Adoption: 21 June 2024

FIFTH EVALUATION ROUND

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

COMPLIANCE REPORT

MONTENEGRO

Adopted by GRECO
at its 97th Plenary meeting (Strasbourg, 17-21 June 2024)

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

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I. INTRODUCTION

1. The fifth GRECO evaluation round concerns "Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies".

2. This Compliance Report assesses the measures taken by the Montenegrin authorities to implement the recommendations made in the Fifth Round Evaluation Report on Montenegro which was adopted by GRECO at its 91st plenary meeting (13-17 June 2022) and made public on 25 October 2022, following authorisation by Montenegro.

3. As required by GRECO's Rules of Procedure,[1] the authorities of Montenegro submitted a Situation Report containing information on measures taken to implement the recommendations in the Evaluation Report. That report was received on 22 January 2024 and, along with the additional information provided on 25 March and 17 May 2024, served as a basis for this Compliance Report.

4. GRECO selected Lithuania (in respect of top executive functions in central governments) and North Macedonia (in respect of law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Jolanta BERNOTAITE on behalf of Lithuania, and Mr Vladimir GEORGIEV on behalf of North Macedonia. They were assisted by GRECO's Secretariat in drawing up this report.

5. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and gives an overall appraisal of the level of the member's compliance with these recommendations. The implementation of any outstanding recommendations (partly or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after this Compliance Report is adopted.

II. ANALYSIS

6. GRECO addressed 22 recommendations to Montenegro in its Evaluation Report. Compliance with these recommendations is dealt with below.

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

Recommendation i

7. *GRECO recommended laying down rules requiring that that integrity checks take place prior to the appointment of ministers and state secretaries in order to identify and manage possible risks of conflicts of interest before their appointment.*

[1] The compliance procedure for the Fifth Evaluation Round is governed by GRECO's Rules of Procedure as amended. See Rule 31 revised bis and Rule 32 revised bis.

8. The authorities report that the Ministry of Public Administration is willing to integrate the requirement of integrity checks of PTEFs prior to their appointment in the draft Law on the Government of Montenegro and requested technical assistance in this regard,[2] including on the possible establishment of a body overseeing the implementation of the Code of Ethics and the method of verifying the integrity of ministers and state secretaries before their appointment. According to the authorities, the adoption of the draft Law on the Government is envisaged under the 2024-2027 Medium-Term Government Work Programme and the Public Administration Reform Strategy. The current version of the draft Law provides for an obligation of integrity checks for candidates for the Prime Minister, Deputy Prime-Ministers, and Ministers by means of a questionnaire to be filled out prior to their appointment. As to the integrity checks in respect of state secretaries, this matter will be regulated through amendments to the Law on Public Administration, which will be carried out once the Law on the Government is adopted to align the provisions concerning integrity checks and prevention of conflicts of interest.

9. GRECO takes note of the information provided. The draft Law on the Government, if adopted as stated, would address to a large extent the need to put in place integrity checks for PTEFs prior to their appointment. However, at present, the draft is at an early stage and may still be subject to amendments during the approval by the Government and the adoption by Parliament. Therefore, no tangible results have been achieved so far. GRECO highlights the importance of this measure for identifying and preventing possible conflicts of interest among PTEFs and encourages the Montenegrin authorities to proceed with the adoption of the necessary legislation, as envisaged, providing for the integrity checks for ministers and state secretaries with no further delay.

10. GRECO concludes that recommendation i has not been implemented.

Recommendation ii

11. *GRECO recommended laying down rules requiring that integrity checks take place in respect of the (Deputy) Chief of cabinet of the Prime Minister, as well as the politically appointed "special advisors" of the Prime Minister and Deputy Prime Ministers, as part of their recruitment, in order to avoid and manage possible risks of conflicts of interests.*

12. The authorities report that in December 2023, in consultation with the Agency for the Prevention of Corruption (hereafter "ASK"), the Government amended the Decree on the Government of Montenegro, in force as of 6 January 2024, by introducing a mandatory check for the advisors to the Prime Minister, the Chief of the Cabinet of the Prime Minister, the Deputy Chief of the Cabinet of the Prime Minister, and advisor to the Deputy Prime Minister as part of their employment procedure (Article 16a of the amended Decree). This check is conducted through a request from the Secretary-General of the Government to the ASK to verify any ongoing or concluded proceedings

[2] In this regard, in collaboration with the Council of Europe Office in Montenegro, a document entitled "*Guide for the Ministry of Public Administration for formulating provisions of the Law on Government related to integrity checks and codes of conduct*" was prepared within the project "Horizontal Facility for the Western Balkans and Turkey."

against candidates to these positions for violations of the Law on Prevention of Corruption. The authorities specify that three such requests have been addressed to and processed by the ASK respect of PTEFs since the entry into force of the amended Decree on the Government.

13. GRECO takes note of the information provided by the authorities. It welcomes the amendments to the Decree on the Government of Montenegro, which introduced checks for candidates to be appointed as Chief of cabinet of the Prime Minister and advisors to the Prime Minister and Deputy Prime Ministers on their compliance with the anti-corruption legislation, which is to be carried out by the ASK. GRECO is therefore satisfied that this recommendation has been complied with and encourages the authorities to ensure the systematic application in practice of these new provisions.

14. GRECO concludes that recommendation ii has been implemented satisfactorily.

Recommendation iii

15. *GRECO recommended that clear role and missions be assigned to the National Council for Fighting Corruption so as to ensure the consistency of the overall strategy for preventing and fighting corruption.*

16. The authorities report that on 22 February 2024, the Government adopted the Decision[3] on the establishment of the National Council for the Fight Against Corruption (hereafter "National Council"), outlining the composition, role and mission of the National Council, upon which the previous decisions[4] on the National Council has become null and void. Pursuant to Article 3 of the 2024 Decision, the National Council is presided over by the Deputy Prime Minister for the Political System, Judiciary and Anti-Corruption and consists of 22 members, including three representatives of non-governmental organisations. The President, Vice-President, members and the Secretary of the National Council are appointed by the Government. The tasks of the National Council, set out in Article 5 of the Decision, includes, inter alia, as follows:

- preparing strategy for combating corruption with accompanying action plans in collaboration with the Ministry of Justice;
- monitoring implementation of the strategy;
- organising, synchronising, and monitoring the priorities, dynamics, and deadlines for the implementation of activities carried out by state bodies, bodies of state administration, local self-government bodies, local administration bodies, and other relevant institutions, and assessing the achieved results in realising the goals of the strategy;
- submitting reports to the Government on the implemented activities, along with an assessment of the situation and proposals for further measures to enhance the successful implementation of the strategy, at least twice a year;

[3] Published in the Official Gazette of Montenegro No. 16/2024.
[4] Decision on the National Council for the Fight Against High-Level Corruption, published in the Official Gazette of Montenegro No. 125/20, 11/21, 34/21, 86/2022, 33/2023, and 46/2023.

- proposes to the Government to undertake other measures and activities of importance for the fight against corruption when it is necessary in certain areas, and
- makes recommendations to the Government in order to improve the normative framework for the prevention of corruption.

17. GRECO takes note of the renewed composition of the National Council, as well as the roles assigned to it by the 2022 Government Decision. It is satisfied that the tasks of the National Council have been specified. However, the modalities of interaction and relationship of this new body with other state bodies responsible for the prevention of corruption, in particular the ASK, and how the consistency of the overall anti-corruption strategy is ensured remain unclear. It follows that this recommendation may be considered as implemented only partly.

18. GRECO concludes that recommendation iii has been partly implemented.

Recommendation iv

19. *GRECO recommended that a coordinated strategy for preventing corruption amongst persons entrusted with top executive functions (PTEFs) be adopted on the basis of risk assessments and that it be made public.*

20. The authorities again refer to the setting up of the National Council for the Fight Against Corruption on 28 July 2022, with the primary role of preparing a strategy to combat corruption along with accompanying action plans in collaboration with the Ministry of Justice. They further indicate that on 29 June 2022, the Cabinet of the Minister without Portfolio, responsible for corruption prevention, announced public consultation for the initial phase of preparing the National Strategy for the Fight Against Corruption 2023-2026. Following public consultations and preparatory work, in July 2022 the Government adopted the Report on Consulting the Interested Public in the Initial Phase of Developing the Strategy for the Fight Against Corruption 2023-2026. Further, in August 2023, a Technical Document entitled "A need assessment for the development, implementation and monitoring of the National Strategy for Preventing and Fighting Corruption in Montenegro" was finalised with support of the Council of Europe cooperation project "Horizontal Facility for the Western Balkans and Türkiye III Action against Economic Crime in Montenegro".

21. Further, the authorities submit that by the Decision of 5 March 2024 of the Deputy Prime Minister for the Political System, Judiciary and Anti-Corruption and the President of the National Council for the Fight against Corruption established the working group for drafting the Strategy for the Fight against Corruption, consisting of 16 members.[5]

[5] The Working Group consists of representatives from following institutions:
- Cabinet of the Deputy Prime Minister for the Political System, Judiciary and Anti-Corruption (3 members);
- Supreme Court of Montenegro;
- Supreme State Prosecutor's Office;
- Ministry of Justice;
- Ministry of Finance;

Under the above-mentioned cooperation project, the Working Group was assisted in developing the National Strategy by expert consultants who provided guidance and recommendations, focussing on measures to be included in the Strategy and to ensure that its elaboration conforms to the Government's strategy drafting guidelines. On 9 April 2024, the Government announced a 20-day public consultation regarding the Draft National Strategy for the Fight against Corruption 2024–2028. On 26 April 2024, the Government submitted to the European Commission's DG NEAR[6] the draft National Strategy for 2024–2028 and the Action Plan for its implementation for 2024-2025.[7]

22. GRECO takes note of the information provided by the authorities. It notes that considerable preparatory work has been carried out by the authorities, in cooperation with international partners, which is expected to pave the way to the adoption of a national strategy on the prevention of corruption. The recent setting up of the Working Group, tasked with the development of an anti-corruption strategy, is also encouraging, and the draft Strategy for the Fight against Corruption for 2024-2028 has been finalised. That said, while the draft Strategy contains several concrete measures aiming to enhance corruption prevention and promote transparency in state bodies, preventing corruption amongst PTEFs is not currently among its six priority areas.[8] GRECO calls on the authorities to accord the promotion of integrity and prevention of corruption among PTEFs a more prominent place in the Strategy, encourages them to adopt the Strategy and proceed with its implementation in practice.[9] At this stage, this recommendation can be seen as implemented only partly.

23. GRECO therefore concludes that recommendation iv has been partly implemented.

Recommendation v

24. *GRECO recommended that a review on the overall coherence and effectiveness of the legal framework for preventing and fighting corruption is carried out in order to ensure consistency between existing laws and bylaws, including a law on Government.*

- Agency for Prevention of Corruption (4 members);
- Ministry of Interior;
- Ministry of Health;
- Ministry of Education, Science and Innovation;
- Customs Administration, and
- Police Department.

[6] In the context of fulfilment of remaining interim benchmarks under Chapters 23 and 24 to be reflected in the Interim Benchmarks Assessment Report (IBAR) at the next EU Intergovernmental Conference (IGC).

[7] On 1 and 6 May 2024 the European Commission provided its comments to the Government on the two policy documents.

[8] According to the text of the draft National Strategy provided by the authorities, the current priority areas include (1) the judiciary, (2) police and customs administration, (3) environment, urbanism and spatial planning, (4) public purchase, (5) local self-government, (6) state-owned enterprises.

[9] On 10 June 2024, the authorities informed the Secretariat that the Strategy for the Fight against Corruption for 2024–2028 and the Action Plan for its implementation for 2024-2025 were adopted on 4 June 2024. This development will be duly taken into account during the next reporting exercise.

25. The authorities report that on 19 July 2022, following the ASK opinions on the Draft Law on the Government of Montenegro, the ASK proposed to the Government and relevant ministries to introduce mandatory preliminary control on the risks of corruption in the procedure for drafting legislative proposals emanating from the Government. Further, on 17 August 2022, a similar proposal was submitted by the ASK to Parliament in respect of legislation emanating from members of Parliament. Following these initiatives, on 29 December 2023, the Government amended the Rules of Procedure[10] of the Government of Montenegro, introducing a Preliminary Corruption Risk Assessment (CPL) as a mandatory procedure in the drafting of legislative proposals and other regulations established by the Government. According to this procedure, the Ministry of Justice is to provide an opinion on the CPL on a proposal for a law or another regulation within a period not exceeding 14 days.[11]

26. Further, as part of the technical cooperation Project for Combating Economic Crime in Montenegro, the ASK, in cooperation with the Council of Europe, prepared a comprehensive Analysis of the Law on Prevention of Corruption, implemented in three phases. The first phase, which assessed the provisions relating to the functional independence of the ASK,[12] highlighted several provisions protecting the position of the ASK, but also noted risks for inappropriate external pressure and political interference in the ASK, in particular, as regards the independent disposal of the ASK budget. In addition, clear provisions regarding the competences, personnel management, appointment and dismissal of senior managers, appeals procedures and sanctioning policy of the ASK were also considered lacking. The second phase[13] of the Project analysed parts of the law relating to conflicts of interest and asset declarations. The third phase of the assessment[14] covered provisions on reporting corruption and protecting whistleblowers, integrity plans, administrative, and misdemeanour procedures. It highlighted, inter alia, the need to introduce a comprehensive independent whistleblower protection law. A substantive volume of these matters have been incorporated in the new draft Law on the Prevention of Corruption, in development since 2021, which was subject to broad consultations and expertise involving local stakeholders and international organisations. The authorities provide an extensive account of developments expected to be brought about by this new draft Law, which aims, *inter alia*, at strengthening the independence and functioning of the

[10] Published in the Official Gazette of Montenegro No. 3/12, 31/15, 48/17, 62/18, and 121/23.

[11] The preliminary control on corruption risks is to be carried out in accordance with the Instruction approved by the Ministry of Justice in April 2024 and the CPL form approved by the ASK.

[12] The first phase of the Project, completed in May 2022, was concluded by the Technical Document entitled "Analysis of the parts of the Law on Prevention of Corruption which regulate the setup and functioning of the Agency for Prevention of Corruption", which contains recommendations for improving the legal framework to prevent undue pressure and interference and to enable a more effective, independent and efficient work of the ASK.

[13] The second phase, completed in September 2022, was concluded by the Technical Document "Analysis of the parts of the Law on Prevention of Corruption which regulate conflict of interest, restrictions in the exercise of public functions (incompatibilities of functions), assets declarations, gifts, donations and sponsorships"

[14] The third phase, finalised in April 2023, was completed with two technical documents "A Review of the Legislative Framework of Montenegro on Whistleblower Protection" and "Analysis of the parts of the Law on Prevention of Corruption which regulate integrity plans, and administrative and misdemeanour proceedings".

ASK, improving the protection of whistleblowers[15] and aligning the domestic legislation with the relevant EU directives[16] and recommendations of international monitoring bodies.

27. GRECO takes note of the information provided. It welcomes the detailed analysis of the Law on Prevention of Corruption, carried out by the ASK in cooperation with the international partners, which lead to identifying areas for improvement and specific recommendations. It also notes the process of adoption of the new draft Law on the Prevention of Corruption, which introduces significant novelties in several areas. These are steps in the right direction. Nonetheless, GRECO recalls that the recommendation requires a more comprehensive review of the coherence of the legal framework for preventing and fighting corruption to pave the way to greater consistency between different pieces of legislation. This has not been done yet. It follows that this recommendation can be considered as implemented only to some extent.

28. GRECO concludes that recommendation v has been partly implemented.

Recommendation vi

29. *GRECO recommended that i) a code of ethics (Guidelines on ethics) aimed at persons with top executive functions (PTEFs) be established and published, covering relevant integrity matters (e.g. preventing and managing conflicts of interest, contacts with lobbyists and other third parties, handling of confidential information, post-employment restrictions, etc.), ii) complemented with appropriate guidance and concrete examples and iii) coupled with a mechanism of supervision and sanctions.*

30. The authorities confirm the significant importance attached by the Government to the strengthening of ethics and integrity among high officials in the executive, repeatedly recognised as a shortcoming in the course of the work of the ASK. They recall that already in 2020, a Draft Code of Ethics for holders of the highest executive positions in Montenegro, complemented with the Guidelines for top executive officials in Montenegro was developed[17] and submitted to the Government. Following this, on 23 September 2021, the Government adopted the Guidelines for Strengthening Ethics and Integrity of Senior Officials in the Executive Power, applicable to Prime Minister, Deputy Prime Ministers, ministers and heads of administrative bodies with the aim to

[15] Such as the expansion of the scope for reporting irregularities and internal, as well as external reporting channels, stipulating that all whistleblower reports are to be submitted to the ASK, setting out a broader definition of a whistleblower, strengthening confidentiality of whistleblowers, providing safeguards against the misuse of reporting and determining the types of protection available to whistleblowers, including judicial protection. In this regard, the authorities also inform of their intention to adopt a separate law on this matter in near future, bringing all relevant provisions in this area under a single piece of legislation.

[16] In particular, Directive (EU) 2019/1937 of the European Parliament and of the Council on the protection of persons who report breaches of Union law, Directive (EU) 2015/849 of the European Parliament and of the Council on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No. 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.

[17] As part of the project "Phase II of the Horizontal Facility for the Western Balkans and Turkey III Action against Economic Crime in Montenegro" implemented in cooperation with the Council of Europe.

ensure senior officials' adherence to integrity standards and strengthen public trust in the performance of their duties.

31. Further, the authorities submit that the draft Law on the Government of Montenegro is still in development and the Government is gathering expertise on the draft from various domestic (ASK) and international bodies,[18] including the Council of Europe Commission for Democracy through Law (the Venice Commission).

32. GRECO takes note of the information provided. It is encouraged to see the authorities' recognition of the need to introduce rules on ethics and integrity binding for all PTEFs. Measurable preliminary work appears to have been done in this regard, in cooperation with international partners. The adoption of Guidelines for top executive officials is to be welcomed. However, these guidelines offer no specific examples from practice that could be usefully consulted by PTEFs in case of doubt, which needs to be remedied. Further tangible steps are needed to develop and adopt a code of ethics aimed at PTEFs, covering relevant integrity matters. GRECO notes that a draft had been developed in 2020, but it has not been adopted. For the time being, this recommendation cannot be considered as implemented more than partly.

33. GRECO concludes that recommendation vi has been partly implemented.

Recommendation vii

34. *GRECO recommended that, in order to ensure its full operational independence, the administrative capacities of the Agency for Prevention of Corruption (ASK) be further strengthened by ensuring independent merit-based recruitment procedures providing for integrity testing of new staff, and to ensure that the number of permanent staff of the ASK is increased to a level that is in accordance with its rules and foreseen workload.*

35. The authorities report several developments taking place in the course of 2022-2023, including the analysis by the ASK of Article 96 of the Law on Prevention of Corruption in relation to the Law on Civil Servants and Employees with the aim of ensuring in practice recruitment of the adequate number of staff in the ASK. Following appeals regarding the interpretation of this Article, addressed by the ASK to the Ministry of Public Administration and then the Ministry of Justice, the issue of recruitment of additional staff in the ASK remains unresolved. The authorities inform that a new draft Law on the Prevention of Corruption has been prepared by a working group set up by the Ministry of Justice on 18 July 2023, which was sent for assessment to different international organisations[19] and was made available for a 20-day public discussion on 28 March

[18] Reference is made to a technical document entitled *"Guide for the Ministry of Public Administration for formulating provisions of the Law on Government related to integrity checks and codes of conduct"* prepared within the Council of Europe project "Horizontal Facility for the Western Balkans and Türkiye."

[19] On 29 March 2024 the draft Law on Prevention of Corruption was submitted for comments to the European Commission and on 2 April 2024 the draft Law was submitted to the European Commission for Democracy through Law (Venice Commission) for opinion. On 21 May 2024, the Venice Commission published its Urgent Opinion on the draft Law on the Prevention of Corruption, accessible via the following link: https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2024)008-e

2024. The authorities specify that the draft Law envisages, in particular, for the rights, obligations and responsibilities of the employees of the ASK, currently governed by regulations on civil servants and state employees, to be regulated under general labour regulations (Article 99, paragraph 1 of the draft). This would enable the ASK to autonomously determine internal organisation and systematisation of workplaces, personnel plan, as well as procedures on advertising and filling vacant positions to employ staff. The authorities consider that this will result in an increased functional independence of the ASK, allowing it to fill the vacant positions in a more expedient manner. Further, the authorities submit that a Checklist for Integrity Testing of new staff through the regular recruitment procedure has been finalised with the assistance of the Council of Europe expert. Finally, the authorities inform that the number of staff has increased from 54 in October 2021 to 61 in May 2024, having a total of 75 positions.

36. GRECO notes the information submitted by the authorities. Some measures towards enhancing the independence of the ASK have been included in the draft Law on the Prevention of Corruption, and strengthening of the ASK is also reflected in the National Strategy for the Fight against Corruption for 2024-2028. Finalisation of a checklist to be used in the recruitment of new staff of the ASK, and a moderate increase of its staff over the last four years are promising developments. While these steps represent some progress in the implementation of this recommendation, the tangible outcome is yet to be achieved. With regards to the human and financial resources [to be] made available for the ASK, GRECO shares the view expressed in the Urgent Opinion of the Venice Commission that an obligation to provide the ASK with adequate resources to ensure the full, independent and effective discharge of its duties[20] could be usefully included in the draft Law.[21] Given the key role in the anti-corruption fight with which the ASK is vested, GRECO calls upon the authorities of Montenegro to take all remaining steps to ensure that independent merit-based recruitment procedures for new staff of the ASK are operational and the number of staff of the ASK is increased to the level of its workload, as required by the recommendation.

37. GRECO concludes that recommendation vii has been partly implemented.

Recommendation viii

38. *GRECO recommended that (i) systematic briefing and/or training on legal and ethical integrity standards be provided to persons exercising top executive functions (PTEFs) upon taking office and at regular interval while in office; and that (ii) confidential counselling be provided to all PTEFs for the understanding and the implementation of these standards, and that PTEFs be duly informed of such a possibility.*

39. The authorities report that in addition to consultations politically-appointed office holders may have with the ASK (Department of Conflict of Interest Prevention and

[20] See paragraph 50 of the Urgent Opinion of the Venice Commission on the draft Law on the Prevention of Corruption of Montenegro, published on 21 May 2024.

[21] The Montenegrin authorities inform that on 7 June 2024, Parliament adopted the new Law on the Prevention of Corruption, with the modifications as described in paragraph 35 of this report. This development will be duly taken into account during the next reporting exercise.

Department for Verification of Data from Asset Declarations of Public Officials, Department for Integrity and Lobbying), the ASK also provides advice (which is not confidential) to integrity managers and interested public officials regarding integrity plans and other issues related to personal integrity of officials and institutional integrity of government bodies. According to the authorities, from 1 July 2021 to 31 December 2023, the Department conducted a total of 3,646 consultations with integrity managers and other employees in government bodies. In addition, from 1 January 2022 to 31 December 2023, the ASK issued 440 confidential opinions regarding possible conflicts of interest and limitations in the exercise of public functions. The authorities further submit that integrity plans and systematic vulnerability risk assessments enable public officials to assume responsibility for their integrity in a controlled manner.

40. GRECO takes note of the information provided by the authorities. While recognising the utility of consultations on integrity issues provided to integrity managers by the ASK, GRECO recalls that the principal objective of the present recommendation is to ensure that PTEFs have systematic briefing and training on ethics and integrity and that confidential counselling is available to them. It would appear that the measures reported by the authorities do not illustrate any new developments of relevance to this recommendation. Therefore, it cannot be considered as implemented, even partly.

41. GRECO concludes that recommendation viii has not been implemented.

Recommendation ix

42. *GRECO recommended that the legal framework governing access to information and the mechanism of appeal against such decisions be simplified in order to ensure an effective access to government information in practice.*

43. The authorities report that in December 2023, the Government submitted to Parliament a proposal for amendments to the Law on Free Access to Information. According to the authorities, the proposed amendments envisage significant developments in terms of proactive disclosure of information, particularly in expanding the types and scope of information that must be published on respective websites of public bodies and emphasise the obligation to proactively disclose information online. In addition, it suggests reducing the deadline for information disclosure from 15 days to 8 days, except for information related to the management of public funds and on income and expenses, which should be made public within 30 days from the expiration of the period to which these reports relate. Furthermore, the amendments stipulate that even requests for information that were not submitted in the prescribed forms must be processed by the public authorities concerned, and allows merging multiple information requests from the same applicant, based on the same or similar factual circumstances and legal grounds into one request for the ease of processing. The amendments also specify deadlines and the authority to which an appeal should be submitted, and introduce the possibility of lodging appeals against "administrative silence". Finally, the amendments foresee that the competence of the Agency for the Protection of Personal Data and Free Access to Information be expanded, allowing it to adopt guidelines for the implementation of certain provisions of this Law.

44. GRECO takes note of the information provided by the authorities. It would appear that some steps to facilitate access to public information are envisaged in the draft amendments to the Law on Free Access to Information, which have been submitted to Parliament. However, as the text of these amendments has not been made available,[22] GRECO is not in a position to assess their foreseeable impact in practice. GRECO recalls that while an adequate regulatory framework for access to public information is in place (paragraph 67 of the Evaluation Report), its practical implementation is ineffective and the appeal procedures against refusals to access information are particularly cumbersome. GRECO calls upon the authorities to address these shortcomings without any further delay through the legislative amendments currently before Parliament.

45. GRECO concludes that recommendation ix has not been implemented.

Recommendation x

46. *GRECO recommended that (i) the definition of lobbying be broadened to cover all such contacts with persons holding top executive functions (PTEFs); that (ii) contacts between lobbyists and PTEFs be disclosed in respect of the identity of the persons involved as well as the subject matters discussed; and that (iii) the Agency for Prevention of Corruption (ASK) be mandated to investigate misgivings in respect of lobbying ex officio.*

47. The authorities report that as of 14 September 2021 a Working Group has been in operation to prepare amendments to the Law on Lobbying. Owing to a substantive number of provisions that needed to be amended, the Working Group decided that drafting new legislation would be more appropriate, as this would also allow reflecting best practices and findings from various international peer review mechanisms and technical assistance programmes.[23] A public consultation on the new draft law took place from 29 October to 18 December 2021 and the draft was submitted for opinion and recommendations to the European Commission, which were gradually taken into account by the Working Group. In parallel to the drafting the new Law on Lobbying, improvements were made to relevant bylaws. The authorities provide an extensive description of the provisions of the draft Law on Lobbying which, *inter alia*, defines the

[22] The text of these the amendments has been made available to GRECO in English very shortly before the 97th plenary meeting, which did not allow for sufficient time to assess their foreseeable impact in practice. The amendments envisage reducing the time-limits from 15 to 8 days for public authorities to disclose information, a possibility to merge multiple information requests into a single procedure, where warranted, and a possibility to appeal against "administrative silence".

[23] Including the findings of the project entitled "Horizontal Facility for the Western Balkans and Turkey", implemented in cooperation with the Council of Europe.

activity of lobbying,[24] a lobbying entity[25] and a lobbying contact.[26] The draft is also said to cover all lobbying contacts with persons with top executive functions (PTEFs) and aims to capture the activity of lobbying as a whole, irrespective of whether it reached the intended result of influencing decisions. In addition, the concept of lobbying under the draft law includes the so-called "in-house" lobbying, that is situations where individuals employed by a legal entity lobby in the interests of their own employer.

48. In addition, the authorities submit that draft law improves the provisions regarding the obligation of public authorities to publish all relevant data and documents on their website,[27] aiming to increase transparency, while expanding the content[28] of the activity report of a lobbyist or a legal entity engaged in lobbying activities.

49. Finally, the draft law endows the Agency for Prevention of Corruption with the authority to investigate, *ex officio*, suspicions related to lobbying activities and defines the procedure for determining potential illicit lobbying or violations of other provisions of that law, which should be initiated *ex officio* by the Agency for Prevention of Corruption based on its own findings, upon report from a natural or legal person, and based on information received from the lobbied entity. Public authorities and the legal and natural persons are obliged to provide requested information upon request from the Agency. The draft Law on Lobbying was adopted by the Government on 17 May 2024, and is expected to be transmitted to Parliament in near future.

50. GRECO takes note of the information provided. It notes that following a complex and inclusive process of development, including public consultations and international expertise, a comprehensive draft Law on Lobbying was adopted by the Government in May 2024 and is expected to be transmitted to Parliament. In particular, the draft provided by the authorities contains a broad definition of lobbying (Article 2) also covering contacts of lobbyists with PTEFs, envisages an obligation upon the state authority in which the lobbied person is elected, appointed, nominated or employed to publish on its website information on lobbying contacts, including the name of the

[24] An activity aimed at influencing government bodies, including legislative and executive authorities at the state or local level, state administration bodies, independent bodies, regulatory bodies, public institutions, and other legal entities exercising public powers or owned by the state in the process of drafting laws, other regulations, and acts falling within the competence of those bodies, with the purpose of pursuing the interests of the lobbying client.

[25] Any elected, nominated or appointed person in a government body, a person to whose election, nomination or appointment the government body issues consent, and another person in a government body who participates in the process of preparing and adopting laws, other regulations, and acts, or may influence the adoption of laws, other regulations, and acts, toward which a lobbyist or a legal entity engaged in lobbying conducts lobbying activities.

[26] Encompassing visits, phone calls, video conferencing and other forms of direct communication through communication means.

[27] In this regard, the government body is obliged to publish on its website, using the prescribed form, information about lobbying contacts, including: the name and surname of the lobbyist, the name and surname of the lobbied person, the position of the lobbied person, the field and subject of lobbying, the name and surname or the name of the lobbying client, the type, date, and place of the lobbying contact.

[28] The report on a lobbying contact should include information on the actual amount of fees paid for lobbying in the reporting period, as well as information on donations to political entities, donations to public authorities and sponsorships made by lobbyists or legal entities engaged in lobbying activities during the reporting period.

lobbyist, name of the person lobbied, his/her workplace, area and subject of lobbying name of the client in whose interest the lobbying activity is carried out and types, date and place of lobbying contacts (Article 43). Further, the draft also endows the ASK with the responsibility of overseeing the implementation of the Law (Article 52), and initiating procedures *ex officio* for its possible violations (Article 49). GRECO considers that the provisions of the draft Law on Lobbying pertinently address the three parts of this recommendation. However, as the Law had not yet been adopted,[29] GRECO cannot see this recommendation as implemented more than partly.

51. GRECO concludes that recommendation x has been partly implemented.

Recommendation xi

52. *GRECO recommended that the rules on gifts and other advantages be more specific, in particular by clarifying the definition of "protocol and appropriate gifts".*

53. The authorities report that in the framework of the project entitled "Horizontal Facility for the Western Balkans and Turkey", in September 2023 an analysis has been prepared of the provisions of the Law on Prevention of Corruption regarding conflicts of interest, incompatibilities, asset declarations, gifts, donations and sponsorships. The technical document prepared as a result recommends expanding the definition of gifts, as well as continuing activities to raise public officials' awareness of what is encompassed by the term "gift", including other benefits not limited to material items, such as services provided as part of hospitality, discounts etc.[30] Further, the new draft of the Law on the Prevention of Corruption (see paragraph 35 above) defines a gift as any item, right, or service acquired or provided without compensation, and any other gain provided to a public official, or a person related to a public official in connection with the exercise of public function. In the exercise of public functions, public officials are not allowed to receive gifts, except for protocol and appropriate gifts. The restrictions on receiving gifts are also applicable to married and common-law spouses and children of public officials living in the same household, if the receipt of gifts is in connection with the public official or the exercise of public functions. Finally, the authorities indicate that the draft Law provides for an obligation to refuse unacceptable gifts and report in writing to his/her authority of the offer within eight days. If it was not possible to refuse a gift when offered, or return it to the donor, a public official must hand it over to the authority where he/she exercises the public function.

54. GRECO takes note of the information provided by the authorities. It would appear that a broader definition of gifts has been incorporated in the draft Law on the Prevention of Corruption, which also includes protocol and appropriate gifts. The draft also establishes thresholds for acceptable gifts and stipulates that unacceptable gifts should

[29] On 10 June 2024, the authorities informed GRECO that on 6 June 2024, Parliament adopted the new Law on Lobbying. This development will be duly taken into account during the next reporting exercise.

[30] The technical paper also recommends introducing a broad range of prohibitions on soliciting and accepting gifts, both for the benefit of the public official, as well as for persons related to the public official, setting a threshold above which no gifts should be accepted (€50), as well as certain exemptions (conventional, ceremonial hospitalities etc.) and the obligation to report gifts and handling of prohibited gifts.

be returned, or transmitted to the public authority of the official concerned. While these developments are encouraging, as the new definition addresses the concerns underlying this recommendation, the provisions regarding the definition of gifts, acceptance, refusal and accounting for gifts have not yet been translated into effective law or regulation. Therefore, GRECO cannot consider this recommendation as implemented more than partly.

55. GRECO concludes that recommendation xi has been partly implemented.

Recommendation xii

56. *GRECO recommended that (i) asset and income declarations of all persons with top executive functions (PTEFs) be systematically subject to the various levels of the substantive control by the Agency for Prevention of Corruption (ASK); and that (ii) the quality control mechanisms of the ASK be strengthened by ensuring pertinent human resources and accurate access to relevant information (databases) for the verification of the declarations.*

57. The authorities report that public officials and certain categories of state officials are required to submit asset declarations to the Anti-Corruption Agency (ASK), which should also include relevant information regarding their spouses or partners, and children living in the same household. Submitted declarations are subject to three types of verifications by the ASK: administrative checks on the timeliness of submission and correctness of the form completion, verification of the accuracy of information submitted, including through cross-checks with other state authorities' databases and additional checks. The authorities specify that declarations subject to detailed verification are determined by an automated random selection procedure. As to verification of declarations submitted by PTEFs, the authorities indicate that only the declarations submitted by most senior officials, such as the President, Prime Minister, ministers, Chairperson of Parliament, Government Secretaries General, as well as Presidents and members of the Judicial and Prosecutorial Councils are subject to systematic mandatory verifications. Additional verifications cover 20 high-ranking officials, according to the level of vulnerability of the area/function to corruption, including ministers of two ministries managing the largest portion of funds allocated through public procurement, directors of two administrations, directors of two major public companies, mayors of five municipalities, members of five Boards of Directors of public enterprises with the state ownership of at least 33%, heads of the urban planning sector in two municipalities, and directors of two major health and educational institutions.[31] According to the authorities, in the course of verifications, the ASK obtains relevant data[32] from external sources (direct-access databases). In addition, in

[31] The authorities indicate that overall, asset declarations are verified annually for half of all members of Parliament; half of all judges and prosecutors; half of the mayors and presidents of the municipal assemblies; one tenth of officials appointed by Government, Parliament, local self-government, and one tenth of civil servants submitting asset declarations.

[32] Such as transactions related to real estate owned by public officials, securities transactions, and the ownership structure of companies in which public officials have a share.

November 2023, a methodology[33] for verifying income and asset declarations has been developed with the technical assistance of the Council of Europe to verify the lifestyle of public officials and civil servants subject to submitting income and asset declarations, initiated at the end of 2020. The authorities report that this methodology, in conjunction with the high corruption risk areas identified in the National Anti-Corruption Strategy, will serve as the basis to initiate verification of income and asset declarations s of all PTEFs as of the second quarter of 2024. The authorities also inform of the imminent ratification by Montenegro of the International Treaty on Exchange of Data for the Verification of Asset Declarations,[34] signed on 19 March 2021 by Ministers of Justice of Montenegro, Serbia and North Macedonia.

58. Further, the Strategic Plan for 2022-2024 developed by the ASK, aims at overcoming shortcomings and improving the functionality of information and technical support for daily work of the ASK and a new information system[35] to cater for the ASK technical capacity requirements has also been designed. The new for the Sector for the Prevention of Conflicts of Interest and the Verification of Asset Declarations has also been developed, which consists of an internal part accessible to authorised ASK personnel, and an external part accessible to the public. The authorities indicate that strengthening of information and technical capacities will continue through the improvement of modules related to whistleblower reports and integrity plans.

59. GRECO takes note of the information provided by the authorities. It appears that the approach to verifying of declarations submitted by the PTEFs has not changed considerably since the adoption of the Evaluation Report. With respect to the first part of the recommendation, apart from 20 top officials whose declarations are said to be regularly checked, verifications of declarations of other officials are carried out on the basis of random selection. The present recommendation asks the authorities to ensure that declarations submitted by all PTEFs be subject to substantive controls by the ASK. Even though steps are in the making towards this end, this objective has not been achieved yet. As to the second part, the reported development of technical tools and methods for access to relevant data is encouraging, as it addresses an important component of the recommendation. Some measures also appear to be in the making to allocate adequate human resources to the ASK with the task of verifying declarations (see paragraph 35 above), but they have not materialised yet. It follows that this recommendation can be considered as implemented only to some extent.

60. GRECO concludes that recommendation xii has been partly implemented.

[33] A technical paper entitled "Methodology for verifying reports on income and assets", setting out detailed steps of in-depth verification of accuracy and completeness of data [to be] submitted.

[34] The purpose of the International Treaty on Exchange of Data for the Verification of Asset Declarations is to prevent and to combat corruption by providing for direct administrative exchange of information concerning asset declarations between the Parties of the Treaty. The Treaty envisages formal communication amongst anti-corruption bodies of Parties regarding data on foreign assets and interests, which is expected to contribute to improving verification of declarations.

[35] In this regard, a Document Management System (DMS) has been developed, serving as the basis for future upgrades through various modules. Additionally, new software solutions have been developed for the implementation of measures to control the financing of political entities and election campaigns.

Recommendation xiii

61. *GRECO recommended that the immunity provided to members of the government be revised in order to exclude explicitly corruption-related offences from such protection.*

62. The authorities report that the implementation of this recommendation requires amendment of the Constitution, which is subject to broad political consensus involving a considerable number of stakeholders. In view of the complexity of this process, the authorities affirm their strong intention to pursue the necessary changes, in accordance with the Reform Agenda, where amending of the Constitution is recognised as one of the steps under the area of fundamental rights/rule of law policy, envisaged to be completed by June 2025.

63. GRECO recalls that the current system of immunity needs to be revised to exclude explicitly all forms of corruption offences from its scope, irrespective of the length of imprisonment sentences these offences may carry. While recognising the cumbersome nature of the reforms required to comply with this recommendation, GRECO regrets that so far, no steps have been taken in this regard. To ensure adequate criminal justice response to any corruption offences involving members of government in the future, GRECO calls upon the authorities to explicitly exclude corruption-related offences from the scope of immunity provided to members of government at the earliest opportunity.

64. GRECO concludes that recommendation xiii has not been implemented.

Preventing corruption and promoting integrity in law enforcement agencies

Recommendation xiv

65. *GRECO recommended that the Integrity Plan of the Ministry of the Interior, including the Police Department, provides for an assessment on risks of undue influences over the police with a view to identifying measures to strengthen the operational independence of the police in practice.*

66. The authorities submit that on 14 May 2024, the Ministry of the Interior adopted a new Integrity Plan for the Ministry.[36] The Integrity Plan aims at ensuring the effective and efficient functioning of the Ministry through strengthening accountability, streamlining procedures, increasing transparency in decision-making, controlling discretionary powers, upholding ethical values, eliminating inefficient practices and inappropriate regulations, and introducing an effective system of supervision and control over the work and behaviour of officials. The Integrity Plan also sets out various integrity risk levels and probabilities faced by various administrative entities, including the Police, and proposes measures to address them. Among basic risks, the Integrity Plan spells out "unlawful influence and other forms of violation of principle of transparency", as well as "illegal and inappropriate influence on the work of the Police administration".

[36] The Integrity Plan, published on the website of the Ministry of the Interior, is accessible via the following link: https://www.gov.me/dokumenta/769844e2-d20c-4e15-a477-97a5aa011099

67. GRECO welcomes the adoption of the Integrity Plan for the Ministry of the Interior, which reflects risks of undue influences over the police, as required.

68. GRECO concludes that recommendation xiv has been implemented satisfactorily.

Recommendation xv

69. *GRECO recommended that the existing rules for appointing the Integrity Manager within the Ministry of the Interior, also responsible for the Police Directorate, are supplemented, in order to strengthen the integrity checks prior to appointments to this function.*

70. The authorities inform of the appointment of a Senior Police Inspector of the Anti-Corruption Department as the new Integrity Manager of the Ministry of the Interior. The authorities indicate that the appointment has been carried out in accordance with the Rules on Conditions for the Selection of Integrity Manager, approved on 10 May 2024. Article 3 of these Rules sets out a total of nine specific requirements to be met for being appointed as Integrity Manager, which includes being familiar with regulations in the field of integrity, prevention of corruption, and conflict of interest, not being a member of a political party, not having made donations to a political entity in the last five years, not engaging in additional work that may present a conflict of interest or hinder the performance of duties, not be subject to disciplinary proceedings for minor or serious breaches of official duty.

71. GRECO takes note of the information provided. It notes that new Rules have been put in place for the appointment of the Integrity Manager of the Ministry of the Interior, containing specific requirements that must be met. The Rules indicate that the Integrity Manager should be familiar with regulations in the field of integrity, corruption prevention and conflicts of interest. Other conditions include steps to prevent conflict of interest situations, political neutrality and the absence of disciplinary proceedings for minor or serious breaches of official duty and of criminal proceedings. The adoption of these Rules now provides for sufficient integrity checks, nuancing the implementation of Article 78 of the Law on the Prevention of Corruption, as amended.[37] It follows that the requirements of this recommendation have been met.

72. GRECO concludes that recommendation xv has been implemented satisfactorily.

Recommendation xvi

73. *GRECO recommended that (i) the Code of Police Ethics be revised, with the active participation of the police, and further expanded to cover all relevant integrity matters (including various situations of conflict of interest, secondary activities, gifts, contacts*

[37] Article 78, entitled "Integrity Manager", reads as follows: *"Integrity Manager shall be appointed by the head or the responsible person in an authority. The authority shall submit to the Agency the decision designating the Integrity Manager within eight days from the date of adoption of the decision. The employees of an authority shall submit the necessary data and information relevant to the preparation and implementation of the Integrity Plan to the Integrity Manager, at his request."*

with third parties, outside activities, confidential information, etc.) and that it be enforceable and that (ii) it be supplemented with practical guidance containing concrete examples illustrating issues and risk areas.

74. The authorities submit that the Ethics Committee finalised the amendments to the Code of Ethics of the Police, which was submitted to the Secretariat for Legislation within the Ministry of Justice for final approval. The draft Code of Police Ethics covers the issues related to discrimination, integrity, conflicts of interest, corruption, third parties and respect for human rights, freedoms and the rule of law. The amended Code also defines the basic principles to be observed by police officers, such as legality, conscientiousness, professionalism, expertise, protection of reputation, independence, confidentiality and secrecy, and respects the dignity and integrity of citizens and other officials. The draft Code contains provisions relating to gifts and favours, avoiding conflicts of interest, reporting assets and income, conduct in public appearances and media, use of the Internet and social networks, political neutrality, reporting unethical behaviour, competences of the ethics committee, and raising awareness of newly recruited police officers regarding the provisions of the Code.

75. GRECO takes note of the information regarding the updating of the Police Code of Ethics, which appears to be completed. The text of the draft Code provided to GRECO contains the requirements relating to ethical conduct, as well as the integrity matters such as conflicts of interest, gifts, contacts with third parties, confidential information, but some relevant issues are still missing (e.g. secondary activities, post-employment etc.). GRECO also notes that, according to transitional provisions of the draft Code, it is envisaged to supplement the Code with a guiding document, providing more detailed explanations of its provisions. In GRECO's view, such guiding document should also include concrete examples from the practice, illustrating issues and risk areas, as well as how these could be managed. While the finalisation of the draft Police Code of Ethics is encouraging, it has not been adopted yet. It follows that for the time being this recommendation cannot be considered as implemented more than partly.

76. GRECO concludes that recommendation xvi has been partly implemented.

Recommendation xvii

77. *GRECO recommended that (i) systematic initial and in-service training on relevant corruption prevention matters and ethical norms and conduct be thoroughly updated and provided to all police officers at regular interval; and that (ii) a mechanism of confidential counselling on ethics and integrity matters be institutionalised in the police.*

78. The authorities submit that the training plan for police employees for 2024 envisages training sessions on "Fundamentals of Police Integrity and Ethics" and "Undertaking Preventive and Operational Measures and Actions in Detecting and Suppressing Criminal Offenses with Elements of Corruption". In addition, two online courses on "Preservation of Police Integrity – Level I and Level II" have been provided for the Ministry of the Interior learning platform by the Geneva Centre for Security Sector Governance (DCAF). On 3 November 2023, a training session was held on

"Fundamentals of Police Integrity and Ethics through Respect for Fundamental Human Rights". Further, on 18 December 2023, a training session on integrity in public administration was conducted for the employees of the Ministry of the Interior and the Police Administration, which covered the significance of integrity plans as a corruption-prevention mechanism, highlighting the role played by integrity managers in building a strong ethical infrastructure within institutions. The overall goal of this training was obtaining adequate responses to reporting measures in integrity plans and obligations of government bodies towards the ASK. According to the information provided by the authorities, overall, training sessions[38] organised between April 2022 and April 2024 were attended by total of 83 police officers. In addition, during April 2024, three training sessions on "Prevention and Repression of Corruption at Border Crossings" were conducted in cooperation between the Ministry of the Interior and the Police Academy. Finally, basic police education courses provided by the Police Academy covers topics of professional ethics, code of ethics, and concepts such as corruption, extortion, and abuse of position.

79. GRECO takes note of the information provided by the authorities. It notes, in respect of the first part of the recommendation, that training activities continued for employees of the Police and the Ministry of the Interior, and some of the sessions covered corruption prevention and police ethics. However, the relatively low number of officers attending these trainings suggests that, for the time being, not all police officers benefit from training on ethics and integrity at regular intervals. As to the second part, confidential counselling on ethics and integrity in the Police remains lacking. Overall, this recommendation cannot be considered as implemented more than partly.

80. GRECO concludes that recommendation xvii has been partly implemented.

Recommendation xviii

81. *GRECO recommended that police officers be subject to integrity checks prior to their appointments and promotions, as well as at regular interval throughout their career according to a clear procedure which is made known to the candidates and the public.*

82. The authorities describe the security screening procedures for police officers prior to their appointment in accordance with the Law on Internal Affairs (in particular, Article 127), applicable to employment in police ranks, admission as intern, admission to basic or higher police education and special professional training or development. These checks are conducted by the Commission for Checking Security Impediments[39] through the questionnaire used for this purpose since March 2022, which also includes risks related to alcohol, narcotic drug, psychotropic substance addiction, gambling and other

[38] These training sessions covered different integrity-related topics, including integrity in public administration and the implementation of integrity plans, the role of integrity managers, anti-corruption legislation, the role of whistleblowers, basics of Police integrity, analysis of regulations on corruption risks, identifying and preventing conflicts of interest, internal control, asset recovery and seizure, investigations of corruption in the public sector etc.

[39] Pursuant to the Rulebook on the Composition and Mode of Operation of the Commission for Checking Security Impediments for the Performance of Police Work, published in the Official Gazette of Montenegro", No. 20/2022 of 25 February 2022, in force as of 5 March 2022.

vices. On the basis of these checks, Commission prepares a conclusion on the existence or non-existence of security impediments. The authorities submit that the possibility of security screenings for police officers by their immediate supervisors is one of the control mechanisms in the context of improving the integrity of police officers. According to the authorities, since the beginning of 2024, the Commission carried out a total of 139 security screenings.[40] The authorities submit that security screenings of police officers and candidates for employment in the Police serve as a preventive mechanisms to mitigate corruption risks and are aimed at strengthening institutional integrity.

83. GRECO takes note of the information provided. It recalls that security checks, as part of the recruitment procedure, were already taken into account at the time of the Evaluation (paragraphs 141-143 of the Evaluation Report). GRECO also recalls that the vetting of candidates for entering police forces, as well as in the context of promotions, should go beyond the control of criminal records and security checks, and should also be carried out at regular intervals, as personal circumstances may change over time and make employees more vulnerable to possible corruption risks. It would appear that, beyond the security screening, already in place in the past, no integrity checks have been introduced for police officers in the context of their appointments and promotions, and throughout their career.

84. GRECO concludes that recommendation xviii has not been implemented.

Recommendation xix

85. *GRECO recommended ensuring that policy and/or legal measures are sufficient and properly implemented so that appointments of police officials are merit-based and free from undue political influence, including at the top level.*

86. The authorities refer to the provisions of the Law on Internal Affairs regulating appointments, ranks and promotions in the Police (in particular, Articles 135, 143 and 144). They maintain that matters relating to promotions in the Police are adequately regulated by law.

87. GRECO takes note of the information provided. It notes that the legislation referred to by the authorities has been taken into account during the Evaluation process. As no new legislative or practical measures are reported to implement this recommendation, GRECO is concerned by the absence of any progress in this respect. GRECO calls upon the authorities to take tangible steps to ensure that appointments in the Police, including at the top level, are merit-based and free from undue political influence.

88. GRECO concludes that recommendation xix has not been implemented.

[40] Regarding, in particular, 28 candidates for employment in police positions; 35 candidates already in police positions, 66 candidates for internship, regarding one civil servant for deployment as a police officer, 9 officers for re-assessment of security screening. Some of these checks resulted in detecting security obstacles (15), while others were concluded in granting security clearance (21), while 100 cases are in progress.

Recommendation xx

89. *GRECO recommended that the internal control system of the police be strengthened by adopting clear rules on the respective roles of the Department for Internal Control, the Anti-Corruption Unit and the Ethics Commission and by ensuring that appropriate resources are allocated to these bodies.*

90. The authorities submit that the competences of the Internal Control Department, the Anti-Corruption Unit, and the Ethics Committee are clearly specified by the Law on Internal Affairs (Articles 194 to 201), which prescribes, in particular, that in performing its tasks, the Internal Control Department is operationally independent of the Ministry, the Police, and other state administration bodies. The Head of the Internal Control Department is responsible to the Minister for the work of internal control in the police. The law further specifies the tasks of the Department, procedures and actions of its officers, their rights and duties, as well as the content of written reports on the performance of internal control, and the obligation to prepare annual reports on internal control. The Law also stipulates that a special organisational unit of the Ministry conducts control over the performance of public procurement tasks, oversight of the protection of property not provided by the state, as well as strengthening the integrity of the Ministry's employees. As to the Ethics Committee, the authorities indicate that the Law on Internal Affairs (Articles 30 and 31) ascribe the responsibility for implementing the Code of Police Ethics to the Ethics Committee and determines its powers, including providing opinions on whether specific behaviour of a police officer constitutes a violation of the Code based on citizens' complaints and information, as well as its own findings. Finally, the authorities inform that the Ministry of the Interior is preparing, in consultation with the ASK, draft Rulebook on control of assets, income and lifestyle of police officers.

91. GRECO takes note of the information provided by the authorities. The information provided by the authorities does not relate to clarifying the respective roles of the Internal Control Department, the Anti-Corruption Unit and the Ethics Commission. GRECO notes that no new measures have been reported regarding strengthening the coordination of internal institutional mechanisms for controlling police activity, which is the essence of this recommendation. Furthermore, no new information has been submitted as regards allocating appropriate resources to these bodies. [41] Overall, the situation remains the same as it was at the time of the adoption of the Evaluation Report. It follows that this recommendation cannot be considered as implemented, even partly.

92. GRECO concludes that recommendation xx has not been implemented.

[41] In the course of the 97th plenary meeting, the Montenegrin authorities informed of additional resources being allocated to the relevant units of the Ministry, responsible for internal controls.

Recommendation xxi

93. *GRECO recommended to ensure that a solid external mechanism for complaints against the police be established, independent from the police and the Ministry of the Interior and with an appropriate level of knowledge to deal with such matters.*

94. The authorities refer to the provisions of the Law on Internal Affairs (Chapter VII of the Law on Internal Affairs, Articles 189 to 202) regarding the Council for Civilian Oversight of Police Work. They specify that there are "three rings" of police oversight, two of which are independent from the internal control. Thus, oversight and supervision of Police activities is carried out through parliamentary,[42] civilian, and internal control, as well as by the Protector of Human Rights and Freedoms (Ombudsman),[43] acting as the national preventive mechanism for the protection of individuals deprived of their liberty from torture and other forms of cruel, inhuman, or degrading treatment or punishment. Additionally, the Ombudsman addresses the handling of complaints against the work of police officers.

95. GRECO takes note of the information provided. It notes that no additional elements have been provided to demonstrate the existence of a solid external mechanism for complaints against the police, independent from the Police and the Ministry of the Interior. GRECO reiterates its doubts expressed in the Evaluation Report regarding the necessary independence and qualifications of members of the Council for Civilian Control of the Police Work, which should be guaranteed to enable it to deal with police matters effectively. No additional information has been received from the authorities in this regard.

96. GRECO concludes that recommendation xxi has not been implemented.

Recommendation xxii

97. *GRECO recommended that the existing measures on whistleblowing within the police be strengthened by raising awareness and developing training on whistleblowing.*

98. The authorities report that on 18 December 2023 a training session was organised in cooperation with the ASK, entitled "Whistleblowing Measures in the Police – Raising Awareness and Whistleblowing Procedures" with the participation of 12 police officers, which were acquainted with the procedures for handling whistleblower reports and

[42] By way of example, the authorities refer to three hearings of senior officials of the Ministry of Internal Affairs conducted by the Parliamentary Committee for Security and Defence in the course of 2022, and one similar hearing in 2023, as well as the examination by the Committee of three special reports on the fight against organised crime and corruption in 2022-2023.

[43] The authorities submit that in the course of 2022, the Ombudsman received 62 complaints related to the Police, while 67 such complaints were submitted to the Ombudsman in 2023. The complaints mostly related to prohibition of torture and cruel, inhuman or degrading treatment or punishment, other rights of persons in deprivation of liberty (e.g. health care, appropriate information about rights, notification of family, notification of lawyers, etc.), inaction on citizens' reports and requests, prohibition of discrimination, children's rights, the right to good administration and legal protection etc.

protecting whistleblowers. Training also covered the relevant provisions of the Law on Prevention of Corruption, regulations issued by the Ministry of Justice for processing and recording of reports, along with internal procedures followed by the ASK. Special focus was placed on the concept of whistleblowing and the importance of protecting the identity of individuals who report possible corruption. This training also focussed on procedures for whistleblower protection, including the eligibility conditions for protection and the assessment of protection requests by the ASK. In addition, training on the protection of whistleblowers has been incorporated in the Ministry of the Interior Training Plan,[44] and can be followed on the e-learning platform, accessible to all police sectors. The training course consists of two parts: integrity (definition, comprehensive approach to integrity, benefits of respecting police integrity and factors that negatively affecting it) and whistleblower protection (the role of whistleblowers in detection of corruption, national and international legal framework for the protection of whistleblowers, submission and handling of whistleblower's report etc.). The authorities indicate that in the first two days after the inclusion of this training on the e-learning platform, some 69 officers have already followed it. Finally, the ASK published on its website a list of persons responsible for processing whistleblower reports in government bodies, companies, other legal entities, and entrepreneurs.

99. GRECO takes note of the information provided by the authorities. Some incremental steps are being taken to increase awareness among the police officers of the existing whistleblower protection legislation, mechanisms and procedures, in particular through dedicated training. This is a positive step, but the number of police officers who benefited from recent training initiatives remains low. GRECO encourages the authorities to expand dedicated awareness-raising regarding whistleblowing in the Police in order to cover a significant number of police officers and encourage reporting of possible wrongdoings. This is particularly important, bearing in mind the expanded scope of whistleblower protection, envisaged under the draft Law on the Prevention of Corruption and the authorities' intention to draw up and adopt a separate Law on the Protection of Whistleblowers (see paragraph 26 above). At this stage, the present recommendation can be considered as implemented only to some extent.

100. GRECO concludes that recommendation xxii has been partly implemented.

III. CONCLUSIONS

101. **In the light of the foregoing, GRECO concludes that Montenegro has implemented satisfactorily three of the twenty-two recommendations set out in the Fifth Round Evaluation Report.** Of the outstanding nineteen recommendations, eleven have been partly implemented and eight have not been implemented.

102. More specifically, recommendations ii, xiv and xv have been implemented satisfactorily, recommendations iii to vii, x to xii, xvi, xvii and xxii have been partly implemented and recommendations i, viii, ix, xiii and xviii to xxi have not been implemented.

[44] Published on the Ministry's website on 15 May 2024 and accessible via the following link: https://www.gov.me/dokumenta/5b50618b-6d1b-43d7-be4b-5c823e743833

103. With regard to top executive functions, even though a number of significant legislative and other initiatives appear to be in the making, the progress achieved so far is very limited. The introduction of integrity checks in respect of candidates to be appointed as Chief of cabinet of the Prime Minister and advisors to the Prime Minister and Deputy Prime Ministers is to be welcomed. However, integrity checks for candidate ministers and state secretaries prior to their appointment are yet to be put in place. It is encouraging that the renewed composition of the National Council has been approved and its tasks have been specified. That said, its interaction with other state bodies responsible for corruption prevention are still to be determined to ensure consistency. A coordinated strategy for preventing corruption in the top executive on the basis of appropriate risk assessments has not been adopted and a code of ethics applicable to PTEFs is yet to be adopted. Training for PTEFs on ethics and integrity needs to be carried out, and confidential counselling on these issues needs to be made available. While a detailed analysis of the Law on Prevention of Corruption has been carried out, the overall legal framework for preventing and combating corruption has not been reviewed in order to ensure its coherence and effectiveness. Resolute steps are needed to provide for independent merit-based recruitment procedures for new staff of the ASK and increase the staff of this Agency. Difficulties in access to information relating to cumbersome appeals mechanism of appeal against refusals to provide access to public information have not been resolved. The development of a Law on Lobbying is promising. . Further legislative work is in progress regarding the definition of gifts and broadening the types and categories and types of gifts which should be prohibited, but these have not yet been translated into law. There is a need to ensure that declarations of asset and income of PTEFs are systematically and substantially checked owing to their role in decision making at the very top of the executive; this presupposes adequate human resources of the ASK, which is still a pending task. Finally, the rules on the immunity provided to members of the government remain to be reviewed to explicitly exclude all corruption-related offences.

104. With regard to the law enforcement agencies, the results are even more modest. An assessment on risks of undue influences over the police has been incorporated into a recently-adopted Integrity Plan of the Ministry of the Interior. Integrity checks have been introduced under new Rules on the appointment of the Integrity Manager within the Ministry. However, no progress has been observed as regards introducing integrity checks for police officers in the context of their appointments and promotions, as well as throughout their service. The Ethics Committee initiated the revision of the Police Code of Ethics, but the process has not been completed. The internal control system of the Ministry of the Interior remains to be strengthened through better coordination of its various bodies, and an independent external mechanism for complaints against the police has not been established. Some measures, including training, have been taken to increase awareness of the whistleblower protection legislation and procedures, but the number of police officers taking part in these initiatives remains low.

105. In the light of the foregoing, GRECO notes that further progress will need to be made within the next 18 months to achieve an adequate level of compliance with the recommendations. In accordance with Rule 31 revised bis, paragraph 8.2, of its Rules of

Procedure, GRECO calls on the head of the delegation of Montenegro to submit additional information with regard to the implementation of outstanding recommendations, namely recommendations i, iii to xiii and xvi to xxii by 31 December 2025.

106. GRECO invites the authorities of Montenegro to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.