

ANEXES

List of members of the government and various companies of which they were directors

Law on Conflict of Interest

Annex 1: LIST OF MEMBERS OF THE GOVERNMENT AND VARIOUS COMPANIES OF WHICH THEY WERE DIRECTORS

- Miroslav Ivanišević, Vice-President of the Government
 - President of the Board of Directors of the Port of Bar
 - Member of the Management board of the Central Depository Agency.
- Branimir Gvozdenović, Vice-President of the Government
 - President of the Board of Directors of the Power Supply Company of Montenegro
- Jusuf Kalamperović, Vice-President of the Government
 - Member of the Board of Directors of Montenegro Airlines
- Dragan Đurović, Internal Affairs Minister
 - Member of the Board of Directors of Budvanska rivijera
- Gordana Đurović, Minister for European Integrations and Foreign Economic Relations
 - Founder of the NGO Macro-management Centre and
 - The wife of Šaleta Đurović, assistant to the Director of the Agency for Economic Restructuring and Foreign Investments, member of the board of Directors of Montenegro Airlines and Montenegro Stock Exchange
- Slavoljub Stijepović, Minister of Labor and Social Welfare
 - member of the Management board of the Post of Montenegro,
 - member of the Management board of Zetatrans,
 - member of the Management board of the Employment Agency
- Željko Šturanović, Minister of Justice
 - Member of the Management board of the Post
- Predrag Nenezić, Minister of Tourism
 - Member of Montenegro Airlines Management
 - Member of the Coastal Zone Management
- Milutin Simović, Minister of Agriculture
 - Member of the Management of Plantaže
 - Member of the Board of Directors of Montenegrobonus
- Darko Uskoković, Minister of Economy
 - Member of Management of Telekom
 - Member of the Board of Directors of Montenegrobonus

Annex 2: LAW ON THE CONFLICT OF INTERESTS

I GENERAL PROVISIONS

Article 1

With the purpose of raise confidence in legitimate and impartial performance of public functions, this law shall identify the conflict of public and private interests (hereinafter referred to as: conflict of interests) and govern the ways of avoiding the conflict of interests, as well as other issues relevant for the implementation of this law.

Scope of implementation

Article 2

This law refers to public functionaries and persons connected to them.

A public functionary, as used in this law, shall be understood to mean the person elected by direct and secret vote, person elected by the Parliament of the Republic of Montenegro (hereinafter referred to as: Parliament), or appointed by the Government of the Republic of Montenegro, as well as a mayor, that is the president of the local council.

Article 3

A public functionary shall perform his duties impartially, in accordance with the Constitution, law and other regulations, taking into account the ethics of his profession and the office he holds.

A public functionary shall not be allowed to give priority to his private interest over a public interest in a way that affects or could affect his performance of the public function.

II DEFINITIONS

Article 4

Certain terms, as used in this law, shall have the following meaning:

Conflict of interests – there is a conflict of interests when a public functionary gives priority to a private interest over a public interest so as to gain material benefit or privilege (hereinafter referred to as: benefit) for himself or persons connected to him.

Persons connected to a public functionary – direct relatives of a public functionary, collateral relative up to the second degree, relatives through wife's family up to the first level, a marital or extra-marital partner, adoptive parent or adoptive child, as well as other persons that a public functionary is personally or professionally connected to.

Gift of considerable value - money, securities or other object that is either received or given the value of which exceeds the amount of EUR 50.

Service – activity allowing for conditions for obtaining of benefit.

III IMPERMISSIBLE CONDUCT

Article 5

A public functionary is not allowed to:

- accept a gift of large value, profit or a service, except in cases envisaged by this law;
- favor citizens on the basis of their political or other affiliation, origin, personal links or links through immediate or broader family;
- abuse information he has acquired during his position in a public office, and
- exert influence over public procurement procedure.

Action to be taken by a public functionary found in a conflict of interests

Article 6

Should a public functionary have doubts that there is a conflict of interests, he shall report that to the Committee for the Conflict of Interest (hereinafter referred to as: Committee) in order for Committee to decide whether he/she is position of conflict of interest.

Influencing impartiality of a public functionary

Article 7

A public functionary has the duty to immediately inform the Committee of such an influence or impermissible action carried out during his performance of a public office.

Should the Committee find that the action referred to in Para. 1 of this Article can be qualified as a criminal offense, it shall immediately report that to the Prosecutor General.

IV DISCLOSURE FORMS

Submission of disclosure forms

Article 8

It is the duty of a public functionary to submit disclosure forms on his income and property for himself, his spouse, his extramarital partner, and his children living in the same household (hereinafter referred to as: disclosure forms) within 15 days of the date he entered upon a public office.

During the term of office, it is the duty of a public functionary to submit such a disclosure form to the Committee annually, by the end of February of each year.

It is the duty of a public functionary to inform the Committee of every change in his property exceeding the amount of EUR 2000 within 15 days of the day when such a change took place.

After the expiry of the term of office, it is the duty of a public functionary to submit the disclosure forms to the Committee related to the period of time during which, according to regulations, he is entitled to rights and duties arising from such a public office.

Filling out disclosure forms

Article 9

A public functionary shall fill out the disclosure form the content of which is set out by the Committee.

A public functionary shall be responsible for accuracy of data in the disclosure forms.

An incomplete or wrongfully completed disclosure form shall be returned by the Committee to the relevant public functionary who must remove, within eight days of receipt, all errors and irregularities.

Register of disclosure forms

Article 10

The Committee shall keep the Register of disclosure forms on income and property of a public functionary, his spouse or extramarital partner and his children living in the same household (hereinafter referred to as: Register of disclosure forms)

The Committee shall issue a notice of receipt upon entry in the Register of disclosure forms.

The Register of disclosure forms shall be published by the Committee in the media.

At the order of a state authority and local government authority, the Committee shall immediately present it with the data from the Register of disclosure forms.

V INCOME, PROPERTY AND GIFTS

Illegally earned income and property

Article 11

The Income and property that a public functionary, his spouse or extramarital partner and his children living in the same household have acquired during his term of office but have not been reported to the Committee, or is not covered by appropriate documentation, shall be considered illegally acquired income or property, as used in this law. The Committee shall inform the Prosecutor General of the Republic of Montenegro of that.

Receipt and disclosure of gifts of considerable value

Article 12

A public functionary can receive a gift of considerable value that he is obliged to disclose to the Committee within 15 days of the date of receipt of such a gift.

The gift of considerable value shall become state property.

Value of gifts

Article 13

The Committee shall establish the value of the gift according to its market value on the day of receipt of such a gift.

VI HOLDING OF OTHER POSITIONS

Article 14

If the Committee has previously found that it does not cause a conflict of interests, a public functionary shall be allowed to hold another position following the approval of the authority that has elected and appointed the public functionary.

Pursuant to Article 8 of this law, a public functionary shall have the duty to disclose to the Committee the income acquired in an additional position.

For the work done in a public function, a public functionary shall not be allowed to receive fees from other state or international organization or institution, except for travel and other similar costs.

Membership in company boards

Article 15

A public functionary cannot be a member of a company board, except shareholders Assembly.

Exceptionally, a public functionary, except Government members, judges of the Constitution court, judges, state prosecutor and deputy state prosecutor, can be a member of a the board in a company whose owner is the state but shall not be entitled to any fee, except to travel and other similar costs.

A public functionary who is the owner of a company shall have to transfer his management rights to other person within 15 days of the day he enters upon office, except to persons stated in article 4, paragraph 1, line 2 or other body.

Membership in non-governmental organizations and other legal entities

Article 16

A public functionary can be a member of non-governmental organizations and other legal entities engaged in research, humanitarian, cultural, sports, or other similar activity, but shall not be entitled to any fees, except for travel and other similar costs.

VII COMMITTEE

Article 17

A special Committee referred to in Article 6 of this law shall be set up as an independent body for the establishment of conflict of interests.

The Committee shall be set up by the Parliament.

Committee members

Article 18

The Committee shall have five members, of whom one shall perform the function of the president.

Committee members shall be elected by the Parliament at the proposal of the proper parliamentary board for the five year term of office, with the possibility of reappointment.

Committee members shall be persons who have proved their impartiality and conscience through their professional and moral values. At least one Committee member must be a holder of law degree and bar examination certificate.

Committee members are entitled a fee for their work, defined by proper parliamentary board.

Scope of authority of the Committee

Article 19

The Committee shall:

- establish facts and circumstances relevant for the decision;
- take a decision, accompanied by an explanatory note, on whether there is a conflict of interests in a given case;
- establish the value of a gift;
- keep Register of disclosure forms;
- adopt Rules of Procedure;
- carry out other work, as envisaged by this law.

The Committee Rules of Procedure shall prescribe in greater detail the work procedure and other issues relevant for the work of the Committee.

Procedure before the Committee

Article 20

The procedure before the Committee shall be initiated by a public functionary, state authority, local government authority, legal and physical entities or Committee members.

The Committee shall examine every report on the potential conflict of interests.

Before the decision is taken, the Committee shall inform in writing the public functionary of the report and require of him to declare himself.

Article 21

A public functionary shall have to declare himself in writing within 15 days of the day of receipt of such a request.

If a public functionary fails to declare himself within the time period referred to in Para. 1 of this Article, the Committee shall pass the decision without such declaration.

Article 22

The Committee shall propose to the proper authority to remove a public functionary from his office if it finds that there is a conflict of interests or if the public functionary fails to submit the report referred to in Article 8 of this law, or if he fails to remove errors and irregularities concerning Article 9 of this law.

If the Committee finds that a public functionary has committed a crime, he shall immediately submit a report to the state prosecutor in charge.

Funds for the work of the Committee

Article 23

Funds for the work of the Committee shall be provided by the Budget of the Republic of Montenegro at the proposal of the Committee.

Transparency of the work of the Committee

Article 24

The Committee decisions on the conflict of interests shall be delivered to the media.

The Committee shall submit the report on its work to the Parliament when necessary, at least once a year.

VIII TRANSITIONAL AND CONCLUDING PROVISIONS

Article 25

The Parliament shall set up the Committee within 90 days of the day this law comes into force.

Article 26

The Committee shall adopt rules, forms, and Rules of Procedure within 90 days of the day it is set up.

Article 27

Rights, obligations, and responsibilities constituted by this law shall also refer to a public functionary who is holding a public office at the time this law comes into force.

A public functionary referred to in Para. 1 of this Article shall submit a disclosure form to the Committee within 15 days of the day rules, forms and Rules of Procedure are adopted.

Coming into force

Article 28

This law shall come into force on the eighth day of its publication in the "Official Gazette of the Republic of Montenegro".