

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 28th convocation, at the Seventh Sitting of the First Regular (Spring) Session in 2024, on 7 June 2024, has passed the

THE LAW ON PREVENTION OF CORRUPTION*¹

I. GENERAL PROVISIONS

Subject Matter of the Law

Article 1

This 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 shall mean any abuse of an official, business or social position or influence for the purpose of acquiring personal gain or gain for another person.

Public Officials

Article 3

For the purpose of this 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-government body, local government body, independent body, regulatory body, public institution,

¹ (Official Gazette of Montenegro 054/24 as of 11 June 2024, 041/26 as of 24 March 2026, 098/26 as of 9 July 2026 and 114/26 as of 3 August 2026)

* 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.

company or legal person exercising public authority, i.e. activities of a public interest or state-owned (hereinafter referred to as: public authority), as well as the person whose election, appointment or assignment to a post is subject to consent by a public 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 this 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 referred to as: 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 and the security of 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

Deleted. (Law on Protection of Whistleblowers, Official Gazette of Montenegro 114/26)

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 asset declarations of 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 line with this Law shall be performed by the Agency for the Prevention of Corruption (hereinafter referred to as: the Agency), as an autonomous and independent body, established by the Parliament of Montenegro, in line with this Law.

The Agency shall carry out activities of control of lobbying and control of the financing of political entities and election campaigns, in line 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

(Law Amending the Law on Prevention of Corruption, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 1)

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

- 1) gain means property or property rights and other material and non-material rights;
- 2) a person related to a public official means a relative of a public official in the direct line or to the second degree in the collateral line, a relative by marriage to the first degree, a spouse or common-law partner, a partner in a same-sex life partnership, an adoptive parent or adopted child, a member of the same household or another natural or legal person with whom the public official establishes or has established a business relationship for the acquisition of a personal interest;
- 3) a gift means a thing, right or service acquired or performed without compensation or under significantly more favourable conditions, money, securities or precious metals, regardless of their value, as well as any other gain given to a public official or a person related to a public official in connection with the exercise of public function;
- 4) property means property rights of any kind, regardless of whether they relate to assets of a tangible or intangible nature, movable or immovable property, securities and other documents evidencing property rights, including property in electronic or digital form;
- 5) work-related context means professional activities in the public or private sector through which, regardless of the nature of those activities, persons acquire information on breaches and within which those persons could suffer harm if they report such information, including

where the activity has meanwhile ceased, is about to commence or ought to have commenced;

- 6) facilitator means a person who assists a whistleblower in the process of reporting corruption in a work-related context and whose assistance should be confidential;
- 7) a person connected to a whistleblower means:
- a colleague or another person who could suffer harm because of his connection to the whistleblower in a work-related context;
 - a natural or legal person with whom the whistleblower is otherwise connected in a work-related context;
 - a relative of the whistleblower who is connected to the whistleblower in a work-related context, regardless of the type, line or degree of kinship;
- 8) information on breaches means information, including reasonable grounds for suspicion, concerning actual or potential breaches at the employer;
- 9) employer means a public authority, company, other legal person or entrepreneur with whom the whistleblower is employed, was employed or should soon be employed, within the meaning of Article 5 paragraph 2 of this Law;
- 10) reported person means a natural or legal person to whom the whistleblower report or public disclosure of information relates and who committed the breach, as well as a person connected to him.

II. PREVENTION OF CONFLICTS OF INTEREST IN THE EXERCISE OF PUBLIC FUNCTIONS, RESTRICTIONS IN THE EXERCISE OF PUBLIC FUNCTIONS, GIFTS, SPONSORSHIPS AND DONATIONS AND ASSET DECLARATIONS OF PUBLIC OFFICIALS

1. Prevention of Conflicts of Interest in the Exercise of Public Functions

Conflict of Interest

Article 9

A public official shall exercise his function in a manner that does not subordinate the public interest to a private interest and shall not cause a conflict of interest in the exercise of public function.

A conflict of interest in the exercise of public function shall exist where a private interest of a public official affects or may affect the impartiality of the public official in the exercise of public function, as well as in other situations that may give rise to a conflict of interest.

The Agency shall determine the existence of a conflict of interest and take measures to prevent a conflict of interest.

Opinions on the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and decisions on violations of the provisions of this 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 Asset Declarations of public officials, issued or adopted by the Agency in line with this Law, shall be binding on a public official.

A public official shall be deemed to have violated the provisions of this Law if, within five days of receipt of the opinion of the Agency referred to in paragraph 4 of this Article, he fails to act in line with that opinion and the obligations prescribed by this Law or acts in a manner that violates the prohibitions and rules prescribed by this Law, as well as other regulations governing conflicts of interest in the areas regulated by those regulations.

Statement on the Existence of a Conflict of Interest

Article 10

If, in the public authority in which he exercises a public function, a public official participates in the discussion and decision-making in a matter in which he or a person related to the public official has a private interest, he shall, without delay, refrain from undertaking any actions that could pose a risk of a 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 of a 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 public 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 issues 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 and informs the public official and the public authority referred to in paragraph 3 of this Article thereof, the public official may not participate in the discussion and decision-making and the public authority shall take a decision on his exemption.

The public authority shall prevent the execution of decisions taken contrary to paragraphs 1 to 4 of this Article and set them aside in line with the law and shall notify the Agency thereof.

2 Restrictions in the Exercise of Public Function

Performance of other Public Affairs

Article 11

A public official may engage in scientific, educational, cultural, artistic and sports activities and acquire income from copyright, patent and similar rights and intellectual and industrial property, unless otherwise prescribed by law.

Membership of a public official who is appointed or elected to permanent or temporary working bodies established by a public authority shall not be deemed the exercise of two or more public functions within the meaning of this Law, except for working bodies that take decisions or participate in decision-making in line with the law governing administrative proceedings.

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

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

Transfer of Management Rights in Companies

Article 12

A person who is the owner or founder of a company, institution or other legal person shall, within 30 days of election, assignment or appointment to public function, transfer his management rights in those entities to another legal or natural person so that that person may exercise them in his own name and on behalf of the public official until cessation of the public function.

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

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

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

Exercise of Managerial and Other Functions in Companies

Article 13

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

Exercise of Public Functions in a State-owned Company or Legal Person, Public Institution or Other Legal Person

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 this Law, shall, within 30 days of the beginning of the exercise of other functions or duties, resign from the public function.

If a public official, in the case referred to in paragraph 1 of this Article, fails to tender his resignation, it shall be deemed that the public function of that public official ceased on the date on which he commenced the exercise 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 legal person owned by the state.

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

The public 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 public authority acts 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:

- 1) act, before the public 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;
- 2) establish 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 function, acquires gain;
- 3) represent a natural or legal person before the public authority in which he exercised a public function in a case in which he participated, as a public official, in the decision-making;
- 4) 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;
- 5) enter into a contract or other form of business cooperation with the public 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

(Law Amending the Law on Prevention of Corruption, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 2)

A public official may not receive gifts in connection with the exercise of public function, except for protocol and occasional gifts, nor may he solicit gifts.

A protocol gift shall mean a gift from a representative of another state or international organisation given during a visit, stay or on other occasions, as well as another gift given on similar occasions.

An occasional gift shall mean a gift with a value of up to EUR 50 received on occasions when gifts are traditionally exchanged, except for money, securities or precious metals.

A public official may not receive an occasional gift if he is not certain whether the value of the gift exceeds EUR 50.

If, during one year, a public official receives several occasional gifts from the same donor, the total value of those gifts may not exceed EUR 50 and if, during that period, he receives occasional gifts from several donors, the value of those gifts may not exceed EUR 100.

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

The value of a gift shall be calculated according to its market value on the date of receipt.

Refusal of 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 public 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 to the donor, he shall hand over the gift within five days of receipt of the gift to the public authority in which he exercises the public function and from the date of handover 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 public 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 this Law, the gift shall be handed over to the public 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 referred to as: the Ministry).

Records of Gifts

Article 21

The public authority referred to in Article 20, paragraph 1 of this 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 this Law has not been complied with, it shall inform the public authority that submitted the excerpt from the records thereof.

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 line with this Law.

In cases where the Agency determines that a public official has received a gift contrary to the law, the public official shall, within five days of receipt of the decision of the Agency, hand over the gift or its equivalent monetary value to the public authority in which he exercises the public function and the gift or its equivalent monetary value shall 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 public authority in which he exercises public function where they affect or could affect the legality, objectivity and impartiality of the work of the public authority.

A public official may request an opinion from the Agency on whether a sponsorship or donation is involved within the meaning of paragraph 2 of this Article.

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

If a public official acts contrary to paragraphs 1 and 2 of this Article, the provisions of the Law on Contracts relating to the nullity of contracts shall apply mutatis mutandis to the contract concluded.

For the purpose of this Law, sponsorship means the transfer of certain material or non-material goods, movable or immovable property or other services to public authorities in exchange for oral or written mention or advertising of the logo of the sponsor, the logo of a product of the sponsor or another service, in line with the law.

For the purpose of this Law, donation means the transfer without compensation or unencumbered transfer of certain material and non-material goods or movable or immovable property to public authorities.

Disclosure of Data on Sponsorships and Donations

Article 24

A public authority shall, by the end of March of the current year for the previous year, submit to the Agency a written report on sponsorships and donations received, together with a copy of the documentation relating to those 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 line with the law.

The public authority shall, within five days of receipt of the opinion referred to in paragraph 2 of this Article, set aside decisions adopted under the influence of sponsorships or donations received, in line with the law and notify the Agency thereof.

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

(Law Amending the Law on Prevention of Corruption, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 3)

A public official shall, within 30 days of assuming office and in line with special regulations, submit to the Agency a report on his assets and income, as well as the assets and income of his spouse or common-law partner, partner in a same-sex life partnership and children living in the same household (hereinafter referred to as: the Asset Declaration), according to the situation on the date of election, appointment or assignment.

A public official shall state accurate and complete data in the Asset Declaration.

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

- once a year, by the end of March of the current year for the previous year;
- in the event of changes in assets exceeding EUR 10,000, within 30 days of the change;
- at the request of the Agency in the event of initiation of proceedings referred to in Article 33 paragraph 2 of this Law, within 30 days of receipt of the request or initiation of proceedings ex officio.

Upon cessation of public function, a public official shall, within 30 days of cessation of the function, notify the Agency thereof and submit the Asset Declaration.

A public official whose function has ceased shall submit the Asset Declaration to the Agency once a year for the following two years after cessation of the function, in the month in which his function ceased.

A public official shall, upon transfer to another public function, as well as in the event of election, appointment or assignment to another public function within the meaning of Article 14 paragraphs 2 and 5 of this Law, notify the Agency thereof within 30 days of the change.

The obligation to submit the Asset Declaration and the procedure for verifying data from the Asset Declaration shall also apply to:

- 1) a civil servant who is required to submit the Asset Declaration in line with a special law;
- 2) members of commissions conducting procedures with a value exceeding EUR 250,000 relating to:
 - public procurement;
 - privatisation;
 - awards of public-private partnership contracts; and
 - concessions.
- 3) an authorised person of the contracting authority, as well as a person to whom the authorised person of the contracting authority transfers authorisation, in connection with the procedures referred to in item 2 indent 1 of this paragraph.

Persons referred to in paragraph 7 item 2 indent 1 and item 3 of this Article shall submit the Asset Declaration within 30 days of conclusion of a public procurement contract, within one year of conclusion of that contract and within two years of conclusion of that contract.

Persons referred to in paragraph 7 item 2 indent 2 of this Article shall submit the Asset Declaration within 30 days of establishment of the commission for monitoring and control of the

privatisation procedure, within one year of establishment of that commission and within two years of establishment of that commission.

Persons referred to in paragraph 7 item 2 indent 3 of this Article shall submit the Asset Declaration within 30 days of drafting the decision on the award of a public-private partnership contract, within one year of drafting that decision and within two years of drafting that decision.

Persons referred to in paragraph 7 item 2 indent 4 of this Article shall submit the Asset Declaration within 30 days of adoption of the decision on an appeal lodged by a bidder against the decision of the competent authority on selection of the most advantageous tender, within one year of adoption of that decision and within two years of adoption of that decision.

Data to Be Reported

Article 26

(Decision of the Constitutional Court of Montenegro U-I No. 28/24, Official Gazette of Montenegro 041/26 of 24 March 2026)

The Asset Declaration shall contain:

- 1) personal data of the public official and members of the joint household referred to in Article 25 paragraph 1 of this Law, namely: name and surname, unique personal identification number, permanent or temporary residence and residential address, level of educational qualification and professional title and, for the public official, the name of the father, the name of the mother and the maiden surname of the mother;
- 2) data relating to the public function he exercises;
- 3) data on the assets and income of the public official and members of the joint household referred to in Article 25 paragraph 1 of this Law, in particular on:
 - the ownership right in immovable property and the leasehold right in immovable property for a period exceeding one year, in the country and abroad;
 - the ownership right in movable property whose value exceeds EUR 10,000 or which is subject to mandatory registration with the competent authorities (motor vehicles, vessels, aircraft, weapons etc.);
 - the ownership right in immovable and movable property of a company, institution or other legal person owned or founded by the public official;
 - any right whose value exceeds EUR 10,000;
 - deposits with credit institutions and other financial institutions in the country and abroad;
 - shares and equity interests in a legal person and other securities;
 - cash exceeding EUR 10,000;
 - rights arising from copyright, patent and similar rights and intellectual and industrial property;
 - debts (principal, interest and repayment deadline) and claims;
 - the source and amount of income from scientific, educational, cultural, artistic and sports activities;
 - membership in management bodies and supervisory bodies of companies or legal persons owned by the state, public institutions or other legal persons with a share of capital owned by the state or a municipality, as well as scientific, educational, cultural, artistic, humanitarian, sports or similar associations.

For the purpose of verifying data from the Asset Declaration, the Agency may have access to data on the accounts of the public official and members of the joint household referred to in Article

25 paragraph 1 of this Law held with credit institutions and other financial institutions, in line with the law governing the operations of credit institutions.

Data referred to in paragraph 1 of this Article shall be entered by the public official in the Asset Declaration form.

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

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

Submission of Reports

Article 27

A public official shall submit the Asset Declaration to the Agency electronically and in writing.

Register of Income and Assets

Article 28

Data from the Asset Declaration shall be kept in the Register of Income and Assets of Public Officials (hereinafter referred to as: 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 Asset Declaration 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 data referred to in Article 26 paragraph 1 item 1 of this Law, except names and surnames;
- the address at which immovable property is located;
- 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 a restriction in the exercise of public function, a public official shall take measures to resolve the conflict of interest or observe the restriction in line with the law and shall report the suspicion of a conflict of interest or a restriction in the exercise of public function to the Agency by submitting a request for an opinion on the existence of a conflict of interest or a restriction in the exercise of public function.

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

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

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

A public official may request the Agency to submit the opinion to him within a period not exceeding 15 days of submission of the request, in order to exercise and protect his rights and interests or 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 this 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 line with the law governing the protection of personal data.

6 The Process of Verifying data from the Asset Declaration

Annual Verification Plan

Article 32

The Agency shall conduct the verification of the data from the Asset Declaration 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 Asset Declaration 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 line 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 EUR 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 Asset Declaration.

In the case referred to in paragraph 3 of this Article, the public official shall submit a supplement or an amendment to the Asset Declaration in line with Article 25 paragraph 3 indent 3 of this Law and in the event of non-compliance the Agency shall 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 Asset Declaration 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 asset declarations of public officials

Initiation of Proceedings

Article 34

The procedure of deciding whether a public official has violated the provisions of this 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 asset declarations of public officials shall be initiated by the Agency, at the initiative of the public authority in which the public official exercises or has exercised a public function or the public 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 this Law shall contain: name and surname of a public official, the name of the public authority in which he performs or performed his function, the detailed facts on the violation of the provisions of this 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 asset declarations 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 Law shall be submitted in writing (directly or by post) 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 line with Article 35, paragraph 1 of this 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 submitter of the initiative fails to act in the manner and by the deadline specified in paragraph 1 of this Article, the Agency shall reject the initiative as incomplete.

Response by Public Officials

Article 37

The Agency shall request the public official against whom proceedings referred to in Article 34 of this Law have been initiated to submit a written response to the allegations in the initiative within 15 days of receipt of the request to submit a 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 line with this Law.

Determination of Facts and Circumstances

Article 38

The Agency shall manage the proceedings referred to in Article 34 of this Law through a person authorized by the director of the Agency (hereinafter referred to as: 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 line 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 public authority supervising the work of the public 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

Where he considers it necessary to establish facts and circumstances relevant to decision-making, the authorised officer may conduct examination proceedings ex officio.

At the request of a participant in the proceedings, the authorised officer shall conduct a hearing.

A hearing may also be conducted where the authorised officer considers it necessary to establish a complete and accurate state of facts relevant to decision-making.

Referral of Proceedings to Competent Authorities

Article 40

Where there are grounds for suspicion that a criminal offence prosecuted ex officio has been committed, the Agency shall, without delay, submit the initiative with the evidence collected in the exercise of its competence to the competent state prosecutor's office.

If, in proceedings referred to in Article 34 of this Law, the Agency obtains data indicating breaches that do not relate to a threat to the public interest indicating the existence of corruption, it shall submit those data to the competent authority.

The competent authorities referred to in paragraphs 1 and 2 of this Article shall notify the Agency of the outcome of the proceedings.

Decision-making

Article 41

The authorized officer shall, within 15 days of the completion of the proceedings referred to in Article 34 of this 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 this 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 asset declarations 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 this Law shall be submitted to the public official, the submitter of the initiative, the public authority in which the public official performs a public function and the public authority competent for the election, appointment or assignment 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 this Law shall be published on the website of the Agency, whereby the name, surname and function of the public official shall not be published in a decision establishing that the public official has not violated the provisions of this 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 asset declarations of public officials 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 this 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 this 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 asset declarations of public officials shall be subject to the provisions of the law governing the administrative procedure, unless this 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

A violation of the provisions of this 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 asset declarations of public officials as well as of special laws determining the powers of the Agency, established by a final or final and enforceable decision, shall be considered negligent discharge of public functions, of which the Agency shall inform the public authority in which the public official exercises a public function and the public 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 public 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 this 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 asset declarations of public officials as well as of special laws determining the powers of the Agency, within 60 days of receipt of that decision, with a written explanation.

If, as a result of negligent discharge of public functions, within the meaning of paragraph 1 of this Article, a public official is dismissed or suspended or where a disciplinary measure is imposed on him, the public authority responsible for the election, appointment or assignment of the public official shall notify the Agency thereof, 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 public authority responsible for the election, appointment or assignment of a public official shall, prior to deciding on the election, appointment or assignment of a public official, verify with the Agency whether the proposed candidate was dismissed for reasons referred to in paragraph 1 of this Article in the last four years prior to the candidacy in his capacity as a public official.

Compensation of Damage

Article 46

If a violation of this 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

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

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

III. WHISTLEBLOWERS

1. Submission of Whistleblower Reports

Report

Article 48

A whistleblower who has reasonable grounds to suspect the existence of a breach may submit a report in line with this Law.

The report referred to in paragraph 1 of this Article shall be submitted in writing, orally for the record, by post, electronically or by 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 data of the whistleblower if he does not wish to remain anonymous and, where necessary, other facts and circumstances.

Prohibition of Abuse of Reporting

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, facilitator, person connected to the whistleblower or reported person, data on the basis of which his identity may be discovered, as well as other data referred to in Article 49 of this Law stated in the report, shall be available exclusively to the persons or organisational units referred to in Article 55 paragraphs 1 and 2 of this Law, the Agency and the competent authority referred to in Article 57 paragraph 6 of this Law and shall be handled in line with the law governing data confidentiality.

Notwithstanding paragraph 1 of this Article, the identity of the persons and other data referred to in paragraph 1 of this Article may be disclosed only where necessary and proportionate to the obligations prescribed by a special law, in investigations conducted by state authorities or in court proceedings.

Protection of Confidentiality

Article 52

A person or organisational 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 connected to a whistleblower and another person participating in proceedings upon a whistleblower report shall protect data obtained from the report and may not use or disclose them for purposes other than those necessary for further action upon that report.

If the report referred to in Article 48 of this Law contains classified data, data constituting a trade secret, data relating to the confidentiality of deliberations of judicial panels or classified data under the rules of criminal procedure, those data shall be handled in line with the laws governing data confidentiality, trade secrets in the relevant activity and criminal procedure.

2. Internal and External Reporting and Public Disclosure of Information

Internal Reporting

Article 53

A whistleblower may submit the report referred to in Article 48 of this Law to the employer where, to his knowledge, there are reasonable grounds to suspect the existence of a breach.

Actions of the Employer upon a Report

Article 54

In proceedings upon a report referred to in Article 48 of this Law, the employer shall verify the veracity of the allegations concerning the existence of a breach and take measures within its competence to prevent the occurrence of the breach, in line with the law.

Designation of a Person or Organisational Unit for Receiving and Acting upon Reports

Article 55

For the purpose of conducting the procedure referred to in Article 54 of this Law, an employer with fewer than 20 employees may designate an impartial person or organisational unit for receiving and acting upon whistleblower reports.

For the purpose of conducting the procedure referred to in Article 54 of this Law, an employer with at least 20 employees shall designate an impartial person or organisational unit for receiving and acting upon the report referred to in Article 48 of this Law.

Whistleblower reports may be received and acted upon by a person or organisational unit which, in addition to those tasks, performs other tasks of his post or within its competence.

The employer shall make data on the designation of the person or organisational unit referred to in paragraphs 1 and 2 of this Article easily accessible in the work-related context and by publishing them on its website.

The person or organisational unit referred to in paragraphs 1 and 2 of this Article shall conduct a procedure to verify the veracity of the allegations in the report referred to in Article 48 of this Law and propose measures if the existence of a breach is established.

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

If a report referred to in Article 48 of this Law is received by a person or organisational unit not competent to act upon it, that person or organisational unit shall, without delay and without changes, forward the report to the person or organisational unit referred to in paragraphs 1 and 2 of this Article, protecting the identity of the whistleblower and the confidentiality of the data in the report.

A more detailed manner of acting 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 of a whistleblower under this Law.

Notification of Receipt of a Report and Measures Taken upon the Report

Article 56

The person or organisational unit referred to in Article 55 paragraphs 1 and 2 of this Law shall notify the whistleblower of receipt of the report referred to in Article 48 of this Law within seven days of submission of the report and of the measures taken upon the report or the outcome of the measures taken within 45 days of submission of the report.

External Reporting

Article 57

If a whistleblower has not been notified or is not satisfied with the notification or measures referred to in Article 56 of this Law, he may submit a report on breaches to the Agency.

A whistleblower may submit the report referred to in Article 48 of this Law to the Agency without previously submitting a report to the employer to which the report relates.

In addition to the data referred to in Article 49 of this Law, the report referred to in paragraph 1 of this Article may contain data on the reported person and a notification of measures taken

referred to in Article 56 of this Law, if that notification was submitted to the whistleblower, while the report referred to in paragraph 2 of this Article may also contain data on the reported person.

If a report does not contain the data referred to in Article 49 of this Law, the Agency shall invite the whistleblower to supplement the report within eight days.

If the whistleblower fails to act in line with paragraph 4 of this Article, the Agency shall discontinue the proceedings.

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

The competent authority referred to in paragraph 6 of this Article shall notify the Agency of the outcome of the proceedings upon the report without delay.

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

A more detailed manner of acting upon reports referred to in paragraphs 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 1 and 2 of this Law, the Agency establishes that there has been a 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 informing the Agency thereof. The opinion shall be submitted to the employer to which the report relates 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 this Law relates 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 public authority responsible for supervising the employer's work, submit a special report to the competent Parliamentary committee referred 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 provisions of Articles 36 to 39 of this Law shall apply mutatis mutandis to the procedure referred to in Article 57 of this Law and the procedure conducted ex officio by the Agency for determining the existence of a threat to the public interest indicating the existence of corruption.

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

A whistleblower may publicly disclose information on breaches if:

- 1) he previously submitted the report referred to in Article 48 of this Law to the employer and the Agency or to the Agency and no measures were taken within the deadlines referred to in Articles 56 and 58 of this Law to prevent the breach;
- 2) the whistleblower has reasonable grounds to believe that the breach presents an obvious danger, including in crisis situations or where there is a risk of irreparable harm;
- 3) reporting the breach to the Agency entails a risk of harm or the prospects that the breach will be remedied are low due to the particular circumstances of the case.

Referral of Proceedings to Competent Authorities

Article 64

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

3. Protection of Whistleblowers and Compensation for Damage

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 information, he had reasonable grounds to believe that the reported information on breaches was true.

A whistleblower shall not incur liability in respect of the manner in which he obtained or accessed the reported information referred to in paragraph 1 of this Article, provided that the manner of obtaining or accessing the information does not in itself constitute a criminal offence.

In court proceedings relating to a whistleblower report, including proceedings for infringement of copyright, breach of data confidentiality, breach of data protection rules, disclosure of a trade

secret or claims for compensation for damage arising from employment, the whistleblower shall not incur liability for submitting the report.

If proceedings referred to in paragraph 3 of this Article are initiated, the whistleblower shall be entitled to request discontinuation of the proceedings if it is established in those proceedings that the requirements referred to in paragraph 1 of this Article have been met.

Prohibition of Causing Harm to a Whistleblower

Article 66

It shall be prohibited, by a direct or indirect act, omission or failure to act in a work-related context, to cause harm to a whistleblower by placing him in a less favourable position in connection with submission of a report or public disclosure of information, particularly where the less favourable position relates to:

- 1) endangering life, health or property;
- 2) inability to obtain employment;
- 3) prevention from acquiring the status of trainee or volunteer;
- 4) work outside employment (de facto work);
- 5) prevention from education, training or professional development;
- 6) prevention from promotion at work, assessment with the grade 'unsatisfactory' and acquisition of a title or loss of a title;
- 7) denial of work resources used by him;
- 8) prohibition of access to certain data necessary for the performance of duties;
- 9) initiation of disciplinary proceedings and imposition of a penalty;
- 10) initiation of unjustified proceedings;
- 11) termination of employment;
- 12) temporary removal from work (suspension);
- 13) termination of business cooperation by termination of a service contract or a contract on temporary and occasional work;
- 14) failure to transform a fixed-term employment contract into an indefinite-term employment contract after the statutory requirements have been met, failure to extend a contract or early termination of a contract;
- 15) reduction or denial of salary and other employment benefits;
- 16) denial of participation in the profit of the employer;
- 17) failure to pay a reward or severance pay;
- 18) assignment to another post or another place of work outside the place of permanent or temporary residence;
- 19) assignment to another place of work and change of working hours without justified reasons;
- 20) failure to take measures to protect against harassment by other persons;
- 21) failure to refer him for mandatory medical examinations or referral for examination to assess fitness for work where the requirements for referral to such examinations are not met in line with the law;
- 22) early termination or cancellation of a contract for the procurement of goods or services;
- 23) placement on an appropriate list, in line with an informal or formal agreement relating to a particular sector of economic activity or the economy as a whole, on the basis of which a person will be unable to obtain employment in that sector or activity;

24) causing material and/or non-material damage, including non-material damage due to violation of personal rights, particularly on social media or financial loss, including loss of business and loss of income (lost profit);

25) discrimination;

26) mobbing.

Provisions of a general or individual act of the employer causing harm to a whistleblower or a person connected to a whistleblower because of submission of a whistleblower report or public disclosure of information shall have no legal effect.

Compensation for Damage Due to a Report

Article 67

A whistleblower shall be entitled to compensation for damage due to submission of a whistleblower report or public disclosure of information, in line with the law governing obligations.

Judicial Protection

Article 68

A whistleblower who has suffered harm or is at risk of suffering harm in line with Article 66 of this Law shall be entitled to file a whistleblower protection action before the competent court.

The action referred to in paragraph 1 of this Article shall be filed within the general limitation period prescribed by the law governing contracts and torts.

A basic court shall have subject-matter jurisdiction in the proceedings referred to in paragraph 1 of this Article, while territorial jurisdiction shall lie with the court in whose territory the plaintiff has his permanent residence or in whose territory the harmful act occurred.

Proceedings upon a whistleblower protection action shall be urgent.

Proceedings upon a whistleblower protection action need not be preceded by proceedings for peaceful settlement of disputes before the Agency for Peaceful Settlement of Labour Disputes or the Centre for Alternative Dispute Resolution.

The provisions of the law on civil procedure governing labour disputes shall apply *mutatis mutandis* to proceedings upon a whistleblower protection action.

Contents of the Action

Article 69

The following may be sought by a whistleblower protection lawsuit:

- 1) a determination that a harmful action referred to in Article 66 of this Law has been taken against the whistleblower;
- 2) prohibition of the commission and repetition of the harmful action referred to in Article 66 of this Law;
- 3) elimination of the consequences of the harmful action;
- 4) compensation for material and non-material damage;
- 5) publication of the judgment rendered upon that lawsuit in the media at the expense of the defendant.

Burden of Proof

Article 70

If, in proceedings upon a whistleblower protection action, the whistleblower, as plaintiff, makes it probable that he submitted a report or publicly disclosed information on breaches and that he

suffered harm, the burden of proving that the harmful act is not causally related to submission of that report or public disclosure of information shall be on the defendant.

Interim Measures

Article 71

In proceedings upon a whistleblower protection action or public disclosure of information, the court conducting the proceedings may order an interim measure in line with the law governing enforcement and security.

Right to Protection of a Facilitator and a Person Connected to a 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

An employer may reward a whistleblower who, by submitting a report, contributed to preventing the occurrence of a breach.

A whistleblower who, by reporting a breach, contributed to the generation of public revenue or income for the employer, where such revenue or income would not have been generated had the report not been submitted, shall be entitled to a cash reward from the employer that generated the income.

A whistleblower shall acquire the right to a reward when the revenue referred to in paragraph 2 of this Article is generated; if submission of the report resulted in the initiation and conduct of criminal proceedings concluded by a final decision resulting in asset confiscation, the right to the reward shall be acquired when the decision on asset confiscation becomes final.

The reward for a whistleblower shall be determined according to the contribution of the whistleblower in relation to the amount of revenue generated or assets confiscated.

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

Procedure for Exercising the Right to a Reward

Article 74

For the purpose of exercising the right to a reward, a whistleblower shall submit a written request to the employer that generated the income.

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

The decision determining the right to a reward shall also specify a deadline for payment of the reward, which may not exceed six months.

The decision on the request referred to in paragraph 1 of this Article shall be final and an administrative dispute may be initiated against it.

IV. PREVENTION OF CORRUPTION

Integrity Plan

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 a public authority, the public 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 referred to as: Integrity Plan).

The Integrity Plan shall be adopted in line 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 a public authority protect their reputation and the reputation of the public authority, provide confidence of citizens in the performance of public functions and the operation of the public 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 a public 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 referred to as: integrity manager);
- other data, in line with the rules for the preparation and implementation of the Integrity Plan.

Integrity Manager

Article 78

The Integrity Manager shall be designated by a decision of the head or responsible person in a public authority.

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

A public 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

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

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

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

Report on the Implementation of Integrity Plan

Article 81

A public authority shall submit to the Agency, by 15 April of the current year for the previous year, a report on the implementation of the Integrity Plan in line with the rules for the preparation and implementation of the Integrity Plan.

Based on the Integrity Plans and reports on their implementation submitted, the Agency may make recommendations to public authorities for improving Integrity Plans.

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

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

V. AGENCY

Competence of the Agency

Article 82

The Agency shall:

- determine the existence of conflicts of interest in the exercise of public function and take measures to prevent them;
- control restrictions in the exercise of public functions;
- control the receipt of gifts, sponsorships and donations;
- verify data from Asset Declarations;
- issue opinions on the existence of threats to the public interest indicating the existence of corruption and make recommendations for preventing threats to the public interest indicating the existence of corruption;

- submit to the competent authority referred to in Article 57 paragraph 6 whistleblower reports containing information on breaches that do not relate to threats to the public interest indicating the existence of corruption;
- monitor the adoption and implementation of Integrity Plans, make recommendations for their improvement and verify the assessment referred to in Article 80 paragraph 2 of this Law;
- adopt acts within the competence of the Agency in line with the law;
- submit initiatives for amendments to laws, other regulations and general acts in order to eliminate potential risks of corruption or align them with international anti-corruption standards;
- issue opinions on draft laws and other regulations and general acts for the purpose of alignment with international anti-corruption standards;
- initiate and conduct proceedings to determine violations of the provisions of this Law and other laws governing the competence of the Agency;
- cooperate with competent authorities, higher education institutions, scientific organisations and other entities for the purpose of implementing activities in the field of prevention of corruption;
- keep records and registers in line with this Law;
- issue misdemeanour orders and initiate misdemeanour and other proceedings;
- conduct educational, research and other preventive anti-corruption activities;
- engage in regional and international cooperation in the prevention of corruption;
- perform other tasks prescribed by law.

The Agency shall supervise the implementation of regulations governing lobbying and implement measures to control the financing of political entities and election campaigns, in line with a special law.

In performing tasks within its competence, the Agency may engage national and international experts or institutions organisations and establishments from the relevant fields.

Opinions for the Improvement and Prevention of Corruption

Article 83

The Agency may, on its own initiative or at the request of a public authority, company, legal person, entrepreneur or natural person, issue an opinion for the purpose of improving the prevention of corruption, reducing the risk of corruption and strengthening ethics and integrity in public authorities and other legal persons, containing an analysis of corruption risks, measures for eliminating corruption risks and preventing corruption.

When issuing the opinion referred to in paragraph 1 of this Article, the Agency shall assess the compliance of conduct with this Law, as well as other laws governing anti-corruption measures.

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

- another competent authority is acting upon the same request;
- there are grounds for suspicion that a criminal offence prosecuted ex officio has been committed; or
- the Agency initiates proceedings within its competence in the specific case.

The Agency shall publish the opinions referred to in paragraph 1 of this Article on its website or otherwise make them available to the public.

Legal Status of the Agency

Article 84

The Agency shall have the status of a legal person.

Bodies of the Agency

Article 85

Bodies of the Agency shall be the Council of the Agency (hereinafter referred to as: 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 this 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 referred to as: 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, in addition to the general requirements for employment in state authorities, he:

- 1) has at least Level VII1 of the education qualification framework;
- 2) has ten years of work experience, of which at least five years of work experience in the performance of tasks in the field of combating corruption or protection of human rights;
- 3) has at least three opinions on his professional and work qualities from a company, other legal person or entrepreneur for which he works or has worked or with which he has established business cooperation.

Restrictions on Election of a Member of the Council

Article 88

A person may not be elected as a member of the Council if, during the previous ten years, he held or holds any of the following functions:

- 1) Member of Parliament or councillor;
- 2) member of the Government;
- 3) a function in a political entity (party president, member of the presidency, their deputies, member of the executive or central committee or another official of a political party in line with the statute of the party);
- 4) a function 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 a criminal offence in the field of corruption and has not passed an integrity check in line with this Law may not be elected as a member of the Council.

Procedure for Election of Members of the Council

Article 89

Members of the Council shall be elected on the basis of a public competition announced by the competent committee.

The competent committee shall establish a Commission for conducting the election of members of the Council (hereinafter referred to as: the Commission).

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

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

The competent committee shall issue a public call for designation of a member of the Commission from among non-governmental organisations.

A non-governmental organisation may propose a candidate for a member of the Commission if it is entered in the register kept by the competent state administration body; if its instrument of incorporation and Statute provide for activities and objectives in the field of combating corruption and it has at least three years of experience in combating corruption; if it implemented at least one project in that field during the previous year; and if it submitted a tax return for the previous fiscal year to the tax authority, including a balance sheet and an income statement.

A non-governmental organisation referred to in paragraph 6 of this Article shall, together with the proposal of a candidate, submit a certified copy of its instrument of incorporation and Statute, a certified copy of the decision on entry in the register, an overview of projects and activities implemented during the previous three years and a certified copy of the certificate of submission of the tax return for the previous fiscal year.

Based on the procedure conducted pursuant to paragraph 5 of this Article, the competent committee shall establish a list of proposed candidates.

The representative to the Commission from among non-governmental organisations shall be the person proposed by the largest number of non-governmental organisations in the procedure conducted.

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

Integrity Check

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 expiry of the prescribed deadline for applications by candidates pursuant to the public competition referred to in Article 89 paragraph 1 of this Law, the Commission shall verify compliance with the requirements referred to in Articles 87 and 88 of this Law and compile a list of candidates for members of the Council who meet those requirements.

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

A candidate for a member of the Council shall prepare and present a written and reasoned vision of the future work of the Agency in the prevention of corruption.

Based on evidence of compliance with the requirements referred to in Article 87 paragraph 1 items 2 and 3 of this Law and the interviews with candidates, the Commission shall compile a reasoned list of five candidates for election as members of the Council.

The Commission shall compile the 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 applications to the competition.

The Commission shall submit the list of candidates referred to in paragraph 4 of this Article to the competent committee for the purpose of proposing it 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 election of members of the Council shall be repeated.

Dismissal of a Member of the Council

Article 92

A member of the Council may be dismissed prior to expiry of the term of office for which he was elected:

- 1) at his own request;
- 2) due to permanent loss of working capacity;
- 3) if it is subsequently determined that he does not meet the requirements referred to in Articles 87 and 88 of this Law or if he assumes a function referred to in Article 88 of this Law;
- 4) if he violates the provisions of this Law or the Rules of Procedure of the Council.

The grounds for dismissal referred to in paragraph 1 items 2, 3 and 4 of this Article shall be determined by the Council, which shall notify the competent committee thereof.

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

The Parliament shall dismiss a member of the Council upon the proposal of the competent committee.

An administrative dispute may be initiated against a decision on dismissal in the cases referred to in paragraph 1 items 3 and 4 of this Article.

The competent committee shall, three months prior to expiry of the term of office of a member of the Council, initiate the procedure for election of a member of the Council in line with Article 89 of this Law.

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

Competence of the Council

Article 93

The Council shall:

- 1) announce a competition for election of the Director of the Agency and elect and dismiss the Director of the Agency;
- 2) adopt the Statute and the act on internal organisation and job classification of the Agency upon the proposal of the Director of the Agency;
- 3) adopt the Annual Work Plan of the Agency upon the proposal of the Director of the Agency;
- 4) adopt the proposal for the budget and final account of the Agency upon the proposal of the Director of the Agency;

- 5) adopt the Rules on the Work of the Agency and the Rules on the Preparation and Implementation of Integrity Plans upon the proposal of the Director of the Agency;
- 6) decide on the exemption of the Director of the Agency;
- 7) adopt the Rules of Procedure of the Council;
- 8) submit initiatives to the Director of the Agency for improving the work of the Agency;
- 9) adopt the Annual Report on the Work of the Agency upon the proposal of the Director of the Agency;
- 10) verify data from the Asset Declaration of the Director of the Agency;
- 11) perform other tasks determined by the Statute of the Agency.

The Statute of the Agency, Rules of Procedure of the Council, Rules on the Work of the Agency and Rules on the Preparation and Implementation of Integrity Plans shall be published in the Official Gazette of Montenegro.

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 this 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 term of office has expired shall continue to work until the election of the new Council.

Remuneration for Work of the Council Members

Article 95

The President and a member of the Council shall be entitled to monthly remuneration amounting to 50% of the average gross salary in Montenegro during the previous year, according to the data of the administration body competent for statistics.

Procedure for Election of the Director of the Agency

Article 96

The Director of the Agency shall be elected by the Council on the basis of a public competition for a term of five years and may be elected no more than twice.

A person meeting the requirements referred to in Article 87 of this Law may be elected as the Director of the Agency.

In addition to the restrictions referred to in Article 88 of this Law, a person appointed or assigned by the Government or the Parliament as a public official during the previous five years may not be elected as the Director of the Agency.

After expiry of the prescribed deadline for applications by candidates, the Council shall verify compliance with the requirements referred to in paragraphs 2 and 3 of this Article and compile a list of candidates who meet those requirements.

The Council shall interview the candidates in the presence of all its members.

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

The Council shall decide on the election of the Director of the Agency by a majority of at least four votes within 30 days of expiry of the deadline for applications to the competition.

Competence of the Director of the Agency

Article 97

The Agency Director shall be empowered to:

- 1) represent the Agency;
- 2) organize and be responsible for work of the Agency;
- 3) make decisions, give opinions and recommendations and take other measures within the jurisdiction of the Agency;
- 4) perform other duties, in line with the law.

Dismissing the Agency Director

Article 98

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

- 1) at his own request;
- 2) due to permanent loss of working capacity;
- 3) if it is subsequently determined that he does not meet the requirements referred to in Articles 87 and 88 and Article 96 paragraph 3 of this Law or if he assumes a function referred to in Article 96 paragraph 3 of this Law;
- 4) if he violates the provisions of this Law or the Rules on the Work of the Agency.

The Council shall decide on dismissal of the Director of the Agency.

The procedure for dismissal of the Director of the Agency shall be initiated upon the proposal of at least three members of the Council and the Council shall adopt the decision on dismissal of the Director of the Agency by a majority of at least four votes.

An administrative dispute may be initiated against a decision on dismissal in the cases referred to in paragraph 1 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 regulate, in particular, the seat of the Agency, the principles of internal organisation, manner of work and responsibilities of the bodies of the Agency, the manner of adopting general and other acts and other issues of importance to the work of the Agency, in line 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 shall propose 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 to the draft budget of the Agency referred to in paragraph 3 of this Article in the Proposal for the Annual Budget Law, it shall submit a written explanation thereof to the Parliament.

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

Implementation of other Regulations

Article 101

General labour regulations shall apply to the rights, obligations and responsibilities of employees of the Agency.

Employees of the Agency may exercise the right to a monthly bonus to the basic salary in the amount of up to 30%, in line 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 line 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.

Article 104

Deleted. (Law on Protection of Whistleblowers, Official Gazette of Montenegro 114/26)

Handling of Data

Article 105

Members of the Council, the director of the Agency and the Agency employees shall handle classified data, data presenting business secrets and personal information that they learn in the performance of their duties in line with the regulations governing classified data, 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 this Law, the Agency shall keep:

- records of public officials who were determined, by a final, i.e. final and enforceable decision, to have violated this 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 public 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 public 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 the breach reported by the whistleblower; number and date of the notification on measures taken referred to in Article 56 of this Law, if that notification was submitted to the whistleblower; the number and date of the opinion issued by the Agency on the existence of a threat to the public interest indicating the existence of corruption and the number and date of the report of the employer to which the report relates on the actions taken to implement the recommendation referred to in the opinion of the Agency;
- register of whistleblower reports forwarded by the Agency to the competent public 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 public 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 this 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 classified data and personal data.

VI. PENAL PROVISIONS

Fines for Misdemeanours of a Legal Person and the Responsible Person in a Legal Person or State Authority, State Administration Body, Local Government Body or Local Self-Government Body

Article 108

A fine ranging from EUR 1,000 to EUR 20,000 shall be imposed on a legal person for a misdemeanour if it:

- 1) fails to enter the statement of a public official on the existence of a private interest in the minutes and fails to request the opinion of the Agency (Article 10 paragraph 3);
- 2) fails to take a decision on the exemption of a public official from the discussion and decision-making if the Agency determines that there is a conflict of interest referred to in Article 10 paragraph 1 of this Law (Article 10 paragraph 5);
- 3) fails to set aside decisions adopted contrary to Article 10 paragraphs 1 to 4 of this Law and fails to notify the Agency thereof (Article 10 paragraph 6);
- 4) concludes a contract with a company or another legal person in which the public official and a person related to him have a private interest (Article 16 paragraph 3);
- 5) fails to submit to the Agency an excerpt from the records of gifts by the end of March of the current year for the previous year (Article 21 paragraph 1);
- 6) fails to submit to the Agency a written report on sponsorships and donations received, together with a copy of the documentation, by the end of March of the current year for the previous year (Article 24 paragraph 1);
- 7) fails to provide the requested data and information within the deadline and in the manner determined by the Agency or fails to make the requested documentation available for inspection (Article 33 paragraph 2);
- 8) fails to submit the requested data and information or fails to make the requested documentation available for inspection within the deadline and in the manner determined by the Agency (Article 38 paragraph 3);
- 9) fails to notify the Agency of the outcome of the proceedings referred to in Article 40 paragraphs 1 and 2 of this Law (Article 40 paragraph 3);
- 10) fails to notify the Agency of the measures taken upon a decision of the Agency determining that a public official violated the provisions of this 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 Asset Declarations of public officials, as well as special laws within the competence of the Agency, within 60 days of receipt of that decision, together with a written explanation (Article 45 paragraph 2);
- 11) fails to notify the Agency of dismissal, suspension or imposition of a disciplinary measure due to negligent exercise of public function within 30 days of adoption of the decision (Article 45 paragraph 3);
- 12) prior to deciding on the election, appointment or assignment of a public official, fails to verify with the Agency whether the proposed candidate, during the previous four years prior to candidacy, was dismissed in the capacity of a public official for the reasons referred to in Article 45 paragraph 1 of this Law (Article 45 paragraph 6);
- 13) fails to protect data obtained from a report and uses or discloses them for purposes other than those necessary for further action upon that report (Article 52 paragraph 1);
- 14) fails to designate an impartial person or organisational unit for receiving and acting upon whistleblower reports for the purpose of conducting the procedure referred to in Article 54 of this Law (Article 55 paragraph 1);
- 15) fails to make data on the designation of the person or organisational unit referred to in Article 55 paragraphs 1 and 2 of this Law easily accessible in the work-related context and by publishing them on its website (Article 55 paragraph 4);
- 16) influences the actions of the impartial person or organisational unit when undertaking actions within the competence of that person or organisational unit necessary for the protection of a whistleblower (Article 55 paragraph 6);
- 17) fails to forward a report, without delay and without changes, to the person or organisational unit referred to in Article 55 paragraphs 1 and 2 of this Law while protecting the identity of the whistleblower and confidentiality of the data in the report (Article 55 paragraph 7);

- 18) fails to submit to a whistleblower a notification of receipt of a report within seven days of submission of that report and fails to notify the whistleblower of the measures taken upon his report or the outcome of the measures taken within 45 days of submission of the report (Article 56);
- 19) fails to submit, within the specified deadline, a report on the actions taken to implement the recommendation referred to in Article 58 paragraph 1 of this Law (Article 59 paragraph 1);
- 20) fails to keep records of whistleblower reports containing the data referred to in Article 62 of this Law;
- 21) fails to submit a whistleblower report concerning breaches that do not fall within its competence to the competent authority without delay (Article 64);
- 22) causes harm to a whistleblower, facilitator or person related to a whistleblower by placing that person in a less favourable position in connection with submission of a report or public disclosure of information, through a direct or indirect act, omission or failure to act in a work-related context (Article 66);
- 23) fails to adopt a decision within 30 days of submission of the request referred to in Article 74 paragraph 2 of this Law, fails to determine a deadline for payment of the reward or determines a deadline exceeding six months (Article 74 paragraphs 2 and 3);
- 24) fails to adopt an Integrity Plan (Article 75 paragraph 1);
- 25) fails to submit to the Agency the decision designating the Integrity Manager within eight days of adoption of the decision (Article 78 paragraph 2);
- 26) fails to adopt an Integrity Plan within six months of establishment and submit it to the Agency within eight days of adoption, in line with the rules for the preparation and implementation of the Integrity Plan (Article 79 paragraph 1);
- 27) fails to adopt a new Integrity Plan every second year and submit it to the Agency within eight days of its adoption, in line with the assessment referred to in paragraph 2 of that Article (Article 80 paragraph 3);
- 28) fails to submit a report on the implementation of the Integrity Plan by 15 April of the current year for the previous year (Article 81 paragraph 1).

For a misdemeanour referred to in paragraph 1 of this Article, a fine ranging from EUR 500 to EUR 2,000 shall also be imposed on the responsible person in a legal person, state authority, state administration body, local government body or local self-government body.

For a misdemeanour referred to in paragraph 1 items 13, 14, 15, 16 and 17 of this Article, a fine ranging from EUR 500 to EUR 6,000 shall be imposed on an entrepreneur.

Fines for Misdemeanours of Public Officials

Article 109

A fine ranging from EUR 500 to EUR 2,000 shall be imposed on a public official for a misdemeanour if he:

- 1) fails to refrain from undertaking any action presenting a risk of a conflict of interest, fails, no later than within three days of becoming aware thereof, to give a written statement on the existence of a private interest or the risk of a conflict of interest and fails to notify the public authority and the other participants in the discussion and decision-making prior to his participation in the discussion (Article 10 paragraph 1);
- 2) participates, in the case referred to in Article 10 paragraph 1 of this Law, in the discussion and adoption of a decision (Article 10 paragraphs 4 and 5);
- 3) fails to report to the Agency accurate and complete data on income acquired by carrying out the activities or tasks referred to in Article 11 paragraphs 1 and 2 of this Law (Article 11 paragraph 3);

- 4) acquires income in the same month on the basis of membership in several working bodies referred to in Article 11 paragraph 2 of this Law (Article 11 paragraph 4);
- 5) fails to transfer his management rights in a company, institution or other legal person owned or founded by him to another legal or natural person within 30 days of election, appointment or assignment to public office (Article 12 paragraph 1);
- 6) fails to submit to the Agency data on the person to whom he transferred management rights and evidence of the transfer within five days of transfer of the management rights (Article 12 paragraph 3);
- 7) is a president or member of a management or supervisory body, executive director or member of management of a company or legal person owned by the state, public institution or other legal person (Article 14 paragraphs 1 and 2);
- 8) performs tasks in the state administration, local government bodies and local self-government bodies and exercises the function of Member of Parliament (Article 14 paragraph 3);
- 9) performs tasks in the state administration and local government and local self-government bodies, except the tasks of president of a municipality, vice-president of a municipality, chief administrator, secretary of a secretariat, head of a special service, member of a board of directors or governing board, executive director of companies and public institutions founded by a municipality, member of the council and director of a local public broadcaster and tourist organisation, as well as other tasks within functions appointed by the Municipal Assembly (Article 14 paragraph 4);
- 10) acquires income or other remuneration on the basis of membership in management or supervisory bodies referred to in Article 14 paragraphs 2 and 5 of this Law (Article 14 paragraph 6);
- 11) fails to resign from public function within 30 days of commencing the exercise of another function or duty when, during the exercise of public function, he accepts another duty or function referred to in Article 13 or Article 14 paragraphs 1 and 3 of this Law (Article 15);
- 12) concludes a contract for the provision of services with a company or legal person or a contract for the provision of services with a public authority, company or legal person owned by the state which has a contractual relationship with or performs tasks for the public authority in which the public official exercises his function, where the value of those contracts exceeds EUR 1,000 per year (Article 16 paragraphs 1 and 2);
- 13) receives a gift that is neither a protocol gift nor an occasional gift (Article 18 paragraph 1);
- 14) receives, during one year, several gifts from the same donor with a total value exceeding EUR 50 or receives gifts from several donors during that period with a value exceeding EUR 100 (Article 18 paragraph 5);
- 15) fails to draft or submit to the public authority in which he exercises public function a written report on the offer referred to in Article 19 paragraph 1 of this Law within eight days of the offer (Article 19 paragraph 2);
- 16) in the case referred to in Article 19 paragraph 1 of this Law, where he was unable to refuse the gift or return it to the donor, fails to hand over the gift to the public authority in which he exercises public function within five days of receipt of the gift (Article 19 paragraph 3);
- 17) fails to hand over the gift or the equivalent monetary value of the gift to the public authority in which he exercises his function, where the Agency determines that he received gifts, within five days of receipt of the decision of the Agency (Article 22 paragraph 2);
- 18) concludes a sponsorship agreement in his own name (Article 23 paragraph 1);
- 19) concludes a sponsorship agreement or receives a donation in the name of the public authority in which he exercises public function which affects or could affect the legality, objectivity and impartiality of the work of the public authority (Article 23 paragraph 2);

- 20) fails to act in line with the opinion of the Agency within five days of receipt of that opinion (Article 23 paragraph 4);
- 21) fails to submit to the Agency a written report on sponsorships and donations received, together with a copy of the documentation relating to those sponsorships or donations, by the end of March of the current year for the previous year (Article 24 paragraph 1);
- 22) fails to set aside decisions adopted under the influence of sponsorships or donations received and fails to notify the Agency thereof within five days of receipt of the opinion of the Agency (Article 24 paragraph 3);
- 23) fails, within 30 days of assuming office, to submit to the Agency an Asset Declaration concerning his assets and income, as well as the assets and income of his spouse or common-law partner, partner in a same-sex life partnership and children living in the same household, according to the situation on the date of election, appointment or assignment (Article 25 paragraph 1);
- 24) fails to state accurate and complete data in the Asset Declaration (Article 25 paragraph 2);
- 25) during the exercise of public function, fails to submit the Asset Declaration once a year, by the end of March of the current year for the previous year; fails to report a change involving an increase in assets exceeding EUR 10,000 within 30 days of the change; or, at the request of the Agency in the event of initiation of proceedings referred to in Article 33 paragraph 2 of this Law, fails to submit the Asset Declaration within 30 days of receipt of the request or initiation of proceedings ex officio (Article 25 paragraph 3 indents 2 and 3);
- 26) fails to notify the Agency, upon transfer to another public function or in the event of election, appointment or assignment to another public function within the meaning of Article 14 paragraphs 2 and 4 of this Law, within 30 days of the change (Article 25 paragraph 6);
- 27) fails, at the request of the Agency, to submit detailed data on the grounds for acquiring assets and income within 30 days (Article 33 paragraph 5).

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

For a misdemeanour referred to in paragraph 1 items 23, 24, 25 and 27 of this Article, a fine ranging from EUR 500 to EUR 1,000 shall also be imposed on a civil servant who is required to submit the Asset Declaration in line with a special law.

For a misdemeanour referred to in paragraph 1 item 13 of this Article, a fine ranging from EUR 300 to EUR 500 shall also be imposed on the spouse or common-law partner and children of a public official if they live in the same household and receipt of the gift is connected with the public official or the exercise of public function (Article 18 paragraph 5).

Fines for Misdemeanours of Natural Persons

Article 110

(Law Amending the Law on Prevention of Corruption, Official Gazette of Montenegro 098/26 of 9 July 2026, Article 4)

A fine ranging from EUR 500 to EUR 2,000 shall be imposed on a natural person for a misdemeanour if he:

- 1) fails to submit the Asset Declaration within 30 days of conclusion of a public procurement contract and within one year and two years, respectively, of conclusion of the public procurement contract (Article 25 paragraph 8);

- 2) fails to submit the Asset Declaration within 30 days of establishment of the commission for monitoring and control of the privatisation procedure and within one year and two years, respectively, of establishment of the commission (Article 25 paragraph 9);
- 3) fails to submit the Asset Declaration within 30 days of drafting the decision on the award of a public-private partnership contract and within one year and two years, respectively, of drafting the decision on the award of a public-private partnership contract (Article 25 paragraph 10);
- 4) fails to submit the Asset Declaration within 30 days of adoption of the decision on an appeal lodged by a bidder against the decision of the competent authority on selection of the most advantageous tender and within one year and two years, respectively, of adoption of the decision on that appeal (Article 25 paragraph 11);
- 5) submits a report containing information which the reporting person knew to be untrue (Article 50 paragraph 2);
- 6) fails to protect data obtained from a report and uses or discloses them for purposes other than those necessary for further action upon that report (Article 52 paragraph 1);
- 7) causes harm to a whistleblower, facilitator or person related to a whistleblower by placing that person in a less favourable position in connection with submission of a report or public disclosure of information, through a direct or indirect act, omission or failure to act in a work-related context (Article 66).

Fines for Misdemeanours of Persons whose Public Function Has Ceased

Article 111

A fine ranging from EUR 1,000 to EUR 2,000 shall be imposed on a person whose public function has ceased for a misdemeanour if, within one year following cessation of the public function, he:

- 1) acts before the public authority in which he exercised public function as a representative or attorney of a legal person, entrepreneur or international or other organisation which has or establishes a contractual or business relationship with that public authority (Article 17 paragraph 1 item 1);
- 2) establishes an employment relationship or business cooperation with a legal person, entrepreneur or international or other organisation which acquires a gain on the basis of decisions of the public authority in which the public official exercised his function (Article 17 paragraph 1 item 2);
- 3) represents a legal or natural person before the public authority in which he exercised public function in a case in which he participated in adopting a decision as a public official (Article 17 paragraph 1 item 3);
- 4) performs management or audit tasks in a legal person in which, for at least one year prior to cessation of public function, his duties were connected with supervisory or control tasks (Article 17 paragraph 1 item 4);
- 5) enters into a contractual relationship or another form of business cooperation with the public authority in which he exercised public function (Article 17 paragraph 1 item 5);
- 6) fails to notify the Agency thereof within 30 days of cessation of the function or fails to submit the Asset Declaration once a year for the following two years after cessation of the function, by the end of March of the current year for the previous year (Article 25 paragraphs 4 and 5).

A fine ranging from EUR 1,000 to EUR 2,000 shall be imposed on a person whose public function has ceased for a misdemeanour if, within two years following cessation of the public function, he uses, for the purpose of acquiring a gain for himself or another or causing harm to

another, knowledge and information acquired in the exercise of public function, unless such knowledge and information are publicly available (Article 17 paragraph 2).

In addition to the fine for misdemeanours referred to in paragraphs 1 and 2 of this Article, the protective measure of prohibition from carrying out activities for a period of six months to one year may also be imposed.

VII. TRANSITIONAL AND FINAL PROVISIONS

Deadline 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.

Until the subordinate legislation referred to in paragraph 1 of this Article is adopted, the subordinate 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 line 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

Proceedings initiated upon whistleblower reports in line with the Law on Prevention of Corruption (Official Gazette of Montenegro 53/14, 42/17 and 73/23) shall be completed in line with the provisions of that Law.

Harmonisation 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 Internal Organisation and 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 harmonised 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 days 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 Prevention of Corruption (Official Gazette of Montenegro 53/14, 42/17 and 73/23) shall cease to have effect.

Entry into Force

Article 120

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