

LAW ON PREVENTION OF CORRUPTION

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Pursuant to Article 82 paragraph 1 item 2 and Article 91 paragraph 1 of the Constitution of Montenegro, the Parliament of Montenegro of the 27th convocation, at the Eighth Session of the First Regular (Spring) Session in 2024, on July 7, 2024, has passed the

THE LAW ON PREVENTION OF CORRUPTION *¹

I. GENERAL PROVISIONS

Subject Matter of the Law

Article 1

The present Law shall prescribe measures for prevention of conflict of public and private interest and shall regulate restrictions in the exercise of public functions, submission of reports on assets and income by public officials, protection of persons reporting breaches, as well as other issues of importance to the prevention and suppression of corruption.

Definition of Corruption

Article 2

corruption is any abuse of official, business or social position or influence that is aimed at acquiring personal gain or for the benefit of another person;

Public Officials

Article 3

For the purpose of the present Law, public officials shall refer to the persons elected, appointed or assigned to a post in a state authority, state administration body, judicial authority, local self-

¹ (Official Gazette of Montenegro 054/24 as of 11 June 2024)

* The provisions of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law have been transposed into this Law.

government body, local government body, independent body, regulatory body, public institution, company or legal person exercising public authority, i.e. activities of a public interest or state-owned (hereinafter: authority), as well as the person whose election, appointment or assignment to a post is subject to consent by an authority, regardless of the duration of the office and remuneration.

For the purposes of paragraph 1 of this Article, public officials shall also include notaries, public enforcement officers and insolvency administrators.

For the purpose of the present Law, state ownership shall refer to any share in a company in which the state, the Capital City, the Royal Capital or the municipality (hereinafter: municipality) has at least 33% of the capital.

Public and Private Interest, Breaches and the Threat to Public Interest Indicating the Existence of Corruption

Article 4

Public interest, for the purpose of this Law, shall be the material and non-material interest for the good and prosperity of all citizens on equal terms;

Private interest, for the purpose of this Law, shall be the ownership or other material or non-material interest of a public official or persons related to the public official.

For the purposes of this Law, the term breach shall mean the following:

1) breaches of legislation, as well as actions taken aimed at concealing such breach, particularly in the following areas:

- labour relations,
- public procurement,
- financial services,
- products and market,
- prevention of money laundering and financing of terrorism,
- food and feed safety, animal health and welfare,
- consumer protection,
- product safety,
- public health,
- protection of privacy and personal data as well as network and information systems,
- transport safety,
- environmental protection,
- radiation protection and nuclear safety;

2) threats to the public interest indicating the existence of corruption which present a breach of regulations and ethical rules, i.e. threat to integrity or possibility of such breach as well as actions aimed at concealing such breach;

3) breach of regulations affecting the financial interests of the Union as referred to in Article 325 TFEU and as further specified in relevant Union measures;

4) breaches relating to the internal market, as referred to in Article 26(2) TFEU, including breaches of Union competition and State aid rules, as well as breaches relating to the internal market in relation to acts which breach the rules of corporate tax or to arrangements the purpose of which is to obtain a tax advantage that defeats the object or purpose of the applicable corporate tax law;

5) breaches in other areas, as well as actions or omissions that are not formally unlawful but contradict legal objectives or purpose of regulations.

Article 5

A whistleblower shall be a natural person employed in the private or public sector who acquired information on breaches in a work-related context and who submits reports on breaches.

For the purposes of this Law, employees shall be:

- 1) persons who are employed as well as persons having the status of worker, within the meaning of Article 45(1) TFEU, including civil servants;
- 2) persons having self-employed status, within the meaning of Article 49 TFEU;
- 3) shareholders, members of management or supervisory body of a business organisation;
- 4) volunteers, regular trainee or beneficiary of professional training;
- 5) any person working under the supervision and direction of contractors, subcontractors and suppliers;
- 6) person participating in any way in the activities of a natural or legal person.

Agency for the Prevention of Corruption

Article 6

The tasks of prevention of conflicts of public and private interest, restrictions in the exercise of public functions, verification of the reports on income and assets by public officials, handling of whistleblower application containing information on breaches regarding the threat to public interest indicating the existence of corruption, as well as other activities in accordance with the present Law shall be performed by the Agency for the Prevention of Corruption (hereinafter: the Agency), as an autonomous and independent body, established by the Parliament of Montenegro, in accordance with the present Law.

The Agency shall carry out activities of control of lobbying and control of the financing of political entities and election campaigns, in accordance with a special law.

The Agency may initiate the procedure for determining the existence of threats to the public interest that indicates the existence of corruption ex officio.

The work of the Agency shall be public.

Use of Gender Sensitive Language

Article 7

All terms used in this Law for natural persons in the masculine gender shall mean the same terms for the feminine gender.

Definitions

Article 8

For the purposes of this Law, the following definitions shall apply:

Gain means property or property and other material or non-material rights;

Persons related to a public official are relatives of a public official in straight line and to the second degree in lateral line, a relative by marriage to the first degree, married and common-law spouse, partner in common law marriages between persons of same sex, adoptive parent or adopted child, member of a household, other natural or legal person with which the public official establishes or has established a business, political or personal relationship;

Gift includes a thing, right or service acquired or performed without compensation and any other gain provided to a public official or a person related to a public official in connection with the exercise of public function;

Property implies property rights of all types, irrespective of whether they relate to assets of tangible or intangible nature, movable or immovable, securities and other documents which serve to prove property rights as well as assets in an electronic or digital form.

Working environment are professional activities in the public or private sector within which, regardless of the nature of such activities, persons acquire information on breaches and within which such persons might suffer harm if they report such information, including cases where the activity has meanwhile ceased, is about to commence or ought to have commenced.

facilitator is a natural person who assists a whistleblower in the process of reporting corruption in a work-related context and whose assistance should be confidential;

person related to the whistleblower shall be:

- a colleague or any other person who, due to their connection to the whistleblower in the work-related context could suffer harm;

- a natural or legal person with whom the whistleblower is otherwise connected in the work-related context;

- a relative of the whistleblower who is connected with the whistleblower in the work-related context, regardless of the type, line or degree of kinship;

information on breaches are information, including reasonable grounds for suspicion, concerning actual or potential breaches at the employer;

employer is a public authority, business organisation, other legal person or entrepreneur with whom the whistleblower is employed, was employed or should soon be employed as referred to in Article 5 paragraph 2 of this Law;

person concerned is a natural or legal person who is referred to in the whistleblower's report or public disclosure as a person to whom the breach is attributed or with whom that person is associated;

II. PREVENTION OF CONFLICTS OF INTEREST IN THE EXERCISE OF PUBLIC FUNCTIONS, RESTRICTIONS IN THE EXERCISE OF PUBLIC FUNCTIONS, GIFTS, SPONSORSHIPS AND DONATIONS AND REPORTS ON INCOME AND ASSETS BY PUBLIC OFFICIALS

1 Prevention of Conflict of Interest in the Exercise of Public Functions

Conflict of Interest Article 7

Article 9

A public official shall perform his function in such a manner that the public interest is not subordinated to private, and without causing a conflict of interest in the exercise of public function.

The conflict of interest in the exercise of public function shall be deemed to exist when a private interest of a public official affects or may affect the impartiality of the public official in the exercise of public function and other situations that can lead to the conflict of interest.

The Agency shall establish the existence of a conflict of interest and implement measures for the prevention of conflict of interest.

Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency in accordance with the present Law, shall be binding for a public official.

It shall be deemed that a public official has violated the provisions of the present Law when within five days from the date of receiving the Agency's opinion referred to in paragraph 4 of this

Article he fails to act pursuant to that opinion and with the obligations laid down in the present Law or when he acts in a manner that violates the prohibitions and rules prescribed by the present Law and

Statement on the Existence of Conflict of Interests

Article 10

If, in the authority in which he exercises a public function, a public official participates in the discussion and decision-making in the matter in which he or a person related to the public official has a private interest, he shall refrain from undertaking any actions that could pose a risk as to the existence of conflict of interest and, no later than three days from the day he has acquired knowledge thereof, provide a written statement on the existence of the private interest or the risk on the existence of conflict of interest and inform the public authority and other participants in the discussion and decision-making process.

The obligation of making a statement and information referred to in paragraph 1 of this Article shall not apply to MPs, councillors and the public officials who are subject to the rules on exemption prescribed by a special law or other regulation.

The authority in which the public official exercises a public function shall enter the statement made by a public official referred to in paragraph 1 of this Article in the minutes and request the opinion of the Agency thereon.

In the case referred to in paragraph 1 of this Article, a public official may not participate in the discussion and decision-making until the Agency brings an opinion on the existence of the conflict of interest.

If, in the case referred to in paragraph 1 of this Article, the Agency determines that there is a conflict of interest, informing the public official and authority referred to in paragraph 3 of this Article thereon, the public official may not participate in the discussion and decision-making and the authority shall take a decision on his exemption.

The authority shall prevent the execution of decisions taken contrary to paragraph 1 to 4 of this Article and put it out of force, in accordance with the law, and shall notify the Agency thereon.

2 Restrictions in the Exercise of Public Function

Performance of other Public Affairs Article 9

Article 11

A public official may be engaged in scientific, educational, cultural, artistic and sports activities and acquire income from copyrights, patent rights and other similar rights, intellectual and industrial property, unless otherwise specified by law.

Membership of a public official appointed or elected in the permanent or temporary working bodies established by an authority shall not be deemed a performance of two or more public functions in terms of the present Law, except for those who make decisions or participate in decision-making pursuant to the law regulating administrative proceedings.

A public official shall report to the Agency accurate and complete data on income acquired through the exercise of activities or tasks referred to in paragraph 1 and 2 of this Article.

In the case of membership in several working bodies referred to in paragraph 2 of this Article, a public official may acquire income in just one working body in one month.

Transfer of Management Rights in Companies Article 10

Article 12

A person who is the owner or founder of a company, institution or other legal person shall, within 30 days of the election, appointment or assignment to public office transfer his management rights in these entities to another legal or natural person, in order for this person to exercise these rights in his name and on behalf of the public official until the termination of his public office.

In the case when a company or other entity referred to in paragraph 1 of this Article has a management body in which the public official exercises his management rights as a member of the body, the transfer of management rights shall include the obligation of the public official to resign from the membership in the management body, in accordance with the law.

A public official shall, within five days of the date of transfer of management rights, submit the Agency with information on the person to whom he transferred the management rights and the evidence of the transfer of management rights.

The person to whom a public official has transferred management rights shall become a person related to the public official.

Exercise of Managerial and other Functions in Companies Article 11

Article 13

A public official may not be president, authorized representative or member of a management body or supervisory board, or the executive director or member of management in a company.

Performance of public functions in a company or legal entity under state ownership, a public institution or another legal entity

Article 14

A public official may not be a president or member of the management body or supervisory board, executive director, member of management of the company or legal entity owned by the state, public institutions or other legal persons.

Exceptionally, a public official, other than the President of Montenegro, MP, councillor, member of the Government of Montenegro (hereinafter referred to as: the Government), judge of the Constitutional Court of Montenegro, judge, the head of the public prosecution office, public prosecutor, Chief Special Prosecutor and special prosecutor may be a president or member of the management body or supervisory board of a company or legal entity owned by the state or a public institution within a company or legal person under state ownership, or a public institution in which the State or a municipality holds ownership.

A public official who performs work in state administration and local administration bodies and local self-administration may not also hold the function of a Member of Parliament.

A councillor may perform duties within the state administration, or within the authorities of local administration and local self-government, except for the duties of President of the Municipality, Vice-President of the Municipality, Chief Administrator, Secretary of Secretariat, Head of Special Services, member of a board of directors or of a managing board, executive director of companies and public institutions founded by the municipality, member of the council and director of the local public broadcaster and of the local tourist organization, as well as other functions falling within the scope of offices appointed by the Municipal Assembly.

Unless otherwise provided by a special regulation, a public official may be a president or a member of the management body or supervisory board of scientific, educational, cultural, artistic, humanitarian or sports associations.

Public officials may not acquire income or other compensation on the basis of the membership in management bodies or supervisory boards referred to in paragraph 2 and 5 of this Article.

Obligation to Resign

Article 15

A public official who, while performing a public function, accepts to perform other duties or functions referred to in Article 13 or Article 14, paragraphs 1 and 3 of the present Law, shall, within 30 days of the beginning of the exercise of other functions or duties, resign from public function.

If a public official, in the case referred to in paragraph 1 of this Article, fails to tender his or her resignation, it shall be deemed that the public official's function has ceased as of the date of commencement of performance of the other function

Contracts on Services and Business Cooperation

Article 16

A public official may not conclude a contract on the provision of services with a company or person entity owned by the state.

A public official may not conclude a contract on the provision of services with an authority or company that has a contractual relation or performs tasks for an authority in which the public official exercises his function, unless the value of these contracts is less than €1,000 per year.

The authority in which the public official exercises public function may not conclude a contract with the company or other legal person if the conclusion of such contract would result in a private interest to the public official and/or persons related to him.

If a public official or authority act contrary to paragraph 1, 2 and 3 of this Article, the concluded contract shall be subject to the provisions of the Law on Contracts relating to the nullity of contracts.

Restrictions upon Termination of Public Function

Article 17

For a period of one year following the termination of public function, a public official may not:

Act, before the authority in which he exercised a public function, as a representative or attorney of a legal person, entrepreneur or international or other organization having or establishing a contractual or business relationship with this authority;

Establish a working relationship or business cooperation with the legal person, entrepreneur or international or other organization that, based on the decisions of the authority in which a public official has exercised function, acquires gain;

Represent a natural or legal person before the authority in which he exercised a public function in a case in which he participated, as a public official, in the decision-making;

Perform management or audit activities in the legal person in which, at least one year prior to the termination of public function, his duties were related to supervisory or control activities;

Enter into a contract or other form of business cooperation with the authority in which he exercised a public function;

For a period of two years following the termination of public function, a public official may not use, for the purpose of obtaining a benefit for himself or another, or to harm another, the knowledge and information acquired in the performance of public function, unless the knowledge and information are available to the public.

3 Gifts, Sponsorships and Donations

Prohibition to Receive Gifts

Article 18

Public officials may not accept gifts in connection with the exercise of public function, except for protocol and appropriate gifts.

Protocol gift shall mean a gift from representatives of other states or international organizations, which is given when paying or receiving a visit, or on other occasions, as well as other gifts presented in similar circumstances.

Appropriate gift shall mean a gift to the value of € 50.

A public official shall not accept a courtesy gift if he or she is not certain whether the value of the gift exceeds the amount of € 50.

If, within a year, a public official receives more than one appropriate gift from the same donor, the total value of such gifts may not exceed the amount of € 50, and if a public official receives gifts from several donors in this period, the value of such gifts may not exceed € 100.

The prohibition, or restriction referred to in paragraph 1 of this Article shall also apply to persons related to the public official, if the acceptance of the gift is connected with the public official or with the performance of the public function.

Gift value shall be calculated on the basis of its market value on the date of receipt.

Refusing Gifts

Article 19

A public official who is offered a gift he may not receive shall refuse the offer, i.e. inform the donor that he cannot accept the gift.

A public official shall, within eight days of the offer under paragraph 1 of this Article, prepare a written report on the offer made and submit it to the authority in which he exercises a public function.

If a public official, in the case referred to in paragraph 1 of this Article, could not refuse the gift or return the gift back to the donor, he shall hand over the gift, within five days from the day of receiving it, to the authority in which he exercises the public function, and the gift shall become state property or property of the municipality.

Disposal of Gifts

Article 20

Received gifts and their value shall be entered in the records of gifts kept by the authority in which the public official exercises public function.

If it is determined that the appropriate gift is of greater value than the value referred to in Article 18, paragraphs 3 and 5 of the present Law, the gift shall be handed over to the authority in which the public official exercises public function for disposal and shall become state property, or property of the municipality.

Protocol gifts shall, regardless of their value, become state property or property of the municipality.

The manner of disposal of gifts referred to in paragraph 1, 2 and 3 of this Article, the manner of keeping records of gifts, as well as other issues relating to restrictions regarding the acceptance of gifts in connection with the exercise of public functions shall be prescribed by the state administration body in charge of anti-corruption (hereinafter: the Ministry).

Records of Gifts

Article 21

The authority referred to in Article 20, paragraph 1 of the present Law shall submit an excerpt from the records of gifts it keeps to the Agency by the end of March of the current year for the previous year.

If the Agency determines that it has not been acted in accordance with the present Law, it shall inform the authority which submitted the excerpt from the records thereon.

The Agency shall prepare a catalogue of gifts that the public officials received in the previous year and publish it on its website.

Unlawful Receipt of Gifts

Article 22

Based on the knowledge that a public official has received a gift contrary to the law, the Agency shall carry out the procedure in accordance with the present Law.

In cases where the Agency determines that a public official has received a gift contrary to the law, a public official shall hand over the gift or the equivalent monetary value of the gift, within five days from the date of receiving the decision of the Agency, to the authority where he performs the function, which shall thus become state property or property of the municipality.

Sponsorships and Donations to Authorities

Article 23

A public official may not conclude a sponsorship agreement in his own name.

A public official may not conclude a sponsorship agreement or receive donations in the name of the authority in which he performs a public function, which affect or could affect the legality, objectivity and impartiality of work of the authority.

A public official may ask the Agency for an opinion whether a sponsorship or a donation is the involved pursuant to the meaning referred to in paragraph 2 of this Article.

If the Agency, in the opinion referred to in paragraph 3 of this Article, determines that the public official has acted or will act contrary to paragraphs 1 and 2 of this Article, the public official shall be obliged to act in accordance with that opinion within five days of its receipt.

If a public official acts contrary to paragraph 1 and 2 of this Article, the concluded contract shall be subject to the provisions of the Law on Contracts relating to the nullity of contracts.

For the purpose of the present Law, sponsorship shall mean the transfer of certain material or non-material goods, movable or immovable property or other services to the authorities in exchange for oral or written references or advertising a sponsor's logo or the sponsor's product logo or other services, in accordance with the law.

For the purpose of the present Law, donation shall mean the transfer without charge or unencumbered transfer of certain material or non-material goods, movable or immovable property to authorities.

Disclosure of Information on Sponsorships and Donations

Article 24

An authority shall, by the end of March of the current year for the previous year, submit the Agency with a written report on received sponsorships and donations, with a copy of the documentation related to these sponsorships and donations.

If, on the basis of the report referred to in paragraph 1 of this Article, or on the basis of its own knowledge, the Agency determines that the received sponsorships and donations affected or could affect the legality, objectivity and impartiality of work of the public authority, it shall give its opinion thereon and notify the competent authority for undertaking measures within its jurisdiction, in accordance with the law.

The authority shall, within five days from the receipt of the opinion referred to in paragraph 2 of this Article, abrogate decisions adopted under the influence of received sponsorships or donations, in accordance with the law and notifying the Agency thereon.

The Agency shall keep a register of sponsorships and donations referred to in paragraph 1 of this Article, which contains information about the decisions referred to in paragraph 3 of this Article, and shall publish it on its website.

The manner of keeping the register referred to in paragraph 4 of this Article and content of the report referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

4 Asset Declarations of Public Officials

Submission of Asset Declarations

Article 25

A public official shall, within 30 days of assuming the function, in line with special legislation, submit the Agency his asset declarations, as well as the asset declarations of his spouse or common-law spouse, partner in common law marriages between persons of same sex and children, if they live in the same household (hereinafter: the Declaration), according to the situation on the day of election, appointment or assignment.

A public official shall provide the accurate and complete information in the Declaration.

During the exercise of a public function, a public official shall submit the Declaration:

Once a year, by the end of March of the current year for the previous year;

In the case of changes from the Declaration that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;

At the request of the Agency in the case of initiation of proceedings referred to in Article 31, paragraph 33 and 2 of the present Law, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Declaration.

A public official whose function has ceased shall be obliged, once a year for the following two years after the termination of the function, to submit the Declaration to the Agency, by the end of March of the current year for the previous year.

A public official, when moving to another public function, as well as in the case of election, appointment or assignment to another public function, the public official shall, pursuant to Article 14, paragraphs 2 and 5 of the present Law, notify the Agency thereon within 30 days of the change.

The obligation to submit the Declaration and the procedure of verification of the data from the Declaration shall also apply to civil servants who are obliged to submit the Declaration in accordance with a special law.

Data Reported

Article 26

The Declaration shall contain:

Personal data of a public official and family household members referred to in Article 25 paragraph 1 of the present Law, as well as persons related to the public official as follows: name and surname, unique personal identification number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.

Data about the public function exercised;

Data on assets and income of the public official and family household referred to in Article 25, paragraph 1 of the present Law, and especially on:

Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;

Ownership rights over movable assets whose value exceeds € 10,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, weapons, etc.);

Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;

- any right whose value exceeds the amount of €10,000;

Deposits in credit institutions and other financial institutions in the country and abroad;

Stocks and shares in a legal person or other securities;

Cash in the amount exceeding € 10,000;

Rights arising from copyrights, patent and similar rights, intellectual and industrial property;

Debt (principal, interest and repayment) and receivables;

Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;

Membership in the management bodies and supervisory boards of companies or legal persons owned by the state, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific, educational, cultural, artistic, humanitarian, sports or similar associations.

For the purpose of verification of the data from the Report, the Agency may access the data on accounts of public officials and members of joint household referred to in Article 25 paragraph 1 of this Law held at credit institutions and other financial institutions, in accordance with the law governing banking operations.

A public official shall enter the data referred to in paragraph 1 of this Article in the Declaration form.

The Declaration form shall be established by the Agency and published on its website.

The detailed manner of access to the data on the accounts of a public official and members of the joint household referred to in Article 25 paragraph 1 of this Law with credit institutions and other financial institutions shall be prescribed by the Ministry.

Submission of Reports

Article 27

A public official shall submit the Report to the Agency electronically, and in writing.

Register of Income and Assets

Article 28

Data from the Declarations shall be kept in the Register of Income and Assets of Public Officials (hereinafter: the Register), which is part of a unified information system of the Agency.

Data from the Register shall be deleted ex officio 10 years after the termination of the function of a public official.

The procedure of deletion of the data from the Register may be initiated at the request of public officials as well, after expiry of the deadline referred to in paragraph 2 of this Article.

The manner of entering information from the Report to the Register, as well as the content and manner of keeping the Register shall be determined by the Ministry.

Data Available to the Public

Article 29

Data from the Register shall be published on the website of the Agency, except for information relating to:

- Personal information referred to in Article 26, paragraph 1, item 1 of the present Law, except the names and surnames;
- Address of immovable assets;
- Children of public officials under the age of 16;
- Alimony and other income or payments on the basis of social and child welfare.

5 Procedure of Giving Opinions

Giving Opinion at the Request of a Public Official in Case of Suspected Conflict of Interest and in Relation to Restrictions in the Exercise of Public Functions

Article 30

When suspecting that he is in a situation in which there is a conflict of interest or restriction in the exercise of public functions, a public official shall take measures to resolve the conflict of interest or observe the restriction in accordance with the law, and shall report the suspicions of conflict of interest or restriction in the exercise of public function to the Agency by submitting the request for opinion on the existence of conflict of interest or limitation of performing public duties.

A public official whose function has terminated may submit the Agency with a request for opinion on the existence of restrictions referred to in Article 17 of the present Law.

In the request for an opinion from paragraph 1 and 2 of this Article, a public official or a public official whose function has terminated shall provide the accurate information regarding the potential conflict of interest.

A public official shall be deemed to have violated the provisions of this Law if, within five days from the date of receipt of the opinion of the Agency referred to in paragraphs 1 and 2 of this Article, he or she fails to act in accordance with that opinion.

A public official may request the Agency to submit him with the opinion within a period that may not exceed 15 days of the submission of request, in order to exercise and protect his rights and interests, or to perform obligations in respect of which he sought an opinion.

Rule of Confidentiality of Proceedings

Article 31

The proceedings based on a request referred to in Article 30 of the present Law shall be confidential.

The Agency shall publish on its website the opinions issued upon requests referred to in Article 30 of this Law, in accordance with the law governing the protection of personal data.

6 The Process of Verifying Data from the Report

Annual Verification Plan

Article 32

The Agency shall conduct the verification of the data from the Reports according to the annual plan of verification for a certain number of public officials and categories of public officials.

The annual plan of verification referred to in paragraph 1 of this Article shall be adopted once a year, by the end of the current year for the following year.

Data Verification

Article 33

The Agency shall verify the data from the Reports by comparing these data with the data collected on the assets and income of public officials from authorities and legal persons who hold such data as well as the data the Agency had access to in line with Article 26 paragraph 2 of this Law.

Authorities and legal persons referred to in paragraph 1 of this Article shall submit the data and information requested, i.e. make available the requested documentation in accordance with the law and within the time period and in a manner determined by the Agency.

If, in the verification procedure, the Agency establishes that the submitted data are not consistent with the data available to the Agency, or if there is a discrepancy in the reported monetary amount of up to € 1,000, or in the case of errors of a technical nature, the Agency shall notify the public official in writing to submit a supplement or an amendment to the Declaration.

In the case referred to in paragraph 3 of this Article, the public official shall be obliged to submit a supplement or an amendment to the Declaration in accordance with Article 25 paragraph 3 item 3 of this Law, and in the event of non-compliance the Agency shall be obliged to initiate proceedings.

If, in the verification process, the Agency determines that the assets and income of a public official exceed the actual income, the public official shall, at the request of the Agency, within 30 days, provide detailed information on the grounds of acquiring assets and income.

The process of verification of the data from the Report shall not be disclosed to the public.

A more detailed manner of verification of the data referred to in paragraph 1 and 5 of this Article shall be determined by the Rules of Procedure of the Agency.

7 The Procedure for Determining Violation of the Provisions of this Law that are related to the prevention of conflict of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets of public officials

Initiation of Proceedings

Article 34

The procedure of deciding whether a public official has violated the provisions of the present Law relating to the prevention of conflict of interest in exercising public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets of public officials shall be initiated by the Agency, at the initiative of the authority in which the public official exercises or has exercised a public function, or the authority responsible for the election, appointment, or assignment of the public official, other state or municipal authority, other legal or natural person.

The Agency may initiate the procedure referred to in paragraph 1 of this Article ex officio, on the basis of its own knowledge or based on anonymous initiatives.

The data on the submitter of the initiative referred to in paragraph 1 of this Article shall be confidential.

Form and Content of Requests

Article 35

The initiative referred to in Article 34 of the present Law shall contain: name and surname of a public official, the name of the authority in which he performs or performed his function, the detailed facts on the violation of the provisions of the present Law that are related to the prevention of conflict of interest in exercising public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets of public officials, which the applicant possesses or has knowledge of, names and surnames of persons who can

confirm the allegations from the initiative , if there are such persons or if he is familiar with them, as well as the name and surname and address or name and registered office of the applicant, if the application is not anonymous.

The initiative referred to in Article 34 of this Article shall be submitted in writing (directly or by mail) or electronically.

The initiative may also be made orally, for the record at the Agency.

Amending and Rectifying Requests

Article 36

If the initiative has not been made in accordance with Article 35, paragraph 1 of the present Law, or is incomprehensible or does not contain sufficient facts to be acted upon, the Agency shall invite the applicant to amend or rectify the initiative, determining a deadline for that, which cannot be longer than fifteen days.

If the applicant fails to act in the manner and by the deadline specified in paragraph 1 of this Article, the Agency shall reject the request as incomplete.

Response by Public Officials

Article 37

The Agency shall request the public official against whom the proceedings referred to in Article 34 of the present Law were initiated to submit a written response to the allegations in the request, within 15 days of receipt of the request for submission of the written response.

If a public official fails to respond in the manner and within the period specified in paragraph 1 of this Article, the Agency shall continue the proceedings in accordance with the present Law.

Determination of Facts and Circumstances Article 35

Article 38

The Agency shall manage the proceedings referred to in Article 34 of the present Law through a person authorized by the director of the Agency (hereinafter: authorized officer).

The authorized officer shall, ex officio, obtain data and information on the facts that are necessary for the conduct of the proceedings and decision-making, the records of which are kept, in line with the law, by the competent state authorities, state administration bodies and municipalities, or companies or legal persons owned by the state, companies, institutions or other legal and natural persons.

Authorities, natural and legal persons referred to in paragraph 2 of this Article shall, within the period and in the manner established by the Agency, submit the requested data and information, or make available the required documentation in accordance with the law.

If the authorities, natural and legal persons referred to in paragraph 2 of this Article fail to act within the period and in the manner referred to in paragraph 3 of this Article, they shall notify the Agency of the reasons without delay.

In the case referred to in paragraph 4 of this Article, the Agency shall inform the authority supervising the work of the authority, legal or natural person referred to in paragraph 2 of this Article, and may submit a special report to the Parliament or inform the public.

Presentation of Evidence and Hearing

Article 39

If he deems it necessary to determine the facts and circumstances that are relevant to decision-making, an authorized officer may conduct the examination procedure ex officio.

At the request of the participants in the proceedings, the authorized officer shall conduct a hearing.

A hearing may also be conducted when an authorized officer deems it necessary in order to establish a complete and accurate state of facts relevant to decision making.

Assignment of Proceedings to the Competent Authorities

Article 40

In case of reasonable suspicion that a criminal offense has been committed that is prosecuted ex officio, the Agency shall without delay submit the initiative with evidence collected in the exercise of its jurisdiction to the competent public prosecutor's office.

"If, in the procedure referred to in Article 34 of this Law, the Agency obtains data indicating irregularities not related to endangering the public interest that point to the existence of corruption, it shall submit such data to the competent authority.

The competent authorities referred to in paragraph 1 and 2 of this Article shall inform the Agency about the outcome of proceedings.

Decision-making

Article 41

The authorized officer shall, within 15 days of the completion of the proceedings referred to in Article 34 of the present Law, submit a reasoned proposal for a decision to the director of the Agency.

Director of the Agency shall, within fifteen days of the date of submission of the proposal referred to in paragraph 1 of this Article, decide whether a public official has violated the provisions of the present Law relating to the prevention of conflict of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets of public officials.

The decision referred to in paragraph 2 of this Article shall be reasoned.

Delivery of Decision

Article 42

The decision referred to in Article 41, paragraph 2 of the present Law shall be submitted to the public official, the submitter of the initiative, as well as to the authority in which the public official performs a public function and to the authority competent for the election, appointment or nomination of the public official, where such authorities are not the submitters of the initiative, no later than five days from the date of adoption of the decision.

The decision referred to in Article 41, paragraph 2 of the present Law shall be published on the website of the Agency, where a decision establishing that a public official has not violated the provisions of the present Law relating to the prevention of conflict of interest in exercising public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets of public officials shall not disclose his name and surname and function without the consent of the public official to whom the decision relates.

Finality of Decisions

Article 43

The decision referred to in Article 41 paragraph 2 of the present Law shall be final, and an administrative dispute may be instituted against it.

Application of the Rules of Administrative Procedure

Article 44

The procedure for determining violation of the provisions of the present Law relating to the prevention of conflict of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets of public officials shall be subject to the provisions of the law governing the administrative procedure, unless the present Law provides otherwise.

The procedures referred to in paragraph 1 of this Article may not be initiated after the expiry of ten years from the date of the violation, or five years from the date of knowledge of the violation

Legal Effect of Decisions

Article 45

Violation of the provisions of the present Law relating to the prevention of conflict of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets of public officials, as well as of special laws determining the powers of the Agency that is established in the final or final and enforceable decision shall be considered negligent discharge of public functions, about which the Agency shall inform the authority in which the public official exercises a public function and the authority responsible for the election, appointment, or assignment of the public official, for the purpose of initiating the procedure of dismissal, suspension or imposition of disciplinary measures.

The authority referred to in paragraph 1 of this Article shall inform the Agency about the measures taken on the basis of the decision of the Agency establishing that a public official has violated the provisions of the present Law relating to the prevention of conflict of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets of public officials, as well as of special laws determining the powers of the Agency, within 60 days of receipt of that decision, with written reasoning.

If, as a result of negligent discharge of public functions, within the meaning of paragraph 1 of this Article, a public official is dismissed, suspended, or imposed a disciplinary measure, the authority responsible for the election, appointment, or assignment of the public official shall notify the Agency thereon, within 30 days of adoption of the decision.

A public official who is dismissed for the reasons referred to in paragraph 1 of this Article may not exercise a public function or duties of a civil servant for a period of four years from the date of dismissal.

The limitation in paragraph 4 of this Article shall not apply to public officials who are elected by direct vote.

The authority responsible for the election, appointment or assignment of a public official shall, before deciding on the election, appointment or assignment of a public official with the Agency, verify whether the proposed candidate was dismissed for reasons referred to in paragraph 1 of this Article in the last four years prior to the nomination, in his capacity as a public official.

Compensation of Damage

Article 46

If a violation of the present Law caused damage to a legal or natural person, this person shall be entitled to compensation of the damage by filing a lawsuit in civil proceedings before the competent court, through the application of the general rule of compensation of damages.

8 Categorization of Public Officials

Categorization

Article 47

obligations and restrictions prescribed by this Law shall apply to public officials who do not directly make decisions or do not participate in decision-making, or who make decisions applicable only to a specific number of persons in certain areas depending on the category of public officials.

The categorization of public officials in accordance with paragraph 1 of this Article, together with an overview of their obligations and restrictions, shall be prescribed by the Ministry.

III WHISTLEBLOWERS

1 Filing Reports

Reports

Article 48

Whistleblower who has reasonable grounds to believe that there is a threat to the public interest that indicates the existence of corruption may submit a report in accordance with the present Law.

The report referred to in paragraph 1 of this Article shall be submitted in writing, orally by being recorded in the minutes, by mail, e-mail or telephone.

Provisions of a general or individual act of the employer prohibiting the submission of a whistleblower report shall have no legal effect.

Contents of the Report

Article 49

The report referred to in Article 48 of this Law shall contain a description of the breach, personal information relating to the whistleblower provided they do not want to be anonymous, and other facts and circumstances, as necessary.

Prohibition of Reporting Abuse

Article 50

Abuse of whistleblower reporting shall be prohibited.

Abuse of whistleblower reporting shall be deemed to exist if a report is submitted containing information on irregularities which the submitter knew to be untrue.

Data Protection

Article 51

The identity of the whistleblower, the facilitator, any person connected with the whistleblower, the reported person, or any information from which their identity may be directly or indirectly revealed, as well as other data referred to in Article 49 of this Law contained in the report, shall be made available exclusively to the persons or organisational units referred to in Article 55 paragraphs 1 and 2 of this Law, to the Agency and the competent authority referred to in Article 57 paragraph 6 of this Law and shall be handled in accordance with the law governing data confidentiality.

Notwithstanding paragraph 1 of this Article, the identity of persons and other data referred to in paragraph 1 of this Article shall be disclosed only when necessary and proportionate to the obligations stipulated by a separate law, in the course of investigations of public authorities or within court proceedings.

Protection of Confidentiality

Article 52

A person or an organizational unit referred to in Article 55 paragraphs 1 and 2 of this Law, the Agency, the competent authority referred to in Article 57 paragraph 6 of this Law, a facilitator, a person related to the whistleblower, and any other person participating in the procedure upon a whistleblower's report shall be obliged to protect the data obtained from the report and shall not use or disclose such data for purposes other than those necessary for further action on that report

Should the report referred to in Article 48 of this Law contain classified data, data constituting a trade secret, data relating to the confidentiality of judicial sessions as well as classified data in line with the rules of criminal proceedings, this data shall be handled in accordance with the laws governing data confidentiality, trade secrets in the relevant sector and criminal procedure.

2 III Internal and External Reporting and Public Disclosure

Internal Reporting

Article 53

Whistleblower shall be able to submit the report referred to in Article 48 of this Law to the employer whom, as far as they are aware, they reasonably suspect of having committed breaches.

Employer Follow Up

Article 54

The employer shall, with regard to the procedure upon the report referred to in Article 48 of this Law, verify the veracity of the allegations on breaches and to undertake measures within the scope of its competence to prevent such breaches, in line with the law.

Designating Persons or Organisational Units Receiving and Acting upon the Reports

Article 55

For the purposes of carrying out the procedure referred to in Article 54 of this Law, the employer having less than 20 employees can designate an impartial person or an organisational unit responsible for receiving and following up on whistleblowers' reports.

For the purposes of carrying out the procedure referred to in Article 54 of this Law, the employer having at least 20 employees shall designate an impartial person or an organisational unit responsible for receiving and following up on reports referred to in Article 48 of this Law.

Receipt of reports and follow up can be carried out by the person or organisational unit which, apart from this affairs, also performs other affairs within its position or scope of its competence.

The employer shall make the data on persons or organisational units referred to in paragraphs 1 and 2 of this Article easily available within the work-related context and by publishing the information on its website.

Person or the organisational unit referred to in paragraphs 1 and 2 of this Article shall carry out the procedure of verifying the veracity of the allegations from the report referred to in Article 48 of this Law and propose measures is breaches are confirmed.

Employers referred to in paragraphs 1 and 2 of this Article shall not affect the actions of the impartial person or the organisational unit when undertaking actions within their competence necessary for whistleblower protection.

Provided that the report referred to in Article 48 of this Law has been received by a person or organisational unit not competent for handling the report, this person or organisational unit shall forward the report, without delay and changes, to the person or organisational unit referred to in paragraphs 1 and 2 of this Law, protecting the identity of the whistleblower and data confidentiality within the report.

A more detailed manner of undertaking activities referred to in paragraph 5 of this Article shall be prescribed by the Ministry.

The act referred to in paragraph 8 of this Article may not reduce the scope of rights or deny any right to the whistleblower under this Law.

Feedback on Receipt of the Report and Measures Undertaken

Article 56

Person or the organisational unit referred to in Article 55 paragraphs 1 and 2 of this Law shall submit to the whistleblower the notification on the receipt of the report referred to in Article 48 of this Law within seven days from the report submission and on the measures undertaken upon the report i.e. outcome of measures undertaken within 45 days from the report submission.

External Reporting

Article 57

Provided that whistleblower has not been informed or is not satisfied with the notification or measures referred to in Article 56 of this Law, he can submit the report on breaches to the Agency.

Whistleblower can submit the report referred to in Article 48 of this Law to the Agency without the previous submission of the report to the employer the report refers to.

In addition to the data referred to in Article 49 of this Law, the report referred to in paragraph 1 of this Article can also contain information on the reported person and notification on measures undertaken referred to in Article 56 of this Law, if this notification has been submitted to the whistleblower, and the report referred to in paragraph 2 of this Article can also contain information on the reported person.

Provided that the report does not contain data referred to in Article 49 of this Law, the Agency shall invite the whistleblower to rectify the report within 8 days.

Provided that the whistleblower fails to act in line with paragraph 4 of this Article, the Agency shall discontinue the procedure.

Provided that the Agency receives a report that does not concern breaches indicating a threat to the public interest indicating the existence of corruption, it shall, without delay, forward the report to the competent authority.

The competent authority referred to in paragraph 6 of this Article shall be inform the Agency without delay of the outcome of the procedure initiated on the basis of the report.

Upon receipt of the notification referred to in paragraph 7 of this Article, the Agency shall forward the notification to the whistleblower within seven days from the date of receipt.

A more detailed manner of handling the reports referred to in Articles 1 and 2 of this Article shall be prescribed by the Ministry.

Opinion of the Agency

Article 58

Provided that, on the basis of the procedure conducted upon a report referred to in Article 57, paragraphs paragraphs 1 and 2 of this Law, the Agency establishes that there has been an threat to the public interest indicating the existence of corruption, it shall draft an opinion containing a recommendation on measures to be undertaken in order to prevent such threat, as well as a deadline for acting upon the recommendation and for informing the Agency thereof. The opinion shall be submitted to the employer the report refers to and to the whistleblower.

Provided that, on the basis of the procedure conducted upon a report referred to in Article 57, paragraphs 1 and 2 of this Law, the Agency establishes that there has been no threat to the public interest indicating the existence of corruption, it shall notify the whistleblower accordingly.

Acting on the Recommendation of the Agency

Article 59

The employer to whose work the recommendation referred to in Article 58 paragraph 1 of the present Law refers, shall, within the set deadline, submit a report on the actions undertaken to implement the recommendation.

If the employer fails to act upon the recommendation referred to in Article 58 paragraph 1 of this Law within the set deadline, or fails to inform the Agency thereof, the Agency shall notify the authority responsible for supervising the employer's work, submit a special report to the competent Parliamentary committee refer to in Article 86 paragraph 2 of this Law and shall inform the public thereof.

Assistance of the Agency

Article 60

The Agency shall, by publishing on its official website or in another appropriate manner, make publicly and freely available all information relating to the procedures and legal remedies available for protection against harm caused to the whistleblower as well as the rights of the reported person.

Provided that, as a result of the damage sustained, the whistleblower initiates court proceedings, the Agency shall, at his request, provide the necessary legal, financial, psychological and professional assistance.

Actions of the Agency

Article 61

The procedure referred to in Article 57 of this Law, as well as the procedure of the Agency for determining the existence of threat to the public interest indicating the existence of corruption ex officio, shall be applied mutatis mutandis in accordance with the provisions of Articles 36 to 39 of this Law.

Record Keeping

Article 62

The employer shall keep a register of whistleblower reports containing the following: the number and date of the report; the name and surname, municipality, place of residence and address of the whistleblower (if the report was not submitted anonymously); a brief description of breaches reported by the whistleblower; the number and date of the notice of receipt of the report and the measures undertaken referred to in Article 56 of this Law, the number and date of the report on actions undertaken for the implementation of the recommendation referred to in Article 59 of this Law.

Public Disclosure

Article 63

The whistleblower may disclose information on breaches to the public if:

- 1) he or she has previously submitted a report referred to in Article 48 of this Law to the employer and the Agency, or to the Agency and no measures have been undertaken within the deadlines prescribed in Articles 56 and 58 of this Law to prevent the breach;
- 2) the whistleblower has reasonable grounds to believe that the breach constitutes an obvious danger, including crisis or risk of irreparable harm;
- 3) reporting the breach to the Agency involves a risk of harm or the prospect that the breach will be remedied is low, due to the specific circumstances of the case.

Assignment of Proceedings to the Competent Authorities

Article 64

Provided that, during the procedure for verifying the veracity of allegations concerning the existence of breaches, the employer, the Agency or the competent authority referred to in Article 57 paragraph 6 of this Law suspects that the breach constitutes a criminal offence prosecuted ex officio, they shall submit the report along with the collected evidence, without delay, to the competent public prosecutor's office.

3 Protection of Whistleblower and Damage Compensation

Requirements for Whistleblower Protection

Article 65

A whistleblower shall be entitled to protection if, at the time of submitting the report to the employer or the Agency, or at the time of public disclosure of the information, he or she had reasonable grounds to believe that the reported information on breaches was true.

The whistleblower shall not incur liability in terms of the manner in which the information referred to in paragraph 1 of this Article was obtained or accessed, provided that such manner of obtaining or accessing does not constitute a criminal offence on its own.

In judicial proceedings related to a whistleblower report, including proceedings for breach of copyright, breach of data confidentiality, breach of data protection rules, disclosure of trade secrets, or claims for damages arising from employment relationships, the whistleblower shall not be held liable for having submitted the report.

Should a procedure referred to in paragraph 3 of this Article be initiated, whistleblower shall be entitled to request a discontinuance of the procedure, should this procedure determine that requirements referred to in paragraph 1 of this Article have been met.

Prohibition of Causing Damage to a Whistleblower

Article 66

Causing damage to a whistleblower in the workplace, either directly or indirectly, by action, omission or failure to act, by placing them in a disadvantageous position in connection with the submission of a report or the public disclosure of information shall be prohibited, particularly if the disadvantageous position relates to:

- 1) threat to life, health and assets;
- 2) inability to find employment;
- 3) inability to become a trainee or a volunteer;
- 4) working outside of the employment (work without benefits);
- 5) denial of education, training or professional development;
- 6) denial of promotion at work, being graded as "unsatisfactory" and loss or denial of professional titles;
- 7) denial of access to work resources previously used;
- 8) prohibition from accessing certain information required for the performance of working duties;
- 9) initiation of disciplinary procedure and sanctions;
- 10) initiating unjustified procedures;
- 11) termination of employment;
- 12) temporary suspension;

- 13) discontinuation of business cooperation by terminating a service contract or contract on temporary and occasional work;
- 14) failure to transition from a temporary employment contract to a permanent employment contract, following the meeting of legal requirements, failure to extend the contract or an early termination of the contract;
- 15) reduction or denial of salary and other employment-related benefits;
- 16) denial of participation in employer profits;
- 17) failure to pay bonuses or severance pay;
- 18) reassignment to another job or location outside the place of residence;
- 19) reassignment or change of working hours without justified reasons;
- 20) failure to take protective measures against harassment by others;
- 21) failure to refer to mandatory medical examinations or referral for assessments of work ability when the conditions for such referrals have not been met in accordance with the law;
- 22) early termination or cancellation of contracts for the supply of goods or services;
- 23) placement on a relevant list, pursuant to an informal or formal agreement concerning a specific sector of economic activity or the economy as a whole, on the basis of which the person will be prevented from obtaining employment in that sector or activity;
- 24) causing material and/or non-material damage, including violations of personal rights (especially on social media), financial loss, including lost business opportunities and income (lost profits);
25. discrimination;
26. mobbing.

Provisions of a general or individual act of the employer that cause harm to a whistleblower or a person associated with the whistleblower, due to the submission of a whistleblower report or public disclosure of information, shall have no legal effect.

Damage Compensation Due to Report

Article 67

Whistleblower shall be entitled to a compensation of damages due to submitting a whistleblower report or public disclosure of information, in line with the law regulating obligations.

Judicial Protection

Article 68

A whistleblower who has suffered harm or who is at risk of suffering harm in line with Article 66 of this Law, shall have the right to file a lawsuit for whistleblower protection before a competent court.

The lawsuit referred to in paragraph 1 of this Article shall be filed within the general statute of limitations prescribed by the law governing obligations.

The court competent for the procedure referred to in paragraph 1 of this Article shall be the basic court, while territorial jurisdiction shall lie with the court in the area where the plaintiff has residence or where the harmful act occurred.

Proceedings in the lawsuit for whistleblower protection shall be urgent.

The lawsuit for whistleblower protection does not have to be preceded by a procedure for peaceful dispute resolution before the Agency for Peaceful Settlement of Labour Disputes or before the Centre for Alternative Dispute Resolution.

the provisions of the law on civil procedure regulating labour disputes shall apply to the proceedings regarding the whistleblower protection lawsuit.

Lawsuit Content

Article 69

The whistleblower protection lawsuit could be aimed at:

- 1) determining that a harmful action referred to in Article 66 of this Law has been taken against the whistleblower;
- 2) prohibition of committing and repeating the harmful action referred to in Article 66 of this Law;
- 3) eliminating the consequences of the harmful act;
- 4) compensating material and non-material damages;
- 5) publishing the decision on the lawsuit in the media, at the defendant's expense.

Burden of Proof

Article 70

Provided that, during the proceedings on the whistleblower protection lawsuit, the whistleblower, as the plaintiff, has made it likely that they filed a report or publicly disclosed information on breaches and that they have suffered harm, the burden of proof shall fall to the defendant to prove that the harmful act is not causally related to the report or the public disclosure of the information.

Interim Measures

Article 71

In the course of the proceedings concerning a whistleblower protection lawsuit or public disclosure of information, the court conducting the proceedings may order a provisional measure in line with the law regulating enforcement and security.

Right to Protection of a Facilitator or Person Connected to the Whistleblower

Article 72

The facilitator and the person connected to the whistleblower shall exercise the right to protection in line with the provisions of this Law regulating the protection of whistleblower.

4 Rewarding the Reporting on Breaches

Right of a Whistleblower to a Reward

Article 73

The employer may reward a whistleblower who, by filing a report, contributed to preventing a breach.

A whistleblower who, by reporting a breach contributed to the realization of public revenue or income of an employer, when these revenues would not be generated had the report not been submitted, shall be entitled to a cash reward by the employer that generated income.

A whistleblower shall acquire the right to a reward from the moment of realization of revenue or income referred to in paragraph 2 of this Article, and if the report by a whistleblower initiated criminal proceedings that ended with a final decision on the basis of which assets are confiscated, he shall acquire the right to a reward from the moment the decision on confiscation of assets becomes final.

An award for whistleblowers shall be determined on the basis of the contribution of the whistleblower compared to the amount of revenue or income generated, or of confiscated property.

The reward may not be less than 3% or more than 5% of the income or revenue generated or assets referred to in paragraph 4 of this Article.

The Procedure for Exercising the Right to a Reward

Article 74

In order to exercise the right to a reward, a whistleblower shall submit a written request to the employer who generated income.

The request referred to in paragraph 1 of this Article shall be decided upon / within 30 days from the receipt of the request.

The decision determining the right to a reward shall also determine a deadline for the payment of the reward that cannot be longer than six months.

The decision on the request referred to in paragraph 1 of this Article shall be final and can be challenged through an administrative dispute.

IV. PREVENTION OF CORRUPTION

Integrity Plan Article 71

Article 75

Based on estimates of the susceptibility of certain jobs and work processes to the emergence and development of corruption and other forms of biased conduct of public officials and employees of an authority, the authority shall adopt an Integrity Plan containing measures to prevent and eliminate opportunities for the emergence and development of corruption and providing confidence of citizens in their work (hereinafter: Integrity Plan).

The Integrity Plan shall be adopted in accordance with the rules for the preparation and implementation of the Integrity Plan adopted by the Agency.

The Integrity Plan may be adopted by another legal person as well, and the Agency may, upon the proposal of this legal person, assess the integrity plan and propose recommendations for improving it.

The cost of the integrity assessment referred to in paragraph 3 of this Article shall be borne by the legal person upon whose proposal the Agency conducted the assessment.

Definition of Integrity

Article 76

Integrity shall mean a legitimate, independent, impartial, accountable and transparent performance of duties based on which the public officials and other employees of an authority protect their reputation and the reputation of the authority, provide confidence of citizens in the performance of public functions and the operation of the authority and eliminate doubts about the possibility of the emergence and development of corruption.

Integrity Plan Contents

Article 77

An Integrity Plan shall contain:

An assessment of exposure of an authority to corruption and other forms of violation of integrity;

A description of jobs and activities that are particularly susceptible to corruption and other forms of violation of integrity;

Types of risks of corruption and other forms of violation of integrity;

Existing control measures;

Preventive measures for reducing the risk of corruption and other forms of violation of integrity and the deadlines for their implementation;
Information on the person responsible for the preparation and implementation of the Integrity Plan (hereinafter: integrity manager);
Other data, in accordance with the rules for the preparation and implementation of the Integrity Plan.

Integrity Manager

Article 78

Integrity Manager shall be appointed by the head or the responsible person in an authority.

The authority shall be obliged to submit to the Agency the decision on the appointment of the Integrity Manager within eight days from the date of adoption of the decision.

At his request, the employees of an authority shall submit the necessary data and information relevant to the preparation and implementation of an Integrity Plan to the Integrity Manager.

Integrity Plan Transparency

Article 79

The authority shall be obliged to adopt an Integrity Plan within six months from the date of its establishment and to submit it to the Agency within eight days from the date of its adoption, in accordance with the rules on the preparation and implementation of the Integrity Plan.

An authority shall make the Integrity Plan available to the public by publishing it on its website or in any other appropriate manner.

Integrity Plan Efficiency and Effectiveness

Article 80

Integrity Plan may be amended depending on the needs, development and interests of an authority.

The authority shall be obliged, every second year, to assess the efficiency and effectiveness of the Integrity Plan and to submit to the Agency the results of the assessment within eight days from the date of completion of the assessment, in accordance with the rules on the preparation and implementation of the Integrity Plan.

The authority shall be obliged, in accordance with the assessment referred to in paragraph 2 of this Article, every second year to adopt a new Integrity Plan and to submit it to the Agency within eight days from the date of its adoption, in accordance with the rules on the preparation and implementation of the Integrity Plan.

Report on the Implementation of Integrity Plan

Article 81

An authority shall submit the Report on the implementation of Integrity Plan, in line with the rules for drafting and implementing Integrity Plan, to the Agency by 15 April of the current year for the previous year.

Based on the submitted Integrity Plans and Reports on their implementation, the Agency may give the authorities recommendations for improving the Integrity Plans.

Based on the plans, reports and recommendations referred to in paragraph 2 of this Article, the Agency shall prepare a report on the adoption and implementation of Integrity Plans in the authorities.

The report referred to in paragraph 3 of this Article shall constitute an integral part of the annual Report on Work of the Agency.

V. AGENCY

Responsibilities of the Agency

Article 82

The Agency shall:

Establish the existence of conflict of interest in the exercise of public function and take measures for its prevention;

Control restrictions in the exercise of public function;

Conduct control of receiving gifts, sponsorships and donations;

Perform verification of data from the declarations;

Give an opinion on the existence of threats to the public interest that indicate the existence of corruption and make recommendations for preventing threats to the public interest indicating to the existence of corruption;

submit to the competent authority referred to in Article 57 paragraph 6 whistleblower reports containing information on breaches not related to endangering the public interest indicating the existence of corruption;

Monitor the adoption and implementation of Integrity Plans, provides recommendations for their improvement and verifies the assessment referred to in Article 80 paragraph 2 of this Law;

Adopt acts under the jurisdiction of the Agency in accordance with the law;

Take the initiative to amend the laws, other regulations and general acts, in order to eliminate the possible risk of corruption or to bring them in line with international standards in the field of anti-corruption;

Give opinions on draft laws and other regulations and general acts for the purpose of their alignment with international standards in the field of anti-corruption;

Initiate and conduct proceedings for establishing the violation of the provisions of the present and other laws governing the responsibilities of the Agency;

Cooperate with the competent authorities, higher education institutions and research organizations and other entities, in order to implement the activities in the area of prevention of corruption;

Keep records and registers in accordance with the present Law;

Issue misdemeanour reports and initiate misdemeanour and other proceedings;

Conduct educational, research and other preventive anti-corruption activities;

Exercise regional and international cooperation in preventing anti-corruption;

Perform other duties prescribed by law.

The Agency shall conduct supervision over the implementation of regulations governing lobbying and implement measures of control of financing of political entities and election campaigns, in accordance with a special law.

In performing the tasks within its jurisdiction, the Agency may engage national and international experts or institutions, organizations and establishments, from relevant areas.

Opinions for the Improvement of Prevention of Corruption

Article 83

The Agency may, on its own initiative or at the request of an authority, company, legal person, entrepreneur or natural person, give an opinion for the purpose of improving the prevention of corruption, reducing the risk of corruption and strengthening of ethics and integrity in authorities and other legal persons, which includes an analysis of the risk of corruption, measures to

eliminate the risk of corruption and corruption prevention. In giving the opinion referred to in paragraph 1 of this Article, the Agency shall assess the compliance of actions with the present Law and other laws governing the measures to combat corruption.

In giving the opinion referred to in paragraph 1 of this Article, the Agency shall assess the compliance of actions with the present Law and other laws governing the measures to combat corruption.

The Agency shall not act upon the request referred to in paragraph 1 of this Article if:

The same request is handled by another competent authority;

There are grounds for suspicion that a criminal offense that is prosecuted ex officio has been committed; or

The Agency initiates proceedings within its jurisdiction in the specific case.

The Agency shall publish the opinions referred to in paragraph 1 of this Article on its website or in any other appropriate manner making them available to the public.

Legal Status of the Agency

Article 84

The Agency shall have a status of a legal person.

Bodies of the Agency

Article 85

Bodies of the Agency shall be the Council of the Agency (hereinafter: the Council) and director of the Agency.

The work of members of the Council and director of the Agency in the exercise of duties governed by the present Law shall not be subject to illegal or unlawful influence.

Election of the Members of the Council

Article 86

The Council shall have five members.

Members of the Council shall be elected by the Parliament, on the proposal of the working body responsible for anti-corruption affairs (hereinafter: the competent committee).

Members of the Council shall be elected for a term of four years and may not be elected more than twice.

Conditions for Election of Members of the Council

Article 87

A person may be elected as a Member of the Council if he, in addition to the general requirements for work in state authorities, has:

holds at least the VII 1 level of educational qualification;

Ten years of working experience of which at least five years of working experience in the conduct of affairs in the field of fight against corruption or protection of human rights; and

At least three opinions on professional and working qualities by a company, other legal person or entrepreneur for which he works or has worked, or with which he has business cooperation.

Restrictions on the Election of Members of the Council

Article 88

A person may not be elected as a Member of the Council if he, in the last ten years, performed or performs the following functions:

an MP or councillor;

member of the Government;

in a political party (party president, member of presidency, their deputies, member of the executive and the central committee or other officials in a political party in line with the statute of the party);

in a coalition, within the meaning of the law governing the financing of political entities and election campaigns.

A person who has been finally convicted of criminal offences in the field of corruption and who has not passed the integrity check in accordance with this Law may not be elected as a member of the Council.

The Procedure for the Election of Members of the Council

Article 89

Takes initiatives for improving the work of the Agency to the director of the Agency;

The competent committee shall form a Commission for the conduct of election of members of the Council (hereinafter: the Commission).

The Commission shall have five members, including two representatives of the Parliament (one from the parliamentary majority, one from the parliamentary opposition), one representative of the Judicial Council, one representative of the Prosecutorial Council and one representative of non-governmental organizations.

The competent committee shall invite authorities and other entities referred to in paragraph 3 of this Article to designate their representative in the Commission, within seven days of the call.

The competent committee shall announce a public call for the appointment of members of the Commission from among the non-governmental organizations.

Non-governmental organizations may propose a candidate for a member of the Commission if it is registered with the competent government authority, if in the act of foundation and in the Statute has established the activities and objectives in the fight against corruption and has at least three years of experience in the fight against corruption, if it is in previous year implemented at least one project in the area of fight against corruption and if has submitted an application for the previous fiscal year to the tax authority (balance sheet and income statement).

Non-governmental organizations referred to in paragraph 6 of this Article shall, along with the proposal of candidate, submit a certified copy of an act of foundation and the Statute, a certified copy of the decision on registration, overview of implemented projects and activities in the last three years and a certified copy of the filed tax return for the previous fiscal year .

On the basis of the procedure referred to in paragraph 5 of this Article the competent committee shall prepare a list of proposed candidates.

The representative of the Commission from among the non-governmental organization is a person who is in the completed procedure proposed by the largest number of non- governmental organizations.

The competent committee shall, within 30 days of the call referred to in paragraph 4 of this Article, establish the Commission.

Integrity Checks

Article 90

For the purpose of the integrity check referred to in Article 88 paragraph 2 of this Law, the Commission, for a candidate for a member of the Council, or the Council, for a candidate for the Director of the Agency, shall submit to the Agency a request for verification as to whether proceedings have been initiated or completed against such persons for violations of the provisions of this Law.

The Agency shall, within 72 hours from the time of receipt of the request, provide the data on the verification referred to in paragraph 1 of this Article.

Compiling a List of Candidates

Article 91

After the expiration of the prescribed deadline for application of candidates on the basis of a public competition referred to in Article 89, paragraph 1 of the present Law, the Commission shall verify compliance with the requirements of Articles 87 and 88 of the present Law and make a list of candidates who meet the requirements.

The Commission shall, in the presence of all members, interview the candidates referred to in paragraph 1 of this Article.

As a rule, the President of the Council shall inform the public on the tasks from the jurisdiction of the Council.

The Commission shall, on the basis of the evidence referred to in Article 87, paragraph 1, items 2 and 3 of the present Law and the interview conducted, compile a list of five candidates for the election of members of the Council, with an explanation.

The Commission shall compile a list referred to in paragraph 4 of this Article by a majority of at least four votes, within 60 days of expiry of the deadline for applying to the competition.

The Commission shall submit the list of candidates referred to in paragraph 4 of this Article to the competent committee, for proposal to the Parliament.

If the competent committee does not propose to the Parliament the list of candidates referred to in paragraph 4 of this Article, the procedure for the election of members of the Council shall be repeated.

Dismissing a Member of the Council

Article 92

A member of the Council may be dismissed before the expiry of the term of office for which he was appointed:

At his personal request;

Due to permanent loss of working capacity;

Due to permanent loss of working capacity; If it is subsequently determined that he does not meet the requirements referred to in Articles 87 and 88 of the present Law or if he assumes the function referred to in Article 88 of the present Law;

If he violates the provisions of the present Law and the Rules of Procedure of the Council.

The reasons for dismissal referred to in paragraph 1, item 2, 3 and 4 of this Article shall be determined by the Council, which shall also notify the competent committee thereon.

The dismissal procedure shall be initiated at the proposal of at least three members of the Council.

The Parliament shall dismiss a member of the Council on the motion of the competent committee.

Administrative dispute can be initiated against the decision on dismissal referred to in paragraph 1 items 3 and 4 of this Article.

The competent committee shall, three months before the expiration of the term of office of members of the Council, initiate the procedure for the election of members of the Council in accordance with Article 89 of the present Law.

If the function of a member of the Council terminates before the expiry of the term of office, the competent committee shall, without delay, initiate the procedure for the election of a new member of the Council referred to in Article 89 of the present Law and shall, within 30 days, propose to the Parliament a new member.

Responsibilities of the Council

Article 93

The Council shall:

Announce a competition for the selection of director of the Agency, appoint and dismiss the director of the Agency;

Adopt the Statute and the Act on internal organization and jobs classification of the Agency, on the proposal of the director of the Agency;

Adopt the annual work plan of the Agency on proposal of the director of the Agency;

Adopt the proposal for the budget and statement of accounts on proposal of the director of the Agency;

Adopt rules governing the work of the Agency and the rules for the preparation and implementation of Integrity Plans on proposal of the director of the Agency;

Decide on the recusal of the director of the Agency;

Adopt Rules of Procedure of the Council;

Takes initiatives for improving the work of the Agency to the director of the Agency;

On the proposal of the director of the Agency, submit an Annual report on work of the Agency;

Verify data from reports on income and assets of director of the Agency;

Perform other duties prescribed by the Statute of the Agency.

The Statute of the Agency, Rules of Procedure of the Council, the rules of work of the Agency and the rules for the preparation and implementation of Integrity Plans shall be published in the "Official Gazette of Montenegro".

The Manner of Work of the Council

Article 94

The work of the Council shall be managed by the President, who shall be elected from among the members of the Council, by a majority vote of all the members of the Council.

The Council shall decide by majority vote of all the members of the Council, except in the case referred to in Article 96, paragraph 7, and Article 98, paragraph 3 of the present Law.

The Council shall hold meetings at which it decides on matters within its jurisdiction at least twice a month.

As a rule, the President of the Council shall inform the public on the tasks from the jurisdiction of the Council.

The Council whose mandate has ceased shall continue with its work until the election of the new composition of the Council.

Remuneration for Work of the Council Members

Article 95

President and members of the Council shall be entitled to a monthly remuneration in the amount of 50% of the average gross salary in Montenegro in the previous year, according to the data by administration body in charge of statistics.

The Procedure for the Election of the Agency Director

Article 96

Director of the Agency shall be elected by the Council, on the basis of a public competition, for a period of five years, with the possibility to be elected twice.

A person who meets the requirements referred to in Article 87 of the present Law may be elected as the Director of the Agency.

In addition to the restrictions referred to in Article 88 of the present Law, the Director of the Agency may not be a person who was appointed or assigned by the Government of Montenegro or the Parliament as a public official in the last five years.

After the expiration of the prescribed period for application by candidates, the Council shall verify compliance with the conditions referred to in Article 2 and 3 of this Article and make a list of candidates who meet the requirements.

Interviews with the candidates shall be conducted by the Council, in the presence of all members.

A candidate for director of the Agency shall prepare and submit a written and reasoned proposal of the work programme and the key priorities of the Agency.

The Council shall decide on the election of director of the Agency by a majority of at least four votes, within 30 days of expiration of the deadline for applying to the competition.

Competences of the Agency Director

Article 97

The Agency Director shall be empowered to:

- Represent the Agency;
- Organize and be responsible for work of the Agency;
- Make decisions, give opinions and recommendations and take other measures within the jurisdiction of the Agency;
- Perform other duties, in accordance with the law.

Dismissing the Agency Director

Article 98

Director of the Agency may be dismissed before the expiry of the term of office for which he was elected:

- At his personal request;
- Due to permanent loss of working capacity;
- If it is subsequently determined that he does not meet the requirements referred to in Articles 87 and 84 and Article 96 paragraph 3 of the present Law or if he assumes the function referred to in Article 96 paragraph 3 of the present Law;
- If he violates the provisions of the present Law and the Rules of Procedure of the Agency.

The dismissal of the director of the Agency shall be decided upon by the Council.

The procedure of dismissal of director of the Agency shall be initiated at the motion of at least three members of the Council, and the decision on the dismissal of director of the Agency shall be passed by the Council by a majority of at least four votes.

Administrative dispute can be initiated against the decision referred to in paragraph 3 items 3 and 4 of this Article.

Statute of the Agency

Article 99

The Agency shall have a Statute.

The Statute of the Agency shall specifically contain the seat of the Agency, the principles of internal organization, manner of work and responsibilities of the Agency's bodies, the manner of adopting general and other acts and other issues of importance to the work of the Agency, in accordance with the law.

Financing of the Agency

Article 100

Funds for the operation of the Agency shall be provided in the budget of Montenegro.

The Council proposes the draft budget of the Agency and submit it to the competent authority of the Parliament.

The competent authority of the Parliament shall determine the draft budget of the Agency and submit it to the Government.

Funds approved for the operation and functioning of the Agency may not amount to less than 0.2% of the current budget.

The approved funds for the functioning and operation of the Agency shall ensure the full, independent and effective performance of its competences.

If the Government makes changes in the Proposal Law on Budget related to the draft budget of the Agency referred to in paragraph 3 of this Article, it shall submit to the Parliament an official explanation in writing.

The Agency shall decide independently on disposal of funds referred to in paragraph 4 of this Article.

Implementation of other Regulations

Article 101

The rights, obligations and accountability of employees of the Agency shall be subject to the regulations on civil servants and state employees.

Employees of the Agency may exercise the right to a monthly bonus to the basic salary in the amount of up to 30%, in accordance with the law governing the salaries of employees in the public sector.

Code of Ethics and Official Identity Card

Article 102

The Council shall adopt a special Code of Ethics for employees of the Agency.

An official identification card shall be issued to the Director of the Agency and to authorized officers for the purpose of performing tasks and exercising powers in accordance with this Law.

Official identity cards shall be issued by the director of the Agency.

The form and content of official identity cards shall be prescribed by the Ministry.

Reports of the Agency

Article 103

The Council shall submit an annual report on work of the Agency to the Parliament no later than 31 March of the current year for the previous year.

The Council may submit special reports to the Parliament, on the state of play in areas within the jurisdiction of the Agency.

The reports referred to in paragraph 1 and 2 of this Article shall be published on the website of the Agency.

The Agency shall submit an annual report to the competent committee regarding the procedures relating to whistleblower reports.

The report referred to in paragraph 4 of this Article may also be submitted in cases involving threats to constitutional and legal rights of a higher level or significance.

Reviewing Agency Procedures

Article 104

The Agency shall conduct an annual review of its procedures for receiving and handling whistleblower reports, with the aim of ensuring adjustments and improvements of said procedures.

Handling of Data

Article 105

Members of the Council, the director of the Agency and the Agency employees shall handle confidential data, data presenting business secrets and personal information that they learn in the performance of their duties in accordance with the regulations governing the confidentiality of information, protection of business secrets and personal data protection.

Records

Article 106

In addition to catalogues and registers referred to in Article 21, paragraph 3, Article 24, paragraph 4, and Article 28, paragraph 1 of the present Law, the Agency shall keep:

Records of public officials who were determined, by a final, i.e. final and enforceable decision, to have violated the present Law or special laws governing the responsibilities of the Agency, which contains the following information: serial number, name and surname, unique master citizen number and function performed by the public official, the number and date of the final, i.e. final and enforceable decision, the date of receipt of the notification by the authority responsible for the election, appointment or assignment, the reason for the dismissal, suspension or imposed disciplinary measure, the number and date of the act on dismissal, suspension or imposed disciplinary measure and the authority which issued the decision on dismissal, suspension or imposed disciplinary measure;

- a register of whistleblower reports acted upon by the Agency, containing the following: serial number, date of the report, name and surname, municipality, place of residence and address of the whistleblower (if the report was not submitted anonymously); name and registered office/address of the reported person; description of breaches reported by the whistleblower; number and date of the notification on measures undertaken referred to in Article 56 of this Law, if such notification was provided to the whistleblower, number and date of the opinion issued by the Agency on the existence of the threat to public interest indicating existence of corruption, the number and date of the report of the employer on the actions undertaken to implement the recommendation referred to in opinion of Agency;
- register of whistleblower reports forwarded by the Agency to the competent authority referred to in Article 57 paragraph 6 of this Law, containing the following: serial number, date of the report, name and surname, municipality, place of residence and address of the

whistleblower (if the report was not submitted anonymously); name and registered office/address of the reported person; description of the breach reported by the whistleblower and the authority to which the report was forwarded.

Records referred to in paragraph 1 of this Article shall be kept on a prescribed form.

Data from the records referred to in paragraph 1 of this Article shall not be made available for use if the provision of such data could affect the conduct of the proceedings upon reports, as well as in the cases stipulated by the present Law and the law governing the confidentiality of data and personal data protection.

The form and manner of keeping the records referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

Publicity of Work of the Agency

Article 107

The Agency shall notify the public about its work through press releases, by publishing decisions on its website or otherwise.

In its work and informing the public, the Agency shall provide the protection of confidential information and personal data.

VI. PENAL PROVISIONS

Fines for Violations by a Legal Person and the Responsible Person in the Legal Person or State Authority, State Administration Body, Local Government and Local

Article 108

Legal person shall be imposed a fine ranging between EUR 1,000 and EUR 20,000 for an infringement, if they:

Fail to enter the statement of a public official on the existence of private interest in the minutes and fail to seek the opinion of the Agency (Article 10, paragraph 3);

fail to bring a decision on exemption of a public official from the discussion and decision-making if the Agency determined that there was a conflict of interest referred to in Article 10, paragraph 1 of the present Law (Article 10, paragraph 5);

fail to abrogate a decision made contrary to Article 10, paragraph 1 to 4 of the present Law, and fail to notify the Agency thereon (Article 10, paragraph 6);

Conclude a contract with the company or other legal person in which the public official and a person related to him have a private interest (Article 16, paragraph 3);

fail to submit an excerpt from the records of gifts to the Agency by the end of March of the current year for the previous year (Article 21, paragraph 1);

fail to submit the Agency with a written report on received sponsorships and donations, with a copy of the documentation, by the end of March of the current year for the previous year (Article 24, paragraph 1);

fail to provide the requested data and information within the deadline and in the manner determined by the Agency, or fail to make the requested documentation available for inspection (Article 33 paragraph 2)

fail to submit the requested data and information, or fail to make available the requested documentation within the deadline and manner determined by the Agency (Article 38 paragraph 3);

fail to notify the Agency of the outcome of proceedings referred to in Article 40 paragraphs 1 and 2 of the present Law (Article 40, paragraph 3);

fail to inform the Agency about the measures taken on the basis of the decision of the Agency establishing that a public official has violated the provisions of the present Law relating to

the prevention of conflict of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets of public officials, as well as of special laws within the jurisdiction of the Agency, within 60 days of receipt of that decision, with written reasoning (Article 45, paragraph 2);

fail to notify the Agency, within 30 days of adoption of the decision, on the dismissal, suspension or imposition of disciplinary measure based on negligent discharge of public functions (Article 45, paragraph 3);

fail to verify with the Agency, before deciding on the election, appointment or assignment of a public official, whether the proposed candidate was dismissed for reasons referred to in Article 45, paragraph 1 of the present Law in the last four years prior to the nomination, in his capacity as a public official (Article 45, paragraph 6);

fail to protect the information obtained from the report and disclose it for purposes other than those necessary for further action based on the report (Article 52 paragraph 1);

fail to designate an impartial person or organizational unit to receive and act upon whistleblower reports for the purpose of conducting the procedure referred to in Article 54 of this Law (Article 55 paragraph 2);

fail to make the information on the designated person or organizational unit referred to in Article 55 paragraphs 1 and 2 of this Law easily accessible in the workplace and by publishing it on its website (Article 55 paragraph 4);

16) interfere with the actions of the impartial person or organizational unit in performing duties within their competence necessary for the protection of the whistleblower (Article 55 paragraph 6);

17) fail to forward the report without delay and without changes to the person or organizational unit referred to in Article 55 paragraphs 1 and 2 of this Law, simultaneously ensuring the protection of the whistleblower's identity and the confidentiality of the data from the report (Article 55 paragraph 7);

18) fail to submit to the whistleblower the notification on the receipt of the report within seven days from the report submission and on measures undertaken based on the report i.e. outcome of measures undertaken within 45 days from the report submission (Article 56);

19) fail to submit, within the set deadline, a report on actions undertaken to implement the recommendations referred to in Article 58 paragraph 1 of the present Law (Article 59 paragraph 1);

20) fail to keep records of whistleblower reports containing information referred to in Article 62 of this Law;

21) fail to forward the whistleblower's report concerning breaches that fall outside of their competence to the competent authority without delay (Article 64);

22) cause harm to the whistleblower, facilitator or a person connected to the whistleblower by placing them in a disadvantageous position in connection with the submission of the report or public disclosure of information, through direct or indirect action, omission or failure to act in the work-related context (Article 66).

fail to bring a decision within 30 days from the date of submission of the request referred to in Article 74 paragraph 2 of the present Law, or fail to determine a deadline for the payment of award or determines a time limit longer than six months (Article 74, paragraph 2 and 3);

fail to adopt an Integrity Plan (Article 75, paragraph 1);

25) fail to submit to the Agency the decision on the appointment of the Integrity Manager within eight days from the date of adoption of the decision (Article 78 paragraph 2);

26) fail to adopt an Integrity Plan within six months from the date of establishment and to submit it to the Agency within eight days from the date of its adoption, in accordance with

the rules on the preparation and implementation of the Integrity Plan (Article 79 paragraph 1);

27) fail, every second year, to adopt a new Integrity Plan and to submit it to the Agency within eight days from the date of its adoption, in accordance with the assessment referred to in paragraph 2 of this Article (Article 80 paragraph 3);

fail to submit a report on implementation of Integrity Plan by 15 April of the current year for the previous year (Article 81, paragraph 1).

For the infringement referred to in paragraph 1 of this Article, a responsible person in a legal person, public authority, public administration body, local government and local self-government body shall be fined in the amount of EUR 500 to 2,000.

For the violation referred to in paragraph 1, items 13, 14, 15, 16 and 17 of this Article, a fine in the amount of € 500 to 6,000 shall be imposed on the entrepreneur.

Infringement Fines for Public Officials

Article 109

A fine in the amount of € 500 to 2,000 shall be imposed on a public official for violation, if he:
fails to refrain from undertaking any action for which there is a risk of a conflict of interest, and fails, no later than within three days from the day of becoming aware thereof, to submit a written statement on the existence of a private interest, or on the risk of a conflict of interest, and to notify the authority as well as the other participants in the discussion and decision-making before taking part in the discussion (Article 10 paragraph 1);

Participates, in case referred to in Article 10, paragraph 1 of the present Law, in a discussion and decision-making (Article 10, paragraph 4 and 5);

Does not report to the Agency accurate and complete data on income made by exercising an activity, or tasks referred to in Article 11, paragraph 1 and 2 of the present Law (Article 11, paragraph 3);

Acquires membership-based income in more than one working body referred to in Article 11, paragraph 2 of the present Law in a single month (Article 11, paragraph 4);

fails to transfer his management rights in a company, institution or legal person owned or founded to another legal or natural person, within 30 days of the election, appointment or assignment to public office (Article 12, paragraph 1);

fails to, within five days of the date of transfer of management rights, submit the Agency with information on the person to whom he transferred the management rights and the evidence of the transfer of management rights (Article 12, paragraph 3);

is a president or member of the management body or supervisory board, executive director, member of management of the company or legal entity owned by the state, public institutions or other legal persons (Article 14 in accordance with 1 and 2);

performs duties within the state administration, local administration authorities and local self-government authorities, while simultaneously holding the office of Member of Parliament (Article 14 paragraph 3)

performs duties within the state administration and within the authorities of local administration and local self-government, except for the duties of the President of the Municipality, Vice-President of the Municipality, Chief Administrator, Secretary of Secretariat, Head of Special Services, member of a board of directors or a managing board, executive director of companies and public institutions founded by the municipality, member of the council and director of the local public broadcaster and the tourist organization, as well as other duties within functions appointed by the Municipal Assembly (Article 14 paragraph 4);”

Acquires income or other compensation on the basis of the membership in management bodies or supervisory boards referred to in Article 14, paragraphs 2 and 5 of the present Law (Article 14, paragraph 6);

Does not resign from public function when he, while performing a public function, accepts to perform another duty or function referred to in Article 13 or Article 14, paragraphs 1 and 3 of the present Law, within 30 days of the beginning of the exercise of other functions or duties (Article 15);

Concludes a contract on the provision of services with a public company or a contract on the provision of services with an authority or company that has a contractual relation or performs tasks for an authority in which the public official exercises his function, if the value of these contracts exceeds € 1,000 per year (Article 16, paragraph 1 and 2);

receives a gift that is not protocol or appropriate gift (Article 18 paragraph 1)

Receives more than one gift from the same donor within a year, the total value of which exceeds the amount of € 50, or if he receives gifts from several donors in this period, the value of which exceeds € 100 (Article 18, paragraph 5);

fails to prepare or submit, within eight days of the offer made, a written report on the offer referred to in Article 19, paragraph 1 of the present Law, to the authority in which he exercises a public function (Article 19, paragraph 2);

In the case referred to in Article 19, paragraph 1 of the present Law, where he could not refuse the gift, or return it to the donor, fails to hand over the gift to the authority in which he exercises the public function within five days from the date of its receipt (Article 19, paragraph 3);

fails to place the gift, or the equivalent monetary value of the gift, at the disposal of the authority in which he or she performs the function, where the Agency has determined that gifts were received, within five days from the date of receipt of the Agency's decision (Article 22 paragraph 2);

Concludes a sponsorship agreement in his own name (Article 23, paragraph 1);

Concludes a sponsorship agreement or receives a donation in the name of the authority in which he performs a public function, which affect or could affect the legality, objectivity and impartiality of work of the authority (Article 23, paragraph 2);

fails to act in accordance with the opinion of the Agency within five days from the date of receipt of that opinion (Article 23 paragraph 4)

fails to submit the Agency with a written report on received sponsorships and donations with a copy of documentation about the sponsorships or donations, by the end of March of the current year for the previous year (Article 24, paragraph 1);

fails to abrogate the decisions made under the influence of received sponsorship or donation and fail to notify the Agency thereon, within five days from the date of receiving the opinion of the Agency (Article 24, paragraph 3);

fails to submit the Agency with a Report on his income and assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household, within 30 days of assuming the function (Article 25, paragraph 1);

fails to include accurate and complete data in the Report (Article 25, paragraph 2);

During the exercise of a public function, fail to submit the Report once a year, by the end of March of the current year for the previous year, or when he fails to report changes from the Report that relate to an increase in assets of more than € 10,000, within 30 days of the day of change or at the request of the Agency in the event of initiation of proceedings referred to in Article 33, paragraph 2 of the present Law, within 30 days of receipt of the request, or the initiation of proceedings ex officio (Article 25, paragraph 3 indents 2 and 3);

Does not, when moving to another public function, as well as in the case of election, appointment, or assignment to another public function, pursuant to Article 14, paragraphs 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change (Article 25, paragraph 6);

Does not, at the request of the Agency, provide detailed information on the grounds of acquiring assets and income within 30 days (Article 33, paragraph 5).

For violations referred to in paragraph 1 items 13, 14, 16 and 17 of this Article, a protective measure of confiscation of the item – gift, shall be imposed.

A fine in the amount of € 500 to 1000 for violation referred to in paragraph 1 item 23, 24, 25 and 27 shall also be imposed on a civil servant who is required to submit the Declaration in line with a special law.

A fine in the amount of € 300 to 500 for violation referred to in paragraph 1 item 13 of this Article shall also be imposed on of the married and common-law spouses and children of public officials if they live in the same household, if the receipt of gifts is in connection with the public official, or the exercise of public function (Article 18, paragraph 5).

Infringement Fines for Natural Persons

Article 110

Natural person shall be imposed a fine ranging between EUR 1,000 and EUR 20,000 for an infringement, if they:

- 1) submit a report containing information on breaches which the reporting person knew to be untrue (Article 50 paragraph 2);
- 1) fail to protect the information obtained from the report and disclose it for purposes other than those necessary for further action based on the report (Article 52 paragraph 1);
- 3) cause harm to the whistleblower, facilitator or a person connected to the whistleblower by placing them in a disadvantageous position in connection with the submission of the report or public disclosure of information, through direct or indirect action, omission or failure to act in the work-related context (Article 66).

Fines for Persons whose Public Function Expired

Article 111

A fine in the amount of € 1,000 to 2,000 shall be imposed on a person whose public function has expired, if he, in the period of one years following the termination of the public function:

Acts, before the authority in which he exercised a public function, as a representative or attorney of a legal person, entrepreneur or international or other organization having or establishing a contractual or business relationship with this public authority (Article 17, paragraph 1, item 1);

Establishes a working relationship or business cooperation with the legal person, entrepreneur or international or other organization that, based on the decisions of the public authority in which a public official has exercised his function, acquires gain (Article 17, paragraph 1, item 2);

Represents a natural or legal person before the authority in which he exercised a public function in a case in which he participated, as a public official, in the decision-making (Article 17, paragraph 1, item 3);

Performs management or audit activities in the legal person in which, at least one year prior to the termination of public function, his duties were related to supervisory or control activities (Article 17, paragraph 1, item 4);

Enters into a contract or other form of business cooperation with the authority in which he exercised a public function (Article 17, paragraph 1, item 5);

fails to notify the Agency thereof within 30 days from the date of termination of the function, or fails, once a year for the following two years after the termination of the function, by the end of March of the current year for the previous year, to submit a Report (Article 25 paragraphs 4 and 5)

A person whose public function has ceased shall be fined, for a misdemeanour, in the amount from € 1,000 to €2,000 if, within a period of two years after the termination of the public function, he or she uses, for the purpose of obtaining a benefit for themselves or another, or for causing harm to another, the knowledge and information acquired in the performance of the public function, unless such knowledge and information are publicly available (Article 17 paragraph 2).

Along with the fine, in case of the violations referred to in paragraphs 1 and 2 of this Article, protective measures of prohibition from carrying out activities for a period of six months to one year may be imposed.

VII. TRANSITIONAL AND FINAL PROVISIONS

Time-limit for adoption of secondary legislation

Article 112

Subordinate legislation for enforcement of this law shall be enacted within six months as of the effective day of this law.

Pending the date of entry into force of the bylaws referred to in paragraph 1 of this Article, the secondary legislation adopted based on the Law on Prevention of Corruption ("Official Gazette of Montenegro", no. 53/14, 42/17 and 73/23) shall be applied.

Pending Procedures for Resolving Conflict of Interest

Article 113

Pending procedures for resolving conflict of interest in which no decision has been adopted by the date of entry into force of this Law shall be completed in accordance with the provisions of the Law on Prevention of Corruption ('Official Gazette of Montenegro', 53/14, 42/17 and 73/23).

Pending Procedures upon Whistleblowers' Reports

Article 114

The procedure under the competition for the election of the Police Director initiated in accordance with the Law on Interior Affairs ("Official Gazette of Montenegro", No. 53/14, 42/17 and 73/23) will be completed in accordance with that law.

Harmonization of the Rules on the Preparation and Implementation of the Integrity Plan

Article 115

The Rules on the Preparation and Implementation of the Integrity Plan, adopted on the basis of the Law on Prevention of Corruption ('Official Gazette of Montenegro', Nos. 53/14, 42/17 and 73/23), shall be harmonized with this Law within 60 days from the date of its entry into force.

Harmonization of Acts

Article 116

The Statute and the Job Descriptions Act of the Agency, the Code of Ethics of the employees of the Agency and other acts of the Agency adopted on the basis of the Law on Prevention of Corruption ('Official Gazette of Montenegro', Nos. 53/14, 42/17 and 73/23), shall be harmonized with this Law within 60 days from the date of its entry into force.

Designating an Impartial Person or an Organisational Unit Responsible for Following Up on Whistleblower Reports

Article 117

Employers referred to in Article 55 paragraph 2 of this Law shall designate an impartial person or an organisational unit responsible for following up on whistleblower reports within 60 day of entry into force of this Law.

Deferred Application of Certain Provisions

Article 118

Provisions of Article 4 paragraph 3 items 3 and 4 of this Law shall apply from the day of accession of Montenegro to the European Union.

Cessation of Validity of a Regulation

Article 119

On the date of entry into force of this Law, the Law on the Prevention of Corruption ("Official Gazette of the Republic of Montenegro" 53/14, 42/17 and 73/23) shall be repealed .

Entry into Force

Article 120

The present Law shall enter into force on the eighth day of its publication in the Official Gazette of Montenegro.

Number: 23-2/24-5/9 EPA

EPA 250 XXVII

Podgorica, 7 June 2024

The 28th Parliament of Montenegro

The President

Andrija Mandić

* The provisions of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law have been transposed into this Law.