

Pursuant to article 16 item 2 of the Law on Lobbying (Official Gazette of Montenegro 52/14), the Ministry of Justice hereby issues the

# Rulebook

## on the program and manner of taking the exam for conducting lobbying activities

*The Rulebook was published in the Official Gazette of Montenegro, 60/2015, dated 16 October 2015, and entered into force on 24 September 2015.*

### **Scope**

#### **Article 1**

This Rulebook shall prescribe the programme and manner of taking the exam for conducting lobbying activity (hereinafter: the exam), as well as the form of the certificate of successful passing of the exam.

### **Gender sensitive language**

#### **Article 2**

The terms in this Rulebook for natural entities in the masculine gender entail the same terms in feminine gender.

### **Program of the exam**

#### **Article 3**

The exam shall be taken in accordance with the Programme for taking the exam, which includes the following subjects:

- 1) Constitutional system of Montenegro,
- 2) Public administration and organization of public administration,
- 3) Local government,
- 1) Lobbying and lobbying activity,
- 2) Prevention of conflict of interests in the exercise of public office,
- 3) Criminal offences against official duty, state authorities and payment transactions and business operations.

The Programme referred to in paragraph 1 of this article shall constitute an integral part of this Rulebook (Annex 1).

### **Exam board**

#### **Article 4**

The exam shall be taken before the Exam board (hereinafter: the Board), established by the Director of the Agency for prevention of corruption.

The Board shall be composed of the president, who is a representative of the Agency for Prevention of Corruption (hereinafter: the Agency), and two members: one representative of the Ministry of Justice and one representative of the Ministry of Interior, having minimum 10 years of professional experience.

The President and members of the Board shall be appointed for a three-year term and may be reappointed.

The decision on the establishment of the Board shall stipulate which subjects will be assigned to the president and members of the Board.

Secretary to the Board, who is a representative of the Agency and assigned by the decision on the establishment of the Board, shall perform administrative and technical tasks for the Board.

## **Remuneration**

### **Article 5**

The President, members, and secretary of the Board shall be entitled to remuneration for the work in the Board, which shall be established by a special decision of the Director of the Agency.

The president, members and secretary of the Board referred to in paragraph 1 of this Article shall be entitled to remuneration amounting to 50% of the average gross salary, which is paid on net basis, in the month in which the Board meeting took place.

## **Organizing the exam**

### **Article 6**

The President of the Board shall set the date, time and place of the exam, published on the website of the Agency, no later than 30 days prior to the exam.

## **Applying for the exam**

### **Article 7**

Application for the exam shall be submitted to the Agency no later than ten days before the date set for the exam.

Together with the application referred to in paragraph 1 of this Article, the candidate shall provide evidence that, in accordance with the Law on Lobbying, s/he meets the requirements for conducting the lobbying activity as a natural person.

The Agency shall adopt the decision on the eligibility for exam within eight days of receipt of the application.

The decision allowing the taking of the exam shall be submitted to the President of the Board.

The list of candidates whose applications to take the exam were approved shall be published on the Agency's website.

## **Cost of the Exam**

### **Article 8**

The candidate shall pay for the cost of the exam.

The costs of the exam shall be established by a special decision of the Director of the Agency.

The funds referred to in paragraph 2 of this Article shall be paid to the Budget of Montenegro.

The candidate shall submit the proof of payment of the exam costs to the secretary of the Board before the beginning of the exam.

### **Manner of taking the exam**

#### **Article 9**

The exam shall involve a written test.

The written test referred to in paragraph 1 of this Article shall contain questions from the subjects prescribed in the Programme of the exam.

The questions referred to in paragraph 2 of this Article and list of correct answers to be used during evaluation and grading of the completed tests, based on individual proposals of the president and members of the Board, shall be defined by the Board.

The written test shall be taken under a code, and the content of the test shall be the same for all candidates.

The duration of the written test shall be determined by the Board.

### **Exam performance**

#### **Article 10**

Members of the Board shall evaluate completed written test, during the time period designated by the President of the Board, and not later than seven days from the date of the exam.

If a candidate gave correct answers to at least two thirds of the questions, the candidate shall receive the grade »satisfactory«.

If a candidate gave incorrect answers to more than one third of the questions, the candidate shall receive the grade »unsatisfactory« and shall not pass the exam.

The secretary of the Board shall inform the candidate of the written test results within ten days following the date of the exam.

### **Rules for taking the exam**

#### **Article 11**

Prior to the beginning of the exam, the secretary of the Board shall establish the identity of the candidate by examining the candidates' identity card or other public document with a photograph, and shall inform the candidate of the rules he has to observe during the exam.

During the exam, the candidates shall not be allowed to communicate among themselves, use personal computers and mobile phones, or other appliances disturbing the taking of exam, or leave the exam room.

The candidate, who fails to comply with the rules referred to in paragraph 2 of this Article, shall be excluded from the process of exam.

The Secretary and/or a member of the Board shall be in the exam room during the exam.

The candidate shall submit the written test to the secretary of the Board, the latest by the expiry of the time fixed for its completion, and the secretary shall note down the time of submission on the written test.

Upon submission of the written test, the candidate shall leave the exam room

## **Postponement of exam**

### **Article 12**

Due to illness of the candidate or other justified reasons, and upon written request of a candidate, the Board may postpone taking of the exam, or the commenced taking of the exam for the next date set for taking the exam.

## **Retake of exam**

### **Article 13**

The candidate who failed the exam may take the exam again, on the next date set for the exam.

The candidate, who gives up taking the exam before the commencement of the exam, fails to submit the written test, fails to take the exam or postponed exam, shall also be considered to have failed the exam.

## **Minutes**

### **Article 14**

The secretary of the Board shall keep the minutes of the exam.

The minutes referred to in paragraph 1 of this Article shall contain:

- Name, father's name, and surname of the candidate,
- Date, month and year, and place of birth of the candidate
- Reference number of the decision approving the taking of exam,
- Composition of the Board,
- Date, time and place of taking the exam,
- Note about the candidate withdrawing from a commenced exam,
- Note about the postponement of a commenced exam, and the reasons for such postponement,
- Duration of the exam,
- Grade for the written exam, with the number of correct answers,
- Ending time of exam.

The minutes shall be signed by the President, members and secretary of the Board.

Written tests shall constitute an integral part of the minutes.

## **Certificate**

### **Article 15**

The Agency shall issue the certificate on passed exam, not later than 15 days following the day the candidate passed the exam.

The certificate referred to in paragraph 1 of this Article shall be issued in the form which constitutes an integral part of this Rulebook (Annex 2).

## **Records**

### **Article 16**

Written records of exams shall be kept using the form that represents an integral part of this Rulebook (Annex3).

### **Entry into Force**

#### **Article 17**

This Rulebook shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.

Ref. no.: 01-14871/15  
Podgorica, 9 October 2015

Minister,  
**Zoran Pažin**

## PROGRAM FOR TAKING THE EXAM FOR CONDUCTING LOBBYING ACTIVITY

### 1. Constitutional system of Montenegro:

**The Constitution of Montenegro:** Basic principles – sovereignty, democracy, rule of law, division of power, state symbols, territory, language and alphabet, citizenship, religions, legislation and limits of freedom.

**Rights and freedoms:** Basic principles: personal freedoms and rights, political freedoms and rights, economic, social and cultural freedoms and rights, rights of persons belonging to minorities and other minority ethnic communities.

**Organization of power:** the Parliament of Montenegro (composition and election, mandate, immunity, competences, proposing laws, sessions of the parliament, decision-making and dissolution, rights and responsibilities of the Members, interpellation and parliamentary investigation); the President of Montenegro (appointment, competences, end of mandate, exercise of duty); the Government of Montenegro (composition, election, competences, incompatibility of function, vote of confidence, end of mandate); state administration; local self-government, manner of decision-making in the local self-government and forms of local self-government; the notion of municipality; property-related powers; financing and independence of the municipality.

**Literature:** The Constitution of Montenegro

**2. Public administration and organization of public administration:** Public administration affairs, Public administration bodies – notion, principles of work; publicity and transparency of public administration bodies; Ministries; other administrative bodies – administrations, secretariats, bureaus, directorates and agencies; Internal organization of the public administration bodies, Regulations of ministries, Management and accountability in public administration bodies, Public administration and citizens, Relations between public administration and the Government of Montenegro, relations between ministries; relations between ministries and administrative bodies; relations between ministries and the Parliament, relations between public administration bodies and courts, Relations between ministries and local self-government bodies, relations between administrative bodies and public institutions, public enterprises and other legal entities established by the state, Relations between public administration and non-governmental organizations, Devolving and delegating public administration affairs, Financing the work of public administration.

**Literature:** Law on Public Administration, Decree on organization and manner of work of public administration

**3. Local self-government:** Local self-government, notion of the local self-government; municipality; the Administrative Capital; the Old Royal Capital; legal status of the municipality; local self-government affairs, municipal property; municipal bodies; Legal status of the local officials and employees; financing of municipalities; self-government in communities; participation of citizens in exercising local self-government; relations and cooperation between local government and citizens, relations between local self-government bodies and state authorities.

**Literature:** Law on Local Self-Government

**4. Lobbying and lobbying activity:** Definition of lobbying, Activities not considered lobbying, Public official, Lobbyist, Lobbying Client, Related Person, Principles of lobbying, Conflict of interest, Obligations of a lobbyist, Conditions for carrying out lobbying activities, Application for issuing authorization for lobbying and necessary documentation, Approval for carrying out the lobbying activity, Register of Lobbyists, Entering information into the Register, Termination of the authorization validity, Withdrawal of the authorization, Deletion from the Register, Client data, Lobbyist Identity Card, Change of data, Appropriate application of other laws, Information Disclosure, Ban on conducting lobbying activities, Activity report of the lobbyists, Contents of the activity report, Duty to report violations of the law, Lobbying contract, Contents of the contract, Documentation, Conducting lobbying activities, Suspension and termination of lobbying, Principles of action, Accountability of lobbyists, Rights of lobbyists, Duties of lobbyists, Duties of lobbied persons, Illegal lobbying, Supervision, Punitive provisions, Transitional and final provisions, By-laws for implementation of the Law on Lobbying, Rules of professional conduct.

**Literature:** Law on Lobbying

**5. Prevention of conflict of interest in the exercise of public duty:** Public interest, Private interest, Gain, Person related to public official, Gift, Public enterprise, Conflict of interest, Public official, Independent body, Performing other public affairs, Transfer of management rights in companies, Performing managerial and other functions in a company, Exercising public functions in public enterprises and public institutions, Duty to resign, Contracts on services and business cooperation, Statement of conflict of interest, Restrictions after end of public office, Prohibition of accepting gifts, Refusing gifts, Management of gifts, Records of gifts, Illegal acceptance of gifts, Sponsorships and donations to authorities, Legal effect of the Agency's decision, Publicity of work of the Agency, Punitive provisions of the Law on Prevention of Corruption.

**Literature:** Law on Prevention of Corruption

**6. Criminal offenses against official duty, payment operations and business undertaking and public authorities:**

**Criminal offenses against official duty:** Abuse of office; Malpractice in office; Fraud in office; Embezzlement; Passive bribery; Active bribery, Trading in influence, Incitement to trading in influence.

**Criminal offenses against payment operations and business undertakings:** Passive bribery in business undertakings, Active bribery in business undertakings, Abuse of authority in business undertakings, Abuse of power in the business operations, Causing damage to creditor, Evasion of taxes and contributions, Money laundering; Disclosure of business secrets; Preventing control.

**Criminal offenses against state authorities:** Preventing public official in the performance of official duty; Attacking public official in the performance of official duties; False self-presentation; Vigilantism.

**Literature:** Criminal Code – Special part





**RECORDS OF EXAMS FOR CONDUCTING LOBBYING ACTIVITY**

O. N.	Surname and name of candidate	Day, month and year of birth	Place, municipali ty, state of birth	Exam round	Exam date	Number of correct answers	Overall performance		Date and ref. number of issued certificate	Note
							Passed	Failed		

