



Strasbourg, 5 December 2008

**Public**  
**Greco RC-I/II (2008) 5E**

## **Joint First and Second Evaluation Rounds**

### **Compliance Report on Montenegro**

Adopted by GRECO  
at its 40<sup>th</sup> Plenary Meeting  
(Strasbourg, 1-5 December 2008)

## I. INTRODUCTION

1. GRECO adopted the Joint First and Second Round Evaluation Report on Montenegro at its 30<sup>th</sup> Plenary Meeting (9-13 October 2006). This report (Greco Eval I-II Rep (2005) 4E) was made public by GRECO, following authorisation by the Montenegrin authorities, on 9 January 2007.
2. In accordance with Rule 30.2 of GRECO's Rules of Procedure, the authorities of Montenegro submitted their Situation Report (RS-report) on the measures taken to implement the recommendations on 31 May 2008.
3. At its 38<sup>th</sup> Plenary Meeting (9-13 June 2008), GRECO selected, in accordance with Rule 31.1 of its Rules of Procedure, Italy and Hungary to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ákos KARA on behalf of Hungary and Fabrizio GANDINI on behalf of Italy. The Rapporteurs were assisted by the GRECO Secretariat in drafting the Compliance Report (RC-Report).
4. The objective of the RC-Report is to assess the measures taken by the authorities of Montenegro to comply with the recommendations contained in the Evaluation Report.

## II. ANALYSIS

5. It was recalled that GRECO in its Evaluation Report addressed 24 recommendations to Montenegro. Compliance with these recommendations is dealt with below.

### **Recommendation i.**

6. *GRECO recommended that the authorities of Montenegro carry out the necessary studies in order to gain a clearer insight into the scale of corruption and its various features so that anti-corruption initiatives and plans can be targeted more effectively.*
7. The authorities of Montenegro report on a series of research studies on the phenomenon of corruption in different sectors of activity. In particular, the Directorate for Anticorruption Initiative (DACI) has identified three areas where targeted research is to be/is being performed: judiciary, education and local government. The research study on judicial capacity and integrity (including corruption issues), which was launched in early 2008 in cooperation with the UNDP, was published in October 2008. Likewise, a survey on the perception of corruption in higher education (Universities and Faculties) has been completed. The DACI has also commissioned a survey on corruption at local level: the project has now been tendered and awarded; it is expected to be completed by February 2009. Further research activities are planned in respect to, *inter alia*, corruption within public administration. Additionally, the Ministry of Education and Science contracted the NGO Centre for Education and Partnership of Parents and Youth from Podgorica (CEPRIM) to carry out a survey and to develop an anti-corruption action plan targeting the education sector (which includes, *inter alia*, lectures in primary and secondary schools, development and dissemination of a code of conduct, etc). The Public Revenues Directorate has undertaken, in 2007-2008, several surveys on corruption and tax administration, questions have been posed to the public at large through the Public Revenues Directorate website to assess, *inter alia*, the readiness of citizens to report corruption to the responsible tax officers and the general knowledge regarding available anti-corruption tools (legislation, hotlines, websites) etc. The Customs Authority conducted in 2006, in cooperation with the World Bank, a survey to explore perceptions of and experience with customs control, treatment, services and border

officers<sup>1</sup>. The Union of Employers carried out three surveys among Montenegrin private entrepreneurs to seek their views on the phenomenon of corruption in their daily activity; the results point at higher levels of concern in relation to the operations performed at local - rather than central - level (malfunctioning of services provided by local administration, including long and complex licensing procedures, eventual corruption episodes involving local officials, etc).

8. GRECO welcomes the combined efforts of several institutions to survey those sectors most affected by corruption risks, including by compiling and analysing data on causes and consequences of corrupt behaviour in different thematic areas. Although a comprehensive study on the phenomenon of corruption has not been carried out, GRECO considers that the sectorial studies developed to date may well provide the Montenegrin authorities with useful background information in order to better tailor their initiatives in the prevention of and the fight against corruption. Moreover, GRECO notes that further efforts are being deployed in this field since a number of studies surveying the scale of corruption in different areas of activity (e.g. local authorities, public administration, etc) have been programmed/are in the process of being commissioned; the Montenegrin authorities may wish to provide additional information to GRECO on the final outcome of the research carried out and the way in which such research has been used to effectively target anticorruption policy.
9. GRECO concludes that recommendation i has been dealt with in a satisfactory manner.

#### **Recommendation ii.**

10. *GRECO recommended that the Law on Public Procurement be revised with a view to clarifying its provisions and ensuring a more transparent procedure.*
11. The authorities of Montenegro indicate that a new framework Law on Public Procurement was adopted in July 2006; it has subsequently been developed through secondary legislation<sup>2</sup>. The new legislative framework is geared at ensuring transparency and simplification of procurement processes (e.g. through the establishment of clear-cut procedures, deadlines and sanctions, publication requirements for tenders and contract award decisions, setting-up of independent public procurement structures, etc.) and at better protecting bidders' rights. Further implementation materials have been developed including, *inter alia*, a Public Procurement Manual and a Manual on the Protection of Bidders. In addition, legal commentaries to the Law on Public Procurement are being developed to allow for uniform interpretative guidance. Furthermore, Montenegro has benefited from a number of technical assistance projects in this area (EU, OECD, UN funds), which have paved the way to better alignment, both in legislation and in practice, of domestic standards with best practices at international level. For example, an expert assessment has been carried out by UNCITRAL to compare national legislation with the requirements on public procurement included in the United Nations Convention against Corruption (namely, the general preventive measures described in Articles 6 to 14, with a particular emphasis on Article 9 specifically dealing with public procurement and management of public finances). Surveys have been conducted to assess the impact in practice of the new legislative framework, they have been coupled with public information activities (dissemination of a brochure on reporting corruption in public procurement, appointing information officers, setting-up a hotline to report irregularities in procurement processes, etc.) and targeted training of the officials involved in tendering procedures.

---

<sup>1</sup> The survey is available in English at <http://siteresources.worldbank.org/INTSERBIA/Resources/customssyrvemyn.doc>

<sup>2</sup> Law on Public Procurement, Official Gazette No. 46/06 and implementing legislation, Official Gazette No. 71/06.

12. GRECO takes note of the wide range of activities (both in terms of legislative measures and practical arrangements to allow for effective implementation of these measures) reported by the authorities to increase transparency of the public procurement system and concludes that recommendation ii has been implemented satisfactorily.

**Recommendation iii.**

13. *GRECO recommended i) to review the present situation concerning recruitment and promotion procedures of judges and prosecutors in order to ensure that those procedures are based on objective criteria, and ii) to see to it that the conditions related to the tenure of prosecutors do not undermine their independence.*
14. The authorities of Montenegro state that, with respect to judges and lay judges, their appointment and promotion fall under the authority of the Judicial Council and are subject to objective criteria (such as passage of an exam, performance in law school, other training/professional experience, etc.). The Law on the Judicial Council<sup>3</sup>, which was adopted in February 2008 details, *inter alia*, the composition of the Judicial Council and enshrines the principles of independence, autonomy, accountability and professionalism of its members, in line with the Constitution. The Law further provides that the Judicial Council is to be governed by the principle of preventing political influence on holders of judicial office. In this context, the composition of the Judicial Council aims at striking a balance between the judicial (five judges out of ten members) and the political power (two members elected by Parliament, two by the President of the Republic and the Minister of Justice, acting *ex-officio*, but without voting rights in respect of disciplinary proceedings).
15. With respect to prosecutors, the principle of independence is established under Article 134 of the Constitution. Article 135 of the Constitution provides that the Supreme State Prosecutor and State prosecutors - who are the Heads of the different Prosecutors' Offices in Montenegro, i.e. Chief State Prosecutor (1), High State Prosecutors (2) and Basic State Prosecutors (13) - are appointed and dismissed from duty by the Parliament; they are appointed for a period of five years. Likewise, pursuant to Article 136 of the Constitution, members of the Prosecutors Council are appointed and dismissed by the Parliament. The Prosecutors Council is to provide for the necessary guarantees ensuring the effective independence of prosecutors. Moreover, the composition of the Prosecutors Council has been configured bearing in mind the need to guarantee its internal/functional independence; for that reason, none of its members are members of Parliament. The Law on the State Prosecutor's Office of Montenegro<sup>4</sup>, was amended in June 2008, following an expertise of the Venice Commission of the Council of Europe<sup>5</sup>. It provides that State prosecutors are to be formally appointed by the Parliament, upon proposal of the best candidate by the Prosecutors Council for a term of five years, with the possibility of re-election (i.e. the appointment of the nominee by the Parliament operates as a formal ratification of the proposal made by the Prosecutors Council; the Parliament does not have the authority to select and appoint persons, other than those proposed by the Prosecutorial Council). A number of changes are introduced with respect to State deputy prosecutors: their tenure becomes permanent (upon completion of a three year probationary period), their appointment, promotion and removal falls exclusively under the authority of the Prosecutors Council. The Law on the State Prosecutor's Office, as amended, further lays down the criteria for appointment and promotion of State prosecutors and his/her deputies, which are based on strictly professional

---

<sup>3</sup> Law on the Judicial Council. Official Gazette No. 12/08.

<sup>4</sup> Law on the State Prosecutor's Office of Montenegro, as amended. Official Gazette No. 40/08.

<sup>5</sup> Opinion No. 467/2008 on the draft amendments to the Law on the State Prosecutor of Montenegro (Strasbourg, 18 March 2008).

grounds (specialisation, publications, professional training, communication and organisational skills, etc.). This new appointment system has now been tested: the Prosecutors Council has recently appointed five deputy prosecutors, who are now undergoing their corresponding probationary period. For those deputy prosecutors who had already been appointed by the Parliament (on the basis of the former appointment procedure), their tenure will become permanent after the expiry of their current five-year mandate.

16. Furthermore, in order to provide better guarantees to preserve the independence of the judiciary and to avoid the risk of political interference in its activity, neither judges nor prosecutors can be members of political parties.
17. GRECO welcomes the changes in legislation introduced to meet recommendation iii, and therefore, to provide for greater assurance of judicial independence. In particular, GRECO is pleased to note that the recruitment and promotion of judges and prosecutors are strictly subject to objective criteria, such as professional experience and integrity. Likewise, GRECO notes that the reported amendments to the Law on the State Prosecutor's Office now establish the permanent tenure of deputy public prosecutors (a probationary period of three years is required).
18. Consequently, GRECO concludes that recommendation iii has been implemented satisfactorily.

#### **Recommendation iv.**

19. *GRECO recommended to implement a general policy aiming at restoring the public trust in the justice system that should include i) a thorough analysis of the existing civil and criminal procedures in order to find ways of simplifying and speeding up trials; ii) the adoption of a Code of Ethics for Prosecutors, whose enforcement should be monitored by the Prosecutors Council; and iii) a training programme for judges and prosecutors on judicial deontology.*
20. The authorities of Montenegro report that, with respect to part i) of recommendation iv, an analysis of the problem of backlog of pending cases has led to the introduction of several measures aiming at both the simplification and speeding up of trials. In this connection, a Law on the Right to Trial within Reasonable Timeframes was adopted in November 2007<sup>6</sup> with a view to speeding up judicial proceedings and providing a legal basis for compensation in case of violation. Additional practical arrangements have been implemented to tackle court backlog, e.g. a special programme has been introduced in 2008 by the Supreme State Prosecutor of Montenegro to increase, on a voluntary basis and with the corresponding salary rise, working hours of prosecutors; similar initiatives have been taken vis-à-vis judges. Based on the available statistics, particular improvements have been observed with respect to the courts' efficiency to deal with the caseload concerning corruption offences. Moreover, further improvements, with respect to efficiency and economy of criminal trials, are expected to occur following adoption of the new Criminal Procedure Code - currently undergoing parliamentary consultation and international expertise and expected to be adopted by the end of 2008- which places investigative action under the responsibility of prosecutors and police (such competence has traditionally been conferred to the courts, i.e. through the figure of the investigative judge). Finally, efforts have been made to develop alternative dispute resolution schemes, notably through mediation, in both civil and criminal law matters.
21. As far as the adoption and corresponding enforcement of a Code of Ethics for Prosecutors are concerned (part ii) of recommendation iv), the Prosecutors Council adopted a Code of Ethics for

---

<sup>6</sup> Law on the Right to Trial within Reasonable Timeframes, Official Gazette No. 11/07.

State prosecutors and deputy prosecutors on 10 November 2006. According to Article 7 of the Law on the State Prosecutor's Office, all prosecutors are legally bound by the provisions of the Code of Ethics. Moreover, prosecutors are required to sign, upon their appointment, a sworn statement confirming their adherence to the ethical principles contained in the Code. The Prosecutors Council is responsible for overseeing compliance with the relevant deontological principles: there have been no breaches of the provisions contained in the Code to date. The two latest annual meetings of State prosecutors and deputy prosecutors have paid particular attention to the issues of interpretation and enforcement of the provisions of the Code of Ethics (the meetings generally last two days; one of those two days has traditionally been devoted, both in 2007 and 2008, to ethical matters).

22. Finally, the Centre for Training of Holders of Justice Offices has conducted, in the last two years, several training seminars for judges and prosecutors on judicial deontology, as recommended by part iii) of recommendation iv (for example, in the last six months, two seminars on deontological principles were held; over 60 judges and prosecutors were trained, including court presidents). Moreover, the Programme of Professional Training of Judges and Prosecutors (2009-2010), the implementation of which is to commence in 2009, comprises specific seminars dealing with judicial deontology.
23. GRECO acknowledges the ongoing measures reported to pursue judicial reform, in particular, the initiatives taken to improve the efficiency of the courts and to address the backlog of cases. These are steps in the right direction which have reportedly led to measurable improvements; the authorities are therefore encouraged to keep up the pace of reform.
24. As far as judicial deontology is concerned, GRECO is pleased to note that a Code of Ethics for prosecutors has now been adopted and that adherence to its principles has a mandatory character. Likewise, GRECO welcomes the training already performed, and the future sessions to come in the context of the Programme of Professional Training of Judges and Prosecutors (2009-2010), concerning judicial deontology.
25. GRECO welcomes the reported measures in all fields covered by the recommendation and concludes that recommendation iv has been implemented satisfactorily.

#### **Recommendation v.**

26. *GRECO recommended to create a special unit within the Public Prosecution Service to deal with corruption (including corruption-related economic crime offences) and to provide it with the necessary human resources, technical equipment and training.*
27. The authorities of Montenegro report that the powers of the Specialised Department for Combating Organised Crime have been extended to include corruption, terrorism and war crimes. The so-called Specialised Department for the Suppression of Organised Crime, Corruption, Terrorism and War Crimes, is now staffed with a total of 6 prosecutors (the Special Prosecutor and 5 deputies) who deal indistinctly with the different types of crimes within their competence. The human/material resources of the Specialised Department are reportedly assessed by the authorities as sufficient for the time being (the Specialised Department handles approximately 20 crime reports per year, corruption and organised crime cases represent 1.1% of the total crime ratio). Extensive training has been provided to these prosecutors on the issues of corruption offences, application of special investigative techniques, financial investigations, etc. (a total of 88 training sessions have been held to this effect during the period June 2006-September 2008). At

court level, jurisdiction on corruption, organised crime, war crime and terrorism cases has been transferred from Basic to High Courts<sup>7</sup>, where specialised chambers have been established to deal with these types of offences. The relevant prosecutors working in the Specialised Department for the Suppression of Organised Crime, Corruption, Terrorism and War Crimes, are competent to argue cases before the specialised chambers of the High Courts.

28. GRECO welcomes the action taken by the authorities to extend the powers of the Specialised Department for Combating Organised Crime to also include corruption and to increase the necessary resources. GRECO trusts that the authorities will continue to provide the Specialised Department with adequate means to perform an efficient prosecution of corruption.
29. GRECO concludes that recommendation v has been implemented satisfactorily.

#### **Recommendation vi.**

30. *GRECO recommended that i) a clear mechanism for cooperation between the police and the prosecution service be put in place, that would consolidate the leading role of the prosecutors in the preliminary phase of criminal investigations and would ensure that they are provided with all relevant information as soon as possible; ii) the role of the investigative judge be reviewed with a view to ensuring more rapid and effective criminal investigations.*
31. The authorities of Montenegro indicate that different structures for cooperation between the police and the prosecution service have been developed, in accordance with part i) of recommendation vi. In particular, the Supreme Court, the Supreme State Prosecutor and the Police Directorate set up a tripartite Commission to standardise and analyse data on corruption and organised crime cases with a view to improving their capacity to tackle this type of offences. Joint training for police and prosecutors, as well as for customs officials, has been organised to, *inter alia*, build a common framework of understanding and cooperation among law enforcement bodies. A memorandum of understanding between the Police Directorate and the Customs Authority entered into force in October 2008 to enable swifter cooperation, including specific arrangements on access to databases and information exchange.
32. The authorities add that the role of the investigative judge (part ii) of recommendation vi) is reviewed in the draft Criminal Procedure Code (which is undergoing parliamentary consultation and is expected to be adopted by the end of 2008). The prosecutor is vested with a leading role in the investigative phases; the investigative judge is to order detention and to grant special investigative techniques and search warrants during the pre-trial investigation procedure.
33. GRECO takes note of the efforts deployed to allow for swifter cooperation between the police/customs and the prosecution service. GRECO also acknowledges the reported legislative amendments to streamline the pre-trial investigation procedure in criminal cases by reviewing the powers of the investigative judge and consolidating the leading role of the prosecutors in the preliminary phase of criminal investigations. However, pending adoption of the Criminal Procedure Code, GRECO cannot make a final assessment of the extent of compliance with recommendation vi.
34. Consequently, GRECO concludes that recommendation vi has been partly implemented.

---

<sup>7</sup> There are two High Courts in Montenegro, one in Podgorica and another one in Bijelo Polje.

### **Recommendation vii.**

35. *GRECO recommended to set up a comprehensive training programme for police officers (especially for the Unit for Economic Crime) and prosecutors, more directly involved in corruption cases, in order to share common knowledge and understanding on how to deal with corruption and financial crimes related to corruption.*
36. The authorities of Montenegro report a vast number of joint training modules for prosecutors and police officers, e.g. seminars organised in 2007, in the framework of a Council of Europe CARPO project on identification, seizure and confiscation of corruption proceeds; 2006-2007 EU CARDS Regional Police Project providing training on financial investigation and confiscation of corruption proceeds; OSCE seminars on money laundering and corruption within public administration held in 2007; joint training courses organised, from 2006 to 2008-ongoing, by the Police Academy, the Judicial Training Centre<sup>8</sup> and the Supreme State Prosecution on the use of special investigative techniques, financial investigations, international cooperation, corruption prevention mechanisms, etc.
37. GRECO concludes that recommendation vii has been implemented satisfactorily.

### **Recommendation viii.**

38. *GRECO recommended to extend the application of the provisions on the use of special investigative techniques (in particular Article 238 of the Criminal Procedure Code) to include all corruption offences and to provide the competent agencies with appropriate means and training in order to make the system of special investigative techniques work efficiently in practice.*
39. The authorities of Montenegro indicate that the draft Criminal Procedure Code allows for the application of special investigative techniques to a wider number of offences, including bribery, trading in influence and money laundering. A Department for Special Investigative Techniques has been created, within the Police Directorate; its internal functioning is currently being structured and the necessary staff have now been recruited. Likewise, technical equipment has been purchased, but further means are felt desirable to allow the system to work more efficiently in practice and budgetary funds to this effect are in the process of being secured. Targeted training on special investigative techniques has been (and continues to be) provided to those officials involved in the practical application of these techniques.
40. GRECO takes note of the steps taken to further enhance the use of special investigative techniques (SITs) in relation to corruption offences. It acknowledges the training initiatives held to date to further familiarise the relevant officials with the effective use of SITs. It further notes the ongoing arrangements to set-up a specialised department, within the police, to deal with these matters, as well as to secure the necessary funding for the allocation of sufficient human and material resources. These are all positive steps in the right direction; however, since the new Criminal Procedure Code has not yet been adopted, GRECO is not in a position to assess whether the application of the provisions on the use of special investigative techniques is possible, in practice, with respect to all corruption offences, as recommended.
41. GRECO concludes that recommendation viii has been partly implemented.

---

<sup>8</sup> The Judicial Training Centre has changed its title and is now called Training of Holders of Justice Offices (since it provides training to both judges and prosecutors).

### **Recommendation ix.**

42. *GRECO recommended to adopt all necessary measures to ensure that appropriate witness protection programmes can be implemented in practice.*
43. The authorities of Montenegro recall that the Law on Witness Protection entered into force on 1 April 2005<sup>9</sup>. A Witness Protection Unit was created to implement witness protection programmes, including by ensuring physical protection of witnesses and their family members, changing identity, covering property data, etc. Internal rules on its functioning have been adopted; they provide for an increase of staff (from seven to ten). Additional technical means have been allocated in the framework of a technical assistance project funded by the US Department of Justice. Cooperation agreements have been signed with other countries to allow for a more effective and coordinated protection of witnesses. Finally, several training modules have been attended by personnel of the Witness Protection Unit, e.g. training sessions organised by the Police Academy in 2007, an international symposium organised by the US Department of Justice in Lyon (France) in 2007, a seminar on witness protection held in Pula (Croatia) in 2007, a regional conference organised in 2008, under the auspices of the UN Office on Drugs and Crime (UNODC), to improve witness protection in Southeast Europe and the Caucasus (Athens, Greece).
44. GRECO welcomes the measures introduced with a view to ensuring effective implementation of witness protection programmes and concludes that recommendation ix has been implemented satisfactorily.

### **Recommendation x.**

45. *GRECO recommended that i) guidelines be issued identifying an effective methodology for performing financial investigations, in particular concerning seizure and confiscation measures in corruption cases; ii) a common training programme be developed for the police officers and prosecutors in order to enable, promote and encourage better use of the practical and legal means available for identifying, tracing and seizing the proceeds of crime, including corruption.*
46. The authorities of Montenegro report on the implementation of the Council of Europe CARPO project on organised crime (CARDS Regional Police Project), during the period 2004-2007, including, *inter alia*, the elaboration of a handbook on financial investigations and confiscation of illicit proceeds in September 2006; it comprises examples from practice and guidance for law enforcement officials (police officers, prosecutors and investigative judges) on the legal means available for identifying, tracing and seizing the proceeds of crime, including corruption. In addition, a number of joint training activities dealing with provisional measures and financial investigations have been organised over the last two years by the Ministry of Justice and the Police Directorate (with the assistance of international donors). Moreover, in order to be able to assess, *inter alia*, the effective use of confiscation/seizure measures, a tripartite Commission has been created with the specific task of developing a standardised methodology of statistical indicators on organised crime and corruption (for further details, see under paragraph 31). Recent statistics point at an increase of the number of corruption cases being investigated, where seizure orders have been issued accordingly. The authorities recognise that the implementation of recommendation x requires a long-term, sustained effort: expertise in financial investigations is to

---

<sup>9</sup> Law on Witness Protection, Official Gazette No. 65/04.

be increased and the recently adopted Law on Managing Seized and Confiscated Assets is now to be implemented<sup>10</sup>.

47. GRECO notes the efforts undertaken to promote the use of confiscation and financial investigations in connection with corruption offences. In this connection, it acknowledges the measures reported with regard to training of the officials concerned and the issuing of a handbook on the practicalities of both financial investigations and confiscation of the proceeds from crime. GRECO also welcomes the steps taken to enhance inter-institutional cooperation through the setting-up of a tripartite Commission, which is to develop uniform statistics on organised crime and corruption offences. GRECO encourages the authorities to pursue their efforts to ensure the full use of the practical and legal means available for identifying, tracing and seizing the proceeds of crime, including corruption.
48. GRECO concludes that recommendation x has been dealt with in a satisfactory manner.

#### **Recommendation xi.**

49. *GRECO recommended that legal provisions be introduced which allow measures of seizure of proceeds of all corruption offences at the earliest stage of the preliminary investigation, even if not committed by an organised criminal group.*
50. The authorities of Montenegro indicate that, in the context of the Council of Europe CARPO project, the substantive law aspects of seizure were assessed and specific recommendations were made to introduce amendments to the Criminal Procedure Code concerning the use of seizure of corruption proceeds at the earliest stages of the preliminary investigation. The introduction of legislative provisions concerning extended confiscation is also in the pipeline.
51. GRECO takes note of the proposals tabled in Montenegro to effectively deprive the perpetrator, as soon as possible, of the gains s/he might have obtained as a consequence of the criminal offence committed. Until the plans reported become applicable legislation, GRECO can only conclude that recommendation xi has been partly implemented.

#### **Recommendation xii.**

52. *GRECO recommended to keep under careful review all reporting institutions, enhance training to increase awareness of suspicious transactions reporting and monitor progress in this area, particularly for those obliged entities that have not as yet reported any suspicious transaction to the relevant authority.*
53. The authorities of Montenegro report that the Law on the Prevention of Money Laundering and Terrorism Finance was amended to extend the list of organisations obliged to report to the Administration on the Prevention of Money Laundering (APML)<sup>11</sup>; over 10,000 organisations fall under the reporting provisions of the amended legislation. The APML is vested with monitoring responsibility and is to carry out random inspections to ensure that all reporting entities are fulfilling their obligations under the law<sup>12</sup>. In this connection, the department responsible for carrying out such inspections became operational in May 2008; it is staffed by 4 employees with

---

<sup>10</sup> Law on Managing Seized and Confiscated Assets, which was adopted in June 2008 and will enter into force on 1 January 2009. Official Gazette No. 49/08.

<sup>11</sup> Law on the Prevention of Money Laundering and Terrorism Finance, Official Gazette No. 14/07.

<sup>12</sup> In 2008, the APML was provided with a budget of 491,440 EUR to fulfill its tasks.

over ten years' experience in the field. A total of 46 random inspections have been carried out to date. Concerning awareness-raising activities, the APML has organised, in cooperation with the UNDP, several training courses for the relevant reporting institutions (banks, capital market entities, car dealers, etc.). Since further legislative developments are expected to occur in this area, i.e. through the adoption of secondary legislation, additional training activities are programmed to better familiarise institutions/professionals with their reporting obligations. Moreover, the APML has developed a list of money laundering indicators (a total of 65 indicators) for the reporting entities; the list has been widely disseminated and is available on the APML website. A total of 354 suspicious transactions were reported over the period 2006-2008. According to the statistics available, although most reports received by the APML continue to be submitted by banks, the number of reports filed by other obliged entities has progressively increased.

54. GRECO takes note of the steps undertaken to prevent money laundering, including through legislative amendments to extend the list of obliged entities, training initiatives and money laundering indicators allowing for more effective detection of suspicious transactions. GRECO acknowledges the setting-up of a department tasked with the supervision of obliged entities and encourages the authorities to pursue their efforts to ensure its full operability. It would appear that the measures undertaken by the APML in this field have led to effective improvements in the reporting of suspicious transactions by obliged entities, including those of a non-financial nature.
55. GRECO concludes that recommendation xii has been implemented satisfactorily.

#### **Recommendation xiii.**

56. *GRECO recommended that i) the Programme for Combating Corruption and Organised Crime and its Action Plan be formally adopted; ii) to provide for efficient monitoring of the implementation of the anti-corruption programme through a specialised independent anti-corruption body with sufficient resources; iii) to involve local self-governing institutions in the process of elaboration and monitoring of implementation of anti-corruption policies at local level.*
57. The authorities of Montenegro confirm that the Programme for Combating Corruption and Organised Crime was adopted in July 2005; an Action Plan for the period 2006-2008 followed thereafter. It includes a range of specific measures, institutions responsible for implementation, deadlines and indicators of achievement.
58. A National Commission for Monitoring the Implementation of the Action Plan was set up by a decision of the Government of Montenegro in February 2007<sup>13</sup>; its mandate runs parallel to the Action Plan's implementation period (i.e. from 2006 to 2009). Independence of the National Commission stems from its mixed composition (governmental/non governmental; executive/legislative/judicial representatives)<sup>14</sup>. A total of 54 State bodies, as well as media and civil society representatives, are to submit regular reports (initially monthly, but currently on a quarterly basis) to the Commission concerning the implementation of the Action Plan in their areas of activity; three reports have been published to date (covering the period elapsing from mid-2006 until mid-2008). The technical analysis of the relevant reports submitted is performed

---

<sup>13</sup> Official Gazette No. 15/07.

<sup>14</sup> The National Commission is composed of the President of the Supreme Court, the Supreme State Prosecutor, the Minister of Justice, the Minister of Finance, the Minister of Interior and Public Administration, the Directors of the Police Directorate and the Directorate for Anticorruption Initiative, as well as two Members of Parliament (one of them from the ruling coalition, and the other from the opposition), and two representatives from civil society.

by an expert body composed of representatives of the Police Directorate, the Directorate for Anticorruption Initiative, the Ministry of Justice, the Supreme State Prosecutor and the Cabinet of the Deputy Prime Minister for European Integration. On the basis of the findings of the regular reporting exercise, revised activities and deadlines have been fixed in the so-called "Innovated Action Plan" for the period 2008-2009; priorities include justice reform, adoption of anticorruption legislation, harmonisation of national legislation with international standards, strengthening cooperation with international partners, etc.

59. Concerning involvement of local authorities in anticorruption policies, the Action Plan stresses the need to implement its activities at local level; moreover, local authorities are under the obligation to develop their own anticorruption plans. In this connection, on the initiative of the Ministry of Internal Affairs and Public Administration, a working group was established (with a mixed composition of governmental and non-governmental actors) to draft a model programme and an action plan for the fight against corruption and organised crime at local level; this initiative has been closely coordinated with the Council of Europe (two joint meetings of Montenegrin and Council of Europe experts were held in 2007). As a result, a model programme and action plan was adopted in October 2008; all municipalities are now being encouraged to adopt their own local plans on the basis of this model. Guidelines for developing the Programme for Combating Corruption and its Action Plan in local self-government have been issued, in order to facilitate and push forward the drafting of anticorruption plans at local level.
60. GRECO welcomes the adoption of an anti-corruption programme and an implementation action plan as well as the establishment of a monitoring Commission, relying on both governmental and civil society participation. GRECO notes that the mandate of the existing monitoring Commission is tied to the implementation of the Action Plan; in this context, GRECO trusts that the authorities will pursue their efforts to ensure an efficient and ongoing monitoring of anti-corruption initiatives. Finally, GRECO is pleased to note that the authorities have taken promising steps concerning local involvement in policy setting and implementation; GRECO can only encourage the authorities to sustain their work in this field so that effective anti-corruption policies are put into action at local level.
61. GRECO concludes that recommendation xiii has been dealt with in a satisfactory manner.

**Recommendation xiv.**

62. *GRECO recommended that a Law on Free Access to Information be adopted as soon as possible and that training for civil servants on the public's rights under the Law be provided. Moreover, appropriate information on the Law should be made available to the public at large.*
63. The authorities of Montenegro report that the Law on Free Access to Information was adopted on 8 November 2005; it entered into force on 16 November 2005<sup>15</sup>. Numerous training seminars on its provisions were reportedly launched immediately thereafter; they targeted a wide audience, including public officials managing information requests at central and local level (over 275 attendees have taken part in the 16 seminars organised at municipal level so far), as well as media representatives. Several public bodies have issued guidelines on the implementation of access to information provisions in their own sector of activity. The Network for the Promotion of the NGO Sector has opened an information telephone line to provide governmental information upon request. A Manual on the Right to Know has been issued and widely disseminated among the general public. Monitoring of implementation of access to information legislation is now in

---

<sup>15</sup> Law on Free Access to Information, Official Gazette 68/05.

place; statistics are available on the number of requests received and the subsequent action taken by the public administration concerned. Statistics reveal that a total of 7,153 information requests were filed, in about half of the cases: 3,334, administrative silence occurred; information was provided to 1,653 requests.

64. GRECO welcomes the adoption of the Law on Free Access to Information, as well as the training and dissemination activities undertaken to further familiarise the officials responsible and the general public on the corresponding legislative provisions, in accordance with recommendation xiv. It transpires from the information provided, in particular, the number of information requests received and the response to these requests (which shows that administrative silence occurs more often than desirable), that the effective implementation of the law will pose new challenges in this area. The authorities are therefore encouraged to keep the implementation of the relevant legislation under close review, so that citizens can exercise their right of access to public information fully.
65. GRECO concludes that recommendation xiv has been implemented satisfactorily.

#### **Recommendation xv.**

66. *GRECO recommended to prepare and adopt special mandatory anti-corruption training programmes tailored to the needs of the various categories of civil servants.*
67. The authorities of Montenegro indicate that the Ministry of Justice, in cooperation with the Ministry of the Interior and Public Administration, the Supreme State Prosecutor's Office, the Supreme Court and the Human Resources Management, is given the task of centralising the training of all entities involved in anti-corruption initiatives. The Human Resources Management has adopted a Programme on Combating Corruption in Public Administration, which includes training for both civil servants and public employees. A Manual on Prevention of Corruption has been issued and disseminated among public officials; it contains, *inter alia*, information on anticorruption seminars held in 2007, which benefited from the expertise of Slovenian practitioners in this field. Further anticorruption training sessions have been held in 2008. The Programme for Professional Training (2008-2009) comprises, *inter alia*, specific modules on the fight against corruption, including professional integrity, free access to information, sound management of public finances, public procurement procedures, transparency in public administration, etc. Additionally, targeted training on anticorruption matters (standards of ethical behaviour, preventive and repressive mechanisms, etc.) has been organised by a number of public bodies in their area of activity, e.g. customs, police, etc.
68. GRECO welcomes the steps taken by the authorities to develop targeted anti-corruption training programmes; although these training sessions are not explicitly labelled as mandatory, GRECO takes the view that the proactive attitude displayed by the authorities in their training policy clearly goes in the direction of recommendation xv, since a wide number of different categories of officials have been/are being trained, on an ongoing basis, on anti-corruption measures. For that reason, GRECO concludes that recommendation xv has been dealt with in a satisfactory manner.

#### **Recommendation xvi.**

69. *GRECO recommended to expand the application of the Law on Conflicts of Interest to include all public officials who perform public administration functions, including public officials as referred to in Article 2, paragraph 2, of the Law on Civil Servants. GRECO also recommends that legislative*

*or other measures be taken to ensure that all public officials and civil servants are prohibited from acquiring inappropriate benefits for themselves or their relatives through holding a position as member of the board in State owned companies. Finally, GRECO recommends to seek ways of reducing the potential of political influence in the decisions taken by the Commission for the determination of conflicts of interest.*

70. The authorities of Montenegro indicate that a draft Law on the Prevention of Conflicts of Interest in Performing Public Functions was adopted by the Government in October 2008, following public consultation and international expertise (from the Council of Europe, EU/OECD SIGMA programme and civil society representatives), and is now awaiting parliamentary adoption, which is expected to take place before the end of 2008. The aforementioned draft includes, *inter alia*, a detailed definition of public officials (high officials, whether appointed or elected, including local-self government bodies), a system of sanctions for infringements to the law, and the obligation for the Commission for the determination of conflicts of interest to oversee compliance with the applicable rules. Furthermore, specific provisions have been introduced in the draft to prohibit public officials from serving on Boards of Directors of State owned companies and from receiving compensation for this function. As per the composition of the Commission and the impartiality of its members, the draft explicitly bans members of the Commission from their membership of political parties.
71. GRECO notes that certain steps have taken to tackle some of the issues raised by recommendation xvi, in particular, the draft Law on the Prevention of Conflicts of Interest in Performing Public Functions includes restrictions for public officials to serve on the Board of State owned companies, as well as guarantees to reduce the potential of political influence in the decisions taken by the Commission, by *inter alia*, banning its members from membership of political parties. However, as the aforementioned draft has not yet been adopted by Parliament, GRECO cannot at this stage anticipate the final result.
72. Furthermore, GRECO notes that, although the definition of “public official” provided in the draft Law on the Prevention of Conflicts of Interest in Performing Public Functions has been reworked to better specify the different categories of persons subject to the relevant restrictions, the subjective scope of application of the draft Law continues to be confined to high officials and, therefore, does not cover all public officials who perform public administration functions. In this connection, paragraph 88 of the Joint First and Second Round Evaluation Report on Montenegro, stressed that the conflict of interest rules applicable to civil servants under the Law on Civil Service were of a rather generic nature and therefore, recommended the expansion of the Law on Conflicts of Interest to also cover this category of officials.
73. GRECO concludes that recommendation xvi has been partly implemented.

#### **Recommendation xvii.**

74. *GRECO recommended to introduce clear rules/guidelines for situations where public officials move to the private sector (“pantouflage”) in order to avoid situations of conflicts of interest.*
75. The authorities of Montenegro indicate that, following an internal debate, a decision has been taken to regulate the issue of “pantouflage” in the draft Law on the Prevention of Conflicts of Interest in Performing Public Functions. To this effect, the Directorate for Anticorruption Initiative compiled examples of GRECO recommendations to other member States, as well as good practice, and passed this information on to the Working Group drafting the new legislation on

conflicts of interest. The draft Law on the Prevention of Conflicts of Interest in Performing Public Functions includes specific provisions to restrict and control post-employment business activities (one-year “cooling-off” period).

76. GRECO notes the steps taken to date to address recommendation xvii and looks forward to receiving further information on the applicable rules on “pantouflage”, once such rules are adopted.
77. GRECO concludes that recommendation xvii has been partly implemented.

**Recommendation xviii.**

78. *GRECO recommended to give high priority to the planned preparation and adoption of a code of conduct for civil servants and to widely promote and disseminate it among civil servants and the general public.*
79. The authorities of Montenegro indicate that a Code of Conduct for civil servants and public employees was adopted in December 2005, a promotion and dissemination campaign was initiated thereafter (10,000 copies have been distributed among public administration bodies). Moreover, in line with the provisions of the Code of Conduct, a number of public institutions have also adopted their own ethical codes and are carrying out dissemination/training activities in this context, i.e. customs, police, tax authorities.
80. GRECO concludes that recommendation xviii has been implemented satisfactorily.

**Recommendation xix.**

81. *GRECO recommended to lower the value of any gifts that may be accepted by public officials to levels that clearly do not raise concerns regarding bribes or other forms of undue advantage.*
82. The authorities of Montenegro highlight that the Draft Law on the Prevention of Conflicts of Interest in Performing Public Functions includes a general ban on gifts: public officials must not accept gifts, other than protocol or other “appropriate gifts” of a small value, and only if these are not in the form of money, securities or precious metals. Appropriate gifts are considered those whose value does not exceed 50 EUR, if given in the same year, by the same person. Further rules are included in the draft concerning the recording, management and control (by the Commission of Conflicts of Interest) of accepted gifts; infringements to the relevant rules on gifts are subject to disciplinary sanctions.
83. GRECO takes note of the provisions included in the draft Law on the Prevention of Conflicts of Interest in Performing Public Functions to further regulate the exceptions to the general ban on gifts, including by limiting the total value (50 EUR) and the type (no money, securities or precious metals) of acceptable gifts that can be received from the same person in a given year. GRECO notes that Montenegro has not - as such - lowered the values of the gifts that can be accepted, since the threshold of 50 EUR has remained unchanged; however, the average salary in Montenegro has doubled since the adoption of the Joint First and Second Round Evaluation Report (from 200 EUR to 430 EUR at present). Therefore, the end result goes in the direction intended by the recommendation since, as a result of that economic evolution, the amount of 50 EUR for the threshold represents, in practice, a lower amount today. Nevertheless, GRECO observes that nothing is said in the proposed draft as to the total aggregated value of gifts

acceptable from different persons over a year; this may open up possibilities for abuse of the system.

84. GRECO concludes that recommendation xix has been partly implemented.

**Recommendation xx.**

85. *GRECO recommended to ensure that civil servants who report suspicions of corruption in good faith (whistleblowers) are adequately protected from adverse consequences.*
86. The authorities of Montenegro report that, following an in-depth analysis of the legislative options to ensure an adequate protection of whistleblowers, the Law on Civil Servants and Public Employees, which was amended in July 2008, now includes specific requirements to this aim<sup>16</sup>. In particular, it is provided that public officials who give information on corruption offences, or other unlawful or improper activities, must not suffer in any way for doing so. Anonymity of the whistleblower is to be kept in order to protect him/her from potential adverse consequences. Additional personal protection measures are to be afforded to the whistleblower if his/her physical integrity, freedom or property are at risk (e.g. through witness protection mechanisms). Furthermore, the Police Directorate has adopted a Directive on Procedures for Reporting Corruption and Protection of Persons who Report Corruption to the Police Directorate. Further activities are planned to promote implementation of the aforementioned Directive, through *inter alia* the provision of training and targeted guidance on the available reporting channels and protection mechanisms for whistleblowers.
87. GRECO takes note of the legislative amendments introduced to the Law on Civil Servants and Public Employees, to *inter alia*, grant and further protection to whistleblowers. GRECO also acknowledges the ongoing activities aimed at putting in place (and giving effect to) the procedural framework for reporting suspicions of corruption. Since these are all very recent and ongoing developments, GRECO is hopeful that the authorities of Montenegro will keep under active review the implementation of the applicable legislative framework concerning whistleblowers in order to ensure their adequate protection in practice. The Montenegrin authorities may wish to provide additional information to GRECO in this respect.
88. GRECO concludes that recommendation xx has been dealt with in a satisfactory manner.

**Recommendation xxi.**

89. *GRECO recommended to limit licenses and permits to those that are indispensable; ensuring a reasonable time-frame for obtaining licenses and permits; and to encourage the compilation and editing – by the competent authorities – of guidelines for civil servants handling licenses and permits as well as for the general public.*
90. The authorities of Montenegro indicate that the amended Law on Companies<sup>17</sup> establishes that permits are only necessary to the extent envisaged by law. This puts an end to the practice of local authorities requesting a license to perform a business activity even in cases where such a requirement was not regulated by law. A Programme for Eliminating Barriers to the Development of Entrepreneurship was adopted in October 2007, its action plan was launched in April 2008 and a monitoring Council has been established to oversee its implementation (the first implementation

---

<sup>16</sup> Law on Civil Servants and Public Employees, Official Gazette 50/08.

<sup>17</sup> Law on Companies, Official Gazette 17/07.

report was adopted in September 2008). The aforementioned programme and its action plan comprise systemic measures to eliminate superfluous and non-functional regulations on one side, and on the other, to reduce the costs and the timeframes of the licensing procedures. The action plan emphasises that entrepreneurs are still faced with an unfavourable business environment, which is largely due to the cumbersome regulatory framework and lengthy and costly administrative procedures. In this context, priority measures are being undertaken urgently which include drafting a Law on the Issuance of Licenses and Permits to Perform Business Activities, amending the Law on the General Administrative Procedure (the changes would refer primarily to reducing timeframes for granting licences and permits), cutting red-tape, subjecting local authorities to closer scrutiny, establishing a one-stop-shop system, etc. In addition, public information and hotlines exist to encourage citizens to report any instance of corruption, including those committed by licensing/permitting authorities, to the relevant bodies. Finally, measures have been taken to actively involve the public in the decision-making of privatisation processes, a Commission has been established to analyse objections, complaints and proposals to the privatisation process, including those dealing with eventual corrupt behaviour.

91. GRECO welcomes the wide range of initiatives taken to limit licences and permits to those that are indispensable, to introduce a one-stop-shop system and to establish clear and strict timeframes in legislation for obtaining licenses and permits. While acknowledging the important efforts undertaken so far in this area, GRECO notes that some of the initiatives reported have not yet been fully completed. Moreover, GRECO lacks measurable data which would allow a proper assessment of whether the turnaround time for obtaining permits/licenses has been reduced in practice. Finally, the compilation and editing of guidelines both for civil servants handling licenses and permits and for the general public is still pending.
92. GRECO concludes that recommendation xxi has been partly implemented.

#### **Recommendation xxii.**

93. *GRECO recommended to adopt the necessary legislation to speedily implement liability of legal persons for corruption offences providing for sanctions – including monetary sanctions - that are effective, proportionate and dissuasive, in accordance with the Criminal Law Convention on Corruption (ETS No. 173).*
94. The authorities of Montenegro confirm that the Law on Criminal Liability of Legal Entities was adopted in December 2006; it came into force on 1 January 2007<sup>18</sup>. Corporate criminal liability is also recognised in Article 31 of the Criminal Code<sup>19</sup>. In particular, legal persons would be liable for crimes committed, on their behalf or for their benefit, by any natural person, who has a leading position within the legal person, based on a power of representation of the legal person; or the authority to take decisions on behalf of the legal person; or the authority to exercise control within the legal person. Corporate criminal liability would also apply in those cases where lack of supervision within the legal person makes it possible to commit the offence. Liability of the legal person does not exclude criminal liability of the physical perpetrator. Sanctions include fines, dissolution of the legal person, professional bans, confiscation of assets and publication of the court decision. The Ministry of Justice has issued commentaries to the law which have been distributed among judicial office holders; training on the provisions of the law is underway. Finally, steps have been taken to establish a register of legal persons with criminal convictions<sup>20</sup>.

---

<sup>18</sup> Law on Criminal Liability of Legal Entities, Official Gazette No. 2/07 and 13/07.

<sup>19</sup> Criminal Code, Official Gazette No. 70/2003.

<sup>20</sup> Book or Rules on Keeping a Criminal Register of Legal Persons, Official Gazette No. 23/08.

95. GRECO is pleased to note that the authorities have gone beyond the recommendation, as they have not only introduced corporate (criminal) liability, but have also decided to establish a register of convicted legal persons. GRECO very much hopes that efforts in this area will be maintained, so that the legal provisions on corporate criminal liability are given full effect in practice.
96. GRECO concludes that recommendation xxii has been implemented satisfactorily.

**Recommendation xxiii.**

97. *GRECO recommended to encourage private auditors and accountants to report suspicions of corruption to the public prosecutor and to organise training on the detection and reporting of corruption.*
98. The authorities of Montenegro indicate that the Administration on the Prevention of Money Laundering (APML), in cooperation with the UNDP, organised in 2007 and 2008 two seminars on the detection and reporting of corruption which targeted, *inter alia*, private auditors and accountants. Likewise, the APML has issued a set of indicators to facilitate the detection of suspicious transactions (for further details, see under paragraph 53); two additional training sessions on the use of these indicators are expected to be held before the end of 2008. Further training activities are programmed in the area of money laundering (where legislative amendments are ongoing) to better familiarise institutions/professionals with their reporting obligations. The Institute of Accountants and Auditors, as well as the Institute of Certified Accountants, have organised training and distributed information/publications on the obligation of these categories of professionals to comply with international standards in the field of accounting and auditing, including by observing deontological rules. The Directorate for Anticorruption Initiative (DACI) organised a lecture at the Institute of Accountants and Auditors, which was attended by 100 professionals, where special attention was paid to recommendation xxiii and the need for closer cooperation between accountants, auditors and prosecutors when suspicions of corruption arise. Moreover, DACI held, in November 2008, in cooperation with the Council of Europe, a training session for private auditors and accountants, as well as State auditors, on the detection and reporting of corruption.
99. GRECO takes note of the training developed/programmed to encourage private accountants and auditors to help detect instances of corruption and subsequently report them to law enforcement authorities, as necessary.
100. GRECO concludes that recommendation xxiii has been implemented satisfactorily.

**Recommendation xxiv.**

101. *GRECO recommended to establish guidelines and provide training for State Auditors so that they can effectively fulfil their obligation to report suspected criminal offences, including corruption, to the State Prosecutor.*
102. The authorities of Montenegro report several initiatives aimed at improving the performance of State auditors, including training seminars, manuals and study visits on different aspects of budgetary control. In the context of a technical assistance project, with the German Organisation for Technical Cooperation (GTZ), an Auditor Training and Development Programme has been prepared; the topic of reporting corruption instances has been included in the training sessions to

be held throughout 2008-2009. In this context, in May 2008, a lecture was given concerning the obligation to report suspicions of corruption by State auditors to prosecutors. Moreover, in November 2008, the Directorate for Anticorruption Initiative (DACI) organised, in cooperation with the Council of Europe, a training session for State auditors, private auditors and accountants, on the detection and reporting of corruption.

103. GRECO is pleased to note that the obligation to report criminal offences to prosecutors is one of the topics dealt with by the general training programme for State auditors which is to be implemented in 2008-2009. GRECO notes, however, that until now, only a couple of seminars have been held to this effect. GRECO further remarks that no steps have been taken to establish guidelines for State auditors on their legal obligation to report criminal offences, in line with the first part of recommendation xxiv. Additional efforts are therefore required.
104. GRECO concludes that recommendation xxiv has been partly implemented.

### III. CONCLUSIONS

105. **In view of the above, GRECO concludes that Montenegro has implemented satisfactorily or dealt with in a satisfactory manner two thirds of the recommendations contained in the Joint First and Second Round Evaluation Report.** Recommendations ii, iii, iv, v, vii, ix, xii, xiv, xviii, xxii and xxiii have been implemented satisfactorily and recommendations i, x, xiii, xv and xx have been dealt with in a satisfactory manner. Recommendations vi, viii, xi, xvi, xvii, xix, xxi and xxiv have been partly implemented.
106. Concrete improvements have been achieved in virtually all fields targeted by the relevant GRECO recommendations. The Montenegrin authorities have launched an articulated anticorruption strategy, based on both preventive and repressive mechanisms, where objectives, activities, deadlines and indicators of achievement are framed and monitored. Important efforts have been made to put in place a legislative framework to fight corruption (e.g. introduction of criminal corporate liability and establishment of a register of convicted legal persons, upgrading of public procurement processes); the degree of effective implementation of the new standards and their actual impact on levels of corruption in Montenegro are now to be assessed. Extensive training and public information campaigns on anticorruption policies have taken place in the last two years. The initiatives pursued to date to actively involve local authorities, as well as the general public, in the development of anticorruption policies are important steps likely to foster increased ownership and overall support of the process. Nevertheless, additional efforts are required with respect to, *inter alia*, the ongoing reform of the judicial system, the simplification and speeding up of licensing/permit procedures, the development of rules on conflicts of interest (including gifts and pantouflage), etc. Moreover, it is essential that the Criminal Procedure Code is formally adopted, since it includes a number of provisions that would further facilitate the prosecution of corruption offences, e.g. by enabling the seizure of property at early stages of investigation, by expanding the application of special investigative techniques to cover a wider number of corruption offences, by consolidating the leading role of the prosecutor in criminal investigations, etc.
107. GRECO invites the Head of the Montenegrin delegation to submit additional information regarding the implementation of recommendations vi, viii, xi, xvi, xvii, xix, xxi and xxiv by 30 June 2010.

108. Finally, GRECO invites the authorities of Montenegro to authorise, as soon as possible, the publication of the report; to translate the report into the national language and to make this translation public.