

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED
BY MONTENEGRO**

ARTICLE 10 UNCAC

PUBLIC REPORTING

MONTENEGRO (SEVENTH MEETING)

Agency for Prevention of Corruption acts in accordance with the Law on Free Access to Information in Montenegro, and continuously improves its information system, in order to ensure efficient and transparent work with both those obliged by the laws regulating Agency's competences, as well as the general public. The Agency also regularly updates and develops its website.

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Transparency in the public administration in Montenegro is guaranteed by a number of laws and by-laws. Here mentioned are the most prominent ones. According to the **Law on State**

⁹ http://www.antikorupcija.me/en/index.php?option=com_phocadownload&view=category&id=2&Itemid=396

Administration, the work of public administration bodies is public. Citizens have access to data, documents, reports and information owned by public administration bodies, except in the cases specified by law (article 4 of the Law). Furthermore, the same Law, in Chapter VIII – Public administration and citizens, stipulates obligations of public authorities in the exercise of the rights and duties of citizens. Also see information on regulations concerning the participation of individuals and groups outside the public sector in the decision making processes, discussed with reference to article 13 of the Convention.

Free access to information in Montenegro was first regulated by the **Law on Free Access to Information** in 2005, ever since it has been continuously improved, and the last time in 2012. The Law prescribes the manner and procedure for exercising the right to access information held by public authorities. According to this Law, all domestic and foreign natural and legal persons have the right to access to information without having to declare reasons and explain the interest behind the request.

In addition to the access to information upon request, the Law also stipulates the obligation of the authorities to **provide a proactive approach to information**, by disclosing on their respective websites, among other: instructions to access to information; public registers and public records; work programmes and plans; reports and other documents on work and situation in the areas under their jurisdiction; drafts, proposals and final texts of strategic documents, and plans and programmes for their implementation; drafts and proposals of laws and other regulations, as well as the opinions of experts on those regulations; individual acts and contracts on allocation of funds from public funds and on disposal of state property; lists of civil servants and state employees, including their titles; lists of public officials and their salaries and other incomes related to the exercise of public functions; decisions and other individual acts that are relevant to the rights, duties and interests of third parties; information to which access has been granted upon request. When publishing information, public authorities are required to adequately protect personal information, in accordance with the law.

In terms of facilitating public access to the competent decision-making authorities, the Parliament of Montenegro adopted the **new Law on Administrative Proceeding (LAP)** in 2014, which will enter into force on 1 January 2016. The Law promotes a modern, service-oriented concept of the administrative proceedings, which is directed towards the efficient exercise of the rights and legal interests of citizens and other entities before the public law bodies.

Strategic novelties in the LAP include, in particular: 1) a significantly larger scope of the subject matter of the LAP, including, beside the standard, administrative action, also administrative contracts, provision of services in the general interest, as well as other forms of administrative activities; 2) principles, especially the principle of legality and justified expectations of the parties, the principle of proportionality, the principle of active assistance to the party, the principle of obtaining data ex officio, the right of the party to be heard, the right to inspect documents; 3) communication of authorities and parties in the proceedings; 4) improvement of legal protection of parties in the case of silence of the administration, and increase in the number of legal remedies. Also, there are significant novelties in terms of implementing administrative activities in one place, adopting decisions, justifying extensions of deadline for the adoption of decisions, while regulating legal consequences of silence of administration, etc.

The main objectives of the Law are to: simplify and accelerate administrative proceedings; reduce the costs of the proceedings for all participants; modernize the procedural mechanisms of the LAP; create conditions and openness to the use of modern information and

communication technologies for provision of administrative services (i.e. e-government); provide for more efficient protection of the public interest and individual interests of citizens and legal persons in administrative matters; provide for easier and better exercise and protection of legality, as well as freedoms and the rights of citizens in the process of direct application of regulations in administrative matters.

The new LAP complies with the European principles and requirements of the European administrative procedure.

One of the prominent competences of the Directorate for Anti-Corruption Initiative is to raise public awareness about corruption and conduct research on the extent, forms, causes and mechanisms of corruption; collect data on corruption complaints from authorities who receive them from citizens, and process collected data for analytical purposes. In addition to the information on implementation of the tasks, the DACI regularly proactively publishes all other information relevant for the prevention and suppression of corruption.¹⁰