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**Implementation of the Action Plan for the Fight Against
Corruption and Organized Crime in Montenegro in 2008**

TACKLING CORRUPTION FOR EU INTEGRATION II

Opinions given in this publication do not necessarily correspond to those of the British Embassy in Montenegro that financially supported project implementation.

Podgorica, April 2009

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INTRODUCTION

"The declared commitment of the authorities to combat corruption has not been backed up by rigorous implementation with clear results, including higher conviction rates in corruption cases. Corruption continues to be widespread and inefficiently prosecuted, particularly in cases of high-level corruption."

Montenegro 2008 Progress Report, EU Commission

In August 2006, the Government of Montenegro adopted Action Plan for Fight Against Corruption and Organized Crime, defining activities, responsible institutions and deadlines for reform implementation, while at mid February 2007, The Government established the National Commission for monitoring implementation of that document.

Purpose of this publication is to point out shortcomings in work of the National Commission and present regional experiences, document shortcomings of the official system for Action Plan monitoring and provide a clearer picture on reforms implementation in 2008, problems in accessing information and attitude towards civil society.

First chapter is describing structure and activities of the National Commission that adopted almost one third of amendments submitted to reports on implementation of the Action Plan. Case study presented in this chapter is showing that Commission members are still not provided access to relevant information, while participation of civil society representatives in the Commission activities is restricted. Examples provided in special part of this chapter are showing that some institutions are not respecting Commission's recommendations, even when they are repeated, while some assessments from the Commission reports are contradictory to the recommendations adopted by the very same Commission.

Second chapter is describing monitoring system of the Action plan, while example of the Commercial Court shows that reports of the institutions do not include the necessary information or provide incorrect data on the implementation of their own activities. A number of examples illustrate shortcomings in the assessments of activities implementation given in the reports of the National Commission, which statistically increase the success of reform implementation

MANS is monitoring the AP implementation using indicators defined by that document, that we collect by submitting requests for information to competent institutions on a basis of the Law on Free Access to Information. Third chapter is providing information on implementation of the Action Plan during 2008, showing that one fourth of activities were implemented, while almost 40% were partly implemented, and around one third of the planned measures were not implemented. Data are showing that during last year institutions conducted public campaigns and created legal, institutional and technical preconditions for fight against corruption and organized crime that did not resulted with increased number of reported and processes cases.

Case studies given in fourth chapter are showing that state institutions in charge of implementation of reforms in the area of combat against corruption and organized crime are not ready to cooperate with civil society and to allow access to information on the results of their

work. The first case study documents pressures against nongovernmental sector by the high police officials, while special case study shows that the Police Administration continuously disable access to data on their work, while through implementation of the Action Plan activities, expands by secret act their powers and thus violates the right of citizens to privacy Case studies presented in the second part of the chapter are describing how the Supreme State Prosecutor does not have data on the activities that s/he has been submitting to the National Commission and at the same time stating to have been realized, while the Ministry of Finance claims that they are not in charge of the activities whose realization the Minister approves by his own Decisions.

The last chapter presents comparative data for the countries of the region, which show that Montenegrin Commission has least competencies and authority of all the commissions in the region. Only in Montenegro, Commission is focused on monitoring the implementation of anti-corruption policies, while other commissions in the region also analyze concrete cases of corruption. Special part of the chapter is providing information from the reports of the relevant international institutions that are expecting concrete results from countries in the region, recommend establishment of independent, specialized anti-corruption bodies with enough resources and capacities to ensure coordination of institutions, as well as efficient and impartial monitoring implementation of the reforms.

1. NATIONAL COMMISSION FOR MONITORING THE ACTION PLAN IMPLEMENTATION

1. NATIONAL COMMISSION FOR MONITORING THE ACTION PLAN IMPLEMENTATION

This chapter describes the structure of the National Commission for monitoring the implementation of the Action Plan for Fight against Corruption and Organized Crime, presents data on compliance with the rules of work, activities of the members of that body and the attitude of institutions to the Commission recommendations.

Data presented in this chapter show that materials for the sessions are submitted in compliance with the prescribed deadlines. Still, the Commission members are not provided access to relevant information, while participation of the civil society representatives in the Commission activities is restricted.

Review of the Commission members' activities shows that apart from presence at the sessions, they rarely use their authorities. Data show that the Commission has adopted almost one third of submitted amendments to reports on Action Plan implementation, half of which were submitted by MANS.

Examples given in the last section show that some institutions do not respect the National Commission recommendations, not even when they are repeated throughout the reports. Some assessments from the reports are contradictory to recommendations adopted by the Commission itself.

In mid 2005 the Government adopted the Programme of Fight against Corruption and Organized Crime whose implementation was postponed until the adoption of Action plan which followed one year later¹. The Government established the National Commission for Monitoring half a year after the adoption of Action Plan². More than a year later, amendments to Action plan were adopted³.

The National Commission is made up of the President, Vice-president and ten members whose institutions are at the same time implementing activities included in the Action Plan⁴, so that Commission members are in a position to assess their own results. Moreover, draft reports on the implementation of the Action Plan to be adopted by the National Commission are developed by an Expert Team also made up of representatives of institutions competent for the implementation.

¹ The Government adopted the Action Plan on August 24 2006.

² The National Commission was established on February 15 2007.

³ All the data in this publication refer to the innovated Action Plan adopted on May 29 2008.

⁴ The Commission President is the Deputy Prime Minister for European Integration, the Vice-president is the Minister of Internal Affairs and Public Administration, members are the Ministers of Finance and Justice, the Supreme State Prosecutor, the President of the Supreme Court of Montenegro, the director of Police Administration, director of the Administration for Anti-Corruption Initiative, president of the Board for Economics, Finances and Budget as well as the President of the Board for Political System, Judiciary and Administration in the Parliament of Montenegro as well as the Executive Director of MANS , while Executive Director of CEMI was subsequently appointed a Commission member.

The task of the Commission is to ensure adequate implementation of the Action Plan by competent bodies, to manage resources provided for its implementation, to monitor and assess the success of implemented measures and submit to the Government semi-annual reports.

Four reports on the implementation of the Action Plan were adopted at a total of nine Commission Sessions⁵. The monitoring systems have a number of deficiencies, so that statistical data from the Commission reports do not correspond to the real state⁶. The National Commission does not manage the resources for the implementation of the Action Plan, nor does it possess data on the budget used for these purposes.

The Seventh Session of the Commission was scheduled upon a request by MANS that the Commission consider the European Commission Progress Report on Montenegro.

At the session MANS submitted 60 recommendations for the competent institutions with the aim of improving activities in the areas indicated by the EC. The Commission determined a deadline for other members too to submit recommendations.

At the VIII session 14 recommendations of MANS were accepted, as well as 30 additional recommendations proposed by other Commission members for a total of four institutions. The National Commission and the Government adopted the recommendations within the Fourth National Commission report.

1.1. Rules of Procedure on the work of the National Commission

This chapter is showing that during 2008 the practice was interrupted of permanent violation of the Rules of Procedure on the work of the National Commission regarding the deadlines for submission of materials for the sessions.⁷ The Commission members are still not provided access to relevant information, while practice shows that the participation of the Commission members representing the civil society in the Commission activities is restricted.

Deadlines for submitting material

According to the Rules of Procedure, the President i.e. the Vice-President sends invitations for the session with the proposed agenda and the supporting materials, as well as the minutes from the previous session at latest eight days before the session is held.

Materials for the first six sessions of the Commission were submitted to the members in a significantly shorter time notice than the prescribed, which MANS continuously pointed to. After a

⁵ More detailed information on the Commission sessions are given in Annex 1. The first report covers the period from September 2006 to May 2007, the second period from Sep 2006 to May 2007. The third report covers the period January - June 2008, i.e. the innovated Action Plan, while the fourth report covers the period from July 2008 to December 2008.

⁶ More detailed information is given in Chapter 3.

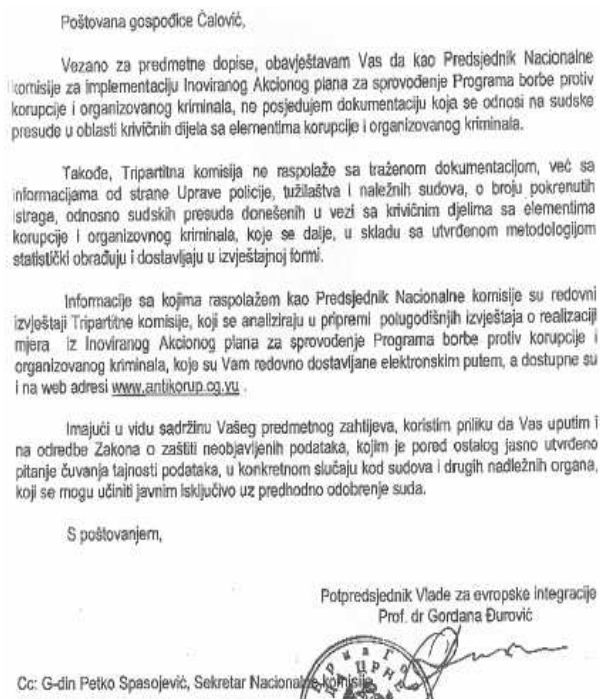
⁷ Rules of Procedure were adopted on March 16 2007 and is available at www.antikorup.vlada.cg.yu/vijesti.php?akcija=vijesti&id=25151

media pressure of MANS, materials for the last three sessions were submitted within the time notice prescribed by the Rules of Procedure⁸.

More detail information is provided in Annex 1: Sessions of the National Commission.

Access to information

Rules of Procedure prescribe that a National Commission member can ask from the competent bodies to submit data and information, and to have insight into acts and documents related to the scope of work of the National Commission, over the National Commission President. Violation of this provision of the Rules of Procedure continued during 2008.⁹



Response of the National Commission President
dated April 7 2009

MANS' representative who is a member of the Commission asked from President to submit court verdicts referring to criminal offences with elements of corruption and organized crime. President was asked to forward request to Tripartite Commission, a body collecting and processing data on acting of judiciary and prosecution in cases of corruption and organized crime.

In her response the Commission President stated she does not possess the requested documents, and that the data are not possessed by the Tripartite Commission either, because that body only processes statistical data. In the same official letter President states that access to the requested data can be restricted based on the Law on Protection of Unpublished Data.

⁸ More detailed information on the Commission sessions is given in Annex 1.

Experiences from previous period are available at

http://www.pravodaznam.info/publikacije/korupcija_ili_EU_integracije/MN/2-Pracenje-sprovođenja-AP.pdf

⁹ More detailed information on violation of the Rules of Procedure in the previous period can be found at http://www.pravodaznam.info/publikacije/korupcija_ili_EU_integracije/MN/1-Nacionalna-komisija.pdf

Equality of the Commission Members

According to the Rules of Procedure, all members of the National Commission have equal rights and duties, but the practice shows that the President of the National Commission restricts participation of the civil sector representatives at meetings at which the results of the Action Plan implementation are presented to international organizations.

Vezano za predmetni dopis, obavještavam Vas da je sastanak sa predstavnicima diplomatsko konzularnih predstavništava u Crnoj Gori organizovan u skladu sa Zaključcima Vlade Crne Gore, od 5. marta 2009. godina, povodom usvajanja IV izvještaja o realizaciji mjera iz Inoviranog Akcionog plana za sprovođenje programa borbe protiv korupcije i organizovanog kriminala, u cilju daljeg promovisanja aktivnosti državnih institucija u realizaciji obaveza, odnosno preporuka iz navedenog dokumenta.

Imajući u vidu navedeno, ovim povodom prisustvo svih članova Nacionalne komisije za implementaciju Akcionog plana za sprovođenje Programa borbe protiv korupcije i organizovanog kriminala nije predviđeno.

Potpredsjednik Vlade za evropske integracije
i predsjednik Nacionalne komisije

Prof. Gordana Đurović



Response of the National Commission President
dated March 17 2009

The Commission President informed the public that representatives of the National Commission are to have a meeting with international officials and diplomatic core in Montenegro, at which the Fourth Report of the Commission on the implementation of the Action Plan was to be presented.

MANS asked to be represented at the meeting as the NGO representing the civil society in the National Commission.

The Commission President refused the request with the explanation that it was not foreseen for all members to be present at the meeting.

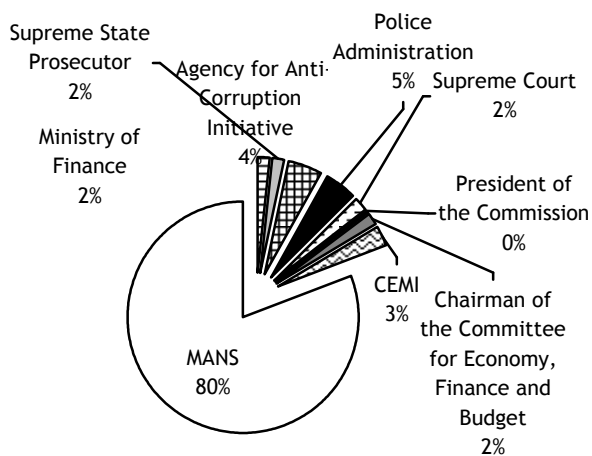
The meeting was attended by the National Commission President, the Minister of Internal Affairs and Public Administration, the President of the Supreme Court, Supreme State Prosecutor, Director of Police Administration and Director of Administration for Anti-Corruption Initiative, who are at the same time in charge of implementation of the majority of activities defined by the Action Plan.

1.2. Analysis of the activities of Commission members

This Chapter presents the overview of the activities of Commission members, which shows that except the presence in the sessions, members rarely use their powers. Data show that the Commission adopted almost one third of the amendments submitted to the reports on implementation of the Action Plan out of which a half was submitted by MANS. This Chapter shows that the representative of MANS was the most active member of the Commission and submitted more than 80% of the totally submitted amendments, and at MANS' representative's initiative the only extraordinary session of the Commission was called.

The National Commission has held 9 sessions as of its establishment. Minutes show that majority of members was regularly present at the sessions, except the President of the Committee for Judiciary and Public Administration of the Parliament who participated in the work of this body in the two out of the total nine sessions.

VII session was called at initiative of the representative of MANS in order to consider the annual Montenegro 2008 Progress Report of the European Commission. MANS submitted the proposal of 60 recommendations for the authorized institutions for the purpose of improvement of the areas highlighted by the European Commission¹⁰. According to the Decision of the Commission, deadline for submission of recommendations was extended until the next session in which amendments were submitted by the representatives of Police Administration, Agency for Anti-Corruption Initiative and President of Parliamentary Committee for Economy, Finance and Budget.



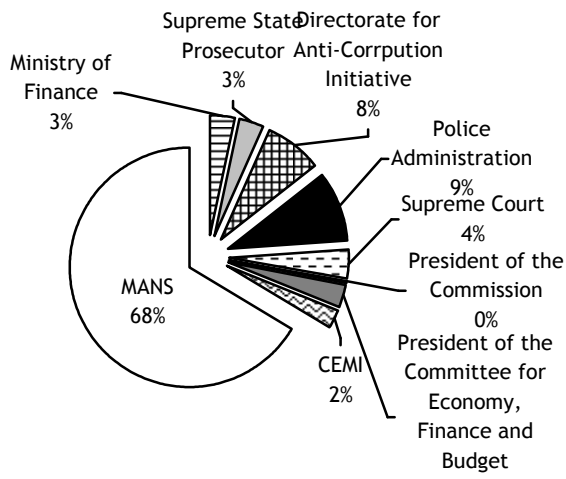
To the proposals of four reports on implementation of the Action Plan, total of 421 amendments were submitted to the Commission.

Most amendments, more than 80% of the total number of the submitted amendments were brought by the representative of MANS.

President of the Commission for Judiciary and Public Administration, Minister of Justice and Minister of Interior and Public Administration did not submit any amendment and President of the National Commission submitted one amendment.

Graph 1: Submitted amendments to the proposed reports

¹⁰ Text of recommendations given in Annex 3



Graph2: Accepted amendments to the proposed reports

Commission accepted almost one third of the proposed amendments. A half of the total number of the adopted amendments was submitted by MANS¹¹.

The Commission adopted all the amendments which were proposed by the Deputy Prime Minister of the Government for European Integrations, President of the Supreme Court, Supreme State Prosecutor, Minister of Finance and Director of the Police Administration.

Over 85% of amendments proposed by the President of the Committee for Economy, Finance and Budget of the Parliament of Montenegro were adopted and 80% of amendments submitted by the Director of the Agency for Anti-Corruption Initiative.

Commission accepted a significantly lower percentage of amendments submitted by the representatives of civil society, 42% of amendments submitted NGO CEMI and 18% of the total number of amendments submitted by MANS.

¹¹ MANS submitted 340 amendments out of which 61 were accepted which makes almost 50% of the total of 130 adopted amendments.

Member of the National Commission	No of sessions in which they were present	Amendments			
		Submitted	Accepted	Rejected	Withdrawn
Deputy Prime Minister for European Integrations	9	1	1		
President of the Supreme Court	9	8	8		
Supreme State Prosecutor	8	7	7		
Chairman of the Committee for Economy, Finance and Budget of the Parliament of Montenegro	7	7	6	1	
Chairman of the Committee for Judiciary and Public Administration of the Parliament of Montenegro ¹²	2	-			
Minister of Finance	8	7	7		
Minister of Justice	9	-			
Minister of Interior and Public Administration	8	-			
Director of the Police Administration	9	19	19		
Director of the Agency for Anti –Corruption Initiative	8	20	16	4	
Executive Director of NGO CEMI ¹³	4	12	5	6	1
Executive Director of NGO MANS	8	340	61	263	16
TOTAL		421	130	274	17

Table 1: Participation of the members of National Commission in the sessions and in submission of amendments

It was symptomatic that in the session in which the representative of MANS was not present no amendments were submitted. Members of the Commission received a big material for that session two days before it was supposed to be held¹⁴ which has made participation of the members of Commission senseless, since they are obliged to consider with due attention reports of the authorized institutions.

¹² At the position of the representatives of Parliament, two chairmans of the Commission for Economy, Finance and Budget of the Parliament changed. First member of the National Commission was Dragisa Pesic and after he had left Parliament, since 2009, function of the member was performed by Aleksandar Damjanović.

¹³ Representative of NGO CEMI was appointed in the National Commission later. More detailed information available at http://www.pravodaznam.info/publikacije/korupcija_ili_EU_integracije/MN/1-Nacionalna-komisija.pdf

¹⁴ President of the Commission submitted to the members of the Commission III Draft Report on Implementation of Action Plan on Wednesday 23 July 2008 and called sitting for Monday 28 July 2008.

Đurović: Računam na vaše razumijevanje

Đurović je u odgovoru Čalovićkoj navela da su MANS-u svi izvještaji dostavljeni elektronskom poštom te da niko od članova komisije nije pravio problem oko toga..

S obzirom na pojednostavljenu metodologiju izvještavanja i veću preglednost, kao i Vašu efikasnost i zainteresovanost, koju kontinuirano i afirmativno pokazujete u radu naše Komisije, mislim da ipak ima dovoljno vremena da se daju predlozi amandmana na ocjenu mjera - navela je Đurović i dodala da "za sve nas koji smo posvećeni ovom poslu, nema razlike između radnih i neradnih dana, kao ni između radnog i slobodnog vremena".

- Kad je nešto veoma bitno, moramo raditi koliko je potrebno, da bi se neki posao završio u planiranom roku i na kvalitetan način, čak i kada mi nijesmo uzrok kašnjenja-kazala je Đurović i dodala da je veliko interesovanje za rad Komisije i usvajanje izvještaja u skladu sa okvirnim kalendarom, pokazala i delegacija Evropske komisije u Podgorici.

-Na njihov zahtjev, dozvolila sam im da prisustvuju sjednici NK u ponedjeljak. Bili su toliko ljubazni da su rekli da nije neophodno obezbijediti prevod odmah na engleski, jer će poslati kolegu ili koleginicu koja razumije naš jezik. Imajući u vidu sve navedeno, ne sumnjam na Vaše razumijevanje i podršku da Nacionalna komisija ima sastanak u ponedjeljak, 28.jula u 17.00-zaključuje Đurović.

Article from the daily "Vijesti" from 28 July 2008

MANS requested from the President of the Commission to prolong deadline for consideration of the material, but she stated that other members of the Commission did not express dissatisfaction because of breach of deadlines and that there was no need for postponement.

Due to that, the representative of MANS was not present at the session of the Commission neither did he submit the amendments to the Proposal of III Report on Implementation of Action Plan.

IV Draft Report was submitted in the period of time prescribed by the Rules of Procedure¹⁵.

More detailed information are presented in Annex 2: Amendments of the members of Commission to the proposals of the Report on Implementation of Acton Plan.

¹⁵ More details in Chapter 1.1.

1.3. Attitude of institutions to the National Commission recommendations

This section presents examples which indicate non-compliance with the National Commission recommendations, which are adopted as part of the Action Plan also by the Government of Montenegro. To some institutions the Commission continuously gives the same recommendations, which are not implemented. In some cases assessments from the Commission reports are contradictory to the recommendations forwarded to competent institutions.

The Commission continuously forwards the same recommendations to some institutions, but there is no progress in the implementation of activities the recommendations refer to. For example

- The same recommendations were forwarded two times to the Parliament of Montenegro – to intensify activities for the adoption of the laws which are in the parliamentary procedure and to determine competences for the development of the new Law on the State Election Commission
- The same recommendation was forwarded two times to the Ministry of Finance – to adopt, in compliance with the Law on Prevention of Money Laundering and Terrorism Financing, a regulation which stipulates closer criteria for development of guidelines on risk analysis.
- The same recommendation was forwarded two times to the competent ministries – to organize public debates on privatization of companies of strategic importance, in compliance with the privatization plans under the competence of these institutions, and to inform the National Commission in a timely manner thereon.
- The same recommendations were forwarded two times to the Prosecution Council – to analyze the number and structure of cases from the field of corruption, organized crime, in relation to the existing staff.
- The same recommendation was forwarded two times to the Customs Administration – to intensify the campaign for acquainting the citizens with the possibility to report corruption to the open telephone for smuggling.
- Two times the same recommendations were forwarded to Police Administration – to submit information on provision of a special allowance for officials of the Crime Police Sector due to complexity, specific character and riskiness of affairs under their competence, and to make a protection plan for police officials involved in fight against corruption and organized crime.

The Commission forwards the same recommendations to some institutions, but in the reports assesses differently the implementation of those measures. For example:

- In all four reports it was recommended to the Tax Administration to innovate the agreement on cooperation and enable direct access of Police Administration to data bases of that institution. In I, II and III report of the Commission this measure was assessed as partly implemented, while in IV report it was assessed that the activity was not implemented.
- All four reports recommend to the Supreme Court to inform on the implementation of measures referring to the introduction of Judiciary Information System and electronic coding and assignment of cases. In I, II and III report this measure was assessed as „partly implemented“ and „implemented in continuity“ to be assessed in IV report as „not implemented“.
- The reports repeat also the recommendation that prosecution should inform the National Commission on its information system. While I report assesses the measure as not implemented, the II one assesses it as partly implemented, while in III and IV report it is again assessed as not implemented.

The National Commission assesses some activities as implemented, even though the recommendations continuously warn of the need to intensify the implementation of those activities. For example:

- In III and IV report it is recommended to the State Auditing Institution to intensify activities for the development of a Public Relations Strategy, at latest until IV quarter of 2008, i.e. until I quarter 2009. At the same time, in both reports the Commission assesses this measure as partly implemented, even though the Strategy was not developed, nor were recommendations of the Commission respected.
- In III and IV report it is recommended to the Administration for Prevention of Money Laundering and Terrorism Financing to analyze the needs for concluding of new agreements on exchange of data with other states, as well as to analyze the implementation of the agreement on cooperation in the field of money laundering in cooperation with other state bodies. While III report assesses the measure as being continuously implemented, according to IV report it has been partly implemented.

More detailed information is given in annex 4: Review of the National Commission recommendations according to institutions.

2. MONITORING IMPLEMENTATION OF THE ACTION PLAN

2. MONITORING IMPLEMENTATION OF THE ACTION PLAN

This chapter describes the monitoring system for the Action Plan and indicates that the reports of institutions do not include the necessary information or provide incorrect data on the implementation of their own activities, which makes impossible a realistic assessment of activities implementation. A number of examples illustrate shortcomings in the assessments of activities implementation given in the reports of the National Commission, which statistically increase the success of reform implementation in fight against corruption and organized crime.

The National Commission monitors the implementation of the Action Plan and publishes half-yearly reports with recommendations to competent institutions, which are then adopted by the Government of Montenegro. The monitoring system for implementation of activities from the Action Plan is based on quarterly reports submitted by 54 competent institutions.

Expert support for analysis of quarterly reports of institutions and development of draft reports of the National Commission is provided by the Expert Team which was established on June 6 by the National Commission President.

The Expert Team is made up of the representative of the Ministry of Justice, three representatives of Police Administration, deputy Supreme State Prosecutor, representative of the Direction for Anti-corruption Initiative and two advisors in the Cabinet of the Deputy Prime Minister for European Integration i.e. President of the National Commission. The composition of the Expert Team was published only in April 2009, after several requests submitted by MANS.

MANS has been continuously monitoring the implementation of the Action Plan¹⁶ and it is submitting most of the amendments to the Draft report of the National Commission¹⁷, so we asked for our representatives to participate in the work of the Expert body, in order to improve the quality of the report in that phase of development owing to additional information collected from institutions based on the Law on Free Access to Information.

Upon a proposal of the President, the National Commission refused to allow participation of MANS in the work of the Expert body and accepted a meeting of the Expert body members to be organized with the representatives of MANS, with a view to more efficient harmonization of activities implementation assessment in the draft report before its consideration at the session of the National Commission¹⁸.

Case study of the Commercial Court shows that the work of the Expert body, and thus also the quality of the National Commission report is to a large extent limited due to lack of quarterly reports of competent institutions which do not give concrete information on implementation of the Action Plan measures, nor data on indicators based on which their implementation can be assessed.

¹⁶ MANS produces paralel reports referring to the Action Plan implementation which include information obtained by means of requests for information and reports submitted by institutions. More details can be found in chapter 4.2.

¹⁷ More details can be found in chapter 2.2

¹⁸ Minutes from IX session of the National Commission dated February 17 2009.

2.1. Case study: Commercial Court in Podgorica

Report of the Commercial Court was signed by the President of the Court and submitted to Police Administration as official information on the implementation of the Action Plan by that institution.

From the report it is not possible to conclude which measures it refers to, that document does not include basic information necessary for assessment of measures implementation, and the data presented in it are not correct. The report does not give data on the implementation of measures the Court is competent for, and it has a number of technical deficiencies.

From the report of the Commercial Court it cannot be determined which measures it refers to. The report quotes information on the implementation of three measures, with the ordinal numbers of measures the report refers to not matching the ordinal numbers of measures from the Action Plan. The very Action Plan has been structured in such a way that every chapter begins new measures numbering, so that the quoted numbers refer to nine measures¹⁹. Numbers of measures from the report of the Commercial Court do not refer either to the assessments numbers of the National Commission from the Third report²⁰.

POLUGODIŠNJI IZVJEŠTAJ

I. NADLEŽNI ORGAN: PRIVREDNI SUD U PODGORICI	
2. IZVJEŠTAJNI PERIOD: 01.07.2008.godine - 30.09.2008.godine	
MJERE U KOJE JE ORGAN UKLJUCEN	
3.1. MJERA Mjera pod rednim brojem 31 Akcionog plana	Izvršena.
3.2. MJERA Mjera pod rednim brojem 33 Akcionog plana	U izvještajnom periodu procesuiran je jedan zahtjev za slobodan pristup informacijama u posjedu ovog suda. Po zahtjevu je blagovremeno postupljeno.
3.3. MJERA Mjera pod rednim brojem 43 Akcionog plana	Izvršena.

01.09.2008.godine
Datum podnošenja


Dragan Rakočević

Report of the Commercial Court for the period 01/07 – 30/09/2008

¹⁹ The report of the Commercial Court quotes measures number 31, 33 and 43. I Political and international obligation to act: 31: Adoption of the Law on taking care of temporarily and permanently seized property, 33: Adoption of the Law on property-legal relations, 43: Ratify convention on prevention of terrorism. II General objectives: 31: Education of citizens and NGOs on the implementation of the Law on FAI, 33: Enable free access to information in compliance with the law – this is also the only measure that can be recognized from the report of the Commercial Court, 43: There is no measure under this ordinal number. III Specific measures against corruption and organized crime: 31: Reorganization of the existing department for special checks through introduction of new affairs, 33: Recruitment of the necessary staff, 43: Needs assessment and procurement of equipment for the needs of the department for fight against drugs and smuggling.

²⁰ According to that document the quoted measures refer to 31: Adoption of Law on the system of internal financial controls in the public sector, 33: Adopted Law on Protection of Data on Personality, 43: Adoption of law on Foreigners.

Report of the Commercial Court does not include the basic information necessary for the measure implementation assessment. For two measures²¹ the only information given is that according to the assessment of the Commercial Court itself, that institution implemented those measures i.e. there is no information on indicators, and in the part referring to measures implementation it only says "completed".

The Commercial Court Report does not include information on the implementation of measures it is competent for. Commercial Court reports on the implementation of three measures, and according to the Action Plan it is competent for five measures²².

Report of the Commercial Court includes incorrect data on measures implementation. The report states that in the one request for information was received in the report period²³, which was responded to in a timely manner. In the report period only MANS submitted three request for information²⁴ of which two were answered, and based on one a complaint was filed to the Administrative Court.

The lack of seriousness of the report is also witnessed by the fact that it is named "half-yearly report", even though it refers to the period of three months. The part of the report referring to the report period states that it covers a period from 01 July until 30 September 2008, while September 01 2008 is quoted as the date when the report was submitted.

²¹ Measures are quoted under ordinal numbers 31 and 43 in the report

²² I Political and international obligation to act - Number 2: Submission of periodic reports based on the innovated instruction for preparation of reports on the implementation of the Action Plan and other analyses and reports referring to corruption and organized crime. II General objectives- Number 9: Ensure special premises for reception of damaged parties and witnesses preserving the integrity of the court proceedings and the security and privacy of damaged parties and witnesses, Number 33: Ensure free access to information in compliance with law, Number 40: In cooperation with CRPS and other competent institutions initiate the project for development and publishing of the "black list" if commercial companies convicted for criminal acts with elements of corruption. III Specific measures against corruption and org. crime - Number 106: Develop a Program of fight against money laundering and terrorism financing for 2010-2012.

²³ (01/07/2008 – 30/09/2008)

²⁴ Requests for information dated 29/VII/2008, 26/VIII/2008 and 05/IX/2008.

2.2. Shortcomings of the National Commission's reports on the Action plan implementation

Reports of the National Commission provide an unrealistic picture of the Action Plan implementation, because they fail to provide data on the implementation of all activities, assessments on implementation are not based on indicators prescribed by the Action Plan, while even the activities on whose implementation there are no data, which have only been started or which have not been implemented in the manner foreseen by the Action Plan, are assessed as implemented.

MANS has been continuously monitoring the implementation of the AP by submitting requests for information to competent institutions and it publishes parallel reports with assessments of activities implementation based on indicators that are an integral part of the Action Plan.

Reports of MANS differ significantly from the reports of the National Commission. While the National Commission assesses that during 2008 over 60% of activities have been implemented, according to the data of MANS one fourth of the Action Plan has been realized. The Commission states that 15% of measures have not been implemented, and the data of MANS show that over 30% of measures have not been implemented²⁵.

Reports of the National Commission do not give an assessment for implementation of all measures. The reports do not give assessment of implementation of 40 measures whose implementation deadline is the year 2009. Therefore, statistical data presented by the National Commission refer only to 270 measures that were supposed to be implemented by the end of 2008, and not to the implementation of the entire Action Plan including 310 measures. Such statistical data are presented in the public, without precisely stating that they refer only to the measures that were supposed to be completed, and not to the entire Action Plan, which apparently increases the degree of activities implementation by the state institutions.

The Commission states that a number of measures is being continuously implemented, even though all the quantitative indicators based on which measure implementation is assessed equal zero²⁶. For example:

- *No* court, prosecution or parliamentary control of secret surveillance measures was *performed*, because there were no reports²⁷.
- *Not a single proceeding* was conducted for violation of the Ethic Code of Judges and the Ethic Code of Prosecutors.
- *Not a single* report was submitted to Office for reporting cases of corruption in judiciary.

²⁵ MANS pointed to differences between the fourth report of the National Commission and its eighth parallel report by submitting 110 amendments of which 15 are partial amendments, mainly in the form of recommendations of the National Commission to institutions of which 15 were partial amendments.

²⁶ Indicators are defined by the very Action Plan.

²⁷ If the fact is considered that the Secret Surveillance Measures imply secret measures, and that the subject of supervisions is not informed of being subject to police investigation, reports can be submitted only by those who, after the Secret Surveillance Measures did not result in initiation of proceedings, informed on the manner in which it was done. There are not data on the number of individuals against which Secret Surveillance Measures were undertaken either, nor the number of those who were subsequently acquainted with that.

- *Not a single case* of corruption was submitted to Customs Administration.
- «Black» list of commercial companies convicted for criminal offences with elements of corruption does not include data on a single company, because *there were no verdicts*.
- *Not a single public debate* was organized on privatization plans and strategies.
- *Not a single citizen* requested information on his/her rights to participate in the decision making and control of the privatization process.
- The Commission for reporting corruption in privatization did not forward *a single report* to police or the prosecution during 2008.
- Over 1900 public officials reported a total of *one present* of worth higher than 50 € in 2008.
- During 2008 the Commission for Conflict of Interest did not submit *a single report* to the state prosecution due to incorrect data in the reports of revenues and property.

The Action Plan envisages development of a number of reports and analyses with a view to recognizing characteristic problems and defining solutions. Although was not been conducted, the Commission assesses that the measures are being continuously implemented. For example:

- *There was no analysis of the structure of perpetrators of criminal offences of corruption and organized crime*, nor were characteristic problems identified in providing of evidence in pre-trial, investigative proceedings, which influence the efficiency of criminal prosecution and pronouncing of the final verdict, but only statistical indicators are given – the number of cases for the judiciary and prosecution, but not for the police.
- Decisions on resolving of housing needs of judiciary functions holders are made by the commission established by the Government, and *no analysis was submitted to the National Commission related to the manner and criteria for making decisions on resolving of the housing needs*, but only the data that three prosecutors in the meantime obtained loans for resolving their housing needs.
- *No reports were produced on monitoring of public procurement plans* in relation to the foreseen and realized shopping methods, but only statistical data on the total values of public procurements were submitted to Commission, and not a single procurement was annulled.

In cases when institutions only strated implementing activities, the National Commission assesses the measures as continuously implemented. For example:

- Two trainings were organized with the aim of specializing prosecutors for prosecution of criminal offences of terrorism and war crimes.
- *Three measures from the Declaration on ten joint measures* for fight against corruption in South East Europe are being implemented.

- The State Auditing Institution organized *one meeting* with the aim of developing a public relations strategy during 2007, and it did not undertake any other activities for the implementation of that measure.
- *There is no unique system for control of investments into privatized companies*, but control is performed only for individual privatizations.
- A conference was organized with the aim of implementing the Civil-legal convention of the Council of Europe on corruption, and no other activities for the implementation of this measure were undertaken.

Even though the Commission does not have at disposal data on the implementation of particular measures, it assesses them as implemented. For example:

- *There are no data on concrete projects* related to fight against corruption and organized crime financed from the Budget, but there are only data on the overall budget expenditures for regular activities of those institutions.
- *The Commission possesses no information on the implementation of the Action Plan for fight against Trafficking in Human Beings*, nor on the implementation of memorandum on cooperation between the competent ministries and NGO sector in this area.

The National Commission assesses as implemented measures that are obviously not implemented in compliance with the Action Plan. For example:

The State Auditing Institution quotes that it has developed a *manual for taking exams for auditors*, within their report on *education of the public* for understanding affairs related to control of budget resources spending.

The Action Plan envisages publication of a range of information held by state bodies and compliance with the Law on Free Access to Information. Even though court verdicts show that institutions respect the law only to a certain extent, and that prescribed information is not published, nor submitted to Commission, measures are assessed as continuously implemented.

- For around *1/3 of submitted requests* for information, institutions *do not provide responses*, in 77% of reached verdicts the Administrative Court annulled the decisions of institutions.
- *Access to documents on privatization has been allowed for only around 10% of submitted requests* for information, while the Administrative Court annulled 92% of decisions of institutions holding information on privatization.
- *Not a single contract on privatization has been published*, and only tenders and legal regulations can be found on the web sites of competent institutions, but not other information on privatization.

3. INFORMATION ON IMPLEMENTATION ACTION PLAN DURING 2008

3. INFORMATION ON IMPLEMENTATION ACTION PLAN DURING 2008

The Innovated Action Plan for Fight against Corruption and Organized Crime (AP) includes measures, holders, indicators and deadlines for implementation of 310 activities by 54 competent state institutions.

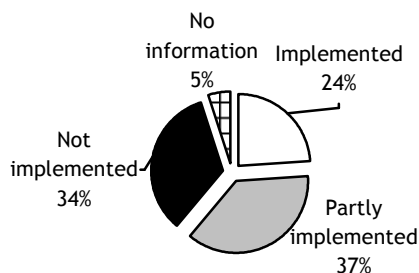
AP Implementation is monitored by the National Commission, but the monitoring system established by the Commission does not yield good quality results, because many data on the work of competent institutions are not available or the implementation assessments are given based on information on adoption and signing of acts, and not based on their implementation.

MANS has been continuously monitoring the AP implementation by submitting requests for information to competent institutions and publishing parallel reports with the assessment of activities implementation based on indicators which are an integral part of the Action Plan.

Data show that during 2008 one fourth of activities envisaged by the Action Plan were implemented, while almost 40% were partly implemented, and around one third of the planned measures were not implemented²⁸.

Most of the implemented measures refer to legal regulations adoption, reorganization of the existing institutions, employment of new staff and training, as well as provision of premises and procurement of equipment. There are no reliable data on employment of new staff in relation to the needs of institutions. Data on trainings of officials, inter-institutional and regional cooperation are limited, and most of the competent institutions did not submit a single report of corruption to the police or the prosecution during 2008.

Some laws adopted during 2008 do not comply with the international standards, and there are no data on the implementation of most of the ratified conventions. The Law on State Election Commission has not been adopted, so that none of the measures related to increase of transparency of political parties financing and election process has been implemented. Institutional and technical prerequisites for seizure of property obtained by criminal offences and protection of victims have not yet been provided, while the legal grounds for fight against money laundering and conducting of internal and external audit have not yet been entirely established.



Graph 3: Implementation of the Innovated Action Plan during 2008

²⁸ More detailed information on indicators for each of the activities from the AP are available at www.mans.co.me/borba-protiv-korupcije/akcioni-plan-za-borbu-protiv-korupcije-i-organizovanog-kriminala/

Development of the Program of Fight against Money Laundering and Terrorism Financing has not yet begun.

Salaries of judges and prosecutors were increased and a special allowance for them introduced, while there were no increases of salaries for police officials acting pursuant to cases of corruption and organized crime. No electronic systems were established in the judiciary and prosecution, so that the system of electronic assigning of cases is not being implemented. Statistical data on acting of judiciary and prosecution in cases of corruption and organized crime were published, while data on the work of the police are not available.

During 2008 there were no reports of corruption in the judiciary and the prosecution, nor cases of violation of ethic codes. There are no data on the number of cases in which police used secret surveillance measures, but it is well known that the Parliament, the judiciary and the prosecution did not perform any control of their implementation.

The newly established institutions did not consider a single report of corruption in privatization, nor did they improve access to information. Electronic system of public procurement was not established, and over 80% of state institutions do not publish the mandatory annual public procurement plans. A comparative analysis of the protection of the bidder's right in Western Balkan countries was made. Most public officials submitted reports on revenues and property, but other aspects of the Law on Conflict of Interest were not complied with. A new law was adopted by the end of the year according to which public officials retained their benefits, as well as the possibility to influence politically the Commission with regard to law implementation. Administration for Anti-Corruption Initiative conducted a public campaign, published an investigation of the judicial system integrity and began an investigation in the area of local self-government.

3.1. Political and international obligation to act

The system for monitoring the Action Plan implementation has been established, but it is not yielding good quality results, while the role of the Parliament has been marginalized, because the body for monitoring the implementation of the Resolution on Fight against Corruption and Organized Crime has not been established. Three Conventions of the Council of Europe have been ratified and most of the foreseen legal texts adopted. While some of the adopted laws do not comply with the international conventions and recommendations of the European Commission, for most laws there was no analysis of harmonization. According to GRECO report, most recommendations have been implemented, but one third were only partly fulfilled. There are no reliable data on the results of cooperation between judiciary, prosecution and police with the institutions in the surrounding countries, nor any information on the current and planned projects financed from the budget and by donors.

Already at the end of 2007 the Parliament adopted the Resolution on Fight against Corruption and Organized Crime, but until the end of 2008 procedural prerequisites for monitoring its implementation have not been established.

Most institutions submit to the National Commission reports on the implementation of activities from the Action Plan, even though most frequently they do not include indicators necessary for the assessment of activities implementation, but plans for future period, thus they do not provide sufficient information for adequate monitoring.

Three conventions of the Council of Europe have been ratified, one is in the procedure of adoption, while there were no activities on ratification of two conventions²⁹. GRECO report on assessment of anti-corruption measures and activities in Montenegro has been published stating that most recommendations were implemented, while 30% of recommendations were partly fulfilled.

During 2008 11 laws were adopted which were envisaged by the Action Plan³⁰, some of which do not comply with the international standards³¹. Drafting of seven laws envisaged by the Action Plan

²⁹ The Convention of the Council of Europe on Laundering, Search, Seizure and Confiscation of Proceeds from Crime has been ratified, Convention of Terrorism Financing and the Convention on Terrorism Prevention. Draft Law on Ratification of the Convention on Fight against Trafficking in Human Beings has been completed, but it has not yet been forwarded to Parliament for adoption. Draft Law on Ratification of the Convention on Cyber Crime has not been developed, nor Draft Law on Ratification of the Convention on Terrorism Prevention.

³⁰ Law on Electronic Communications, Law on Amendments to the Law on State Prosecutor, Law on Prevention of Conflict of Interest, Law on Financing on Political Parties and the Law on Financing of Campaigns for the Election of the President, Mayors and Presidents of Municipalities, Law on the System of Internal Financial Controls in the Public Sector, Law on Taking Care of Temporarily and Permanently Seized Property, Law on Obligation Relations, Law on Property Legal Relations, Law on Foreigners. Draft Criminal Procedure Law has also been forwarded to the Parliament.

has not yet begun³², and drafting of one law is under way³³. There are no special reports on harmonization of legislation with international standards, except for the analyses of several laws which did not result in amendments to legal texts.

Judiciary, prosecution and the police signed a number of agreements on cooperation with similar institutions in the region, but there are no data on the results of this cooperation.

No priorities were defined for projects in the area of fight against corruption and organized crime to be submitted to international institutions, and there are no data on concrete projects to be financed from the budget, nor information on the overall amount of resources provided by foreign donors.

3.2. General objectives

Statistical data have been published on acting of judiciary and prosecution in cases of corruption and organized crime, while data on the work of the police are not available. During 2008 there were no reports of corruption in judiciary and prosecution, nor violation of ethic codes. Not a single commercial company was convicted for the criminal act of corruption.

There are no data on the number of cases in which the police used secret surveillance measures, but it is known that the Parliament, judiciary and prosecution did not perform any controls of their implementation. Institutional and technical prerequisites for seizure of property obtained by criminal offences and protection of victims have not yet been provided.

Most public officials submitted reports on revenues and property, but other aspects of the Law on Conflict of Interest have not been respected. Law on Free Access to Information is frequently violated, especially in the area of privatization.

³¹ Law on Prevention of Conflict of Interest has not been harmonized with the UN Convention for Fight Against Corruption regarding the issue of comprehensiveness of the public official definition, so that individuals with public authority, especially in the area of privatization, are not recognized as public officials. The Law has not been harmonized with GRECO recommendations in the part regarding independence of the body competent for Law implementation, while public officials are allowed to perform several public functions. This brings into question also the division of legislative and executive authority which appoints members of the Parliament to other public functions. Law on Electronic Communications enables direct access of the police to data bases of telecommunication operators – listings, , without previously obtained court permit. According to the verdicts of the European Court for Human Rights this represents violation of the right to privacy, and the procedure for assessment of constitutionality of this provision is conducted in the Constitutional Court.

³² No work was done on the new Criminal Code. The Special Law on Protection of Persons Reporting Corruption has not been drafted, nor has drafting of amendments to the Law on Identity Card started, or drafting of the Law on Genetic Privacy, Law on Taking of Biological Material and Law on National DNA register. The body competent for drafting Law on State Election Commission has not been determined.

³³ The work group has been established for developing Draft Law on Integrity in the Public Sector.

Two action plans have been adopted and two more are being developed, but there are no data on their implementation, or information on trainings of judiciary, prosecutors and the police.

Statistical data have been published on action of judiciary and prosecution in cases of corruption and organized crime initiated in the past three years, but not also data on action of the police. There were no analyses of indicators, so that structure of perpetrators of those offences and the social area they appear in are not known, nor were any conclusions made with a view to improving the practice. "Black" list of commercial companies, convicted for criminal offences with elements of corruption has not been developed, because there were no such verdicts.

During 2008, not a single report was submitted to the Office for Reporting Cases of Corruption in Judiciary. The Ethic Code of Judges was adopted, and no cases of its violation were recorded, nor of violation of the Ethic Code of Prosecutors. A number of disciplinary proceedings against police officers were initiated, but there is no information on their results. Police Administration adopted an Expert Instruction regulating the procedures for protection of persons reporting corruption, but there is no information on its implementation³⁴.

The special institution for management of seized property obtained by criminal offences has not been established. Higher Court in Podgorica provided a special room for hearing of victims of sexual violence and for hearing of witnesses by means of technical devices, while there are no such conditions in the Higher Court in Bijelo Polje. According to the statements of those institutions, trainings of judges, prosecutors and the police are being continuously conducted, but there are no data on the type of trainings, those attending them and the results.

The Innovated Action Plan for Fight against Trafficking in Human Beings and the Operative Plan for Eliminating Business Barriers have been adopted, but there are no data on their implementation. The Government drafted the Model Program of Fight against Corruption in Local Self-Government and adopted the Action Plan, but only two municipalities adopted their own programs, while six started developing them. Development of action plans for fight against corruption in the area of health services and social protection and education has started, but the development of plan for the area of urban planning and construction of objects has not started. Administration for anti-corruption initiative conducted a public campaign on the importance of fight against corruption through distribution of promotional materials and by holding lectures in educational institutions.

Most public officials submitted reports on revenues and property, which are available to the public on the Internet presentation of the Commission for Conflict of Interest. During 2008 more than 1900 public officials reported a total of one percent of worth higher than 50 Euros, but the Commission has not yet managed to assess its worth.

³⁴ According to the statements of high police officials, 16 cases of corruption were reported to the police during a period longer than four months.

The institutions continued the practice of violation of the Law on Free Access to Information³⁵. After several announcements that the transparency of the ownership structure of the media will be provided, the Government stated that there is no need to develop the law. The new Law on State Election Commission has not been drafted, so that none of the activities related to the transparency of financing of political parties and elections was realized.

3.3. Specific measures against corruption and organized crime

New prosecutors have been elected, but the needs of prosecution for new staff are not known. Prosecutors' salaries have been increased and a special allowance was introduced for the Special Prosecutor for Corruption, Organized Crime and War Crimes. Prosecution Offices are not connected into a unique information system. Police protection has been secured for the Supreme State Prosecutor and the Special Prosecutor. There are no reliable data on employment of administrative staff in prosecution offices, on education of prosecutors and the criteria for allocation of flats by executive authorities.

The Parliament of Montenegro appointed the Supreme State Prosecutor in Podgorica and six basic prosecutors, while the Prosecution Council appointed eight deputies³⁶. The Department for Prevention of Organized Crime has been reorganized and four deputy Special Prosecutors were appointed. There was no analysis of the number and structure of cases in the area of corruption and organized crime in relation to the existing staff of prosecution, so that needs for the engagement of new prosecutors have not been assessed.

There are no data on employment of administrative staff in prosecution and on the needs to increase the spatial-technical capacities. Education of prosecutors was organized, but there are no precise data on the types and results of training.

According to the statements of prosecution, the present state was analyzed with regard to the manner and criteria for resolving the housing needs of state officials for holders of judiciary functions, but it is not available to the public and its results are not known. An international agreement on cooperation in fight against organized crime has been concluded with Russia.

Police

There are no data on the implementation of a number of activities of Police Administration, or the only information available is on adoption and signing of act, but not also on their implementation. The computer systems of the police and customs administration were not connected, and apart from the already signed agreement on

³⁵ MANS submitted over 16.000 request for information and access was allowed for around 40% of requests. In 77% of cases verdicts of the Administrative Court were in favour of MANS, as well as in 50% of verdicts of the Supreme Court.

³⁶ One deputy Supreme State Prosecutor, one deputy Higher Prosecutor and six deputies of Basic Prosecutors.

direct access to data bases of M-tel³⁷ there were no new agreements of this type with telephone operators. An agreement was concluded with the Central Bank with a view to ensuring monetary resources for the needs of implementation of the secret surveillance measures³⁸. Agreements were signed on protection of witnesses with a number of countries in the region³⁹ and a direct connection was established with the Interpol I-24/7 system.

The National Strategy for Fight against Drugs and Prevention of Drug Abuse with the annual action plans was adopted, but there is no information on its implementation, while the Strategy on Fight against Terrorism was not adopted. An Expert Instruction for action pursuant to international warrants was adopted and an Expert Instruction on Protection of Persons reporting corruption, but there are no data on their implementation. Police Administration established a Work Group for development of the Instruction on implementation of secret surveillance measures, but information on its activities is not known. There are no data on implementation of the memorandum on cooperation between competent ministries and NGO sector in fight against trafficking in human beings and protection of witnesses. Draft Manual on Crime-Intelligence Work was developed, but no special bases of operative data were established.

An agreement was signed on cooperation between Police Administration and Customs Administration, but there were no activities aimed at establishment of links or connecting with the computer networks and data bases. No agreements on cooperation were signed with other institutions⁴⁰. A Strategic agreement was signed with Europol, but the National Bureau was not established.

In distinction from the prosecution, police officials involved in fight against organized crime and corruption are not provided a special allowance due to increased risk.

A new Rulebook on Internal Organization and Job Systematization of Police Administration has not been adopted, so that measures which foresee reorganization of particular departments were not conducted⁴¹. There are no reliable data on employment of new staff⁴² and training⁴³. A part of the

³⁷ This agreement has been proclaimed a secret, so that its content is not known, but only information that it makes possible to police direct access to data bases of M-tel, without obligation to previously obtain a permit of the court or the prosecutor. MANS has initiated proceedings before the Administrative and the Constitutional Court on these grounds.

³⁸ Eg. fictitious offer of bribe

³⁹ Serbia, B&H, Bulgaria and Macedonia

⁴⁰ Tax Administration, Administration for Real Estate, Administration for Prevention of Money Laundering and Terrorism Financing, Ministry for Economic Development, Central Depository Agency

⁴¹ Department for Fight against Organized Crime and Corruption, Department for Special Checks, Forensic Centre, Department for Crime-Intelligence Affairs and Secret Surveillance Measures and NCB Interpol.

⁴² Two employees were engaged in Department for Internal Control and one in Department for Organized Crime and Corruption.

⁴³ Data which Police Administration submits based on the requests for information differ from information quoted in the reports submitted to the National Commission.

necessary equipment has been purchased for eight departments⁴⁴ and the NCB Interpol, while there were no procurements for the Department for Protection of Witnesses. Adequate work space was provided for the Department for Special Checks, needs of the Department for Commercial Crime were partly met, but not also of the Department for Organized Crime and Corruption.

Judiciary

An information system and electronic allocation of cases was not established, new judges were elected, but there are no data on the total needs for staff. The salaries of judges were increased and special allowances were introduced for judges in the newly established special departments of Higher Court for criminal offences of organized crime, corruption, terrorism and war crimes. There are no precise data on training and the number of judges who are provided police protection.

Judiciary information system has not been established, nor was the courts connected into a unique information system⁴⁵, and nothing was done on the introduction of an electronic system for assigning cases with the aim of conducting the principle of random allocation of cases.

Rules of Procedure on the work of the Judicial Council have been adopted and criteria and procedures have been defined for election of judges. More than 30 judges were elected by the Judiciary Council, and the election of 13 presidents of courts is under way. Two judges were removed from office, five judges against which criminal proceeding is conducted were temporarily removed, and one judge is undergoing the procedure for removal from office.

Special departments were established for trials for criminal offences of organized crime, corruption, terrorism and war crimes with the Higher Courts in Bijelo Polje and Podgorica and it was determined that those courts need three more judges respectively. The Law on Courts provides for a special additional allowance in the amount of 25% of monthly salary for the judges of those departments.

The needs for personal protection of judges were determined, but there are no data on the number of judges who are provided protection. The needs for the training of judges were not assessed, some trainings were conducted, and there are no reliable data on the number and type of trainings, nor the number of trained judges.

⁴⁴ Internal Control, Organized Crime and Corruption, Commercial Crime, Crime – Intelligence Affairs and Secret Surveillance Measures, Drugs Smuggling, Forensic & other crime techniques, Fight against terrorism, Cross-border crime.

⁴⁵ Periodic reports were produced within which statistical data of the prosecution and judiciary were collected related to the perpetrators and structure of criminal offences, but the data were not analyzed. Information system was experimentally introduced into two courts.

External and internal audit

Internal and external audits were performed, but there are no data on the submission of crime reports based on the results of audits. Legal base for conducting the audit has not been entirely established.

A report on external audit of the Balance sheet of the Budget for 2007 was developed and 11 audits of budget resources expenditures were conducted, but there are no data on submitted crime reports based on omissions determined through audit.

The Ministry of Finance was not connected electronically to the spending units – subjects of audit, nor was any work done on the innovated methodological instruction for audit of the public sector. Thirteen new employees were engaged and a training plan was developed for employees of the State Auditing Institution, but there are no details on their implementation. A public campaign was not conducted, nor was any work done on manuals for citizens for better understanding of budget spending.

The sector for internal audit of the Ministry of Finance conducted an audit of budget expenditure execution in 8 budget users. The reports are not available, so there are no data on determined irregularities and crime reports after the conducted audits.

No by-laws were developed for implementation of the new Law on the System of Internal Financial Controls in the public sector, and the internal audit sector was not reorganized, nor were officials employed or trained.

Anti-corruption policy in privatization

A parliamentary Commission for Monitoring the Transparency of the Privatization Process was established, as well as the Commission for Considering Objections, Complaints, Proposals and Suggestions of Citizens to the Process of Privatization. The Commissions did not consider reports of corruption, nor did they improve access to information on privatization.

The Parliament adopted the Rules of Procedure for the work of the Commission for monitoring the transparency of the privatization process⁴⁶ which held four sessions⁴⁷.

⁴⁶ The Commission is an ad hoc body, the constituting of the new assembly is under way, after which it is to establish the Commission again.

⁴⁷ No agreement was reached between Commission members for initiation of one control hearing and three initiatives for control of the privatization process. The Commission submitted to the Council for Privatization a request for submission of documents on privatization of Aluminium Plant Podgorica and the requested information was submitted to it.

Access to information on privatization is made impossible in practice⁴⁸. There is no information on audits of compliance with the contracted obligations of companies' new owners, there were no public debates on the privatization plans and strategies for companies of strategic importance. A system for the control of investments into privatized companies was not established, but the obligations are defined in individual agreements.

The Commission for Considering Objections, Complaints, Proposals and Suggestions of Citizens to the Privatization Process has been established and it held one session. MANS submitted to the Commission eight initiatives pursuant to which it made no decisions. There were no requests or questions submitted by citizens regarding their right to participate in the decision making and control of the privatization process.

Money laundering and terrorism financing

Development of the Programme of Fight against Money Laundering and Terrorism Financing has not begun. Nothing was done to determine guidelines on risk analysis with the aim of harmonization with the new legal framework. Administration for Prevention of Money Laundering and Terrorism Financing cooperated with EGMONT, but there are no data on the results of cooperation with similar services in the region, nor analyses which could improve cooperation of Police Administration with Prosecution.

A new Rulebook on Internal Organization and Job Systematization was adopted and the Department for Control of Tax Payers was established in which 23 new officials were employed, but there are no data on the overall employment of staff and the conducted trainings for new staff. The Administration prepared a professional base for innovation of the List of indicators for recognizing suspicious clients and transactions, and during 2008 four seminars were organized for authorized persons of tax payers in four areas.

There were no analyses of the implementation of the agreement on cooperation with other institutions⁴⁹, nor were new agreements concluded. During 2008 30 reports on suspicious transactions were submitted to the prosecution and the police, 15 of which are the result of international cooperation. There are no data on acting of police and prosecution in those cases.

Officials of the Administration participated at seminars of international organizations, meetings of EGMONT work groups and the regional meetings. There were no analyses of the implementation of the agreement on cooperation with financial intelligence services from the region, while three new agreements were signed⁵⁰.

⁴⁸ Since the beginning of the Innovated AP implementation MANS forwarded 47 requests for information to the Agency and the Council for Privatization which allowed access for 10% of requests, and not a single contract on privatization was published.

⁴⁹ With Police Administration, Tax Administration, Customs Administration, Commission for Securities, the Central Bank and the competent ministries

⁵⁰ It is known that agreements with competent institutions from Romania and USA were concluded.

Public procurement

Direction for Public Procurement did not produce any reports on cases of law violation and corruption, and it did not submit a single report to prosecution and the police during 2008. Over 80% of state institutions do not publish obligatory annual public procurement plans.

Electronic system of public procurement has not been established, and decisions made pursuant to complaints are not published on the web site of the Commission for Control of the Public Procurement Procedure. A comparative analysis of the protection of bidders' rights in the Western Balkan countries was done.

Direction for Public Procurement established a telephone line for reporting violation of public procurement procedure by means of which five cases were reported during 2008, but there are no data on actions pursuant to reports. MANS submitted to the Direction 13 reports on violation of the public procurement procedure of small values (shopping method) but no actions were undertaken in any of the cases. During the year the Direction did not submit a single report to the prosecution or to the police.

The Direction developed a report on the public procurement procedures conducted by means of the shopping method for the first half of 2008, but that document does not include information on cases of law violation and corruption, but only statistical data on values and subjects of procurement. The Direction did not develop the envisaged six month report on the state of the public procurement system for the year 2008, and the public procurement plans for 18% of tax payers have been published on the web site of that institution.

The Commission for control of public procurement procedures developed an electronic journal, but an electronic system of public procurement was not established, nor were trainings of employees organized. The Commission employed six new officials, conducted four out of 13 planned trainings and published a Public Procurement Manual with a comparative analysis of protection of the bidders' rights in the Western Balkan countries.

Conflict of interest of public officials

The Commission for Conflict of Interest did not submit a single report to the prosecution for illegal acquisition of revenues or property. By the end of the year a new Law on Prevention of Conflict of Interest in Performance of Public Functions was adopted, which retains benefits for public officials and the possibility to politically influence the Commission work.

There was no analysis of the Commission needs for capacity building in relation to the authorities envisaged by the new Law, nor were there any changes to the Rulebook on Internal Organization and Job Systematization, nor is there any information on the filling of staff positions. In parallel with the participation in the development of the new Law, the Commission conducted 11 trainings for implementation of the old law for 400 public officials.

State Election Commission

Law on State Election Commission has not been adopted, so the State Election Commission did not conduct a single measure of those defined by the Action Plan.

Tax administration

Not a single case of corruption was reported to tax administration, and the internal control did not determine existence of such cases among officials. Three disciplinary proceedings were conducted, and one official was punished for non-compliance with the Ethic Code.

Out of more than 400 reports submitted to Tax Administration, not a single one referred to cases of corruption, nor did the internal control of over 3000 cases determine existence of corruption among Tax Administration officials⁵¹. The Ministry of Finance published a six month report on supervision of the work of Tax Administration in which it stated over 900 irregularities, but none of them refers to cases of corruption.

Four trainings were organized for use of information technologies. Activities were initiated in order to supplement the Agreement on Cooperation with Police Administration, and there are no data on the implementation of the existing agreements, except for statistical data on procedures⁵².

Customs administration

Most of the reports of Customs Administration in which data on the work of that institution are quoted are not available to the public. Seven cases of corruption were reported to customs administration, but it is not known whether any action was taken pursuant to them. Based on internal investigations one report was submitted to the police and one disciplinary proceeding was initiated due to abuse of official position and overstepping of authority.

⁵¹ Call center of Tax Administration received 420 calls, and a total of 3211 internal controls were conducted.

⁵² According to the data of Tax Administration 23 cases were submitted to the police, 2 to the prosecution and 133 to the Administration for Prevention of Money Laundering. All 28 requests of Administration for Prevention of Money Laundering were responded to and orders were given for inspection control of 14 legal and 2 physical persons; 13 pieces of information were submitted to Police Administration and joint supervision of 7 tax payers began.

After 24 conducted investigations, Customs Administration submitted one report to the police, but reports of the Department for Internal control are not available to the public. The Ministry of Finance developed a six month report on supervision of the Customs Administration work, but the document does not refer to cases of corruption, so no reports were submitted based on it.

A Revised Action Plan was adopted on the development of integrity in customs service, but that document is not available either. An agreement on cooperation between Customs Administration and Police Administration was signed, and the Instruction on Obligations of the Customs Service to undertake actions towards the Supreme State Prosecutor in case of perpetrated criminal offence is in force, which was adopted by the end of 2006, but the content of those acts is not known.

Seven specialist trainings for the officials of the Department for Internal Control were organized, and a Rulebook on the work of the Department was developed, but it is not available to the public. Thirteen trainings for use of information technologies were organized and a part of the necessary equipment was procured. There were no reports on the implementation of signed agreements on cooperation with other institutions.

Customs did not conduct a campaign for informing of the public through distribution of printed materials in cooperation with other state institutions.

Administration for anti-corruption initiative

The Administration published an investigation into the integrity of the judicial system and began an investigation in the area of local self-government. Assessments of harmonization of four laws with the UN Convention for Fight against Corruption is under way, and the provisions of one law were analyzed but this did not result in amendments to the legal text. There are no data on the implementation of the Civil-legal convention of the Council of Europe on corruption.

The Administration performed an investigation into the integrity of the judicial system and began an investigation in the area of local self-government. Advertising material on harmfulness of corruption was developed and distributed.

The Administration organized one conference related to the Civil-legal Convention of the Council of Europe on Corruption, and there were no reports on activities for implementation of the Convention. The Administration did not conduct any special activities within the Regional anti-corruption initiative.

The Administration employed six out of seven officials needed. Eight trainings were conducted, but it was not specified in which areas. Adequate work space was secured and computer and office equipment purchased.

4. (NON) TRANSPARENCY OF IMPLEMENTATION OF THE ACTION PLAN

4. (NON) TRANSPARENCY OF IMPLEMENTATION OF THE ACTION PLAN

This Chapter shows that state institutions in charge of implementation of reforms in the area of combat against corruption and organized crime are not ready to cooperate with civil society and to allow access to information on the results of their work.

Moreover, the first case study documents pressures and accusations against nongovernmental sector by the highest state officials, while a set of other examples given in the second part show that institutions disable access to data on their work. Special case study shows that through implementation of the Action Plan activities, the Police Administration expands by secret act their powers and thus violates the right of citizens to privacy.

4.1. Attitude towards civil society: Police registered state enemies

This study shows that high representatives of state institutions continue⁵³ using pressures and ungrounded accusations against MANS by which they dissimulate participation of civil society in monitoring of implementation of combat against corruption. It documents the attitude of Director of the Police Administration, who stated four days after MANS's public criticism aimed at reform of the police that MANS' aim was, by following somebody's instructions, to harm our state and its citizens.

Police Administration adopted, in line with duties from the Action Plan, professional Instructions on procedures for reporting of criminal offences with elements of corruption. Within the campaign for promotion of the Instructions, Chief of the Division for Economic Crime announced to the media that in the period from 24 October 2008 to 13 March 2009 16 cases of corruption were reported to the Police.

MANS publicly presented data on the number of citizens who in the same period reported corruption on SOS telephone for citizens' reports⁵⁴ and pointed that the number of cases reported to the Police cannot be taken as the indicator of successfulness of their work. In the press release a set of obstacles were stated as well as the reforms needed, which would increase trust of citizens and reduce corruption in the police.

⁵³ First pressures referring to monitoring of implementation of the Action Plan were recorded in mid 2007. Deputy Prime Minister of the Government and President of the National Commission officially announced that MANS's Reports on Implementation of Action Plan were "contrary to the interests of the state and joint work of all institutions". After the unsuccessful attempt to destroy credibility of MANS's work on monitoring of implementation of the Action Plan, the Government changed its approach and decided to include in the Commission one more representative of NGO and support this with the "need for stronger contribution of the NGO sector". More detailed information on attitude of Deputy Prime Minister of the Government and President of the National Commission towards the work of MANS in publication on:

www.pravodaznam.info/publikacije/korupcija_ili_EU_integracije/MN/2-Pracenje-sprovođenja-AP.pdf

⁵⁴ From 2005 MANS has been providing free legal assistance to citizens who report corruption.

Extract from MANS's press release from 13 March 2009

"... In the same period, 102 cases of corruption were reported to MANS, the NGO which employs 30 people and has three regional offices, which is six times more compared to the number of corruption cases reported to the police, while in 74% of cases we have taken certain steps in sense of collection of documentation held by the state institutions and submission of cases to the police, prosecutor's office or inspection bodies.

Moreover, lack of trust of citizens in police and their unreadiness to report cases of corruption to the police is grounded in practice which is supported by many concrete examples. Police has shown through many cases, which turned into affairs, that the police is not capable to prove corruption on highest levels and Director of the Police himself has stated that he is under the pressure of political structures against which he has not undertaken anything afterwards. Also, concrete examples of abuse of powers and pressures against employees has shown that the police is not capable to fight politization in its own institution and public has never witnessed any suspension of the police staff or initiation of the procedure against some of the police employees who have continued to keep close relations with structures of organized crime from the period when the police was included into illegal transport of cigarettes..."

"... MANS has tried to reach those Instructions and to test protective mechanisms of the Police Administration and we have contacted them on the phone number 020/241-333 to which citizens can report their complaints. When we asked how we would be protected if we intended to report a sensitive case of corruption in political structures or the police itself after a few calls we were told that the Instructions which prescribe procedures of protection represent internal act of the Police Administration which we cannot be given ..."⁵⁵

Director of the Police Administration held press conference four days later in which he stated that management of that institution had "registered" activities of "individual" NGOs as "actions, behavior and activities whose aim is to harm state and its citizens".

Extract from the statement of Director of the Police Administration from 17 March 2009

"I would like to remind you of irresponsible, unprofessional, incompetent and politicized comments of some representatives of NGO sector, political parties and media on the activities of the police and other state bodies in combat against corruption and organized crime.

This allegedly refers to "professional" comments which were instructed with the purpose to harm state and its citizens, where corruptive behavior is given unrealistic dimensions.

This is the attempt of self promotion and obtaining of financial and donation funds in a relatively easy way without concrete results..."⁵⁶

⁵⁵ Complete announcement: <http://www.mans.co.me/arhiva/2009/03/upravi-policije-prijavljeno-16-slucajeva-korupcije-mans-u-102/>

⁵⁶ A part of the official statement of Director of the Police Administration from IV regular press conference held on 17 March 2009 is published on the site of the Police Administration: <http://www.upravapolicije.com/navigacija.php?IDSP=2674>

Being asked by journalists who his attitude refers to that is which NGO has been presenting unreal data on the level of corruption, Director of the Police said:

"I do not want to mention anybody in person right now. I think that the what I have said was very clear and that what I have mentioned was understood by the Police Administration as actions, behavior and activities of individuals and organizations, and I believe that we generally as a body which is also in charge of these activities should express such view, as something that we believe harms the state, but everyone has one's own views and reasons why one says what one says, and thus I leave it to the ones who do what they do to think about what I have said..."⁵⁷

MANS invited Director of the Police Administration to inform us officially about the facts and concrete data on which he grounds his statements and presents public accusations for espionage stating that we harm state and its citizens following somebody's instructions. Director of the Police was requested to submit criminal charges against representatives of MANS if he can support his statements with facts.

Extract from MANS's press release from 18 March 2009

"Except he has called us state enemies, Director of the Police accused us yesterday indirectly for espionage stating that we are harming our state and its citizens by following somebody's instructions. We expect that Director of the Police Administration will inform us about the facts and concrete data on which he bases such claims and brings public accusations against work of our organization whose representatives he works with in the National Commission for Combat Against Corruption and Organized Crime, and that he will initiate the procedure for elimination of state enemies from that body ..."

"Also we expect explanation about whether the Police Director claims that that we are following somebody's orders based on his operational information or data obtained from the Agency for National Security, whether any of these two institutions is applying measures of secret surveillance and wiretapping and also when criminal charges will be brought against us and our alleged giver of the order.

If we are not provided these explanations, statements of the Police Director then represent only a petty political attempt to justify lack of individual results by using well known communist police techniques of theory of conspiracy and actions against interests of the state."⁵⁸

Director of the Police Administration did not respond to MANS's open letter. From what we have learnt no criminal charges were brought against MANS for criminal act of espionage and harming the interests of state.

⁵⁷ Statement of Veljović, quotation from audio recording of the "Radio Free Europe" from 17 March 2009 <http://www.mans.co.me/arhiva/2009/03/direktor-uprave-policije-veselin-veljovic-je-juce-saopstio-da-je-menadzment-te-institucije-%E2%80%9Eregistrovao%E2%80%9C-aktivnosti-nevladinih-organizacija/>

⁵⁸ Press release of MANS-a MANS-a <http://www.mans.co.me/arhiva/2009/03/direktor-uprave-policije-veselin-veljovic-je-juce-saopstio-da-je-menadzment-te-institucije-%E2%80%9Eregistrovao%E2%80%9C-aktivnosti-nevladinih-organizacija/>

4.2. Access to information on implementation of reforms

This Chapter presents problems of access to information in implementation of the Action Plan because of violation of the Law on Free Access to Information. On average institutions allow access to every fourth request, every third response is not submitted and they do not have data on every third indicator for evaluation of realization of measures from the Action Plan.

A set of case studies presented in this Chapter documents that Police Administration has continuously been disabling access to information on their work while the Supreme State Prosecutor officially does not have data on the activities at the same time stating to have been realized and which s/he has been submitting to the National Commission. Case studies show that the Ministry of Finance claims that they are not in charge of the activities whose realization the Minister approves by his own Decisions.

Special case study shows that through implementation of the activities from the Action Plan the Police expands by secret acts its powers and violates rights of citizens to privacy through direct access to data bases of one telecommunication operator without a court decision.

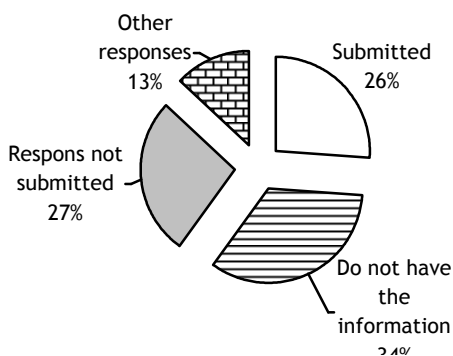
MANS monitors implementation of the Action Plan (AP) on the basis of indicator for evaluation of successfulness of realization of the activities prescribed by that document. On the basis of the Law on Free Access to Information we submit to the authorized institutions requests which refer to the values of indicators. From June 2008 to March 2009 that is from the beginning of implementation of the Innovated AP, MANS submitted more than 2.8 thousand requests which refer to data on realization of this document⁵⁹.

⁵⁹ From the beginning of implementation of the Action Plan, MANS submitted more than 4300 requests for information, access was allowed in the case of almost 30% of requests, in 43% of cases institutions stated that they do not have the requested information on indicators while the institutions did not submit responses to about 15% of all requests.

Institutions submitted responses to about one third of requests for information. They responded to one third of requests that they did not have the requested information on indicators while to the other third of requests they did not submit any response.

Judicial Training Center submitted the biggest number of the requested information as well as the Association of State Prosecutors, Higher Court in Podgorica and Agency for Anti-Corruption Initiative.

Office of the National Coordinator for Combat Against Trading in Human Beings, the Parliament, Higher Court in Bijelo Polje and the Ministry for Economic Development did not submit any of the requested information. The Ministry of Finance estimates that they are not in charge of or do not have information on majority of measures prescribed by the Action Plan.



Graph 4: Responses of institutions to the requests for information on implementation of the innovated AP⁶⁰

Supreme Court, Panel of Judges, Supreme State Prosecutor's Office of Montenegro, Police Administration and Agency for Prevention of Money Laundering most often do not have data on indicators from the Action Plan. Majority of measures from the AP refers to the Police Administration and the biggest number of requests is directed to that institution – one fifth of the total number of requests submitted, than to the Agency for Prevention of Money Laundering, Supreme State Prosecutor and Agency for Anti-Corruption Initiative.

- Police Administration did not provide majority of the requested information - they did not respond to the requests for information or they stated in their response that they do not dispose of the requested data.
- Supreme State Prosecutor does not have data on the requested indicators in more than 50% of cases while s/he did not submit any response to more than a third of requests.
- Agency for Prevention of Money Laundering and Financing Terrorism submitted one third of the requested data but they also stated that they do not dispose of a half of information requested.
- Agency for Anti-Corruption Initiative provided responses to more than a half of the requests but they do not have one fourth of the requested data⁶¹.

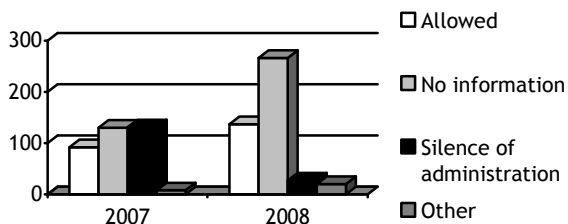
⁶⁰ Other responses: 3% of information was partly provided, 5% have already been published, 3% of institutions is not authorized.

⁶¹ More detailed information in Annex 5.

Case study: Institutions do not publish data on their work

Institutions did not provide response to almost every third request for information on implementation of the Action Plan. This study shows that the Police Administration has continuously been violating the Law on Free Access to Information and does not respond to majority of requests which refer to realization of its own activities. The Police provided majority of responses only after the pressure of competent institutions and media but even then they were not updated or did not contain relevant information.

The Police Administration most often does not respond to the requests for information which refer to the activities of that institution predicted by the Action Plan. During 2007 and 2008 MANS submitted to the police almost 1300 requests for information and on average it received every third data.



Graph 5: Responses of the Police Administration at requests for information



Graph 6: Responses of the Police Administration at complaints

In the procedure following the request for information the police provided every tenth response. After the decisions of the Ministry of Interior at complaints submitted by MANS the Police Administration provided majority of responses to the requests, but in them they state that they do not dispose of the requested data.

In September 2008 MANS publicly stated that the Police Administration is violating the Law on Free Access to Information. After the media pressure, the police submitted some of the requested information but with a big delay.

One of the examples showing the level of inefficiency of the Police Administration refers to the request for information which was submitted in June 2008 and the response to it was provided nine months later, in April 2009.



MNO
09/1003
PODGORICA, 09.05.2009.

MANS submitted the requests in June 26 2008 for access to information:

- Provision of technical and communication equipment which enables more efficient investigations in the area of organized crime and corruption from January to Amy 2008.
- Establishment of infrastructure for use of data base of the Ministry of Interior (data on citizens, motor vehicles, weapons, travel documents).

MRE ZA ZA AFIRMACIJU NEVLADINOG SEKTORA – MANS
- Izvršni direktor, Vanja Čalović -

PODGORICA

PREDMET: Vaši zahtjevi za dostavljanje informacija broj 08/10687-10688 od 26.06.2008. godine

Na osnovu Zakona o slobodnom pristupu informacijama, obavezama Uprave policije iz Akcionog plana za borbu protiv korupcije i organizovanog kriminala i dostavljenog zahtjeva obavljavamo Vas da u periodu januar-maj 2008. godine:

- U februaru 2008. godine, izvršena je nabavka računara sa softverom, u organizaciji ICMPD-a. Takođe, u martu 2008. godine Odsjeku za borbu protiv organizovanog kriminala i korupcije uručena je tehniška oprema (1 notebook računar i 2 desktop računara), i to od strane OEBS-a;
- Dana 21.08.2008. godine instaliran sistem za korišćenje baza podataka MUPIJU, u cilju efikasnog vođenja istraga u oblasti organizovanog kriminala i korupcije (nije sačinjavana posebna informacija).

S poštovanjem,



Response of Police Administration from 6 April 2009

The Police Administration did not submit response to the request and MANS initiated the procedure before the Ministry of Interior and the requested information were provided 10 months later, on 6 April 2009.

Case study: Institutions do not have data on implementation of their own activities

On average, the institutions state that they do not have data on every third indicator for evaluation of realization of measures from the Action Plan. In this case study a set of examples was presented which show that the Supreme State Prosecutor does not have data on the results of the activities for which the National Commission claims to have been or are being fully realized in continuity. Example given in this case study documents that Ministry of Finance does not dispose of information which it submits at the same time to the National Commission.

Supreme State Prosecutor (SSP) provided response to 36 requests for information submitted at the beginning of December 2008 almost two days later, on 26th January 2009⁶². In 14 Items in the responses SSP states that they do not dispose of the requested data on indicators which refer to the activities from the Action Plan whose realization that institution is authorized for.

Among other things SSP claims that that they do not dispose of any statistical indicators on the number of subject matters from the area of corruption and organized crime which are in the procedure before the courts or have been completed legally validly even though according to the Action Plan that institution is in charge only for development of such analysis⁶³. The report of SSP submitted to the National Commission included these statistical data for the period from 30th September to 31st January 2008.

Also, indicators for evaluation of successfulness of realization of that activity also imply that analysis should result with recognition of the problems in the procedure of supplying evidence which influence efficiency of prosecution for criminal offence and legally valid reaching of court decision. SSP claims that they do not dispose of such data and they have not been mentioned in the Report of the National Commission which however states that the activity is realized continuously⁶⁴.

⁶² According to the Law on Free Access to Information deadline for submission of information is eight days from the day of the request submission.

⁶³ The Innovated AP, general goals, efficient prosecution for criminal offence for the purpose of prevention of corruption and organized crime, measure 7: "development of semi-annual analysis on statistical indicators in relation to the number of cases from the area of corruption and organized crime which are in the procedure before the courts or have been legally validly completed with special attention paid to the structure of performers of these actions and the sphere of society in which these actions were committed". For realization of the measure the Supreme Court, Police Administration and Supreme State Prosecutor's Office, that is, a tripartite commission established by these institutions is in charge of this. The Report of the Tripartite Commission included the period from 30 September to 31 January 2008 was submitted to the National Commission within the SSP's report.

⁶⁴ IV Report of the National Commission, evaluation no 68
<http://www.antikorup.vlada.cg.yu/vijesti.php?akcija=vijesti&id=169669>

The Prosecutor's Office states that they do not have instructions for harmonization of methods of presentation of statistical data of the police, prosecutor's office and judiciary, and the National Commission claims that this measure has been realized⁶⁵.

According to the same principle SSP claims that there is no information on personal protection of prosecutors⁶⁶, while the Police Administration in the report submitted to the National Commission states that they are protecting personal security of the Supreme State Prosecutor and Special Prosecutor for Organized Crime and Corruption⁶⁷. The National Commission states that this activity has been continuously realized⁶⁸.

The Ministry of Finance is in charge of external control of the work of Tax Administration and the Action Plan prescribes duty of the Ministry to issue six-month reports on monitoring⁶⁹. In the responses to MANS'e set of requests for information which refer to the period July – December 2008 the Ministry of Finance claims that they do not dispose of the requested reports. In the reports submitted to the National Commission, the Ministry included data on monitoring of the work of Tax Administration⁷⁰.

Na vaš zahtjev, br. 08/14722-14724 od 05. decembra 2008.godine, za dostavljanje kopije akta koji sadrži periodične statističke pokazatelje i analize o broju predmeta iz oblasti korupcije i organizovanog kriminala koji su u postupku pred sudovima ili su pravosnažno okončani dostavljene Nacionalnoj komisiji, obavještavamo vas, da takve akte ne posjedujemo.

Na vaš zahtjev, br. 08/14722-12724 od 05. decembra 2008.godine, za dostavljanje kopije akta koji sadrži informaciju o broju identifikovanih, karakterističnih pojava problema u odnosu na sprovođenje radnih dokazivanja u pretkrivičnom, istražnom postupku i na glavnom pretresu, a koji utiču na efikasnost krivičnog gonjenja i pravosnažno postupanje u periodu novembar 2008.godine, obavještavamo vas, da takve akte ne posjedujemo.

Na vaš zahtjev br.08/14725-14727 od 05. decembra 2008.godine, za dostavljanje kopije akta koji sadrži podatke o uskladenosti metoda iskazivanja statističkih podataka o procjeni stanja kriminaliteta iz oblasti krivičnih djela sa obilježjima korupcije i organizovanog kriminala od strane policije, tužilaštva i sudstva za period novembar 2008.godine, obavještavamo vas, da takve akte ne posjedujemo.

*Extract from the response of the Supreme State Prosecutor
from 26 January 2009*

⁶⁵ IV Report of the National Commission, evaluation no 69

⁶⁶ Measure no 13 in the Chapter III – Specific measures against corruption and organized crime, subsection A1 – Prosecution reads as follows: "Determine the needs for personal protection of prosecutors acting in the cases of organized crime, corruption, terrorism and war crimes. Institutions in charge of realization of this measure are the Supreme State Prosecution and the Police Administration.

⁶⁷ Report of the Police Administration for the period from 1 October to 31 December 2008 submitted to the National Commission <http://www.antikorup.vlada.cg.yu/vijesti.php?akcija=vijesti&id=169404>



MINISTARSTVO FINANSIJA CRNE GORE

Broj: 01- 8404/1, Podgorica, 11.09.2008. g.

Na osnovu člana 15 Zakona o državnoj upravi („Sl.list RCG“, br. 38/03) i čl. Zakona o slobodnom pristupu informacijama („Sl.list RCG“, br. 68/05), post po zahtjevu Mreže za afirmaciju nevladinog sektora – MANS, broj: 08/12716-
Ministarstvo finansija donosi

RJEŠENJE

ODBIJA SE zahtjev Mreže za afirmaciju nevladinog sektora – MANS br.08/

Acting upon mentioned request, it was determined that Ministry of finance do not poses information that contain information on supervision over Tax Administration, number of identified irregularities and number of complaints comparison to number of identified irregularities for the period of Jul-August 2008.

U postupku po navedenom zahtjevu, utvrđeno je da Ministarstvo finansija ne posjeduje izvještaje koji sadrže informaciju o nadzoru nad radom Poreske uprave za period jul-avgust 2008. godine.

Na osnovu izloženog odlučeno je kao u dispozitivu ovog rješenja.

Uputstvo o pravnom sredstvu: Ovo rješenje je konačno i protiv njega se pokrenuti upravni spor tužbom kod Upravnog suda Crne Gore u roku od 30 dana dostavljanja rješenja.

Dostavljeno:

- MANS-u
- a/a

SEKRETAR MINISTARSTVA

mr. Damir Šehovc



*Response of the Ministry of Finance
from 11 Sept 2008.*



MINISTARSTVO FINANSIJA CRNE GORE

Broj: 01- 8311/1, Podgorica, 18.11.2008. godine

Na osnovu člana 55 stav 4 Zakona o opštem upravnom postupku („Službeni list RCG“, br. 60/03) postupajući po zahtjevima Mreže za afirmaciju nevladinog sektora – MANS, br.08/14173-14175 od 06.11.2008. godine, Ministarstvo finansija donosi

ZAKLJUČAK

ODBIJA SE zahtjev Mreže za afirmaciju nevladinog sektora – MANS br.08/14173-14175 od 06.11.2008. godine, kao neosnovan.

Acting upon mentioned request, it was determined that Ministry of finance do not poses information that contain information on supervision over Tax Administration.

U postupku po navedenom zahtjevu, utvrđeno je da Ministarstvo finansija ne posjeduje izvještaje koji sadrže informaciju o nadzoru nad radom Poreske uprave.

Navedenim zahtjevom je tražena i kopija svih prijedloga izmjena i dopuna zakona i drugih akata u cilju usklađivanja zakonodavstva i implementacije Konvencije UN-a protiv korupcije za period septembar-oktobar 2008. godine. Ovaj zahtjev uputiti Upravi za antikorupcijsku inicijativu.

Na osnovu izloženog odlučeno je kao u dispozitivu ovog zaključka.

Uputstvo o pravnom sredstvu: Ovaj zaključak je konačan i protiv njega se može pokrenuti upravni spor tužbom kod Upravnog suda Crne Gore u roku od 30 dana od dana dostavljanja zaključka.

Dostavljeno:

SEKRETAR MINISTARSTVA

mr. Damir Šehovc



*Response of the Ministry of Finance
from 18 Nov 2008.*

⁶⁸ IV Report of the National Commission, evaluation no 131

⁶⁹ Measure no 135 – Strengthening of external control of the work of Tax Administration through development of six-month reports on monitoring and their publicizing on the site of Ministry of Finance and the Police Administration

⁷⁰ Data were presented in the reports which refer to the period January – June 2008 and October-December 2008 while in the report for the period July –September there are no data on realization of this measure.

<http://www.antikorup.vlada.cg.yu/vijesti.php?akcija=rubrika&rubrika=28>



BRANIKOVA NAJBLIŽI
PODGORICA, 25.1.2009.

MINISTARSTVO FINANSIJA CRNE GORE

Broj 08-203/

Podgorica, 20.01.2009. godine

MREŽA ZA AFIRMACIJU NEVLADINOG SEKTORA – MANS

Ulica Dalmatinska 188 – Podgorica

U vezi vaših zahtjeva br. : 09/15317-15319; 09/15320-15321; 09/15322-15325; 09/15326-15328 i 09/15329-15331 od 14.01.2009. godine, obavještavam vas da smo vam na gore pomenute zahtjeve dostavili odgovore u periodu novembar – decembar 2008. godine.

Takođe vas molimo da ne ponavljate zahtjeve.

S poštovanjem,

SEKREŽAR MINISTARSTVA,
Dr. Oskar Šehović

*Response of the Ministry of Finance from
20 January 2009*

IZVJEŠTAJ

1. NADLEŽNI ORGAN		Ministarstvo finansija
2. IZVJEŠTAJNI PERIOD		od 01.oktobra do 31.decembra 2008.
3. MJERE U KOJE JE ORGAN UKLJUČEN		
3.1. MJERA	Stepen realizacije (poželjni kvantitativni podaci)	
Dostavljanje i objavljivanje na web sajtu Godišnjeg izvještaja o radu drugostepenog carinskog i poreskog organa	realizovano	
	Ostali bitni pokazatelji	
	Finansijska sredstva (izvori, utrošena, nedostajuća)	
	Faktori rizika i razlozi eventualnog odlaganja ispunjenja	
3.2. MJERA	Stepen realizacije (poželjni kvantitativni podaci)	
Dostavljanje i objavljivanje Izvještaja Sektora za internu reviziju	realizovano	
	Ostali bitni pokazatelji	
	Finansijska sredstva (izvori, utrošena, nedostajuća)	

Implemented

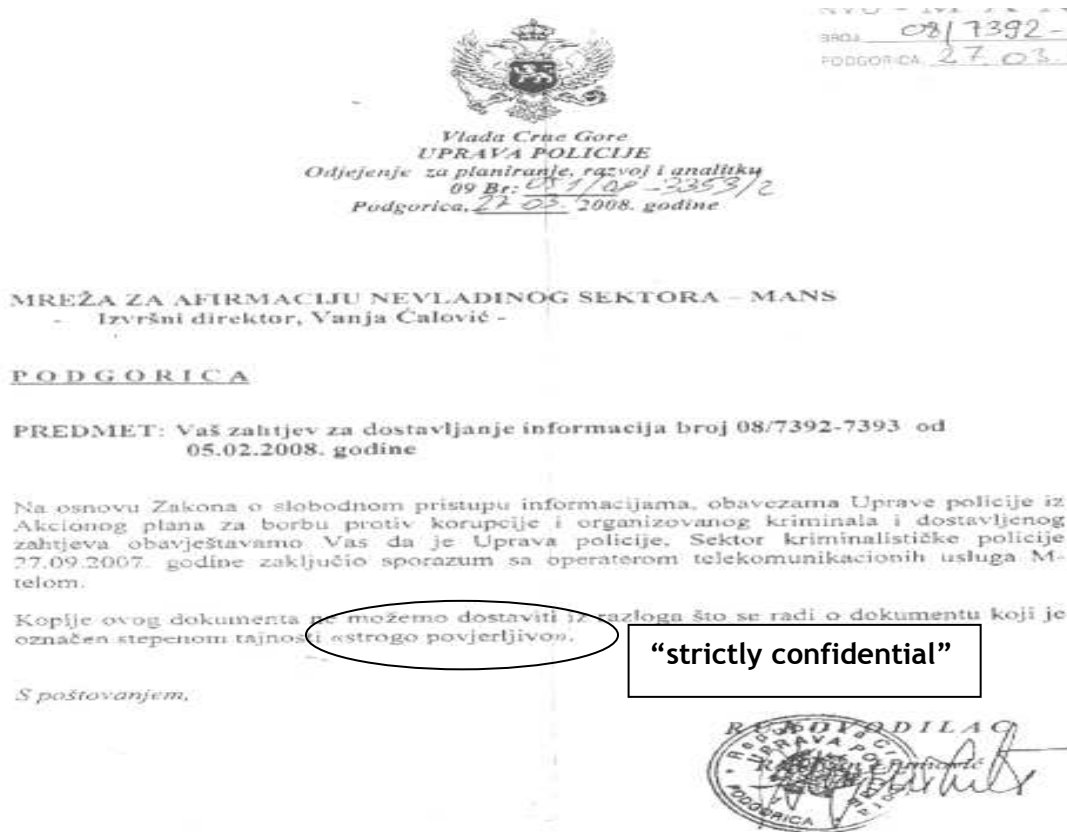
Submission and publishing Report of the Department for Internal Revision

*Extract from the Report of the Ministry of Finance for
October – December 2008 submitted to the National
Commission*

Case study: Strictly confidential police reforms

A small number of institutions proclaim data on implementation of reforms of the police state secrets, and secrets most often referred to the activities of the police. This case study documents that through implementation of the Action Plan activities, the Police Administration expands its powers by secret acts and establishes direct access to data bases of telecommunication operators, which is the act of violation of the right of the citizens to privacy. Such practice is contrary to court decisions of the European Court for Human Rights which prescribes that insight in telephone communication and listings can be conducted only based on the court decision. MANS initiated procedures before the Constitutional and Administrative Court but disputable powers of the police have still been in force and underway are negotiations with other companies as well.

The Action Plan foresees provision of links and connection of the police with data bases of the providers of telecommunication services for the purpose of collection of data. The Police Administration has stated that they have signed the Agreement with one of the operators and that document was proclaimed a state secret.



Response of the Police Administration from 27 March 2008

MANS submitted a complaint to the Ministry of Interior which confirmed the decision of the Police Administration stating that this was the document marked as "strictly confidential".

At the end of July 2008 we filed a suit to the Administrative Court. In the suit we showed that we did not ask for information which could endanger national security and that the level of confidentiality - "strictly confidential" is not foreseen by the valid laws. The Police Administration did not undertake "test of harmfulness" foreseen by the law that is they did not determine whether making the requested information public would cause greater damage to some public interests than its unrevealing.

Extract from MANS' suit from 31 July 2008

"...By the request in question access was not requested to data referring to the names of persons who the data were collected about in this way, which could endanger operational work of the Police Administration, but instead Agreement with the operator of telecommunication services was requested which would show establishment of the procedure for access to data in this way.

By this request no information was asked which could endanger in any way national security, defense and international relations, public safety or commercial or other economic private or public interests as predicted by Article 9 of the Law on Free Access to Information.

In the document in question no regulation was mentioned based on which the requested Agreement was marked as a "strictly confidential" document.

"...Article 11 of the Law on Data Confidentiality clearly regulates that a confidential data from Article 3 of this Law can be assigned one of the following levels of confidentiality:

- 1) "STRICTLY CONFIDENTIAL";
- 2) "SECRET";
- 3) "CONFIDENTIAL";
- 4) "INTERNAL".

According to this, the disputable matter is not in line with the law neither in terms of the part which refers to application of the level of confidentiality nor in the part which refers to the fact that the Agreement in question whose contents cannot possibly cause harmful consequences predicted by these laws can be classified as secret information.

If the Police Administration had estimated that certain information contained in the Agreement in question could cause harmful consequences predicted by these laws, the competent body could have provided access to information in accordance with Article 13 Paragraph 2 of the Law on Free Access to Information after erasing of the part of information which was restricted for access.

Even if the Agreement in question had represented the information which access is restricted to, restriction of access to information must be preceded in every individual case by conducting of the test of harmfulness of a publicizing of certain information that is establishing whether publicizing of the requested information would cause greater damage to a certain protected interest than it would be in the case of its non-publicizing. Testing of harmfulness of publicizing of that information is conducted ex officio which means that the organ in charge of the procedure should supply evidence.

In the disputable document there is no evidence that this institution has conducted test of harmfulness in the procedure of reaching a decision. "

Administrative Court has not reached verdict yet

MANS submitted on 2 July 2008 initiative to the Administrative Court on the basis of violation of the right to privacy guaranteed by the Constitution and the European Convention on Human Rights.

The initiative called upon verdicts of the European Court for Human Rights which has established that listings that is information on date and duration of telephone calls and particularly on numbers dialed shall be considered integral element of telephone communication and being such within the right to privacy enjoy protection from illegal wiretapping in the same way as the contents of the telephone call itself enjoys protection.

According to verdicts of the European Court local laws must provide protection of individuals from arbitrary endangering of their rights. The Court believes that the Law must precise the scope of authorizations entrusted to authorized bodies and the manner of their enforcement clearly enough having in mind the legitimate goal of the concrete measure in order to provide adequate protection to individual from arbitrary endangering of his/her rights. Court cases of the European Court confirm that measure of legal protection against arbitrary interference of public authorities in the right to privacy of citizens must exist and that risk from arbitrary actions is obvious particularly in the cases in which powers of the executive authorities are conducted secretly.

European Court for Human rights in the court decisions establishes that minimal guarantee that must be prescribed by the Law in order to avoid abuse of powers by the state bodies at the event of having insight in listing that is information on numbers dialed, is definition of the category of persons whose telephones may be wiretapped only on the basis of the court decision.

Due to that we have proposed to the Constitutional Court to order at the beginning of the process cessation of application of disputable powers of the police, to annul disputable Agreement and to order removal of harmful consequences coming from it (e.g. to destroy the listings, disable further direct access of the police to data bases) and prohibit any further signing of similar agreements.

The Constitutional Court did not order cessation of application of the Agreement and has not reached court decision at this initiative yet.

Extract from the initiative submitted to the Constitutional Court on 2 July 2008

"...7. In the concrete case this refers to powers of the police to obtain without control of the court or another independent body:

- a) **information on identity of telecommunication addresses which at a certain period of time have established connection, that is, the so called listings** on the basis of Article 230, Paragraph 2 of the Criminal Procedure Code,
- b) **direct connecting with computer networks and data bases of institutions and business subjects such as telecommunication service providers**, on the basis of the Action Plan for Combat Against Corruption and Organized Crime;
- c) **unknown extent of exercise of powers as stated in Item b)**, on the basis of the Agreement between "M-tel" and the Police Administration which is proclaimed "Strictly confidential".

8. The European Court for Human Rights has established in its practice the following principles relevant for interpretation of the rights to privacy in relation to powers of the police to have insight into the listings of telephone calls:
- a. **Listings that is information on date and duration of telephone calls and particularly on numbers which were dialed are considered "integral element of telephone communication" and being such they enjoy protection within the right to privacy from Art. 8, Para. 1, in the same way as the contents of telephone conversation enjoys from illegal wiretapping. Also classification of information on telephone conversations enjoys protection** on the basis of Article 8, Paragraph 1, regardless of whether the information was really published or used against a concrete person in the court or disciplinary procedure (*Copland v. the United Kingdom*, 2007, Item 43; *Malone v. the United Kingdom*, 1989, Item 87; *Valenzuela Contreras v. Spain*, 1996, Item 47).
 - b. "In the context of measures of secret surveillance or interference of public authorities in communications, due to lack of public control and due to the risk of abuse of powers, **local laws must provide protection of individual from arbitrary endangering of their rights** on the basis of Article 8 of the Convention (*Halford v. the UK*, 1997, Item 49)". **The Law must be sufficiently clear to provide citizens with adequate instructions on circumstances in which the authorized state bodies have the right to use secret and potentially dangerous endangering of the rights to respect private life and correspondence that is conditions under which they can apply it** (*Malone v. the United Kingdom*, 1989, Item 67)." **"The Law must determine scope of powers entrusted to authorized bodies and the manner of their implementation clearly enough having in mind legitimate goal of the concrete measure in order to provide adequate protection to a person from arbitrary endangering of his/her rights** (*Malone v. the United Kingdom*, 1989, Item 67)."
 - c. **"Measure of legal protection against arbitrary interference of public authorities into the rights must exist** guaranteed by Article 8 Para 1 of the Convention. **Particularly in the cases in which powers of executive authorities are conducted in secrecy, risk from arbitrary actions is obvious** (*Malone v. the UK*, 1989, Item 67)«.
 - d. **In verdicts *Kruslin v. France*, 1990 and *Huvig v. France*, 1997, and *Venezuela Contreras v. Spain* 1996, Item 47, the following minimal guarantees** which must be prescribed by the Law are defined **in order to avoid abuse of powers by the state bodies at the event of wiretapping and insight into listings that is information on telephone numbers dialed:**
 - i. Definition of the category of persons whose telephone numbers can be wiretapped **on the basis of court decision;**
 - ii. Criminal offences which can cause application of such measure, limited duration of telephone wiretapping;
 - iii. Procedure of development of summary reports on conversations wiretapped,
 - iv. Precautions measures which should be undertaken so that tapped conversations would be given unchanged and complete to the court and defense for examination, and circumstances under which taped conversations can or must be erased and tapes destroyed particularly when the accused is released by the court.

- e. In the case *Malone v. the United Kingdom*, 1989, Item 87, European Court for Human Rights has found that practice of the police in Great Britain is to obtain without order of the court listings of telephone calls from the post office that is the Law neither prohibits nor allows giving such information to police, which represents violation of Article 8 Paragraph 1 of the European Convention on Human Rights.
9. **In the light of the above mentioned standards from the practice of the European Court for Human Rights we would like to point out the problems which exist in this case:**
- a. **Secrecy of the Agreement of the Police Administration and "M-tel" which has the character of general act because it sets the conditions and defines the manner in which the police without being controlled has insight into the data base of telecommunication operator endangering the right to privacy in that way** from Article 40 of the Constitution and Article 8 Para 1 of European Convention on Human Rights;
 - b. **The Agreement was signed on the basis of measure foreseen by the Action plan of the Government of Montenegro for combat against corruption and organized crime which expands police powers from Article 230 Para 2 of the Criminal Procedure Code which is contradictory to the standards of the European Convention because it allows police to obtain listings of telephone conversations without court overseeing implementation of this measure.**
 - c. **Even though we are not familiar with contents of the Agreement, we are therefore relying here on its presupposed contents which is foreseen by a disputable measure from the Action Plan for combat against corruption, it is implied that every wider authorization of the police potentially foreseen by the Agreement such as having insight into "sms" communication and similar data base also represents violation of the right to privacy** from Article 140 of the Constitution of Montenegro and Article 8, Para. 1 of the European Convention on Human Rights.

"Strictly confidential" Agreement with "M-tel" is still in force and the Police Administration is still in negotiations on concluding of similar agreements with other telecommunication companies.

Case studies: Ministry of finance is (not) in charge of implementation of reforms

Ministry of Finance claims that they are not in charge of the activity whose realization the Minister, who is at the same time a member of the National Commission, approves by his own decisions.

MANS requested from the Ministry of Finance data on establishment of the working group for development of the Law on Integrity in Public Sector.

Ministry of Finance has stated that "the requested information is not under the competence" of that institution although the Action Plan recognizes it as the holder of development of that Law in cooperation with the Agency for Anti-Corruption Initiative⁷¹.

In the reports that the Agency for Anti-Corruption Initiative has submitted to the National Commission it is stated that the Draft Decision on appointment of the Working Group for development of the Draft Law on Integrity in Public Sector was submitted to the Ministry of Finance for consideration and suggestions⁷², after which the Minister established a working group which held only a few meetings⁷³.

⁷¹ In the I Chapter of the Action plan "Political and international duties and actions", Ministry of Finance is recognized as authorized for realization of the measure stated under the number 20 – Development of the Law Bill on Integrity in Public Sector (which will include prevention of corruption, development of integrity plans, rules on lobbying, conflict of interest, protection of persons who report corruption).

⁷² Report of the Agency for Anti-Corruption Initiative for the period July-September 2008
<http://www.antikorup.vlada.cg.yu/vijesti.php?akcija=rubrika&rubrika=28>

⁷³ Report of the Agency for Anti-Corruption Initiative for the period October-December 2008
<http://www.antikorup.vlada.cg.yu/vijesti.php?akcija=rubrika&rubrika=28>



BR. 10/1054-1054
PODGORICA, 24.10.2008.

MINISTARSTVO FINANSIJA CRNE GORE

Broj: 01-4964/2

Podgorica, 20.10.2008. godine

Na osnovu člana 55 stav 4 Zakona o opštem upravnom postupku („Službeni list RCG“, br. 60/03) postupajući po zahtjevu Mreže za afirmaciju nevladinog sektora - MANS, br.08/10941-10942 od 16.10.2008. godine, Ministarstvo finansija donosi

ZAKLJUČAK

ODBACUJE SE zahtjev Mreže za afirmaciju nevladinog sektora – MANS br.08/10941-10942 od 16.10.2008.godine, zbog nenadležnosti .

Obrazloženje

Mreža za afirmaciju nevladinog sektora – MANS iz Podgorice, Ulica Dalmatinska br.188, podnijela je zahtjev Ministarstvu finansija, br:08/10941-10942 od 16.10.2008.godine, kojim se traži dostavljanje kopije akata kojim je imenovana radna grupa za izradu prijedloga Zakona o integritetu u javnom sektoru i radna verzija prijedloga Zakona o integritetu u javnom sektoru.

U postupku po navedenom zahtjevu, utvrđeno je da tražene informacije nisu u nadležnosti Ministarstva finansija.

Na osnovu izložene

Uputstvo o prava
pokrenuti upravni
dana dostavljanja zaključka.

Acting upon mentioned request, it was determined requested information are out of jurisdiction of the that Ministry of finance.

SEKREŠAR MINISTARSTVA
mr. Danir Behović



Response of the Ministry of Finance from 20 October 2008

5. COMPARISION OF ANTI-CORRUPTION COMMISSIONS IN THE REGION

5. COMPARISON OF ANTI-CORRUPTION COMMISSIONS IN THE REGION

This chapter presents comparative data for the countries of the region⁷⁴, which show that members of the anti-corruption bodies of Montenegro and Serbia are appointed by the executive authorities, while in other countries these bodies are appointed by parliaments. The analysis shows that Montenegrin Commission has least competencies and authority of all the commissions in the region.

Data given in this chapter show that only in Montenegro expert support to the Commission is provided by institutions whose work it is supervising, only this institution is focused on monitoring the implementation of anti-corruption policies, while other commissions in the region also analyze concrete cases.

A special part of this chapter gives data on national policies and anti-corruption commissions in the region from the reports of the European Commission, the Council of Europe, as well as the reports of the Council of Europe Group of States against Corruption (GRECO) for the past four years. Adoption of strategies and action plans for their implementation is assessed positively, but it is pointed out that those documents should include measurable objectives and indicators, while focus should be placed on the implementation of reforms which will yield concrete results. Reports recommend to establish independent, specialized bodies with sufficient resources and capacities to ensure coordination of institutions, as well as efficient and unbiased monitoring of reforms implementation.

5.1. Legal framework and the competencies of the anti-corruption bodies from the region

This chapter is covering information on legal framework in which anti-corruption bodies from the region operate. It provides information on appointing and mandates of the anti-corruption bodies' members, their tasks and competencies, as well as prescribed dynamic of holding sessions, expert and financial support for implementing activities.

Appointment and mandate of the members

This section is providing information on appointment and structure of the anti-corruption bodies, procedures for their president election, duration of mandate and procedures for suspension. In Montenegro and Serbia, Commission President and members are elected by executive power, duration of their mandate is not limited, there is no procedure for suspension, while in other countries of the region, anti-corruption bodies are appointed by national parliaments, in line with specially defined procedures.

⁷⁴ Montenegro, Serbia, Croatia, Macedonia and Slovenia, because the commission has not yet been established in Bosnia and Herzegovina.

Montenegrin National Commission is appointed by the Government, and the Council for Fight against Corruption is appointed by the Government of Serbia. Committee for Election, Appointment and Administrative Affairs of the Croatian Parliament elects members of the National Council. Slovenia has a special law according to which the Judicial Council, the commission in the National Assembly and the Government of Slovenia each propose one member of the Commission for Prevention of Corruption. Election of the members of the State Commission for Prevention of Corruption is performed by the Assembly of Macedonia, according to a special law.

Members of Montenegrin Commission are the highest representatives of judiciary, executive and legislative authorities, i.e. of institutions in charge of the Action Plan implementation, while two members come from among members of the non-government sector. Members of the Council of Serbia are appointed from among the members of the Government and officials managing special organizations, as well as domestic and foreign experts. Members of Croatian National Council are deputies, trade union representatives, NGOs dealing with corruption, academic communities, experts and media. Members of Commission in Slovenia must hold at least a university degree, have ten years of work experience and must be recognized as persons of public trust. Members of Macedonian Commission are prominent experts from the area of law and economy.

There is no special procedure for election of the President of Montenegrin Commission, but the Government decides on this when appointing the National Commission, like in the case of the Council of Serbia. The President of the Council of Croatia is elected among the opposition deputies. The President and Vice-President of the Commission is proposed by the President of Slovenia, and they are elected by the Assembly, while in Macedonia the president is elected among the commission members.

There is not time limit for the mandate of Montenegrin Commission and the Serbian Council, nor are conditions under which they can be suspended prescribed. In Croatia members' mandates last until the expiry of the mandate of the Parliament's composition, while in Slovenia the mandate lasts six years without the right to re-appointment. In Macedonia the president's mandate lasts one year, and the members' mandate lasts four years.

Tasks and Competencies

This section shows that Montenegrin Commission has least competencies and authority of all similare bodies in the region.

Tasks of the National Commission in Montenegro are to manage, organize and synchronize activities of institutions in the implementation of the Programme of Fight against Corruption and Organized Crime; to manage the resources for programme implementation; determine priorities, dynamics and deadlines for implementation and assess the results in the Program implementation and to inform the Government thereon.

The Council for Fight against Corruption of Serbia has the obligation to consider the activities in fight against corruption, to propose to the Government measures to be introduced with the aim of

more efficient fight against corruption and monitor their implementation, and to submit initiatives for adoption of regulations, measures and other acts in this area.

Tasks of the Croatian Council are to supervise and monitor the implementation of the National Programme for Prevention of Corruption, to monitor systematically data on phenomena related to corruption submitted upon its request by the bodies in charge of implementation of the Programme, to analyze the reports of competent bodies on Programme implementation, assess the manner and results of implementation, propose measures for improvement of Programme implementation, strengthen supervision of the bodies in charge of Programme implementation, submit to the Croatian Parliament the semiannual reports on its work and to encourage and direct cooperation of the Parliament and state and other bodies in charge of Programme implementation.

Tasks of Macedonian Commission are defined by the Law. The Commission adopts the Program for Prevention and Fighting of Corruption, annual programmes and plans for Program implementation. The Commission gives opinions to the draft laws important for prevention of corruption, starts initiatives before the competent bodies for investigating financial material transactions of political parties, trade unions and civil associations and initiates proceedings before competent bodies for suspension, criminal prosecution of public. The Commission submits annual reports on its work to the Parliament president, the Supreme Court and publishes them in the media.

Tasks of the Slovenian Commission are defined by the Law on Prevention of Corruption. The Commission proposes draft Resolution on prevention of corruption to the Government which submits it to the Parliament, it is responsible for Resolution implementation, it monitors and analyzes the statistical data on the state of corruption in the country, cooperates with responsible public bodies in the development and harmonization of those regulations and undertakes initiatives for their amendments and performs coordination and advisory – education tasks.

Sessions, expert and financial support

This section is containing information on prescribed dynamic of commissions' sessions, expert support and budgets of the anti-corruption commissions from the region. Montenegrin Commission is holding sessions quarterly, while similar bodies from the region gather on monthly or weekly basis.

Sessions of Montenegrin Commission are held four times a year. Serbia and Croatian Council holds sessions every month. The President and Vice-President of the Commissions of Slovenia and Macedonia perform those functions professionally, while Macedonian Commission holds meetings at least once per week.

Expert support to the National Commission in Montenegro is provided by the Expert Body made up of representatives of institutions in charge of Action Plan implementation whose work the Commission supervises. Support for the work of the Council is provided by the General Secretariat

of the Government, and support to the work of Croatian Council, Slovenian and Macedonian Commission is provided by professional expert services.

The Decision on Establishment and the Rules of Procedure prescribe that Montenegrin Commission should manage the entire budget for implementation of the Programme and the Action Plan. Budgets for the work of the bodies in Croatia, Slovenia and Macedonia are annually determined by the parliaments of those countries.

More detailed information is given in Annex 5: Legal framework and the competencies of the anti-corruption bodies from the region

5.2. Activities of Anti-corruption Commissions in the region

This chapter includes data on practical implementation of prescribed authorities of anticorruption commissions and types of their activities, which show that only Montenegrin Commission is not acting in concrete cases. A special part of the chapter gives assessments of anticorruption commissions and strategies from the reports of the European Commission and the Council of Europe for the past four years.

Montenegro⁷⁵ – The National Commission has adopted four reports on the implementation of the Action Plan for Fight against Corruption and Organized Crime⁷⁶ which include also recommendations for competent institutions⁷⁷. The Commission does not analyze concrete cases, it does not have at disposal budget resources for implementation of the Action Plan, nor does it have a special budget for its work.

Serbia – Council for Fight against Corruption in Serbia made analyses of possible cases of corruption in concrete areas. The Council adopted a number of reports which referred to the privatization policy and process⁷⁸, issues of illegal construction⁷⁹, concessions for the highway Horgoš-Požega, as well as the reports on bankruptcy of Sartid company, privatization of the company Jugoremedija, report on Mobtel⁸⁰, the National Savings-Bank⁸¹, C-market⁸² and the

⁷⁵ More detailed information on the structure and work of the Commissions are given in chapter 1.

⁷⁶ The Commission adopts semi-annual reports based on the reports obtained from institutions competent for the AP implementation.

⁷⁷ The latest report includes recommendations for the fields indicated in the Progress Report on Montenegro for 2008.

⁷⁸ The report analyzed the following: legal regulation, acting of institutions, petition of citizens, workers and trade unions, concrete violations of the law, and it gives recommendations for removing shortcomings of the privatization process and legislation.

⁷⁹ Superstructure of the residential buildings in the area of municipality Zvezdara, in Konjarnik.

⁸⁰ Violation of the law when companies are established, business doing in privileged conditions and the use of political influences and patronage of the state for the purpose of gaining profit

⁸¹ Determining violation of regulations in the banking transactions, existence of corruption among high state officials and the role of foreign banking capital.

⁸² Privatization and merging of C markets with the network of shops of Delta led to the monopolistic position of this company, because it covered over 60% of the market of retail objects.

recently published report on the Port Belgrade⁸³. The Council also made an analysis of subvention policy of EU towards Serbia for export of sugar, and it also analyzed the financial costs of high state officials travels that were not known to the public. The Council gave comments on the anti-corruption legislation⁸⁴ and published data on individual cases in which there is suspicion of corrupt activities.

Croatia – Apart from monitoring the implementation of the national programme for prevention of corruption, the National Council also worked on concrete cases of corruption, upon its own initiative, but also pursuant to petition of citizens. The Council discussed concrete cases of corruption in customs affairs, smuggling of oil, cigarettes and coffee⁸⁵, organized thematic sessions at which it considered the state of corruption in economy, education and the media and held round tables on the results achieved by anti-corruption institutions.

Macedonia – The Commission acted pursuant to reports of citizens and submitted initiatives for starting criminal prosecution, as well as initiatives in cases of violation of the public procurement procedures, complaints in the area of space planning and illegal construction, as well as complaints regarding privatization and bankruptcy. The Commission submitted to the prosecution initiatives for starting proceedings in cases of organized crime⁸⁶, initiatives for cases of corruption indicated in the report of the State Auditing Institution⁸⁷, but also against individuals such as the director of the Public Company „Roads“ Skopje⁸⁸ and former management of the Public Tax Administration⁸⁹.

⁸³ The appearance of concentration of property due to „secondary privatization“ i.e. transfer of workers' ownership to the existing market actors, which create monopolistic position over companies from abroad.

⁸⁴ The Council, for example, produced comments on the Law on Protection of Competition, Law on Prevention of Money Laundering, Law on State Auditing Institution, Draft Law on Prevention of Corruption, amendments to the laws in the area of privatization etc.

⁸⁵ It was analyzed whether the competent bodies acted in compliance with the Law, pursuant to a petition of former manager of the Customs.

⁸⁶ An initiative was started against persons signing a contract for reconstruction of road Drachevo – Kitka. The contract was signed between 3 municipalities and Public Company Macedonian Forests and Fund for National and Regional Roads.

⁸⁷ Initiative for beginning a proceeding due to abuse of office in the procedure of signing a contract between the Town Skopje and the company „Eurostandard“, with the time limit longer than the one prescribed by the Law on Financing the Local Self-Government bodies.

⁸⁸ The initiative was submitted for doubts of abuse of office related to short-term loans of Eurostandard bank.

⁸⁹ Because of doubt that they made it possible to a tax payer to pay a smaller amount to added value.

5.3. Reports of the European Commission, the Council of Europe and GRECO

This chapter gives data on the national policies and anti-corruption commissions in the region included in the reports of the European Commission, the Council of Europe, as well as the report of the Council of Europe Group of States against Corruption (GRECO) for the period from 2005 to 2008.

All the countries in the region adopted special strategies with the action plans, as well as their innovated versions, but the importance of precisely set objectives, indicators for monitoring the success of implementation of planned activities, as well as establishment of coordination and methodology for monitoring the reforms implementation are stressed in particular. All the countries are recommended to focus on the implementation and realization of concrete results, especially in cases of corruption at the highest levels.

Bosnia and Herzegovina is the only country in the region which did not establish an anti-corruption commission, in some countries of the region there is serious concern regarding independence of the commission members, while in the countries where the commissions are unbiased and initiate concrete cases, those institutions face problems in coordination with other state bodies.

Montenegro

The reports from 2005 assess positively the establishment of the national Strategy for Fight against Corruption and Organized Crime, but stress that comprehensive strategies are needed and that their implementation is of prime importance – so that efforts in fight against corruption and organized crime would not remain at the level of pure rhetoric.

In 2006 the reports stated that progress in anti-corruption activities is visible to certain extent, and it is primarily so owing to the adoption of the Action Plan for Fight against Corruption and Organized Crime. It was stressed that with the aim of more efficient monitoring it is necessary to establish a specialized, independent, anti-corruption body with sufficient resources and trained staff.

Establishment of the National Commission for monitoring of the Action Plan in 2007 was assessed as a positive signal, but it was stressed that little was done for the implementation of the Action Plan, and that there is serious concern regarding independence in the work of the Commission members.

In 2008 the reports stated that an Innovated Action Plan was adopted, which was complemented with new measures and clearer indicators, and that the National Commission worked to improve implementation, harmonization of statistics and methods of corruption cases analysis. Still, the reports point out that Montenegrin institutions face the main challenge of translating laws, strategies and plans into concrete and visible results, especially in cases of corruption at the highest levels.

Serbia

The reports from 2005 state that through development of the strategy for fight against corruption, progress was made in that area, and that now it is necessary to put emphasis on its implementation. It is pointed out that there are problems with preparation of the action plan and the establishment of an anti-corruption body. Future functions of the Council were pointed out in particular and cooperation with the agency which was to be established. The reports indicate that the Government either did not investigate a number of statements of the Council or it did not deal with them adequately. It was stated that the work of the Council indicated a very weak system of criminal prosecution of corruption cases at the high level.

In 2006 it was stressed that the action plan was not yet adopted, nor the law on a special anti-corruption body, and the future role of the Council was not defined either. The reports conclude that it is necessary to start immediately implementation of the strategy.

Reports from 2007 welcome the adoption of the Action Plan and the reports on implementation of measures which ministries started to submit, and which show progress in the prosecution of corruption cases. Still, they emphasize that special attention should be devoted to the implementation of the Action Plan which lacks precise deadlines, activities and the resources necessary for implementation.

In 2008 it is repeated that the Action Plan lacks precise deadlines, activities and resources and that it should be revised. It is stressed that the current role of the Council is limited to that of an advisory body of the Government and that monitoring of the Action Plan implementation should be devoted to an anti-corruption agency whose competencies should be defined by a special law.

Bosnia and Herzegovina

The reports from 2005 stress that anti-corruption efforts are strengthened after the adoption of the National Anti-corruption Strategy, but it is stressed that the strategy has no action plan and that it had a very limited influence until then. Office for monitoring, which exists within the Unit for Economic Policy and Planning, is in charge of strategy implementation monitoring, so the reports stress that a special body at the state level should first be established.

The reports from 2006 welcome the adoption of the anti-corruption strategy, which includes measures, institutions and deadlines for implementation, and stress that its implementation is of vital importance. The reports recommend establishment of an independent anti-corruption body with sufficient capacities and resources for monitoring the Strategy implementation.

In 2007 it is pointed out that the implementation of the Strategy and the Action Plan is not at a satisfactory level, because there is no special body to coordinate and monitor the implementation, as well as due to lack of resources. It is concluded that more intensive investigation and criminal prosecution of corruption are necessary.

In 2008 there was no progress in the implementation of the Strategy and the Action Plan, which was assessed as the consequence of lack of political will, so the reports state that it is necessary to ensure conditions for adequate implementation of anti-corruption policies.

Croatia

The reports from 2005 state that adoption of new anti-corruption strategy and development of action plans are waited for and it is stressed that it is of utmost importance to implement these policies with the needed resoluteness. The reports state that implementation of an anti-corruption programme in the previous period did not yield results. It is recommended that the new action plan should include clear indicators, responsible institutions, adequate sources of financing and deadlines for implementation. It is also necessary to develop a comprehensive statistical methodology in order to better monitor fight against corruption, and establish better coordination of state institutions and agencies.

Adoption of the new anti-corruption programme and sector action plans in 2006 is emphasized as a positive move forward, but the lack of material and financial resources for the implementation and problems in coordination of institutions is also indicated. The reports stress that political will is needed in order to implement anti-corruption policies and start struggle against corruption at the high level. Again development of a comprehensive statistical methodology is recommended.

The reports from 2007 point out that the first results in fight against corruption have been achieved through introduction of an anti-corruption programme, but also that action plans are not sufficiently detailed. It is stated that the National Council performs only the monitoring of the Social Programme, but does not propose measures so as to improve implementation.

In 2008 the revised Strategy and Action Plan were adopted, which include concrete measures for the areas in which corruption most frequently appears, and an international coordination system for measures monitoring was established, based in a work group at the level of the state secretary. Reports stress that the Action Plan does not include measurable objectives, which makes more difficult implementation monitoring, while lack of coordination and lack of efficient and unbiased monitoring of implementation is present. The election of new members of anti-corruption Council is stated and lack of norms prescribing the work of the Council evidenced, but also lack of their practical implementation.

Macedonia

The reports for 2005 point out that certain progress was achieved in the implementation of the Programme adopted in 2003 as well as in the Matrix for its implementation. It is pointed out that further efforts are needed for ensuring efficient implementation of the Programme, and for improving coordination of anti-corruption Commission and other state institutions. The reports state that Instruction for Cooperation was adopted, which has led to improvements, but which needs to be improved in the part regarding cooperation with the State Prosecutor.

The reports for 2006 point out that the establishment of an inter-ministry body improved cooperation and coordination of bodies involved in fight against corruption, so that relations of the State Commission for Corruption Prevention and the State Prosecutor have also been improved.

In 2007 it is stated that the new State Commission started a five year mandate and developed draft of the new Programme, and that the Government adopted the Action Plan. The reports indicate that sufficient resources for the implementation of the Programme have not been allocated, while a large number of legal acts created a fragmented legal system which makes difficult implementation and monitoring. The reports stress that lack of human resources and technical means makes difficult work of the State Commission, and there is no unique methodology for collecting and exchange of data on reform implementation.

The reports from 2008 point out that progress was been made in the implementation of anti-corruption policies and the Law on Prevention of Corruption was improved. The Commission budget was increased and new staff employed, but the Commission still does not fulfill its leading role in fight against corruption. The reports state that access to fight against corruption is not comprehensive and that the Commission recommendations are rarely fulfilled. It is recommended to the Commission to devote more attention to strengthening of independence and impartiality in work and to establishment of better cooperation with other institutions participating in fight against corruption.

More detailed information is given in Annex 6: Reports of the European Commission, the Council of Europe and GRECO on the national policies and anti-corruption commissions in the region

ANNEXES

Annex 1: National Commission Sessions

Session	Agenda	Date when invitation was submitted to the Commission members	Date when the session was held
I	1. Constituting of the National Commission (NC), Decision on the establishment of NC 2. Draft Rules of Procedure 3. Proposal of work methodology 4. Current issues	13 March 2007	16 March 2007
II	1. Adoption of the minutes from the Constitutive session of NC 2. Proposal and report on the implementation of measures from the Action Plan 3. Access to information relevant for the work of NC 4. Current issues	02 July 2007	6 and 10 July 2007
III	1. Adoption of minutes from II session 2. Proposals and suggestions for further specification of measures, holders and deadlines for AP implementation 3. Current issues	07 December 2007	25 December 2007
IV	1. Adoption of minutes from III session 2. Adoption of Proposal of II report on AP implementation 3. Current issues	11 February 2008	18 February 2008
V	1. Adoption of minutes from III session 2. Proposal of amendments to AP prepared by the Work Group 3. Current issues	16 May 2008	20 May 2008
VI	1. Adoption of minutes from IV session 2. Draft III report on the implementation of measures from the innovated AP 3. Current issues	23 July 2008	28 July 2008
VII⁹⁰	1. Adoption of minutes from VI session 2. Analysis of assessments and recommendations from annual European Commission Progress Report on Montenegro for 2008 3. Current issues	11 November 2008	19 November 2008
VIII	1. Adoption of minutes from VII session 2. Analysis of recommendations of NC members related to the implementation of recommendations from the annual EC Progress Report on Montenegro for 2008 3. Current issues	16 December 2008	24 December 2008
IX	1. Adoption of minutes from VIII session 2. Draft IV report on implementation of innovated AP 3. Current issues	09 February 2009	17 & 18 February 2009

⁹⁰ Seventh session of the National Commission was scheduled at the initiative of NGO MANS

X⁹¹	1. Adoption of minutes from IX session 2. Dialogue with the reporting officials for the innovated AP 3. Current issues	09 April 2009	24 April 2009
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⁹¹ This session is yet to be held.

Annex 2: Amendments of the members of National Commission to the proposals of the Report on Implementation of Action Plan

Topic of the session	Submitter of the amendment	Number of submitted amendments	Accepted amendments	Rejected amendments	Withdrawn amendments
II session Proposal of the First Report on Implementation of Action Plan	MANS	67	16	51	
	Ministry of Finance	7	7		
	Supreme State Prosecutor	7	7		
	Agency for Anti-Corruption Initiative	12	12		
	Supreme Court	8	8		
IV session Proposal of the Second Report on Implementation of Action Plan	MANS	101	13	78	10
V session Adoption of Innovated Action Plan	MANS	2		2	
	CEMI	3		2	1
	President of the Commission	1	1		
VI session Proposal of III Report on Implementation of Action Plan	<i>Representative of MANS was not present at this session and amendments were not submitted</i>	0			
VIII session Recommendations related to the Annual Montenegro 2008 Progress Report of the European Commission	MANS	60	14 +4 *	42	
	Police Directorate	19	19	0	
	Agency for Anti-Corruption Initiative	8	4	4	
	Chairman of the Committee for Economy, Finance and Budget	7	5+1 *	1	
	CEMI	9	2 + 3 *	4	
IX session Proposal of IV Report on Implementation of Action Plan	MANS	110	14	90	6

* These amendments refer to recommendations which will be accepted in the procedure of planned changes of the Action Plan.

Annex 3: MANS' proposal – recommendations of the National Commission to the institutions in charge of implementation of the Action Plan and amendments to the Action Plan for the purpose of harmonization with recommendations of Montenegro 2008 Progress Report of the European Commission.

On the basis of the conclusions of the sitting of the National Commission held on 28 July 2008 we hereby submit the

PROPOSAL OF RECOMMENDATIONS OF THE NATIONAL COMMISSION

to the institutions in charge of implementation of the Action Plan for the purpose of harmonization of recommendations of Montenegro 2008 Progress Report of the European Commission.

On the basis of Article 8, Paragraph 1 of the Rules of Procedure of the National Commission we hereby submit the

PROPOSAL OF THE AMMENDMENTS
to the Action Plan

for the purpose of harmonization with recommendations of Montenegro 2008 Progress Report.

Chapter from EU Commission Report	Comments of the EU Commission	Action Plan measures	Rate from the III Report of the National Commission	Recommendation/Amendment
Political criteria Democracy and the rule of law	Legislation on campaign financing has still to be adopted.	23. Adoption of the Law on Financing Election Campaign for President of Montenegro, mayors, and presidents of municipalities	Not implemented (25)	1: Pass the law following the emergency procedure.
Political criteria Democracy and the rule of law The Government Political criteria Human rights and the protection of minorities Civil and political rights	Also, important new texts such as the Law on electronic communication were adopted without the necessary consultation of stakeholders. The Law on electronic communications was adopted by parliament on 29 July 2008 without public debate. It establishes a new	24. Preparation of the proposal Law on Electronic Communication, aiming to: 1. introduce obligation for telecommunication services providers to register all buyers of the telecommunication services /120/ 2. ensure direct links and	Implemented (26) Implemented (27) Implemented (28)	2: Organize public debate and based on the comments collected enable harmonization with international standards and prepare changes and amendments to the law which will provide regulator's independence. 3: Order cessation of all the activities related to provision of direct links and connection to data basis of telecommunication service

	Electronic Communications Authority. The members of the body's governing councils will be appointed by the government and the regulator's independence is not guaranteed. Moreover, the sensitive powers over planning, allocating, and monitoring the broadcasting frequency spectrum will be transferred from the independent Broadcasting Agency to the new Electronic Communications Authority.	connection with the databases of the telecommunication services providers; condition: adoption of the Law on Personal Data Protection		providers until the Law on Personal Data Protection is passed (action 24, appraisal 28)
European standards Justice, freedom and security Protection of personal data	A new law on protection of personal data has not yet been adopted. Current legislation is not in line with the Personal Data Protection Directive. In the absence of an independent and efficient data protection supervisory authority, existing data protection rules have not been implemented The situation in the area of personal data protection remains a cause for serious concern. Montenegro urgently needs to harmonise its legislation with Community rules, in particular as it had committed itself to do so with effect from the entry into force of the Stabilisation and Association Agreement.	28. Preparation of the proposal Law on Personal Data Protection 29. Adoption of the Law on Personal Data Protection	Partly implemented (32) Not implemented (33)	4: Draft a Law, organize public debate and harmonize it with international standards. 5: Cease application of regulations and new laws (particularly the Law on Electronic Communication) and powers of the police in terms of access to data disposed by telecommunication companies until the new Law on Personal Data Protection is passed.
Political criteria Democracy and the rule of law Public administration	Civil servants often perform external activities which may give rise to conflicts of interest. The draft law on	16. Preparation of the proposal Law on Preventing Conflict of Interest in performing	Partly implemented (18)	6: Organize public debate and consultations with international organizations, prepare changes and amendments to the Law and

<p>Political criteria Democracy and the rule of law Anti-corruption policy</p>	<p>conflicts of interest which is expected to provide clarification concerning incompatible activities and to address certain loopholes has not yet been adopted</p> <p>Adoption of the new Law on conflicts of interest is still pending. The current law leaves many loopholes. In particular, the powers of the Commission on conflicts of interest are too limited to ensure proper analysis of the declarations made. There are also concerns about the independence of this Commission.</p>	<p>public functions, in accordance with the international standards and recommendations</p> <p>17. Adoption of the Law on Preventing Conflict of Interest in performing public functions</p>	<p>Not implemented (19)</p>	<p>expand authorities of the Commission for Conflict of Interests and provide its independence through change of the manner of appointment and structure of the Commission.</p>
<p>Political criteria Democracy and the rule of law Judicial system</p> <p>Political criteria Democracy and the rule of law Judicial system</p>	<p>However, serious concerns regarding the independence of the judiciary persist</p> <p>Objective criteria such as professional capacity and integrity have been developed for appointment of judges and prosecutors, but assessment of the extent to which these criteria have been fulfilled remains within the sole discretion of the Judicial Council and the future Prosecutorial Council. For the prosecution service in particular, where the future council will be elected by parliament, the risk of political influence remains</p>	<p>4. Analyze existing situation regarding the manner and criteria for solving the housing issues and needs of state officials in part referring to bearers of judicial functions</p> <p>No special measure</p>	<p>Partly implemented (116)</p>	<p>7: Define special measure which will provide objective criteria for allocation of flats and housing loans to the holders of judiciary functions and determine the manners and mechanisms to reduce opportunities of executive authorities to influence other parties, particularly in the area of financing of judiciary.</p> <p>8: Define special measure which will establish the manner of evaluation of fulfillment of criteria for appointment of judges and prosecutors, review regulations which foresee participation of the Minister of Justice as a member with the right to vote in the Judicial Council.</p>

	high. The division of responsibility for supervision of the courts between the Ministry of Justice and the Judicial Council provided for in the new legislation and the participation of the Minister of Justice as a voting member of the Judicial Council are further factors putting the independence of the judiciary at risk.			
Political criteria Democracy and the rule of law Judicial system Democracy and the rule of law Anti-corruption policy	In particular, modern investigative techniques for financial investigations are largely unused There is a significant lack of expertise in modern financial investigations.	No special measure, nor data on training in this area within trainings for police, prosecution and judiciary		9: Define special measure which foresees trainings for judges, prosecutors and police as well as indicators which show the number of investigations and procedures in which modern investigation techniques were used particularly referring to financial investigations.
Political criteria Democracy and the rule of law Judicial system European standards Justice, freedom and security Fighting organised crime and terrorism Democracy and the rule of law Anti-corruption policy European standards Justice, freedom and	The powers of the Special Prosecutor's office for organized crime have been extended, but it does not have sufficient deputy prosecutors and staff or technical equipment The Special Prosecutor's Office needs further upgrading by increasing the number of deputies and administrative staff. Training and expertise need to be improved significantly, as do equipment and premises. Final convictions in this area remain rare.	10. Increase number of deputies of Special prosecutor for combating organized crime including terrorism, corruption, and war crimes. 11. Increase number of expert associates in Department for fight against organized crime No measure envisioning procurement of equipment and premises or training of Special Prosecutor 24. Reorganization of the existing Department for the fight against	Not implemented (128) Implemented (129) Partly implemented (142)	10: Increase the number of Special Prosecutor Deputies, expert assistants and administrative personnel. 11: Define measures which will foresee provision of equipment and space and training for the Special Prosecutor. 12: Increase the number of employees in the Department for Combat against Organized Crime and Corruption in the Police Administration, employ staff on the local level, provide functional working space, provide equipment and conduct trainings particularly referring to techniques of investigation including financial

<p>security Fighting organised crime and terrorism</p> <p>European standards Justice, freedom and security Police</p>	<p>The office of the Special Prosecutor lacks the necessary capacity in terms of staffing, expertise and equipment. The same applies to the special anti-corruption police task force.</p> <p>In the Police Directorate's organised crime unit, 20% of the allocated posts are currently vacant. The unit has no staff at local level. The working conditions of this unit are inadequate and further upgrading of professional skills is needed, especially with respect to modern investigation techniques, including financial investigations.</p> <p>However, the professional capacity of the police - particularly as regards use of modern investigation and analysis techniques - should be improved. Equipment and facilities, in particular for the organised crime department, need upgrading. The same applies to the police academy, in order to ensure adequate facilities for the various types of training to be conducted in-house.</p>	<p>organized crime, in the sense of defining the organizational level, as well as the scope of action</p> <p>1.1. Increase number of officers within the organizational unit dealing with suppression of corruption from existing two to four officers</p> <p>1.2. Defining official positions within district units that will deal with fight against corruption and organized crime (two officers per each district unit assigned for this problem)</p> <p>25. Securing functional working space for the existing Department for the prevention and fight against organized crime</p> <p>26. Training needs assessment and organizing trainings</p> <p>1. Providing continuous trainings for officers in the field of fight against organized crime and corruption</p> <p>27. Purchase of technical and communication equipment:</p> <p>1. Creating formal and technical conditions in order to use data base of the Ministry of Internal Affairs and Public Administration (citizens,</p>	<p>Partly implemented (143)</p> <p>Not implemented (144)</p> <p>Continuously implemented (145)</p> <p>Partly implemented (146)</p>	<p>investigations.</p> <p>13: Define special measure which will foresee provision of adequate premises for training in the Police Academy.</p>
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		vehicles, arms, travel papers, quests) with the aim of efficient carrying out investigations in the field of organized crime and corruption		
Political criteria Democracy and the rule of law Judicial system	Preparation of the prosecution service for its new role in leading criminal investigations planned under the future Criminal Procedure Code is lagging behind.	No measure for preparing prosecution service for its new role planned under the future Criminal Procedure Code.		14: Foresee the new measure which will enable prosecutor's office capacity building for the purpose of application of the new Criminal Procedure Code in terms of training and increase of the number of personnel.
Political criteria Democracy and the rule of law Judicial system	Improved codes of ethics and properly structured initial and continuous training programmes need to be established.	10. Implementation of the Code of Ethics of judges and the Code of Ethics of prosecutors	Not implemented (72)	15: Define the measure which will improve codes of ethics of judges and prosecutors, conduct initial and continuous training programs.
Political criteria Democracy and the rule of law Judicial system	The capacity of the Ministry of Justice in the area of judicial cooperation is still weak in terms of both skilled human resources and IT systems.	There is no such measure. 67. Apply consistently the principle of random allocation of cases through the introduction of electronic case coding and allocation (using as much as possible the information technologies) - Regular and ongoing supervision of court administration by the Ministry of Justice pursuant to Law on Courts	Continuously implemented (199)	16: Define the new measure for the Ministry of Justice capacity building in the area of courts cooperation. 17: Enable introduction of electronic encoding and separation of subjects. 18: Provide regular and continuous monitoring of court administration by the Ministry of Justice and reporting to the National Commission.
Political criteria Democracy and the rule of law Anti-corruption policy	Laws concerning local self-government which determine powers over property or resources at local level have not been adopted.	36. Preparation of the proposal Law on property relations 37. Adoption of the Law on property relations	Implemented (36) Not implemented (37)	19: Pass the law which will determine powers concerning property or resources of the local level.

<p>Political criteria Democracy and the rule of law Anti-corruption policy</p>	<p>Protection of whistleblowers remains insufficient in practise, even though the legal framework has been improved.</p>	<p>18. Preparation of the proposal Law on Protection of the persons reporting the corruption 19. Adoption of the Law on Protection of the persons reporting the corruption 20. Preparation of the proposal Law on Integrity in Public Sector (which will contain prevention of corruption, preparation of the integrity plans, rules on lobbying, conflict of interest, protection of whistleblowers) 21. Adoption of the Law on Integrity in Public Sector 13. Preparation of the Instructions on reporting the cases of corruption to police (manner of reporting and protection of whistle blowers), and its efficient implementation 14. Training of police officers and employees for implementation of the Instructions on reporting corruption to the police 15. Promoting the Instructions on reporting corruption to the police</p>	<p>Implemented (20) Not implemented (21) No rate (22) No rate (23) Not implemented (77) Not implemented (78) Not implemented (79)</p>	<p>20: Improve indicators in order to provide information on application of protective measures in practice.</p>
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<p>Political criteria Democracy and the rule of law Anti-corruption policy</p>	<p>Montenegro lacks strong and independent supervisory and auditing authorities. Such authorities would be needed in order impartially and objectively to enforce and assess declarations of assets and financing of political parties, but also to monitor privatisation and public procurement procedures and the State budget. The existing monitoring committees do not fulfil these tasks satisfactorily and the DACI plays only a limited role in this regard</p>	<p>86. Auditing legality and efficiency of management the state assets and obligations, budgets and all financial affairs of subjects whose financial resources are public or issued by using state assets</p> <p>114. Report irregularities with the elements of corruption in the public procurement procedures</p> <ol style="list-style-type: none"> 1. Creating precise directives on corruption reporting procedure in public procurement and manner of handling reports of citizens 2. Operating of a phone line to report corruption 3. Informing the prosecution and police on determined irregularities with the elements of corruption in the public procurement procedures <p>Making six-month reports on work of a phone line to report corruption and posting reports at the website</p> <p>115. Making and submitting reports on procurement plans monitoring compared to</p>	<p>-</p> <p>Continuously implemented (223)</p> <p>Not implemented (254)</p> <p>Implemented (255)</p> <p>Continuously implemented (256)</p> <p>Not implemented (257)</p> <p>Partly implemented (258)</p> <p>Implemented (259)</p>	<p>21: Pass the Law on State Election Commission so as to establish new competences which would include evaluation of declaration of assets and financing of political parties.</p> <p>22: Bind the State Audit Institution to conduct audit of business organizations whose equity is owned by the state.</p> <p>23: Define the new measure which will establish the duty of the State Audit Institution to conduct audit on fulfillment of duties arising from the contract on privatization.</p> <p>24: Bind the Directorate for Public Procurement to consistently implement measures which refer to overseeing the procedure of public procurement.</p>
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		<p>envisaged and accomplished shopping methods (regarding to legal limitation to announce the shopping method not more than twice a year for services, goods and pursuits) and canceling procedures in the cases of legal offences</p> <p>116. Making and posting six-month reports on state of affairs of the public procurement, observed irregularities and proposed measures to improve the system</p>		
<p>Political criteria Democracy and the rule of law Anti-corruption policy</p>	<p>Declarations of assets by political parties so far have been incomplete and public authorities were unable to enforce the law or to investigate the data provided. This situation will only partially improve under the new law.</p>	<p>No special measures</p>		<p>25: Pass the Law on the State Election Commission which will empower that institution to investigate data on property of political parties.</p>
<p>Political criteria Democracy and the rule of law Anti-corruption policy</p>	<p>Administrative corruption at local level remains high, particularly in coastal areas, as a result of booming development, privatisation and public procurement.</p>	<p>41. Drafting and adoption of:</p> <ul style="list-style-type: none"> ▪ Model of Program of fight against corruption and organized crime in local self-government ▪ Action Plan of measures for preventing and combating corruption at the local level 	<p>Implemented (106)</p> <p>Implemented (107)</p> <p>Not implemented (108)</p>	<p>26: Review the Program of Combat against corruption and organized crime in the local governance so as to include measures which refer to development (building of objects), privatization and public procurement.</p> <p>27: Develop and adopt local anti-corruption action plans, establish a body for monitoring of their realization and submit the reports</p>

		42. Drafting and adoption of the local anti-corruption action plans relating to competencies of local self-government, and are not encompassed by the Program of Fight against corruption and organized crime and by the Action Plan for its implementation		to the National Commission.
Political criteria Democracy and the rule of law Anti-corruption policy	In 2007, no secret surveillance measures were used in investigations of corruption cases.	No special measure or monitoring indicators.		28: Establish special indicators for monitoring of utilization of measures of secret surveillance in investigations of corruption.
Political criteria Democracy and the rule of law Anti-corruption policy	However, the declared commitment of the authorities to combat corruption has not been backed up by rigorous implementation with clear results, including higher conviction rates in corruption cases. Corruption continues to be widespread and inefficiently prosecuted, particularly in cases of high-level corruption.	No special measure, or indicators for high-level corruption.		29: Establish the system of monitoring of reaching verdicts on corruption and reporting to the National Commission. 30: Establish special system of monitoring of investigations and verdicts concerning corruption on a high level and reporting to the National Commission.
Political criteria Human rights and the protection of minorities Civil and political rights	The disciplinary procedure for misuse of office and exceeding official powers referred to in the Law on civil servants and public employees needs to be fully respected. The authorities need to strengthen internal control mechanisms.	17. Promotion of the Code of Ethics of public servants and state employees 136. Monitoring the observance of the Code of ethics of public servants within the Tax Administration 144. Development of a Code of Ethics for public	Continuously implemented(81) Continuously implemented (281) Not implemented (295) Not implemented (296)	31: Strengthen mechanisms of internal control and establish the system of reporting to the National Commission. 32: Develop the Code of Ethics for customs officers and employees and enable its observing.

		servants within the Customs Administration 145. Monitoring the observance of the Code of ethics of public servants within the Customs Administration.		
Political criteria Human rights and the protection of minorities Civil and political rights	The Law on free access to public information is still being implemented with mixed results.	33. To enable free access to information, in accordance with Law 91. Providing access to all information related to privatization on the basis of Law on free access to information	Continuously implemented(97) Continuously implemented (228)	33: Improve access to information in line with the Law particularly in the area of privatization where the problems are most expressed.
European standards Internal market Public procurement	The Public Procurement Law adopted in July 2006 is a good starting point and is largely in line with the main principles of the EU public procurement system. However, it still shows several areas of non-compliance with the relevant EC directives and/or with international good practice, such as in the scope of utilities.	No special measure		34: Define the new measure which will enable introduction of changes and amendments to the Law on Public Procurement for the purpose harmonization with relevant EC directives and /or international good practices.
European standards Internal market Public procurement	The electronic public procurement system has not yet been developed.	111. Provisions of conditions for the implementation of the Public Procurement Law regarding the electronic public procurement system 112. Creation of the electronic register book	No rate (251) Implemented (252)	35: Establish electronic system of public procurement and electronic registry.
European standards Internal market	A number of training sessions and study visits	107. Needs assessment and recruiting new staff	Continuously implemented (247)	36: Increase the number of employees in the Directorate and

Public procurement	<p>were organised for PPA and PPC staff, but the PPA is still in its initial stage and lacks sufficient staffing.</p> <p>However, efforts to improve transparency and accountability and to align the legislation with the acquis, including on concessions and public-private partnerships, need to be intensified, as well as capacity-building for all involved in public procurement.</p>	<p>108. Making training needs plan and conducting trainings for implementation of Law on Public Procurement (Public Procurement Directorate, public procurement officers and bidders)</p> <p>109. IT Training for public procurement officers and bidders</p>	<p>Continuously implemented (248)</p> <p>No rate (249)</p>	<p>provide training for them.</p> <p>37: Provide training for the employees included in the process of public procurement.</p> <p>38: Define new measure which will harmonize the regulations referring to concession and public-private partnership with Acquis.</p>
European standards Sectoral policies Industry and SMEs	Overall, progress in SMEs policies can be reported, but further efforts are needed on harmonising and speeding up licenses and permits, removing business barriers and implementing industrial policy measures.	39. In cooperation with private sector, initiate and carry out activities in the plan of improvement of fair and competitive operations and investment through: 1) preparation of the activity plan 2) preparation of six-month reports on realization of Activity plan and its publishing at the web site of the respective institution	Implemented(103) Not implemented (104)	39: Review the Activity Plan regarding issuance of permissions and removal of business barriers, establish the system of reporting to the National Commission.
European standards Sectoral policies Financial control	Developments in PIFC and external audit are at an early stage. Considerable awareness-raising efforts and training on the new systems will be required.	80. Training plan making and trainings of persons in charge of budget management and allocation 81. Raising public awareness regarding the supervision of budgetary spending through the development and	Continuously implemented (215) Continuously implemented (216) Partly implemented 217)	40: Intensify realization of measures which refer to training and increase of the level on internal and external audits.

		<p>dissemination of a guide and a media campaign</p> <p>82. Preparation of public relations Strategy with the aim of timely information provided to the public on budgetary spending and the implementation of planned audits pursuant to the Law on State Auditors Institution</p> <p>83. Strengthening administrative capacities of the new PIFC - Determining bylaws in accordance with new Law, reorganization of sector, recruitment, training</p>	Continuously implemented (218)	
European standards Justice, freedom and security Money laundering	However, Montenegro's efforts to fight money laundering are not sufficient and need to be stepped up. The legal framework needs to be supplemented by adopting the requisite secondary legislation	No special measure		41: Define special measure which will determine the needs and enable drafting of auxiliary secondary legislation.
European standards Justice, freedom and security Money laundering	The administration for the prevention of money laundering and terrorist financing was set up as a financial intelligence unit. It has no powers to conduct criminal investigations. It passes on all reports on what it considers to be suspicious transactions to the police and the State Prosecutor for further			<p>42: Define measure which will empower USPNIFT to conduct criminal investigations or the measure which will determine clear criteria and standard procedures for actions of the police and prosecution authorities in investigation.</p> <p>43: Establish mechanism for monitoring of the reports on results of investigations and the</p>

	investigation; clear criteria and standard procedures for this are not yet in place. There is no mechanism for following up reports on the outcome of the investigations			system of reporting to the Commission.
European standards Justice, freedom and security Money laundering	Especially in view of the increasing number of reported transactions, the administration needs further strengthening in the form of an increase in staff, specialized training and working procedures.	95. Recruiting personnel as per the new Regulations on Internal Organization and Systematization and new staff training 96.Determining risk analysis directives 97.Participation to seminars organized by internat. institutions 98.Participation of the representatives of the Administration in the working groups of the EGMOND Group 99. Current status analysis and, accordingly needs assessment for defining amended list of indicators	Partly implemented (235) Not implemented (236) Continuously implemented (237) Continuously implemented (238) Continuously implemented(239)	44: Increase the number of employees in USPNIIFT, intensify training of personnel and development of guidelines on risk analysis and amended lists of indicators. 45: Define special measure which will determine the needs for specialized trainings and definition of the new work procedures.
European standards Justice, freedom and security Money laundering	The capacity of the police and the prosecution service for investigating cases of money laundering is limited. Within the Police Directorate, there are only two persons dealing with the fight against money laundering and only a small number of money laundering cases were forwarded from the police to the prosecution service. The prosecution	No special measures		46: Define special measure which will foresee organizing of trainings for the police and prosecution staff concerning conducting of investigations in the cases of money laundering. 47: Increase the number of employees in the Police who are engaged in prevention of money laundering.

	service itself seriously lacks expertise. There is a need to strengthen both human resources and the technical capacity of the staff, particularly for financial investigations.			
European standards Justice, freedom and security Money laundering	Closer inter-agency cooperation remains crucial, given the link between money laundering and other serious forms of organised crime.	No special measures		48: Establish a special measure which will enable strengthening of inter-institutional cooperation in the area of money laundering and establish reporting system to the Commission.
European standards Justice, freedom and security Money laundering	No specific measures to reduce or replace cash transactions have been reported.	No special measures		49: Define special measure which will establish and monitor realization of activities aimed at reduction or replacement of cash transactions.
European standards Justice, freedom and security Money laundering	Tighter control should be exercised over funds invested in the construction boom and in the real estate industry.	No special measures		50: Establish special measure and provide stronger controls in civil construction works and industry of real estate and the system of reporting to the Commission.
European standards Justice, freedom and security Drugs	However, the law on precursors has not been adopted.	No special measures		51: Define special measure which foresees drafting and passing of the Law on Precursors.
European standards Justice, freedom and security Drugs	The capacity of the police is insufficient. The police department for the fight against drugs and smuggling, which is responsible for combating drug abuse, has ten posts, of which six are vacant.	No special measures envisioning staff recruiting in that department.		52: Define special measure which will foresee the number of employees in the Department for combat against drugs and smuggling.
European standards Justice, freedom and security Drugs	The government agency for illicit drugs, which should be coordinating the work of both governmental and non-governmental organisations on prevention of drug abuse at national level, has not yet	No special measures		53: Define special measure which will establish the Agency of the Government for Illegal Drugs.

	been established.			
European standards Justice, freedom and security Drugs	Inter-agency cooperation needs to be further developed and strengthened.	No special measures		54: Define special measure which will improve inter-institutional cooperation and establish reporting system to the National Commission.
European standards Justice, freedom and security Police	Internal control needs strengthening.	19. To determine needs for training, and implement trainings and strengthen human resource capacities of the Department for Internal Control within the Police Directorate 20. To determine needs and to acquire necessary equipment for work of Internal Control Department	Continuously implemented (137) Not implemented (138)	55: Intensify training, define the needs and provide equipment for work of the Internal Control Division. Define the new measure which will assess the present state and recognize the activities needed for strengthening of internal control.
European standards Justice, freedom and security Fighting organised crime and terrorism	However, the new Criminal Procedure Code has not yet been adopted.	5. Preparation of the proposal of the Criminal Procedure Code (introducing the institute of inverted proving burden) 6. Adoption of the Criminal Procedure Code	Partly implemented (7) Not implemented (8)	56: Draft and adopt the new Criminal Procedure Code harmonized with the EU standards which foresees introduction of the institute of transferring of duty to present evidence.
European standards Justice, freedom and security Fighting organised crime and terrorism	A multi-agency centre for sharing information between relevant institutions in their day-to-day work with the aim of setting up an integrated data-base has not yet been established. Operational cooperation between law enforcement agencies needs to be improved.	No special measures		57: Define the new measure which will establish multi- institutional center for exchange of information between relevant institutions and create integrated data base. 58: Define special measure which will improve operational cooperation between the authorized institutions and establish the system of reporting to the Commission.
European standards Justice, freedom and security	However, investigations of cases concerning trafficking in human beings remain	No special measures		59: Define new measures which will foresee - capacity building for proactive

Fighting organised crime and terrorism	rare. Montenegro should build up further its capacity to identify victims proactively among vulnerable groups, to provide legal alternatives to removing victims to countries where they face hardship, to encourage victims to assist in the investigation and prosecution of trafficking offenders and to conduct trafficking-sensitivity training for the judiciary.			identification of victims in vulnerable groups - define legal alternatives for acceptance of victims - training on sensitivity in the cases of trafficking for the needs of holders of judicial functions
European standards Justice, freedom and security Fighting organised crime and terrorism	However, a national strategy against terrorism still needs to be adopted.	Development of the Strategy for fight against terrorism	Not implemented (176)	60: Intensify activities aimed at development of the Strategy and establish the system of reporting to the National Commission.

Annex 4: Review of the National Commission recommendations according to institutions

Report of the Commission	Text of recommendations
THE PARLIAMENT OF MONTENEGRO	
I	<ul style="list-style-type: none"> · Constitutional Assembly should prepare an appropriate text in the form of resolution, which would include fundamental principles and commitments of Montenegro in order to deal with the most severe criminal acts; · Purpose and sustainability of measure 24 should be revised- reducing competences of executive power holders, due to vagueness of the very term of competence as well as the inability to prevent their abuse
II	
III	<ul style="list-style-type: none"> · MNE Parliament to intensify activities on adoption of laws which are in parliamentary procedure, whose adoption has been envisaged in the IAP. · MNE Parliament and Secretariat for Legislation in internal communication to determine competent body for preparation of the proposal Law on State Election Commission. · Parliament of Montenegro is to establish the Commission for monitoring transparency in privatization process by the end of September 2008.
IV	<ul style="list-style-type: none"> · The Parliament of Montenegro is to amend Rules of Procedure in order to expand competencies of the Committee, and to deliver data on number of invited NGOs on thematic sessions of the Committee, and on the number of adopted opinions and suggestions by the Committee. · The Parliament of Montenegro is to intensify activities in field of adoption of the laws that are in parliamentary procedure, and whose adoption is envisaged by the IAP · The Parliament of Montenegro is to fully implement, in the shortest possible period, all measures from the Resolution on fight against corruption and organized crime (especially articles 2, 4, 5, 6 and 7 of the Resolution). NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT · The Parliament of Montenegro is to discuss, at the first session in 2009, Proposal law on property relations, which will define competencies over the property or resources at the local level, and to discuss Proposal law on concessions. NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT

	<ul style="list-style-type: none"> · Parliament of Montenegro is to adopt, in shortest possible period, Proposal law on property of Montenegro. NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT · The Parliament of Montenegro is to establish, in scope of its competencies, working group for drafting of Proposal law on state election commission, which will contain provisions ensuring competencies for the state election commission to verify data on property of political parties. NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT · The Parliament of Montenegro is to adopt, at the first regular session in 2009, Proposal law on financing of political campaigns for election of the President of Montenegro, mayors and presidents of municipalities. NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT
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THE GOVERNMENT OF MONTENEGRO AND GENERAL SECRETARIAT	
I	· Purpose and sustainability of measure 24 should be revised- reducing competences of executive power holders, due to vagueness of the very term of competence as well as the inability to prevent their abuse
II	· General Secretariat to establish the competencies of institutions in proposing the Law on changes and amendments of the Law on Privatization
III	·
IV	· The Government of Montenegro is to adopt Criminal procedure Code, not later than 15 February 2009. NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT

MINISTRY OF INTERIOR AND PUBLIC ADMINISTRATION	
I	<ul style="list-style-type: none"> · Ministry of Interior and Public Administration should in cooperation with Directorate for anticorruption initiative, undertake activities concerning preparation of regulations, which will ensure special protection to persons who report corruption („whistleblowers“). · Ministry of Interior is to, through the Sector for local self government, prepare a model of local Action Plan for Anti- Corruption which would be harmonized with the objectives of the AP for implementation of the program for fight against corruption and organized crime; Model is to be delivered to all local self- communities and initiate their preparation; · This activity needs to be fostered also through the activities of future economic and social councils functioning under local self- communities. The establishment of these councils is underway.

	<ul style="list-style-type: none"> · The Ministry of Interior Affairs and Public Administration, in cooperation with the Commission for Establishing the Conflict of Interests, should, as soon as possible prepare a Draft Law on Conflict of Interests; · The international standards, especially the UN Convention on Anticorruption and the recommendations of GRECO should be taken into account in drafting the Law. · Along with defining the jurisdiction of the Commission for Establishing the Conflict of Interests and of sanctions for breach of this law, also determined should be the authorization of the Commission to control the accuracy of submitted data and penalties for submitting false information on registered incomes and assets
II	<ul style="list-style-type: none"> · Ministry of Interior is to establish legal preconditions for reporting corruption within police, and in cooperation with NGOs to promote it, in order to realize more complete cooperation with citizens on this matter ; · Ministry of Interior is to, through the Sector for local self government, deliver as soon as possible model of Program for fight against corruption and organized crime at the local level and Action Plan of measures for preventing and combating corruption in local self-government; Model is to be delivered to all local self- communities on discussion and adopted at the Municipality Community and local self-governments level. · This activity needs to be fostered also through the activities of future economic and social councils functioning under local self-communities. The establishment of these councils is underway · MoI&PA to prepare Proposal Law on protection of the persons who report corruption, and in accordance with that Law to propose amendments to the Law on Police, in order to create legal basis for adoption of the sub-legal acts in this field. This information should be delivered to the NC to the end of I quarter 2008. · MoI&PA and Police Directorate to define the plan of activities for improving of the Mechanisms of protection of all officers involved in the fight against corruption and organized crime, according to the proposals that shall be defined by the new Law on protection of the persons who report corruption.
III	<p>Ministry of Internal Affairs and Public Administration to provide information on adoption of Law on Law on protection of the persons reporting the corruption for as Police Directorate could prepare Instruction, by the end of III quarter of 2008.</p> <ul style="list-style-type: none"> · Ministry of Internal Affairs and Public Administration to provide information six-month work of organizational unit for monitoring the Police Directorate work by the end of III quarter of 2008.
IV	

MINISTRY OF JUSTICE	
I	<ul style="list-style-type: none"> · Ministry of Justice should prepare the Action Plan for implementation of the Strategy of judiciary reform 2007 – 2012, which was adopted by the Government of the Republic of Montenegro, before the end of the third quarter of 2007 and which will include a number of steps for the implementation of the Strategy. · Ministry of Justice should prepare adequate regulations, which will create necessary conditions for the implementation of the institute of expanded confiscation. · Ministry of Justice should, parallel to the preparation of text of the Proposal for the Law on criminal proceedings, start developing an assessment of expenditures, concerning implementation of solutions, which will be included in the new legal text, with particular accent on the increase of the number of prosecutors and additional funds, will must be envisaged in the budget for 2008. · Responsible authorities should prepare: the text of the Proposal for the Law on ratification of the Civil-legal convention of the Council of Europe on corruption (Ministry of Finance in cooperation with the Directorate for anticorruption initiative) and the text of the Proposal for the Law on ratification of the Additional Protocol to the Criminal and Legal Convention of the Council of Europe on corruption (Ministry of Justice in cooperation with the Directorate for anticorruption initiative). · Ministry of Justice and Supreme State Prosecutor to take concrete steps on securing the conditions necessary for the implementation of the new Criminal Code Procedure in such manner that, while they prepare the text of the law, parallel they will start the costs assessments of its future implementation. In that sense, it is necessary to anticipate certain means in the budget of the Republic Montenegro for 2008 and 2009, which would secure full implementation of this Law. · Ministry of Justice to intensify carrying out court administration inspections in the courts with the special emphasize on the execution of the court decisions in the cases formed based on indictments for committing the major crimes.
II	<ul style="list-style-type: none"> · Ministry of Justice should, prepare the Changes and amendments of the Criminal, in order to provide necessary conditions for the introduction of the institute of expanded confiscation · Commercial Court and Ministry of Justice are to intensify activities on preparation of penalty register ("black list") of companies and responsible persons for criminal acts with the element of corruption. · Ministry of Justice should intensify carrying out court administration inspections.
III	
IV	

MINISTRY OF FINANCE	
I	<ul style="list-style-type: none"> · Ministry of Finance should form its opinion on the purpose of adoption the Law on Amendments and the Law on wages and other incomes of state officials, taking into account the already adopted Law on wages and other income of judges and prosecutors · Ministry of Finance should integrate instruments for fight against corruption on the local level into the text of the Proposal for the Law on Amendment to the Law on financing local self-government (importance and implementation of the Local action plan for the fight against corruption, learning from international experiences in this field) · Ministry of Finance should provide data on the effect of the fiscal reform on the anticorruption policy in the next report. · Ministry of finance in cooperation with the Ministry of justice is to prepare the legal text defining the management of confiscated property · The Ministry of Finance must submit to the National Commission the information on annual reports of the internal audit of budgetary spending by budgetary beneficiaries, with the purpose of creating an insight of legality and purposefulness of the budgetary spending by budgetary beneficiaries
II	<ul style="list-style-type: none"> · Ministry of Finance should provide data on the effect of the fiscal reform on the anticorruption policy in the next report · Ministry of finance to intensify activities on drafting the Law on management of permanently and temporarily confiscated property. · The Ministry of Finance, in accordance with the European Commission recommendations must prepare the draft Law on internal financial control in public sector, which will prescribe further criteria and internal control establishing procedure among budgetary users to the National Commission the information on annual reports of the internal audit of budgetary spending by budgetary beneficiaries, with the purpose of creating an insight of legality and purposefulness of the budgetary spending by budgetary beneficiaries;
III	<ul style="list-style-type: none"> · Ministry of Finance, in accordance with the Law on Prevention of Money Laundering and Terrorism Financing, as soon as possible, is to adopt a regulation, which will determine further criteria for making risk analysis directives.
IV	<ul style="list-style-type: none"> · Ministry of Justice is to strengthen capacities for enhancing international legal cooperation and international legal assistance NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT · Ministry of Finance is to intensify activities on establishing of the body that would be competent for taking care of confiscated property.

	<ul style="list-style-type: none"> · Ministry of finance is to initiate activities on raising level of awareness on internal audits - NC RECOMMENDATION PURSUNAT TO EC 2008 REPORT · Ministry of Finance, in accordance with the Law on Prevention of Money Laundering and Terrorism Financing, is to adopt, as soon as possible, relevant legal act, which will determine further criteria for making risk analysis directives, and to inform National Commission about it by the end of I quarter of 2009. · Ministry of Finance and Public Procurement Directorate are to analyze the need to prepare proposal changes and amendments of Law on public procurement, particularly for public procurement system in the area of utility services, with the aim of harmonization with EU legislation. - NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT.
	MINISTRY FOR ECONOMIC DEVELOPMENT
I	<ul style="list-style-type: none"> · Ministry for Economic Development should question adequacy of adoption of the Law on Amendments to the Law on commerce privatization, since the Government formed the Commission for complaints, proposals and suggestions of citizens and other interested parties for the privatization process on 10th, May 2007 · Ministry for Economic Relations and the Chamber of Commerce, in cooperation with the Union of Employers, Montenegro E Directorate and MIPA, should determine the plan of activities for improving fair and competitive operating
II	
III	<ul style="list-style-type: none"> · Ministry for Economic Development, Ministry of Transport, Maritime Affairs and Telecommunications, Ministry of Agriculture, Ministry of Tourism and Environmental Protection to continuously organize public discussions on privatization plans and strategies for entities of strategic significance, in accordance with privatization plans of companies that are under the competency of these institutions and to inform National Commission about it.
IV	<ul style="list-style-type: none"> · Ministry for Economic Development is to intensify activities on preparation of Action Plan for Fight against Corruption in field of Spatial Planning. NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT · Ministry for Economic Development, Ministry of Maritime Affairs, Transport and Telecommunications, Ministry of Agriculture Forestry and Water Management and Ministry of Tourism and Environmental Protection are to organize continuously public discussions on privatization plans and strategies for entities of strategic significance, in accordance with privatization plans of companies that are under the competency of these institutions. These institutions are to inform National Commission about it.

MINISTRY OF CULTURE AND MEDIA	
I	
II	
III	<ul style="list-style-type: none"> · Ministry of Culture and Media to intensify preparation of the Manual for state employees regarding implementation of the Law on Free Access to Information by the end of III quarter 2008. · Ministry of Culture, Sport and Media, in accordance with deadline from AP to prepare text of the proposal Law on illegal concentration of printed media or to propose other way for realization of this CoE recommendation, by the end of III quarter of 2008.
IV	
MINISTRY OF TRANSPORT, MARITIME AFFAIRS AND TELECOMMUNICATIONS	
I	<ul style="list-style-type: none"> · Ministry of Transport, Maritime Affairs and Telecommunications should include representatives of Police Directorate, and of Ministry of Justice, in the Working Group for preparation of the Proposal for the Law on telecommunications.
II	
III	
IV	
MINISTRY OF HEALTH, LABOR AND SOCIAL WELFARE	
I	
II	
III	<ul style="list-style-type: none"> · Ministry of Health, Labor and Social Welfare to intensify activities on preparation of Proposal of Law on Genetic Privacy and Proposal of Law on Obtaining of Biologic Material.
IV	
SUPREME COURT	
I	<ul style="list-style-type: none"> · The Supreme Court, Supreme State Prosecutor and the Police Directorate are to evaluate the current state of enforcement of acts of proving in pre-criminal and investigation procedure · The Supreme Court, Supreme State Prosecutor, in cooperation with the Ministry of Finance are to prepare the analysis of staffing condition and assess the missing staff · The Supreme Court, Supreme State Prosecutor, Ministry of Justice, and Secretariat for Development, in cooperation with the other competent institutions, to intensify the activities on establishment of judicial information system, and to inform the

	<p>National Commission on realized activities until the end of IV quarter of 2007.</p> <ul style="list-style-type: none"> · The Supreme Court to propose concrete solutions for guaranteeing judiciary budget independence and strengthening of judicial authority independence, excluding the guarantees that already exist in the legal system of the Republic of Montenegro.
II	<ul style="list-style-type: none"> · The Supreme Court, Supreme State Prosecutor, and the Police Directorate to identify characteristic problems related to conducting proving measures in pre trial and investigation procedure and at the main inquest, which impress on efficiency in criminal pursuing and effective sentencing. · The Supreme Court, Supreme State Prosecutor, Ministry of Justice, and Secretariat for Development, in cooperation with the other competent institutions, to intensify the activities on establishment of judicial information system, and to inform the National Commission on realized activities until the end of I quarter of 2008 · The Supreme Court should propose concrete solutions for guaranteeing judiciary budget independence and strengthening of judicial authority independence, excluding the guarantees that already exist in the legal system of Montenegro.
III	<ul style="list-style-type: none"> · The Supreme Court, Supreme State Prosecution and Police Directorate to identify areas where is necessary to conduct joint trainings and specialization of prosecutors, judges, and police officers. · The Supreme Court and Judicial Council are to inform public about existence and work of the Office for reporting corruption in judiciary · Supreme Court to provide information related to introduction of electronic case coding and allocation; buy the end of III quarter of 2008.
IV	<ul style="list-style-type: none"> · The Supreme Court and Supreme State Prosecutor's Office are to undertake activities in field of continuous implementation of program for promoting and application of the Code of Ethics of Judges. NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT · The Supreme Court and Judicial Council are to introduce work of the Office for Reporting of the Corruption in Judiciary to public. · The Supreme Court is to deliver information on level of realization of measure that refers to introduction of electronic case coding and electronic allocation of cases, not later than I quarter of 2009. · The Supreme Court is to intensify trainings of judges in the field of financial investigations, and to deliver detailed information on number of realized trainings, and data on number of carried out financial investigations.

JUDICIAL COUNCIL	
I	
II	
III	<ul style="list-style-type: none"> · Judicial Council and Ministry of Finance to provide information on activities taken to provide accumulation of salaries and special allowances to judges proceeding in cases with elements of corruption and organized crime, by the end of III quarter of 2008. · Judicial Council is to provide information on percentage of hired judges and within the Special Department for fight against organized crime, corruption, terrorism, and war crimes in High courts in Podgorica and Bijelo Polje, by the end of III quarter of 2008. · Judicial Council to provide information on periodical statistic reports on held in Informational system database as well as information on training needs assessed and number of organized trainings compared to planed, by the end of III quarter of 2008.
IV	<ul style="list-style-type: none"> · Prosecutor's Council and Judicial Council are to deliver analysis of need for solving of housing issues in judiciary and prosecution to the National Commission · Judicial Council is to deliver information on percentage of employment of judges and associates in courts, with special emphasize on information relating to Department for Organized Crime, Corruption, Terrorism and War Crimes in High Courts in Podgorica and Bijelo Polje, not later than I quarter of 2009. · Judicial Council is to deliver information on periodical statistical data stored in database of the information system, so as data on needed training and number of trainings in comparison to planned number, not later than I quarter of 2009.
JUDICIAL INSTITUTION	
I	<ul style="list-style-type: none"> · Technical equipping and functional working space insurance are priorities and have to be preformed through budgeting for 2008, as well as through nominating projects to donors and international organizations
II	<ul style="list-style-type: none"> · Technical equipping and functional working space insurance are priorities and have to be preformed through budgeting, as well as through nominating projects to donors and international organizations
III	
IV	

COMMERCIAL COURT	
I	· Commercial Court should initiate the realization of the project for preparation of Register of Companies' penalty and persons convicted of criminal acts with the elements of corruption and make it available to the public.
II	
III	
IV	

CENTER FOR EDUCATION OF BEARERS OF JUDICIAL FUNCTION	
I	· Centre for the training of judges should initiate the education in judicial authorities, in accordance with the presented needs with the special attention to the fight against the most severe forms of crime.
II	· Centre for the training of judges should intensify activities on the training program realization for 2008. · Judge Training Centre should regularly plan trainings on corruption and organized crime, in accordance with the recommendations from AP.
III	- and Police Academy to coordinate organization of joint seminars for representatives of police, prosecutor's office and courts, in relation to new provisions and solutions stipulated in Criminal Procedure Code.
IV	· Center for Education of bearers of Judicial Function and Police Academy are to coordinate organizing of joint seminars for representatives of police, prosecution, and courts, about solutions from the new Criminal Procedure Code. · Center for Education of Bearers of Judicial Function, in cooperation with SSP and State prosecutors Association, is to deliver training program of prosecutors, in accordance with recognized needs, in field of fight against corruption and organized crime, for application of SSM, and for criminal acts defined in the Chapter XXIII of CC, not later than I quarter of 2009

SUPREME STATE PROSECUTOR	
I	· Supreme Court, Supreme State Prosecutor and the Police Directorate are to evaluate the current state of enforcement of acts of proving in pre-criminal and investigation procedure. · Supreme Court, Supreme State Prosecutor, in cooperation with the Ministry of Finance are to prepare the analysis of staffing condition and assess the missing staff · Supreme State Prosecutor to define the plan of the specialization of prosecutors in field of criminal proceeding of the crimes with the elements of the corruption and organized crime, and in accordance with GRECO recommendations, specially those

	that have to be implemented in cooperation with the Judge Training Centre
II	<ul style="list-style-type: none"> · Supreme State Prosecutor to define the plan of the specialization of prosecutors in field of criminal proceeding of the crimes with the elements of the corruption and organized crime, and in accordance with GRECO recommendations. · State Prosecutor's Office should reorganize prosecutor's office – Department for combating organized crime in accordance with the proposed amendments of the law on Courts.
III	<ul style="list-style-type: none"> · Supreme State Prosecution Office is to intensify activities on promoting and the Code of Ethics of prosecutors. · Supreme State Prosecutor, Centre for Education of the Bearers of Judicial Function and State Prosecutors' Association to submit training program for prosecutors, in line with recognized needs for fight against corruption and organized crime, for implementation of SSM and for felonies prescribed by Chapters XXIII and XXVIII of Criminal Code, by the end of III quarter of 2008. · Supreme State Prosecutor to submit information on number of prosecutor's offices linked in the IT system and statistical data on number of cases in database, by the end of III quarter of 2008. · Supreme State Prosecutor and Centre for Education of the Bearers of Judicial Function to submit information on specialization of prosecutors in Department for the fight against organized crime, regarding criminal acts with elements of corruption, organized crime, war crimes and terrorism, by the end of III quarter of 2008. · Supreme State Prosecutor to submit information on reorganization of existing Department for the fight against organized crime, by the end of III quarter of 2008. · Supreme State Prosecutor to submit information on increasing number of deputies of Special prosecutor for fight against organized crime including terrorism, corruption, and war crimes, by the end of III quarter of 2008. · Supreme State Prosecutor to submit information on increasing number of engaged servants in Department for fight against organized crime, by the end of III quarter of 2008.
IV	<ul style="list-style-type: none"> · Three-Party Commission is to identify in its following report characteristic form of problems concerning proving activities in pre-trial and investigation procedure, as well as in main hearing, and which effect on efficiency of criminal prosecution and passing of verdict. · Supreme State Prosecutor's Office is to increase number of expert consultants and administrative staff, and to deliver to the National Commission information on number of engaged expert consultants in the Department for fight against organized

	<p>crime, corruption, terrorism, and war crimes not later than I quarter of 2009. NC RECOMMENDATION PURSUANT TO 2008 EC REPORT</p> <ul style="list-style-type: none"> · Supreme State Prosecutor's Office is to deliver information on established IT System - PRIS, not later than I quarter of 2009
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PROSECUTOR COUNCIL	
I	
II	<ul style="list-style-type: none"> · Prosecutor Council, in cooperation with the Ministry of Finance to prepare staffing condition analysis and missing staff assessment.
III	<ul style="list-style-type: none"> · Prosecutor Council and Ministry of Finance are to submit information on increasing budget for prosecutor's office, in accordance with the new Criminal Procedure Code and the Law on State Prosecutor (in line with recognized needs for increase of number of new prosecutors and administrative staff, premises and technical capacities, staff training, improvement of material conditions of the prosecutors, in accordance with the new competencies and authorizations, improvement of material conditions of the employees and servants, in accordance with the new competencies and authorizations - points 1 to 5), by the end of III quarter of 2008; · Prosecutor Council to submit analysis on number and structure of cases in field of corruption, organized crime, in relation to existing staff, by the end of III quarter of 2008 · Prosecutor Council and Ministry of Finance to submit defined needs plan and report on value of acquired equipment in relation to the needed one, by the end of III quarter of 2008.
IV	<ul style="list-style-type: none"> · Prosecutor's Council is to deliver to the National Commission analysis of number and structure of cases in field of corruption and organized crime concerning currently employed staff, not later than I quarter of 2009. · Prosecutor's Council and Ministry of Finance are to deliver plan of needs and Report on value of acquired equipment for Department for fight against organized crime, corruption, terrorism, and war crimes, not later than I quarter of 2009.

POLICE DIRECTORATE	
I	<ul style="list-style-type: none"> · The Police Directorate should define the procedure for reporting the corruption and to promote it, in cooperation with NGOs, in order to realize more complete cooperation with citizens on this matter · The staffing capacities of the Department for internal control should be improved and that trainings for its officers should be provided

	<ul style="list-style-type: none"> · The issue of working space and necessary equipment for work of the Department for internal control should be adequately addressed · Until the end of IV Q of 2007, to recruit the staff for the vacant job positions, in accordance with the new systematization · Until the end of IV Q of 2007, to make the analysis of the needs for the establishing of the organizational units within this Department and necessity for the increase of the number of officers, and after this is realized, periodically make analysis of needs approximation. · Until the end of IV Q of 2007, Police Directorate to carry out all necessary activities in order to provide functional working premises and technical equipment according to the needs of the Department. · To start carrying out of the trainings in field of investigating the crime cases of corruption. · We consider that establishing of the operative database in field of organized crime should be analyzed in aspect of implementation of measures for Special Verification Unit, in whose competence is establishing of operative database on central level. · Until the end of IV Q of 2007, to recruit the staff for the vacant job positions, in accordance with the new systematization. · Until the end of IV Q of 2007, to make the analysis of the needs for the establishing of the organizational units within this Department and necessity for the increase of the number of officers, and after this is realized, periodically make analysis of needs approximation. · Until the end of IV Q of 2007, Police Directorate to carry out all necessary activities in order to provide functional working premises and technical equipment according to the needs of the Department. · To start carrying out of the trainings in field of investigating the crime cases of corruption. · We consider that establishing of the operative database in field of organized crime should be analyzed in aspect of implementation of measures for Special Verification Unit, in whose competence is establishing of operative database on central level.. · Until the end of IV Q of 2007, to recruit the staff for the vacant job positions, in accordance with the new systematization. · Until the end of IV Q of 2007, to make the analysis of the needs for the establishing of the organizational units within this Department and necessity for the increase of the number of officers, and after this is realized, periodically make analysis of needs approximation. While making these analysis, to pay special attention on the need for establishing organizational unit for
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	<p>financial investigations, which would deal with the investigating of the potential property benefits for all crime cases that generate property benefit, and which do not have elements of the organized crime.</p> <ul style="list-style-type: none"> · Until the end of IV Q of 2007, Police Directorate to carry out all necessary activities in order to provide functional working premises and technical equipment according to the needs of the Department. · To start carrying out of the trainings in field of investigating the crime cases of corruption. · We consider that establishing of the operative database in field of organized crime should be analyzed in aspect of implementation of measures for Special Verification Unit, in whose competence is establishing of operative database on central level · Until the end of IV Q of 2007, Police Directorate to carry out all necessary activities in order to provide functional working premises and technical equipment according to the needs of the Department. This measure should be set as the high priority in implementation process, comparing to the rest of the measures and on the level of Police Directorate. · Until the end of IV Q of 2007, to make the analysis of the needs for the establishing of the organizational units within this Department and necessity for the increase of the number of officers, and after this is realized, periodically make analysis of needs approximation. · Until the end of IV Q of 2007, to recruit the staff for the vacant job positions, in accordance with the new systematization. · To continue carrying out of the basic and specialized trainings of the officers in this Unit. · To continue with the implementation of the measure of establishing unified operative database, and defining of the intelligence process models, according to the determined dynamic, in order to secure undisturbed work of police, and to adopt and implement, as soon as possible, working model «Intelligence Led Policing». · Police Directorate to take part in the preparation of the amendments of the existing Law on Telecommunication, and to initiate signing of the agreement, which will enable police to have access to the databases of the telecommunication providers and state institutions, in accordance with the authorizations granted to the police by the foreseen Criminal Code Procedure. · Until the end of IV Q of 2007, to make the analysis of the needs for the increase of the number of officers, and after that, periodically make analysis of needs approximation. · Until the end of IV Q of 2007, Police Directorate to carry out all necessary activities in order to provide functional working premises and technical equipment according to the needs of the Department for fight against organized crime and corruption,
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	<p>whose part is the working line for fight against trafficking in human beings.</p> <ul style="list-style-type: none"> · Until the end of IV Q of 2007, to recruit the staff for the vacant job positions, in accordance with the new systematization. · Until the end of IV Q of 2007, to make the analysis of the needs for the establishing of the organizational units within this Department and necessity for the increase of the number of officers, and after this is realized, periodically make analysis of needs approximation. · Until the end of IV Q of 2007, to adopt National strategy and Action Plan for fight against drugs and prevention of drug addiction. · Until the end of IV Q of 2007, Police Directorate to carry out all necessary activities in order to provide functional working premises and technical equipment according to the needs of the Department. · To continue with the specialized trainings, in accordance with the positive experience of other countries. · To provide necessary financial means for continuation of building up Forensic Centre in Danilovgrad, through domestic and international sources of financing. · Staffing, and providing of the preconditions necessary for recruitment of adequate expert staff. · To continue carrying out the trainings, basic and specialized. · To adjust legal and sub-legal to the European standards in field of fight against terrorism (adoption of Law on fight against terrorism, adoption of National strategy for fight against terrorism). · The greatly trained staff and better technical equipping, especially in Crime Police Sector in field of fight against terrorism. · Technical modernization of the equipment for the Special Anti-Terrorist Unit. · To continue modernization and technical equipping of the border cross points. · To continue carrying out of the trainings for all Border Police officers, especially in field of cross-border crime. · To intensify trainings on usage of Interpol services and communication via I-24/7 · To complete staff recruitment, in accordance with the adopted Rulebook on systematization. · Until the end of III quarter of 2007, to analyze the need for increase of the staff number, according to the NCB obligations to
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	<p>organize 24-hour duty and communication, 7 days per week.</p> <ul style="list-style-type: none"> · To acquire missing equipment necessary for undisturbed functioning of NCB
II	<ul style="list-style-type: none"> · The staffing capacities of the Department for internal control should be improved and that trainings for its officers should be provided, in accordance with the Police Academy Work Program; · Police Directorate should consider increase of the number of officers who follow and investigate corruption cases, after completing analysis of the corruption situation in the State (for 2007).. · Police Directorate should take into consideration possibility of providing external sources of financing, through expert and technical support of the international organizations that are interested in realization of the Action Plan. · Until the end of I Q of 2008, to recruit the staff for the vacant job positions, in accordance with the new systematization. · Until the end of I Q of 2008, to make the analysis of the needs for the establishing of the organizational units within this Department and necessity for the increase of the number of officers, and after this is realized, periodically make analysis of needs approximation. · Until the end of I Q of 2008, Police Directorate to carry out all necessary activities in order to provide functional working premises and technical equipment according to the needs of the Department · To continue with carrying out of the trainings in field of investigations of the corruption and organized crime · Until the end of I Q of 2008, to recruit the staff for the vacant job positions, in accordance with the new systematization. · Until the end of I Q of 2008, to make the analysis of the needs for the establishing of the organizational units within this Department and necessity for the increase of the number of officers, and after this is realized, periodically make analysis of needs approximation. While making these analysis, to pay special attention on the need for establishing organizational unit for financial investigations, which would deal with the investigating of the potential property benefits for all crime cases that generate property benefit, and which do not have elements of the organized crime. · Until the end of I Q of 2008, Police Directorate to carry out all necessary activities in order to provide functional working premises and technical equipment according to the needs of the Department · Continue with carrying out of the trainings in the field of investigating the crime cases of corruption, and financial investigations.

	<ul style="list-style-type: none"> · Until the end of I Q of 2008, Police Directorate to carry out all necessary activities in order to provide functional working premises and technical equipment according to the needs of the Department. This measure should be set as the high priority in implementation process, comparing to the rest of the measures and on the level of Police Directorate. · Until the end of I Q of 2008, to make the analysis of the needs for the establishing of the organizational units within this Department and necessity for the increase of the number of officers, and after this is realized, periodically make analysis of needs approximation. · Until the end of I Q of 2008, to recruit the staff for the vacant job positions, in accordance with the new systematization. · To continue carrying out of the basic and specialized trainings of the officers in this Unit. · To continue with the implementation of the measure of establishing unified operative database, and defining of the intelligence process models, according to the determined dynamic, in order to secure undisturbed work of police, and to adopt and implement, as soon as possible, working model «Intelligence Led Policing». · Police Directorate to take part in the preparation of the amendments of the existing Law on Telecommunication, and to initiate signing of the agreement, which will enable police to have access to the databases of the telecommunication providers and state institutions, in accordance with the authorizations granted to the police by Criminal Code Procedure and by the Law on Police. · Until the end of I Q of 2008, to make the analysis of the needs for the increase of the number of officers, and after that, periodically make analysis of needs approximation. · Until the end of I Q of 2008, Police Directorate to carry out all necessary activities in order to provide functional working premises and technical equipment according to the needs of the Department for fight against organized crime and corruption, whose part is the working line for fight against trafficking in human beings. · Until the end of I Q of 2008, to recruit the staff for the vacant job positions, in accordance with the new systematization. · Until the end of I Q of 2008, to make the analysis of the needs for the establishing of the organizational units within this Department and necessity for the increase of the number of officers, and after this is realized, periodically make analysis of needs approximation. · Until the end of I Q of 2008, to adopt National strategy and Action Plan for fight against drugs and prevention of drug addiction.
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	<ul style="list-style-type: none"> · Until the end of I Q of 2008, Police Directorate to carry out all necessary activities in order to provide functional working premises and technical equipment according to the needs of the Department. · To continue with the specialized trainings, in accordance with the positive experience of other countries. · To intensify the activities on plan of signing the bilateral agreements, first of all, with the neighboring countries and wider. · To provide necessary financial means for continuation of building up Forensic Centre in Danilovgrad, through domestic and international sources of financing. · Staffing, and providing of the preconditions necessary for recruitment of adequate expert staff. · To continue carrying out the trainings, basic and specialized. · To adjust legal and sub-legal to the European standards in field of fight against terrorism (adoption of Law on fight against terrorism, adoption of National strategy for fight against terrorism). · More trained staff and better technical equipping, especially in Crime Police Sector in field of fight against terrorism. · Technical modernization of the equipment for the Special Anti-Terrorist Unit. Nastaviti sa osavremenjavanjem i tehničkim opremanjem graničnih prelaza. · To continue modernization and technical equipping of the border cross points. · To continue carrying out of the trainings for all Border Police officers, especially in field of cross-border crime. · To complete staff recruitment, in accordance with the adopted Rulebook on systematization. · Until the end of I quarter of 2008, to analyze the need for increase of the staff number, according to the NCB obligations to organize 24-hour duty and communication, 7 days per week. · To acquire missing equipment necessary for undisturbed functioning of NCBD · The issue of working space and necessary equipment for work of the Department for internal control should be adequately addressed
III	<ul style="list-style-type: none"> · to prepare semi annual analysis on Code of Ethics implementation by the end of III quarter 2008.

	<ul style="list-style-type: none"> · Police Directorate is to prepare Instruction on reporting the cases of corruption to police by the end of III quarter 2008. · to provide information on realization of measure - adoption of Amended Rulebook on internal organization and systematization of the Police Directorate by the end of III quarter of 2008. · to provide information on realization of measure - Adoption of legal act, which stipulates that officers of Crime Police Sector are provided with additional payment on basic wage due to complex, specific, and risk tasks they perform within their competencies, by the end of III quarter of 2008. · Police Directorate is to provide information on realization of measure - Adoption of Instructions on police proceeding and conduct in issuing, conducting, and extradition of persons searched for by international warrants by the end of III quarter of 2008. · Police Directorate is to prepare plan of protection of police officers involved in fight against corruption and organized crime and to inform National Commission about it by the end of III quarter of 2008. · Police Directorate – Department for Internal Control - to provide equipment needs plan and, in accordance with that to provide information on value of acquired equipment compared to needs determined, by the end of III quarter of 2008. · Police Directorate is to provide information on realization of measure - Adoption of Instructions on application of secret surveillance measures, by the end of III quarter of 2008 · Police Directorate is to provide information on realization of measure - Number of signed agreements on cooperation for establishing links between Police Directorate and other bodies and the manner of cooperation including information on number of established links, by the end of III quarter of 2008. · Police Directorate is to provide information on realization of measure - Securing functional working space for the existing Department for the prevention and fight against organized crime, by the end of III quarter of 2008. · Police Directorate is to provide information on equipment needs plan for Department for fight against economic crime and level of technical ant IT accomplishment; by the end of III quarter of 2008 · Police Directorate and Central Bank of Montenegro to provide information on realization of measure - Signing of the agreement on cooperation in order to secure the funds for the implementation of SSM, · Police Directorate is to submit requirement needs assessment plan and information on value of acquired equipment compared to requirement plan, by the end of III quarter of 2008.
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	<ul style="list-style-type: none"> · Police Directorate is to provide information on realization of activities regarding purchasing equipment for the needs of Crime Police Sector officers dealing with suppression of terrorism officers, by the end of III quarter of 2008. · Police Directorate is to provide information on realization of measure - Requirement needs assessment for purchasing equipment for surveillance and securing the state border and in accordance with that information on purchased equipment. · Police Directorate is to start recruiting process of necessary staff for the needs of NCB Europol and to inform National Commission about it by the end of IV quarter of 2008.
IV	<ul style="list-style-type: none"> · Police Directorate, Supreme Court, and Supreme State Prosecutor's Office are to intensify realization of trainings for conducting of financial investigation for judges, prosecutors and police officers, and to deliver detailed information on number of realized trainings and number of conducted financial investigations to the National Commission. NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT · Police Directorate and Directorate for Anti-Corruption Initiative are to undertake (in cooperation with NGOs and in order to provide efficient application of the Law on State Employees and Civil Servants reporting corruption /whistle blowers/ in regard to the provisions that ensure protection for them) necessary activities for promotion of the Professional Directive on Procedures for Reporting Criminal Acts with Elements of Corruption and Protection of Whistle Blowers. NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT · Police Directorate is to continue with activities on amending of the Rulebook on Internal Organization and Systematization of Police Directorate, and to inform National Commission on undertaken activities not later than the end of I quarter of 2009. · Police Directorate is to intensify activities and to submit initiative for adoption of legal act, which would entitle officers in Crime Police Sector with special bonus on the wages on basis of complexity and risk of the tasks they are dealing with. Police Directorate is to deliver report on realization of this measure to National Commission not later than the end of I quarter of 2009 · Police Directorate is to prepare plan of protection of the police officers involved in fight against organized crime and corruption, and to inform National Commission on the activities undertaken not later than the end of II quarter of 2009. · Police Directorate is to deliver information on level of realization of measure - adoption of the Instructions for Application of Secret Surveillance Measures not later than the end of I quarter of 2009. · Police Directorate is to deliver information on number of signed agreements on cooperation for establishing of links between Police Directorate and other administration bodies and on manner of cooperation, including the information on number of established links, not later than the end of I quarter of 2009.

	<ul style="list-style-type: none"> · Police Directorate is to undertake necessary activities in additional recruitment of staff for vacant job positions, and in organization of advanced and specialized trainings in order to strengthen administrative capacities of the Internal Control Department. · Police Directorate is to perform adequate additional recruitment of staff for vacant positions within Department for Fight against Organized Crime and Corruption. Consequently, Police Directorate is to allocate officers dealing with prevention of corruptive criminal activities in police regional units. · Police Directorate is to deliver information on number of agreements with providers regarding connection with databases of telecommunication service providers, and to inform National Commission on the activities undertaken not later than the end of I quarter of 2009. · Police Directorate is to intensify necessary activities in additional recruitment of staff for vacant job positions, and in organization of advanced and specialized trainings for employees dealing with fight against drugs smuggling, in both Directorate headquarters and regional units. · Police Directorate is to undertake centralization of the working line of Department for Fight against Drugs and Smuggling, which will enable more qualitative engagement of staff and adoption of good practices and modern performing methods. · Police Directorate is to continue with undertaking of intensive operative activities, especially towards organized criminal groups, in order to achieve more qualitative results in fight against drugs. · Police Directorate is to deliver information on realization of measures regarding the acquiring and installing of the necessary laboratory and other equipment, and training of staff employed in Forensic center, not later than the end of I quarter of 2009. · Police Directorate is to continue with activities on strengthening of technical and administrative capacities in Crime Police Sector. · Police Directorate is to intensify activities on realization of strategically important project »Strengthening of Intelligence Led Policing Capacities«, strengthening of analytic capacities through engaging of the new staff, and organizing of trainings for crime-intelligence analysis, and to intensify activities on realization of project „Strengthening of Intelligence and Investigational service within Crime Police Sector and enhancing of the undercover operations“. · Police Directorate is to deliver information on adoption of Strategy on Fight against Terrorism, and to inform National Commission on the activities undertaken not later than the end of I quarter of 2009 · Police Directorate is to establish IT connection with BCPs, regarding the fight against cross-border crime and border control,
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	<p>and to undertake all necessary measures for ensuring the signing of agreement on border management between all relevant agencies and services</p> <ul style="list-style-type: none"> · Police Directorate is to continue cooperation, through exchange of information and notices, with border police services in region, with organizing of operative-tactical and other police actions and control. · Police Directorate is to improve operative work of Crime Police at local level and of Border Police in order to identify potential victims and eventual perpetrators of criminal act of trafficking in human beings. · Police Directorate is to deliver detailed data on quality of cooperation at bilateral and regional level in fight against cross-border crime, including the mentioned indicators for this measure. · Police Directorate is to deliver information on adoption of Strategy on Fight against Terrorism, and to inform National Commission on the activities undertaken not later than the end of I quarter of 2009 · Police Directorate is to deliver information on level of realization of measure – establishing of the Europol National Bureau, not later than the end of I quarter of 2009 · Police Directorate is to initiate process of recruiting the staff for the needs of Europol National Bureau, and to inform National Commission on the activities undertaken not later than the end of I quarter of 2009. · Police Directorate is to deliver information on level of realization of measure – establishing of secure communication link between Police Directorate and Europol, not later than the end of I quarter of 2009. · Police Directorate is to pay special attention on implementation of the Instruction on Informant Handling and Exchange of Information, and on organizing of trainings dealing with informant handling issues · Police Directorate is to acquire missing equipment and means, first of all – vehicles. · Police Directorate is to improve working conditions concerning premises. · Police Directorate is to undertake necessary activities in field of improving the expert and professional capacities of the employees dealing with fight against money laundering, through organization of advanced and specialized empirical and practical trainings. · Police Directorate is to define procedures for monitoring of results upon received reports from Directorate for Prevention of Money Laundering and Terrorism Financing.
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	<ul style="list-style-type: none"> · Police Directorate is to intensify inter-institutional cooperation with all state bodies relevant and significant from the aspect of money laundering prevention · Police Directorate is to improve inter-institutional cooperation in exchange of information, after establishment of NCIS /National Criminal Intelligence System/, consisting of representatives of government bodies dealing with fighting organized and other forms of crime. · Police Directorate is to realize, in cooperation with Directorate for Anti-Corruption Initiative, campaigns for promotion of Professional Directive on Procedures for Reporting Criminal Acts with Elements of Corruption and Protection of Whistle Blowers.
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POLICE ACADEMY	
I	
II	<ul style="list-style-type: none"> · Police academy to continue with trainings and in that sense to submit the training program for 2008 to the National Commission.
III	
IV	<ul style="list-style-type: none"> · Police Academy is to intensify activities in organizing of periodical trainings on implementation of the provisions from the Code of Ethics.

STATE AUDITORS INSTITUTION	
I	<ul style="list-style-type: none"> · The State Auditors Institution must also carry out the audit of budgetary spending in other local self-governments and institutions.
II	<ul style="list-style-type: none"> · The State Auditors Institution must carry out the audit of budgetary spending in other local self-governments and institutions
III	<ul style="list-style-type: none"> · to intensify activities on drafting Public Relations Strategy, by the end of IV quarter of 2008. · to intensify activities on Auditing legality and efficiency of management the state assets and obligations, budgets and all financial affairs of subjects whose financial resources are public or issued by using state assets , by the end of III quarter of 2008.
IV	<ul style="list-style-type: none"> · State Audit Institution is to intensify activities on preparation of Communicational Strategy no later than I quarter of 2009. · State Audit Institution, in its annual audit plan for 2009, is to plan audits of budgetary beneficiaries underlined in EC Report for 2008. – NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT

	<ul style="list-style-type: none"> · State Audit Institution, in accordance with planned activities for 2009, is to intensify work on audits of economic entities with state share capital. – NC RECOMMENDATION PURSUANT TO 2008 EC REPORT · State Audit Institution is to continue with realization of set of measures related to training and raising level of awareness on external audits. – NC RECOMMENDATION PURSUANT TO 2008 EC REPORT · State Audit Institution is to deliver precise information on type and volume of activities in field of education of public in following quarter reporting.
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AGENCY FOR RECONSTRUCTION AND FOREIGN INVESTMENT	
I	<ul style="list-style-type: none"> · The Agency for Reconstruction and Foreign Investment should intensify the activities informing citizens and employees about their right to participate in the decision-making process and control of privatization. · The Agency for Reconstruction and Foreign Investment should, as soon as possible, establish a procedure for reporting irregularities and corruption in privatization, and provide a special phone line for that purpose; · The Agency for Reconstruction and Foreign Investment should strengthen control mechanisms in counselor appointments, and to fully apply the Regulation on stock and property sales via public tender, and therefore inform the National Commission on tenders which were realized in line with the Law on Free Accession to Information.
II	<ul style="list-style-type: none"> · The Agency for Reconstruction and Foreign Investment should intensify the activities informing citizens and employees about their right to participate in the decision-making process and control of privatization · The Agency for Reconstruction and Foreign Investment should continue with implementation of the Regulation on stock and property sales via public tender, which in a public and transparent manner proscribes the counselors election procedure and therefore inform the National Commission.
III	
IV	

THE PRIVATIZATION COUNCIL	
I	<ul style="list-style-type: none"> · The Privatization Council should hire an expert institution in the following period to prepare the analysis of the quality of the established investment control system and its implementation, as well as a review of finalized privatizations. The next report should include quantity indicators of implementation of this and all other measures mentioned in the AP.

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II	· The Privatization Council should continue with the activities on hiring an expert institution to prepare the analysis of the quality of the established investment control system and its implementation, as well as a review of finalized privatizations. The next report should include quantity indicators of implementation of this and all other measures mentioned in the AP.
III	
IV	· Privatization Council, i.e. Agency of Montenegro for Economic Restructuring and Foreign Investments, is to improve access to all information related to privatization on the basis of Law on free access to information - NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT · Privatization Council, i.e. MNE Agency for Restructuring of Economy and for Foreign Investments is to publish and announce structure of tender commissions in the following period as well
	Commission for monitoring and controlling transparency in privatization process in Parliament of Montenegro
I	
II	
III	
IV	· Commission for monitoring and controlling transparency in privatization process in Parliament of Montenegro is to initiate activities on realization of its activities in accordance with measures form Innovated Action plan and to inform National Commission about it. - NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT.
	Commission for examining comments, complaints, prepositions, and suggestions of citizens and other subjects on privatization process
I	
II	
III	
IV	· Commission for examining comments, complaints, prepositions, and suggestions of citizens and other subjects on privatization process is to submit information on number of reports on corruption in privatization process.
	DIRECTORATE FOR PREVENTION OF MONEY LAUNDERING AND TERRORISM FINANCING
I	· Intensify activities on the adoption of the new Law on prevention of money laundering and financing of terrorism, for the purpose of implementation of other measures envisaged in the action plan, which are conditioned by its adoption.

	<ul style="list-style-type: none"> · Continue with organizing of program trainings for the employees of APML and reporting entities. · Continue with the innovation of the list of indicators of suspicious transactions, in accordance with the identified needs.
II	<ul style="list-style-type: none"> · Continue with organizing of program trainings for the employees of APML and reporting entities. · Continue with the innovation of the list of indicators of suspicious transactions, in accordance with the identified needs
III	<ul style="list-style-type: none"> · to provide information on realization of measure - Determining risk analysis directives · to make training plan with the aim to organize seminars and conferences for authorized persons and the employees having direct contact with clients and to submit it to the National Commission by the end of III quarter of 2008. · to make needs assessment analysis for signing bilateral agreements on exchange financial-intelligence data, information and documentation with authorized bodies of other countries, as well as international organizations and to inform National Commission about it by the end of III quarter of 2008. · in cooperation with other bodies (Police Administration, Tax Administration, Customs Administration, Securities Commission MNE, Central Bank of MNE) and line ministries, is to provide information on agreement implementation analysis in the field of fight against money laundering, made on cooperation with other authorized state bodies and organizations, by the end of III quarter of 2008.
IV	<ul style="list-style-type: none"> · Directorate for Prevention of Money Laundering and Terrorism Financing is to make needs assessment analysis for signing bilateral agreements on exchange of financial-intelligence data, information and documentation with authorized bodies of other countries, as well as international organizations, and to inform National Commission about it by the end of I quarter of 2009. · Directorate for Prevention of Money Laundering and Terrorism Financing, in cooperation with other bodies (Police Administration, Tax Administration, Customs Administration, Securities Commission MNE, Central Bank of MNE) and line ministries, is to provide information on agreement implementation analysis in field of fight against money laundering, by the end of I quarter of 2009. · Directorate for Prevention of Money Laundering and Terrorism Financing is to provide information on preparation of Program for fight against money laundering and terrorism financing for period 2010-2012, in accordance with recognized needs for amending Program for fight against organized crime and corruption, by the end of I quarter of 2009. · Directorate for Prevention of Money Laundering and Terrorism Financing is to intensify activities on final personnel recruitment according to new Rulebook on internal organization and systematization.

	<ul style="list-style-type: none"> · Directorate for Prevention of Money Laundering and Terrorism Financing is to prepare and deliver to the NC analysis on necessary signing of additional bilateral agreements on exchange of financial-intelligence data, so as analysis on implementation of agreements on cooperation with other competent bodies and organizations.
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PUBLIC PROCUREMENT DIRECTORATE	
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I	
II	<ul style="list-style-type: none"> · Public Procurement Directorate should take steps to Intensify the activities on making the Western Balkan countries bidder rights protection comparative analysis and submit the information on it to the National Commission by I quarter of 2008. · Public Procurement Directorate should take steps to Intensify the activities on making the Public Procurement Manual and submit the information on it to the National Commission by I quarter of 2008.
III	
IV	<ul style="list-style-type: none"> · Public Procurement Directorate is to inform continuously prosecution office and police on determined irregularities with elements of corruption in public procurement procedure. · Public Procurement Directorate is to submit continuously semi annual reports on work of phone line to report corruption and to post it at web site. · Public Procurement Directorate is to intensify activities related to monitoring over public procurement procedures and to inform timely National Commission about it. – NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT.

COMMISSION FOR PUBLIC PROCUREMENT CONTROL	
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I	<p>Considering the adoption of the Law on Public Procurement and of by-laws, the National Commission suggested the establishing of suitable institutional frame for their implementation. In that sense, the National Commission points out that the Ministry of Finance, which supervises the work of of the Public Procurement Directorate, should take over the activities so that the Directorate and the Commission for Public Procurement Control could respond to the established program obligations. After this RECOMMENDATION phase of establishing the functional first instance body, progress could be expected in the implementation of measures from the Action Plan.</p>
II	
III	<ul style="list-style-type: none"> · to develop Public Procurement Manual by the end of III quarter of 2008.
IV	·

COMMISSION FOR ESTABLISHING THE CONFLICT OF INTERESTS	
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I	<ul style="list-style-type: none"> · The Commission for Establishing the Conflict of Interests should provide the training, after the adoption of the Law, for all
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	subjects involved in its implementation, including the civil society and the media.
II	· The Commission for Establishing the Conflict of Interests should provide the training, after the adoption of the Law, for all subjects involved in its implementation, including the civil society and the media.
III	
IV	· Commission for Determining the Conflict of Interests is to intensify activities on amending Rulebook, which is to be followed by necessary recruitment in accordance with amended Rulebook.

TAX DIRECTORATE	
I	<ul style="list-style-type: none"> · The Tax Directorate should initiate amendment of laws regarding the rotation of employees by the end of the fourth quarter of this year. · By the end of the fourth quarter of this year, The Tax Directorate and the Police Directorate should innovate the Agreement on Cooperation with the aim of providing a direct access to the Administration's database for the Police Directorate.
II	<ul style="list-style-type: none"> · In coordination with the Ministry of Finance to reconsider the existing legal solutions for including the rotation of employees in the Tax Administration · By the end of the fourth quarter of this year, The Tax Administration and the Police Directorate should initiate the amendments of the Agreement on Cooperation with the aim of providing a direct access to the Administration's database for the Police Directorate.
III	· Tax Administration in cooperation with Police Directorate, as soon as possible, is to amend Agreement on cooperation in order to enable the police to have direct access to Tax Administration databases.
IV	<ul style="list-style-type: none"> · Tax Administration is to submit detailed information on number of reported corruption cases to State Prosecution office and Police Directorate. · Tax Administration is to amend, in cooperation with Police Directorate, as soon as possible, Agreement on cooperation in order to enable the police to have direct access to Tax Administration databases..

CUSTOMS DIRECTORATE	
I	· The Customs Directorate should intensify the activities on signing the Agreement on Cooperation with the Police Directorate with the aim of providing a direct access to data for the Police Directorate as well as the use of the Administration's database,

	<p>by the end of the third quarter of 2007.</p> <ul style="list-style-type: none"> · The Ministry of Finance is obliged to reconsider the adoption of the Code of Ethics for customs servants and employees, following the procedure for the Customs Directorate, and inform the National Commission about it, by the end of the third quarter of 2007. · Intensify the activities on making a rulebook on work of the Sector for Internal Control, as well as the activities in relation to trainings for the servants of the Sector, by the end of the third quarter of 2007. · Intensify the activities on making the Manual for Citizens, by the end of the third quarter of 2007.
II	<ul style="list-style-type: none"> · The Ministry of Finance is obliged, analogically to procedure for Tax Administration, to reconsider the adoption of the Code of Ethics for customs servants and employees, following the procedure for the Customs Administration, and inform the National Commission about it, by the end of the first quarter of 2008
III	<ul style="list-style-type: none"> · to intensify campaign whereby the public will be informed that on a current phone line for reporting instances of smuggling, instances of corruption in the Customs Administration can be reported as well, by the end of III quarter. · to complete revision of the Action Plan on integrity development in customs service in time determined. · to establish a database of the Internal Control Department, in time determined. · to intensify activities on drafting Code of Ethics of customs servants, by the end of III quarter 2008. · and Police Directorate to sign Innovated Agreement on cooperation in time determined.
IV	<ul style="list-style-type: none"> · Customs Administration is to intensify campaign whereby the public will be informed that on a current phone line for reporting instances of smuggling, instances of corruption in the Customs Administration can be reported as well · Customs Administration is to establish a database of the Internal Control Department, in time defined. · Customs Administration is to prepare and submit to the National Commission reports on realization of agreements on cooperation, in time defined.

ANTICORRUPTION INITIATIVE DIRECTORATE	
I	<ul style="list-style-type: none"> · Directorate for anticorruption initiative, should host in its web site, a sub-site of the National Commission and make available all activities of the National Commission, providing at the same time all information in English language. It should also create a link to the site of the National Commission on the website of the Government of the Republic of Montenegro · Directorate for anticorruption initiative should coordinate obtaining of information from all participating line ministries, in order to report in due time on the accomplishment of GRECO recommendations. All responsible authorities, GRECO recommendations referred to, should include, in their report for the National Commission, information on activities, which were undertaken with the aim of accomplishment of these recommendations. GRECO Report is available at the website: http://www.antikorup.vlada.cg.yu/index.php?akcija=rubrika&rubrika=&row=10&. · Agency for Anti- Corruption prepares and submits to the competent ministry amendments to the Decree on State Authorities Organization and operations in the view of defining its competences, that is ensuring research on condition and areas of corruption in the Republic, followed by recommendations for improvement of activities for fight against corruption · During the process of preparation of Draft Budget of RMNE for 2008, the priorities from the Action Plan should be considered; provide adequate funds for staff and financial strengthening of the Administration · The Administration should, through participation in the work of the National Commission, prepare suggestions for amending and updating of the Action Plan, depending on the realized progress and purposefulness of certain measures from the Action Plan · The Administration should intensify the activities on making the analysis on harmonization of the national legislation with the UN Convention against Corruption, and regularly inform the National Commission on progressing · The Administration should continue monitoring the implementation of GRECO recommendations dislocated, through the Action Plan, and should give support to state bodies and institutions in the realization of these activities, with the aim of having a solid report for the presentation on the GRECO plenary session, in the end of May 2008
II	<ul style="list-style-type: none"> · Anticorruption initiative Administration should coordinate obtaining of information from all participating line ministries, in order to report in due time on the accomplishment of GRECO recommendations. All responsible authorities, GRECO recommendations referred to, should include, in their report for the National Commission, information on activities, which were undertaken with the aim of accomplishment of these recommendations. · Anticorruption initiative Administration to inform the Government, regarding implementation of the Declaration on ten joint measures for the fight against corruption in the Southeast Europe, within regular reporting procedure. Reports also submit to

	<p>the National Commission.</p> <ul style="list-style-type: none"> · The Administration should continue monitoring the implementation of GRECO recommendations dislocated, through the Action Plan, and should give support to state bodies and institutions in the realization of these activities, with the aim of having a solid report for the presentation on the GRECO plenary session, in the end of May 2008. · Since the ACA have informed authorized state bodies (Ministry of Justice, Ministry of internal Affairs and Public Administration – Police Directorate, Ministry of Finance) about the results of the legislation analysis relevant for the UN Convention against corruption implementation, it is necessary that authorized state bodies initiate the amending and annexing procedure of this area, according to the analysis results.
III	<ul style="list-style-type: none"> · in cooperation with Commission for examining comments, complaints, prepositions and suggestions of citizens and other subjects on privatization process to develop Booklet for reporting instances of corruption in privatization process, by the end of IV quarter of 2008. · to systemize seven new job positions within the Department for Promotion Preventive Performance by the end of IV quarter of 2008. · to intensify activities on conducting and posting surveys on corruption.
IV	<ul style="list-style-type: none"> · Responsible institutions are to intensify activities in order to provide realization of set of measures relating to creation and implementation of intensive public campaign, with aim to ensure efficient participation of citizens in fight against corruption and organized crime and to encourage dialogue and cooperation between government and non-government sector. In that way, civil society would be involved in both implementation of Innovated Action Plan and preparation and implementation of local action plans for fight against corruption. NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT · Directorate for anti-corruption initiative is to continue with administrative capacity building via training program realization. · Directorate for anti-corruption initiative is to intensify activities stated in the GRECO Report on compliance for Montenegro, particularly regarding 8 recommendations assessed as partially applied.
	LOCAL SELF-GOVERNMENTS
I	
II	
III	<ul style="list-style-type: none"> · in cooperation with Association of Municipalities, in accordance with deadline from AP, to prepare and adopt local anti corruption action plans

IV	· Local self-governments are to prepare and adopt, in cooperation with Association of Municipalities of Montenegro and respecting deadlines from the IAP, local anti-corruption action plans
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HUMAN RESOURCES AGENCY	
I	
II	
III	
IV	· Human Resources Agency is to undertake, in framework of program for 2009, activities in field of implementation obligatory trainings on issues encompassed by the Code of Ethics of state employees and civil servants, in order to realize fully principles of state administration reform (objectivity, impartiality, independence, etc). – NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT

STATE ELECTION COMMISSION	
I	
II	
III	
IV	

SECRETARIAT FOR EUROPEAN INTEGRATION	
I	· Secretariat for European integration should prepare information brochure on the possibility of benefiting from the EU expert and financial assistance (TAIEX), not later than the third quarter of 2007. SEI should submit brochures to responsible authorities and institutions and publish them on the website of the SEI.
II	
III	
IV	

RESPONSIBLE AUTHORITIES	
I	· Responsible authorities should intensify preparation of the proposal for the laws included in the Action Plan and inform regularly the National Commission of the progress · Responsible authorities should respect the deadlines included in their monthly reports, concerning implementation of obligations from the Action Plan, including the obligation of stating the responsible persons and updating deadlines for accomplishment of measures from the Action Plan, due to regular reporting and evaluation (after the adoption of the Report, the National Commission will provide an updated Action Plan to all who are responsible for reporting, with responsible persons

	<p>and deadlines for the implementation of measures);</p> <ul style="list-style-type: none"> · In order to ensure technical and financial assistance in the field of fight against corruption and organized crime, all responsible authorities should, while planning the budget for 2008, take into account priorities included in the Action Plan. In cooperation with the Secretariat for European integration, they should ensure more efficient definition of projects, better project development and their presentation to international organizations · All competent authorities on central and local level and NGOs should continue the cooperation on drafting and publishing the rules and procedures (brochures, guides) for realization and protection of citizens rights by using the donors' and the assistance of international organizations. · All authorities on local and central level should continue the activities on planning and realizing the politics of anti-corruption and inform the national Commission on this. The activities for anti-corruption should be incorporated in annual reports of all institutions that prepare them. · All state authorities should, in cooperation with NGO continue the planning and realization of awareness raising campaigns related to corruption and organized crime;
II	<ul style="list-style-type: none"> · Responsible authorities should intensify preparation of the proposal for the laws included in the Action Plan and inform regularly the National Commission of the progress · Responsible authorities included in the measure 12 to submit the need analysis and the plan on signing bilateral agreements on international cooperation with the aim of information exchange and organizing mutual operations against organized crime no later than the end of third quarter of 2007. · In order to ensure technical and financial assistance in the field of fight against corruption and organized crime, all responsible authorities should, while planning the budget for 2008, take into account priorities included in the Action Plan. In cooperation with the Secretariat for European integration, they should ensure more efficient definition of projects, better project development and their presentation to international organizations. · All competent authorities on central and local level and NGOs should continue the cooperation on drafting and publishing the rules and procedures (brochures, guides) for realization and protection of citizens rights by using the donors' and the assistance of international organizations; · All authorities on local and central level should continue the activities on planning and realizing the politics of anti-corruption and inform the national Commission on this. The activities for anti-corruption should be incorporated in annual reports of all

	<p>institutions that prepare them.</p> <ul style="list-style-type: none"> · All state authorities should, in cooperation with NGO continue the planning and realization of awareness raising campaigns related to corruption and organized crime;
III	
IV	<ul style="list-style-type: none"> · Competent ministries are to intensify preparations of draft laws envisaged by the IAP. · Competent institutions are to deliver detailed data on realization of measure 54 in Chapter "Political and International Obligation to act", and to inform NC about the means provided from the Budget for realization of projects in field of corruption and organized crime. NC RECOMMENDATION PURSUNAT TO 2008 EC REPORT · All IAP reporters and institutions proceeding upon Law on Free Access to Information are to analyze, in following period, verdicts of Administrative Court, and to proceed in accordance with them when passing the decisions upon delivered requests.

	UNION OF EMPLOYERS
I	
II	<ul style="list-style-type: none"> · Union of Employers of MNE is to introduce the poll results on forms, causes, and mechanisms of corruption emergence to Ministry for Economic Development, aiming to adopt as soon as possible operative plan for eliminating of business barriers.
III	
IV	

	NGO
I	
II	
III	
IV	<ul style="list-style-type: none"> · NGO CEMI is to intensify activities, with aim of providing efficient implementation of the Law on Financing of Political Parties, in field of education of citizens and NGOs about implementation of the Law on Financing of Political Parties. · NGOs in field of media are to prepare and organize education of media on corruption and organized crime, and investigation journalism as well.

Annex 5: Access to information on implementation of the Innovated Action Plan

Responsible institution	Requests submitted	Granted		Partly granted		Already published		Not competent		Do not have information		Banned, refused		Silence of administration	
	TOTAL	No	%	No	%	No	%	No	%	No	%	No	%	No	%
MN Agency for Economic Restructuring and Foreign Investments	36	13	36%	0	0%	0	0%	0	0%	22	61%	0	0%	1	3%
Centre for Education of Judiciary Function Holders	54	54	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Direction for Public Procurement	87	19	22%	3	3%	17	20%	3	3%	40	46%	0	0%	5	6%
State Election Commission	84	14	17%	3	4%	0	0%	15	18%	43	51%	0	0%	9	11%
State Audit Institution	94	48	51%	2	2%	10	11%	0	0%	21	22%	0	0%	13	14%
General Secretariat of the Government	34	1	3%	0	0%	0	0%	11	32%	6	18%	0	0%	16	47%
Office of the National Corrdinator for Fight against Trafficking in Human Begins	22	0	0%	0	0%	0	0%	2	9%	0	0%	0	0%	20	91%
Commission for Control of Public Procurement Procedures	63	19	30%	2	3%	0	0%	3	5%	14	22%	0	0%	25	40%
Commission for Consideration of Objections, Complaints, Proposals and Suggestions of Citizens and other entities in the privatization process	2	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	2	100%
Commission for Determining Conflict of Interest	70	38	54%	3	4%	16	23%	0	0%	7	10%	0	0%	6	9%
Ministry of Finance	142	11	8%	0	0%	0	0%	28	20%	33	23%	0	0%	70	49%
Ministry of Culture, Sport and the Media	20	10	50%	0	0%	0	0%	0	0%	2	10%	0	0%	8	40%
Ministry of Justice	67	12	18%	0	0%	0	0%	0	0%	10	15%	0	0%	45	67%
Ministry of Education and Science	18	5	28%	0	0%	6	33%	0	0%	3	17%	0	0%	4	22%
Ministry of Transport, Maritime Affairs and	32	2	6%	2	6%	8	25%	3	9%	9	28%	0	0%	8	25%

Telecommunications															
Ministry of Tourism	7	0	0%	0	0%	0	0%	3	43%	4	57%	0	0%	0	0%
Ministry of Internal Affairs and Public Administration	135	8	6%	0	0%	11	8%	4	3%	60	44%	0	0%	52	39%
Ministry for Economic Development	30	0	0%	0	0%	0	0%	3	10%	0	0%	0	0%	27	90%
Ministry of Health, Labor and Social Welfare	34	5	15%	0	0%	0	0%	0	0%	0	0%	0	0%	29	85%
Municipal Election Commissions	20	8	40%	0	0%	0	0%	3	15%	0	0%	0	0%	9	45%
Police Academy	110	53	48%	14	13%	0	0%	0	0%	40	36%	0	0%	3	3%
Tax Administration	73	4	5%	12	16%	48	66%	0	0%	4	5%	0	0%	5	7%
Deputy Prime Minister for European Integration	21	4	19%	0	0%	0	0%	0	0%	15	71%	0	0%	2	10%
Commercial Court	13	1	15%	2	31%	1	15%	0	0%	6	92%	0	0%	3	23%
Council for Privatization	29	9	31%	2	7%	0	0%	0	0%	12	41%	0	0%	6	21%
Parliament of Montenegro	3	0	0%	0	0%	0	0%	0	0%	2	67%	0	0%	1	33%
Court Council	100	3	3%	2	2%	9	9%	4	4%	61	61%	0	0%	21	21%
Prosecutors Council	48	3	6%	0	0%	0	0%	0	0%	22	46%	0	0%	23	48%
Association of State Prosecutors	14	8	57%	0	0%	0	0%	0	0%	0	0%	0	0%	6	43%
Customs Administration	144	63	44%	0	0%	1	1%	0	0%	75	52%	0	0%	5	3%
Police Administration	613	120	20%	25	4%	5	1%	5	1%	212	35%	6	1%	240	39%
Administration for Anti-Corruption Initiative	168	95	57%	10	6%	8	5%	0	0%	41	24%	1	1%	13	8%
Human Resources Management Authority	52	25	48%	0	0%	3	6%	0	0%	23	44%	0	0%	1	2%
Administration for Prevention of Money Laundering	171	45	26%	6	4%	11	6%	3	2%	93	54%	0	0%	13	8%
Higher Court in Bijelo Polje	16	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	16	100%
Higher Court in Podgorica	16	8	50%	3	19%	0	0%	0	0%	5	31%	0	0%	0	0%
Supreme Court	51	7	14%	0	0%	0	0%	1	2%	40	78%	0	0%	3	6%
Supreme State Prosecution of Montenegro	165	18	11%	0	0%	2	1%	0	0%	84	51%	0	0%	61	37%
TOTAL	2858	733	26%	91	3%	156	5%	91	3%	1009	35%	7	0%	771	27%

Annex 6: Legal framework and competencies of the anti-corruption bodies from the region

COUNTRY	MONTENEGRO	SERBIA	CROATIA	MACEDONIA	SLOVENIA
BODY	National Commission	Council for Fight against Corruption	National Council	State Commission for Prevention of Corruption	Commission for Prevention of Corruption
YEAR OF ESTABLISHMENT	2007	2001	2006	2002-2003	2004
APPOINTMENT AND SUPERVISION	Government of the Republic of Montenegro	Government of the Republic of Serbia	Croatian Parliament	National Assembly of the Republic of Macedonia	National Assembly of the Republic of Slovenia
RELEVANT REGULATION	Government Decision / Rules of Procedure	Government Decision	Parliament Decision/ Rules of Procedure	Law for Prevention of Corruption/ Rules of Procedure	Law on the Prevention of Corruption /Rules of Procedure
APPOINTMENT OF MEMBERS AND PRESIDENTS	<p>The manner of election of Commission members has not been regulated, and there are no clear criteria according to which the existing members were elected. The National Commission has a President and eleven members. Commission members are appointed by the Government.</p> <p>Commission members are the highest representatives of court, executive and legislative authorities, i.e. of institutions in charge of fight against corruption and</p>	<p>According to the Decision on the establishment of the Council the members are appointed from among Government members and public officials managing special organizations, as well as domestic and foreign experts.</p> <p>The Council has a President and 14 members.</p> <p>The President is elected by the Government from among the Council members. President summins and chair</p>	<p>According to the Decision on the National Council the election of the Council members is done by the Committee for Election, appointment and management affairs of Croatian Parliament. The Council has a President and ten members. The Council is made up of deputies, trade union representatives, NGOs dealing with corruption, academic community, experts</p>	<p>According to the Law election of members is done by the Parliament. The Commission is made up of seven members which have equal ststus and the President.</p> <p>The members should be eminent experts from the area of law and economy.</p> <p>The President is elected from among the Commission members. The Law does not define in particular activities of the President.</p>	<p>A special law specifies the election of the Commission members. The Commission is made up of the President, Vice-President and three members. The Judcial Council, the Commission in the National Assembly and the Government each propose one Commission member. Members must have at least</p>

	<p>organized crime.</p> <p>The President represents the Commission, proposes adoption of reports, signs decisions, minutes and other acts to be adopted by the Commission. S/he summons the sessions and chairs them.</p> <p>Over the President a member can ask from the competent bodies to submit data and information and have insight into documents related to the scope of work of the Commission.</p>	<p>sessions, represent Council in public, presents activities and opinions of the body, as well as reports developed and submit them to the Government of Serbia for review.</p>	<p>and media.</p> <p>The President is elected from among opposition MPs, and vice-president from position majority. Apart from them, three more council members are elected; one from the parliament majority, and two from opposition parties. The President summons and chair the sessions, represents the body in the public, and presents its views and opinions.</p>		<p>University degree, ten years of work experience and they must be recognized as persons of public trust.</p> <p>The President and Vice-President of the Commission are proposed by the President of Slovenia, and they are elected by the Parliament. The Commission President represents, chairs and organizes work, has all the authorities and responsibilities of a public body in compliance with the law. Elected members of the Commission are permanently employed.</p>
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COUNTRY	MONTENEGRO	SERBIA	CROATIA	MACEDONIA	SLOVENIA
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MANDATE	There is no time limit for the mandate and it is not prescribed under what conditions members can be suspended.	There is no time limit for the mandate and it is not prescribed under what conditions members can be suspended.	<p>Mandate of the Council members lasts until the expiry of the mandate of particular composition of Croatian Parliament.</p> <p>Rules of Procedure define that a member who does not act in compliance with his/her rights and duties can be suspended by the Parliament.</p>	<p>Presidents' mandate lasts one year while mandate of members is four years.</p> <p>It is not prescribed under which conditions members can be suspended.</p>	<p>Mandate of the President, Vice-President and members is 6 years, without the right to be re-appointed.</p> <p>Work in this body can be interrupted in case when a member him/herself requires this, when s/he has been finally convicted for a criminal offence prosecuted ex officio, if s/he engages in activities that are not compatible with the work of the Commission, in case s/he loses ability to work in this body and if s/he violated the Law or Constitution while member of the Commission.</p>
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BUDGET	Rules of Procedure envisage a budget for the work of the Commission. The Decision on appointment states that the Commission manages the overall resources provided for the implementation of the Program against Corruption and Organized Crime.	Council is directly funded from the State Budget. Council's budget is defined by the Government of Serbia, Ministry of Finance.	Decision on the National Council envisages resources from the State Budget for the work of this body.	The Law provides for the Commission members to receive monthly compensation for the work in the Commission amounting to two minimum wages, and the Parliament makes a decision on the budget upon a proposal of the Commission.	The Budget for the work of the Commission is allocated from the budget of the Republic of Slovenia. The Commission disposes independently of the resources, according to an annual plan.
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COUNTRY	MONTENEGRO	SERBIA	CROATIA	MACEDONIA	SLOVENIA
COMMISSION TASKS	<p>Tasks of the Commission are regulated by the Decision of Establishment.</p> <p>1. manages, organizes and synchronizes the activities of institutions in the implementation of the Program against Corruption and Organized Crime;</p> <p>2. manages overall resources provided for the implementation of the Program;</p>	<p>Tasks of the Council are regulated by the Decision on Establishment.</p> <p>1. To consider activities in fight against corruption</p> <p>2. proposes to the Government measures that are to be introduced with the aim of more efficient fight against corruption</p> <p>3. monitors their implementation</p>	<p>Tasks of the Council are regulated by the Decision on Establishment.</p> <p>1. supervises and monitors the implementation of the National Program of fight against corruption</p> <p>2. monitors systematically data on corruption submitted upon its request by the bodies in charge of Program implementation</p> <p>3. analyzes reports of the competent bodies</p>	<p>Commission's tasks are defined by the Law.</p> <p>1. adoption of the Program for Prevention and Fight against Corruption</p> <p>2. adopts annual programs and plans for the implementation of the Program</p> <p>3. gives opinions to draft laws important for prevention of corruption</p> <p>4. starts initiatives before competent bodies for investigating material transactions of</p>	<p>Commission's tasks are defined by the Law on the Prevention of Corruption.</p> <p>1. draft a resolution on the prevention of corruption in the Republic of Slovenia and propose it for discussion to the Government, which shall submit it for adoption to the National Assembly</p> <p>2. be responsible for the implementation of the resolution on the prevention of corruption in the Republic of Slovenia</p> <p>3. monitor and analyse statistical information on the situation as regards</p>

	<p>3.determines priorities, dynamics and deadlines for implementation and assesses the results achieved in the Program implementation;</p> <p>4. submits to the Government a report reviewing the state, assessment and proposal of measures at least two times a year.</p>	<p>4. Submits initiatives for adoption of regulations, measures and other acts in this area.</p>	<p>on implementation of the Program and action plans and assesses the manner and results of implementation</p> <p>4.proposes measures for improvement of Program implementation</p> <p>5.encourages and directs cooperation of Croatian Parliament and the state and other bodies, other factors in charge of Program implementation</p> <p>6. Submits to Croatian Parliament semiannual report on its work.</p> <p>7. Through its activities and structure the Council strengthens supervision over other bodies in charge of Program implementation.</p>	<p>political parties, trade unions and civil associations</p> <p>5.initiates proceedings before competent bodies for suspension, relieving from office, criminal prosecution of public officials who used state capital</p> <p>6.adopts Rules of Procedure</p> <p>7.proposes to the Parliament the budget for the work of the Commission</p> <p>8.prepares annual reports on its work, undertaken measures and activities and submits them to the President of the Parliament, the Supreme Court and publishes them in the media</p> <p>9.cooperates with other state bodies, with bodies of other states and international organizations fighting against corruption</p> <p>10. undertakes activities with a view to educating</p>	<p>corruption in the Republic of Slovenia</p> <p>4. cooperate with responsible public authorities in the drafting and coordination of regulations relating to prevention of corruption</p> <p>5. monitor the implementation of the regulations referred to in the preceding indent and take initiative for their amendment</p> <p>6.performs coordination and advisory – education tasks</p>
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				<p>bodies competent for revealing a criminal act, prosecution of corruption and other forms of crime</p> <p>11.conducts other tasks prescribed by the Law</p> <p>12. the Commission submits a report once a year with a view to informing the public on the implementation of activities and achieved results or when the court requests so.</p>	
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COUNTRY	MONTENEGRO	SERBIA	CROATIA	MACEDONIA	SLOVENIA
SESSIONS	<p>The sessions are held four times a year.</p> <p>For the valid decision making at the session it is necessary that more than half a members be present at the session. The voting is public.</p> <p>The sessions are not open for the public, except in exceptional cases, if the Commission decides so.</p>	<p>Council's sessions are organized once per month, or often is needed. For holding of sessions the presence of more than half a members is necessary.</p> <p>The voting on each topic is public. Sessions are followed by minutes.</p>	<p>The Council holds sessions once a month, for holding of sessions the presence of more than half a members is necessary. Voting is public except when the council decides otherwise.</p> <p>Sessions can be open for the public if the majority of votes decides so, it is also possible to record the sessions, which is also agreed before the beginning of the session.</p>	<p>The sessions are held at least once per week.</p> <p>More than half members must be present for holding of sessions. Decisions are made by the majority of votes.</p> <p>In case when system problems are considered eminent experts can be present at the session.</p>	<p>The Law does not prescribe how often the sessions are held and how many members must be present at the session in order for it to be held.</p> <p>The Commission adopts decisions, opinions and positions by majority of votes at the sessions.</p> <p>Upon a request of the Commission, public bodies, local communities and public offices holders must submit all information necessary for performing the tasks and enable to it insight into relevant documents, unless</p>

	Representatives of international organizations can be present at Commission sessions.				otherwise prescribed by the law. Upon a Commission request, employees of those bodies must be present at the session and provide answers to the questions of the Commission.
EXPERT SUPPORT	Expert support in the processing and preparation of reports of competent bodies is provided by the Expert Body made up of representatives of institutions in charge of Action Plan implementation.	Expert administrative-technical support to the Council is provided by the General Secretariat of the Government of Serbia.	The National Council has an Expert Service for performing expert and technical affairs. Expert service is made up of the Council secretary, the administrative secretary and advisors. Expert and other conditions for arrangement to work positions in the expert council of the National Council are determined by a special Rules of Procedure. The Parliament is obliged to ensure space, resources and expert team for better work of the National Council.	The Commission is professionally employing administration.	The Commission is employing professional administration.

Annex 7: Reports of the European Commission, Council of Europe and i GRECO-a on national policies and anti-corruption bodies in the region

MONTENEGRO	
2005	<p>EUROPEAN COMMISSION</p> <p>In Montenegro the Strategy for the Fight against Organised Crime and Corruption was adopted in July 2005 by the Government. The implementation of this strategy remains of utmost importance, in particular with the view to present serious security issues highlighted by the recent murder of a senior police official who was investigating high-profile organised crime activities.ⁱ</p> <p>A joint strategy against corruption and organised crime was adopted by the Government in August 2005. It was developed under the lead of the Ministry of Interior, including input from the relevant ministries, agencies, civil society and international organisations. Under this strategy, the central body responsible for implementation will have investigative and operational powers.ⁱⁱ</p> <p>In conclusion, no comprehensive action had been taken yet to investigate financial crime, and Serbia and Montenegro's commitment to fight corruption has remained largely rhetorical. Comprehensive strategies are still lacking, as well as efficient institutions to implement them.ⁱⁱⁱ</p> <hr style="border-top: 1px dashed black;"/> <p>COUNCIL OF EUROPE</p> <p>In Montenegro, the first part of the Programme for Fight against Corruption and Organised Crime was finalised by the Ministry of Interior. A final draft should be approved by the Government in the early months of 2005. It should be followed by the drafting of a related Action Plan. The National Anti-Corruption Commission has still not been created; its legal basis, inter-disciplinary composition, competence and role are being debated.^{iv}</p> <p>In Montenegro, the Programme for Fight against Corruption and Organised Crime has not yet been adopted, pending its harmonisation with the new legislation on Police and the National Security Agency.^v</p> <p>In Montenegro, the Programme for Combating Organised Crime and Corruption was adopted by the Government on 28 July 2005. A working group established by the Ministry of the Interior is expected to draft an Anti-corruption Action Plan.^{vi}</p> <p>In Montenegro, the drafting of an Action Plan on anti-corruption and organised crime, following the adoption of the relevant Strategy is ongoing.^{vii}</p> <p>While the structures for a fight against corruption are basically there, they do not yet bite.^{viii}</p>
2006	<p>EUROPEAN COMMISSION</p> <p>Some progress can be reported regarding Government activities to enhance the fight against corruption. An Action Plan to</p>

	<p>implement the Strategy against Corruption and Organised Crime of July 2005 was adopted by the Government in August 2006. According to the plan, the specialised prosecutor for the fight against organised crime will also be responsible for prosecuting and investigating corruption cases. A specialised unit will be set up in the Police (Ministry of Interior). A commission will monitor the implementation of the action plan, which was developed in close coordination with the Council of Europe and with involvement of NGOs. Key measures are derived from the most important international documents, including GRECO (Group of States against Corruption), the PACO Impact project of the Council of Europe, as well as the European Partnership priorities. The Action Plan should be implemented by intensifying operational cooperation among all relevant institutions and with NGOs.^{ix}</p> <p>Overall, in spite of some progress in particular in the area of the adoption of strategic and planning documents and in investigation of corruption cases, the situation concerning the fight against corruption calls for urgent action in order to achieve results on the ground. Furthermore, all bodies involved in the fight against corruption need to have sufficient resources and properly trained staff.^x</p> <hr/> <p>GRECO</p> <p>At the time of the visit, the Government of the Republic of Montenegro was preparing a "Programme for the Fight against Corruption and Organised Crime" and planning to incorporate it into the set of measures and activities aimed at curbing organised crime and corruption in the country. The afore-mentioned Programme is to be followed by an Action Plan including specific implementation measures.^{xi}</p> <p>At the time of the on-site visit, the Ministry of the Interior, in its capacity as co-ordinator, had developed and submitted for approval to the Government the Programme for Combating Corruption and Organised Crime. The focus of the Programme is the establishment of an efficient institutional and legal framework for fighting the above crimes, and more particularly the prevention of corruption, criminal prosecution as well as education and raising awareness of the public.^{xii}</p> <p>The main priorities in the fight against corruption indicated in the Programme are: prevention, prosecution (repression), public education and ensuring support from the public.^{xiii}</p> <p>Subsequently, the GET recommends i) that the Programme for Combating Corruption and Organised Crime and its Action Plan be formally adopted; ii) to provide for efficient monitoring of the implementation of the anti-corruption programme through a specialized independent anti-corruption body with sufficient resources; iii) to involve local self- governing institutions in the process of elaboration and monitoring of implementation of anti-corruption policies at local level.^{xiv}</p>
2007	<p>EUROPEAN COMMISSION</p> <p>The government has taken some further steps to fight corruption. A national commission was established in February 2007 to monitor implementation of the action plan for the strategy for the fight against corruption and organised crime. This commission is headed by the Deputy Prime Minister for European integration and includes government officials and one representative of civil society. The constituent session was held in March and the first report was adopted in July 2007.^{xv}</p>

	<p>Little has been done to implement the action plan on the strategy to fight corruption and organised crime. There are concerns about the independence of the national commission.^{xvi}</p> <hr/> <p>COUNCIL OF EUROPE</p> <p>Although precise statistics about the depth and extent of corruption in the various institutions are difficult to obtain and lack accuracy, the considerable number of cases that are being reported by citizens through the appropriate channels (2 new offices were opened for this purpose in 2005), give alarming indications, as confirmed by the latest GRECO report. These factors have prompted the government to set up a very high-level "anti-corruption commission" (chaired by the Deputy Prime Minister/Minister for European Integration) tasked to monitor the implementation of the strategy and action plan against corruption adopted last year, by the State bodies and institutions. The commission has only recently begun to function, by providing an inventory of the measures taken essentially in the area of capacity-building and training needs, falling short of tackling the real implementation of the measures required including the 24 recommendations by GRECO. A full commitment was taken by the Prime Minister to integrate the GRECO recommendations in the work of the Commission.^{xvii}</p> <p>The Deputies encouraged the authorities of Montenegro to consider solutions to improve the efficiency of the structures dedicated to fighting corruption, organised crime and trafficking in human beings.^{xviii}</p>
2008	<p>EUROPEAN COMMISSION</p> <p>The context of the fight against corruption is determined by the action plan against organized crime and corruption.^{xix}</p> <p>The National Commission for monitoring implementation of the action plan produced its third report. An update of the action plan to include new measures and clearer indicators was adopted by the government in May 2008. Both an anti-corruption strategy at local level and a national training strategy for local government have been adopted. Models for local anti-corruption action plans were introduced.^{xx}</p> <p>The national commission for the fight against corruption and organised crime – a tripartite body bringing together criminal police, courts and prosecution services – has been established in order to improve cooperation between law enforcement bodies. The national commission is working on improving case monitoring and on harmonising of statistics and methods of analysis.^{xxi}</p> <hr/> <p>COUNCIL OF EUROPE</p> <p>The main challenge for the Montenegrin authorities will now be to implement the new laws and to transform the Action Plans and National Strategies into concrete and visible results.^{xxii}</p> <p>The National Commission charged with monitoring and reporting on the implementation of the Action Plan for the fight against corruption and organised crime adopted its second report in March 2008, covering the period September 2006 - December 2007.</p>

The report points out that, whereas progress has been made in the legislative field and in the establishing of anti-corruption structures, such as DACI^{xxiii}, concrete **results and efficient criminal prosecution of cases before the courts are still lacking as no significant rulings have so far been handed down**. The National Commission has set up a working group in order to improve the Action Plan for 2008 and to target it towards more concrete and visible results.^{xxiv}

GRECO

The authorities of Montenegro confirm that the Programme for Combating Corruption and Organised Crime was adopted in July 2005; an Action Plan for the period 2006-2008 followed thereafter. It includes a range of specific measures, institutions responsible for implementation, deadlines and indicators of achievement.

A National Commission for Monitoring the Implementation of the Action Plan was set up by a decision of the Government of Montenegro in February 2007¹³; its mandate runs parallel to the Action Plan's implementation period (i.e. from 2006 to 2009). Independence of the National Commission stems from its mixed composition (governmental/non governmental; executive/legislative/judicial representatives)¹⁴. A total of 54 State bodies, as well as media and civil society representatives, are to submit regular reports (initially monthly, but currently on a quarterly basis) to the Commission concerning the implementation of the Action Plan in their areas of activity; three reports have been published to date (covering the period elapsing from mid-2006 until mid-2008). The technical analysis of the relevant reports submitted is performed by an expert body composed of representatives of the Police Directorate, the Directorate for Anticorruption Initiative, the Ministry of Justice, the Supreme State Prosecutor and the Cabinet of the Deputy Prime Minister for European Integration. **On the basis of the findings of the regular reporting exercise, revised activities and deadlines have been fixed in the so-called "Innovated Action Plan" for the period 2008-2009**; priorities include justice reform, adoption of anticorruption legislation, harmonisation of national legislation with international standards, strengthening cooperation with international partners, etc.^{xxv}

Concerning involvement of local authorities in anticorruption policies, the Action Plan stresses the need to implement its activities at local level; moreover, local authorities are under the obligation to develop their own anticorruption plans. In this connection, on the initiative of the Ministry of Internal Affairs and Public Administration, a working group was established (with a mixed composition of governmental and non-governmental actors) to draft a model programme and an action plan for the fight against corruption and organised crime at local level; this initiative has been closely coordinated with the Council of Europe (two joint meetings of Montenegrin and Council of Europe experts were held in 2007). As a result, **a model programme and action plan was adopted in October 2008**; all municipalities are now being encouraged to adopt their own local plans on the basis of this model. Guidelines for developing the Programme for Combating Corruption and its Action Plan in local self-government have been issued, in order to facilitate and push forward the drafting of anticorruption plans at local level.

GRECO welcomes the adoption of an anti-corruption programme and an implementation action plan as well as the establishment of a monitoring Commission, relying on both governmental and civil society participation. GRECO notes that the mandate of the existing monitoring Commission is tied to the implementation of the Action Plan; in this context, GRECO trusts that **the authorities will pursue their efforts to ensure an efficient and ongoing monitoring of anti-corruption initiatives**.

Finally, GRECO is pleased to note that the authorities have taken promising steps concerning local involvement in policy setting and implementation; GRECO can only encourage the authorities to sustain their work in this field so that effective anti-corruption policies are put into action at local level.^{xxvi}

SERBIA	
2005	<p>EUROPEAN COMMISSION</p> <p>In May 2005 the Serbian Government submitted to the Parliament a strategy for the fight against corruption, developed with Council of Europe assistance. This strategy needs now to be adopted by the Parliament. In the meantime, problems have emerged with the preparation of the Action Plan for implementation and the establishment of the lead institution, the anticorruption body, whose role and relationship with the existing structures remain to be fully defined. The Anti-Corruption Council, established as a focal point and an advisory body to the Serbian Government in 2001, has finalised several reports on alleged corruption cases, 17 involving high-ranking officials, but the serious allegations raised and documented were not further investigated or properly addressed by the Government.^{xxvii}</p> <p>Some progress has taken place with the development of anti-corruption strategies which now need to be finalised – in Serbia - and effectively implemented.^{xxviii}</p> <p>In Serbia the Government has submitted to the Parliament an anti-corruption strategy.^{xxix}</p> <p>Comprehensive strategies are still lacking, as well as efficient institutions to implement them.^{xxx}</p> <hr style="border-top: 1px dashed black;"/> <p>COUNCIL OF EUROPE</p> <p>In Serbia, the draft National Strategy on Anti-Corruption elaborated with support from the Council of Europe and the OSCE was finalised at the end of December 2004. Following its presentation in a round-table on 31 January 2005, the National Strategy is expected to be adopted in Parliament in the first half of 2005. An Action Plan should also be adopted by the end of the year.^{xxxi}</p> <p>In Serbia the draft National Anti-Corruption Strategy was finalised at the end of last year, adopted by the government in mid-May and sent to Parliament for adoption. An action plan should ensure implementation in particular through the setting up of an independent agency. The CoE was broadly consulted on the elaboration of the Strategy. What remains unclear is the future role of the existing Anti-Corruption Council, which has been functioning until now in an advisory capacity to the Prime Minister by monitoring current legislation and by dealing with a number of citizens' complaints related to corruption. This body has performed a useful advisory function and should probably be maintained in close connection with the future independent "agency". The work of the Anti-Corruption Council has highlighted the very weak system of prosecution of high profile corruption cases due inter alia to lack of proper co-ordination with the investigative services of the police. To date no sentences have been rendered for high profile cases of corruption.^{xxxii}</p> <p>Republic of Serbia: to undertake adequate measures to fight against corruption and organised crime, namely by adequately implementing the National Anti-Corruption Strategy.^{xxxiii}</p>

	<p>The adoption by the Parliament of the National Anti-Corruption Strategy, already approved by the Government on 26 May 2005, is expected to take place in October 2005. The adoption of this long-awaited Strategy elaborated with broad CoE assistance should be a priority for the authorities. An Action Plan - to be adopted by the end of the year - should follow up with detailed measures and ensure its implementation in particular through the setting up of an Anti-Corruption Body.^{xxxiv}</p> <p>The Government of Serbia adopted on June 4 2005 the National strategy on the fight against corruption. Preparations are underway for the adoption of the action plan, as well as the law on impartial body in the charge of the implementation of the National strategy.^{xxxv}</p> <p>The draft of the National Anti-Corruption strategy, prepared in co-operation with CoE and OSCE , has been adopted by the Government of the Republic of Serbia in May 2005 and forwarded to the Parliament for the adoption in October 2005. The action plan for implementation of the National Anti-Corruption strategy will be finished by the end of 2005. The Ministry of Justice of the Republic of Serbia is preparing the draft Law on Anti-Corruption Agency.^{xxxvi}</p> <p>While the structures for a fight against corruption are basically there, they do not yet yield results.^{xxxvii}</p> <p>In Serbia, the adoption of the long-awaited National Anti-corruption Strategy - aimed to curb corruption through prevention and adequate educational programmes - on 8 December 2005 - is to be welcomed. Many interlocutors indicated that the adoption of the Strategy represents a good step in the right direction, which needs to be followed up by concrete implementation and elaboration of Action Programmes, as well as adoption of a Law on Anti-corruption establishing an independent Anti-corruption Agency. These measures have been accompanied in the past years by the adoption of a set of legislation which includes provisions aimed to better enable the fight against corruption, such as the Criminal Code, legislation on conflict of interest, on money-laundering or on free access to information.^{xxxviii}</p> <p>Effective implementation of the legislation and Strategy is now crucial. Resolute action from the law enforcement bodies and a better co-ordination between the police and prosecuting authorities is needed. The absence of prosecution in corruption cases, in spite of the information provided to the Public Prosecutor's Office inter alia by the Anti-Corruption Council, has also been raised.^{xxxix}</p>
2006	<p>EUROPEAN COMMISSION</p> <p>The national strategy for fighting against corruption was adopted in December 2005.^{xl}</p> <p>Relatively few cases are brought to justice. The Action Plan for the implementation of the strategy has not yet been adopted. The Law on the anticorruption body is still outstanding. A clear institutional setup and the role of existing bodies such as the anti-corruption council remain to be defined.^{xli}</p> <p>Though most of needed legislative measures on anti-corruption are in place, the anti-corruption strategy needs to be implemented without further delay and for its efficient implementation a centralised specialised independent anti-</p>

	<p>corruption body has to be set up.^{xliii}</p> <hr/> <p>GRECO</p> <p>The draft National Anti-Corruption Strategy was finalised at the end of 2004, approved by the government in mid-May 2005 and sent to Parliament for adoption. The "Decision on determining the National Strategy for combating corruption" which sets forth the Strategy states, inter alia, that the government "is obliged to draft an action plan for implementing" the Strategy, in particular through the setting up of "an independent and autonomous anti-corruption body".^{xliii}</p> <p>At the end of 2004, the draft National Anti-Corruption Strategy was finalised and transmitted to Parliament for adoption. One of the main issues regarded as essential for a successful policy to curb corruption in the country is the reform of the public administration. An action plan was also being prepared in order to ensure the implementation of the Strategy's general principles.^{xliv}</p> <p>GET recommends that the Action Plan for the implementation of the National Anti-corruption Strategy be adopted and that an efficient monitoring of its implementation is ensured.^{xlv}</p>
2007	<p>EUROPEAN COMMISSION</p> <p>In December 2006, an action plan was adopted to implement the national strategy against corruption. Ministries submitted reports on the implementation of anti-corruption measures and some positive results were recorded in prosecuting corruption. Several new cases were opened involving alleged corruption by civil servants, police and customs officers.^{xlvi}</p> <p>The action plan on the fight against corruption lacks clear deadlines, concrete actions and the necessary resources for its implementation. There are shortcomings in implementing the GRECO recommendations.^{xlvii}</p> <p>Most of the necessary legislative measures against corruption are in place. However, the anti-corruption action plan needs to be implemented and an anti-corruption agency established.^{xlviii}</p>
2008	<p>EUROPEAN COMMISSION</p> <p>The current role of the Anti-Corruption Council is limited to advising the government.^{xlix}</p> <p>The action plan for the fight against corruption lacks clear deadlines, specific action and the necessary resources for implementation and therefore needs to be revised.¹</p> <hr/> <p>GRECO</p>

The authorities of Serbia report that the Action Plan for the implementation of the National Anticorruption Strategy was adopted on 21 December 2006. The Government set up a **Commission for the Implementation of the National Anti-corruption Strategy**, which is also responsible for reviewing the steps taken to comply with GRECO's recommendations. It is composed of representatives from different ministries, the judiciary, the National Assembly, the Anti-corruption Council, the media and non-governmental organisations. In addition, the draft Law on the **Anticorruption Agency**, which has been prepared in cooperation with the Council of Europe (PACO Serbia project), determines that the Anti-corruption Agency **would be entrusted with the monitoring of the Anti-corruption Strategy and its Action Plan**. It is envisaged that this monitoring will continue to benefit from the involvement of a broad range of stakeholders; for example, the members of the Agency's Management Board are to be nominated by both governmental and non-governmental bodies. The Agency is accountable to the National Assembly to whom it has to report annually concerning progress in implementation of the Anti-corruption Strategy and its Action Plan. An application for EU IPA funds to support **the setting-up of the Anti-corruption Agency is in the pipeline**: a total of 2,500,000 EUR have been requested (the project, if awarded, is to be co-financed by the Government of the Republic of Serbia). GRECO is hopeful that the Anti-corruption Agency, which will be responsible for, inter alia, monitoring the implementation of the Anti-corruption Strategy and its Action Plan, will be vested with **sufficient authority and resources to effectively complete its oversight task**.ⁱⁱ

BOSNIA AND HERZEGOVINA	
2005	<p>EUROPEAN COMMISSION</p> <p>Anti-corruption efforts have been reinforced by the adoption of a Law on Conflict of Interests and the adoption of a National Anti-Corruption Strategy under Bosnia and Herzegovina's Mid-Term Development Strategy. However, this document does not yet contain an Action Plan with detailed measures and timelines, and has so far had very little impact.ⁱⁱⁱ</p> <p>The Ministry of Security and the State Investigation and Protection Agency (SIPA) coordinate anti-corruption efforts at State level.^{liii}</p> <p>The GRECO's first evaluation round report was adopted in 2003 and recommended, among other things, the establishment of a body responsible for the enhancement of country-wide anti-corruption activities, the harmonisation to the largest possible extent of criminal and criminal procedures codes within the country, and to develop adequate public procurement rules at State and Entity-level.^{liv}</p> <p>Adequate anti-corruption action plans have to be prepared and implemented.^{lv}</p> <hr style="border-top: 1px dashed black;"/> <p>COUNCIL OF EUROPE</p> <p>In the absence of a specialised body in BiH to deal exclusively with the fight against corruption, the Ministry of Security and the State Investigation and Protection Agency (SIPA) co-ordinate anti-corruption efforts at State level.^{lvi}</p> <hr style="border-top: 1px dotted black;"/> <p>GRECO</p> <p>The authorities of Bosnia and Herzegovina reported that article 14 of the Law on Ministries and other administrative bodies of Bosnia and Herzegovina (Official Gazette, issue 5/03) defines the competencies of the Ministry of Security and its organisational units which consist of the State Investigations and Protection Agency (SIPA), the State Border Service and the Interpol Office of Bosnia and Herzegovina. This Ministry and in particular SIPA may be considered the strongest mechanisms available to coordinate anti-criminal efforts and anti-corruption efforts in Bosnia and Herzegovina.^{lvii}</p> <p>The Monitoring Office of the Economic Policy Planning Unit is in charge of monitoring and evaluating the National Anti-corruption Strategy and Action Plan.^{lviii}</p>
2006	<p>EUROPEAN COMMISSION</p> <p>A positive development was the adoption in June 2006 of the 2006-2009 Strategy for the Fight against Organised</p>

	<p>Crime and Corruption. This strategy now needs to be properly implemented. During implementation, Bosnia and Herzegovina needs to pay particular attention to developing the necessary structures and increasing enforcement capacity.^{lix}</p> <hr/> <p>COUNCIL OF EUROPE</p> <p>However, progress towards adoption of the State Anti-Corruption Strategy has been halting, although now on a better track, and effective implementation strategy will remain of vital importance.^{lx}</p> <p>Implementation of the co-operation programmes with the Council of Europe continued and some important benchmarks were achieved, such as the adoption of a State Anti-Corruption Strategy on 15 June 2006.^{lxi}</p> <p>The State Anti-Corruption Strategy, elaborated with the assistance of the CoE, was adopted by the Council of Ministers on 15 June 2006.^{lxii}</p> <hr/> <p>GRECO</p> <p>In March 2006, the "Strategy for the Fight Against Organised Crime and Corruption" was adopted. The focus of the Strategy is the establishment of an institutional and legal framework for fighting the above crimes, and more particularly the prevention of corruption, criminal prosecution as well as education and public awareness raising.^{lxiii}</p> <p>The "Strategy for the Fight Against Organised Crime and Corruption" was adopted in March 2006. It includes a range of specific measures, institutions responsible for implementation and deadlines.^{lxiv}</p> <p>Consequently, the GET recommends to ensure a systematic assessment and evaluation of the effectiveness of the Anti-Corruption Strategy and its Action Plan through the setting up of an independent anti-corruption body with sufficient resources.^{lxv}</p> <p>With regard to public administration, a Strategy for the Fight against Organised Crime and Corruption was adopted in March 2006; much could be done to ensure its success, notably by regular monitoring of its implementation by an independent anti-corruption body.^{lxvi}</p>
2007	<p>EUROPEAN COMMISSION</p> <p>A National Anti-Corruption Strategy and action plan was adopted in 2006, but the implementation has not been satisfactory, due in part to a lack of resources.^{lxvii}</p> <p>No independent anti-corruption agency has been established. Convictions for corruption remain limited.^{lxviii}</p> <p>Strategies and action plans are in place, but they are not properly implemented. More vigorous investigation and prosecution is necessary.^{lxix}</p>

	<p>COUNCIL OF EUROPE</p> <p>BiH adopted in June 2006 the three-year National Anti-Corruption Strategy and an operational action plan for its implementation, but so far no institutional assignment was given to a specialised agency to co-ordinate and follow-up on the implementation of the Strategy and Action Plan.^{lxx}</p>
2008	<p>EUROPEAN COMMISSION</p> <p>No progress has been made towards ensuring proper implementation of the 2006 National Anti-Corruption Strategy and the associated Action Plan.^{lxxi}</p> <p>There is lack of political will to implement actions to combat corruption in line with the 2006 strategy and action plan.^{lxxii}</p> <p>Proper implementation of the National Anti-Corruption Strategy needs to be ensured.^{lxxiii}</p>

CROATIA

EUROPEAN COMMISSION

In any case, **administrative capacity in the fight and against corruption needs to be considerably further improved**, not only at USKOK, but across the board including the courts, the State Attorney's Office and other bodies and agencies involved in fighting corruption.^{lxxiv}

Action plans to prevent and combat corruption in the relevant law enforcement agencies (border police, police, customs, judiciary) **need to be developed**. A **new National Strategy against Corruption is still awaited** as a successor to the 2002 National Programme to Combat Corruption. It is vital that a new multi-annual anticorruption strategy and action plan is **implemented with the necessary resolve** so as to avoid the lack of effective implementation associated with the current programme. This should also clearly build on lessons learnt from the implementation of the 2002 Programme. **Attention should be paid to high level and political corruption** as well as to prevention and awareness raising on the negative impact of corruption, including on the investment climate. An overall statistical methodology is also needed in order to better monitor corruption.^{lxxv}

2005

Croatia should considerably step up efforts in this field, in particular by following up the 2002 National Programme to Combat Corruption with a new national anti-corruption strategy and action plan, which should contain clear benchmarks, designate responsible institutions, provide adequate financial resources and a timetable for implementation. It would be advisable that the current anti-corruption policy of Croatia be subject to an independent audit, the results of which could serve to better focus activities. An interinstitutional body should monitor its implementation.^{lxxvi}

Specific action plans for preventing and fighting corruption in law enforcement agencies should be developed.^{lxxvii}

Finally, **an overall statistical methodology should be developed in order to better monitor the fight against corruption**.^{lxxviii}

In the area of anti-corruption, there has been progress in establishing a legal framework for tackling corruption. However, these efforts need to be followed up with real implementation on the ground including improved coordination of the government bodies and agencies involved.^{lxxix}

GRECO

A new Strategy for the Fight against Corruption is to be adopted in 2005. The Government of Croatia also plans to establish a new anti-corruption body which will be responsible for the implementation of the national strategy as well as other preventive measures.^{lxxx}

	<p>The GET also understood that Croatia was intending to develop a new Anti-Corruption Strategy to replace the 2002 National Programme for the Fight Against Corruption and its Action Plan. Discussions with officials indicated that the latter had not been fully implemented and Croatia now recognises that repressive measures are not sufficient for a fully developed anti-corruption programme. The new Strategy would include preventive measures in line with the provisions of the new UN Convention Against Corruption.^{lxxxix}</p>
2006	<p>EUROPEAN COMMISSION</p> <p>A new anti-corruption programme was adopted in March 2006. A number of sectoral actions plans were subsequently prepared and the Minister of Justice appointed as coordinator.^{lxxxix}</p> <p>Implementation of the anticorruption programme is at an early stage. Full implementation of the programme and strong political will to step up efforts are needed, especially on high level corruption. There continues to be a need for greater efforts to proactively prevent, detect and effectively prosecute corruption. Awareness of corruption as a serious criminal offence needs to be raised and codes of conduct and action plans to prevent corruption developed in the relevant law enforcement agencies. USKOK and other bodies involved in the anti-corruption programme need further strengthening and coordination among them needs to be improved.^{lxxxix}</p> <p>The Croatian Parliament approved in March 2006 a new anti-corruption programme 2006- 2008 with special attention devoted to areas where perceived corruption is widespread, including the judiciary, health services, local government and public administration, political parties and the economy and science. A number of ambitious sectoral actions plans were subsequently prepared by each Ministry. The Minister of Justice was appointed as coordinator. The legal framework to combat corruption is largely in place.^{lxxxix}</p> <p>However, information on material and financial means for the programme's implementation as well as its monitoring is lacking. The success of the national strategy for preventing and combating corruption will rely to a large extent on strong and efficient coordination by the relevant authorities and the provision of sufficient financial and human resources.^{lxxxv}</p> <p>An overall statistical methodology is also needed in order to better monitor corruption. Too often high profile and other cases that appear in the media – whether well founded or not – disappear from view unresolved.^{lxxxvi}</p>
2007	EUROPEAN COMMISSION

	<p>Some first results are appearing in the fight against corruption. The anti-corruption programme 2006-2008 is being implemented.^{lxxxvii}</p> <p>Implementation of the anti-corruption programme lacks strong coordination and efficient non-partisan monitoring.^{lxxxviii}</p> <p>The National Anti Corruption Programme 2006-2008 is being implemented. Many activities set out in the Programme are being carried out, such as awareness raising, training and increased transparency through use of the internet. A National Council for the Fight against Corruption responsible for monitoring implementation of the Programme has been established and has been meeting regularly. This body comprises a chairman and ten members, including representatives of the Parliament, employers, trade unions, media, NGOs and independent experts. However, the mini action plans of the different authorities responsible for implementing the National Programme are not sufficiently detailed. The Strategic Unit in the Ministry of Justice tasked with monitoring implementation of the Programme (as well as the Judicial Reform Strategy) is understaffed and has limited capacity to pro-actively and effectively follow-up issues. The National Council itself interprets its mandate in a very restrictive way and does not see it as their role to make any proposals to improve the implementation of the National Programme but merely to monitor it. No corrective measures to increase the efficiency of the programme's implementation have been proposed.^{lxxxix}</p> <p>Awareness-raising activities coordinated between all bodies involved in the national anti corruption programme should be further pursued.^{xc}</p>
2008	<p>EUROPEAN COMMISSION</p> <p>A revised Anti-Corruption Strategy accompanied by an Action Plan containing specific measures in a number of fields prone to corruption was adopted in June 2008. A new inter-ministerial coordination system for monitoring anticorruption efforts is in place.^{xcii}</p> <p>Implementation of anti-corruption efforts has continued to lack strong co-ordination and efficient non-partisan monitoring.^{xcii}</p> <p>There continues to be weaknesses in the work of the National Anti-Corruption Council both in legislative and practical terms.^{xciii}</p> <p>A revised anti-corruption strategy as well as an action plan containing specific measures in a number of fields prone to corruption was adopted in June 2008. A new coordination system based on a working group at the level of State Secretary is now in place aimed at improving coordination of all Ministries and other bodies involved in the implementation of the plan. The Strategic Unit which had been created at the Ministry of Justice in order to follow the implementation of the previous plan has been up-graded to the level of Directorate and strengthened with additional staff. The new strategy and action plan are an improvement on the previous national anti-corruption programme and its mini action plans. However, the action plan lacks measurable objectives that will allow an effective monitoring of its implementation.^{xciv}</p> <p>New members of the National Council to monitor the implementation of the plan were appointed after the November 2007 elections. Its new Chairman declared the intention to break with the previous practice and to increase the pro-active approach of the Council. The structure of the Council will be strengthened with administrative staff. However, the concrete effects of the guiding role which the Council should have within the anti-corruption policy have not yet materialised.^{xcv}</p>

MACEDONIA

EUROPEAN COMMISSION

Parliament receives annual reports from the State Auditor, the Ombudsman and the State Commission for the Prevention of Corruption and debates them in plenary sessions.^{xcvi}

The former Yugoslav Republic of Macedonia has adopted various anti-corruption measures. In addition to indirect incrimination of corruption through a number of related criminal offences in the Criminal Code, **a Law on Prevention of Corruption was adopted** in 2002. Under this Law, a **State Commission for the Prevention of Corruption was established** in November 2002 as a consultative and preventive body. The Commission **adopted a National Programme for Prevention and Repression of Corruption** in 2003 and an **annex on measures to prevent corruption at local level** in June 2005.^{xcvii}

While progress has been made on implementation of the National Programme for Prevention and Repression of Corruption, much remains to be done. Beyond formal implementation of the programme, **further efforts are needed to ensure effective enforcement of the provisions adopted.**^{xcviii}

2005

In addition, the effectiveness of the State Commission for the Prevention of Corruption depends on an appropriate level of cooperation by the State bodies. The guidelines adopted in 2004 to facilitate this cooperation have contributed to improving the situation. Better cooperation with the Public Prosecutor would also enhance the effectiveness of the action against corruption.^{xcix}

Progress on implementation of the State Programme for the Fight Against Corruption, on the follow-up given to the recommendations by the State Commission for the Prevention of Corruption and by the State Audit Office, including by Parliament, as well as on addressing the weaknesses of the institutions and the lack of transparency in public decisions would further demonstrate the political will to address the corruption phenomena.^c

This Commission prepared a State Programme for Prevention and Repression of Corruption in 2003 and adopted an annex on measures to prevent corruption at local level in June 2005.^{ci}

As a consultative and preventive body, the State Commission for the Prevention of Corruption's effectiveness relies on co-operation from the state bodies. Guidelines adopted in 2004 on co-operation with administrative bodies, public enterprises and entities and legal entities with state capital have contributed to improving the situation. Better co-operation between the State Commission and the Public Prosecutor would enhance the action against corruption. Specific administrative anti-corruption structures are in place.^{cii}

Much remains to be done to implement the State Programme for the Fight against Corruption, fully to follow up the recommendations by the State Commission for the Prevention of Corruption and, above all, to address the weaknesses of the

	<p>institutions and the lack of transparency in public decisions and to ensure implementation of the legislation adopted. The capacity to investigate and prosecute corruption must be increased and cooperation among law enforcement bodies and between the administrative bodies, as well as between the Public Prosecutor's Office and the State Commission for the Prevention of Corruption, needs to be enhanced. Progress in these areas would further demonstrate the political will to address the corruption phenomena.^{ciii}</p> <hr/> <p>GRECO</p> <p>The State Commission is mainly a body for prevention of corruption; it has been given the competence to adopt the National Programme against Corruption and the Matrix for its implementation. Moreover, the State Commission has control functions; it may investigate cases of, for example, conflicts of interest with regard to elected officials and civil servants and is also entitled to initiate cases for investigation by the prosecutorial bodies and it receives complaints from the public.^{civ}</p> <p>One of the more significant measures is the establishment of the State Commission.^{cv}</p> <p>Above all, the State Commission has developed the State Programme for the Prevention and Suppression of Corruption, which is an extraordinarily comprehensive piece of work covering almost every sector of Government, including the public administration.^{cvi}</p> <p>Therefore, the GET recommends that the Government formally adopts the State Programme for the Prevention and Suppression of Corruption.^{cvi}</p>
2006	<p>EUROPEAN COMMISSION</p> <p>There has been progress in the cooperation and coordination in the fight against corruption. An interministerial body was set up in April to co-ordinate the activities of those involved. Relations between the State Anti-Corruption Commission and the Public Prosecutor are more constructive. Co-operation with the Public Prosecutor's Office has progressed at the operational level, especially in the Specialised Unit for Fight Against organised Crime.^{cviii} The new government presented a set of additional measures aimed at enhancing the fight against corruption. The State Anti Corruption Commission has continued to monitor the implementation of the Programme for Prevention and Repression of Corruption.^{cix}</p>
2007	<p>EUROPEAN COMMISSION</p> <p>The renewed State Anti- Corruption Commission began its five-year mandate and the government adopted an Action Plan. Cooperation with the Public Prosecutor's Office and other state bodies improved.^{cx} The approach to tackling corruption is not yet comprehensive and the Action Plan lacks a clear budget allocation. The NGO sector remains weak, politicised and divided in this field. The high number of legislative acts has created a fragmented legal system which makes implementation and monitoring more difficult. Attention must be paid to the loopholes in the legislation identified by the State Audit Office and the state commission, as well as to the quality of the legislation in order</p>

	<p>to increase its clarity and consistency.^{cx1} Lack of human and technical resources continues to impede the work of the state commission.^{cxii} There is still neither a unified methodology nor a system for collecting and sharing intelligence and for mutual access to databases. This hampers more effective coordination among law enforcement agencies and watchdog bodies.^{cxiii} The mandate of the State Anti-Corruption Commission was renewed for 5 years and it began its work. A new programme for prevention and suppression of corruption was drafted with input from representatives from state administrative bodies, media and civil society was adopted. It was complemented by the government's action plan.^{cxiv} Cooperation between the state commission and the Public Prosecutor's Office has continued to improve, and cooperation with the Public Procurement Bureau has been strengthened. As a result of improved coordination, several cases related to combating corruption and organized crime were pursued.^{cxv} However, the approach to tackling corruption is not yet comprehensive and the Action Plan lacks a concrete allocation of resources.^{cxvi}</p> <hr/> <p>GRECO</p> <p>The authorities report that on 19 December 2006 the Government adopted the State Programme for the Prevention and Suppression of Corruption and made an explicit commitment to ensure its implementation. Moreover, the authorities indicate that the State Commission for the Prevention of Corruption has prepared a new Programme for the Prevention and Suppression of Corruption supplementing the existing State Programme with regard to the measurement of the risks of corruption and of the efficiency of the institutions engaged in the fight against corruption, as well as action plan.^{cxvii}</p>
2008	<p>EUROPEAN COMMISSION</p> <p>Some progress has been made in implementing anti-corruption policy, which is a key priority of the Accession Partnership. The law on prevention of corruption was strengthened, in particular to allow the State Anti-Corruption Commission (SACC) to publish the asset declarations without prior approval.^{cxviii} The SACC started to implement the new state programme for prevention and suppression of corruption.^{cxix} In 2008 the budget of the SACC was increased by 11%, five additional staff were allocated and new premises were opened.^{cxx} Also, reports from the State Audit Office and recommendations from the SACC are too rarely followed up. Checking of asset declarations is sporadic. The SACC needs to be more fully engaged and fulfill its leadership role as regards awareness-raising and engagement with the public.^{cxxi}</p> <p>The law on prevention of corruption was amended to allow the State Anti-Corruption Commission (SACC) to publish the asset declarations of all appointed and elected officials, directors of public enterprises, public institutions or other legal entities with state-owned capital, without a letter signed by the person concerned authorising the SACC to do so.^{cxxii} The 2008 supplementary budget introduced specific budget lines for anti-corruption activities in line with the anti-corruption Action Plan, for a total of € 1.5 million.^{cxxiii} The approach to tackling corruption is still not comprehensive. The SACC is not sufficiently fulfilling its leadership role and should be more active in particular in awareness-raising and engagement with the public. It needs to catch up with its backlog of work, cooperate more with other bodies and ensure it is seen to be impartial and independent in the way it acts.^{cxxiv}</p>

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