

RULEBOOK ON THE CONTROL OF ASSETS, INCOME AND LIFESTYLE OF POLICE OFFICERS

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Pursuant to Article 169 paragraph 4 and Article 188 paragraph 3 of the Law on Internal Affairs (Official gazette of Montenegro 70/21, 123/21 and 3/23), Ministry of Interior adopted the

RULEBOOK ON THE CONTROL OF ASSETS, INCOME AND LIFESTYLE OF POLICE OFFICERS ¹

Subject Matter of the Law

Article 1

This Rulebook shall stipulate detailed manner of submission and the form of the asset and income declarations of police officers, as well as assets and income of their spouses or common law partners and children living in the same household (hereinafter referred to as: the declaration) and a detailed manner of control of assets, income and lifestyle of police officers, their spouses or common law partners and children, as well as persons related to them.

Using Gender-Sensitive Language

Article 2

The expressions used in this law for natural persons in the masculine gender shall imply the same expressions in the feminine gender.

Lifestyle and Related Persons

Article 3

Lifestyle of police officers, their spouses or common law partners and children, as well as persons related to them, within the meaning of this Rulebook, shall be the spending

¹ (Official Gazette of Montenegro, 059/24 as of 20 June 2024)

and other tendencies and habits of police officers, their spouses or common law partners and children, as well as persons related to them.

Person related to a police officer, their spouses or common law partners and children, within the meaning of this Rulebook, shall be a relative in the first direct line and in the collateral line up to the second degree of kinship, relative-in-law up to the first degree of kinship, adoptive parent or adoptee, member of a joint household, as well as any other natural or legal person with whom the police officer, their spouses or common law partners and children have a business or financial connection justifiably believed that it could have an impact on a police officer who is the subject of control in the performance of police affairs in line with the law.

Submission of Declarations

Article 4

Police officer shall submit the declaration:

- within 30 days from the day of entering employment, according to the status on the day of entering employment,
- once a year, by the end of July of the current year for the previous year at the latest;
- in the case of changes of declarations regarding an increase in assets of more than EUR 5,000, within 30 days of the date of change;
- within 30 days from the day of termination of employment as a police officer.

The declaration shall be submitted in writing.

Declaration Form

Article 5

Declaration shall be submitted in the form containing the following:

- 1) personal data of the police officer (full name, unique personal identification number, place of permanent or temporary residence and address, level of educational qualification and rank, position to which the officer is assigned, telephone number and e-mail address), as well as of his or her spouse or common-law partner (full name, unique personal identification number, place of permanent or temporary residence and address, name of the employer and the position assigned to them) and of children living in the same household (full name and unique personal identification number);
- 2) data on assets of the police officer, his or her spouse or common-law partner and children living in the same household, as follows:
 - immovable assets owned or co-owned by them,
 - real estate in which they reside, but which is not owned or co-owned by them,
 - ownership rights over movable assets that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, weapons, etc.);
 - ownership rights over movable assets whose value exceeds EUR 5,000 (works of art, watches, jewellery, etc.),
 - deposits in credit and other similar institutions in the country and abroad;
 - cash in the amount exceeding EUR 5,000;
 - securities,
 - shares and stakes in companies and other legal persons,

- immovable property owned by legal entities which are owned or founded by the police officer,
 - movable assets that are required to be registered, owned by the legal entity which is owned or founded by the police officer, and the value of which exceeds EUR 5,000;
 - debts (arising from bank credits, loans, etc.),
 - claims.
- 3) data on the income of the police officer, as follows:
- the amount of monthly salary,
 - membership in working bodies (working groups, commissions, councils, etc.) established by public authorities, public administration bodies, local self-government or local administration bodies and the amount of remuneration received on that basis,
 - income from other professional activities (scientific, teaching, cultural, sports, etc.),
 - income from copyrights and related rights, patent rights and rights of intellectual and industrial property,
 - income, premiums and profits from other work, activities, rent or other sources;
- 4) data on income of his spouse or common-law partner and children living in the same household;
- 5) notes on other specific characteristics;
- 6) statement of the police officer on the truthfulness of data provided;
- 7) information on the place and date of submission and the signature of the police officer;
- 8) consent for access to and inspection of accounts held with credit and other similar institutions in line with the Law on Credit Institutions and the Law on Personal Data Protection.

The form of the declaration Report shall be an integral part of this Rulebook.

Personal Data Protection Measures

Article 6

During the processing of data from the declaration, the public administration authority responsible for internal affairs (hereinafter: the Ministry) shall ensure the implementation of personal data protection measures stipulated by Article 24 of the Law on Personal Data Protection, in line with the internal act adopted by the Minister of the Interior, following the prior opinion obtained from the Agency for Personal Data Protection and Free Access to Information.

Procedure in Case of Failure to Submit Declarations

Article 7

Should a police officer fail to submit the declaration pursuant to Article 4 of this Rulebook, the head of the organizational unit of the Ministry responsible for monitoring the performance of public procurement activities and the supervision of the implementation of the law governing the protection of persons and property not provided by the state, as well as strengthening the integrity of employees in the Ministry (hereinafter: the Anti-Corruption Unit), shall refer to the Ethics Committee for an opinion

on whether a violation of the rules and standards established by the Code of Police Ethics has occurred and inform the immediate superior of the organizational unit in which the police officer who failed to submit the declaration is employed.

Control of Assets, Income and Lifestyle

Article 8

Control of assets, income and lifestyle of police officers, their spouses or common-law partners and children living in the same household shall be carried out by verifying the accuracy and completeness of data provided in the declaration, followed by the comparison of such data with the information on their lifestyle.

Control referred to in paragraph 1 of this Article shall be conducted in accordance with the annual control plan for a certain number of police officers.

The annual control plan referred to in paragraph 2 of this Article shall be adopted by the head of the Anti-Corruption Unit, with the consent of the Minister of the Interior, by the end of the current year for the following year.

The manner of conducting control referred to in paragraph 1 of this Article shall not be made available to the public.

For the purpose of verifying the data from the declaration, a police officer may provide the Anti-Corruption Unit consent to access and inspect accounts held with credit and other similar institutions, in line with the Law on Credit Institutions and the Law on Personal Data Protection.

Verification of Accuracy and Completeness of Data from the Declaration

Article 9

Accuracy and completeness of the data from the declaration shall be verified by an officer authorized to supervise the officials of the Ministry responsible for public procurement and supervision of the implementation of the law governing the protection of persons and property not provided by the state, as well as strengthening the integrity of employees in the Ministry (hereinafter: the officer of the Anti-Corruption Unit), by comparing such data with the records kept by competent authorities and legal entities in accordance with the law.

In order to carry out the verification referred to in paragraph 1 of this Article, the Anti-Corruption Unit shall submit to the authorities and legal entities referred to in paragraph 1 a request containing information on the categories of data requested, their purpose, the legal basis for the use and disclosure of such data, period of use and sufficient information for the identification of the person whom the requested data refer to.

Lifestyle Data

Article 10

Data on the lifestyle of police officers, their spouses or common-law partners, children as well as related persons shall be obtained by an officer of the Anti-Corruption Unit by undertaking of appropriate measures and actions and, in this regard, by exercising powers granted under the Law on Internal Affairs.

Processing of data referred to in paragraph 1 of this Article shall be carried out in line with the Law on Personal Data Protection.

Report on the Control of Assets, Income and Lifestyle

Article 11

Report on the control referred to in Article 8 of this Rulebook shall be prepared in line with the Law on Internal Affairs and submitted to the head of the Anti-Corruption Unit.

Incomplete Data

Article 12

If, during the control referred to in Article 8 of this Rulebook, it is established that the data within the declaration are incomplete, the police officer shall, at the request of an officer of the Anti-Corruption Unit, supplement the data in the declaration within 15 days.

Discrepancy Between the Assets and Income and the Realistically Achievable Income

Article 13

Provided that, during the control referred to in Article 8 of this Rulebook, it is established that the assets and income of a police officer, his or her spouse or common-law partner and children living in the same household exceed the income that could have been earned realistically, the police officer shall, at the request of an officer of the Anti-Corruption Unit, submit detailed data on the sources of acquiring the assets and income within 30 days.

Discrepancy Between the Lifestyle and the Realistically Achievable Income

Article 14

Provided that, during the control referred to in Article 8 of this Rulebook, it is established that the lifestyle of a police officer, his or her spouse or common-law partner and children does not correspond to the income that could have been earned realistically, the police officer shall, at the request of an officer of the Anti-Corruption Unit, within 30 days, submit detailed data, information and explanations on the sources of funds, the time of acquisition and purchase value of assets, as well as on personal and other expenses as well as provide any other necessary data for the purpose of establishing the justification of his or her lifestyle and the lifestyle of his or her spouse or common-law partner and children.

Inaccurate Data

Article 15

Provided that, during the control referred to in Article 8 of this Rulebook, it is established that the data from the declaration are inaccurate, the head of the Anti-Corruption Unit shall submit the report referred to in Article 11 of this Rulebook to the Ethics Committee for an opinion on whether a violation of the rules and standards established by the Code of Police Ethics has occurred, and shall inform the immediate superior of the organizational unit in which the police officer who submitted the declaration is employed.

Failure to Adhere to Requests

Article 16

If a police officer fails to act in accordance with Articles 12, 13, and 14 of this Rulebook, data within the declaration shall be deemed inaccurate.

In the case referred to in paragraph 1 of this Article, the head of the Anti-Corruption Unit shall act in accordance with Article 15 of this Rulebook.

Entry into Force

Article 17

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

No.: 070/24-16488

Podgorica, June 19 2024

Minister,

Danilo Šaranović

NOTE

The annexes forming an integral part of this Regulation can be viewed in a separate document accompanying this Rulebook.