

Pursuant to paragraph 1 of the Decision of the Government of the Republic of Montenegro on establishing the National Commission for monitoring the Action Plan for implementation of the Programme for the Fight against Corruption and Organized Crime („Official Gazette of the Republic of Montenegro“, no. 15/07) and Action plan for implementing the Programme for the Fight against Corruption and Organized Crime, adopted by the Government of the Republic of Montenegro on August 24 2006, the National Commission for monitoring the Action plan for implementation of the Programme for the Fight against Corruption and Organized Crime, on its session held on March 16 2007, adopted:

THE RULES OF PROCEDURE
of the National Commission for monitoring the
Action plan for implementation of the Programme for the Fight against
Corruption and Organized Crime

I GENERAL PROVISIONS

Article 1

The Rules of Procedure regulate issues of organization, work methodology and reaching decisions by the National Commission for monitoring the Action Plan for implementation of the Programme for the Fight against Corruption and Organized Crime (hereinafter: the National Commission).

Article 2

Composition, terms of reference and competences of the National Commission are laid down in the Decision of the Government of the Republic of Montenegro on establishing the National Commission for monitoring the Action Plan for implementation of the Programme for the Fight against Corruption and Organized Crime ("Official Gazette of the Republic of Montenegro " , no. 15/07).

Article 3

The composition of the National Commission is as follows: the chairperson, deputy chairperson and nine members.

The National Commission has a secretary.

II RIGHTS AND DUTIES OF MEMBERS OF THE NATIONAL COMMISSION

Article 4

Members of the National Commission are equal in their rights and duties.

Article 5

Member of the National Commission is obliged to attend sessions of the National Commission and is entitled to participate in its work and reaching decisions.

Chairperson, deputy chairperson and members of the National Commission may authorize other persons from the institutions that they are representing, to participate at the sessions of the National commission, without having the right to vote.

Article 6

Should a member of the National Commission not be able to attend a session, he/she is obliged to inform the chairperson of the National Commission accordingly.

Member of the National Commission may submit his/her opinion on particular items of the agenda, relating to the session he/she is unable to attend.

Article 7

Member of the National Commission is obliged to perform his/her duties in good faith.

Member of the National Commission is entitled to request submission of data and information from competent bodies as well as to check files and documents with reference to the scope of work of the National Commission, through communication with the chairperson of the National Commission.

Member of the National Commission has the right to be regularly informed on all issues examined and decided upon by the National Commission, including all other issues that may be relevant for his/her participation in the National Commission's work.

Article 8

Member of the National Commission is entitled to initiate a discussion on particular issues pertaining to the scope of work of the National Commission, to propose measures for improving the Action Plan for implementation of the Programme for the Fight against Corruption and Organized Crime, as well as to vote on proposed decisions, other acts and opinions.

Member of the National Commission is obliged to adhere to the session's approved agenda.

Article 9

In its work, the National Commission is obliged to keep state, official, business or other secrets.

Awaiting the adoption of relevant legislation, the National Commission shall, on proposal of the chairperson, reach a decision on marking specific data as secret.

III CONVOCATION AND WORK ON THE SESSION

Article 10

The National Commission works and reaches decisions on its sessions.

The chairperson or deputy chairperson shall convene the session of the National Commission, at least four times per year.

The chairperson or deputy chairperson are obliged to convene the session of the National Commission, upon request of at least one third of all members of the National Commission, not later than fifteen days following the receipt of such a request.

Article 11

The chairperson, i.e. deputy chairperson shall submit the convocation letter, as well as proposal of the agenda and supporting documents and minutes from the previous session, to the members of the National Commission, not later than eight days prior to the session.

Exceptionally, the chairperson or deputy chairperson may convene the session of the National Commission, upon proposal of the member of the National Commission, in a shorter period of time, while proposal of the agenda and supporting documents may be submitted on the session itself.

Article 12

The chairperson moderates the sessions of the National Commission, and in case of his/her absence the session is moderated by the deputy chairperson.

The chairperson determines whether the session is attended by the required number of members of the National Commission and manages the work of the National Commission in accordance with the agenda, adhering to the Rules of Procedure.

In order to reach a valid decision, the session must be attended by more than a half of all members of the National Commission.

Should it be determined that the session is not attended by the required number of members, the chairperson shall postpone the session and set the date for the next session.

Article 13

The National Commission reaches decisions on its sessions, by public vote.

Exceptionally, the National Commission may decide to reach decisions by secret vote.

Should more than a half of all members of the National Commission vote for a decision, it is considered to be adopted.

Article 14

Following the opening of the session, the National Commission shall approve the agenda.

Every member of the National Commission is entitled to propose changes and amendments of the agenda.

Article 15

According to the approved agenda, minutes from the previous session shall be discussed, prior to the start of work of the National Commission.

The minutes contain information on: attendance and absence of members of the National Commission, on proposals which were discussed, decisions, conclusions and other acts adopted on the session, as well as on the outcome and voting methods for each question that was discussed.

The member of the National Commission is entitled to produce comments related to the minutes, while the validity of these comments shall be discussed on the session.

Following the request of the member of the National Commission that expressed individual opinion, minutes shall include information on the member that specified his/her individual opinion, as well as reasons behind it.

Should there be no comments produced to the minutes, or should they be changed according to the submitted comments, the minutes shall be considered adopted.

Producing and approving comments, or statements that the minutes were adopted without comments shall be noted in the minutes of the current session of the National Commission.

Article 16

The chairperson represents and acts on behalf of the National Commission, proposes the adoption of the reports on work of the National Commission and verifies with his/her signature the decisions, minutes and other acts adopted by the National Commission.

The National Commission shall submit the report on its work, in writing to the Government of the Republic of Montenegro, at least twice per year, and the chairperson of the National Commission or his/her deputy shall elaborate on the report on the Government's session.

The report on the work of the National Commission is submitted to the Committee on Economy, Finance and Budget, as well as to the Committee on Political System, Judiciary and Administration of the Parliament of the Republic of Montenegro.

The report on the work of the National Commission may be submitted to the international organizations that express such an interest.

Article 17

The secretary of the National Commission produces minutes from the sessions.

The secretary shall organize and prepare the session of the National Commission and provide necessary administrative and technical support to the work of the National Commission.

The secretary shall collect monthly reports of the competent state bodies, in charge for implementing the Action Plan of the Programme for the Fight against Corruption and Organized Crime.

Article 18

Expert support in analysing and drafting monthly and semi-annual reports of the competent bodies shall be provided by the Directorate for Anti-corruption Initiative, in part which refers to the issues of corruption.

Expert support in analysing and drafting monthly and semi-annual reports of the competent bodies shall be provided by the Police Directorate, in part which refers to issues of organized crime.

IV TRANSPARENCY OF WORK OF THE NATIONAL COMMISSION

Article 19

The sessions of the National Commission are, as a rule, held without public presence.

The transparency of work of the National Commission shall be ensured through public presentations of semi-annual and other reports on its work, through press releases following its sessions and through holding press conferences, as well as disclosing the documents on work of the National Commissions, in accordance to specific regulations.

All documents in relation to the work of the National Commission shall be published on the internet portal of the Government of the Republic of Montenegro, provided that they are not declared secret, pursuant to Article 9 of the Rules of Procedure.

The chairperson or his/deputy, or a member of the Commission or its secretary, authorized by the chairperson, shall inform the public on the work of the National Commission.

Article 20

All documents and data of the National Commission that were declared secret shall not be published, pursuant to Article 9 of the Rules of Procedure.

V FINAL PROVISIONS

Article 21

Issues relating to the work of the National Commission that are not regulated by means of these Rules of Procedure may be regulated by a decision of the National Commission, in accordance with these Rules.

Article 22

These Rules of Procedure shall enter into force on the day of their publication in the „Official Gazette of the Republic of Montenegro“.

Number: 10-5159
Podgorica, March 16 2007

Chairperson of the National Commission
Mrs Gordana Djurovic, PhD, signed.