

Adoption: 17 June 2022  
Publication: 25 October 2022

Public  
GrecoEval5Rep(2022)2

# FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in  
central governments (top executive functions) and  
law enforcement agencies

## EVALUATION REPORT

# MONTENEGRO



Adopted by GRECO  
at its 91<sup>st</sup> Plenary Meeting (Strasbourg, 13-17 June 2022)



Group of States against Corruption  
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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I. EXECUTIVE SUMMARY

## II. INTRODUCTION AND METHODOLOGY

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<sup>1</sup> More information on the methodology is contained in the Evaluation Questionnaire which is available on GRECO's [website](#).

### III. CONTEXT



#### IV. PREVENTING CORRUPTION AND PROMOTING INTEGRITY IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

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<sup>2</sup> Article 95 of the Constitution.

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<sup>3</sup> Article 100 of the Constitution.

<sup>4</sup> Article 103 of the Constitution.

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<sup>5</sup> Article 62 of the Law on Civil Servants and State Employees.

<sup>6</sup> The advisors of the Prime Minister and Deputy Prime Ministers, who are political officials, must but distinguished from the advisors within the cabinet, who are civil servants. For the sake of this report, they are called “special advisors” in order to differentiate them from cabinet advisors.

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<sup>7</sup> Currently, the “special advisors” do not participate in the permanent working commissions, although the law makes it possible.

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<sup>8</sup> Official Gazette of Montenegro 16/16, 83/16, 21/17, 42/17, 12/18, 39/18, 42/18, 34/19, 130/21, 146/21.

<sup>9</sup> <http://monstat.org/eng/novosti.php?id=3234>.

<sup>10</sup> Official Gazette of Montenegro 40/16 and 28/18.

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<sup>11</sup>[https://www.antikorupcija.me/media/documents/OPINION\\_ON\\_THE\\_DECISION\\_OF\\_THE\\_NATIONAL\\_COUNCIL\\_FOR\\_THE\\_FIGHT\\_AGAINST\\_HIGH\\_LEV\\_duFEzgf.pdf](https://www.antikorupcija.me/media/documents/OPINION_ON_THE_DECISION_OF_THE_NATIONAL_COUNCIL_FOR_THE_FIGHT_AGAINST_HIGH_LEV_duFEzgf.pdf)

<sup>12</sup> Public authorities were obliged to adopt such plans by 31 March 2016.

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<sup>13</sup> Official Gazette of Montenegro 53/14 and 42/17.

<sup>14</sup> Official Gazette of Montenegro 2/2018 and 34/2019.

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<sup>15</sup> Article 4 of the Law on Prevention of Corruption.

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<sup>16</sup> adopted on 30 October 2018.

<sup>17</sup> Article 54 of the Law on the Prevention of Corruption.

<sup>18</sup> ASK's Opinion N° 03-02-28-21-6 of 26 April 2021.

<sup>19</sup> ASK's Opinion N° 02-01-1673/2 of 17 August 2021.

<sup>20</sup> Draft laws on the State Prosecutor Office, on the Prosecutor's Office for Organized Crime and Corruption, on Higher Education, on Value Added Tax, on the Labour Law, on the General Law on Education and Upbringing, on National Public Broadcasting Radio-Television; Decisions on the National Council for the Fight against High-Level Corruption, on the manner and criteria for addressing the housing needs of officials.

<sup>21</sup> ASK's Opinion N° 03-02-2810 of 28 December 2020.

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<sup>22</sup> ASK's Opinion N° 03-02-2294/5 of 14 January 2022.

<sup>23</sup> A proposal has been drafted by the ASK in cooperation with Council of Europe's experts.

<sup>24</sup> In 2021 the ASK increased the number of opinions on the existence of conflicts of interest and restrictions in the exercise of public functions by almost 38 % since its establishment, and the number of reports on income and assets submitted increased by more than 31% in one year. 85 procedures have been initiated to control the accuracy and completeness of *ex officio* reports, which is six times more than in the previous year. 142 whistleblower reports were submitted to the ASK, which represents an increase of 90 % more than in the previous year. 345 administrative proceedings against public officials have been conducted, which is almost 72 % more than in the previous year and violations of the law were found in 89.3% of cases, which is significantly more than in 2020 (54.7%). The ASK initiated a total of 1,164 misdemeanour proceedings due to violations of anti-corruption laws within its competence - twice more than in 2020.



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<sup>25</sup> Official Gazette of Montenegro 44/12, 30/17.

<sup>26</sup> Official Gazette of Montenegro 3/12, 31/15, 48/17, 62/18.

<sup>27</sup> Official Gazette of Montenegro 14/08, 76/09, 41/10, 40/11, 38/12, 44/12, 14/13, 18/14, 48/15.

<sup>28</sup> The link to the Guide of the General Secretariat of the Government is: <http://www.gsv.gov.me/spi/vodic>.

<sup>29</sup> [http://www.gov.me/sjednice\\_vlade\\_2016](http://www.gov.me/sjednice_vlade_2016)

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<sup>30</sup> Official Gazette of Montenegro 20/14, 56/17, 70/17, 4/18, 55/18, 66/19 and 70/21.

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<sup>31</sup> Article 52.

<sup>32</sup> Official Gazette of Montenegro 52/14.

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<sup>33</sup> These Guidelines were drafted with assistance of the Council of Europe through the framework of the European Union and Council of Europe joint Action against economic crime in Montenegro.

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<sup>34</sup> Article 72.

<sup>35</sup> Official Gazette of Montenegro 75/18.

<sup>36</sup> Official Gazette of Montenegro 20/14, 56/17, 70/17, 4/18, 55/18, 66/19 and 70/21.

<sup>37</sup> Official Gazette of Montenegro 28/04, 27/06, 78/06, 17/07, 73/10, 40/11, 31/14, 70/17.

<sup>38</sup> Official Gazette of Montenegro 51/06, 66/06, 88/09, 80/10, 39/11, 25/12, 49/13, 32/14 - Decision of the CCMN, 42/15, 52/17, 17/18, 47/19, 112/20, 129/20, 65/21 and 104/21.

<sup>39</sup> Official Gazette of Montenegro 38/12.

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<sup>40</sup> Official Gazette of Montenegro 80/10.







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<sup>41</sup> <http://www.antikorupcija.me/me/registri/>





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<sup>42</sup> Greco Eval IV Rep (2014) 6E – Adopted on 19 June 2015.



## V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

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<sup>43</sup> Official Gazette of Montenegro N° 70/21.

<sup>44</sup> Law on Internal Affairs - Article 18, and Decree on State Administration Organisation and Functioning - Article 17.



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<sup>45</sup> "Perception of the Police in Montenegro, OSCE, December 2020.

<sup>46</sup> Perception of the Police in Montenegro, OSCE, November 2021.

<sup>47</sup> The new Integrity Plan of the Ministry of Interior was adopted on 23 December 2021.







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<sup>48</sup> <https://www.osce.org/mission-to-montenegro/474980>

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<sup>49</sup> Articles 138 to 142.  
<sup>50</sup> Articles 143 and 144.











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<sup>51</sup> Art. 194-195 of the Law on Internal Affairs.

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<sup>52</sup> See more statistics in Appendix to this report.



VI. RECOMMENDATIONS AND FOLLOW-UP





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## About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: [www.coe.int/greco](http://www.coe.int/greco).

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