGO sector with the purpose of researching and analyzing corruption in various areas;
6. Together with the competent public authorities and civil society, agrees to strengthen the cooperation with the media, in order to contribute to the raising of awareness of the fact that corruption, which modern and democratic societies fight with all possible tools, endangers civil values of the society;
7. In line with the commitments from the Regional Conference of the South-Eastern Europe, undertakes that the GOPAC-Global Organization of Parliamentarians against Corruption shall establish the National Branch of Montenegrin Parliamentarians against Corruption, which would have in its composition the representatives of all working bodies.
8. The Resolution is to be published in the "Official Gazette of Montenegro".

SU-SK BR. 01-846/3
Podgorica, 27th December 2007
Parliament of Montenegro
The Speaker,
Ranko Krivokapić

Annex 2 - Statistical overview of the implementation of the measures from the Action Plan

Area	Implemented		Partly implemented		Not implemented		Without assessment		Total
	No.	%	No.	%	No.	%	No.	%	No.
AREA OF CORRUPTION	28	13%	99	45%	91	42%	0	0%	218
Priorities in suppressing corruption at the political and international level	7	8%	34	40%	45	52%	0%	0%	86
Oversight role of the Parliament and the implementation of international documents and standards	0	0%	2	33%	4	67%	0	0%	6
Political parties' finance and electoral processes	1	17%	1	17%	4	67%	0	0%	6
Prevention of the conflict of interests	1	9%	7	64%	3	27%	0	0%	11
Integrity	0	0%	5	36%	9	64%	0	0%	14
Free access to information	0	0%	2	40%	3	60%	0	0%	5
Protection of persons who report corruption	0	0%	6	67%	3	33%	0	0%	9
Public finances	4	27%	3	20%	8	53%	0	0%	15
State property	1	25%	2	50%	1	25%	0	0%	4
Capital market	0	0%	2	18%	9	82%	0	0%	11
Private sector	0	0%	4	80%	1	20%	0	0%	5
Areas of special risk	14	17%	35	42%	35	42%	0	0%	84
Privatization process	2	29%	5	71%	0	0%	0	0%	7
Public procurement	0	0%	1	8%	11	92%	0	0%	12
Urbanism	3	33%	2	22%	4	44%	0	0%	9
Education/training	4	17%	10	42%	10	42%	0	0%	24
Healthcare	2	18%	6	55%	3	27%	0	0%	11
Local self-government	1	8%	8	67%	3	25%	0	0%	12
Civil society, media and sport	2	22%	3	33%	4	44%	0	0%	9
Prevention of corruption in law enforcement bodies	7	15%	30	63%	11	23%	0	0%	48
Preventive mechanism for the suppression of corruption in the Police	1	10%	6	60%	3	30%	0	0%	10

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Strategy for Fight Against Corruption and Organized Crime*

Preventive mechanisms for the suppression of corruption in judicial bodies	3	21%	11	79%	0	0%	0	0%	14
Criminal prosecution and seizure of illegally acquired assets	0	0%	4	67%	2	33%	0	0%	6
Coordination and exchange of data	1	11%	6	67%	2	22%	0	0%	9
International cooperation	2	22%	3	33%	4	44%	0	0%	9
AREA OF ORGANIZED CRIME	5	12%	22	51%	16	37%	0	0%	43
Analysis of current situation	0	0%	2	50%	2	50%	0	0%	4
Most frequent forms	1	5%	12	63%	6	32%	0	0%	19
Prevention	1	11%	4	44%	4	44%	0	0%	9
Cooperation among public authorities	0	0%	1	50%	1	50%	0	0%	2
Regional and international cooperation	3	33%	3	33%	3	33%	0	0%	9
MONITORING	1	20%	1	20%	1	20%	2	40%	5
TOTAL	34	13%	122	46%	108	41%	2	1%	266

Annex 3 - Application of the Law on Free Access to Information during 2010 upon the requests submitted by the MANS - statistical indicators

Response/procedure	Upon request		Upon corrected request		Upon repeated request		Upon complaint		Upon repeated complaint		TOTAL RESPONSE	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Granted	1386	43%	35	38%	144	13%	391	38%	52	13%	2008	35%
Partly granted	55	2%	0	0%	9	1%	22	2%	0	0%	86	1%
Correction of request	4	0%	38	41%	9	1%	17	2%	4	1%	72	1%
Already published	211	7%	0	0%	37	3%	34	3%	0	0%	282	5%
Not competent	422	13%	1	1%	77	7%	71	7%	45	11%	616	11%
No information	996	31%	15	16%	187	17%	202	19%	1	0%	1401	24%
Rejected-drafting	32	1%	0	0%	6	1%	10	1%	0	0%	48	1%
Forbidden-exception	33	1%	2	2%	10	1%	185	18%	30	8%	260	4%
Silence of administration	66	2%	2	2%	608	56%	110	11%	261	66%	1047	18%
TOTAL	3205	100%	93	100%	1087	100%	1042	100%	393	100%	5820	100%