

FOURTH WORK REPORT OF **THE ANTI-CORRUPTION COMMITTEE** OF THE PARLIAMENT OF MONTENEGRO

• December 2012 – February 2016 •



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INTRODUCTION

After years of MANS public campaigns, as well as the requests of the international community and the opposition parties, the Parliament of Montenegro amended its Rules of Procedure on August 5, 2012, and for the first time established an Anti-Corruption Committee as one of the permanent working bodies of the Parliament. This way the conditions have been met to formally involve the Assembly for the first time in monitoring the process of fighting corruption, which is the state's key priority in the process of THE European integration.

The first constitutional session of this Committee was held in December 2012, after the last parliamentary elections, when this working body formally began its work. The Committee has 13 members, eight of whom are in government parties and only five are representatives of the opposition.

MANS continuously monitors the work of the Committee by direct oversight of its sessions, while other information is collected from the Parliament portal or by using the Law on Free Access to Information. All collected information is used for drawing up of this report.

Information on the Committee and its work in the monitored period, activities of the members of the Committee as well as data on the fulfillment of the Work Plan adopted by the Committee are presented in the first four chapters of the report.

The fifth chapter refers to the control mechanisms used by the Committee over the monitored period, while the last two chapters contain the analysis of the Committee's acting on petitions lodged by legal entities and individuals, as well as on the degree of realization of conclusions, decisions, reviews and positions adopted by the Committee as of the date of its establishment until the end of February 2016.

At the end of the report, there are specific conclusions and recommendations of MANS, aimed at improving the Committee's work. These were developed in accordance with the information gathered over many years of monitoring the work of the said working body of the Parliament.

SUMMARY

In the period from 26 December 2012 until the end of February 2016, the Anti-Corruption Committee held the total of 41 regular sessions and four joint session. The Committee's sessions lasted over 78 hours in total, and 83 agenda items were discussed. It is concluded that, on average, the Anti-Corruption Committee worked a little over two hours examining two agenda items a month.

From its establishment until the end of 2015, within the Work Plans, the Committee defined 78 measures to be implemented. Out of this number, only 21 measures were fully realized, while in 2015 more than 65 percent of the planned activities were not realized.

During the monitored period, the Anti-Corruption Committee organized seven control hearings and four consultative hearings. Only in three cases, out of six, control hearings were conducted without the support of members of the ruling parties, applying the Rules of procedure's mechanisms that enable the opposition to conduct a control hearing on its own initiative once in a six month. Three control and one consultative hearing did not result in reaching specific conclusions, which calls into question the effectiveness of the use of these control mechanisms. In the remainder of the hearings the Committee reached in total 23 conclusions, reviews and positions.

One of the most important competences of the Anti-Corruption Committee is examining petitions and submitting them to the competent authorities. The Committee's 2013 plan envisaged determining procedures for acting on citizens' petitions, but even three years later this measure has not been implemented. At the same time a large number of petitions filed by the citizens or civil society to the working body, were or are still pending for nearly half a year or even more than a year.

Since the establishment of the Anti-Corruption Committee until today, 33 petitions from citizens and civil society have been filed to the Committee. Only five petitions resulted in conducting consultative or control hearings or debate on the topic of submitted initiatives, while the Committee has not examined 19 petitions at all. The Committee requested relevant information from the relevant state institutions regarding nine petitions in order to take stance on them, and received the information requested in six cases. However, the Committee has not scheduled any meeting where it would take stance on the above petitions, on the basis of the available information.

The Anti-Corruption Committee has reached 24 conclusion in total, whereas only 12 are specific obligations to be met by institutions and authorities. Out of this number, only six conclusions have been fully implemented. The Committee does not yet have a system for monitoring the implementation of the adopted conclusions, and this further limits the scope and specific results of that body when it comes to the control of the executive power in the fight against corruption and organized crime.

In 2015, this working body, in accordance with the Law on Prevention of Corruption, carried out a procedure on member election of the Council of the Agency for Prevention of Corruption and proposed to the Parliament a five-candidate list for the purpose of election of the Committee members. The list was approved.

The Anti-Corruption Committee did not hold any session from August 2015 to mid-February 2016 due to the fact that the chair of the working body belonged to a political group that, at the time, began to boycott the parliamentary work. In January 2016, due to the complete inactivity of the Anti-Corruption Committee, MANS submitted an initiative to the deputy chair of the Committee, who was a member of the ruling political party. We reminded the deputy chair of the Committee that, since the chair of the body had been

boycotting, his role as the deputy chair was to ensure the efficient work of the Committee, particularly given the series of issues the Committee should have dealt with, and that had accumulated since the working had been idling for several months. After MANS launched the initiative, the Anti-Corruption Committee, after more than half a year, held a session in which, inter alia, the report of the Committee for 2015 and the Work Plan for the current year were considered.

1. THE COMMITTEE

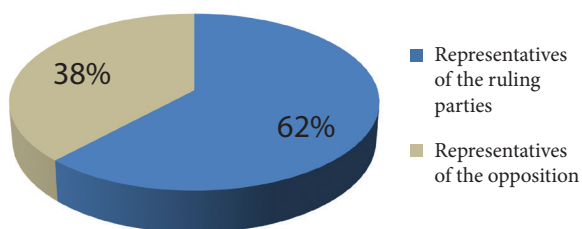
The Parliament of Montenegro, at the fourth sitting of the first ordinary session in 2012¹, adopted the Decision on Amendments to the Rules of Procedure of the Parliament of Montenegro, which, among other things, provided for the establishing of a new working body of the Parliament. In this way, a separate working body of the Parliament of Montenegro, which would address issues related to corruption, was formally established.

One of the most significant roles of the Committee is considering petitions and forwarding them to the relevant authorities.

Rules of Procedure of the Parliament of Montenegro prescribes the competences of the newly established body. The Anti-Corruption Committee is responsible for monitoring and analysis of the work of state bodies, institutions, organizations and bodies fighting against corruption and organized crime. Issues and problems regarding the implementation of the laws related to the fight against corruption and organized crime are within the Committee's competences, and it may give suggestion on their amendments.

The Committee has the option to propose additional measures for the improvement of strategies, action plans and other documents relating to the fight against corruption and organized crime.

It should be emphasized that the Anti-Corruption Committee is the only Committee in the Parliament that does not have any legislative powers. Namely, the Committee may also examine the laws that are in parliamentary procedure, but only as an interested working body. In practice, this means that the Anti-Corruption Committee may examine all the laws related to the fight against corruption, but after the discussion only as an interested committee may it deliver its opinion on the law to the parent committee. The aforementioned opinion is not binding on the parent committee.



Graph 1: Presence of representatives of the government and the opposition in the Anti-Corruption Committee

The Committee consists of the chair and 12 members and is chaired by an opposition representative. Five members come from the ranks of the opposition, while eight come from the ruling party.

When it comes to the number of members of parliamentary parties on the Anti-Corruption Committee, the majority is from the Democratic Party of Socialists (DPS), a total of six. Three representatives are from the Club of Independent MPs (KSP), two of them

are from the Democratic Front (DF), whereas each Positive Montenegro (PCG) and the Albanian Democratic Party Caucus (FORCA, AA), HGI and LPCG have one representative in the working body.

¹ Anti-Corruption Committee was established on 22 December 2012.

2. STATISTICS RELATED TO THE WORK OF THE COMMITTEE

This part of the report covers data on activities of representatives in the Anti-Corruption Committee, as well as outside of the said Committee from its establishment until today. In addition to the data relating to the engagement of the working body members, this part of the report also examines data on the activities of other persons invited by the Committee to attend sessions.

2.1. The length of the Anti-Corruption Committee Sessions

At the beginning of its work, the Anti-Corruption Committee held 41 sessions independently, while four joint sessions were held with other parliamentary working bodies. Three joint sessions were convened with the Committee on Political System, Judiciary and Administration, whereas only one joint session was held with the Security and Defense Committee.

The Anti-Corruption Committee worked a little more than two hours a month.

Efficient work of the Anti-Corruption Committee lasted 78 hours and 20 minutes long², out of which eight hours and 25 minutes was spent on joint sessions with other parliamentary working bodies, while the remainder of the time was devoted to individual sessions of the Committee.

2.2 Discussing items on the agenda in the Anti-Corruption Committee sessions

Since its establishment, the Committee has discussed 83 agenda items, 38 of which were related to administrative issues, 29 to control and 14 to legislative. The Committee's agenda had two items pertaining to the thematic debates³. Although the Committee, pursuant to the Rules of Procedure, has no powers to examine proposed laws as the parent working body, it delivered several opinions on the proposed laws as the interested working body.

The authority of the Anti-Corruption Committee is defined in the Article 48a of the Rules of Procedure of the Parliament of Montenegro. The scope of the Committee is as follows:

- *monitor and analyze the work of state authorities, institutions, organizations and bodies in fighting against organized crime and corruption;*
- *consider issues and problems in the implementation of laws related to the fight*

against organized crime and corruption and propose amendments thereof;

- *propose additional measures for development of strategies, action plans and other documents related to the fight against organized crime and corruption;*
- *consider petitions and complaints, and address them to the competent authorities in accordance with the first indent of this Article.*

² Detailed data on the duration of each session of the Anti-Corruption Committee are available in Annex 1 to this report

³ Thematic sessions were related to the current matters under negotiation between Montenegro and the European Union in the area of anti-corruption and organized crime, referred to in Chapter 23 - Judiciary and Fundamental Rights, and Chapter 24 - Justice, Freedom and Security, as well as the current matters under negotiation between Montenegro and the European Union in the area of anti-corruption and organized crime, referred to in Chapter 23 - Judiciary and Fundamental Rights and Chapter 24 - Justice, Freedom and Security, within the jurisdiction of a Public Prosecution Office and summarizing of mutual cooperation between the Public Prosecution Office and Anti-corruption Committee for the period after electing the Supreme Public Prosecutor

Administration activities

Until now, the Committee has adopted Work Plans for 2013, 2014, 2015 and 2016. When the Work Plans are compared with what the Committee has done in practice, it is clear that an essential part of the obligations remained unfulfilled, which will be further discussed in a separate section of this Report⁴. Within the monitored period, the Committee members adopted three reports on the work of the Committee for 2013, 2014 and 2015.

In 2015, the Committee created conditions for the establishment of the Agency for Prevention of Corruption. Active participation of the Committee in the process of establishing the Agency is also one of the most significant activities this working body has performed.

During the same year, the Committee members examined to which extent the conclusions adopted by the Committee from its establishment until the 30th session were carried out. The Anti-Corruption Committee took into account the opinion submitted by TAIEX mission and adopted position regarding it. Some sessions of the working body were devoted to current issues.

Control activities

Amongst the control activities of the Committee, apart from control and consultative hearings, there were some reports as well. The Committee's agenda had seven items related to control hearings, and four to consultative hearings⁵.

On several occasions, the report on the realization of the Action Plan on the Implementation of the Strategy for the Fight against Corruption and Organized Crime in 2010-2014 was on the agenda of the Committee's session, and so was the Action Plan of the Government of Montenegro for chapters 23 and 24. The Committee members had a discussion on these items on the agenda, but after the debate they did not adopt any conclusions or decisions.

Legislation activities

The Committee delivered an opinion on the Proposal for Law on Amendments to the Law on Classified Data. After it was subsequently adopted by the Parliament, members of the working body were granted access to the classified data⁶.

In the monitored period, the Anti-Corruption Committee of the Parliament of Montenegro, pursuant to the Law on Prevention of Corruption, went through the process of election of members for the Council of the Agency for Prevention of Corruption.

The first step towards fulfilling the aforementioned obligations of the Committee was the initiation of the procedure of election of members of the Commission for the conduct of elections of members of the Council of the Agency for Prevention of Corruption, after which the Commission was formed. The commission consisted of one representative from the government and the opposition, one representative of the Judicial and Prosecutorial Council, as well as one representative of non-governmental organizations.

The Commission for the conduct of elections of members of the Council of the Agency for Prevention of Corruption has compiled a list of eight candidates who meet the requirements stipulated by the Law on Prevention of Corruption. After the interview with the candidates and performing necessary procedures, the Commission compiled a list of five candidates for the Council and submitted it to the Anti-Corruption Committee for further adoption and proposing to the Parliament of Montenegro, which the Committee did on 38th session.

⁴ Chapter 4 of the Report

⁵ More data on control and consultative hearings available in the Chapter 5 of the Report

⁶ The Proposal of the Law on Amendments to the Law on Classified Data was adopted at the first sitting of the first regular session in 2013, which

At the end of 2013, in a joint session with the Committee on Defense and Security, the Committee considered the Proposal for the Budget Law of Montenegro for 2014, in the part referring to the Ministry of Defense, Ministry of Interior and the National Security Agency⁷.

The Committee considered three proposals for ratification of international agreements, which were given a positive opinion. The Committee examined three proposals for ratification of international agreements, delivering a positive opinion.

At the end of 2014 the Committee examined Proposal for the Budget Law of Montenegro for 2015, in the part relating to the Judiciary, Public Prosecution Office, Ministry of Interior, Ministry of Justice, as well as in the part referring to the Directorate for Anti-Corruption Initiative, Commission for Prevention of Conflict of Interest, the Administration for Prevention of Money Laundering and Terrorism Financing and the National Security Agency.

The members of the working bodies, when discussing the aforementioned agenda items, talked with representatives of the consumer units. At the same sitting, the Committee examined the Proposal for the Law on the Execution of the Budget of Montenegro for 2013 insofar as it relates to the aforementioned consumer units⁸.

In 2014, the aforementioned parliamentary working body also examined the Proposal for the Law on Suppressing Corruption, Proposal for the Law on Lobbying and the Proposal on Amendments to the Law on Prevention of Conflict of Interest. The Committee examined the said laws as the interested Committee, and after the discussion, it was decided to propose the said laws to parent committee⁹ to be adopted¹⁰ by a majority of votes.

During 2015, the Committee as the interested committee examined the proposal for the Law on Public Prosecution Office and the Proposal for the Law on Special Prosecution. After concluding the discussion, the Committee acted by majority of votes to suggest the parent committee¹¹ to adopt the proposed laws.

2.3. Attendance of members of the Anti-Corruption Committee in sessions of the working body

The Anti-Corruption Committee consists of the chair, the deputy chair and 11 members. Since the establishment of the Committee until today, 21 members of the Parliament have been members of the Anti-Corruption Committee¹². During the monitored period, apart from the Committee members, a certain number of representatives who are not members of this working body were present at sessions.

The chair of the Committee, Predrag Bulatovic (DF), attended the sessions most frequently, while the deputy chair of the Committee, Obrad Stanisic (DPS), missed only two sessions.

was held on 1 May 2013

⁷ When examining these agenda items, the members of the working bodies talked with representatives of the said consumer units, after which they adopted the opinion that the designated funds were realistically allocated, thus allowing realization of the activities in accordance with the Constitution and the law, as well as the realization of policies within the competence of the committees

⁸ All representatives of consumer units announced that the planned resources were sufficient to carry out activities in 2015 related to the fight against organized crime and corruption, as well as meeting the obligations set out in the action plans for chapters 23 and 24. The Committee also examined the part of the Budget related to the Judiciary and Public Prosecution Office. The information on it was submitted by the representative of the Ministry of Finance. In this particular case, the Committee did not take a specific position. The Committee was informed that there was a possibility of changes in the funds allocated to the Public Prosecution Office if the Law on the Special Prosecutor was adopted

⁹ Parent Committee in the particular case is the Committee on Political System, Judiciary and Administration

¹⁰ Ibid

¹¹ Ibid

¹² Data on all former and current members of the Committee available in Annex 2 of this Report

ATTENDANCE OF THE MEMBERS IN THE SESSIONS OF ANTI-CORRUPTION COMMITTEE		
No.	Name	Attendance in days
1	Predrag Bulatovic (DF)	43
2	Obrad Stanistic (DPS)	42
3	Milorad Vuletic (DPS)	40
4	Branko Cavor (DPS)	33
5	Koca Pavlovic (DF)	31
6-7	Mico Orlandic (KSP)	30
6-7	Mevludin Nuhodzic (DPS)	30
8	Zoran Miljanic (KSP)	24
9	Marija Catovic (DPS)	13
10	Darko Pajovic (PCG)	10
11	Nikola Gegaj (DPS)	8
12-13	Nik Gjeloshaj (DP)	7
12-13	Obrad Gojkovic (KSP)	4

Table 1: Attendance of members of the Committee in the sessions
Source: MANS data collected through session monitoring

Scepanovic (DPS), Srdjan Peric (PCG), Slaven Radunovic (DF) and Nebojsa Medojevic (DF) attended Committee sessions on one occasion.

2.4. Comments of the Anti-Corruption Committee members

The most active member of the Anti-Corruption Committee is the chair, Predrag Bulatovic (DF), who took part in discussions 239 times during the monitored period.

The Deputy Chair, Obrad Stanistic (DPS) comes second with a total of 76 times. After the couple, the most active was Koca Pavlovic (DF), an MP, who participated in the discussion 75 times.

Nik Gjeloshaj (DP) was the least involved in the work of the Committee, addressing meetings merely twice in the monitored period.

MPs who are not members of the Anti-Corruption Committee participated in the work of this body without the right to vote, acting as substitutes of members from their parliamentary groups or as representatives interested in specific topic that was discussed within the Committee.

Thus, Vladislav Bojovic (DF) attended the Committee's sessions seven times, Velizar Kaludjeric (KSP ¹³) attended the Committee's session on three occasions, while each of the two, Draginja Vuksanovic (SDP) and Milan Knezevic (DF), attended the Anti-Corruption Committee's sessions twice.

Ranko Krivokapic (SDP), Suljo Mustafic (BS), Almer Kalac (BS), Aleksandar Damjanovic (SNP), Snezana Jonica (SNP), Vasilije Lalosevic (SNP), Zoran Jelic (DPS), Sefkija Muric (DPS), Halil Dukovic (DPS), Branka Tanasijevic (DPS), Nikola Mann (DPS), Zana Filipovic (DPS), Husnija Sabovic (DPS), Veljko Zarubica (DPS), Marta

COMMENTS OF THE ANTI-CORRUPTION COMMITTEE MEMBERS		
No.	Name	No. of comments
1	Predrag Bulatovic (DF)	239
2	Obrad Stanistic (DPS)	76
3	Koca Pavlovic (DF)	75
4	Milorad Vuletic (DPS)	38
5	Zoran Miljanic (KSP)	32
6	Mico Orlandic (KSP)	23
7	Mevludin Nuhodzic (DPS)	21
8-9	Branko Cavor (DPS)	12
8-9	Marija Catovic (DPS)	12
10	Darko Pajovic (PCG)	10
11	Obrad Gojkovic (KSP)	8
12	Nikola Gegaj (DPS)	7
13	Nik Gjeloshaj (DP)	2

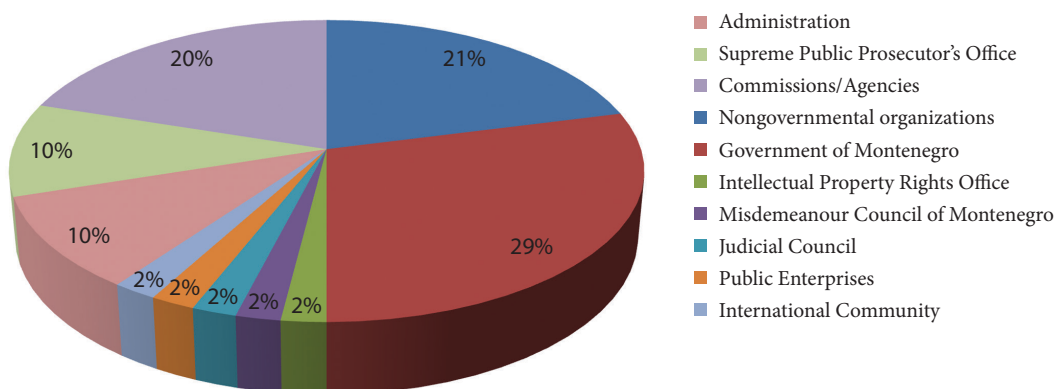
Table 2: Comments of the Anti-Corruption Committee members
Source: MANS data collected through session monitoring

¹³ Club of Independent MPs

2.5. Presence of invited parties in the Anti-Corruption Committee sessions

In the monitored period, over 50 parties who are not MPs participated in the Committee's work. Most of the invited were representatives of the Government of Montenegro, a total of 15, followed by 11 representatives of non-governmental organizations, 10 representatives of commissions and agencies, while the Supreme Public Prosecutor's Office had five representatives

One representative of each of the following was present in the sessions: the international community representative, the Judicial Council, public enterprise, the Misdemeanor Council and the Intellectual Property Office.



Graph 2: Presence of invited parties in the Anti-Corruption Committee sessions

2.6. Comments of the parties invited to the Anti-Corruption Committee sessions

The Deputy Prime Minister for Political system, Internal and Foreign policy Dusko Markovic most regularly attended the Anti-Corruption Committee sessions, six times, followed by a Minister of Interior, Rasko Konjevic, who attended Committee sessions on four occasions.

The Supreme Public Prosecutor Ivica Stankovic, the director of the Public Procurement Agency Mersad Mujevic and the Assistant Minister of Justice Svetlana Rajkovic attended three sessions.

In the monitored period, Dusko Markovic, the Deputy Prime Minister for Political System, Internal and Foreign Policy, commented most frequently of all the invited parties in the Anti-Corruption Committee sessions, with 19 comments, while the Minister of Interior, Rasko Konjevic, immediately follows with 17 comments.

In the same period, the Supreme Public Prosecutor, Ivica Stankovic, took part in the discussion nine times, followed by the director of the Public Procurement Administration, Mersad Mujevic and Assistant Minister of Justice, Svetlana Rajkovic¹⁴, with eight and seven comments respectively¹⁵.

¹⁴ Information on the invited parties that attended the sessions of the Anti-Corruption Committee available in Annex 3 of the Report

¹⁵ Detailed Information on the invited parties that attended the sessions of the Anti-Corruption Committee, as well as on their comments available in Annex 3 of the Report

3. OTHER ACTIVITIES OF COMMITTEE MEMBERS

In addition to the activities in the sessions of the Committee, the members of this working body, in the period from its establishment to the end of 2015, had a number of other activities. The Committee members participated in both domestic and international activities, through meetings, participation in conferences and visits organized in order to present the competence and work of the Anti-Corruption Committee, as a working body which was first time established in the Parliament of Montenegro.

Over the course of the three monitored years, members of the Anti-Corruption Committee attended nine conferences and seminars, three study visits and six meetings.

Former member of the Committee, Mladen Bojanic (KSP), attended a conference in Belgrade named "Towards Efficient Public Procurement in the Western Balkans" on 28 November 2013¹⁷ and the Committee members went to a seminar in Belgrade was dedicated to strengthening the legal and institutional capacity of MPs in order to prevent corruption in their capacity, as well as lobbying and corruption¹⁸.

3.1. Activities of the members in conferences and seminars

At the beginning of March 2013, the Committee delegation attended the seminar "Fight against Organized Crime, Corruption and Money Laundering", held in Brussels, organized by the European Parliament¹⁶. The seminar was particularly concerned with the confiscation of assets as an instrument for depriving criminal organizations of illicitly acquired assets, as well as with drug cartels, areas of systemic corruption and suppression of corruption and its effects.

Former member of the Committee, Mladen Bojanic (KSP), attended a conference in Belgrade named "Towards Efficient Public Procurement in the Western Balkans" on 28 November 2013¹⁷ and the Committee members went to a seminar in Belgrade was dedicated to strengthening the legal and institutional capacity of MPs in order to prevent corruption in their capacity, as well as lobbying and corruption¹⁸.

As a part of the activities during this period, the chair of the Committee, Predrag Bulatovic (DF) had a number of appearances at conferences and panel discussions organized by civil society organizations in Montenegro. At the beginning of March 2013, Bulatovic, as the chair of the parliamentary working body, talked at the round table about "The Impact of the Reform of Public Administration in the Fight against Corruption and the EU Integration Process", organized by the weekly Monitor¹⁹, a national conference "Analysis of the Effects of Anti-Corruption Policies in Montenegro and Recommendations for their Improvement", organized by the Centre for Monitoring and Research and the VII National Anti-Corruption Conference organized by MANS.

At the end of January 2014, Obrad Stanisic (DPS), the deputy chair of the Committee and Milorad Vuletic (DPS), a member of the Committee, attend training sessions dedicated to the prevention of money laundering, organized by MANS²⁰ in cooperation with the City Group and Law Firm Allen & Overy.

¹⁶ The seminar was held on 4 and 5 March 2013 and the delegation was composed of the chair of the Committee, Predrag Bulatovic (DF), the Committee members Milorad Vuletic (DPS), Obrad Stanisic (DPS), Fatmir Gjeka (DP), Koca Pavlovic (DF) and Zoran Miljanic (DF), as well as the Secretary General of the Parliament, Damir Davidovic, and the Committee secretary, Vesna Pekovic

¹⁷ The conference was organized by the Open Society Foundation Serbia in cooperation with MANS and four other non-governmental organizations from Slovakia, Macedonia, Bosnia and Herzegovina and Serbia

¹⁸ The Seminar was held on 2 December 2013, at the invitation of the Committee on Rules of Procedure, Immunities and Institutional Affairs of the Parliamentary Assembly of the Council of Europe. The delegation consisted of Predrag Bulatovic (DF), the chair of the Committee, members Milorad Vuletic (DPS), Mico Orlandic (SDP), Andrija Mandic (DF) and Vesna Pekovic, the secretary of the Committee

¹⁹ The round table was held on 1 March 2013

²⁰ The training was held on 27 January 2014

The chair of the Anti-Corruption Committee, Predrag Bulatovic (DF) and the deputy chair, Obrad Stanisic (DPS), early in April 2014, held a meeting with representatives of non-governmental organizations involved in the fight against corruption and organized crime²¹. The theme of the meeting was "Cooperation of the Anti-Corruption Committee and Non-Governmental Organizations".

Koca Pavlovic (DF), a member of the Anti-Corruption Committee, spoke at the Conference "Good Society and Anti-Corruption". The conference was held in Bucharest on 9 September 2014. On that occasion, the MP assessed the current situation in Montenegro relating to the fulfillment of the obligations in the fight against corruption.

3.2. Meetings of MPs with Representatives of International Community

In the part which refers to activities related to the representatives of the international community, Predrag Bulatovic (DF), the chair of the Committee, met with Henri Bohnet, the head of the Konrad Adenauer Stiftung, in February 2013, in order to present the competences of the newly formed working body of the Parliament²².

As soon as the following week, Koca Pavlovic (DF), a member of the Committee, met with the SIGMA delegation and on that occasion, he introduced them with the competencies and the methodology of work of the newly formed Anti-Corruption Committee, as well as the future plans of the Board²³.

Predrag Bulatovic (DF), the chair of the Anti-Corruption Committee, met representatives of the European Union on two occasions. First, in March 2013, he met with Dirk Lange, the head of Department for Montenegro and Croatia in DG Enlargement, and then in November 2013 with the head of the EU Delegation to Montenegro, Mitja Drobic²⁴.

In mid-April 2014, the chair and the deputy chair of the Anti-Corruption Committee, as well as members of the Parliament Koca Pavlovic (DF), Mico Orlandic (SDP), Mladen Bojanic (KSP) and Nik Gjeljoshaj (DP), held a meeting with co-rapporteurs of the Parliamentary Assembly of the Council of Europe²⁵. Representatives of the Anti-corruption Committee familiarized co-rapporteurs of the Parliamentary Assembly of the Council of Europe with the composition, competences and role of the Anti-Corruption Committee; a special attention was paid to the activities of the Committee regarding re-establishing transparency of the registers of the Real Estate Administration and the Central Registry of Business Entities, from which unique citizens numbers of owners of real estates and companies were removed, thus making it difficult to identify those persons and carry out the media and civil society's investigation of corruption.

In mid-February 2015, members of the Anti-Corruption Committee met with Paul Gaskell, the director of the Directorate for Western Balkans and Enlargement of UK Foreign Office, to discuss the topic of EU and NATO integration²⁶. The Anti-Corruption Committee was represented by Predrag Bulatovic, the chair of the Committee, as well as members Marija Maja Catovic, Mico Orlandic, Zoran Miljanic, and Srdjan Peric MP, as a substitute for Darko Pajovic. On this occasion, the guest was acquainted with the competences and activities of the Anti-Corruption Committee.

21 The meeting was held on 1 March 2013

22 The meeting was held on 21 February 2013

23 The meeting was held on 27 February 2013, aimed at making analysis of the Protector of Human Rights and Freedoms

24 The meetings with Lange and Drobic were held on 12 March 2013 and 19 November 2013 respectively

25 The meeting was held on 14 April 2014

26 The meeting was held on 11 February 2015

3.3. Study visits of the Committee members

At the end of September 2014, a delegation of the Anti-Corruption Committee of the Parliament of Montenegro stayed in a two-day study visit to the Republic of Lithuania. During the visit, meetings were held with members of the Anti-Corruption Committee of the Parliament of Lithuania - Seimas, representatives of the Public Procurement Office, Ethics Commission and the Special Investigation Service of the Republic of Lithuania - STT. The delegation of the Anti-Corruption Committee of the Parliament of Montenegro included Predrag Bulatovic (DF), the chair of the Committee, Obrad Stanisic (DPS), the deputy chair of the Committee, as well as members of the Committee, Mico Orlandic (SDP) and Koca Pavlovic (DF). At this meeting, they exchanged experiences in the field of fight against corruption and organized crime, with particular reference to their status and independence.

At the end of September 2014, a delegation of the Anti-Corruption Committee visited Estonia²⁷. During the visit a number of meetings with the bodies dealing with corruption and organized crime was scheduled. The delegation consisted of Predrag Bulatovic (DF), Obrad Stanisic (DPS), Koca Pavlovic (DF) and Mico Orlandic (SDP). During the meetings with the Estonian Committee, they shared mutual experiences within their scope of work, their position and responsibilities in relation to other bodies and authorities dealing with corruption and organized crime. The delegation also visited the Analysis Division of the Criminal Police Department and the Bureau of Investigation of Corruption Crimes. On this occasion, the delegation got acquainted with the work and achievements of these bodies in the field of sanctioning corruption.

In early March 2015, a delegation of the Anti-Corruption Committee paid a study visit to the European Commission and the European Parliament²⁸. On this occasion, the Committee was represented by Predrag Bulatovic, the chair of the Committee, Obrad Miso Stanisic, the deputy chair, and the Committee members Milorad Vuletic, Koca Pavlovic and Darko Pajovic. Members of the Anti-Corruption Committee met at the European Commission with the representatives of the DG for Neighborhood and Enlargement Negotiations, DG Migration and Home Affairs and the European Anti-Fraud Office. Also, the delegation of the Anti-Corruption Committee met in the European Parliament with the EP rapporteur for Montenegro Charles Tannock, the deputy chair of the European Parliament, Ulrike Lunacek, the co-chair of the EU-Montenegro Stabilization and Association Parliamentary Committee, Anneliese Dodds, and the chair of the Committee on Budgetary Control, Ingeborg Grassle.

²⁷ The delegation of the Anti-Corruption Committee was on the study visit to Estonia from 24 to 26 September 2014

²⁸ The Anti-Corruption Committee was on a study visit to the European Commission and the European Parliament from 2 to 3 March 2015

4. REALIZATION OF THE COMMITTEE WORK PLAN

During the four monitored years, the Committee adopted four annual Work Plans²⁹. Bearing in mind that the Work Plan for 2016 was adopted at the meeting of the Committee held on 17 February 2016, at this moment, it is not possible to estimate to which extent 21 measures set out in the plan were implemented.

In the period 2013-2015, the Committee was supposed to implement 78 measures. By the end of 2015, out of a total number of 78 measures, the Committee did not implemented nearly 65 percent. The Work Plans for 2014, 2015 and 2016 include a number of unimplemented measures from previous years.

Certain number of measures are activities which are repeated over years or it is envisaged to be implemented continuously.

21 measures	27 measures	30 measures	21 measures
6 same measures		8 same measures	
5 same measures			
8 same measures			
6 same measures			
2013.	2014.	2015.	2016.

Figure 2: Measures repeated in the Committee Work Plans in the period 2013 - 2016

ing the work of individual state bodies, monitoring campaign carried out by national authorities in their institutions and examining current issues of importance to the fight against corruption and organized crime

Finally, a number of measures, which has been being repeated throughout the years were related to the controlling role of the Committee, decision-making on organizing specific discussions with representatives of the government and civil society and the cooperation with NGO sector.

4.1. Work Plan for 2013

At the meeting of the Committee held on 27 March 2013, the Committee adopted the Work Plan for 2013 which contained 21 measures³⁰.

Of the total of 21 activities that were supposed to be implemented during 2013, the Committee fully implemented eight, three were partially implemented, while 10 activities were not carried out.

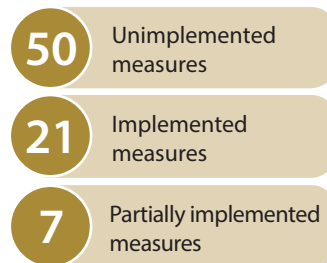


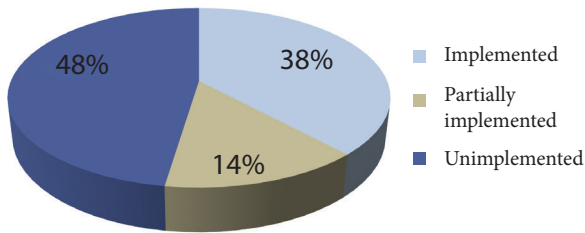
Figure 1: Realization of the measures from the Committee, Work Plan from 2013 to 2015

The same measures that are repeated throughout the years are mainly pertaining to the legislative role of the Committee, monitoring negotiation processes between Montenegro and the EU in relation to Chapters 23 and 24, and monitoring and analyzing the implementation of the Action Plan for fight against corruption at the local level.

A number of these measures includes the assessment of corruption in the areas of particular risk, review of the reports submitted to the Committee, examination of quarterly reports of the Government in the fight against corruption and organized crime, analyzing and evaluating

²⁹ Detailed data on all measures set out in the Work Plans for the period of four years available in Annex 4 of the Report

³⁰ Detailed data on the measures set out in the Plan given in the Annex 4 of the Report



Graph 3: Realization of the Committee Work Plan for 2013
Source: MANS data collected through session monitoring

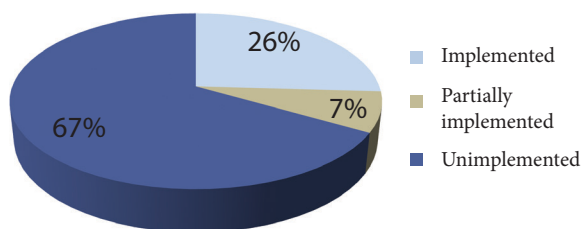
Most of the planned measures pertained to hearings, report reviews, legislative activities and administrative issues. Fewer planned measures were related to seminars and visits abroad, thematic studies and research of public opinion. Out of these, seven activities had no defined time limit but were marked as continuous, while the remainder had specified monthly and quarterly time limits within which the activity was supposed to be implemented.

In the monitored period the Committee conducted control and consultative hearings and examined proposed budgets for the institutions responsible for the fight against corruption and organized crime.

For more than three years the Committee had no political will to define procedures of acting on civic petitions. This measures can be found in every annual Work Plan of the Committee from 2013 to the current Work Plan.

4.2. Work Plan for 2014

At the meeting of the Committee held on 10 April 2014, the Committee adopted a Work Plan for 2014 containing 27 activities³¹. Two measures that were to be implemented in 2014 were transferred from the Committee's Work Plan for the previous year.



Graph 4: Realization of the Committee Work Plan for 2014
Source: MANS data collected through session monitoring

From the total of 27 activities that were supposed to be implemented in 2014, the Committee fully implemented seven, two were partially implemented, while 18 activities were not carried out. In 2014, two measures³² from 2013 were implemented, although they were not included in the Plan for 2014.

Most activities were aimed at examining reports and supervising the work of the institutions fighting against corruption and organized crime, and at the legislative work of the Committee, as well. Various thematic debates, hearings, administrative issues, meetings, and research of public opinion followed.

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In the monitored period the Committee conducted control and consultative hearings and examined proposed budgets of the institutions responsible for fighting corruption and organized crime.

³¹ Ibid

³² Consultative hearing related to corruption risks in public procurement and the visit to the parliaments of Estonia (Anti-Corruption Select Committee) and Lithuania (the Anti-Corruption Commission)

4.3. Work Plan for 2015

The Anti-Corruption Committee's Work Plan for 2015 envisaged a total of 30 measures to be implemented by the end of the year.³³ One of the measures which was supposed to be implemented in 2015 was transferred.

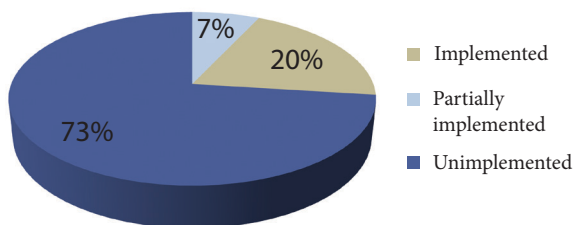
Out of the total number of measures, 11 did not have a specific time limit for the implementation – they were supposed to be implemented continuously, if needed, or in the course of 2015.

Out of the total number of measures to be implemented in 2015, the Committee failed to implement as many as 22, whereas two measures were partially implemented.

When analyzing the Committee's Work Plan for 2015, it should be taken into consideration that the last session of the Anti-Corruption Committee, for the year, was held on 29 July 2015. Most activities were aimed at examining reports and supervising the work of the institutions involved in fighting corruption and organized crime, and at the legislative work of the Committee. Various thematic debates, hearings, administrative issues, meetings and research of public opinion followed.

4.4. Work Plan for 2016

The Anti-Corruption Committee's plan for 2015 envisaged an initiative for amending the Rules of Procedure of the Parliament of Montenegro, in order to position itself as a parent committee and be able to consider drafts of laws and other regulations related to the fight against corruption. The Rules of Procedure were not amended accordingly, and there is no such activity the Plan for 2016, which may indicate that the Committee has given up on the idea of empowering its own capacities and position.



Graph 5: Realization of the Committee Work Plan for 2015
Source: MANS data collected through session monitoring

The Anti-Corruption Committee's Work Plan for 2016 envisages 21 measures to be carried out by the end of the year.³⁴ Four measures were transferred from the Work Plan for the previous year.

Most of the activities are related to the consideration of reports and supervising the work of the institutions in the fight against corruption and organized crime, and the legislative work of the Committee. The various thematic discussions, hearings, administrative matters, meetings and public opinion research follow.

At the moment, it is impossible to define at what degree the measures in the Work Plan have been implemented, as the Plan for the current year has been adopted recently.

³³ Detailed overview of measures available in Anex 4 of the Report

³⁴ Ibid

5. CONTROL FUNCTION OF THE COMMITTEE

In order to exercise the control function of the Parliament of Montenegro successfully, parliamentary hearings and investigations may be organized within competent committees. The primary function of the Anti-Corruption Committee, one of the permanent working bodies of the Parliament is to control.

In three cases out of six control hearings were organized without the support of MPs of the ruling parties, applying mechanisms that allow the opposition to organize a control hearing on its own initiative once in a half a year.

During the observed period, the Committee devoted several sessions to control and consultative hearings. However, many of them did not result in the adoption of concrete conclusions, what brings into question the effectiveness of use of these control mechanisms. Moreover, the Committee has no system for monitoring the implementation of the adopted conclusions, which limits the range and concrete results of that body with regard to the control of the executive power in the fight against corruption and organized crime. So far, the Committee has dedicated seven sessions to control hearings and four sessions to consultative ones.

5.1. Control hearings

The Anti-Corruption Committee has recently organized a total of seven control hearings, four of which were organized with the support of all members of the Committee and three were initiated by opposition parties³⁵.



Figure 3: Number and results of control hearings of the Committee in the period 2013 - 2015

The first control hearing was held during the second session of the Committee, on 6 February 2013. The theme of this control hearing was “Telekom” affair, the investigation of corruption in the privatization of Telekom company, which was discovered due to activities of US authorities, primarily its Securities Commission. At the first session, the Committee members adopted the resolution on control hearing of Ranka Carapic, the Supreme Public Prosecutor and acting director of the Directorate for Prevention of Money Laundry and Financing of Terrorism, Vesko Lekic, after which these persons were interrogated. After the interrogation, the Committee adopted a single conclusion³⁶. The Committee concluded that the Supreme Public Prosecutor was to send an urgent letter rogatory to the US Embassy, requesting the information concerning the Telekom affair.

In order to implement this conclusion, on 4 October 2014, the Committee adopted a decision on submitting an initiative to the Security and Defense Committee to ask the Supreme Public Prosecutor for information on new findings in the Telekom affair and after obtaining the requested information, to hold the joint session with the Anti-Corruption Committee, where the Supreme Public Prosecutor and the Director of the Directorate for Prevention of Money Laundry and Financing Terrorism would be heard with regard to the said affair. The aforementioned sessions has not been held yet, but according to information from the media, the US authorities sent to Montenegro documents related to the Telekom affair.

³⁵ Rules of Procedure of the Parliament (Article 75) empowers one-third of the members of the working body to initiate a special session of the Committee in order to discuss a single item on the agenda, once during the regular session, without voting on the agenda of that session

³⁶ „The Committee deems necessary that the Supreme Public Prosecutor’s Office - Division for combating organized crime, corruption, terrorism and war crimes, send an urgent letter rogatory to the US Embassy - Office of the Resident Legal Advisor in Podgorica – asking that the competent judicial authorities of the United States urgently answer to the request and thus speed up the process of obtaining necessary information.”

Seventh session of the Committee, held on 11 October 2013, was also dedicated to control hearing. This control hearing concerned the "Recording" affair and activities of the prosecutor's office with regard to the release of audio recordings and transcripts from sessions of the DPS bodies, where it had been discussed on the abuse of state resources and powers to influence voters' decisions in the elections.

The hearing was attended by Veselin Vuckovic, acting Supreme Public Prosecutor and Veselin Radulovic, the legal representative of the NGO MANS, who came by invitation. After the introductory speeches and negative appraisal regard to the "Recording" affair, Vuckovic left the meeting, which consequently terminated. After this event, the Committee did not make any conclusions regarding the aforementioned control hearing.

The Committee held another control hearing on 30 December 2013, during the thirteenth session of the Committee. The reason for organizing this hearing was the potential existence of corruption in the purchase of the motel "Zlatica" with surrounding land for the purposes of resolving the issue of accommodation of the special units of the Police Directorate. The Minister of the Interior Rasko Konjevic and the Minister of Foreign Affairs Igor Luksic were also invited to the hearing. The Deputy Supreme Public Prosecutor, Veselin Vuckovic, did not respond the Committee's call. During the preceding hearing, he had expressed the view that the Supreme Public Prosecutor had not been obliged to respond to the call of the Committee and after a negative assessment of the prosecution's work, he had left the meeting. After the discussion with the ministers, the session was terminated, and the Committee has never adopted any conclusions with regard to this hearing.

Another Control hearing was organized on 30 June 2014, **at the seventeenth session of the Committee and based on a petition of the Association of Composers of Montenegro.** On this occasion, the hearing was attended by the Minister of Economy, Vladimir Kavacic and head of the Intellectual Property Office, Novak Adzic. The session was attended, in addition to the Committee members and invited officials, by representatives of the Association of Composers. After the discussion, the Committee adopted six conclusions³⁷, most of which have been implemented³⁸.

The session of the Committee that would have dealt with a petition submitted by MANS. MANS requested the Committee, on the eve of the local elections in 2014, to organize a control hearing of the Supreme Public Prosecutor and the Director of Police regarding the case of buying the ID cards was not held due to lack of quorum - MPs of the ruling coalition did not want to attend the session.

37 **1.** The Committee deems it necessary to verify financial data of PAM by the Tax Administration, bearing in mind the huge difference between total income and expenses that the organization achieves - an average 75% of expenditures in relation to income, which according to the law and the statute may be up to 35%. After performing the verification, the Tax Administration will deliver its findings to the Anti-Corruption Committee; **2.** The Committee has recognized certain possible ambiguities and uncertainties in the implementation of the Law on copyright and related rights: a) The existence of a monopoly position of an organization for collective management of copyright and related rights; b) The different interpretation of the legal status of organizations for collective management of copyright and related rights, which by law is defined as a non-governmental organization and the Intellectual Property Office is treating it as private-legal organization which comes in a potential collision with the Law on NGOs; c) disproportion of revenues and payments to artists; Therefore, the Committee considers it essential that the Ministry of Economy states its opinion regarding these issues and to consider the necessity of certain amendments to the Law on Copyright and related rights, which would allow all authors to protect their rights under the same conditions; **3.** In addition to the objections of the Association of Composers and individual music authors to the work of the Organization for Collective Management of Copyright and Related Rights, there are also complaints arisen by users of services (tourism associations, restaurateurs, hoteliers and others), so it is necessary to examine whether the law should be aligned with some other legal projects. The Committee shall introduce this initiative to the Ministry of Economy and the Ministry of Interior; **4.** The Committee will send the request to the State Audit Institution to consider the possibility of performing an audit in PAM, which would be in accordance with the Institution's responsibilities, and inform the Committee accordingly; **5.** The Committee has decided to deliver the complete petition documents, which were sent to the members of the Committee, to the Supreme Public Prosecutor, expecting feedback from the Prosecutor's office; **6.** The relevant state authorities, to which the conclusions are addressed, are obliged to provide the requested information and opinions as soon as possible and no later than 1 November 2014

38 More details on the implementation of the conclusions available in chapter 7 of this report

The Committee held another control hearing on 30 October 2014. **This time the topic was “Multimillion contracts for legal and consulting services paid by the EPCG”.** The hearing was attended the Minister of Finance Radoje Zugic, Minister of Economy, Vladimir Kavaric and the director of the Public Procurement Administration Mersad Mujevic. The invitation was accepted by the Minister of Economics and Director of the Public Procurement Administration, while the Ministry of Finance was represented by Marija Radenovic, Head of General Affairs in the Ministry of Finance. Pursuant to Article 67 of the Rules of Procedure of the Parliament of Montenegro, a representative of MANS, Ines Mrdovic, also took part in the work of the Committee. The representatives of the Ministry of Economy and the Public Procurement Administration submitted to the Committee a written information on the subject of control hearing. After the discussion, the Committee members adopted four conclusions³⁹, only one of which has been implemented⁴⁰.

The Committee held a control hearing on 23 February 2015. At the aforementioned session, the Supreme Public Prosecutor, the Minister of Interior and the Director of the Public Procurement Administration made statements on the **“Construction of the Security Center in Podgorica - Police Directorate”.** After the discussion, the Committee members adopted two conclusions⁴¹.

The last control hearing on the Anti-Corruption Committee was held 18 April 2015. On that occasion, heard the Minister of Sustainable Development and Tourism Branimir Gvozdenovic and the director of the state enterprise “Morsko dobro” Rajko Barovic. The topic of the hearing was the illegal collection of fees for the use of illegally built vacation homes on Ada Bojana. In addition to the members of the working body, the session was also attended by the Minister of Sustainable Development and Tourism Branimir Gvozdenovic, director of “Morsko dobro” Rajko Barovic and a representative of the NGO MANS Dejan Milovac, who took part in the discussion. . Members of the Board upon completion of the hearings did not adopt conclusions, but will have committed to do so at one of the next sessions, but to date this has not been done. The Committee members did not make any conclusions, but they undertook to do it on one of the sessions that would follow. No conclusions have been made until today.

5.2. Consultative hearings

The Anti-Corruption Committee organized four consultative hearings in the observed period. **The first consultative hearing** was held on 20 December 2013, at a joint session with the Committee on Political System, Judiciary and Administration. **The topic was “Ensuring the independence of the Council and regional misdemeanor bodies through changing legal framework in the part concerning the appointment**

39 *1. The Supreme Public Prosecutor has been addressed the materials that the members of the Anti-Corruption Committee received from the Ministry of Economy, EPCG and the Public Procurement Administration. The Supreme Public Prosecutor is expected to provide the Anti-Corruption Committee with the information related to these materials within 30 days, in accordance with the powers of the Supreme Public Prosecutor and the Committee. The Committee is asking the Supreme Public Prosecutor to submit the information on actions taken with regard to the criminal charges that have been submitted by the Party of United Pensioners and Disabled People and the Network for Affirmation of NGO sector within the same deadline. 2. The Committee urges the Ministry of Economy, the Government and the Privatization Council to take position on the topic of the control hearings, or to take their attitude over different opinions expressed in the materials that the members of the Anti-Corruption Committee received for the session. 3. The Committee shall submit to the Public Procurement Administration the EPCG materials with a request to state whether the contracts on consulting and other services are in accordance with the Law on Public Procurement. 4. After receiving the information, the Committee will hold a special session on the same topic, with a special resolution with regard to the date and the participants”

40 More details on the implementation of the conclusions available in chapter 7 of this report

41 *1. The Anti-Corruption Committee shall address the Supreme Public Prosecutor with the recommendation to obtain complete documentation related to all phases of construction of the facility of the Security Center of the Police Directorate in Podgorica, from making the initial decisions until the completion of construction, as well as to take into account the discussion in the Committee meeting and to take appropriate measures and actions in the matter of control hearing, in accordance with its powers. The Supreme Public Prosecutor shall inform the Committee on his attitude regarding the subject of control hearing within 60 days, based on the taken actions. If necessary, a complete audio recording of the meeting of the Committee, held on 23 February 2015, will be made available to SSP. 2. The Committee chair will contact the Ministry of Interior and the Protector of Property and Legal Interests of Montenegro on behalf of the Committee, requesting them to deliver the complete documentation regarding this case.”

and dismissal of magistrates“. This hearing was organized on the initiative of MANS, due to the fact that the magistrates in Montenegro are appointed by the Government, which undermines the constitutional system of separation of powers into legislative, executive and judicial.

The session of the Committee was, by invitation, attended by Branka Lakocevic, the Deputy Minister of Justice, Zoran Zivkovic, the chair of the Misdemeanor Council of Montenegro and Veselin Radulovic, the legal representative of MANS. After the discussion, the Committee adopted the Decision on the Establishment of a Subcommittee that would work on the text of amendments to the Misdemeanor Law. It was also determined that the subcommittee members would be a member of parliament Vladislav Bojovic (DF), on behalf of the Anti-Corruption Committee and another member of parliament, Draginja Vuksanovic (SDP), a representative of the Committee on Political System, Judiciary and Administration. The Subcommittee was formed by the decision of the two committees dated 30 December 2013, it had seven members⁴² and its role was to prepare an expert opinion on the situation in the by March 2014, after which the Committee was supposed to have a meeting in order to get acquainted with the material. However, the Subcommittee has not fulfilled this obligation yet.

Only a week later, again on the initiative of MANS, the Committee held a second consultative hearing **regarding the removal of identification numbers from the website of the Central Registry of Business Entities and the Real Estate Administration**, which prevented non-governmental organizations and media from investigating cases of corruption adequately.

The session was, by invitation, attended by the Minister of Finance Radoje Zugic, the director of the Tax Administration, Milan Lakicevic, the director of the Real Estate Administration, Dragan Kovacevic, the chair of the Council of the Agency for Personal Data Protection and Free Access to Information, Sefko Crnovrsanin and Dejan Milovac, the deputy executive director of MANS. With regard to this issue, the Committee adopted six conclusions⁴³. However, no concrete steps have been taken towards the implementation of these conclusions, nor there is a working group set up



Figure 4: Number and results of consultative hearings of the Committee in the period 2013 to 2015

42 Co-chairs of the Subcommittee are Draginja Vuksanovic (SDP) and Vladislav Bojovic (DF), while its members are Milorad Vuletic (DPS), Branko Cavor (DPS), Azra Jasavic (DF), Genci Nimanbegu (group of minority parties) and a representative of SNP that has not been named

43¹. The Committee found justified the consultative hearing related to the removal of identification numbers from the registers of the Tax Administration and the Real Estate Agency, which had been done after conducting inspection procedures by the Council of the Agency for Personal Data Protection and Free Access to Information. The Committee believes that for the purposes of research of the phenomena and pillars of organized crime and corruption, which is done by journalists and certain NGOs, it is very important that the removed data become available, which means that unique master citizen numbers of persons owning companies or real estate have be available. 2. During the hearing the Committee noted that such a decision of the Agency pointed to the mutual inconsistency of a number of laws, and that was why it had caused controversy in public. The following laws are made inconsistent: Personal Data Protection Law, Law on Free Access to Information, Enterprise Law, Law on Tax Administration, Law on State Surveying and Cadaster. The inconsistency refers to the level of public disclosure of information, including the publication of unique master citizen numbers on the Internet. 3. The Committee noted that there had be compliance between the mentioned laws, and that all the should be consistent with the European legislation, practice of verdicts of the European Court, as well as the needs of Montenegro, in order to fulfill the Action Plan for the chapters 23 and 24. 4. Taking into account that the negotiations on chapters 23 and 24 have started, the Committee deems it necessary to harmonize these laws, and possibly some other laws in this area, as soon as possible, in order to allow an efficient and barrier-free access of the relevant authorities, NGOs and media to all the data relevant for investigation of organized crime and corruption, as well as for combating these phenomena and their upholders. 5. With regards to this consultative hearing, the Committee has decided to propose to the Collegium of the President of the Parliament to consider this matter and make a decision on the formation of a working group composed of representatives of all parliamentary clubs and at the same time to ensure the presence of representatives of the Committee on Economy, Finance and Budget, the Committee on Political System, Judiciary and Administration and the Anti-corruption Committee, with Co-Chairs from the ranks of the government and the opposition. 6. Professional service of the Committee shall draw up a detailed report from the consultative hearing, as well as the summary of all the positions and proposals of the participants.”

to deal with the issue of the removal of identification numbers from the website of the Central Registry of Business Entities and the Real Estate Administration, which indicates that the Parliament apparently does not take seriously the findings of its working body responsible for issues relating to fight against corruption.

The following consultative hearing in the observed period was held on 9 July 2014 and **the topic was “The Risks - Corruption in Public Procurement”**. The session was attended by the Minister of Finance Radoje Zugic, the director of the Public Procurement Administration Mersad Mujevic, the chair of the State Commission for the Control of Public Procurement of Montenegro Suzana Pribilovic, the chair of the Commission for Concessions Slobodan Perovic, the assistant director of the Inspection Directorate Rada Markovic, all of whom had been invited. A representative of the NGO Institute Alternative, Jovana Marovic, had also been invited to the session. After the interview, the session was interrupted, and the Committee announced reaching appropriate conclusions on one of the sessions that would follow. In the session held on 25 July 2014, the Committee only drew up the summary of the discussion from the previous hearing.

The Anti-Corruption Committee held a joint session with the Committee on Political System, Judiciary and Administration⁴⁴ in May 2015. The session encompassed a **consultative hearing on the occasion of introducing a new criminal offense of “Illicit Enrichment of Public officials”**, pursuant to the Article 20 of the UN Convention against Corruption.

In addition to members of the two committees, the session was also attended by Zoran Pazin, the Minister of Justice, Rasko Konjevic, the Minister of the Interior, Ivica Stankovic, the Supreme Public Prosecutor, Djurdjina Ivanovic, the Special Prosecutor, Mladen Vukcevic, the chair of the Judicial Council, Slobodan Lekovic, the chair of the Commission for the Prevention of Conflict of Interest, Vanja Calovic, the executive director of MANS, Boris Maric, a representative of the NGO Centre for Civic Education and Zoran Vujcic, a representative of the NGO Civic Alliance. In the joint session of the two committees, held on 23 July 2015, three attitudes were taken with regard to the consultative hearing.

⁴⁴ More details on petitions available in the Chapter 6.1 of this report

6. ANTI-CORRUPTION COMMITTEE'S ACTING ON PETITIONS

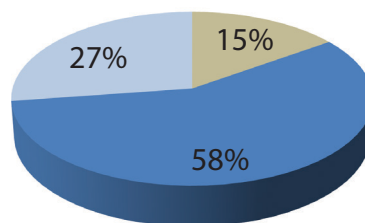
The Anti-Corruption Committee has the power to examine petitions and appeals submitted by both legal entities and individuals. Since the establishment of the Anti-Corruption Committee until today, 33 petitions have been filed to the Committee by citizens and civil society⁴⁵. Most petitions were filed by non-governmental organizations and professional associations, while others were submitted by individuals, including workers' representatives in privatized companies.

Five petitions lead to conducting consultative or control hearing, or a discussion on submitted initiatives.

Concerning nine petitions, the Committee asked for relevant information by relevant institutions in order to take the stance in those cases.

Finally, 19 petitions were not examined at all. Out of these petitions, only one was not examined due to the fact that there was no quorum, and later, the petition in matter never became a part of the agenda of any of the following sessions of the Committee.

- Petitions not considered by the Committee
- Acting on petitions in progress
- Considered petitions



Graph 6: Petition consideration by the Anti-Corruption Committee

6.1. Considered petitions

In five cases the Anti-Corruption Committee conducted a consultative or control hearing, or a debate on submitted initiatives.

More than eighteen months after its establishment at the end of June 2014, the Anti-Corruption Committee conducted the first control hearing acting on **the first petition filed to this Committee** in February 2013 by **the Association of Composers of Montenegro**. Before conducting the control hearing, the Committee devoted two sessions to the said petition in order to acquaint the members of the Committee with the petition, so as the Committee could request detailed information on the case from the competent state authority. The Minister of Economy, Vladimir Kavaric, and head of the Intellectual Property Office, Novak Adzic, were present at the control hearing. In addition to the Committee members and invited officials, representatives of the Association of Composers also attended the session. After the discussion, the Committee adopted six conclusions⁴⁶.

It took the Committee nearly half a year or even more to organize hearings over most of the submitted petitions.

On 23 December 2013, the Committee considered a petition filed by MANS on 25 March 2013, which referred to the proposal relating to amending the agenda of the planned session, at which **forms of cooperation between the Committee and the National Commission for Monitoring**

the Implementation of the Strategy for the Fight against Corruption and Organized Crime should have been discussed. MANS then suggested postponing the planned sessions in order to organize a special session that would be attended by all members of the National Commission rather than just

⁴⁵ Detailed information available in Annex 5 of this Report

⁴⁶ Details on the implementation of the conclusions available in Chapter 7 of this report

its chair, as initially planned - bearing in mind that this was a diverse body where representatives of all three bodies of the government and the NGO sector were involved.

MANS proposed a special session to establish the modalities of cooperation between the National Commission and the Committee, the Committee's methods related to control over the implementation of anti-corruption reforms and ways of involvement of the Committee in developing the Action Plan for the implementation of the Strategy for the fight against corruption and organized crime and the work of the National Commission, including membership of the chair of the Anti-Corruption Committee on the National Commission. The Committee accepted this petition and scheduled the session for 23 December 2013. Not all members of the National Commission were present at the session, but only its chair, Dusko Markovic and a Deputy Member of the National Commission representing MANS, Vuk Maras. The theme of this session was the sixth report related to the implementation of the 2013-2014 Action Plan on the implementation of the Strategy for the fight against corruption and organized crime from 2010 to 2014 and the obligations of Montenegro in negotiations with the EU set out in Chapters 23 and 24. This session resulted in five conclusions the Committee⁴⁷ adopted but never addressed which did not address the relevant state bodies, but the Committee significantly adhered to them during the subsequent work of this working body⁴⁸.

In late June 2013, MANS filed a petition to the Committee which initiated a consultative hearing in order to ensure **the independence of the Council and regional misdemeanor bodies** through changing legal framework in the part concerning the appointment and dismissal of magistrates. Almost six months later, in December 2013, the Anti-Corruption Committee held a joint meeting with the Committee on Political System, Judiciary and Administration, where a consultative hearing on the initiative was conducted. At the invitation, Branka Lakocevic, deputy Minister of Justice, Zoran Zivkovic, the chair of the Misdemeanor Council Montenegro and Veselin Radulovic, the legal representative of MANS, attended the session of the Committee. After the hearing, at the end of December 2013, the Resolution on Forming the Subcommittee was adopted. The Subcommittee would work on the text of amendments to the Law on Misdemeanors. The Subcommittee was supposed to have seven members⁴⁹ and was obliged to prepare an expert opinion on the situation in this area by March 2014. After that, there would be a session in which the members would get acquainted with the material would be scheduled. However, the Subcommittee has not yet fulfilled this obligation, although it has been almost two years since the deadline expired.

On 24 October 2013, MANS filed a petition to the Anti-Corruption Committee, requesting it to conduct a consultative hearing of the Minister of Finance, the director of the Tax Administration, the director of the Real Estate Administration and members of the Agency for Protection of Personal Data and Free Access to Information. **The consultative hearing was requested due to the fact that unique citizen numbers had been removed from the websites of the Central Registry of Business Entities and the Real Estate Administration**, thus preventing NGOs and the media from effectively investigating cases of corruption and organized crime. Under this initiative the Committee held the session in December 2013, and its continuation followed at the end of January 2014. The Minister of Finance Radoje Zugic, director of the Tax Administration, Milan Lakicevic, the director of the Real Estate Administration, Dragan Kovacevic, the chair of the Council of the Agency for Protection of Personal Data and Free Access to Information, Sefko Crnovrsanin and the deputy executive director of MANS, Dejan Milovac attended the session by

⁴⁷ Details on the implementation of the conclusions available in Chapter 7 of this report

⁴⁸ Ibid

⁴⁹ Co-chairs of the Subcommittee are Draginja Vuksanovic (SDP) and Vladislav Bojovic (DF), while its members are Milorad Vuletic (DPS), Branko Cavor (DPS), Azra Jasavic (DF), Genci Nimanbegu (group of minority parties) and a representative of SNP that has not been named

invitation. With regard to this issue, the Committee adopted six conclusions. However, there were still no specific steps towards the implementation of those conclusions, nor was there a working group established to deal with this issue, which is indicative of the fact that the Parliament did not take seriously the findings of its working body responsible for issues concerning the fight against corruption⁵⁰.

In May 2015, the Committee examined a **petition** filed by NGO MANS, which launched the scheduling of consultative hearing **related to the introduction of a new criminal offence of "Illicit Enrichment of Public Officials" in accordance with the UN Convention**. The aforementioned session was also attended by a representative of the petitioner. After the discussion, the Committee members announced they had decided to convene with the Committee on Political System, Judiciary and Administration a joint session regarding the consultative hearing on the subject presented in the petition, as well as the Work Plan of the Committee for 2015. On 15 May 2015, the Anti-Corruption Committee held a joint session with the Committee on Political System, Judiciary and Administration, in which consultative hearing related to the introduction of the new criminal offence of "Illicit enrichment of public officials" was conducted, in accordance with Article 20 of the UN Convention against Corruption. Reviews and positions from the hearing were adopted at a joint session of the two committees held at the end of July 2015. The Committees required the Ministry of Justice to propose and deliver a model for the most effective suppressing and sanctioning of illicit enrichment of public officials by the end of September 2015, and also to establish cooperation with NGOs dealing with this issue. However, it remains unknown whether the Ministry has worked on the proposed model, nor if NGOs have been involved in the drafting of the document⁵¹.

6.2. Petitions for which the Committee required additional information

During the session held on 6 October 2014, the Committee requested the relevant information on nine petitions from the relevant state institutions, in order to further determine the possible procedures in those cases. Some of the petitions were submitted to the Committee as early as in mid-2013.

At its 21 session, the Anti-Corruption Committee considered the MANS initiative, which pertained to the failure of the Prosecution to act upon **the criminal charges submitted by MANS together with more than 600 citizens against 29 privatized companies**. On that occasion, the Committee demanded from Veselin Vuckovic, the then Acting Supreme Public Prosecutor and Slavko Stojanovic, the director of the Police Administration, to deliver the relevant information within 10 days.

Examining **the petition filed by workers of "Montavar-Metalac"** from Niksic, who were on strike at the time **due to the expropriation of property in the company** after the privatization, the Committee requested from the deputy prime minister for economic policy and financial system, the Minister of Economy, the chair of the State Aid Control Commission, an acting Supreme Public Prosecutor and the director of the Police Administration to deliver the information within 15 days.

At the 21st session, the Committee examined the petition submitted by the **NGO "Centre for Development of Durmitor"**. The Committee decided to request the information from the Ministry of Sustainable Development and Tourism, Environmental Protection Agency, Administration for Inspection Affairs and the Supreme Public Prosecutor. After the information is obtained, the Committee will decide on further procedure.

⁵⁰ Details on realization of the conclusions available in Chapter 7 of this report

⁵¹ On 3 September, NGO MANS addressed a note to the Ministry of Justice Zoran Pazin (MANS No/21412/09) requiring more information on the proceedings of the draft law. Also, MANS expressed their interest into getting involved in the drafting process, but it has not received any feedback until the closing of the report. S. Kajosevic, Government will not sanction illicit enrichment, Independent Daily "Vijesti", Podgorica 12 January 2016.

At this session **individual petitions from the citizens Ljubomir Martinovic, Milutin Bozovic, a lawyer Darko Hajdukovic⁵², Dragan Biga, Vojislav Cvijovic and DF Councilor in the Municipality of Budva were examined.** The Committee required information from the Supreme Public Prosecutor, the Ministry of Justice and the Ministry of Interior, in order to decide on further action.

Although the relevant state/public institutions delivered all the necessary information concerning six petitions⁵³ to the Committee, more than a year after the session was held, the Committee did not schedule any sessions in which those petitions would be further considered. This means that certain petitions, such as one by Ljubomir Martinovic, have been pending for almost three years for concrete steps to be taken.

6.3. Petitions that were not considered

In the 15th session, held on 20 May 2014, the Anti-Corruption Committee was supposed to make a decision, on MANS initiative, pertaining to the control hearing of the then acting Supreme Public Prosecutor, Veselin Vuckovic and the Director of the Police Administration, Slavko Stojanovic, in **connection with the activities undertaken by the two institutions in order to detect and prevent organized buying of ID cards of Montenegrin citizens.** The Committee did not reach the said decision due to the lack of quorum. Namely, the aforementioned session was attended by Predrag Bulatovic (DF), Andrija Mandic (DF), Koca Pavlovic (DF) and Mladen Bojanic, while the government representatives did not attend the regularly scheduled session. This initiative did not reach the agenda of any of the subsequent sessions.

In October 2014, the Anti-Corruption Committee received two petitions which have not yet been considered. **The first petition was filed by the NGO "Bankrupt Companies of Montenegro" initiating amendments to the Law on Bank Bankruptcy and Liquidation Proceedings,** in order to improve the role of bankruptcy administrators and reduce the costs of their engagement. Another petition was filed by former employees of the company "Radoje Dakic", who have been encountering problems in the enforcement of final court decisions.

One of the petitions, which has not yet been considered, was filed in July 2015 by former workers of the factory "Kosuta". In early December 2015, the NGO "Voz neprebola" filed a petition to the Committee, but up to this date it has not been considered. The said NGO addressed the Committee on suspicion of illegal disposal of money for humanitarian aid after the train accident which occurred on 23 January 2006.

Due to the failure of the Anti-Corruption Committee to consider the submitted petitions⁵⁴, NGO MANS filed 13 petitions to this Committee in late January 2016. These petitions suggested the Committee to include the petitions on the agenda of the first subsequent session and to adopt a decision concerning the session in which all members of the Committee would be informed about the data received from relevant institutions. Finally, the Committee was proposed to take a position on the submitted petitions and decide on further action in accordance with the competences, during the same session.

⁵² This person appears as the solicitor of the injured parties Stevo and Branka

⁵³ Information acquired through direct monitoring of MANS representatives in the Parliament of Montenegro

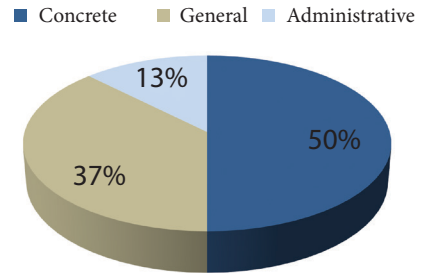
⁵⁴ Petitions filed to the Anti-Corruption Committee by Darko Hajdukovic, Dragan Biga, Vojislav Cvijovic, Ljubomir Martinovic, MANS with regard to 29 privatized companies, then Milutin Bozovic, NGO „Center for Development of Durmitor“, NGO Bankrupt Companies of Montenegro, NGO Voz neprebola, DF Councilor in the Municipality of Budva and workers of „Radoje Dakic“, „Gornji Ibar“ and „Kosuta“

7. IMPLEMENTATION OF CONCLUSIONS AND DECISIONS OF THE ANTI-CORRUPTION COMMITTEE

Since its establishment to this date the Anti-corruption Committee has adopted a total of 24 conclusions⁵⁵. In the same period, the Committee adopted nine decisions the implementation of which will provide conditions for deciding on further acting on such petitions, as well as three opinions and positions⁵⁶.

7.1. Implementation of conclusions

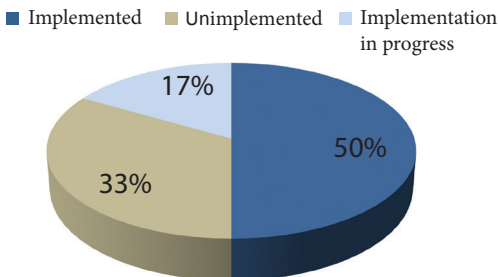
Out of the total of 24 conclusion adopted by the Anti-Corruption Committee in the monitored period, 12 of them were concrete conclusions which envisage mandatory actions of certain institutions and state authorities. Concerning the remaining conclusions, three of them are administrative, nine are general, i.e. given in the form of statements that do not represent a specific obligation for the institutions.



Graph 7: Types of conclusions adopted at the Anti-Corruption Committee sessions

MANS has done an analysis concerning the implementation of 12 concrete conclusions of the Committee. MANS requested information from the competent institutions and bodies about the acting on the basis of the conclusions adopted by the Committee.

MANS sent a total of 39 requests to 13⁵⁷ institutions and relevant state authorities identified in the conclusions adopted by the Anti-Corruption Committee as responsible for their implementation. A total of 33 requests were sent to the Anti-Corruption Committee. Competent institutions, state authorities and the Committee responded to the requests submitted.



Graph 8: Level of implementation of concrete conclusions

In accordance with the analysis of the information received by the institutions and the competent state authorities which were obliged to act on the basis of the conclusions adopted by the Committee, it could be said that six conclusions of the Committee were implemented, the implementation of two conclusions is underway, while four conclusions have not been implemented.

In February 2013, the Anti-Corruption Committee conducted a control hearing of the Supreme Public Prosecutor and the Head of the Administration for

Prevention of Money Laundering and Terrorism Financing, in connection with the affair **“Telekom”**. After the discussion, a specific conclusion was adopted by which the Committee bound the Supreme Public

⁵⁵ Detailed information on conclusions available in Annex 6 of this report

⁵⁶ Detailed information on decisions, opinions and positions available in Annex 7 of this report

⁵⁷ Amongst the competent institutions and state bodies were the following: the Supreme Public Prosecutor, the Government of Montenegro, the Ministry of Interior, the Ministry of Economy, the Cabinet of the Deputy Prime Minister for Economy Policy and Financial System, the Police Directorate, the Public Procurement Administration, the Tax Administration, the National Audit Office and the Protector of Property and Legal Interests

Prosecutor's Office to send an urgent letter to the US Embassy so as the competent judicial authorities of the United State could respond to a letter of request on providing legal assistance in criminal matters as soon as possible, or provide the documentation concerning the aforementioned affair.

In response to the MANS's request, the Supreme Public Prosecutor stated that urgency letter addressed to the Embassy of the United States would jeopardize the interests the ongoing investigation. At the same time, the Anti-Corruption Committee did not receive any feedback concerning the fulfillment of this obligation⁵⁸.

In December 2013, the Anti-Corruption Committee considered **the sixth report on the implementation of the 2013-2014 Action Plan on the implementation of the Strategy for the Fight against Corruption and Organized Crime 2010-2014 and the obligations of Montenegro in negotiations with the EU in Chapters 23 and 24**. Following the discussion, the members of the Anti-Corruption Committee adopted five general conclusions representing reviews and statements of this working body. Concerning the aforementioned conclusions, the Committee did not address the relevant state authorities, but it adhered to them during the following activities of the working body⁵⁹.

In the session held in December 2013 the Committee considered the petition filed by the NGO MANS, which initiated a consultative hearing of the Minister of Finance, the director of the Tax Administration, the director of the Real Estate Administration and members of the Council of the Agency for Protection of Personal Data and Free Access to Information, due to the fact that **unique citizen numbers were removed from the websites of the Central Registry of Business Entities and the Real Estate Administration**. Following the discussion, the members of the Anti-Corruption Committee adopted six conclusions only one of which was concrete, one was administrative and four were general.

Specific conclusions bound the Collegium of the Presidents of the Parliament of Montenegro to consider the matter which is made urgent by filing a petition and to decide on the formation of a working group⁶⁰ that would be aimed at harmonizing the relevant regulations concerning these petitions. Based on information obtained by direct monitoring of the activities of the Parliament of Montenegro by representatives of MANS, it was concluded that the Collegium of the President of the Parliament of Montenegro had not implemented the obligation envisaged in the conclusion.

After the control hearing of the Minister of Economy and head of the Intellectual Property Office, which was demanded by the petition launched by the Association of Composers of Montenegro, **related to possible irregularities in the work of the NGO Montenegrin Organization for Collective Management of Music Authors' Rights (PAM)**, the Committee adopted six conclusions. Five out of the six adopted conclusions were concrete duties of competent institutions, while one conclusion is of the administrative character.

⁵⁸ The information obtained through the MANS's monitoring of Anti-Corruption Committee work

⁵⁹ It was established on the basis of data collected through direct monitoring of MANS representatives in the Parliament of Montenegro. Some of the sessions can be considered as a part of the implementation of these conclusions: Consultative hearing on "Risks of Corruption in Public Procurement"; The Committee discussed the draft law on the Prevention of Corruption and the draft law on Prevention of Conflict of Interest; Realization of AP 2013-2014 on the implementation of the Strategy for fight against corruption and organized crime; Realization of the Action Plans for Chapter 23 Judiciary and Fundamental Rights and Chapter 24 Justice, Freedom and Security in the light of the European Commission's reports on the progress of Montenegro for 2014; Consideration of the Reports of the Agency for National Security in the area of Fight against Corruption and Organized Crime; Consideration of the Reports of the Ministry of Interior in the Fight against Corruption and Organized Crime in 2013, and during 2014; Consultative hearing regarding the introduction of a new criminal offense of "illicit enrichment of public officials" in accordance with Article 20 of the UN Convention against Corruption; The current situation in the negotiation process between Montenegro and the European Union in the area of anti-corruption and organized crime, etc.

⁶⁰ The working group should be composed of representatives of all parliamentary clubs, and it is necessary to provide for the representation of the Committee on Economy, Finance and Budget, the Committee on Political System, Judiciary and Administration and the Anti-Corruption Committee the co-chair from both the government and opposition

The Tax Administration, in its response submitted to MANS, stated that the NGO Montenegrin Organization for Collective Management of Music Authors' Rights had been audited, but the information gathered was declared a tax secret. This is the way the Tax Administration implemented the conclusion of the Committee.

The Supreme Public Prosecutor's Office, to which the Committee had submitted all documentation related to the petition, also acted upon the conclusion of the Committee by passing the case to the competent Basic Public Prosecutor's Office for further proceedings. Currently, a preliminary investigation is in progress, so it could be said that the implementation of the conclusion is underway.

Three conclusions, for the implementation of which the Ministry of Economy, Ministry of Interior and the National Audit office were in charge, have been carried out. The Ministry of Economy's responsibility is to clarify the vagueness and ambiguity that the Committee identified in the implementation of the Law on Copyright and Related Rights. This Ministry, as well as the Ministry of Interior, was to examine whether the amendments to the said Law are required. Based on the information provided by the Anti-Corruption Committee, it is beyond doubt that the Ministry of Economy responded to the relevant parliamentary working body, claiming that the Law on Copyright and Related Rights was compatible with the European Union law, and that there was no need for amendments to the existing law and nor there was a conflict between this law and other existing regulations in Montenegro. On the other hand, the Ministry of Interior informed the Committee that it did not recognize it as an obligation, since it was not within its power. Also, on the basis of the data provided by the Anti-Corruption Committee, it can be determined that the National Audit Office, which was requested to examine the possibility of auditing PAM, submitted the required information to the Committee. The National Audit Office responded, in accordance with the Law on the National Audit office, that PAM was not subject to audit within its competence.

At the session of the Committee held in October 2014, control hearing of Ministers of Economy and Finance, and the Head of the Public Procurement Administration was conducted and theme was **"Multimillion Contracts for Legal and Consulting Services Paid by the EPCG"**. Following the control hearing, four conclusions were adopted, one of which was administrative, while the remaining conclusions the Committee on Anti-Corruption used to delegate certain responsibilities to competent institutions and state authorities.

Only the Supreme State Prosecutor, who received all of the materials concerning this case, acted in accordance with the conclusion adopted by the Committee, stating that the case had been forwarded to the competent Basic Public Prosecution Office and that the preliminary investigation had been in progress. This being said, it is apparent that the implementation of the specific conclusion is in progress.

The Committee demanded from the Public Procurement Office to state whether the contracts on consulting and other services were in accordance with the Law on Public Procurement. Moreover, the Privatization Council and the Government sought opinions regarding the different positions given in the materials submitted to the Committee. Based on the data provided by the Anti-Corruption Committee, the Public Procurement Office gathered the information and submitted it to the Committee. Based on those documents, a clear position on this particular case cannot be determined, because it can be concluded that the mentioned institution did not implement the conclusion of the Committee. On the other hand, the Privatization Council claimed that it did not possess the requested information. MANS requested information on implementation of the Committee's conclusion from the General Secretariat of the Government of Montenegro, which forwarded the request to the Ministry of Economy as the competent body. By analyzing the information provided by the Anti-Corruption Committee, it can be determined that the Ministry of Economy has not submitted a specific position on this issue yet, but will do so after receiving the expert report on the situation in EPCG. For all these reasons, it can be considered that the conclusions for the implementation of which the said institutions are competent, have not been carried out.

In February 2015, the Committee held a control hearing of the Supreme Public Prosecutor, the Minister of Interior and the Head of the Public Procurement Administration, the theme of which was **“Building the Security Center in Podgorica – the Police Administration”**. After the discussion, the Committee members adopted two specific conclusion demanding from the Supreme Public Prosecutor’s Office, i.e. from the Ministry of Interior and the Protector of Property and Legal Interests of Montenegro to collect and submit, respectively, all the documents related to this case.

MANS addressed the abovementioned institutions requesting information on implementation of the Committee’s conclusions. The Supreme Public Prosecutor’s Office and the Ministry of Interior submitted the complete documentation related to construction of the Security Center in Podgorica, whereas the Protector of Property and Legal Interests claimed that the required information was not under his/her possession. Based on the information form the Anti-Corruption Committee’s session, this working body received certain responses form the competent bodies, but the Committee has not made it public yet⁶¹. In accordance with the above, it may be concluded that one conclusion was implemented, whereas the other one, partially pertaining to the Protector of Property and Legal Interests was not implemented.

7.2. Realization of decisions, opinions and positions

In the monitored period, the Committee examined nine petitions and in accordance with them, adopted certain decisions, the implementation of which would create conditions for taking further steps.

Namely, in its 21st session, held on 6 October 2014, the Committee considered nine petitions filed earlier to this parliamentary working body in accordance with the Rules of Procedure of the Parliament of Montenegro. In all these cases the Committee requested additional information from the competent institutions. The Committee should have, after receiving the information, decided on further acting on the petitions. Solely in these two cases the Committee set the time limit for submitting the required information regarding the petitions filed by the representatives of the workers of the company „Montavar- Metalac”⁶² and NGO MANS⁶³.

Based on the data under in possession of NGO MANS, the Anti-Corruption Committee has still not received the requested information for the three petitions. Namely, the information requested from the Supreme Public Prosecutor related to the petition filed from the representatives of the workers of the company „Montavar- Metalac” has not been provided. The Ministry of Justice has not delivered to the Committee any information relevant for further acting on the petition by the DF Counsellor in the Municipality of Budva, as well as for acting on the petition filed by Dragan Biga.

In all other cases, according to the information that MANS has, the competent institutions have provided data to the Anti-Corruption Committee. Therefore, it is not known why the Committee has not yet held a session at which the Committee members would gain insights in submitted information and decide on further steps in order to act on such petitions.

61 In some of the subsequent sessions the Committee will gain insight into measures undertaken by the Supreme Public Prosecutor aiming at implementation of the Committee’s conclusions

62 The Committee gave a 15-day deadline to competent institutions to submit the information on the petition filed by the workers of the company “Montavar- Metalac”

63 The Committee gave a 10-day deadline to competent institutions to submit the information on the petition filed by NGO MANS

During the monitored period, the Committee adopted certain reviews and positions⁶⁴ on the consultative hearing regarding the introduction of the new criminal offense of “Illicit enrichment of public officials” in accordance with Article 20 of the UN Convention against Corruption. On that occasion, following a discussion at the joint session with the Committee on Political System, Judiciary and Administration, the Committee adopted three opinions and positions. On the basis of this, the Committees required from the Ministry of Justice to propose and deliver a model for the most effective suppressing and sanctioning of illicit enrichment of public officials by the end of September 2015, and also to establish cooperation with NGOs dealing with this issue. Based on the available information, the said activities have not been carried out.

⁶⁴ Reviews and positions are not binding on state authorities

8. CONCLUSIONS AND RECOMMENDATIONS

From the time of its establishment up to this date, the Anti-Corruption Committee has not fully met the expectations. It is evident that the tangible results reached by the Committee are very limited, and the problem is the lack of political will of the majority of its members to deal adequately with the problems of corruption and organized crime.

The government representatives are majority in the Committee, and they use their position very skillfully to block some of the control activities that the Committee should undertake. Moreover, they have used this situation not to appear in the Committee sessions, so discussions could not be held due to lack of quorum.

In the forthcoming period, the Committee has to take a more active role when it comes to control of the institutions involved in the fight against corruption. More active role of the Committee is also necessary in the EU integration process, through the consideration of substantial issues on fight against corruption and organized crime upon which the integration process of Montenegro is dependent.

The Committee has still not resolved certain problems that have been present since its establishment. In fact, the Rules of Procedure do not empower the Anti-Corruption Committee as a parent committee to consider proposals within its competence, but such a possibility is given to other parliamentary working bodies. It is necessary to urgently correct this omission and amend the Rules of Procedure on the work of the Parliament.

The Committee must change its views regarding petitions filed by legal and natural persons. Due to the sensitive issues in petitions, it is critical to act in a timely manner and more efficiently on such petitions. Setting deadlines for implementation of conclusions adopted by the Committee is of great importance. In the forthcoming period the Committee should use all available mechanisms to have state bodies implement conclusions within their competences.

In order to work more efficiently, the newest permanent working body in the Parliament of Montenegro, MANS prepared a set of recommendations that would be helpful in achieving the objectives for which this working body has been established.

- 1. It is necessary to revise the structure of the Committee members so as to ensure that the balance of power of government representatives and the opposition is at least proportional to their representation in the Parliament and other working bodies;*
- 2. It is necessary to amend the provisions of the Rules of Procedure so as to enable the Anti-Corruption Committee, as a parent committee, to exercise the right to examine proposals in the field of fight against corruption and organized crime;*
- 3. It is necessary to amend the provisions of the Rules of Procedure so as to enable the co-chair of the Committee to convene sessions of the Committee in the same manner as the chair of the Committee, in case the chair himself is prevented to do so;*
- 4. The Anti-Corruption Committee must provide conditions for implementing all the conclusions adopted by the Committee within a determined time limit, for the implementation of which the competent state bodies are responsible;*

- 5. The Committee, followed by the Parliament, must use procedural mechanisms to ensure that heads of institutions bear the political responsibility if the given institution does not implement the recommendations and conclusions of the Committee;*
- 6. The Committee must precisely set the deadline within which a particular conclusion is to be implemented in order to avoid that some institutions do not take any actions aimed at implementing conclusions within their competences;*
- 7. The Committee must launch a campaign to inform citizens about their right to file petitions to the Anti-Corruption Committee of the Parliament of Montenegro, if they have any information or material evidence about someone being involved in a corruption activity in any way.*
- 8. The Committee must act on petitions filed by legal entities and individuals more efficiently and in a timely manner.*

ANNEXES

ANNEX 1 - The Anti-Corruption Committee session length

Detailed information on effective length of each individual session of the Anti-Corruption Committee is given in the table below.

ANTI-CORRUPTION COMMITTEE SESSION LENGTH		
Date of session	Number of the session	Effective sitting hours
26.12.2012.	I	01:15
06.02.2013.	II	04:00
25.02.2013.	III	00:50
22.03.2013.	IV	01:20
20.06.2013.		00:15
27.03.2013.	V	03:00
24.07.2013.	VI	02:30
11.10.2013.	VII	01:40
11.11.2013.	VIII	00:10
25.11.2013.	IX	02:00
20.12.2013.	Joint session	02:30
23.12.2013.	X	02:00
16.12.2013.	Joint session	02:00
27.12.2013.	XI	02:30
29.01.2014.		01:20
20.12.2013.	XII	00:30
30.12.2013.	XIII	02:25
10.04.2014.	XIV	01:40
20.05.2014.	XV	00:00
09.07.2014.	XVI	02:40
30.06.2014.	XVII	02:30
18.07.2014.	XVIII	01:45
24.07.2014.	XIX	02:05
25.07.2014.	XX	01:30
06.10.2014.	XXI	01:05
30.10.2014.	XXII	02:10
10.11.2014.	XXIII	00:50
19.11.2014.	XXIV	02:40
08.12.2014.	XXV	00:55
12.12.2014.	XXVI	02:30
22.12.2014.	XXVII	01:30
22.01.2015.	XXX	03:25
11.02.2015.	XXXI	00:50
23.02.2015.	XXXII	02:35
18.03.2015.	XXXIII	00:30
27.03.2015.	XXXIV	01:15
20.04.2015.	XXXV	00:30
18.04.2015.	XXXVI	03:35
13.05.2015.	XXXVII	02:05
15.05.2015.	Joint session	03:35
23.06.2015.	XXXVIII	00:20
17.07.2015.	XXXIX	02:20
23.07.2015.	Joint session	00:20
29.07.2015.	XL	02:40
17.02.2016.	XLI	0:15
Total		78:20

ANNEX 2 - Former and present members of the Anti-Corruption Committee

Data on all former and present members of the Anti-Corruption Committee is given in the table below.

FORMER AND PRESENT MEMBERS OF THE ANTI-CORRUPTION COMMITTEE		
No.	Name	Status
1	Predrag Bulatovic (DF)	Chair / Boycott
2	Obrad Stanisic (DPS)	Deputy Chair
3	Milorad Vuletic (DPS)	Member
4	Branko Cavor (DPS)	Member
5	Koca Pavlovic (DF)	Member / Boycott
6	Mico Orlandic (KSP)	Member
7	Mevludin Nuhodzic (DPS)	Member
8	Zoran Miljanic (KSP)	Member
9	Marija Catovic (DPS)	Member(female)
10	Darko Pajovic (PCG)	Member
11	Nikola Gegaj (DPS)	Member
12	Nik Gjeloshaj (DP)	Member
13	Obrad Gojkovic (KSP)	Member
14	Andrija Mandic (DF)	Former member/
15	Zorica Kovacevic (DPS)	boycott
16	Mladen Bojanic (KSP)	Former member
17	Milutin Simovic (DPS)	Former member
18	Zoran Vukcevic (DPS)	Former member
19	Fatmir Gjeka (DP)	Former member
20	Dragoslav Scekcic (SNP)	Former member
21	Milorad Bakic (SNP)	Former member

ANNEX 3 - Information on persons invited to attend sessions of the Anti-Corruption Committee

Information on persons who were invited to attend sessions of the Anti-Corruption Committee and who participated in discussions is given in the table below.

PERSONS INVITED TO SESSIONS OF THE ANTI-CORRUPTION COMMITTEE			
Name and Surname	Institution	Attendance	Comments
Dusko Markovic	Government of Montenegro	6	19
Rasko Konjevic	Ministry of Interior	4	17
Ivica Stankovic	Supreme Public Prosecutor's Office	3	9
Mersad Mujevic	Public Procurement Administration	3	8
Svetlana Rajkovic	Ministry of Justice	3	6
Vanja Calovic	NGO MANS	2	5
Sanja Raicevic	National Security Agency	2	4
Vladimir Kavaric	Ministry of Economy	2	4
Radoje Zugic	Ministry of Finance	2	3
Dejan Milovac	NGO MANS	2	3
Veselin Radulovic	NGO MANS	2	2
Nikola Vukicevic	Ministry of Finance	2	2
Dragan Pejanovic	Ministry of Interior	2	2
Igor Luksic	Ministry of Foreign Affairs and European integration	1	7
Ranka Carapic	Public Prosecutor's Office	1	6
Milivoje Katnic	Supreme Public Prosecutor's Office	1	5
Vesko Lekic	Administration for Prevention of Money Laundering and Terrorism Financing	1	4
Marija Radenovic	Ministry of Finance	1	4
Natasa Pesic	Ministry of Justice	1	4
Rajko Barovic	PE "Morsko Dobro"	1	3
Zoran Pazin	Ministry of Justice	1	3
Novak Adzic	Intellectual Property Rights Office	1	3
Zlatko Baban	Association of Composers of Montenegro	1	3
Radomir Todorovic	Administration for Prevention of Money Laundering and Terrorism Financing	1	2
Marija Karas Boskovic	Commission for Prevention of Conflict of Interest	1	2
Veselin Vuckovic	Supreme Public Prosecutor's Office	1	2
Vladimir Vukotic	Ministry of Interior	1	2

Djurdjina Ivanovic	Supreme Public Prosecutor's Office	1	2
Slobodan Lekovic	Commission for Prevention of Conflict of Interest	1	2
Mladen Vukcevic	Judicial Council	1	2
Vesna Ratkovic	Administration for Anti-Corruption Initiative	1	2
Branimir Gvozdenovic	Ministry of Sustainable Development and Tourism	1	1
Boris Maric	NGO Center for Civic Education	1	1
Zoran Vujcic	NGO Citizens' Alliance	1	1
Milica Pejanovic Djurisc	Ministry of Defense	1	1
Zoran Zivkovic	Misdemeanor Council	1	1
Sefko Crnovrsanin	Agency for Protection of Personal Data and Free Access to Information	1	1
Milan Lakicevic	Tax Administration	1	1
Dragan Kovacevic	Tax Administration	1	1
Vuk Maras	NGO MANS	1	1
Branka Lakocevic	Ministry of Justice	1	1
Vesna Ivanovic	National Security Agency	1	1
Miodrag Boskovic	Association of Composers of Montenegro	1	1
Slobodan Perovic	Commission for Concession	1	1
Rada Markovic	Administration for Inspection Affairs	1	1
Suzana Pribilovic	Commission for Control of Public Procurement Procedure	1	1
Jovana Marovic	NGO Institute alternative	1	1
Ines Mrdovic	NGO MANS	1	1
Aleksandar Maskovic	NGO MANS	1	1
Miodrag Radonjic	State Treasury	1	1
Mitja Drobnic	Delegation of the European Union to Montenegro	1	1

ANNEX 4 - The Anti-Corruption Committee Activities Provided for in Work Plans

All data on the Anti-Corruption Committee activities provided for in Work Plans within the period from 2013 to 2015 is given in the table below.

MEASURES ENVISAGED IN WORK PLANS PER YEAR			
Year 2013	Year 2014	Year 2015	Year 2016
HEARINGS			
One control hearing from 2012, conducting regular consultative and control hearings in the current year, conducting control hearings in accordance with the special mechanism from the Rules of Procedure which enables the opposition members to hold control hearings on their own initiative once in a six months and consultative hearing of the Director of the Administration for Anti-Corruption Initiative	Conducting control hearings in accordance with a special mechanism set out in the Rules of Procedure which entitles opposition members to hold control hearings on their own initiative once in a six months	A control hearing in accordance with the Rules of Procedure of the Parliament (on a proposal of 1/3 of the Committee members), each of these is held once during spring and autumn sessions	A control hearing in accordance with the Rules of Procedure of the Parliament (on a proposal of 1/3 of the Committee members), each of these is held once during spring and autumn sessions
	Conducting consultative and control hearings in accordance with the regular procedure	A control hearing concerning construction of building of the Security Center in Podgorica - the Police Administration	
	The consultative hearing of the Director of the Administration for Anti-Corruption Initiative		
CONSIDERING REPORTS			
Considering reports of the Supreme Public Prosecutor's Office, Ministry of Interior, Police Administration and National Security Agency, and Judicial Council for 2012	Considering reports of the Supreme Prosecutor's Office, Ministry of Interior, Police Administration and National Security Agency, and Judicial Council for 2013	Considering reports and findings of competent NGOs dealing with corruption issues; Considering quarterly reports of the Government regarding fight against corruption and organized crime and referring specific measures, proposals and recommendations	Analyzing and assessing financial investigations as methods of detection of criminal offences and presenting evidence about criminal offences in corruption
	Requesting special reports from authorities involved in fight against corruption and organized crime and considering them		
Requesting special reports from authorities involved in fight against corruption and organized crime and considering them	Monitoring and analyzing implementation of the Action Plan on Fight against Corruption at the local level as well as monitoring adoption and application of Ethical code and integrity plans by local civil servants and employees	Monitoring and analyzing implementation of the Action Plan on Fight against Corruption at the local level (2013-2014) as well as monitoring, adoption and application of ethical codes and integrity plans by local civil servants and employees	Considering reports regarding fight against corruption and organized crime for 2015: the Supreme Public Prosecutor's Office, Ministry of Interior and Police Administration, National Security Agency, Judicial Council, etc.
	Considering Draft Action Plan on Implementing Strategy on Fight against Corruption and organized crime, as well as considering the Report on Analytical Overview of Harmonization of Legislation of Montenegro and the EU in Chapters 23 and 24, in the part related to the fight against corruption and organized crime	Considering reports of NGOs dealing with corruption issues	
	Monitoring application of the Action Plan on Implementing Strategy for Fight against Corruption and Organized Crime; Monitoring negotiation process of Montenegro and EU, in parts of Chapters 23 and 24 related to fight against corruption and organized crime	Considering reports of State Audit Office particularly in the areas sensitive to corruption; Considering European Commission reports on progress of Montenegro towards EU integration, in parts of Chapters 23 and 24	Considering European Commission reports on negotiation process of Montenegro's Progress towards the EU integration, in parts of Chapters 23 and 24
			Special reports, information to be requested from competent authorities by the Committee, both those that are submitted to the Parliament of Montenegro in accordance with law and those which are not directly competent - Administration for Prevention of Money Laundering and Terrorism Financing, Administration for Public Procurement, Commission for Prevention of Conflict of Interest

	Analyzing inter-institutional and international cooperation of bodies responsible for issues concerning the fight against corruption and organized crime	Assessing corruption especially in the areas of particular risk (privatization, public procurement, spatial planning, health care, local self-government, police)	Monitoring negotiation process of Montenegro and EU, under Chapters 23 - Judiciary and fundamental human rights and Chapter 24- Justice, Freedom and Security in the area related to anti-corruption and organized crime	
		Analyzing institutional framework of state bodies and other bodies involved in fight against corruption and organized crime	Monitoring and analyzing implementation of the Action Plan on Fight against Corruption at the local level (2013-2014) as well as monitoring adoption and application of ethical codes and integrity plans by local civil servants and employees	
		Monitoring negotiation process of Montenegro and EU, under Chapters 23- Judiciary and fundamental human rights and Chapter 24- Justice, Freedom and Security in the area related to anti- corruption and organized crime	Considering quarterly reports of the Government in fight against corruption and organized crime and referring specific measures, proposals and recommendations	
	Considering quarterly reports of the Government in fight against corruption and organized crime and referring specific proposals and recommendations	Special reports, information to be requested from competent authorities by the Committee, both, those that are submitted to the Parliament of Montenegro in accordance with law and those which are not directly competent (Administration for Prevention of Money Laundering and Terrorism Financing, Commission for Prevention of Conflict of Interest)	Analyzing and assessing repressive authorities' work in fight against corruption and organized crime (Police, Prosecution and Judiciary)	
		Analyzing and assessing the effectiveness of financial investigations as methods of detection of criminal offences and presenting evidence about criminal offences in corruption	Assessing corruption especially in the areas of particular risk (privatization, public procurement, town planning, health care, local self-government, police)	
		Considering reports regarding fight against corruption and organized crime for 2015: the Supreme Public Prosecutor's Office, Ministry of Interior and Police Administration, National Security Agency, Judicial Council, etc.	Considering reports of State Audit Office particularly in the areas sensitive to corruption	
		Analyzing networking systems and assessing efficiency in preventing corruption and presenting evidence related to corruption	Cooperation with Agency for Prevention of Corruption	
	LEGISLATIVE ACTIVITIES			
	Analyzing systemic laws on the fight against corruption and organized crime and adopting a special plan with a determined time limit for its implementation	Analyzing current normative framework concerning protecting persons who report corruption	Illicit enrichment of public officials / Amendments to the Criminal Code	
	Entering into international agreements and ratifying conventions in the area related to the fight against corruption and organized crime as well as considering the Government's plan on adopting new agreements	Analyzing systemic laws on the fight against corruption and organized crime and adopting a special plan with a determined time limit for its implementation	Discussing Proposal for the Budget Law for 2016 concerning funds aimed at the fight against corruption and organized crime	

Discussing the budget for 2014 concerning funds aimed at the fight against corruption and organized crime	Entering into international agreements and ratifying conventions in the area related to the fight against corruption and organized crime as well as considering the Government's plan on adopting new agreements; Proposing initiatives on drawing up different acts	Amendments to the Law on Banks	Discussing Proposal for the Budget Law for 2017 concerning funds aimed at the fight against corruption and organized crime
Discussing other laws in the capacity of the interested Committee and proposing initiatives on amending acts	Discussing the budget for 2015 concerning funds aimed at the fight against corruption and organized crime; including the Committee in the process of adopting laws as an interested party for Chapters 23 and 24		
ADMINISTRATIVE ISSUES			
Defining relationship between the National Commission and the Anti-Corruption Committee through participation of the Chair of the National Commission in one of the Committees' sessions	Examining submitted petitions and complaints and determining means, contents and dynamics of examining them by adopting the Rules of Procedure	Considering current issues critical for the fight against corruption and organized crime	Determining procedures for acting on petitions by citizens. Defining modalities (developing the Rules of Procedure/ considering a need for adopting special laws, etc.)
Examining submitted petitions and complaints and determining means, contents and dynamics of examining them by adopting the Rules of Procedure	Considering current issues critical for the fight against corruption and organized crime	The Committee shall, where appropriate, adopt decisions on holding special discussions with the Government's representatives and civil society related to their competences in order to efficiently fight corruption and organized crime	Considering current issues critical for the fight against corruption and organized crime
Cooperating with NGOs engaged in issues concerning the fight against corruption and organized crime and amending the Work Plan for 2013		The Committee's initiative on amendments to the Rules of Procedure in order to be established as the parent Committee	The Committee shall, where appropriate, adopt decisions on holding special discussions with the Government's representatives and civil society related to their competences in order to efficiently fight corruption and organized crime
		Selection procedures of members of the Council of the Agency for Prevention of Corruption Agency	
		Determining procedures for acting on petitions by citizens. Defining modalities (developing the Rules of Procedure/ considering a need for adopting special laws, etc.)	
SEMINARS AND VISITS ABROAD			
The Committees participation at the seminar "Fight against Corruption, Organized Crime and Money Laundering" and visits to the parliaments of Estonia and Lithuania, i.e. working bodies responsible for the fight against corruption	Visits of experts from Hong Kong to exchange experiences on the establishment of the Independent Commission Against Corruption (ICAC) in the context of establishing the Agency for Prevention of Corruption in Montenegro	International activity	International activity –visits of the delegation of the Committee to Croatia and Moldova
		Three visits paid by the delegation of the Anti-Corruption Committee	
		International activity –Visits of the delegation of the Committee to the European Parliament and European Commission	
THEMATIC DISCUSSION			
Risks from corruption in public procurements, spatial planning and construction	Risks of corruption in spatial planning and construction	Consider the need to suggest amendments to the Law on Public Procurement (the assent of the Ministry of Finance for amendments-annexes to agreements on public procurement and for other amendments)	Consider the need to propose amendments to the Law on Public Procurement (the assent of the Ministry of Finance for amendments-annexes to agreements on public procurement and for other amendments)

	<p>Monitoring implementation of the Committee's conclusions adopted in relation to the consultative hearing "Removal of Unique Citizens' numbers from webpages of the Real Estate Administration and the Central Registry of Business Entities" and implementing Decision on Establishing the Joint Committee with the Committee on Political System, Judiciary and Administration</p> <p>Adopting decisions on holding special discussions with the Government's representatives and civil society related to their competences in order to efficiently fight against corruption and organized crime</p> <p>Holding joint session with the Defense and Security Committee on status and protection of investigative journalism in Montenegro in the context of investigation of corruption and organized crime</p> <p>Holding joint sessions with the Commission for Monitoring and Control of the Privatization Procedure</p>		
		Risks from corruption in spatial planning and construction	Risks from corruption in spatial planning and construction
INVESTIGATING PUBLIC OPINION			
Investigating public opinion concerning views of citizens about corruption and organized crime and the role of the Parliament of Montenegro	Investigating public opinion concerning views of citizens about corruption and organized crime and the role of the Parliament of Montenegro	Monitoring campaigns conducted by state bodies in their institutions related to reporting corruption and measures to protect citizens who report corruption	Monitoring campaigns conducted by state bodies in their institutions related to reporting corruption and measures to protect citizens who report corruption
	Monitoring campaigns conducted by state bodies related to reporting corruption and measures to protect citizens who report corruption	Investigating public opinion concerning views of citizens about corruption and organized crime and the role of the Parliament of Montenegro	Investigating public opinion concerning views of citizens about corruption and organized crime and the role of the Parliament of Montenegro

ANNEX 5 - Overview of Petitions and the Anti-Corruption Committee Acting on them

Detailed data on the Anti-Corruption Committee acting on filed petitions is given in the table below.

OVERVIEW OF PETITIONS AND THE ANTI-CORRUPTION COMMITTEE ACTING ON THEM					
No.	Petitioner	Subject	Date of submitting petition	Date of examining petition	Acting on petition
1	Association of Composers of Montenegro	Inconsistency of laws regulating this sector	26 Feb 2013	30 Jun 2014	Control hearing of the Minister of Economy, Ph. D. Vladimir Kavaric and the Head of the Intellectual Property Office Ph.D. Novak Adzic concerning the petition filed by the Association of Composers of Montenegro - is conducted
2	NGO MANS	Necessity to establish the modalities of cooperation between the National Commission and the Committee, the Committee's methods related to control over the implementation of anti-corruption reforms and ways of involvement of the Committee in the development of the Action Plan for the implementation of the Strategy for the Fight against Corruption and Organized Crime and the work of the National Commission, including the membership of the Chair of the Anti-Corruption Committee in the National Commission	25 Mar 2013	23 Dec 2013	The Committee is familiarized with the VI Report on Implementation of the Action Plan 2013-2014, assessing that the Committee must be involved continuously and to a greater extent in monitoring fulfillment of aims and implementation of recommendations
3	Ljubomir Martinovic	Failure to enforce judicial decisions	11 Apr 2013	06 Oct 2014	Request submitted to the Supreme Public Prosecutor's Office for delivering information - further steps will be taken after information is delivered
4	NGO MANS	Consultative hearing aimed at changing legal framework in the part concerning the appointment and dismissal of magistrates	26 Jun 2013	20 Dec 2013	Consultative hearing „Ensuring Independence of the Council and Regional Misdemeanor Bodies through Changes in the Legal Framework concerning the Appointment and Dismissal of Magistrates” is conducted
5	DF Councilor from Budva	Filing criminal charges against anonymous responsible persons from the Government, Prosecution and the Municipality of Budva relating to making illicit profit to the disadvantage of the Municipality of Budva	03 Oct 2013	06 Oct 2014	Request submitted to the Supreme Public Prosecutor's Office for delivering information - further steps will be taken after information is delivered
6	Milutin Bozovic	Failure to enforce judicial decisions	16 Oct 2013	06 Oct 2014	Request submitted to the Ministry of Justice for delivering information - further steps will be taken after information is delivered
7	NGO MANS	Removal of unique citizens numbers from registries of specific institutions	24 Oct 2013	27 Dec 2013	Consultative hearing of the Minister of Finance, Director of the Tax Administration, Director of Real-Estate Administration, the Chair of the Council of the Agency for Protection of Personal Data and Free Access to Information related to removal of unique citizens' numbers from webpages of the Central Registry of Business Entities and the Real Estate Administration - is conducted
8	Dragan Biga	Property dispute	13 Dec 2013	06 Oct 2014	Request for information submitted to the Ministry of Justice -further steps will be taken after information is delivered

9	Vojislav Cvijovic	Failure to enforce judicial decisions	23 Dec 2013	06 Oct 2014	Request for information submitted to the Ministry of Justice -further steps will be taken after information is delivered
10	NGO MANS	Activities of the Supreme Public Prosecutor's Office and the Police Administration aimed detecting and preventing organized buying of ID cards from Montenegrin citizens	20 May 2014	20 May 2014	Session is not held due to lack of quorum
11	Lawyer Darko Hajdukovic	State bodies, Public Prosecution Office and Police Officials failing to act on a criminal offence of robbery	22 Jul 2014	06 Oct 2014	Request for information submitted to the Ministry of Justice and Ministry of Interior - further steps will be taken after information is delivered
12	NGO "Centre for Development of Durmitor"	Construction works on the shore of Crno jezero in Zabljak	23 Jul 2014	06 Oct 2014	Request for information submitted to the Ministry of Sustainable Development and Tourism, Environmental Protection Agency, Administration for Inspection Affairs and Supreme Public Prosecutor - further steps will be taken after information is delivered
13	Workers of the company "Montavar - Metalac"	Problems of workers of "Montavar - Metalac" Niksic	25 Sep 2014	06 Oct 2014	Request for information to be submitted within 15 days from the Minister of Economy Vladimir Kavacic, Deputy Prime Minister for Economic Policy and Financial System – Vujica Lazovic, Chair of State Aid Control Commission – Mitar Bajceta, acting Supreme Public Prosecutor – Veselin Vuckovic and Director of Police Administration – Slavko Stojanovic - further steps will be taken after information is delivered
14	NGO MANS	Supreme Public Prosecutor's Office failure to act on a criminal charge filed by 660 persons for 29 companies	29 Sep 2014	06 Oct 2014	Request for submitting information within 10 days from the acting Supreme Public Prosecutor, Veselin Vuckovic and Director of the Police Administration, Slavko Stojanovic. Further steps will be taken after information is delivered
15	NGO "Bankrupt Companies of Montenegro" "	Amendments to the Bank Bankruptcy and Liquidation Law, in order to develop the role of bankruptcy administrators and cut costs of their engagement	03 Oct 2014		Not considered
16	Workers of the company „Radoje Dakic"	Issues in enforcing enforceable judicial decision issued to the benefit of the workers of the Podgorica based company "Radoje Dakic"	08 Oct 2014		Not considered
17	NGO MANS	Introduction of a new criminal offence of Illicit enrichment of public officials	20 Mar 2015	15 May 2015	Consultative hearing regarding the introduction of a new criminal offense of "Illicit enrichment of public officials" in accordance with Article 20 of the UN Convention against Corruption is conducted
18	Workers of the factory Kosuta	Problems of former workers of the factory Kosuta in regard to exercising their rights	04 Nov 2015		Not considered
19	Workers of Gornji Ibar	Current status of the company Gornji Ibar from Rozaje and responsibility of judicial bodies for the failure to act in the apparent case of corruption during the sale of the company	03 Dec 2015		Not considered

20	NGO Voz neprebola	Management of money paid for humanitarian aid after the train accident which occurred on 23 January 2006	03 Dec 2015		Not considered
21	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of Darko Hajdukovic	29 Jan 2016		Not considered
22	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of Dragan Biga	29 Jan 2016		Not considered
23	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of Ljubomir Martinovic	29 Jan 2016		Not considered
24	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of MANS regarding 29 companies	29 Jan 2016		Not considered
25	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of Milutin Bozovic	29 Jan 2016		Not considered
26	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of the NGO Center for Development of Durmitor	29 Jan 2016		Not considered
27	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of the NGO Bankrupt Companies of Montenegro	29 Jan 2016		Not considered
28	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of the NGO Voz neprebola	29 Jan 2016		Not considered
29	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of DF Councilor in the Municipality of Budva	29 Jan 2016		Not considered
30	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of workers of the company Radoje Dakic	29 Jan 2016		Not considered
31	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of workers of the company Gornji Ibar	29 Jan 2016		Not considered
32	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of workers of the company Kosuta	29 Jan 2016		Not considered
33	NGO MANS	The Anti-Corruption Committee's failure to act on the petition of Vojislav Cvijovic	29 Jan 2016		Not considered

ANNEX 6 - Extent to which Conclusions Adopted by Anti-Corruption Committee are Implemented

Detailed data on the extent to which conclusions adopted by the Anti-Corruption Committee in the sessions are implemented is given in the table below.

OVERVIEW OF IMPLEMENTED CONCLUSIONS ADOPTED BY THE ANTI-CORRUPTION COMMITTEE				
Control hearing of the Supreme Public Prosecutor and the Director of the Administration for Prevention of Money Laundering and Terrorism Financing regarding the affair Telecom				
Conclusion	Date of adopting conclusion	Type of conclusion	Competent institution	Implementation
The Committee considers it necessary that the Supreme Public Prosecutor's Office - Division for Suppressing Organized Crime, Corruption, Terrorism and War Crimes - send an urgent letter to the US Embassy, the Resident Legal Advisor office in Podgorica, so as the competent judicial authorities of the United State could respond to a letter of request as soon as possible, thus trying to speed up the process of obtaining necessary information.	06 Feb 2013	Mandatory actions undertaken by competent institutions and state bodies	Supreme Public Prosecutor's Office	Implemented
Sixth Report regarding the Implementation of the 2013-2014 Action Plan on the Implementation of the Strategy for the Fight against Corruption and Organized Crime from 2010 to 2014 and the Obligations of Montenegro in Negotiations with the EU set out in Chapters 23 and 24				
Conclusion	Date of adopting conclusion	Type of conclusion	Competent institution	Implementation
The Committee is familiarized with the VI Report on Implementation of the Action Plan 2013-2014, assessing that the Committee must be continuously and to a greater extent involved in monitoring fulfillment of aims and implementation of recommendations. This implies both, a normative and political positioning of the Committee on this matter, until definite organizational changes in accordance with the Action Plan 23. The Committee will assess and decide on the need for innovation of Resolution on the Fight against Corruption and Organized Crime, and in the light of views of the National Commission stated in the Action Plan. The Committee should prioritize subjects set in the Action Plan and consider the manner of their implementation (consultative/ control hearings, or other forms of discussion).	23 Dec 2013	General conclusion	Anti-Corruption Committee	/
The Committee welcomes the start of negotiations regarding Chapters 23 and 24 assessing that it is the result of joint endeavors of Montenegro citizens. Currently, Montenegro, all parties, including the Parliament and its committees are faced with demanding issues and implementation tasks set the Action Plan.	23 Dec 2013	General conclusion	Anti-Corruption Committee	/
The Committee assesses that it is necessary to conduct individual discussions on the performance of bodies within its competence, in accordance with the Rules of Procedure of the Parliament of Montenegro, both through consideration of annual reports and requests for special reports and information, in the first quarter of 2014	23 Dec 2013	General conclusion	Anti-Corruption Committee	/

The Committee will continue cooperation with the National Commission and the Government through discussions on strategies within the Committee, and through reports on the Action Plan	23 Dec 2013	General conclusion	Anti-Corruption Committee	/
Within the Work Plan for 2014 the Committee will specify its obligations which arise from the previous conclusions	23 Dec 2013	General conclusion	Anti-Corruption Committee	/
Consultative hearing of the Minister of Finance, Director of the Tax Administration, Director of the Real Estate Administration and Director of the Agency for Protection of Personal Data and Free Access to Information concerning removal of unique citizens numbers from the websites of the Central Registry of Business Entities and the Real Estate Administration				
Conclusion	Date of adopting conclusion	Type of conclusion	Competent institution	Implementation
The Committee assessed that conducting the consultative hearing regarding the removal of unique citizen's numbers from the registry of the Tax Administration and the Real Estate Administration was justified, which was done after the inspection and order of the Council of the Agency for Protection of Personal Data and Free Access to Information. The Committee considers that the availability of pieces of data which are removed, i.e. availability of unique citizens numbers of persons who are owners of business entities or properties, is crucial for investigating organized crime and corruption as well as persons involved in them, which is the matter which investigative reporters and certain NGOs pursue	27 Dec 2013	General conclusion	Anti-Corruption Committee	/
During the discussion the Committee noted that this decision adopted by the Agency referred to the inconsistency of a number of laws, and that was why this decision caused dispute in public. Laws inconsistent with each other are the following: Personal Data Protection Law, Law on Free Access to Information, Law on Business Entities, Law on Tax Administration, Law on State Surveying and Cadaster of Immovable Property. Inconsistency refers to the level of public disclosure of information, including publishing unique citizens number on websites	27 Dec 2013	General conclusion	Anti-Corruption Committee	/
The Committee asserted that the above mentioned laws must be harmonized with the European legislation, case law of the European Court as well as with the needs of Montenegro aimed at implementing the Action Plan for Chapters 23 and 24	27 Dec 2013	General conclusion	Anti-Corruption Committee	/
Having regard to the fact that negotiations on Chapters 23 and 24 are open, the Committee considers that these laws should be harmonized promptly, and possibly other laws in the field, in order to allow authorities, NGOs and the media an efficient and free access to all relevant data concerning investigating the fight against organized crime and corruption, as well as the actual fight against these phenomena and persons involved in it	27 Dec 2013	General conclusion	Anti-Corruption Committee	/
The Committee's Professional Service shall draw up a detailed report based on the consultative hearing, as well as summary of all the positions and proposals of the participants in the hearing.	27 Dec 2013	Administrative conclusion	Anti-Corruption Committee	/

Regarding this consultative hearing the Committee decided to propose the Collegium of the Presidents of the Parliament to consider this issue and adopt a decision on establishing a working group consisting of representatives of all MPs clubs and through this to ensure representation of the members of the Committee on Economy, Finance and Budget, the Committee on Political system, Judiciary and Administration and the Anti-Corruption Committee with co-chairs from the government and opposition, aimed at harmonization of the above mentioned regulations.	27 Dec 2013	Mandatory actions undertaken by competent institutions and state bodies	Collegium of the Presidents of the Parliament of Montenegro	Not implemented
Control hearing of the Minister of Economy and Head of the Intellectual Property Office regarding the Petition Filed by the Association of Composers of Montenegro				
Conclusion	Date of adopting conclusion	Type of conclusion	Competent institution	Implementation
The Committee considers that it is necessary that the Tax Administration examine the financial data of the PAM, In view of a huge difference between the total revenues and expenses of the organization - on average, the ratio of expenses is 75% and according to the law and the Statute it may not exceed 35%. After examining the data, the Tax Administration will submit its findings to the Anti-Corruption Committee.	25 Jul 2014	Mandatory actions undertaken by competent institutions and state bodies	Tax Administration	Implemented
The Committee identified possible understatements and ambiguities in the implementation of the Law on Copyright and Related Rights: Monopoly position of one Organization for Collective Management of Copyright and Related Rights; A different interpretation of the legal status of the organization concerning collective management of copyright and related rights, defined by law as a non-governmental organization, whereas the Intellectual Property Rights Office considers it a private-legal organization, which leads to a potential collision with the Law on NGOs; Inconsistency between revenues and payments to artists. Therefore, the Committee considers it essential that the Ministry of Economy comment on these issues and to consider the necessity of amendments to the Law on Copyright and Related Rights which will enable all authors to protect their rights under the same conditions.	25 Jul 2014	Mandatory actions undertaken by competent institutions and state bodies	Ministry of Economy	Implemented
Having regard to the fact that besides remarks by the Association of Composers and some composers on the work of the Organization for Collective Management of Copyright and Related Rights, beneficiaries' objections appeared in public (tourism associations, restaurateurs, hoteliers and others) it is necessary to consider if the Law is to be harmonized with other legal projects. The Committee will deliver this initiative to the Ministry of Economy and Ministry of Interior.	25 Jul 2014	Mandatory actions undertaken by competent institutions and state bodies	Ministry of Economy and Ministry of Interior	Implemented
The Committee will request from the State Audit Institution to consider possibilities and in accordance with its competences audit PAM organization and notify the Committee of it.	25 Jul 2014	Mandatory actions undertaken by competent institutions and state bodies	State Audit Institution	Implemented
The Committee decided to deliver all the documents concerning the petition which was addressed to the Committee members to the Supreme Public Prosecutor's Office, expecting feedback from the Prosecution.	25 Jul 2014	Mandatory actions undertaken by competent institutions and state bodies	Supreme Public Prosecutor's Office	Implementation in progress

Competent state bodies to which the Conclusions refer to are obliged to deliver the requested information and opinions on short notice, not later than 1 November 2014.	25 Jul 2014	Administrative conclusion		/
Control hearing of the Minister of Economy, Ph. D. Vladimir Kavarić, Minister of Finance Ph. D. Radoje Žugic and Public Procurement Administration Director, Assistant Professor Ph.D. Mersad Mujević on the subject "Multimillion Contracts for Legal and Consulting Services Paid by EPCG"				
Conclusion	Date of adopting conclusion	Type of conclusion	Competent institution	Implementation
Complete documentation received by the Anti-Corruption Committee members from the Ministry of Economy, EPCG, Public Procurement Administration are delivered to the Supreme Public Prosecutor so as to submit information on this matter to the Anti-Corruption Committee within 30 days, in accordance with the competences of the Supreme Public Prosecutor and the Committee. The Committee requests from the Supreme Public Prosecutor to deliver the information on activities carried out in view of the criminal charges filed by Party of United Pensioners and Disabled People and Network for Affirmation of Non-Governmental Sector.	30 Oct 2014	Mandatory actions undertaken by competent institutions and state bodies	Supreme Public Prosecutor's Office	Implementation in progress
The Committee asks from the Ministry of Economy, or the Government and the Privatization Council to take positions on the subject of the control hearing, i.e. to various positions that are communicated in the documentation received by the Anti-Corruption Committee for the purpose of the session.	30 Oct 2014	Mandatory actions undertaken by competent institutions and state bodies	Ministry of Economy	Not implemented
The Committee will submit the EPCG documentation to the Public Procurement Administration requesting from them to make a statement if the contracts on consulting and other services in accordance with the Law on Public Procurement.	30 Oct 2014	Mandatory actions undertaken by competent institutions and state bodies	Public Procurement Administration	Not implemented
After the information is delivered, the Committee will hold a special session regarding the same subject, and adopt a special decision on session participants and date	30 Oct 2014	Administrative conclusion	Anti-Corruption Committee	/
Control hearing of the Supreme Public Prosecutor, the Minister of Interior and the Public Procurement Administration Director, on the theme: "Building the Security Center in Podgorica – the Police Administration"				
Conclusion	Date of adopting conclusion	Type of conclusion	Competent institution	Implementation
The Anti-Corruption Committee will address the Supreme Public Prosecutor suggesting that he gather complete documentation concerning all phases of construction of the Police Administration's Security Center in Podgorica, from making the initial decision to the completion of construction, as well as to take into account the discussion within the Committee and to take appropriate measures and actions related to the subject of the control hearing, according to their competences. The Supreme Public Prosecutor will inform the Committee of its position regarding the subjects of the control hearing, based on the actions taken, within 60 days. If necessary, the complete audio recording of the Committee's session held on 23 February 2015, will be available to the Supreme Public Prosecutor.	23 Feb 2015	Mandatory actions undertaken by competent institutions and state bodies	Supreme Public Prosecutor's Office	Implemented
On behalf of the Committee, the Chair of the Committee will address the Ministry of Interior and the Protector of Property and Legal Interests of Montenegro requesting the complete documentation on this case to be delivered.	23 Feb 2015	Mandatory actions undertaken by competent institutions and state bodies	Ministry of Interior and Protector of Property and Legal Interests	Not implemented

ANNEX 7 - Extent to which decisions, reviews and positions of the Anti-Corruption Committee are implemented

Detailed data on the extent to which decisions, reviews and positions of the Anti-Corruption Committee are implemented is given in the table below.

Petition subject	Text of decision	Competent institution	Response of Institution (YES/NO)	Date of response	Further actions of the Committee
Workers of the company "Montavar - Metalac"					
Problems of workers of "Montavar - Metalac" Niksic	The Committee decided to request from competent institutions to submit information within 15 days so as it can take a position after receiving it	Deputy Prime Minister for Economic Policy and Financial System	YES	24 Oct 2014	The Committee has not yet taken a position on the above mentioned petition
		Ministry of Economy	YES	17 Oct 2014	
		State Aid Control Commission	YES	22 Oct 2014	
		Supreme Public Prosecutor's Office	NO	/	
		Police Administration	YES	16 Oct 2014	
NGO MANS					
Failure to act on a criminal charge filed by 29 privatized companies from Montenegro	The Committee decided to request from competent institutions to submit information within 15 days so as it can take a position after receiving it	Supreme Public Prosecutor's Office	YES	01 Dec 2014	The Committee has not yet taken a position on the above mentioned petition
		Police Administration	YES	24 Oct 2014	
Ljubomir Martinovic					
Failure to enforce judicial decisions	The Committee decided that after receiving the information from the competent state bodies it would take a position	Supreme Public Prosecutor's Office	YES	07 Nov 2014	The Committee has not yet taken a position on the above mentioned petition
		Ministry of Justice – Judicial Council	YES	28 Oct 2014	
DF Councilor in the Municipality of Budva					
Criminal charges against anonymous responsible persons from the Government, Prosecution and the Municipality of Budva relating to making illicit profit to the disadvantage of the Municipality of Budva	The Committee decided that after receiving the information from the competent state bodies it would take a position	Supreme Public Prosecutor's Office	YES	07 Nov 2014	The Committee has not yet taken a position on the above mentioned petition
		Ministry of Justice	NO	/	
Milutin Bozovic					
Failure to enforce judicial decisions	The Committee decided that after receiving the information from the competent state bodies it would take a position	Ministry of Justice – Judicial Council	YES	28 Oct 2014	The Committee has not yet taken a position on the above mentioned petition
Dragan Biga					
Property dispute	The Committee decided that after receiving the information from the competent state bodies it would take a position	Ministry of Justice	NO	/	The Committee has not yet taken a position on the above mentioned petition

Vojislav Cvijovic					
Failure to enforce judicial decisions	The Committee decided that after receiving the information from the competent state bodies it would take a position	Ministry of Justice – Judicial Council	YES	28 Oct 2014	The Committee has not yet taken a position on the above mentioned petition
Lawyer Darko Hajdukovic, Attorney-in-fact of Injured Parties Stevo and Branka Vujacic					
State bodies, Public Prosecution Office and Police Officials' failure to act on a criminal offence of robbery	The Committee decided that after receiving the information from the competent state bodies it would take a position	Ministry of Interior	YES	29 Oct 2014	The Committee has not yet taken a position on the above mentioned petition
		Supreme Public Prosecutor	YES	05 Dec 2014	
NGO "Centre for Development of Durmitor"					
/	The Committee decided that after receiving the information from the competent state bodies it would take a position	Ministry of Sustainable Development and Tourism	YES	15 Oct 2014	The Committee has not yet taken a position on the above mentioned petition
		Environmental Protection Agency	YES	30 Oct 2014	
		Administration for Inspection Affairs	YES	15 Apr 2015	
		Supreme Public Prosecutor's Office	YES	07 Nov 2014	
Introduction of a new criminal offense of "Illicit enrichment of public officials" in accordance with Article 20 of the UN Convention against Corruption					
Text of review/position	Competent Institution	Response of Institution (YES/NO)	Date of response	Further actions of the Committee	
In the legal system of Montenegro, "Illicit Enrichment of Public Officials" set out in Article 20 of the UN Convention against Corruption, is to be treated in accordance with the Convention	/	/	/	/	
Regarding the consideration of initiatives on the introduction of a new criminal offense "illicit enrichment of public officials", in accordance with paragraphs from the European Commission Progress Report on Montenegro for 2014, the Ministry of Justice is to propose and deliver a model for the most effective suppressing and sanctioning of illicit enrichment of public officials by the end of September 2015	Ministry of Justice	NO	/	/	
It is necessary that the Ministry of Justice establish cooperation with NGOs dealing with this issue	Ministry of Justice	/	/	/	