



Network for Affirmation of NGO Sector - MANS

Analysis of the proactive disclosure of information

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1. Introduction

The right of the public to know is part of a fundamental human rights scope in the modern world. This right is unthinkable without free access to information, which is one of the key pillars on which modern democracies are based.

On one hand, free access to information makes the work of the authorities transparent and accountable to citizens, while on the other, it enables timely and full awareness of citizens, which is necessary for their effective participation in public matters.

As a key guarantor of transparency, the public's right to know is at the same time the best defence against corruption. Corrupt practices and abuses of public resources, as it turns out, are dominantly developing in secret, where information is unavailable to the public, and public control is impossible.

Since 2013, the Law on Free Access to Information (Law on FAI) stipulates in Article 12 that institutions shall disclose certain categories of information on their websites.

The Network for Affirmation of NGO Sector - MANS analyzed to what extent authorities, as reporting entities of this Law, comply with its provisions and allow the public to proactively obtain information on their work, without filing a request for information and initiating often complex legal procedures.

This document provides an overview of the proactive disclosure of data by the Parliament of Montenegro, ministries, state administration bodies, local self-governments, and public companies.

2. Abstract

The Law on Free Access to Information obliges the authorities to proactively disclose certain categories of data. Most institutions violate the law and do not publish the prescribed information, which limits the public control of their work. For this reason, representatives of the civil sector and the media are forced to submit requests for information on a number of occasions in order to obtain data that, according to the law, should be disclosed on the institutions' websites.

The analysis covered the websites of 139 authorities, including the Parliament of Montenegro, ministries in the Government of Montenegro, state administration bodies, the Capital City, local self-governments and public companies.

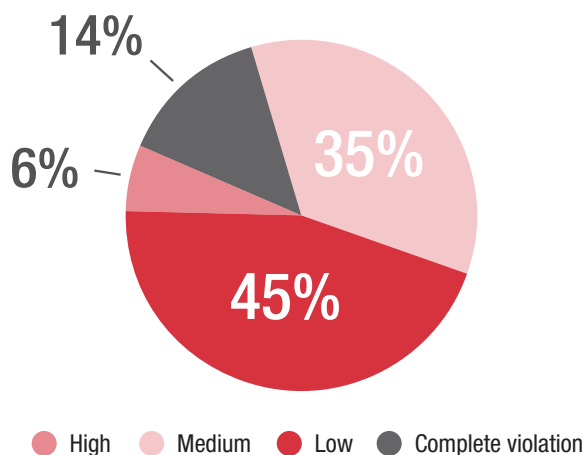


Chart 1: Level of proactive disclosure of information by all authorities (in percentage of disclosed information in relation to the ones prescribed by the Law, according to the number of institutions analyzed)

Only 6% of the authorities can be considered highly proactive, while one third has a medium level of proactivity. On the other hand, 45% of authorities very poorly comply with the law and have low proactivity in informing citizens, while as much as 14% of the analyzed bodies completely violate Article 12 of the Law on FAI.

Only the Parliament of Montenegro fully complies with legal obligations, while all other institutions that were the subject of this analysis violate the Law to a certain extent.

Ministries mostly disclose general information about their work, and least data contained in single acts, which directly point to the work of institutions and are extremely important for detecting corruption. **Bodies within the Government are significantly more closed than the ministries, and most of them do not have half of the legally prescribed information on their websites.**

Bodies within the Capital city **do not disclose proactively the majority of the information prescribed by the law**, half of them do not even have The Access to Information Guide published, and none of the bodies disclosed any kind of public records or registry. **No local self-government fully discloses even basic information in the manner prescribed by the Law**, while more than half of the units do not have the Guide published.

Public companies violate the law to a large extent and disclose only general information on their websites. For example, no state-owned company has disclosed data on the earnings of public officials in their management structures.

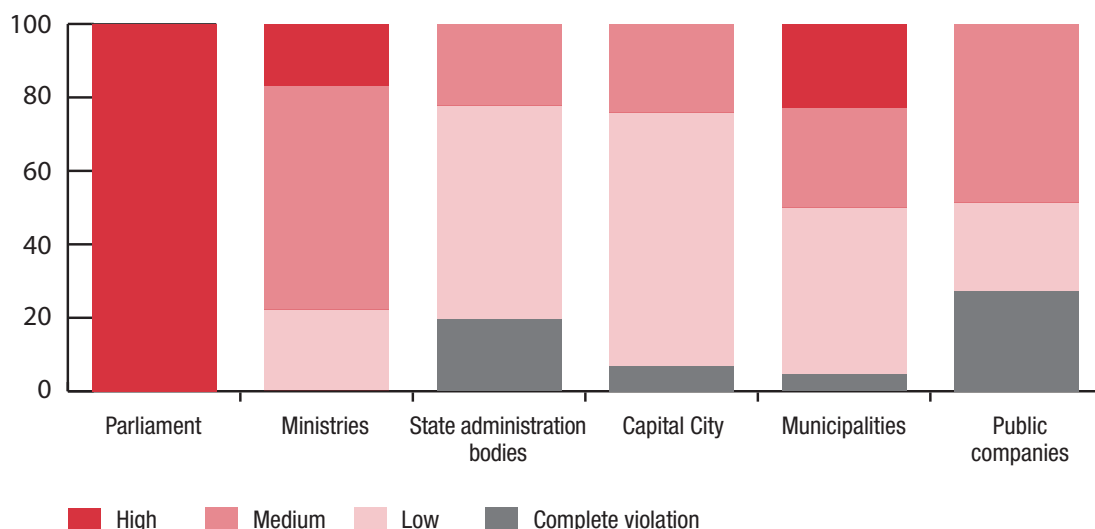


Chart 2: Level of proactive disclosure of information by types of authorities (In percentage of published information in relation to the ones prescribed by the Law, for all authorities of that type)

3. Free access to information as a fundamental human right

The right to free access to information falls within the scope of the right to freedom of expression, enshrined in Article 19 of the Universal Declaration of Human Rights, which includes the freedom to “seek, receive and impart information and ideas through any media and regardless of frontiers”. Seventy years after the adoption of this document, international standards and legal practice continuously confirm the fact that the information is a public good, while the legislation regulating the field of free access to information is being developed and promoted around the world.

In Europe, the Council of Europe Convention on Access to Official Documents of 2009 provides that “all official documents are in principle public and can be withheld subject only to the protection of other rights and legitimate interests”.

In line with this, access to information has been recognised as a fundamental human right by the European Human Rights Court¹. Although it belongs to the “younger legislative”, today, 124 countries of the world have laws on free access to information, while in the countries of the European Union this has been standard for years.

The right to free access to information in two ways obliges public authorities to publish information that is relevant to the public. This implies:

- **proactive** obligation of public authorities to provide, disclose and disseminate information about their activities, work, policies, plans and resources at their disposal, in order to enable the public to know what and how public authorities work, to participate equally in public matters and control the work of public employees unhindered and continuously;

- **reactive** obligation of public authorities to respond to requests for information about their work, as well as the obligation to provide the public with the required documents to support it.

Thus, proactive disclosure of information should open up space for continuous monitoring of the work of public authorities, while the reactive obligation to respond to requests should enable the public to access additional information, which even more directly reflects in what way public authorities work on behalf of citizens. Such unobstructed flow of publicly relevant information makes public authorities open to the public, and this is especially important for the work of civil society and the media that play the role of public control on behalf of the entire public.

Finally, the volume of proactively disclosed information points to not only the respect of standards and laws, but also the will of public authorities to make their work public and legitimate, as well as to reduce the possibility of abuse of public resources or authorities “in their ranks” in order to achieve individual interests at the expense of the public interest.

¹ www.access-info.org

4. Legal obligation to disclose information proactively

In Montenegro, the right to free access to information is guaranteed by the Constitution of Montenegro². In 2005, when the Law on Free Access to Information was first adopted in the Parliament of Montenegro, a legal framework was established which precisely regulates the area of free access to information.

The Law on Free Access to Information of 2013 established a proactive disclosure of information by the reporting entities³.

The public authority shall disclose, depending on the nature and type of information, within 15 days as of the day of which they are created or adopted, the following information:

- 1) the access to information guide;
- 2) public registries and public records;
- 3) programmes and work plans;
- 4) reports and other documents on work and state of play in areas within their competence;
- 5) drafts, proposals, and final texts of strategic documents, plans and programmes for their implementation;
- 6) drafts and proposal of laws and other regulations, as well as opinions of experts delivered in relation to drafts and proposals for legislation;
- 7) single acts and contracts on use of financial resources originating from public revenues and of state-owned property;
- 8) list of civil servants and state employees with their titles;
- 9) list of public officials and pay lists for them,

² Everyone shall have the right to access information held by the state authorities and organizations exercising public authority. The right to access to information may be limited if this is in the interest of: the protection of life; public health; morality and privacy; conducting criminal proceedings; security and defense of Montenegro; foreign, monetary and economic policy. (Article 51, Constitution of Montenegro)

³ Article 12 of the Law on Free Access to Information

as well as list of other incomes related to exercise of public function;

10) decisions and other single acts that are of importance to rights, duties, and interests of third parties;

11) information to which the access was granted.

Among divided information groups, a special article specifies the obligation to publish *The access to information guide*⁴.

Finally, in a special article of the Law on FAI it is defined who are the reporting entities of this Law, i.e. who is obliged to proactively disclose information and make them available to the public in accordance with the provisions of this Law⁵.

⁴ The public authority shall develop, publish, and regularly update a guide for access to information held by it (hereinafter referred to as "the access to information guide").

The access to information guide shall contain a catalogue of all types of documents, including public registers and public records, the address and e-mail address for submission of request, contact telephone, information on responsible persons, information on costs of access to information, and other data that are of importance to the exercise of the right of access to information held by the public authority.

The public authority shall update "The access to information guide" at least once a year, or within 30 days following the change of type of information in its possession and data important for access to information.

Content of "The access to information guide" shall not exclude obligation of the public authority to provide access to information that holds and that is not covered by the Guide.

The public authority shall appoint and authorize a person responsible for access to information, as well as the person who will replace him/her in case of his/her absence.

(Article 11 of the Law on Free Access to Information)

⁵ Public authority shall mean a state authority (legislative, executive, judicial, administrative), local self-government authority, local administration authority, institution, company and any other legal person founded or co-founded by the state or in majority ownership of the state or local self-government, legal person mainly financed from public resources, as well as well as a natural person, entrepreneur or legal person having public responsibilities or managing public funds (Law on free Access to Information, Article 9, item 1)

5. Methodology

In order to determine if and to what extent the reporting entities of the Law on Free Access to Information fulfil their legal obligation in the form of proactive disclosure of information, in February, March and April 2018, MANS conducted an analysis of the official web sites of the selected public authorities to which this law applies. In the first place, the goal was to determine:

1. if and to what extent the reporting entities of the Law on FAI disclose information within categories defined by the Law, through mapping the presence of 11 categories of information on web sites;

2. types of proactively disclosed information, through analyzing the content of disclosed information, which determines the content and level of general information provided to the public;

3. timeliness of disclosure of information, by checking compliance with deadlines for publication according to the Law on FAI, monitored through one indicator - updating of The access to information guide⁶;

4. formal or true proactivity, by determining the comprehensiveness in disclosure of information, its availability on the foreseen sections of the website in appropriate formats, as well as additional - checking the transparency of the entire website;

5. proactivity in disclosure information of importance for detection of corruption, by determining the proactive disclosure of information that might be significant for the detection of corruption, or whose non-publishing could enable the hiding of corrupt practices.

MANS analyzed the proactivity of data disclosure by the Parliament of Montenegro and five groups of authorities:

- 1) Parliament of Montenegro
- 2) 18 ministries in the Government of Montenegro;
- 3) 36 individual bodies of executive power in Montenegro (administrative bodies within the ministries, independent government bodies in the Government, secretariats, institutions and directorates

in the Government of Montenegro);

4) 22 local self-governments in Montenegro;

5) 29 city professional and special services, administrative bodies and companies founded by the Capital City;

6) 33 public companies in Montenegro.

In order to quantify the findings and ranking of institutions, the presence of information prescribed by the items was evaluated with 1, partial presence of information and the presence of outdated information was evaluated with 0.5, while the absence of information was recorded with 0. Institutions are ranked on the basis of points accumulated in each of category prescribed by the law. Disclosed information is classified according to accessibility on the websites sites as easily accessible and difficult to access.

In order to look at the structure of the disclosed information, the presence, partial presence and absence of information on websites within all individual categories defined by the Law on FAI (11 categories, i.e. items of the Article 12 of the Law on FAI) are recorded.

The authorities were analyzed comparatively within the individual groups. Unique methodology is adjusted in comparative analyses of local self-governments and public companies.

It is important to note here that, due to the different structure of local and city institutions, the City of Podgorica has been analyzed as a separate set of individual units according to the general methodology, and thus a consistent comparison between local and city authorities is not possible. Namely, the bodies of the Capital City of Podgorica are rounded up units within the city administration, which have their own competencies on which they are obliged to inform the public. Their websites are also adapted, thus, every administration has its own website, unlike local governments that have a unique website at the municipal level.

Namely, in the case of municipalities, the analysis is reduced to three quantitative analytical categories. The presence of the (updated) Guide for free access to information on the pages of 284 indi-

⁶ Monitoring the publication of all adopted documents within 15 days would require an investigative effort that goes beyond the objectives of this analysis, and updating of the Guide can be considered relevant and sufficient indicator for this analysis, which is further foreseen by a special article of the Law.

vidual units⁷ of each municipality in Montenegro, as well as the presence of the Budget Plan and the Budget Report on the pages of 22 municipalities, were measured. Municipalities are ranked on the basis of the total representation of the (updated) Guide in relation to the number of units for each municipality on a scale of 0 to 1, presence (updated) of the Budget Plan and the Budget Report. Also, the transparency or the availability of this information was recorded on the websites of 22 local self-governments in Montenegro.

In the case of public companies, the methodology is also adapted to the specific nature of the entities analyzed, thus, it is reduced to a set of indicators developed from the six items of Article 12 of the Law on FAI: items 1, 3, 4, 7, 9 and 11. The information prescribed in the remaining items of this Article is not recorded, since these entities do not have to contain these types of documents.

⁷ More on the sample in Annex, p. 43

6. Main findings

When considering the overall proactivity of informing by the authorities in Montenegro, there is a clear range between the reporting entities of the Law on FAI which, on one hand, meet the legal obligation to proactively inform the public to a large extent, and authorities that violate this legal provision in its entirety on the other.

The highest level of proactive informing is shown by the legislative body, i.e. the Parliament of Montenegro.

It is followed by the ministries in the Government of Montenegro, among which there are certain differences in the level of proactivity, however, there are no ministries with low proactivity. Public informing by the ministries is not complete and comprehensive, so there is room for increasing the level of proactivity, however, it is evident that all ministries are aware of these legal obligation and that they are meeting it to a greater or lesser extent.

Compared to ministries, the level of proactivity of state administration is significantly lower. Highly proactive state administration bodies do not exist at all, and some do not even show any proactivity in informing the public, thereby completely violating this legal provision.

It's almost the same when it comes to administration authorities of the Capital City. Although the city administration has considerably greater capacities compared to local governments, and its informing is focused on narrower areas of competence, unlike municipalities that publish everything through a single site, it is evident that the overall proactivity of local self-government authorities is greater than the proactivity of the Capital City.

Finally, majority of the authorities that do not show the minimum proactivity in informing the public in accordance with the Law on FAI are public companies, whose overall transparency is extremely low.

Table below provides an overview of the level of proactivity of the analyzed institutions:

HIGH PROACTIVITY	MEDIUM PROACTIVITY	LOW PROACTIVITY	NO PROACTIVITY
PARLIAMENT OF MONTENEGRO	-	-	-
MINISTRIES			
Of Justice, Labour and Social Welfare, Sustainable Development and Tourism	Science, European Affairs, Finance, Education and Public Administration, Agriculture and Rural Development, Foreign Affairs, Culture, for Human and Minority Rights, Sports, Defence	Transport and Maritime Affairs, Interior, Economy and Health	-
STATE ADMINISTRATION			
-	Institute for Social and Child Protection, Statistical Office, State Archives, Secretariat for Legislation, Metrology Institute, Public Procurement Administration, Human Resources Administration, Games of Chance Administration	Directorate for the Protection of Classified Information, Bureau for Education Services, Secretariat for Development Projects, Administration for Inspection Affairs, Tax Administration, Customs Administration, Property Administration, Forest Administration, Institute of Hydro-meteorology and Seismology, Administration for Prevention of Money Laundering and Terrorist Financing, Agency for Nature and Environment Protection, Directorate for Food safety, Veterinary and Phytosanitary Affairs, Real Estate Administration, the Bureau for Execution of Criminal Sanctions, Railway Directorate, Maritime Safety Department, Directorate for Protection of Cultural Property, Directorate for the Care of Refugees, Directorate of Public Works and the Directorate for Water	Hydrocarbons Administration, Port Authority, Department for Diaspora and the Police Directorate. It was not possible to access websites of the Directorate for Development of Small and Medium Sized Enterprises, Tobacco Agency and the Directorate for Transport
MUNICIPALITIES			
Andrijevica, Berane, Bar, Tivat and Žabljak	Plav, Mojkovac, Pljevlja, Šavnik, Kolašin and Cetinje	Ulcinj, Petnjica, Kotor, Herceg Novi, Bijelo Polje, Budva, Danilovgrad, Plužine, Nikšić, Rožaje	Gusinje
CAPITAL CITY			
-	Utilities sector, Public Utilities, Cleanliness, Water Supply Company, Secretariat for Local Self-Government, Parking Service, Housing Agency and Fire Department	Sports Facilities, Malls and Green Markets, Landfill, Putevi LLC, Zelenilo LLC, Public Funeral Service, Secretariat of Finance, Agency for Construction and Development of Podgorica, Property Directorate, Center of Information System, Communal Police, Secretariat of Culture and Sports, Secretariat for Labour, Youth and Social Welfare, Secretariat for Utilities and Transport, Secretariat of Planning and Spatial Planning and Environment, Service for Common Affairs, Service for Managers, Service of the Main Administrator, Administration of Local Revenues, Mayor's Cabinet	Communal Inspection, Internal Audit Service
PUBLIC COMPANIES			
-	Monteput LLC, Public Enterprise for Coastal Zone Management of Montenegro, Vodacom Tivat, Montenegro Post J.S.C. Podgorica, Public Enterprise National Parks of Montenegro, Electric Transmission System of Montenegro J.S.C. Podgorica, Montenegro Electricity Market Operator, Montecargo - J.S.C. Podgorica, Montefarm, Electric Power Company J.S.C. Nikšić, Centre for Ecotoxicological Research of Montenegro, Procon LLC Podgorica, Port of Kotor, Railway transport of Montenegro – J.S.C. Podgorica, Railway Infrastructure of Montenegro - J.S.C. Podgorica, PE Regional Water Supply System for Montenegro's Coastal Area	Montenegrin Electric Utility Enterprise J.S.C. Podgorica, Public Company for the Transmission and Broadcasting of Radio and Television Signals LLC Podgorica, Budva Riviera J.S.C. Budva, Port of Bar – LLC Bar, Rolling Stock Maintenance J.S.C. Podgorica, Montenegro Bonus LLC Cetinje, Bar Shipping J.S.C. Bar, Coal Mine J.S.C. Pljevlja	Wireless Montenegro LLC, Ulcinj Riviera J.S.C. Ulcinj, Institute Dr. Simo Milošević, Maritime Transportation of Montenegro, Institute of Black Metallurgy J.S.C. Nikšić, Montenegro Airlines J.S.C. Podgorica, Plantaže 13. Jul J.S.C. Podgorica, Public Enterprise Airports of Montenegro, while Castello Montenegro J.S.C. Pljevlja does not have a webpage

Table 1

6.1. PARLIAMENT OF MONTENEGRO

The Parliament of Montenegro shows the highest level of proactive disclosure of information in comparison with all other analyzed reporting entities of the Law on FAI.

The analysis of the website of the Parliament of Montenegro implied mapping information from all 11 categories, which the authorities are obliged to disclose in a timely manner. The website contains an extremely large amount of information that is not always easily accessible for the visitors of the websites, but it is usually classified and can be found through the site's search engine and the offered "filters".

The Parliament of Montenegro has an updated Guide to Free Access to Information on its website. The website contains documents representing plans and programs, as well as reports and other documents in the areas of authority of the bodies working within the legislative authority. The website also contains strategic documents. The Parliament of Montenegro discloses single acts and contracts on the use of financial resources, lists of civil servants, as well as lists of public officials with lists of their salaries. Decision and single acts as well as information to which the access was granted are also disclosed.

Among the information to be found on the website of the Parliament pursuant to the Law on FAI, it was not possible to identify any public register, and among the records, there is only a procurement record (item 2). Also, when it comes to opinions in the form of documents, except for the opinions of state authorities, there were no other documents of this type. What is important to point out is that the analysis did not record expert opinions on drafts and proposals of laws and other regulations (item 6).

The site is well structured and transparent, and the documents are in readable formats.

6.2. MINISTRIES IN THE GOVERNMENT OF MONTENEGRO

6.2.1. Level of proactivity of informing by the ministries

No ministry discloses fully the information in the manner prescribed by the Law on FAI.

The analysis of proactivity of 18 ministries showed that none of these institutions fully complied with the obligations prescribed by the Law on FAI.

Thirteen years after the adoption of the Law on FAI and five years after the institutionalization of proactive disclosure of information, all Ministries are aware of the obligation to comply with the Law on FAI, as indicated by the fact that they all have The access to information guide published, and that they have special sections reserved for information disclosed in accordance with the Law on FAI. This is mainly the section "INFO/GUIDES" or "Free Access to Information" located on the homepage of the websites.

According to degree of proactivity within the frames of obligations defined by the Law, they are grouped into:

1. highly proactive ministries: the Ministry of Justice, the Ministry of Labour and Social Welfare, the Ministry of Sustainable Development and Tourism, with over 85% of published and relatively easily accessible information prescribed by the Law on FAI;

2. medium proactive ministries, which publish between 50% and 80% of the generally easily accessible information, are the Ministry of Science, the Ministry of European Affairs, the Ministry of Finance, the Ministry of Education, the Ministry of Agriculture and Rural Development, the Ministry of Foreign Affairs, the Ministry of Culture, the Ministry of Human and Minority Rights, the Ministry of Sports, the Ministry of Defence;

3. Ministries with low level of proactivity, with a small amount of published information on mostly non-transparent sites are: the Ministry of Transportation and Maritime Affairs, the Ministry of the Interior, the Ministry of Economy and the Ministry of Health. These ministries publish significantly below half of the information that according to the law should be proactively disclosed.

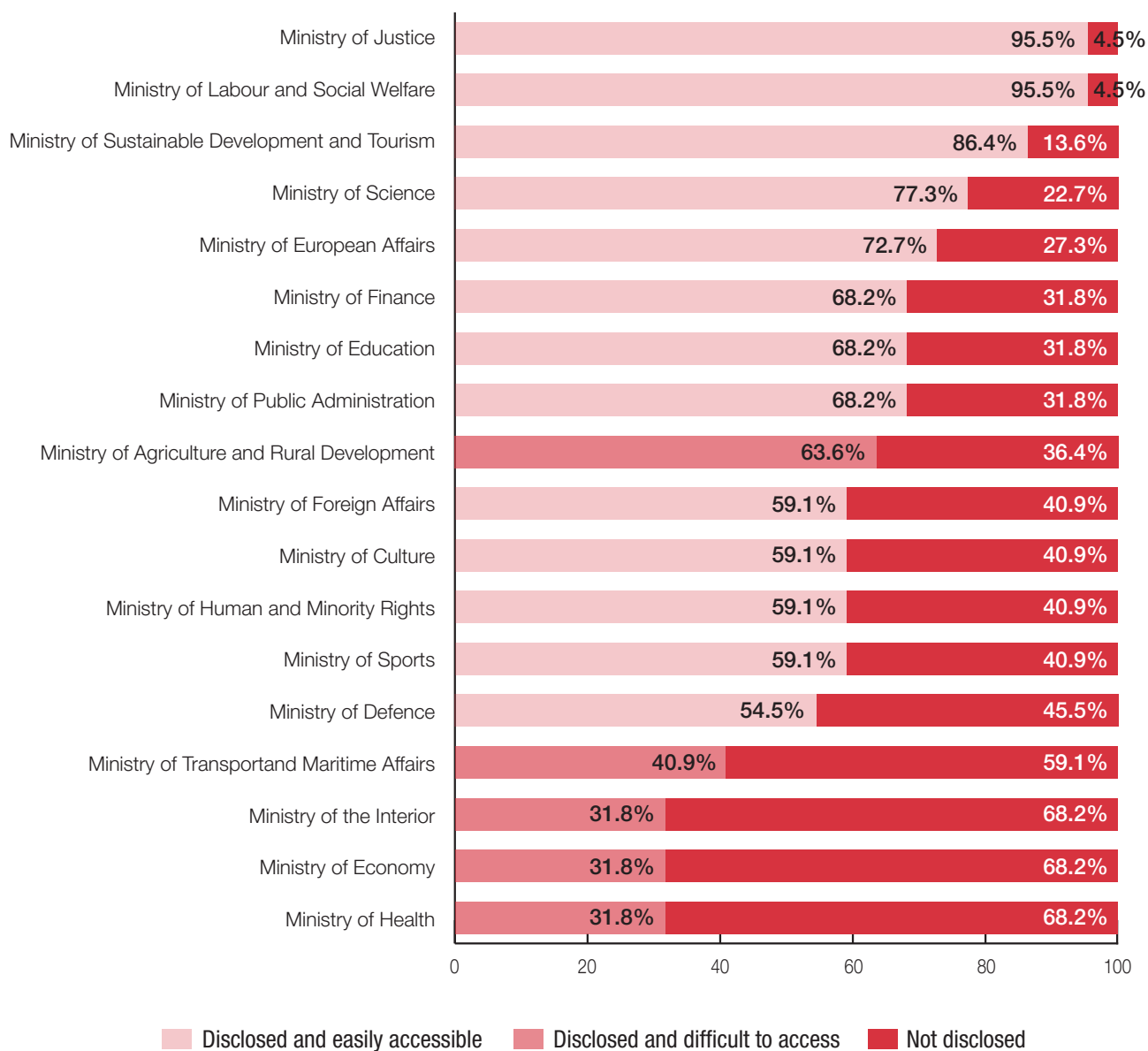


Chart 3: Scope and accessibility of disclosed information under the Law on FAI on the websites of ministries in the Government of Montenegro

6.2.2. Transparency of proactively disclosed data

Proactivity in informing citizens is not only reflected in meeting the legal obligation for the documents prescribed by the Law on FAI to be on the website. True proactivity is reflected in their availability on transparent websites as direct sources of information on the work of ministries.

Finally, interactivity and the possibility of simple establishing of communication with representatives of institutions is an additional indicator of the proactive stance towards informing citizens.

Among the websites of ministries, in terms of the proactive publishing of information, the highest level of interactivity with users and information seekers is shown by the Ministry of Justice, the Ministry of Labour and Social Welfare, the Ministry of European Affairs, the Ministry of Education and the Ministry of Public Administration. In accordance with the Law on FAI, the disclosed information on their websites is easily accessible and visible, in clearly indicated sections, and in particular,

in the visible part of the website, a contact person is indicated for requests under the Law on FAI or a request form is provided. Similar transparency, but without these clearly indicated data, have the Ministry of Sustainable Development and Tourism, the Ministry of Science and the Ministry of Finance.

Medium transparent are the sites that take more time and steps to find proactively disclosed information. Such are the Ministry of Agriculture and Rural Development, the Ministry of Foreign Affairs, the Ministry of Culture, the Ministry of Human and Minority Rights, the Ministry of Sports and the Ministry of Defence.

The Ministry of the Interior has a poorly transparent website, while from the point of view of proactive informing, the websites of the Ministry of Transport and Maritime Affairs, the Ministry of Economy and the Ministry of Health are almost non-transparent. These sites do not even have separate sections to publish the information under the Law on FAI.

NAME OF THE INSTITUTION	DEGREE OF TRANSPARENCY OF THE WEBSITE
Ministry of Justice	TRANSPARENT
Ministry of Labour and Social Welfare	
Ministry of European Affairs	
Ministry of Education	
Ministry of Public Administration	
Ministry of Sustainable Development and Tourism	
Ministry of Science	
Ministry of Finance	
Ministry of Agriculture and Rural Development	MEDIUM-TRANSPARENT
Ministry of Foreign Affairs	
Ministry of Culture	
Ministry of Human and Minority Rights	
Ministry of Sports	
Ministry of Defence	
Ministry of the Interior	NON-TRANSPARENT
Ministry of Transport and Maritime Affairs	
Ministry of Economy	
Ministry of Health	

Table 2: Transparency of ministries' websites

6.2.3. Categories of proactively disclosed data

Ministries did not disclose all information in any of the categories of data for which the Law stipulates that must be posted on the websites of the competent authorities.

It is clear that ministries, as reporting entities of the Law on FAI, are obliged to post documents on the website in a timely manner, in readable formats and on the visible and easily accessible pages of the website.

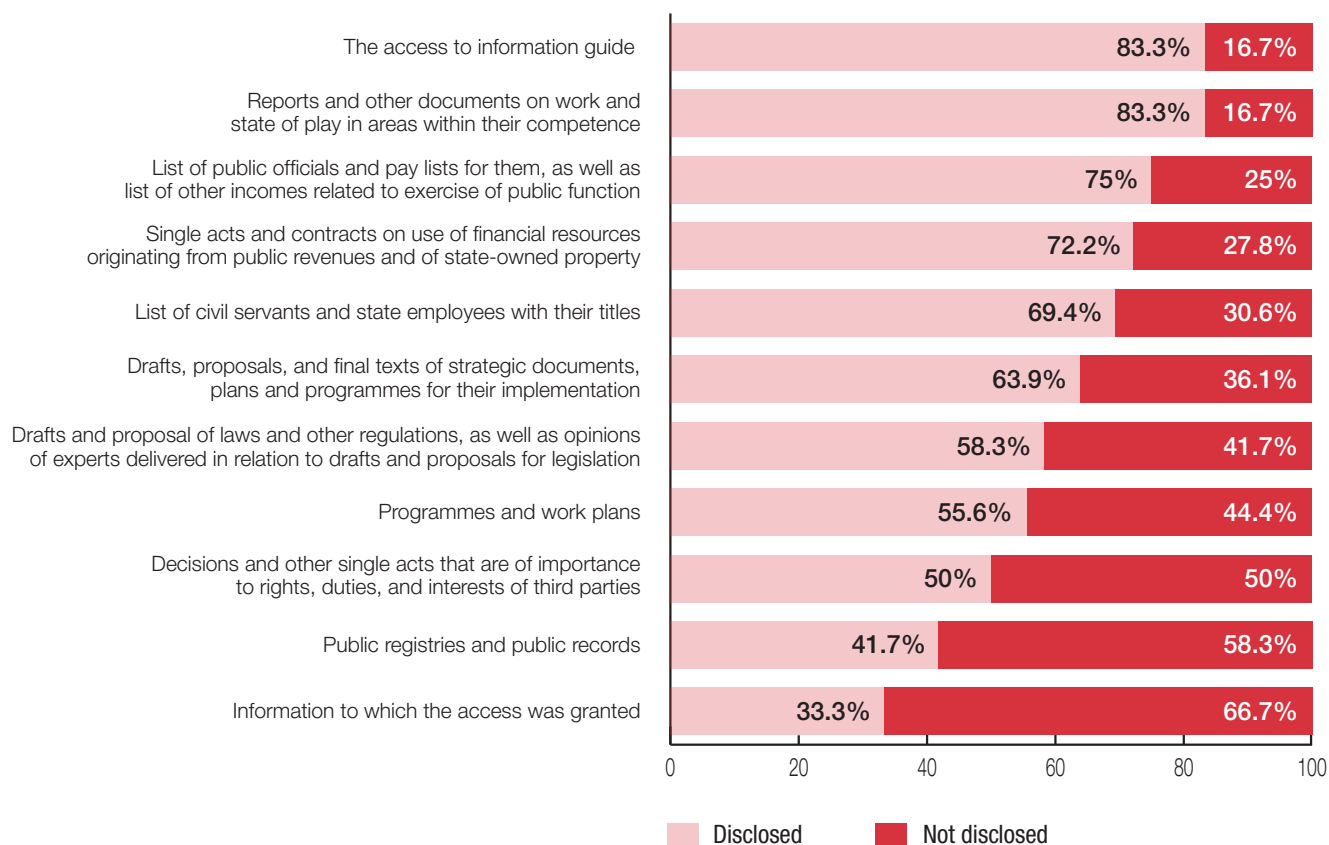


Chart 4: Percentage of disclosed information on the websites of ministries according to the items of the Law on FAI (summary)

According to the Law, information that institutions must proactively disclose can be grouped into four categories:

- 1) general information on institutions, i.e. guides and public registers,
- 2) general acts on the work of institutions such as strategies, plans, reports and laws,
- 3) data on finances and the use of public resources, and
- 4) single acts of institutions.

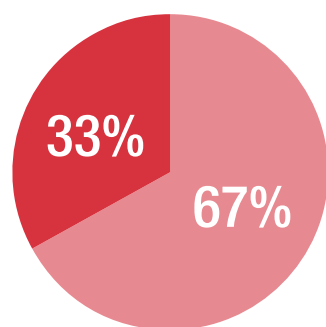
The analysis shows that **the ministries most often disclose the information contained in general legal acts, while the least information directly point to their work.**

6.2.3.1. Guides and public registers

This category includes **the access to information guide, public registers and public records**⁸.

The analysis of the type of information ministries proactively publish shows that **all ministries have The access to information guide. However, every third ministry at the time of the analysis had an outdated Guide on its webpage**, which has not been updated for more than a year. These are ministries of finance, agriculture and rural development, human and minority rights, defence, interior and health.

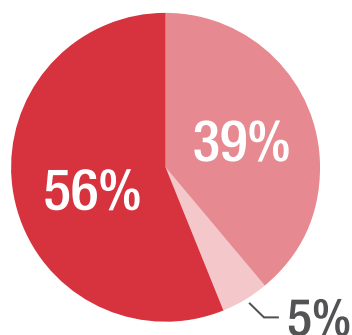
⁸ Law on Free Access to Information, Article 12, items 1 and 2



● The access to information guide updated ● The access to information guide outdated

Chart 5: Proactive publishing of up-to-date Guide on the websites of ministries (item 1, Article 12, Law on FAI)

As many as 10 ministries do not have public registers and public records as part of basic information about the institution, and those are: the Ministry of European Affairs, the Ministry of Education, the Ministry of Foreign Affairs, the Ministry of Culture, the Ministry of Human and Minority Rights, the Ministry of Sports, the Ministry of Defence, the Ministry of Traffic and Maritime Affairs, the Ministry of Internal Affairs and the Ministry of Economy. One the website of one ministry, the Ministry of Public Administration, which is responsible for free access to information, the registers are indicated, but with inaccessible Internet links.



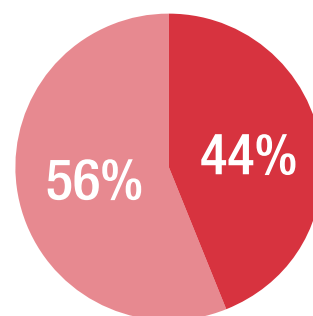
● Disclosed ● Partly disclosed ● Not disclosed

Chart 6: Proactive disclosing of public registers and public records on the websites of ministries (item 2, Article 12, Law on FAI)

6.2.3.2. Strategies, plans, laws and reports

This category includes: reports and other documents on work and state of play; drafts, proposals, and final texts of strategic documents, plans and programmes for their implementation; draft and proposal of laws and other regulations, as well as opinions of experts delivered in relation to drafts and proposals for legislation⁹.

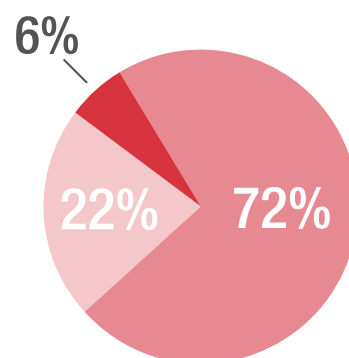
Among all the information that reporting entities of the Law on FAI are to publish on their websites, general acts are the most common. **However, almost half of the ministries do not have plans and programmes on their websites:** the Ministry of Agriculture and Rural Development, the Ministry of Foreign Affairs, the Ministry of Culture, the Ministry of Human and Minority Rights, the Ministry of Transport and Maritime Affairs, the Ministry of the Interior, the Ministry of Economy and the Ministry of Health.



● Disclosed ● Not disclosed

Chart 7: Proactive disclosing of programmes and work plans on the websites of ministries (Item 3, Ar.12, Law on FAI)

Most of the recorded documents are prescribed by the Item 4 of the law, i.e. **reports and other documents on work and state of play in areas within their competence. All ministries, except the Ministry of Sports, disclose these documents, but some of them do not do it in timely and up-to-date manner.** On the websites of the Ministry of Economy, the Ministry Transport and Maritime Affairs, as well as the Ministry of Health, latest reports for 2016 and 2017 are missing, while the Ministry of Human and Minority Rights did not publish the report for 2015 as well.



● Disclosed ● Partly disclosed ● Not disclosed

Chart 8: Proactive disclosure of reports and other documents in areas within the competence of the ministries (Item 4, Article 12, Law on FAI)

Drafts, proposals and final texts of strategic documents and plans and programs for their use are available on the websites of all ministries, however, less than third of ministries entirely disclosed these documents (the Ministry of Justice, the Ministry of the Interior, the Ministry of Education, the Ministry of Agriculture and Rural Development, the Ministry of Labour and Social Welfare). On all other websites, plans and proposals and even some documents are missing, while there are no documents for the last two years on the website of the Ministry of Economy.

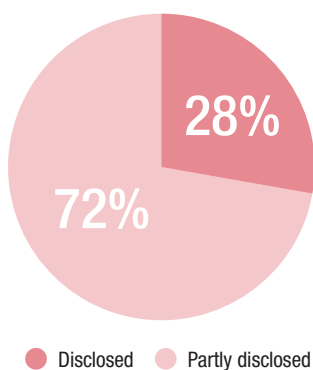


Chart 9: Proactive disclosure of drafts, proposals and final texts of strategic documents and plans and programs for their implementation by the ministries (Item 5, Article 12, Law on FAI)

Drafts and proposals of laws are not available on the websites of the Ministry of European Affairs and the Ministry of Defence, while only five ministries entirely disclosed these documents with opinions of experts (the Ministry of Sustainable Development and Tourism, the Ministry of Human and Minority Rights, the Ministry of Labour and Social Welfare, the Ministry of Public Administration and Sports). On the websites of other ministries, the information is partly published, or part of drafts and proposals of laws is missing, and, most often, the opinions of experts are missing.

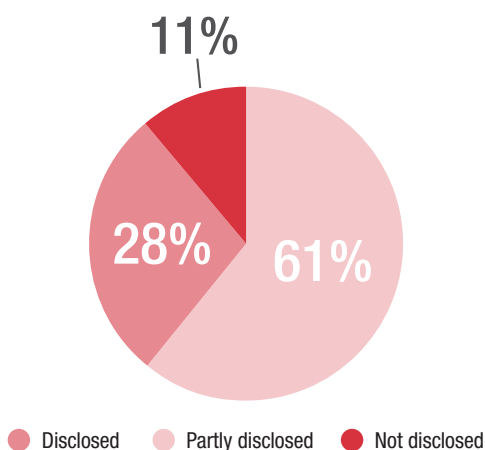


Chart 10: Proactive disclosure of drafts and proposals of laws and other regulations, as well as opinions of experts delivered in relation to drafts and proposals for legislation (Item 6, Article 12, Law on FAI)

6.2.3.3. Data on finances and use of public resources

This category includes: single acts and contracts on use of financial resources originating from public revenues and of state-owned property; list of civil servants and state employees with their titles; list of public officials and pay lists for them, as well as list of other incomes related to exercise of public function¹⁰.

Single acts and contracts on use of financial resources originating from public revenues and of state-owned property are disclosed on the websites of all ministries, however, more than half of the web pages lack contracts that directly indicate the use of those resources (the Ministry of the Interior, the Ministry of Defence, the Ministry of Finance, the Ministry of Science, the Ministry of Economy, the Ministry of Transport and Maritime Affairs, the Ministry of Agriculture and Rural Development, the Ministry of Health, the Ministry of Labour and Social Welfare and the Ministry of Sports).

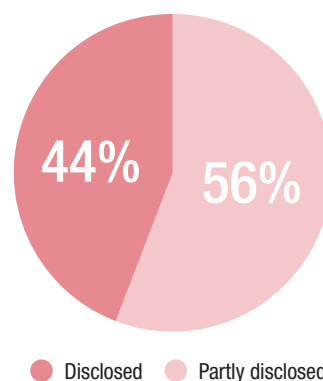
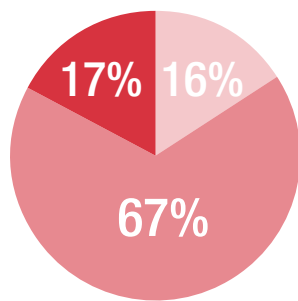


Chart 11: Proactive disclosure of single acts and contracts on the use of financial resources originating from public revenues and of state-owned property by ministries (Item 7, Article 12, Law on FAI)

When it comes to use of public funds and resources, ministries generally disclose information, but only partly. What is least published are the lists of civil servants and state employees. The Ministry of Economy, the Ministry of Transport and Maritime Affairs and the Ministry of Health did not publish these lists at all on their website, while three ministries did not publish this list for the current year (the Ministry of Defence, the Ministry of Sustainable Development and Tourism, the Ministry of Public Administration).

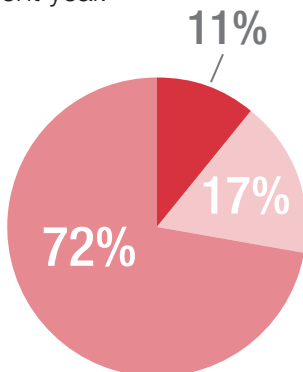
¹⁰ Law on Free Access to Information, Article 12, items 7, 8 and 9



● Disclosed ● Partly disclosed ● Not disclosed

Chart 12: Proactive disclosing of list of civil servants and state employees with their titles by the ministries (Item 8, Article 12, Law on FAI)

In the monitoring period, the list of public officials and pay lists for them, as well as list of other incomes related to exercise of public function was not possible to record only on the website of the Ministry of Health. The Ministry of Public Administration and the Ministry of Sustainable Development and Tourism did not update data for this year, while on the website of the Ministry of Education there is no data from the previous and current year.



● Disclosed ● Partly disclosed ● Not disclosed

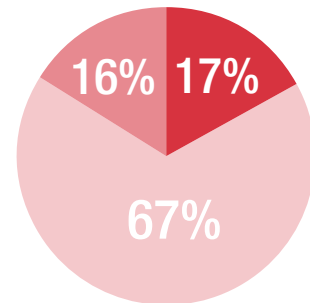
Chart 13: Proactive disclosure of list of public officials and pay lists for them, as well as list of other incomes related to exercise of public function by the ministries (Item 9, Article 12, Law on FAI)

6.2.3.4. Single acts

This category includes decisions and other single acts that are of importance to rights, duties, and interests of third parties; information to which the access was granted upon request.¹¹

Decisions and other single acts that are of importance to rights, duties, and interests of third parties are only partly represented on the monitored websites. On the websites of the Ministry of Health and the Ministry of Human and Minority Rights there are no such documents, while the

website of the Ministry of the Interior is not transparent to the extent that it can be established with certainty whether these documents have been disclosed.



● Disclosed ● Partly disclosed ● Not disclosed

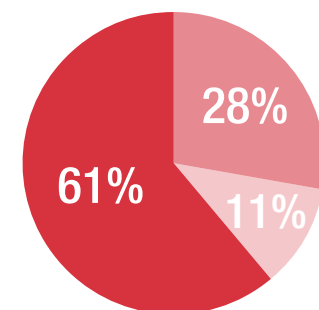
Chart 14: Proactive publishing of decisions and other single acts that are of importance to rights, duties, and interests of third parties by the ministries (Item 10, Article 12, Law on FAI)

Among single acts and all documents in total, the publication of which is prescribed by the Law on FAI, **least information to which the access was granted upon request (item 11) was recorded. Only five ministries publish this information up-to-date:** the Ministry of Justice, the Ministry of Sustainable Development and Tourism, the Ministry of Human and Minority Rights, the Ministry of Labour and Social Welfare, the Ministry of European Affairs.

The Ministry of Defence discloses this information, but there is no information for 2018, while on the website of the Ministry of Science, it is available only for this year.

The Ministry of the Interior, the Ministry of Finance, the Ministry of Foreign Affairs, the Ministry of Culture and the Ministry of Public Administration publish decisions on requests, but do not disclose information.

The Ministry of Education, the Ministry of Economy, the Ministry of Transport and Maritime Affairs, the Ministry of Agriculture and Rural Development, the Ministry of Health and the Ministry of Sports do not have any information on submitted requests under the Law on FAI.



● Disclosed ● Partly disclosed ● Not disclosed

Chart 15: Proactive disclosure of information to which the access was granted upon request by the ministries (Item 11, Article 12, Law on FAI)

6.3. STATE ADMINISTRATION IN MONTENEGRO

6.3.1. Level of proactivity of informing by the state administration authorities in Montenegro

Within the Government of Montenegro, no state administration body discloses fully the information in the manner prescribed by the Law on FAI.

The proactivity analysis of 36 state administration bodies shows that none of these institutions fully complied with the obligations prescribed by the Law on FAI. More than a third of these bodies do not have even The Access to Information Guide published, or it was not possible to map them by searching websites on the available web pages.

According to the degree of proactivity, within the framework of the obligations defined by the Law, it is possible to classify several groups of state administration bodies¹², among which there are no highly proactive ones, since all analyzed institutions published less than 70% of the information prescribed by the Law.

1. Medium-proactive state administration bodies: the Institute for Social and Child Protection, the Statistical Office, the State Archives, the Secretariat for Legislation, the Metrology Institute, the Public Procurement Administration, the Human Resources Administration, the Games of Chance Administration. These institutions proactively disclosed between 50% and 68% of the

information defined by the Law on FAI, with one third being difficult to access due to the lack of transparency of the websites on which it is posted;

2. State administration bodies with low proactivity, which proactively disclose less than half of the information: the Directorate for the Protection of Classified Information, the Bureau for Education Services, the Secretariat for Development Projects, the Administration for Inspection Affairs, the Tax Administration, the Customs Administration, the Property Administration, the Forest Administration, the Institute of Hydrometeorology and Seismology, the Administration for Prevention of Money Laundering and Terrorist Financing, the Agency for Nature and Environment Protection, the Directorate for Food safety, Veterinary and Phytosanitary Affairs, the Real Estate Administration, the Bureau for Execution of Criminal Sanctions, the Railway Directorate, the Maritime Safety Department, the Intellectual Property Office, the Directorate for Protection of Cultural Property, the Directorate for the Care of Refugees, the Directorate of Public Works and the Directorate for Water;

3. Bodies that did not proactively disclose information on their websites at all: the Hydrocarbons Administration, the Port Authority, the Department for Diaspora and the Police Directorate, **as well as institutions whose websites was not able to access:** the Directorate for Development of Small and Medium Sized Enterprises, the Tobacco Agency and the Directorate for Transport.

¹² With a view to preserving methodological consistency in comparing all reporting entities of the Law on FAI, we retain the criterion defined for all authorities, according to which at least three quarters of the information must be published in order to place the institution among highly proactive.

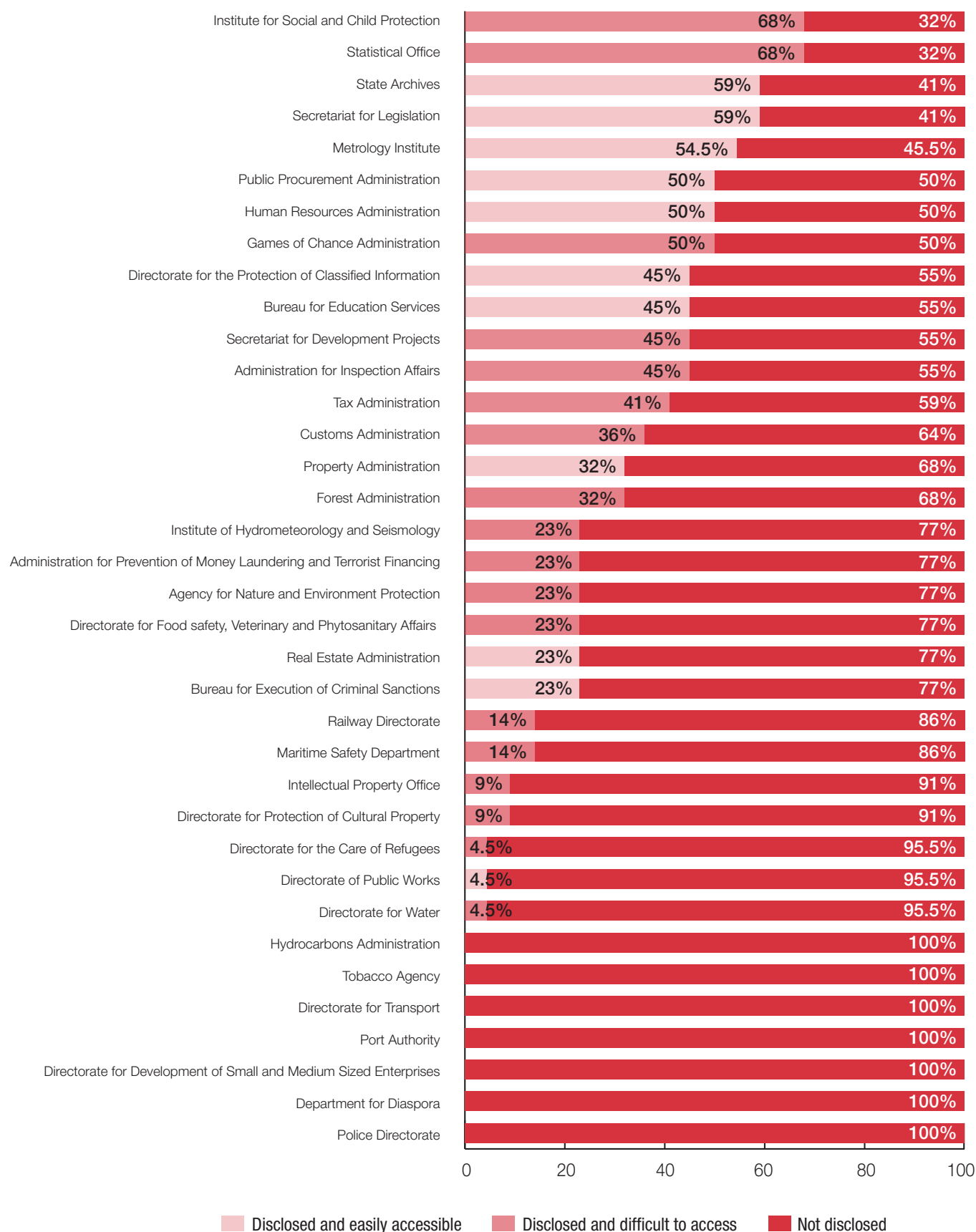


Chart 16: Volume and accessibility of disclosed information on the websites of authorities in the Government of Montenegro

6.3.2. Transparency of proactively disclosed information by the state administration in Montenegro

Among the websites of individual authorities in the Government of Montenegro, in terms of the proactive disclosure of information, the highest level of interactivity with users and information seekers is shown by the Bureau for Execution of Criminal Sanctions, the Real Estate Administration, the Directorate of Public Works, the Human Resources Administration, the Property Administration, the Secretariat for Legislation, the Bureau for Education Services, the Metrology Institute, the State Archives and the Directorate for the Protection of Classified Information.

Data published on their websites according to the Law on FAI are relatively easily accessible and visible, usually in special sections. However, the transparency of these websites, compared to the websites of the ministries is lower, there are almost no specially designated contacts for submitting requests for free access to information, and there is no special classification of documents that are sorted according to the Items of Article 12 of the Law on FAI, as is the case with some ministers.

Medium-transparent are the websites that take more time and steps to find proactively disclosed information.

Such websites are of: the Tax Administration, the Customs Administration, the Games of Chance Administration, the Intellectual Property Office, the Railway Directorate, the Directorate for Water, the Agency for Nature and Environment Protection, the Administration for Prevention of Money Laundering and Terrorist Financing, the Public Procurement Administration, the Administration for Inspection Affairs, the Secretariat for Development Projects, the Statistical Office, the Institute of Hydrometeorology and Seismology, the Institute for Social and Child Protection.

Non-transparent websites where it is difficult to get information are of: the Police Directorate, the Department for Diaspora, the Directorate for Protection of Cultural Property, the Maritime Safety Department, the Port Authority, the Directorate for Food safety, Veterinary and Phytosanitary Affairs, the Forest Administration, the Directorate for the Care of Refugees and the Hydrocarbons Administration.

WEBSITES OF THE

- Directorate for Development of Small and Medium Sized Enterprises,
- Directorate for Transport and
- Tobacco Agency

WERE NOT POSSIBLE TO ACCESS.

NAME OF THE INSTITUTION	DEGREE OF TRANSPARENCY OF THE WEBSITE
Bureau for Execution of Criminal Sanctions	TRANSPARENT
Real Estate Administration	
Directorate of Public Works	
Human Resources Administration	
Property Administration	
Secretariat for Legislation	
Bureau for Education Services	
Metrology Institute	
State Archives	
Directorate for the Protection of Classified Information	
Tax Administration	MEDIUM-TRANSPARENT
Customs Administration	
Games of Chance Administration	
Intellectual Property Office	
Railway Directorate	
Directorate for Water	
Agency for Nature and Environment Protection	
Administration for Prevention of Money Laundering and Terrorist Financing	
Administration for Inspection Affairs	
Secretariat for Development Projects	
Statistical Office	
Institute of Hydrometeorology and Seismology	
Institute for Social and Child Protection	

NAME OF THE INSTITUTION	DEGREE OF TRANSPARENCY OF THE WEBSITE
Police Directorate	NON-TRANSPARENT
Department for Diaspora	
Directorate for Protection of Cultural Property	
Maritime Safety Department	
Port Authority	
Directorate for Food safety, Veterinary and Phytosanitary Affairs	
Forest Administration	
Directorate for the Care of Refugees	
Hydrocarbons Administration	
Directorate for Development of Small and Medium Sized Enterprises	WEBSITE INACCESSIBLE
Directorate for Transport	
Tobacco Agency	

Table 3: Transparency of websites of the state administration bodies

6.3.3. Categories of proactively disclosed information by the state administration in Montenegro

State administration institutions did not disclose all information in any of the categories of data for which the Law stipulates that must be posted on the websites of the competent authorities.

It is clear that these institutions, as reporting entities of the Law on FAI, are obliged to post doc-

uments on the website in a timely manner, in readable formats and on the visible and easily accessible pages of the website.

The analysis shows that **the authorities most often publish the information contained in general legal acts, while the least information directly point to their work.**

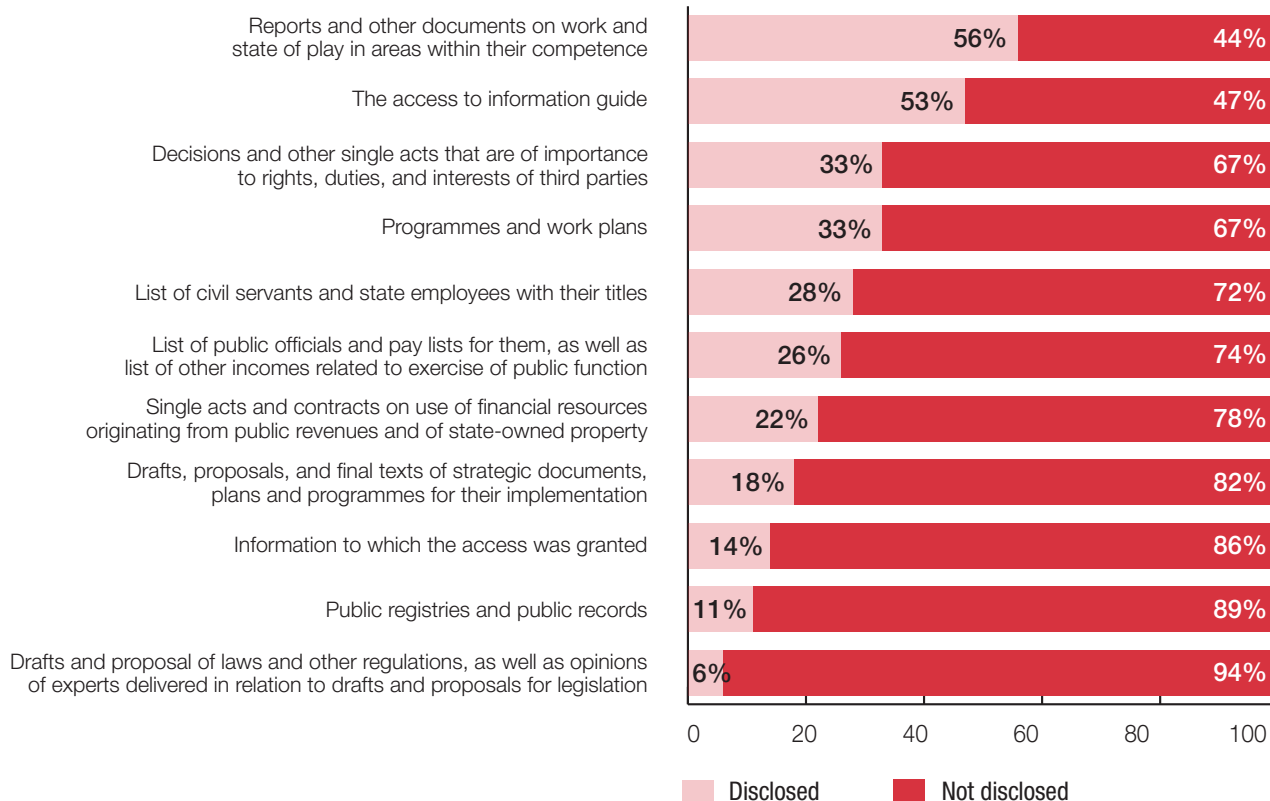


Chart 17: Percentage of disclosed information on the websites of authorities in the Government of Montenegro according to the items of the Law on FAI (summary)

6.3.3.1. Guides and public registers

Less than **third of the institutions analyzed do not have The access to information guide updated.**

On the websites of other authorities, it was not possible at all to identify The access to information guide. Those are: the Police Directorate, the Department for Diaspora, the Directorate for Protection of Cultural Property, the Directorate for Development of Small and Medium Sized Enterprises, the Port Authority, the Directorate for Transport, the Railway Directorate, the Forest Administration, the Tobacco Agency, the Agency for Nature and Environment Protection, the Directorate for the Care of Refugees, the Hydrocarbons Administration, the Institute of Hydrometeorology and Seismology.

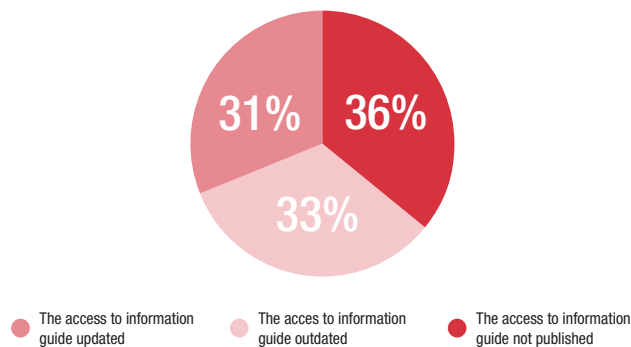


Chart 18: Proactive publishing of up-to-date Guide on the websites of state administration bodies (Item 1, Article 12, Law on FAI)

Only 11%, i.e. four analyzed institutions have public registers and public records disclosed on their websites: the Real Estate Administration, the Directorate for Food safety, Veterinary and Phytosanitary Affairs, the Statistical Office and the State Archives. No other document that can be considered a public register or public record has been identified on the websites of other institutions.

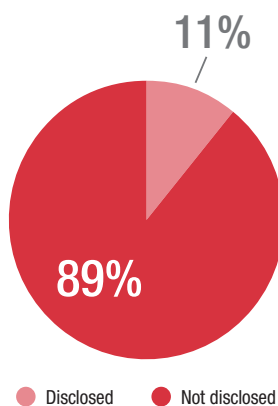


Chart 19: Proactive disclosure of public registers and public records on the websites of state administration bodies (item 2, Article 12, Law on FAI)

6.3.3.2. Strategies, plans, laws and reports

When it comes to plans and work programmes, only about a third of the state administration bodies publish these documents, which are not always timely updated. At the time of the analysis, this information was updated in accordance with the Law on the websites of the Tax Administration, the Agency for Nature and Environment Protection, the Human Resources Administration, the Public Procurement Administration, the Property Administration, the Secretariat for Development Projects, the Statistical Office, the Bureau for Education Services, the Metrology Institute, the Institute for Social and Child Protection and the Directorate for the Protection of Classified Information.

Plans and work programmes were outdated on the websites of the Directorate for Food safety, Veterinary and Phytosanitary Affairs and the State Archives, while on the websites of other institutions these documents were not disclosed.

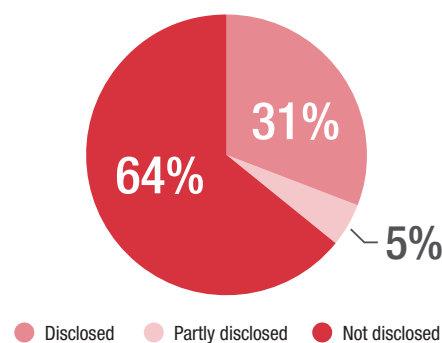


Chart 20: Proactive disclosure of programmes and work plans on the websites of state administration bodies (Item 3, Ar.12, Law on FAI)

Among disclosed documents, more than half of the information is recorded only when it comes to reports and other documents on work and state in the areas within the competence of the institutions. When we look at the structure of these documents, we see that just under half of these institutions regularly update the information defined in the fourth paragraph of the Law.

Those are: the Tax Administration, the Games of Chance Administration, the Forest Administration, the Agency for Nature and Environment Protection, the Administration for Prevention of Money Laundering and Terrorist Financing, the Public Procurement Administration, the Administration for Inspection Affairs, the Property Administration, the Secretariat for Legislation, the Secretariat for Development Projects, the Statistical Office, the Institute of Hydrometeorology and Seismology, the Bureau for Education Services, the Institute for So-

cial and Child Protection, the State Archives, the Directorate for the Protection of Classified Information. Reports and other documents within their competence are partly published by the Customs Administration, the Intellectual Property Office, the Maritime Safety Department, the Railway Directorate, the Directorate for Food safety, Veterinary and Phytosanitary Affairs, the Directorate for the Care of Refugees, the Human Resources Administration and the Metrology Institute.

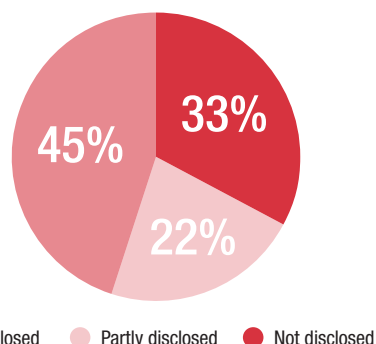


Chart 21: Proactive disclosure of reports and other documents in areas within the competence of the state administration bodies (Item 4, Article 12, Law on FAI)

Compared to the information published in accordance with the Law on FAI, **drafts, proposals and final texts of strategic documents and plans and programs for their use are low-represented. Only three reporting entities of the Law from the analyzed group of institutions have these documents on their websites:** the Statistical Office, the Metrology Institute and the Institute for Social and Child Protection. Seven analyzed institutions publish this information but incompletely: the Customs Administration, the Games of Chance Administration, the Railway Directorate, the Forest Administration, the Human Resources Administration, the Administration for Prevention of Money Laundering and Terrorist Financing, the Public Procurement Administration. There were no such types of documents on other analyzed sites.

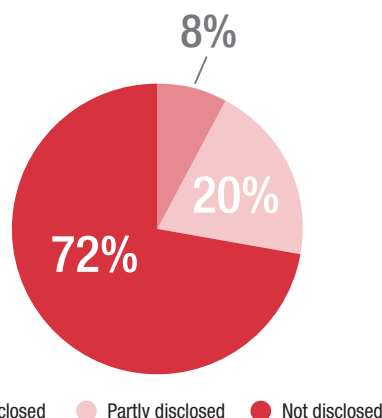


Chart 22: Proactive disclosure of drafts, proposals and final texts of strategic documents and plans and programs for their implementation by the state administration bodies (Item 5, Article 12, Law on FAI)

Drafts and proposals of laws and other regulations, as well as opinions of experts on these regulations are least represented on the analyzed websites, less than 6%. Even when these data are disclosed, the information is either incomplete or partially published on the websites of the Tax Administration, the Forest Administration, the Secretariat for Legislation and the Bureau for Education Services, while on other sites it was not possible to record these documents.

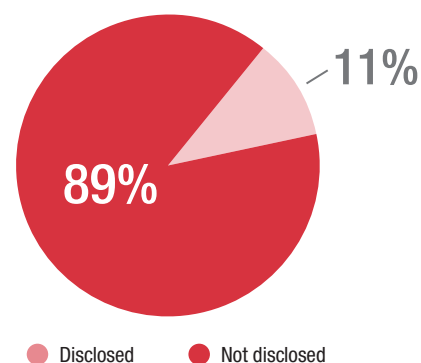


Chart 23: Proactive disclosure of drafts and proposals of laws and other regulations, as well as opinions of experts delivered in relation to those regulations by the state administration (Item 6, Article 12, Law on FAI)

6.3.3.3. Data on finances and use of public resources

Only a few state administration bodies disclosed single acts and contracts on use of financial resources originating from public revenues and of state-owned property. They are published on websites of the Forest Administration, the Human Resources Administration, the Administration for Inspection Affairs, the Property Administration, the Secretariat for Legislation, the Statistical Office. This information was incomplete on the websites of the Tax Administration, the Institute of Hydrometeorology and Seismology, the Institute for Social and Child Protection and the State Archives, while the other 28 sites did not disclose this information.

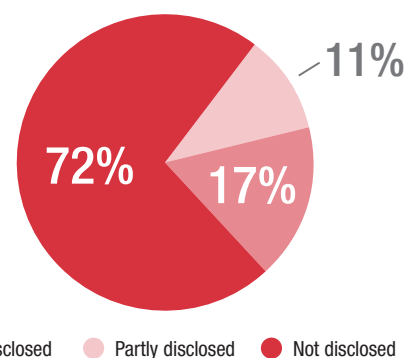


Chart 24: Proactive disclosure of single acts and contracts on the use of financial resources originating from public revenues and of state-owned property by the state administration bodies (Item 7, Article 12, Law on FAI)

When it comes to lists of civil servants and state employees with their titles, the analysis has shown that these documents are regularly disclosed by only several institutions, the Bureau for Execution of Criminal Sanctions, the Games of Chance Administration, the Real Estate Administration, the Human Resources Administration, the Public Procurement Administration, the Secretariat for Legislation, the Secretariat for Development Projects, the Institute of Hydrometeorology and Seismology, the Metrology Institute and the State Archives. Other institutions do not have these documents on their sites.

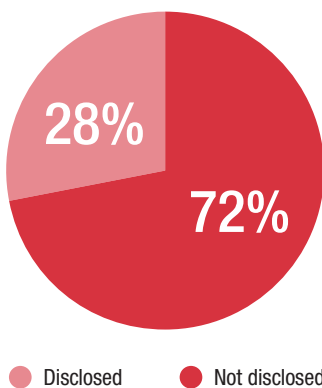


Chart 25: Proactive disclosure of list of civil servants and state employees with their titles by the state administration bodies (Item 8, Article 12, Law on FAI)

Analyzed institutions rarely proactively disclose the list of public officials and pay lists for them, as well as list of other incomes related to exercise of public function.

This information is regularly updated by the Bureau for Execution of Criminal Sanctions, the Games of Chance Administration, the Secretariat for Legislation, the Secretariat for Development Projects, the Bureau for Education Services, the Metrology Institute, the Institute for Social and Child Protection, the Directorate for the Protection of Classified Information. This information is partly available on websites of the Customs Administration, the Administration for Prevention of Money Laundering and Terrorist Financing and the State Archives.

The remaining 25 analyzed institutions do not have this information on their websites.

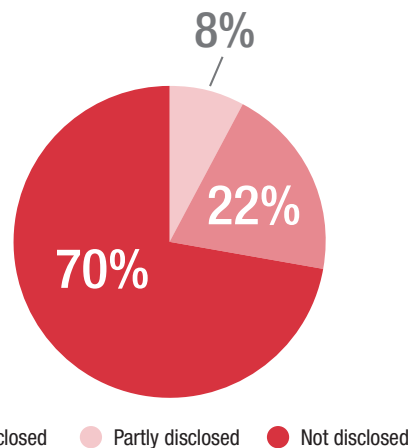


Chart 26: Proactive disclosure of list of public officials and pay lists for them, as well as list of other incomes related to exercise of public function by the state administration bodies (Item 9, Article 12, Law on FAI)

6.3.3.4. Single acts

Only one third of the analyzed institutions disclose decisions and other single acts that are of importance to rights, duties, and interests of third parties: the Customs Administration, the Games of Chance Administration, the Directorate for Protection of Cultural Property, the Administration for Inspection Affairs, the Secretariat for Legislation, the Statistical Office, the Institute for Social and Child Protection, the State Archives, the Directorate for the Protection of Classified Information entirely publish these single acts.

The Tax Administration, the Maritime Safety Department, the Railway Directorate, the Forest Administration, the Agency for Nature and Environment Protection and the Metrology Institute do not publish these documents up-to-date and entirely, while on the websites of other analyzed institutions this information is not identified.

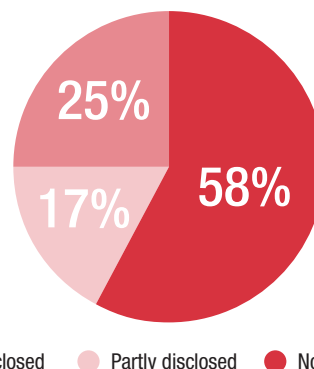


Chart 27: Proactive disclosure of decisions and other single acts that are of importance to rights, duties, and interests of third parties by the state administration bodies (Item 10, Article 12, Law on FAI)

Finally, there are very few state administration institutions that disclose information on their websites to which they have granted access upon request for free access to information submitted by a legal or natural person, which should be in the interest of the institutions so that they do not repeatedly respond to the same information requests.

However, only the Customs Administration, the Human Resources Administration, the Administration for Inspection Affairs and the Institute for Social and Child Protection publish this information, while the Statistical Office and the Bureau for Education Services publish only decisions on submitted requests, without the information itself. On the websites of other institutions, this information is not available.

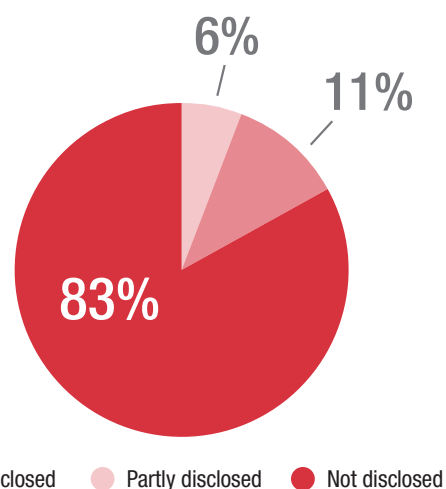


Chart 28: Proactive disclosure of information to which the access was granted upon request by the state administration bodies (Item 11, Article 12, Law on FAI)

6.4. CAPITAL CITY

6.4.1. Level of proactivity of informing by the Capital City

No city body discloses fully the information in the manner prescribed by the Law on FAI.

The proactivity analysis of 29 bodies of the Capital City shows that none of these institutions fully complied with the obligations prescribed by the Law on FAI.

Thirteen years after the adoption of the Law on FAI, institutions within the Capital City are just showing certain indications of the fact that they should proactively inform citizens in accordance with the Law. Most administration bodies, as well as professional and special services, have a section on the website where proactive disclosure of information is foreseen. However, this does not mean that the city authorities have completely standardized the way of proactive publishing of information, but on the other hand, based on 29 analyzed internet presentations; it cannot be said for any of the city authorities to be highly proactive.

The highest level of proactivity of city authorities reaches only half of the proactively published information, so we categorize the following:

1. medium proactive city authorities, which disclose between one-third and one half of the most easily accessible information provided by Article 12 of the Law on FAI: Communal Services Company LLC, „Čistoća“ LLC, Water Supply and Sewerage LLC, Secretariat for local self-government, Parking Service Company LLC, Housing Agency and Protection and Rescue Service.

2. city authorities with low proactivity, which also largely have easily accessible information, but their total volume is less than one third: Sports Facilities Company LLC, „Tržnice i pijace“ LLC, „Deponija“ LLC, „Putevi“ LLC, „Zelenilo“ LLC, Funeral Services Company LLC, Secretariat for Finances, Agency for Construction and Development of Podgorica, Property Directorate, Information System Center, Communal Police, Secretariat for Culture and Sports, Secretariat for Work, Youth and Social Welfare, Secretariat for Communal Affairs and Traffic, Secretariat for Urban and Spatial Planning and Environmental Protection, General Affairs Service, the Manager's Office, Office of the Chief Administrator, Local Public Revenue Administration, Mayor's Office, Communal Inspection, Internal Audit Service.



Tag on the website for pages where proactive publishing of information on the Law on FAI is envisaged

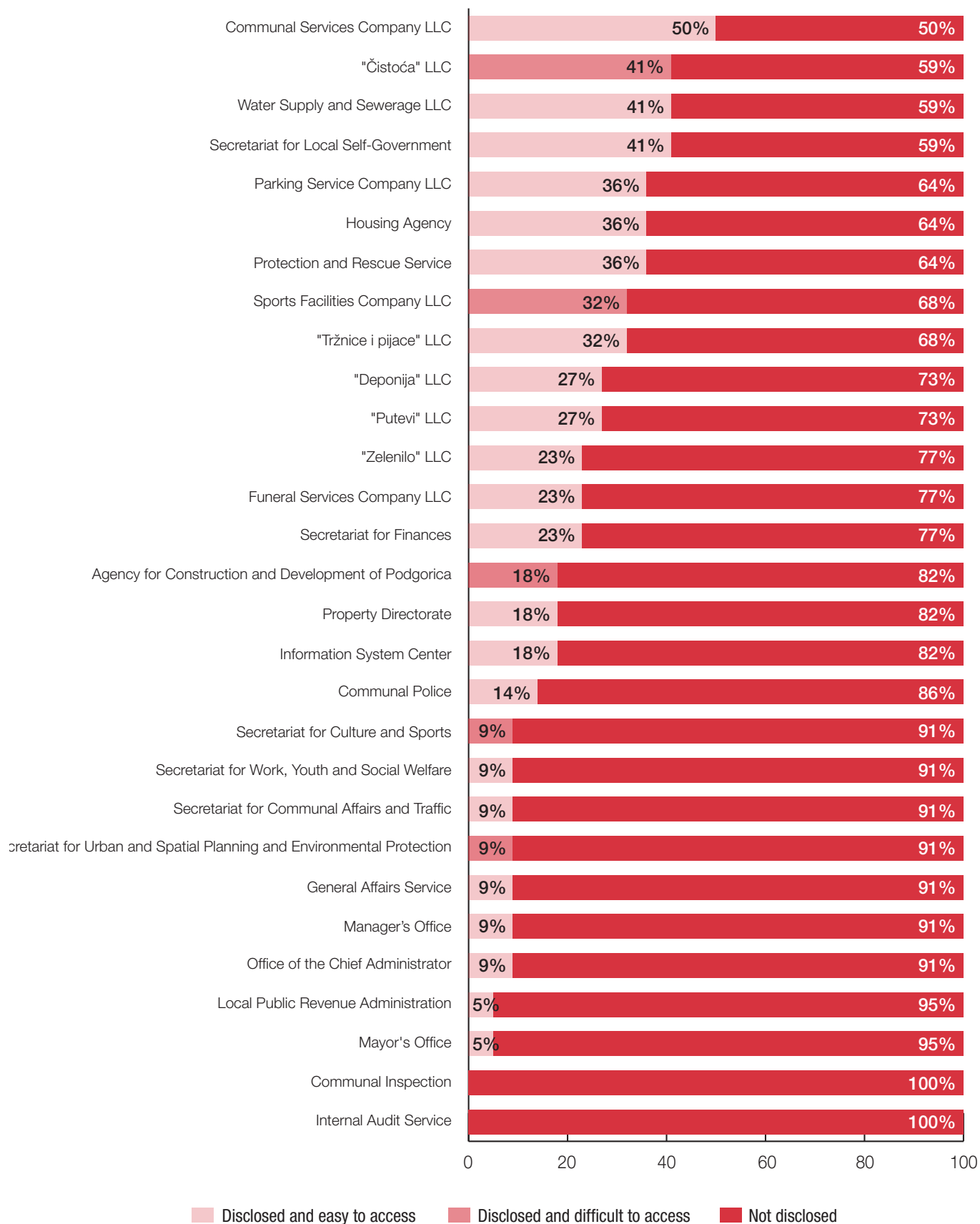


Chart 29: Volume and accessibility of disclosed information on the websites of authorities of the Capital City according to the Law on FAI

6.4.2. Transparency of proactively disclosed information on the websites of bodies of the Capital City

Contrary to the extremely low volume of proactively disclosed information, city authorities have mostly transparent websites on which it is easy to search and find information. Professional and special services and administration bodies have fairly uniform websites, which also simplifies their search and is significant in terms of proactive informing of citizens.

Among the analyzed websites, the websites of the Secretariat for spatial and urban planning

and environmental protection, the Secretariat for Culture and Sport and the Public Enterprise “Čistoća“, are insufficiently transparent, while the websites of the Agency for Construction and Development of Podgorica and the Public Enterprise “Sport facilities“ are somewhat more transparent. These secretariats, for example, have published a series of documents in the sections indicated, but it was impossible to access them because of the unreadable format.

Other websites within the jurisdiction of the Capital City are transparent.

NAME OF THE INSTITUTION	DEGREE OF TRANSPARENCY OF THE WEBSITE
Mayor's Office	TRANSPARENT
Office of the Chief Administrator	
Manager's Office	
General Affairs Service	
Communal Police	
Protection and Rescue Service	
Information System Center	
Internal Audit Service	
Communal Inspection	
Secretariat for Local Self-Government	
Secretariat for Finances	
Secretariat for Communal Affairs and Traffic	
Secretariat for Work, Youth and Social Welfare	
Local Public Revenue Administration	
Property Directorate	
Housing Agency	
Parking Service Company LLC	
“Putevi” LLC	
“Tržnice i pijace” LLC	
Water Supply and Sewerage LLC	
Communal Services Company LLC	
Funeral Services Company LLC	
“Zelenilo” LLC	
“Deponija” LLC	
Agency for Construction and Development of Podgorica	MEDIUM TRANSPARENT
Sports Facilities Company LLC	
Secretariat for Urban and Spatial Planning and Environmental Protection	NON-TRANSPARENT
Secretariat for Culture and Sports	
“Čistoća” LLC	

Table 4: Transparency of websites of the city authorities

6.4.3. Categories of proactively disclosed information of the Capital City authorities

The city authorities did not even partly disclose information in any of the categories of data for which the Law stipulates that must be posted on the websites of the competent authorities.

It is clear that bodies within the Capital City or whose founder is the Capital City are reporting entities of the Law on FAI, and are obliged to post documents containing the foreseen information on the website in a timely manner, in full scope, in

readable formats and on the visible and easily accessible pages of the website.

The analysis shows that **on half of the analyzed websites, it was not possible to record timely uploaded Free Access to Information Guides, while no city authority contains drafts or proposals for the laws or strategic documents, nor any kind of public registries or records on its website.**

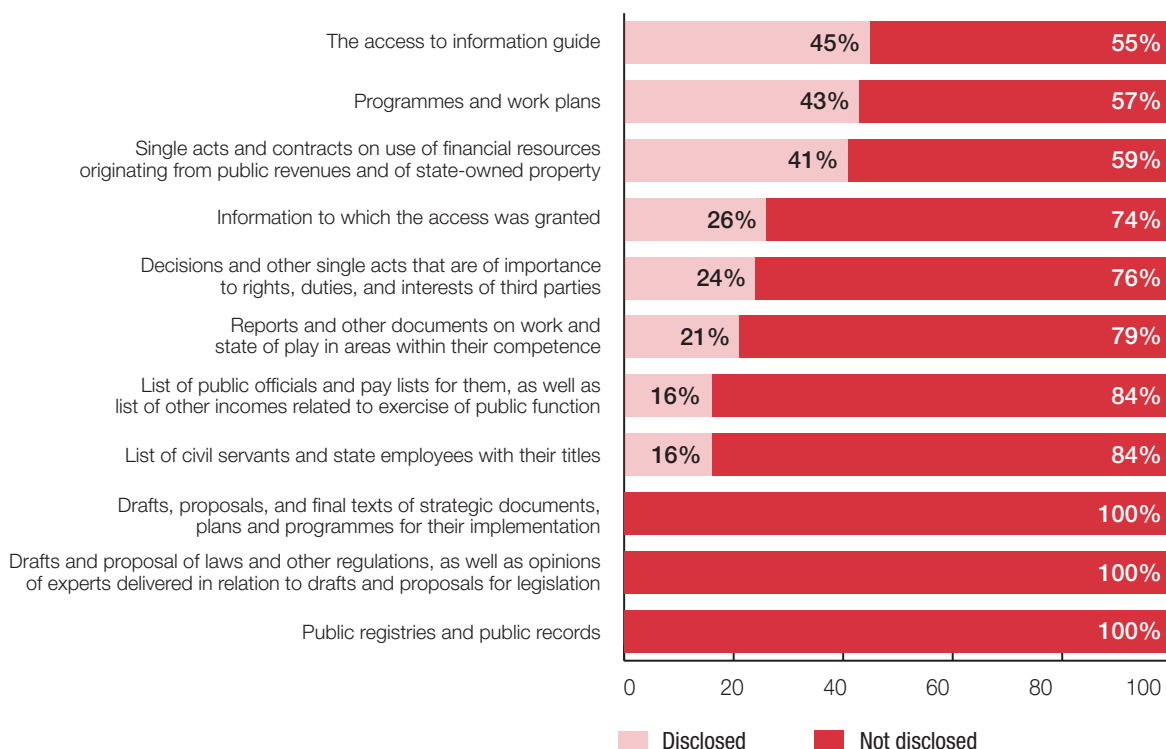


Chart 30: Percentage of disclosed information on the websites of the city authorities according to the items of the Law on FAI (summary)

6.4.3.1. Guides and public registers

Analysis of the type of information that the city authorities proactively disclose **shows an extremely low percentage of updating the Free Access to Information Guide.** At the time of the analysis, up-to-date Guides were on the websites of the Communal Police, Water Supply and Sewerage LLC, "Čistoća" LLC. On the internet presentations of the Internal Audit Service, Communal Inspection, Secretariat for Labor, Youth and Social Welfare, 'Agency for Construction and Development Podgorica, Housing Agency, "Tržnice i pijace" LLC there was no document of this kind. Other city authorities had outdated Free Access to Information Guides or Guides that did not indicate the date of publishing.

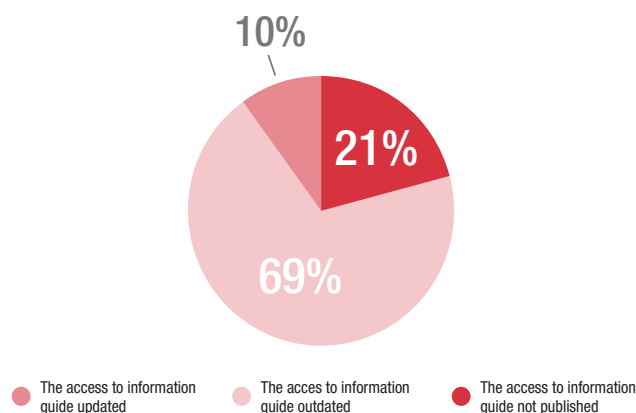


Chart 31: Proactive disclosure of up-to-date Guide on the websites of the city authorities (Item 1, Article 12, Law on FAI)

It was not possible to identify a document that could represent any type of public registry or public record on any of the analyzed websites.

6.4.3.2. Strategies, plans, laws and reports

More than half of the analyzed city authorities have no programs and work plans for the current period. Work plans or programs from the previous years have the Secretariat for Local Self-Government, Agency for Development Podgorica and Funeral Services Company LLC. The following authorities published their work programs and plans on their websites in a timely manner: the Protection and Rescue Service, Housing Agency LLC, Parking Service Company LLC, "Putevi" LLC, "Tržnice i pijace" LLC, Water Supply and Sewerage LLC, "Čistoća" LLC, Communal Services Company LLC, "Zelenilo" LLC, Sports Facilities Company LLC and "Deponija" LLC. Other institutions did not disclose their plans at all on their websites.

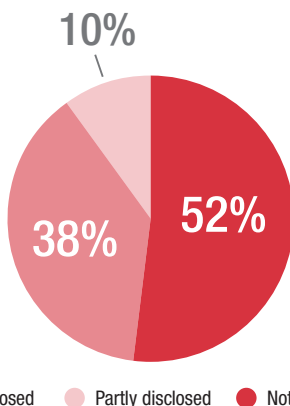


Chart 32: Proactive publishing of programs and work plans on the websites of the city authorities (Item 3, Article 12, Law on FAI)

Compared to work plans, there is a significantly lower level of proactivity when it comes to disclosure of work reports. Less than one-third of the analyzed websites have an updated or outdated work report. Reports complied with the Law have been published by the Protection and Rescue Service, Parking Service Company LLC and Communal Service Company LLC. Reports for the previous periods can be found on the websites of the Secretariat for Local Self-Government, the Secretariat for Finance, the Agency for Construction and Development of Podgorica, the Housing Agency, Water Supply and Sewerage LLC and "Čistoća" LLC. Other bodies did not disclose their work reports.

In the analyzed period, no draft, proposal or final text of a strategic document, nor draft or proposal for the law, was found on the website of the Capital City bodies.

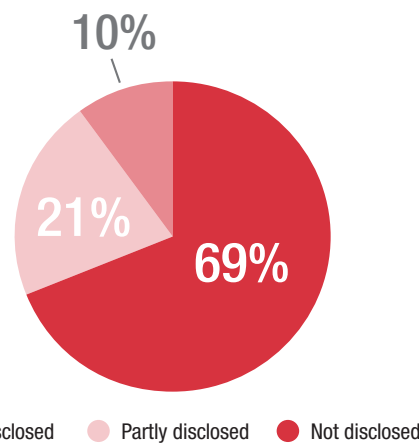


Chart 33: Proactive disclosure of reports and other documents in areas within the competence of the city authorities (Item 4, Article 12, Law on FAI)

6.4.3.3. Data on finances and use of public resources

Single acts on the use financial resources originating from public revenues and of state-owned property in accordance with the Law have not been disclosed in half of the analyzed websites. These acts, together with contracts, were published by the Information System Center, the Secretariat for Local Self-Government, the Secretariat for Finance, the Property Directorate, the Housing Agency, "Putevi" LLC, "Tržnice i pijace" LLC, the Communal Services Company LLC and the Sports Facilities Company LLC.

Different single acts related to finances, but without a contract, were published by the Agency the Construction and Development of Podgorica, Parking Service Company LLC, Water Supply and Sewerage LLC, "Čistoća" LLC, Funeral Services Company LLC and "Deponija" LLC. The other 14 bodies within the Capital City did not proactively disclose the documents on finances, in the manner provided by the Law on FAI.

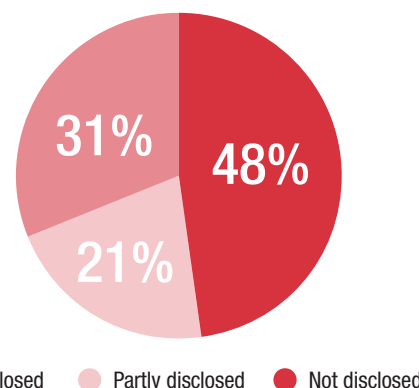


Chart 34: Proactive disclosure of single acts and contracts on the use of financial resources originating from public revenues and of state-owned property by the city authorities (Item 7, Article 12, Law on FAI)

Lists of civil servants of the Capital City are rarely disclosed. Only the Secretariat for Local Self-Government and the Protection and Rescue Service had up-to-date lists on their websites at the time of analysis. These lists have been published partly by the Water Supply and Sewerage LLC, “Čistoća” LLC, Communal Service Company LLC, Sports Facilities Company LLC and “Deponija” LLC. As many as 17 analyzed websites do not contain lists of civil servants.

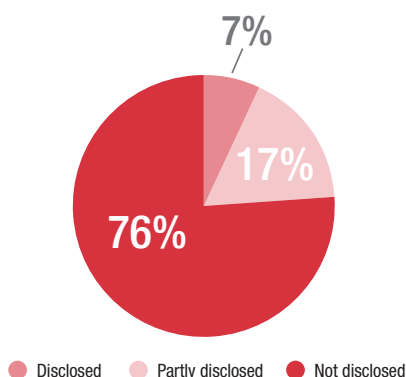


Chart 35: Proactive disclosure of list of civil servants and state employees with their titles by the city authorities (Item 8, Article 12, Law on FAI)

Lists of public officials are partially disclosed on almost a third of the websites, without a pay lists for them and a list of other incomes, which is a clearly prescribed legal obligation. These lists are recorded as published even when published on the central website of the Capital City. These are the Agency for Construction and Development of Podgorica, the Housing Agency, the Parking Service Company LLC, “Tržnice i pijace” LLC, the Water Supply and Sewerage LLC, “Čistoća” LLC, the Communal Services Company LLC, the Funeral Services Company LLC and “Zelenilo” LLC. Other city authorities did not even partially fulfill this legal obligation.

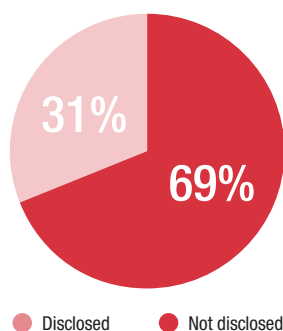


Chart 36: Proactive disclosure of list of public officials and pay lists for them, as well as list of other incomes related to exercise of public function by the city authorities (Item 9, Article 12, Law on FAI)

6.4.3.4. Single acts

Only the Secretariat for Work, Youth and Social Welfare had this category of information on its

website during the analysis period. Various single documents from this category are to a lesser extent recorded on the websites of the Secretariat for Local Self-Government, the Housing Agency, the Parking Service Company LLC, “Putevi” LLC, “Tržnice i pijace” LLC, the Water Supply and Sewerage LLC, the “Čistoća” LLC, the Communal Services Company LLC, the Funeral Services Company LLC, “Zelenilo” LLC, the Sports Facilities Company LLC and “Deponija” LLC. More than half of the city authorities did not proactively publish this type of document.

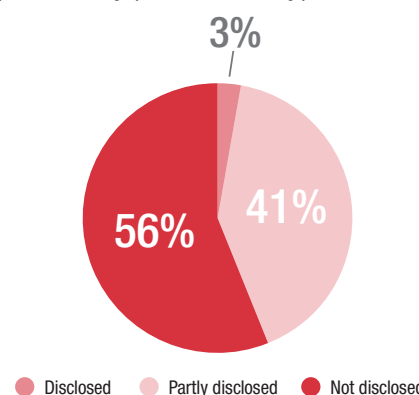


Chart 37: Proactive disclosure of decisions and other single acts that are of importance to rights, duties, and interests of third parties by the city authorities (Item 10, Article 12, Law on FAI)

When it comes to decisions and information published upon request, this is a category that is also not disclosed in accordance with the law. Half of the city authorities published the decisions upon requests for free access to information, but without the information requested. These are the Office of the Chief Administrator, the Manager’s Office, the General Affairs Service, the Communal Police, the Protection and Rescue Service, the Information System Center, the Secretariat for Local Self-Government, the Secretariat for Finance, the Secretariat for Public Affairs and Communication, the Secretariat for Culture and Sports, the Property Directorate, the Housing Agency, “Tržnice i pijace” LLC and the Communal Services Company LLC. In the second half of the analyzed web pages, these documents have not been published in any way.

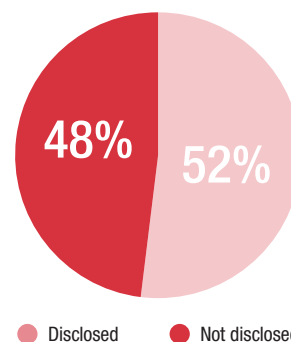


Chart 38: Proactive disclosure of information to which the access was granted upon request by the city authorities (Item 11, Article 12, Law on FAI)

6.5. LOCAL SELF-GOVERNMENTS IN MONTENEGRO

6.5.1. Level of proactivity of informing by the local self governments in Montenegro

No municipality discloses fully the basic information in the manner prescribed by the Law on FAI.

More than half of the units within the local self-governments have not published a Guide for Free Access to Information. When it comes to finance, the percentage of disclosed budget plans is almost two times higher than the disclosed budget reports.

Municipalities are far from standardized placement of information about their work, since their websites are not even similar.

Measuring the volume of proactivity in disclosure of the basic information by the local self-governments in Montenegro shows a different degree of proactivity. There are the following groups:

1. highly proactive municipalities: Andrijevića with 87% of disclosed, but not easily accessible, information provided by the Law on FAI, then Berane, Bar and Tivat with about 80% of easily accessible disclosed information and Žabljak with about ¾ disclosed but difficult to access information;

2. medium-proactive municipalities, which proactively disclose between one and two thirds of information: Plav, Mojkovac, Pljevlja, Šavnik, Kolašin and Cetinje;

3. municipalities with low proactivity, which disclose on their websites less than a third of, as a rule, difficult to access information: Ulcinj, Petnjica, Kotor, Herceg Novi, Bijelo Polje, Budva, Danilovgrad, Plužine, Nikšić, Rožaje and Gusinje.

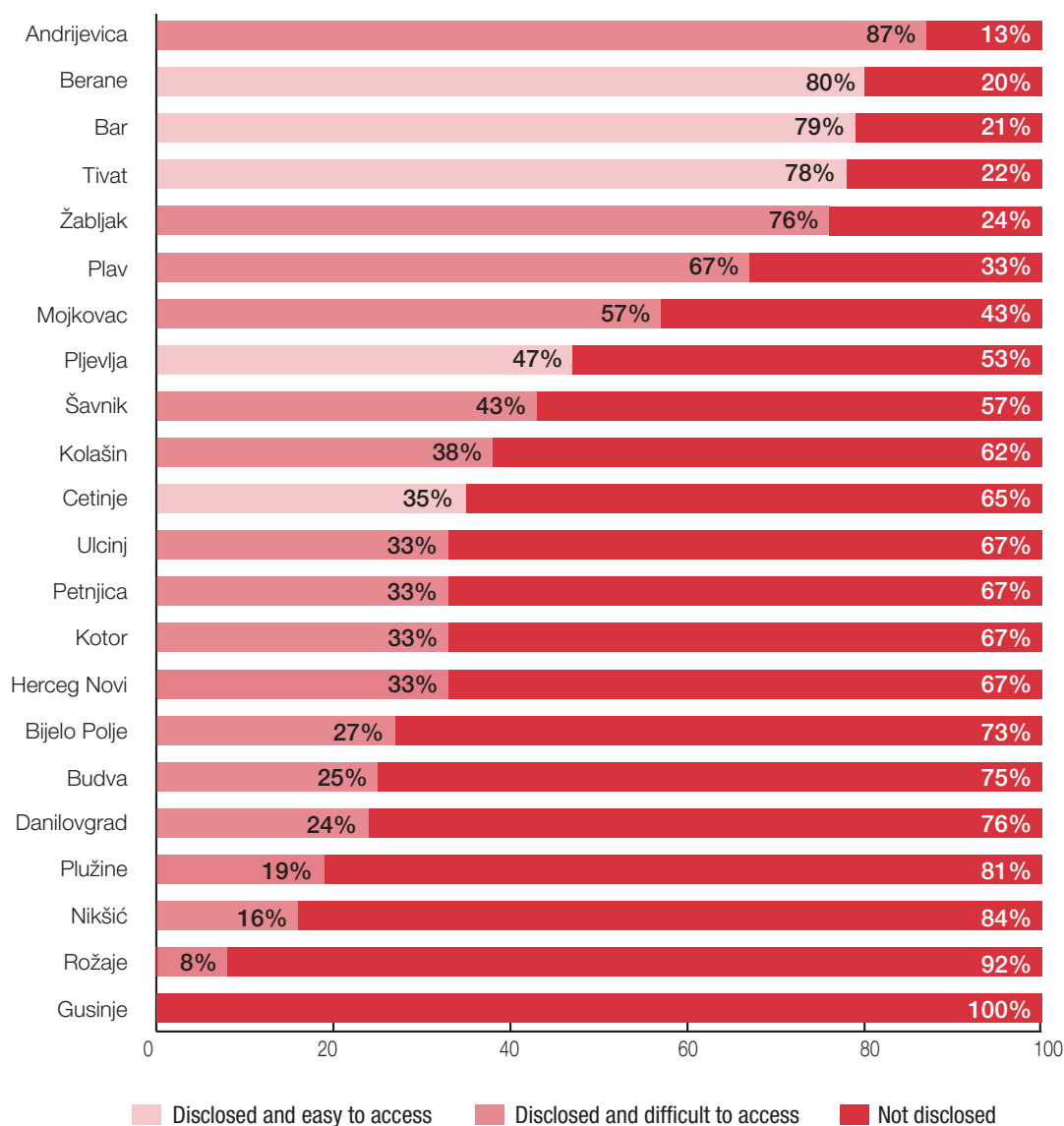


Chart 39: Volume and accessibility of published information on the websites of the local self-governments in Montenegro according to the Law on FAI

6.5.2. Transparency of proactively disclosed information by the local self governments

Among the websites of the municipalities in Montenegro, the most proactive and with the highest level of interaction with users and information seekers, from the viewpoint of proactive publishing of information, are the websites of the municipalities of Bar, Berane, Tivat, Cetinje and Pljevlja.

Medium-transparent websites are websites on which it takes more time and steps to find proactively published information and information

important for citizens. Such websites are of the municipalities of Andrijevica, Bijelo Polje, Budva, Kotor, Mojkovac, Nikšić, Petnjica, Plužine, Rožaje, Ulcinj, Šavnik, Žabljak.

Poorly transparent websites are the websites of the municipalities of Danilovgrad, Gusinje, Herceg Novi, Kolašin and Plav. These websites do not have separate sections on which the information under the Law on FAI would be published.

NAME OF THE INSTITUTION	DEGREE OF TRANSPARENCY OF THE WEBSITE
Bar	TRANSPARENT
Berane	
Tivat	
Cetinje	
Pljevlja	
Andrijevica	MEDIUM TRANSPARENT
Bijelo Polje	
Budva	
Kotor	
Mojkovac	
Nikšić	
Petnjica	
Plužine	
Rožaje	
Ulcinj	
Šavnik	
Žabljak	
Danilovgrad	NON-TRANSPARENT
Gusinje	
Herceg Novi	
Kolašin	
Plav	

Table 5: Transparency of the websites of the municipalities

6.5.3. Categories of proactively published data by the local self-governments

Municipalities did not disclose all information in any of the basic categories of data that must be posted on their websites.

It is clear that local self-governments, as reporting entities of the Law on FAI, are obliged to post documents containing the foreseen information on the website in a timely manner, in full scope, in

readable formats and on the visible and easily accessible pages of the website.

Taking into account the specificity of institutions at the local level and the methodology in this part of the analysis, and reduction of proactivity indicators to three categories, **it has been established that municipalities in Montenegro do not proactively publish in accordance with the Law even the basic information.**

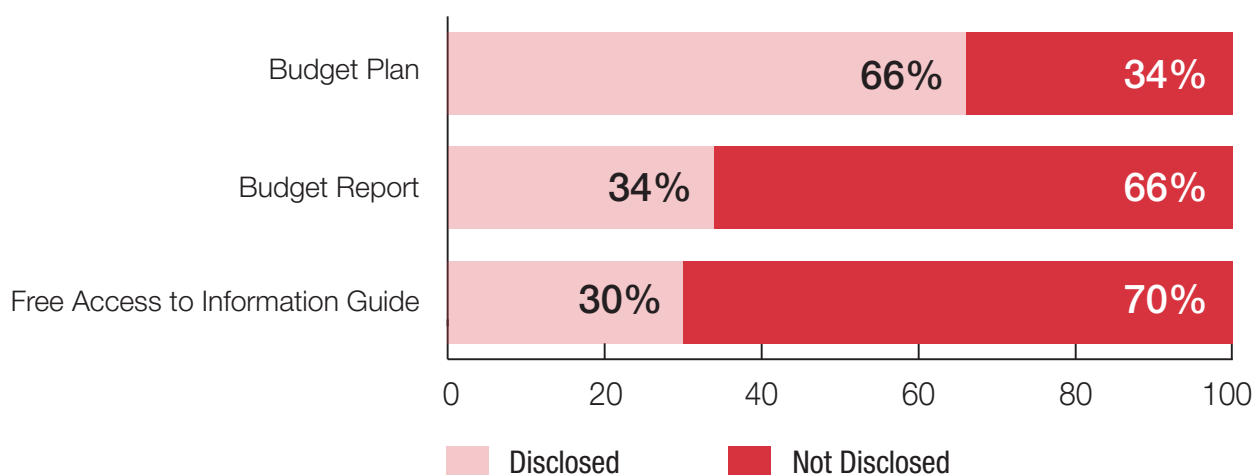


Chart 40: Percentage of disclosed basic information on the websites of the municipalities (summary)

Among the basic information, the findings show that **municipalities mostly disclose budget plans, while the least represented are the Free Access to Information Guides. Interestingly, the percentage of disclosed budget reports is almost half the percentage of disclosed budget plans.**

6.5.3.1. Free Access to Information Guides

Analysis of the basic types of information proactively disclosed by the local self-governments shows that municipalities in Montenegro do not publish Guides for free access to information that apply to the entire municipality, but Guides are published at the level of separate units of local self-governments.

When we look at the overall representation of the Guide on the webpages of separate units in the local self-governments, **we see that only 13%, or 36 of the 284 analyzed units, have an up-to-date guide on their website.** More than half of the units at the time of the analysis did not have

this document on their webpages at all. A third of municipal authorities did not update the Guides in accordance with the Law on their webpages, or those were the documents for which it was not possible to determine the date of publishing.

Despite the varying level of proactivity in publishing the Guide, **certain regularities can be recorded at the municipal level, so some municipalities generally do not have the Guide, some Guides are outdated on some websites, while in some municipalities most units are proactive and regularly update their Guides.**

For example, almost all municipal units in Bijelo Polje have an up-to-date Guide, most municipal units in Ulcinj, Berane, Nikšić have outdated Guides, while on the websites of the municipalities of Herceg Novi, Gusinje, Kotor, Petnjica, Plav it was almost impossible to record any kind of Guide for free access to information. According to representation and updating of the Guide at the level of municipal units, Bijelo Polje and Andrijevica are ranked the best.

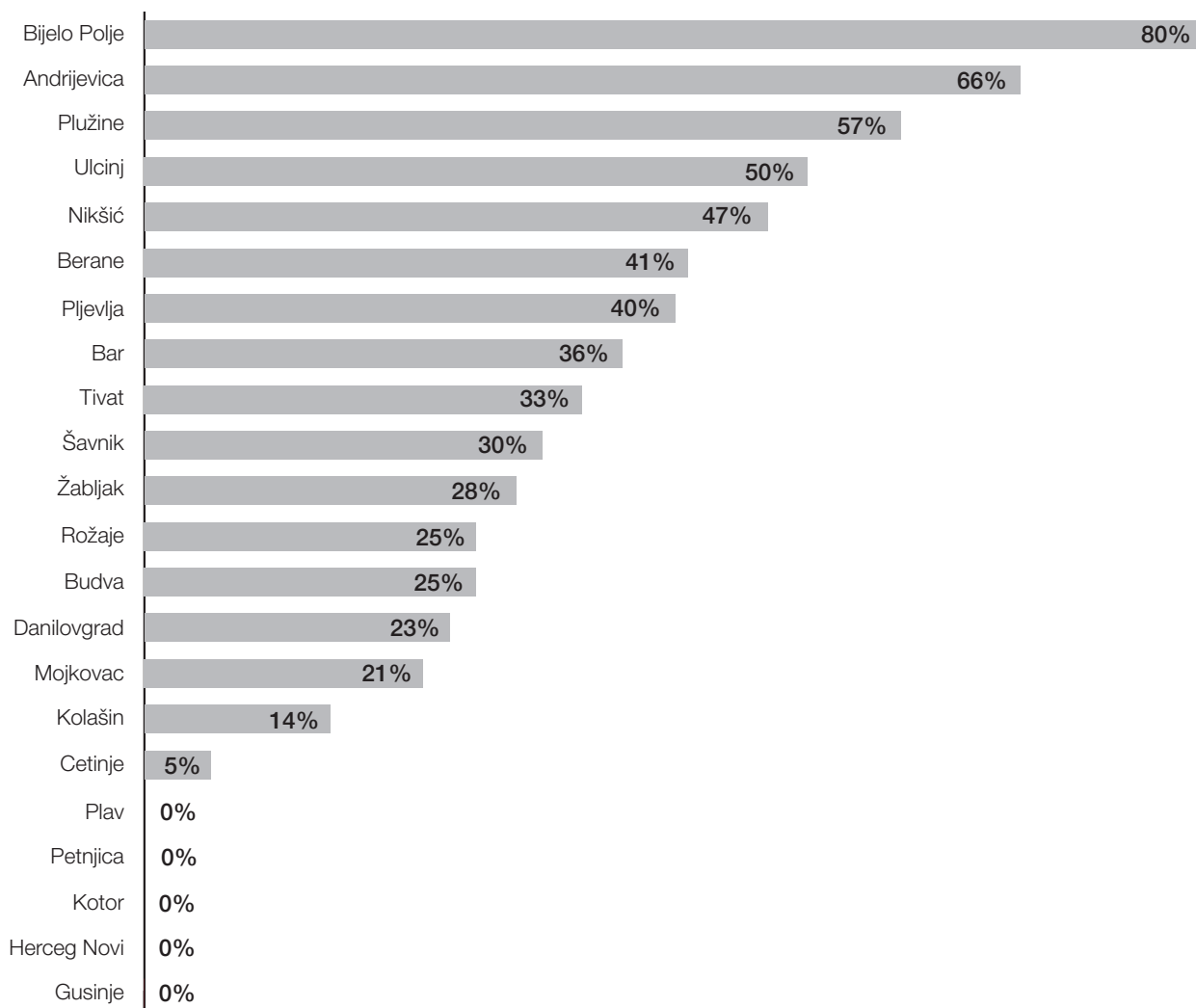


Chart 41: Proactivity of the municipalities in publishing and updating the Guide for Free Access to Information

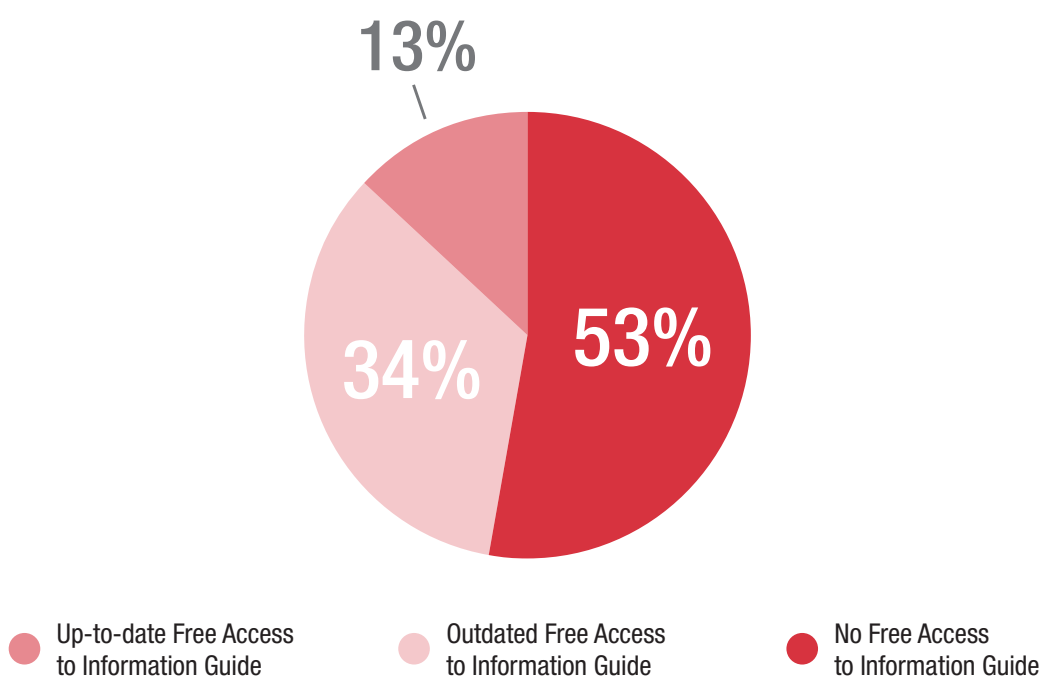


Chart 42: Proactive publishing of the Free Access to Information Guide on the websites of the municipalities (Item 1, Article 12, Law on FAI)

6.5.3.2. Data on finances – Budget Plan and Budget Report

As stated above, proactive publishing of information by the local self-governments on their finances is viewed through two indicators: presence/absence of up-to-date or outdated documents representing the annual Budget Plan and the Budget Report.

Analysis shows that municipalities are more up-to-date with regard to publishing the budget plan, rather than a report on its spending.

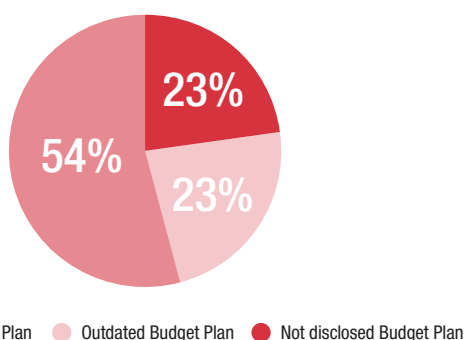


Chart 43: Proactive disclosure of the Budget Plan on the websites of the municipalities

Budget Plans for the current year are listed on the websites of 12 municipalities: Andrijevica, Bar, Berane, Herceg Novi, Kotor, Mojkovac, Petnjica, Plav, Tivat, Žabljak, Cetinje and Pljevlja. On the internet presentations of the municipalities of Budva, Danilovgrad, Kolašin, Ulcinj and Šavnik, incomplete or outdated documents on planned budget spending have been recorded. According to the pages of their websites, there is no proactivity regarding disclosure of public money consumption

plan by the municipalities of Bijelo Polje, Gusinje, Nikšić, Plužine and Rožaje.

As presented in Chart 44, the level of proactivity in informing the public when it comes to reporting on implementation of municipal budget spending plans is significantly lower.

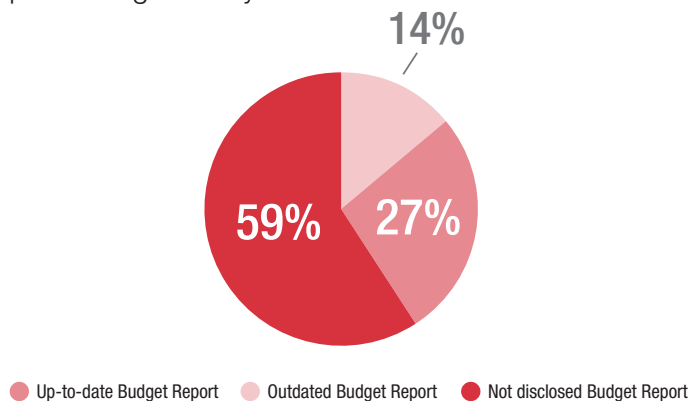


Chart 44: Proactive disclosure of the Budget Report on the websites of the municipalities

Budget Reports are disclosed in a timely manner by the municipalities of Andrijevica, Bar, Berane, Plav, Tivat and Žabljak. Reports are registered, but not the up-to-date ones, on the websites of three municipalities: Kolašin, Mojkovac, Šavnik. More than half of the municipalities in Montenegro did not publish on its website a document on the basis of which the public could gain insight into the way in which local self-governments spend money. These are the municipalities of Bijelo Polje, Budva, Danilovgrad, Gusinje, Herceg Novi, Kotor, Nikšić, Petnjica, Plužine, Rožaje, Ulcinj, Cetinje and Pljevlja.

6.6. PUBLIC ENTERPRISES

6.6.1. Level of proactivity of informing by the public companies in Montenegro

No public enterprise publishes fully discloses the information in the manner prescribed by the Law on FAI.

The proactivity analysis of 33 public enterprises shows that none of these business entities fully complied with the obligations prescribed by the Law on FAI.

Most public enterprises are aware of the obligation to comply with the Law on FAI, which is evidenced by the fact that most of them have published the Free Access to Information Guide, while some of them have special sections on their websites reserved for information published in accordance with the Law on FAI. This is mostly the “Free Access to Information” section.

When it comes to the degree of proactivity, **no enterprise has published more than two thirds of the information prescribed by law.** Therefore we have classified the following groups:

1. medium proactive public enterprises, that publish between one quarter and two thirds of easier or harder to access information: Monteput LTD Podgorica, PE for Coastal Zone Management of Montenegro, Vodacom Tivat, Montenegro Post JSC Podgorica, PE National Parks of Montenegro, Montenegrin Electric Transmission System JSC Podgorica (CGES), Montenegrin Electricity Market Operator (COTEE), Montecargo JSC Podgorica, Montefarm, Montenegrin Electric Enterprise JSC Nikšić, Center for Ecotoxicological Research of Montenegro, Procon Ltd Podgorica, Port of Kotor, Railway Transport of Montenegro JSC Podgorica, Railway Infrastructure of Montenegro JSC - Podgorica, PE Regional Waterworks for the Montenegrin Coast;

2. public enterprises with low proactivity and small scope of disclosed information on mostly nontransparent websites: Montenegrin Electricity Distribution System Operator JSC Podgorica (CEDIS), Radio diffusion center LTD Podgorica, Budvanska Rivijera Hotel Group JSC Budva, Port of Bar - JSC Bar, Railway Vehicles Maintenance JSC Podgorica, Montenegro Bonus LTD Cetinje, “Barska plovdba” JSC Bar, Coal mine JSC Pljevlja;

3. public enterprises that do not disclose information prescribed by the Law on FAI: Wireless Montenegro LTD, Hotel management company “Ulcinjska rivijera” JSC Ulcinj, Insti-

tute Dr Simo Milošević, Crnogorska Plovidba JSC, Institute of Ferrous Metallurgy JSC Nikšić, Montenegro Airlines JSC Podgorica, “13. Jul – Plantaže” JSC Podgorica, PE Airports of Montenegro, while Castello Montenegro JSC Pljevlja has no website.

6.6.2. Transparency of proactively disclosed information

The most transparent websites of public enterprises and the ones with the highest degree of interactivity with users are the websites of the Railway Infrastructure of Montenegro JSC Podgorica, Montenegro Rail Transport JSC Podgorica, Montecargo JSC Podgorica, Port of Bar JSC Bar, “13. Jul – Plantaže” JSC Podgorica, Institute of Ferrous Metallurgy JSC Nikšić, Procon LTD Podgorica, Montenegro Post JSC Podgorica, Crnogorska plovidba JSC Kotor, Radio diffusion center LTD Podgorica, Monteput LTD Podgorica. The information provided on their websites is generally easily accessible and visible.

However, it should be noted that transparency of these websites does not always imply accessibility of information provided by the Law on FAI, so for example the website of the “13. Jul – Plantaže” JSC Podgorica is well structured but does not contain the information prescribed by the Law on FAI, and it is predominantly advertising-oriented.

Medium-transparent websites which require more time and steps for finding information are the websites of the PE Regional Waterworks for the Montenegrin Coast, PE for Coastal Zone Management of Montenegro, PE Airports of Montenegro, Railway Vehicles Maintenance JSC Podgorica, Montenegro Airlines JSC Podgorica, Coal Mine JSC Pljevlja, Port of Kotor, Institute Dr Simo Milošević, Montenegrin Electricity Market Operator (COTEE), Montenegro Bonus LTD Cetinje, Center for Ecotoxicological Research of Montenegro, Montenegrin Electricity Distribution System Operator JSC Podgorica (CEDIS), Montenegrin Electric Transmission System JSC Podgorica, Vodacom Tivat, Wireless Montenegro LTD, Budvanska Rivijera Hotel Group JSC Budva.

The websites of the PE National Parks of Montenegro, Barska plovidba JSC Bar, Hotel management company “Ulcinjska rivijera” JSC Ulcinj, Montefarm, Montenegrin Electric Enterprise JSC Nikšić are poorly transparent.

The official website of Castella Montenegro JSC Pljevlja could not be identified.

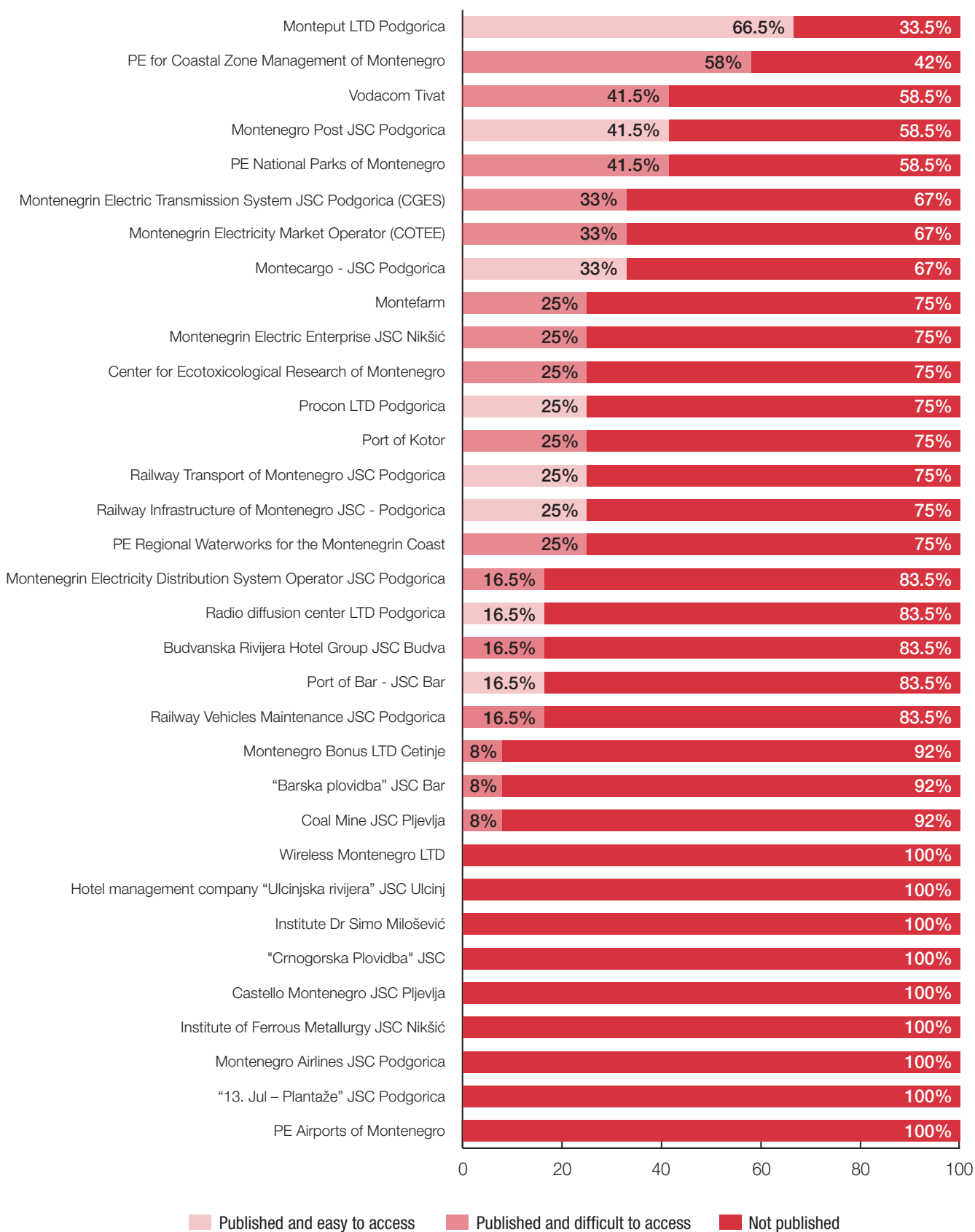


Chart 45: Volume and accessibility of disclosed information on the websites of the public enterprises in Montenegro according to the Law on FAI

NAME OF THE INSTITUTION	DEGREE OF TRANSPARENCY OF THE WEBSITE
Railway Infrastructure of Montenegro JSC Podgorica	TRANSPARENT
Railway Transport of Montenegro JSC Podgorica	
Montecargo JSC Podgorica	
Port of Bar JSC Bar	
“13. Jul – Plantaže” JSC Podgorica	
Institute of Ferrous Metallurgy JSC Nikšić	
Procon LTD Podgorica	
Montenegro Post JSC Podgorica	
Crnogorska plovdba	
Radio diffusion center LTD Podgorica	
Monteput LTD Podgorica	
PE Regional Waterworks for the Montenegrin Coast	MEDIUM-TRANSPARENT
PE for Coastal Zone Management of Montenegro	
PE Airports of Montenegro	
Railway Vehicles Maintenance JSC Podgorica	
Montenegro Airlines JSC Podgorica	
Coal mine JSC Pljevlja	
Port of Kotor	
Institute Dr Simo Milošević	
Montenegrin Electricity Market Operator (COTEE)	
Montenegro Bonus DOO Cetinje	
Center for Ecotoxicological Research of Montenegro	
Montenegrin Electricity Distribution System Operator JSC Podgorica (CEDIS)	
Montenegrin Electric Transmission System JSC Podgorica (CGES)	
Vodacom Tivat	
Wireless Montenegro LTD	
Budvanska Rivijera Hotel Group JSC Budva	NON-TRANSPARENT
PE National Parks of Montenegro	
“Barska plovdba” JSC Bar	
Hotel management company “Ulcinjaska rivijera” JSC Ulcinj	
Montefarm	
Montenegrin Electric Enterprise JSC Nikšić	NO WEBSITE
Castello Montenegro JSC Pljevlja	

Table 6: Transparency of websites of the public enterprises

6.6.3. Categories of proactively published data

Public enterprises did not disclose all information in any of the categories of data for which the Law stipulates that must be posted on their websites.

It is clear that public enterprises, as reporting entities of the Law on FAI, are obliged to post documents containing the foreseen information on the website in a timely manner, in full scope, in read-

able formats and on the visible and easily accessible pages of the website.

The analysis shows that public enterprises in any of the categories of data do not disclose more than one-third of stipulated information, and none of the analyzed websites contain pay lists and lists of other incomes of public officials of that enterprise.

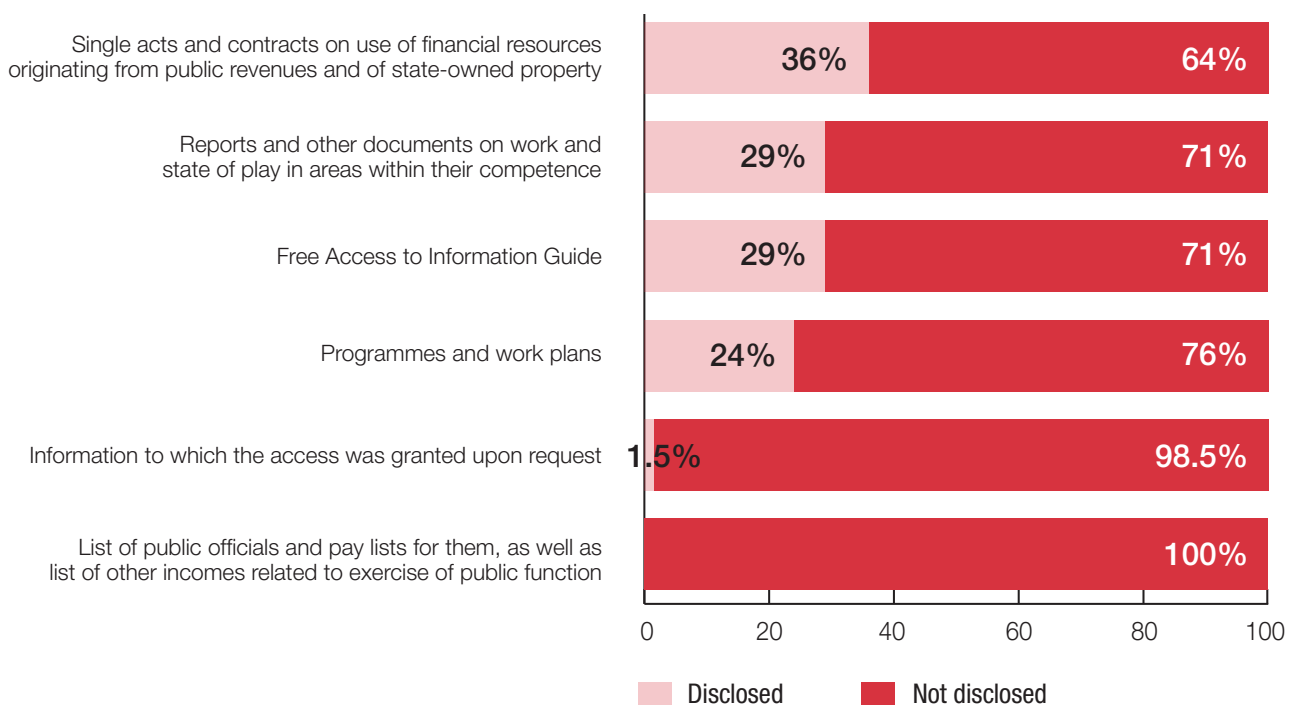


Chart 46: Percentage of disclosed information on the websites of the public enterprises according to the items of the Law on FAI (summary)

6.6.3.1. Free access to information guides

Analysis of the type of information proactively disclosed by public enterprises shows that **more than half of public enterprises have no published Free Access to Information Guides**. Among the identified guides, there are twice as many outdated guides as there are updated ones.

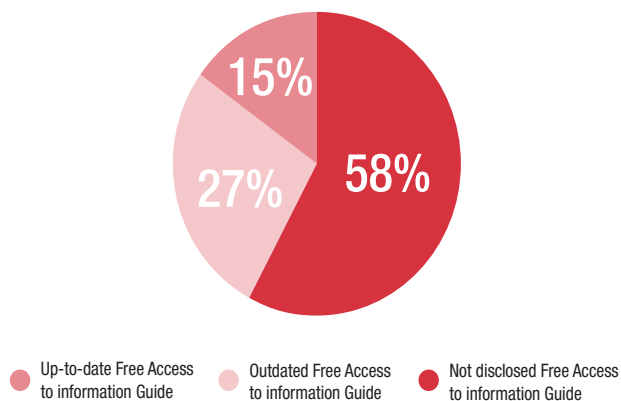


Chart 47: Proactive publishing of up-to-date Guide on the websites of the public enterprises (Item 1, Article 12, Law on FAI)

Up-to-date guides are on the websites of the PE National Parks of Montenegro, PE for Coastal Zone Management of Montenegro, Montenegro Post JSC Podgorica, Monteput LTD Podgorica, Montenegrin Electricity Market Operator (COTEE). In the analysis period, the following websites contained outdated guides: PE Regional Waterworks

for the Montenegrin Coast, Railway Infrastructure of Montenegro JSC Podgorica, Railway Transport of Montenegro JSC Podgorica, Montecargo JSC Podgorica, Port of Bar JSC Bar, Procon LTD Podgorica, Center for Ecotoxicological Research of Montenegro, Montenegrin Electric Enterprise JSC Nikšić and Montefarm. There was no Free Access to information Guide on other websites.

6.6.3.2. Plans and reports

A large number of public enterprises in Montenegro do not disclose or update plans and reports about their work at all. Inefficiency of public enterprises in informing citizens about work plans and reporting on the work is almost unified. Only 18% of public enterprises do not violate the provision stipulated in Paragraph 3 or Paragraph 4 of Article 12 of the Law on FAI.

Plans and work programs are being regularly updated by the PE National Parks of Montenegro, PE Regional Waterworks for the Montenegrin Coast, PE for Coastal Zone Management of Montenegro, Procon LTD Podgorica, Monteput LTD Podgorica and Vodacom Tivat. The same but outdated or incomplete documents are on the websites of Montecargo JSC Podgorica, Port of Kotor, Montenegrin Electricity Distribution System Operator JSC Podgorica (CEDIS) and Montefarm. On all other websites there are no disclosed plans and work programs.

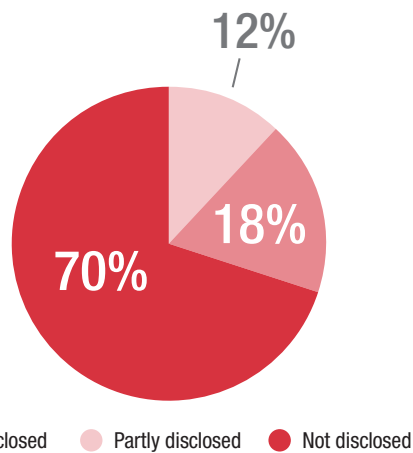


Chart 48: Proactive disclosure of programs and work plans on the websites of the public enterprise (Item 3, Article 12, Law on FAI)

Updated documents prescribed by Article 12 item 4 of the Law, i.e. reports and other documents on work and state of play in areas within their competence are recorded on six websites, as follows: PE for Coastal Zone Management of Montenegro, Railway Transport of Montenegro JSC Podgorica, Montenegro Post JSC Podgorica, Monteput LTD Podgorica, Montenegrin Electric Transmission System JSC Podgorica, Vodacom Tivat. Outdated or incomplete reports are found on the websites of the Railway Infrastructure of Montenegro JSC Podgorica, Montecargo JSC Podgorica, Coal mine JSC Pljevlja, Port of Bar JSC Bar, Radio diffusion center LTD Podgorica, Montenegrin Electricity Market Operator (COTEE), Montenegrin Electric Enterprise JSC Nikšić. Other public enterprises do not disclose their work reports.

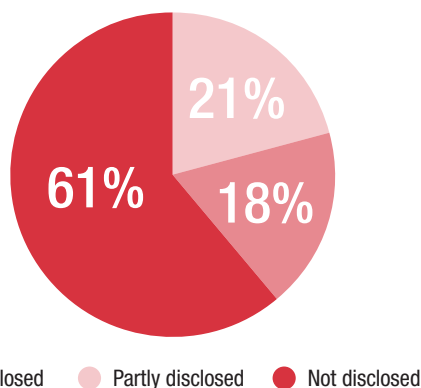


Chart 47: Proactive publication of reports and other documents in areas within the competence of the public enterprises (Item 4, Article 12, Law on FAI)

6.6.3.3. Data on finances and use of public resources

When it comes to public enterprises, this category includes single acts and contracts on use of financial resources originating from public revenues and of state-owned property, as well as list of civil servants and state employees with their titles, list of public officials and pay lists for them, as well as list of other incomes related to exercise of public function.

Single acts and contracts on use of financial resources originating from public revenues and of state-owned property were disclosed only partially on the websites of public enterprises.

It is important to note that these documents also include notifications of the outcome of individual proceedings, but without contracts on the basis of which it can be directly determined how public property is used and public funds are spent.

These documents are disclosed by Railway Vehicles Maintenance JSC Podgorica, Port of Kotor, Budvanska Rivijera Hotel Group JSC Budva, Monteput LTD Podgorica, Center for Ecotoxicological Research of Montenegro and Montenegrin Electric Transmission System JSC Podgorica. These documents are partially placed on the websites of the PE National Parks of Montenegro, Railway Infrastructure of Montenegro JSC Podgorica, Montecargo – AD Podgorica, “Barska plovidba” JSC Bar, Montenegro Post JSC Podgorica, Montenegrin Electricity Market Operator (COTEE), Montenegrobonus LTD Cetinje, Montenegrin Electric Enterprise JSC Nikšić, Montenegrin Electricity Distribution System Operator JSC Podgorica (CEDIS), Vodacom Tivat and Montefarm, while other public enterprises failed to publish these documents at all.

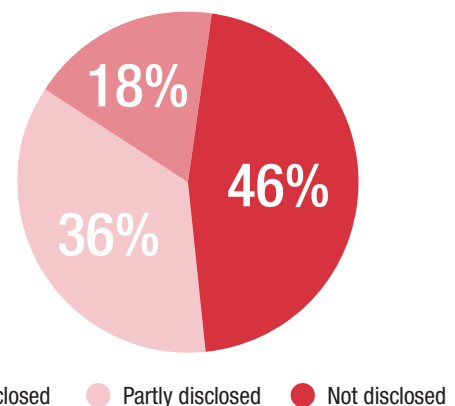


Chart 50: Proactive disclosure of single acts and contracts on the use of financial resources originating from public revenues and of state-owned property by the public enterprises (Item 7, Article 12, Law on FAI)

When it comes to **the use of public funds and resources, public enterprises do not disclose** lists of public officials and pay lists for them, as well as list of other incomes related to exercise of public function.

6.6.3.4. Single acts

Public enterprises, as reporting entities of the Law on FAI, are obliged to disclose information to which the access was granted upon request on their websites.

Despite the legal obligation, only one public enterprise publishes, though partly, information stipulated by this item of Article 12. Namely, the PE for Coastal Zone Management of Montenegro publishes information and decisions on requests for free access to information, but without the requested information. Other enterprises do not have any information related to this statutory obligation on their websites and thus completely violate this legal provision.

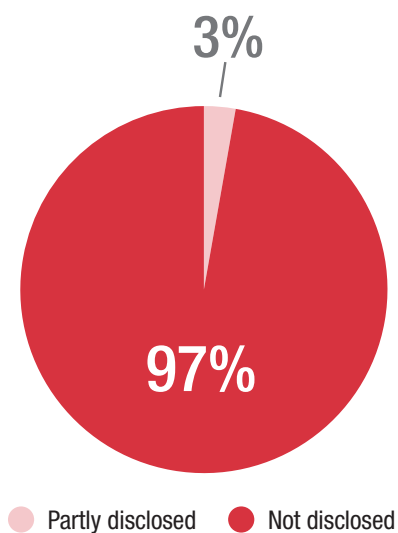


Chart 51: Proactive disclosure of information to which the access was granted upon request by public enterprises (Item 11, Article 12, Law on FAI)

7. CONCLUSIONS AND RECOMMENDATIONS

Analysis of the content of the websites of the public enterprises in Montenegro shows a low level of proactive informing. Non-disclosure, selective and incomplete publishing, as well as the inaccessibility of disclosed information is primarily a violation of the Law on Free Access to Information.

Furthermore, low proactivity prevents the public from being freely and continuously informed on the work of these business entities, which are directly responsible to the public and restricts the media and the civil sector in exercising the control role in society.

Finally, every form of keeping information of public importance secret creates a vast space for development of corruptive practices.

On the other hand, proactive informing is beneficial for the public enterprises themselves, which in this way inform the public. When they voluntarily do not publish the information directly testifying to their work, there is a need for frequent submitting of requests for free access to information, which is often slow and very complex information seeking mechanism, involving a number of institutions.

Therefore, proactive public informing is of great importance and is one of the best mechanisms that provide transparency of institutions in developed democracies.

Based on the findings and conclusions of this analysis, we recommend:

- **Reporting entities of the Law on FAI are required to standardize the process of disclosure, as well as the volume, content, format and placement of information proactively placed on the website.** The unevenness of the volume of disclosed information results in uncertainty regarding the amount of information that should be available on websites, while uniform formats and posting would provide substantial proactivity, rather than formally published information that is difficult to find and read;
- **It is necessary to strengthen the obligation to proactively disclose information relating to the detection of corruption,** including all individual documents (such as property cards), which could confirm the corrupt practice;
- **The Agency for Personal Data Protection and Free Access to Information should control** the comprehensiveness and timeliness of proactive informing of all reporting entities of the Law on FAI;
- **Persons in institutions in charge of proactive disclosure of information should be trained** to disclose information on the websites in an adequate manner and in accordance with the Law on FAI.

ANNEX

1. Analyzed units within the Capital City

Professional and special services of the Capital City: Mayor's Cabinet, Service for Managers, Service for Common Affairs, Communal Police, Fire Department, Center of Information System, Internal Audit Service, Communal Inspection.

Administrative authorities of the Capital City: Secretariat for Local Self-Government, Secretariat for Finance, Secretariat of Planning and Spatial Planning and Environment, Secretariat for Utilities and Transport, Secretariat for Labour, Youth and Social Welfare, Secretariat of Culture and Sports, Administration of Local Revenues, Property Directorate.

Companies founded by the Capital City: Agency for Construction and Development of Podgorica, Housing Agency, Parking Service, Putevi LLC, Malls and Green Markets, Utilities sector, Public Utilities, Cleanliness, Public Funeral Service, Zelenilo LLC, Sports Facilities, Landfill.

2. Analyzed units within municipalities

Andrijevica: Secretariat for Local Self-Government, Cabinet of the President of Municipality, Chief Administrator

Bar: Chief Administrator and Chief Administrator Service, Secretariat for General Administration and Social Affairs, Service of the President of Municipality, Secretariat for Spatial Planning, Secretariat for utility and housing affairs and environmental protection, Secretariat for Economy and Finance, Secretariat for General Administration, Secretariat for Social Affairs, Secretariat for Agriculture and Rural Development, Secretariat for Property, Representation and Investments, Administration for local public revenues

Berane: Secretariat for General Administration and Social Affairs, Secretariat for finance and economic development, Secretariat for spatial planning and development, Secretariat for utility and housing affairs and transport, Secretariat for Agriculture, Tourism, Water Management and Environmental Protection, Secretariat for Sports, Culture, Youth and cooperation with NGOs, Secretariat for Inspection Affairs, Property Directorate, Communal Police, Information Centre, Fire Department, Agency for Investment and Development, Internal Audit Service, Cabinet of the President of Municipality, Service of the Parliament, Chief Administrator Service, Service for Managers, Service for Common Affairs, Administration for collection of local public revenues, LLC "Komunalno" Berane

Bijelo Polje: Cabinet of the President of Municipality, Chief Administrator Service, Service of the Municipality Manager, Service of the Parliament, Fire Department, Service for Common Affairs, Protocol Service, Internal Audit Service, Service of managers of business zones, Public Procurement Service, Secretariat for Finance, Secretariat for Entrepreneurship and Economic Development, Secretariat for Rural and Sustainable Development, Secretariat for Spatial Planning, Secretariat for Housing and Utility Affairs and Transport, Secretariat for Local Self-Government, Communal Police, Directorate for Property and Protection of Municipal Rights, Directorate for Construction and Investments, Public Revenue Administration, Center of Information System

Budva: Chief Administrator and Chief Administrator Service, Information Center, Service of the Parliament, Secretariat for Local Self-Government, Cabinet of the President of Municipality, Secretariat for Urban Planning and Environmental Protection, Secretariat for Economy and Finance, Public Procurement Service, Secretariat for Social Affairs, Secretariat for Investments, Service for collecting fee for utility equipment for construction land, Agency for Spatial Planning, Secretariat for Utility and Housing Affairs, Secretariat for Investments, Secretariat for Property Protection, Center for Information Technology, Cabinet of the President of Municipality, Communal Inspection and Communal Police, Fire Department, Office for the Fight against Corruption, Service for managers, Internal Audit Service, Service for Protection of Property and Persons, Local Public Revenue Administration

Danilovgrad: Secretariat for Administration and Social Affairs, Secretariat for Finance and Economic Development, Secretariat for Urbanism, Utility, Housing Affairs, Transport and Environmental Protection, Secretariat for Property and Investments, Communal Police, Fire Department, Internal Audit Service, Cabinet of the President of Municipality, Chief Administrator Service, Service for Common Affairs and Information Technologies, Project Management Service

Gusinje: Cabinet of the President of Municipality, Chief Administrator, Secretariat for General Administration and Social Affairs, Secretariat for Economy, Development and Finance, Secretariat for Spatial Planning and Property, Secretariat for Inspection Affairs, Directorate for Spatial Planning and Investment, Fire Department

Herceg Novi: Cabinet of the President of Municipality, Secretariat for Culture, Secretariat for Social Activities and Sports, Secretariat for Spatial Planning and Construction, Secretariat for Utility Affairs and Ecology, Secretariat for Finance, Tourism and Economic Development, Local Public Revenue Administration, Directorate of Property and Representation, Communal Police Service, Department for Common Affairs and Information Systems, Fire Department, Internal Audit Service, Service for Management of Human Resources, Chief Administrator Service

Kolašin: Cabinet of the President of Municipality, Chief Administrator Service, Secretariat for Finance and General Administration,

Secretariat for Spatial Planning, Environment and Housing and Utility Affairs, Fire Department, Communal Police, Center for Culture

Kotor: Secretariat for Local Revenues, Budget and Finance, Secretariat for Entrepreneurship Development, Utility Affairs and Transport, Secretariat for Urbanism, Construction and Spatial Planning, Secretariat for Property and Legal Affairs, Secretariat for Culture, Sports and Social Activities, Secretariat for General Administration, Secretariat for the Protection of Natural and Cultural Heritage, Communal Police, Department for Inspection Affairs, Fire Department, Information Center, Service for Common Affairs, Internal Audit Service, Expert Service of the President of Municipality, Chief Administrator Service

Mojkovac: Cabinet of the President of Municipality, Chief Administrator Service, Municipal Parliament, Secretariat for Spatial Planning and Sustainable Development, Secretariat for General Administration and Social Affairs, Secretariat for Finance, Economy and Local Public Revenues, Communal Police, Fire Department

Nikšić: Secretariat for Finance, Development and Entrepreneurship, Secretariat for Utility Affairs and Transport, Secretariat for Culture, Sports, Youth and Social Welfare, Secretariat for Local Self-Government, Secretariat for Spatial Planning and Environment, Secretariat for Inspection Supervision, Center for Information System, Communal Police, Internal Audit Service, Fire Department, Cabinet of the President of Municipality, Chief Administrator Service, Service for Managers, Service for Common Affairs, Property Directorate, Agency for Projecting and Planning, Local Public Revenue Administration, Service for Parliamentary Affairs

Petnjica: Cabinet of the President of Municipality, Chief Administrator, Secretariat of local government: Department of Agriculture and Rural Development, Municipal Parliament

Plav: Cabinet of the President of Municipality, Chief Administrator Service, Communal Police, Fire Department, Directorate for Planning, Secretariat for General Administration and Social Affairs, Secretariat for Economy, Development and Finance, Secretariat for Spatial Planning and Property, Secretariat for Inspection Affairs

Plužine: Cabinet of the President of Municipality, Chief Administrator, Secretariat for Finance, Economy and Local Public Revenues, Secretariat for General Administration and Social Affairs, Communal Police, Fire Department, Municipal Parliament

Rožaje: Cabinet of the President of Municipality, Chief Administrator, Municipal Parliament, Secretariat for General Administration, Secretariat for Finance, Secretariat for Spatial Planning and Environmental Protection, Secretariat for Agriculture, Tourism and Water Management, Secretariat for Economic Development and Entrepreneurship, Secretariat for Local Communities, Directorate for Construction and Investments, Directorate for Property and Protection of the rights of the Municipality, Communal Police, Fire Department, Internal Audit Service, Protocol Service, Center for Information Systems, Center for International Cooperation and Diaspora, Service for Managers, Local Public Revenue Administration, Secretariat for Culture and Social Activities

Tivat: Cabinet of the President of Municipality, Chief Administrator, Municipal Parliament, Secretariat for Local Self-Government, Secretariat for Finance and Local Public Revenues, Secretariat for Economic Development and Entrepreneurship, Secretariat for Spatial Planning and Construction of Facilities, Secretariat for Environmental Protection and Energy Efficiency, Secretariat for Utility Affairs and Transport, Secretariat for Culture and Social Affairs, Secretariat for Youth, Sports and Social Affairs, Information Fire Department, Communal Police, Service for Inspection Affairs, Internal Audit Service, Public Procurement Service, Information Systems and Common Affairs Service

Ulcinj: Fire Department, Common Affairs Service, Chief Administrator Service, Secretariat for the Protection of Property, Secretariat for Housing Affairs, Cabinet of the President of Municipality, Communal Police, Secretariat for Communal Services and Environmental Protection, Secretariat for Spatial Planning and Sustainable Development, Secretariat for Budget and Finance, Center of information system, Secretariat for Economy and Economic Development, Municipal Parliament, Service for Managers

Šavnik: Cabinet of the President of Municipality, Chief Administrator Service, Municipal Parliament, Communal Police, Fire Department

Žabljak: Cabinet of the President of Municipality, Chief Administrator Service, Service of the Municipal Parliament, Secretariat for Finance and Economic Development, Secretariat for Administration and Social Affairs, Secretariat for Spatial Planning, Environmental Protection and Utility Affairs, Fire Department, Agribusiness Center, Communal Police

Cetinje: Chief Administrator Service, Secretariat for Local Self-Government and Social Affairs, Secretariat for Sustainable Development and Infrastructure, Secretariat for Finance and Economic Development, Secretariat for Culture, Sports and Youth, Internal Audit Service, Service for Common Affairs and Information System, Fire Department, Property Directorate, Directorate for Local Self-Government, Secretariat for Public Works and Transport, Secretariat for Planning and Spatial Planning and Environment Protection, Service for Common Affairs, Directorate for Sports and Youth, Center for Information System

Pljevlja: Chief Administrator, Cabinet of the President of Municipality, Service for Managers, Internal Audit Service, Secretariat for Social Affairs, Secretariat for Finance, Secretariat for General Administration, Secretariat for Spatial Planning, Secretariat for Economy, the Secretariat for Housing and Utility Affairs, Roads and Water, Property Directorate, Directorate for Construction and Investments, Local Public Revenue Administration, Information Center, Service of the Parliament



Da javno ne bude tajno!