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Pursuant to Article 88 paragraph 1 item 2 of the Law on Prevention of Corruption (Official Gazette of Montenegro, 53/14), following the proposal of the Director of the Agency for Prevention of Corruption Agency, in the session held on 3 December 2015, the Council of the Agency adopted

## **RULEBOOK ON INTERNAL ORGANIZATION AND JOB DESCRIPTIONS OF THE AGENCY FOR PREVENTION OF CORRUPTION**



### **Article 1**

This Rulebook shall regulate internal organization and job descriptions of the Agency for Prevention of Corruption (hereinafter: the Agency) and establish organizational units and their scope of activities, job descriptions and employment of interns.

## **I. ORGANIZATIONAL UNITS AND THEIR SCOPE OF ACTIVITIES**

### **Article 2**

Organizational units of the Agency shall be:

- 1. DIVISION FOR PREVENTION OF CONFLICT OF INTEREST AND CONTROL OF FINANCING OF POLITICAL ENTITIES AND ELECTION CAMPAIGNS**
  - 1.1 Section for prevention of conflict of interest of public officials**
  - 1.2 Section for implementation of control measures in financing of political entities and election campaigns**
  - 1.3 Section for initiating misdemeanour proceedings and issuing misdemeanour warrants**
- 2. DIVISION FOR PREVENTION OF CORRUPTION, INTEGRITY, LOBBYING AND IMPLEMENTATION OF INTERNATIONAL STANDARDS**
  - 2.1 Section for dealing whistleblowers' reports and protection of whistleblowers**
  - 2.2 Section for integrity and lobbying**
  - 2.3 Section for prevention of corruption, monitoring of legislation and opinions on anti-corruption regulations**
- 3. DEPARTMENT OF INTERNATIONAL COOPERATION AND STANDARDS**
- 4. DEPARTMENT OF INFORMATION TECHNOLOGY**
- 5. DEPARTMENT OF GENERAL AFFAIRS AND FINANCE**

**5.1 Office of general affairs and human resources**

**5.2 Office for receiving, recording and dispatching documents**

**5.3 Office of Financial Affairs Office**

A senior advisor shall carry out the activities separately from the organizational units.

**Article 3**

**1. Division for prevention of conflict of interest and control of financing of political entities and election campaigns**

shall carry out the tasks of the Agency as follows: processing of cases concerning establishment of conflict of interest in the exercise of public function, taking measures for its prevention; exercising control over restrictions in the exercise of public functions; exercising control over receiving of gifts, sponsorships and donations; verification of data provided in the Reports on income and assets of public officials; recording initiated procedures, collecting and establishing facts and circumstances, presenting evidence, conducting oral hearing in accordance with the provisions of the Law on Prevention of Corruption; recording and analysing reports of public officials on income and assets and other petitions submitted to the Agency by public officials; recording and analysing data on election, appointment, nomination or dismissal from the official records and petitions submitted to the Agency; recording and analysing data on received gifts, sponsorships and donations; establishing procedures and analysing submitted requests, proposals and other petitions submitted to the Agency by public authority in which public official exercises or has exercised public function, authority responsible for election, appointment, or nomination of public official, other state or local government body, other legal or natural person; processing of petitions concerning the conduct of public officials, in accordance with application and implementation of the Law on Prevention of Corruption; producing the minutes of oral hearing, requests made as transcripts of verbal statement with the Agency; producing draft opinions and draft general acts of the Agency within the scope of work of the Division; carrying out control, supervision and review of financing and financial operations of political entities, in order to ensure legality and transparency of their operations, in accordance with application and implementation of the Law on financing political parties and election campaigns; producing reports on supervision carried out during election campaign and on control carried out of financing of election campaigns of political entities; imposing precautionary measures to political entity; initiating misdemeanour proceedings and issuing of misdemeanour orders within the scope of work of the Division; monitoring implementation of acts and decisions of the Agency and producing the part of the Annual activity report concerning the scope of work of the Division; providing support in educational activities related to the prevention of conflicts of interest and control of financing of political entities and election campaigns; other activities in accordance with the competences of the Agency.

**1.1 Section for prevention of conflict of interest of public officials**

shall carry out the tasks of the Agency, as follows: receiving requests, proposals and other petitions submitted by a public authority where a public official exercises or has exercised a public function, authority responsible for election, appointment, or nomination of public official, other state or local government body, other legal or natural person, concerning: establishment of conflict of interest in the exercise of public function, restrictions in the exercise of public functions, received gifts, sponsorships and donations; verification of data provided in the Reports on income and assets of public officials; initiating ex officio procedure for establishment of violations and compliance with the obligations prescribed by the Law and other regulations, which govern conflict of interest in the areas governed by such regulations; keeping record of persons holding public function and persons whose

public function has terminated for a period of two years after termination; keeping record of gifts received by public officials, compiling the catalogue of gifts and register of sponsorships and donations; keeping record of proceedings initiated for violation of provisions of the Law governing conflict of interest; carrying out the procedure of collection and establishment of facts and circumstances, presentation of evidence, oral hearing; conducting administrative proceedings and participating in other proceedings concerning prevention of conflict of interest in the exercise of public functions, taking measures for its prevention; exercising control over restrictions in the exercise of public functions; exercising control over receiving gifts, sponsorships and donations; verifying data from the Reports on income and assets of public officials, comparing data on assets and income of public officials provided by the authorities and legal persons, who have such data; ensuring the implementation of the Annual verification plan of the Reports on income and assets of public officials, providing opinions to public official, as well as to the public official whose public function has terminated for a period of two years upon termination of function, and other procedures related to the conduct of public officials; cooperating with competent state prosecutor's office, when there is suspicion that a criminal offense has been committed, as well as cooperating with other competent authorities on the collection of data within their scopes of work; providing support in educational and preventive activities related to the conduct of public officials, in order to prevent potential conflict of interest of public officials.

### **1.2 Section for implementation of measures to control the financing of political parties and election campaigns**

shall carry out the tasks of the Agency, concerning: receiving of natural or legal persons, acting ex officio, based on own findings relating to the control of financing of political entities and election campaigns; conducting administrative proceedings and participating in other proceedings concerning control and supervision of financing and financial operations of political entities during election campaign, establishing facts and circumstances, and presenting evidence, oral hearing, as well as other procedures related to the control of financing of political parties and election campaigns; carrying out control and supervision during election campaign of in-kind contributions, paid media advertising, prohibitions of financing of political entities or running election campaigns and other prohibitions and restrictions prescribed by the Law on financing political parties and election campaigns; submitting reports or initiatives to competent authority, producing reports on conducted supervision in the course of election campaign and reports on control carried out of financing of election campaigns of political entities; imposing precautionary measures to political entity, and other procedures relating to the control of financing of political entities and election campaigns; cooperating with the competent state prosecutor's office, when there is suspicion that a criminal offense has been committed, and cooperating with other competent authorities on the collection of data within their scopes of work; providing support in educational and preventive activities related to the legality of collection of funds for regular work and election campaigns, and conduct of political entities during election campaign.

### **1.3 Section for misdemeanour proceedings and issuing of misdemeanour warrants**

shall carry out the tasks of the Agency concerning: preparing requests for initiation of misdemeanour proceedings, recording, collecting and establishing facts and circumstances necessary for initiation of misdemeanour proceedings, and participating in the proceedings on the basis of: existence of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions; receiving gifts, sponsorships and donations, contrary to the law; misdemeanour proceedings based on verification of data from the

Report on income and assets of public officials and financing of political entities and election campaigns; processing and analysing requests, proposals and other petitions of the Agency that are related to application and implementation of the penal provisions of the Law on Prevention of Corruption and Law on financing political parties and election campaigns; issuing misdemeanour warrants, in accordance with the provisions of the Law on Misdemeanours, and their entry in the central register; acting before the misdemeanour bodies, acting upon requests of misdemeanour bodies; monitoring the execution of acts and requests of the Agency, pending before competent misdemeanour bodies, and implementing other activities that are related to timely action regarding the implementation of misdemeanour proceedings.

#### **Article 4**

### **2. Division for prevention of corruption, integrity, lobbying and implementation of international standards**

shall carry out the tasks of the Agency concerning: giving opinions on the existence of threats to public interest that indicates the existence of corruption, and making recommendations for prevention of threats to public interest and protection of whistleblowers; monitoring adoption and implementation of integrity plans, making recommendations for their improvement, and evaluating efficiency and effectiveness of integrity plans; implementing the Law on Lobbying, by assessing the conditions for lobbying activities, issuing authorizations for lobbying activities, removing lobbyists from the register of lobbyists and control of their work; undertaking initiatives for amendments to laws, other regulations and general acts, in order to eliminate potential corruption risks or to harmonize them with international standards in the field of anti-corruption; giving opinions on draft laws and other regulations and general acts, so as to harmonize them with international standards in the field of anti-corruption; cooperating with competent authorities, higher education institutions and scientific organizations and other entities, in order to implement activities in the field of prevention of corruption; carrying out educational and research activities on corruption and other corruption prevention activities.

#### **2.1. Section for dealing with whistleblowers' reports and protection of whistleblowers**

shall carry out the tasks concerning: receiving reports from whistleblower, who has reasonable grounds to believe there is a threat to the public interest that indicates the existence of corruption, and keeping records of the reports; initiating ex officio procedure for establishing the existence of threat to public interest that indicates the existence of corruption, verifying allegations in the report, drafting opinions on the existence of threats to public interest that indicates the existence of corruption and recommendations for their elimination, and keeping records of opinions; notifying the body that supervises work of the public authority against whom the report is filed, submitting special report to the Parliament and informing the public, if a public authority fails to comply with the recommendations of the Agency; cooperating with the competent state prosecutor's office, when there is suspicion that a criminal offence was committed; as well as cooperating with other competent authorities, when the reports refer to their scopes of work; receiving requests for protection of whistleblowers, preliminary examination of the request, keeping records of requests, establishing damage or potential damage to whistleblower, based on the submitted request, drafting opinions on the actual or potential damage, with recommendations for elimination of such damage or its prevention, and keeping records of opinions; notifying the body that supervises work of the public authority to whom the recommendations are addressed, submitting special report to the Parliament and informing the public, if the public authority fails to comply with the recommendations of the Agency; providing necessary expert

assistance to whistleblowers, who initiated court proceedings for suffered damage, in proving the causal link between the report and damage.

## **2.2 Section for integrity and lobbying**

shall carry out the tasks concerning: implementation of the Law on Lobbying and issuance of related certificates, authorizations, keeping prescribed registers and records on lobbyists; processing reports against lobbyists, who violated law; preparing the Rules for preparation and implementation of integrity plans; producing the Integrity plan of the Agency and reporting on its implementation; conducting trainings for integrity managers in public authorities on adoption of integrity plans; collecting integrity plans of public authorities and analysing them; collecting reports on implementation of integrity plans of public authorities and making recommendations for their improvement.

## **2.3. Section for prevention of corruption, monitoring of legislation and giving opinions on anti-corruption regulations**

shall carry out the tasks concerning: monitoring of implementation of laws, other regulations and general acts and undertaking initiatives for their amendments, in order to eliminate potential corruption risks or to harmonize them with international standards in the field of anti-corruption; giving opinions on draft laws and other regulations and general acts, so as to harmonize them with international standards in the field of anti-corruption; raising public awareness on detrimental effects of corruption and manners of fighting corruption with focus groups: citizens, civil servants, students, etc; implementation of educational, research and prevention activities; designing and implementing public campaigns, producing promotional material, video clips, newsletters, cooperating with public authorities, private sector entities and civil society in the prevention of corruption.

## **Article 5**

### **3. Department of international cooperation and standards**

shall carry out the tasks of the Agency, concerning: establishment and implementation of international cooperation in corruption prevention; cooperation with the Council of Europe and the Group of States against Corruption (GRECO), the United Nations Office on Drugs and Crime (UNODC) and the Anti-Corruption Network of the Organization for Economic Cooperation and Development (OECD); establishment and development of cooperation with regional and international institutions and organizations; participation in drafting and implementing projects and its implementation application for funding with regional and international organizations, and reporting on their implementation; preparation and implementation of cooperation agreements with similar institutions in the field of prevention of corruption; monitoring international regulations and standards in the field of prevention of corruption; participation in fulfilling the obligations arising from memberships in regional and international institutions and organizations in the field of prevention of corruption; participating in, and coordinating tasks and activities, and providing support to competent public authorities and other bodies and organizations and civil society, in the field of international cooperation in corruption prevention; monitoring activities related to implementation of action plans in parts concerning of prevention of corruption.

## **Article 6**

### **4. Department of information technology**

shall carry out the tasks of the Agency, concerning: expert activities for the purpose of application of information technology in the Agency, planning development and maintenance

of the Agency's information infrastructure, upgrading information system in accordance with legal changes and user needs, managing and coordinating projects with IT components, providing assistance to internal users of the information system and website of the Agency, and external users, who access certain modules of the system, in accordance with law and other appropriate activities within the scope of work of the Department; performing tasks concerning data storage, data back-ups, their storing and keeping, and providing secure data exchange with other information systems.

## **Article 7**

### **5. Department of General Affairs and Finance**

shall carry out the tasks of the Agency, concerning: administrative and technical tasks for the Agency; monitoring and implementation of regulations in the field of labour relations and human resource development; preparation of general and individual acts for the exercise of labour rights of civil servants and employees; planning continuous professional training of civil servants and employees of the Agency; maintaining and updating personnel information system (CIS); maintaining and updating records of housing; receiving, recording and storing archived case files, keeping basic and auxiliary records; printing and reproducing materials; acquiring stationery and consumables; driving and courier tasks; processing requests for budgetary spending and payments of the Agency; authorizing requests for payment, monitoring monthly expenses, keeping records of incoming invoices; keeping records of fixed assets; preparing and processing accounting documents; bookkeeping (daily and main); harmonizing accounting documents with actual situation; processing and delivery of statistical data; taking advance payments and keeping cash registers; producing reports on calculation of salaries, benefits and other income of employees; producing periodic calculations and annual statement of accounts; producing other financial statements and their submission to the Treasury and Tax Administration; planning and budgeting; organizing inventory; monitoring financial implementation of contracts concluded in public procurement procedures; timely and proper use of funds provided for the purposes defined in budget and financial plan; preparing procurement plan and submitting it to the competent authorities; preparing reports on public procurement, conducting public procurement procedures and keeping records of public procurement and other appropriate tasks.

#### **5.1 Office of General Affairs and Human Resources Office**

shall carry out the tasks concerning: monitoring and implementation of regulations governing labour relations and human resource development; preparing general and individual legal acts for the exercise of labour rights of civil servants and employees; planning professional training of civil servants and employees; preparing the act on organization and job descriptions; entering data and updating Personnel Information System (KIS); cooperating with the media, preparing press releases on the activities of the Agency; providing professional and technical support to the Council of the Agency, driving for the Agency.

#### **5.2 Office for receiving, recording and dispatching documents**

shall carry out the tasks concerning: keeping elementary and auxiliary records, receiving, recording and storing archived case files; printing and copying materials; processing and submitting statistical data.

### **5.3 Office of Financial Affairs**

shall carry out the tasks of the Agency concerning: processing requests for budgetary spending and payment of the Agency; authorizing requests for payment, monitoring monthly spending, keeping record of incoming invoices; keeping record of fixed assets; producing and processing of accounting documentation; bookkeeping; harmonizing accounting documents with actual situation; processing and submission of statistical data; taking advance payment and keeping cash register; producing reports on calculation of salaries, benefits and other income of employees; producing periodic calculations and annual statement of accounts; producing other financial statements and their submission to the Treasury and Tax Administration; planning and budgeting, establishing and maintaining records system, in accordance with international accounting standards, planning and implementing public procurement procedures.