

LAW ON THE PROTECTION OF WHISTLEBLOWERS

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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 Sixteenth Sitting of the First Regular (Spring) Session in 2026, on 29 July 2026, has passed the

LAW ON THE PROTECTION OF WHISTLEBLOWERS¹ *

I. GENERAL PROVISIONS

Subject Matter

Article 1

This Law shall regulate the reporting of breaches in a work-related context, rights of whistleblowers in the reporting procedure and their protection, obligations of public authorities prescribed by the law governing prevention of corruption (hereinafter referred to as: public authority), as well as of other legal and natural persons in relation to reports of breaches and other matters of relevance to reporting of breaches and protection of whistleblowers, with a view to ensuring their effective protection and establishing accessible and reliable reporting channels.

Application

Article 2

Provisions of this Law shall not apply to the reporting of breaches in line with the European Union acts listed in Part II of the Annex to 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 (hereinafter referred to as: Directive 2019/1937) when those acts lay down specific rules on the reporting of breaches.

Provisions of this Law shall not exclude the right of whistleblowers to consult representatives of trade union organisations or trade union associations and the right to protection against any retaliation that may result from such consultation, the autonomy of

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social partners and their right to conclude collective agreements, without prejudice to the scope of protection afforded by this Law.

Breaches in a Work-Related Context

Article 3

For the purposes of this Law, breaches in a work-related context shall be:

1) a breach of national legislation and European Union law, as well as an action aimed at concealing such a breach, particularly in the following areas:

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

2) a threat to the public interest indicating the existence of corruption, which constitutes a breach of national legislation and European Union law or ethical rules, an impairment of integrity or the possibility of such a breach occurring, as well as an action aimed at concealing such a breach, a danger to life, health, human safety and environmental protection and a violation of human rights;

3) a breach of legislation affecting the financial interests of the European Union as referred to in Article 325 of the Treaty on the Functioning of the European Union and as further specified in relevant European Union measures;

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

5) a breach of national legislation and European Union law in other areas, as well as any other act or omission which, although not formally unlawful, prevents the achievement of the statutory objective or purpose of the legislation.

Work-related context referred to in paragraph 1 of this Article shall be work 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 should they report such information, including when the activity has meanwhile ceased, is about to begin or should have begun.

Whistleblower

Article 4

Whistleblower shall be a natural person employed in the public or private sector who has acquired information on breaches in a work-related context and who submits a report on breaches or publicly discloses information on breaches in line with this Law.

For the purposes of paragraph 1 of this Article, the following persons in particular shall be considered employed persons:

- 1) a person in employment, as well as a person having worker status within the meaning of Article 45(1) of the Treaty on the Functioning of the European Union;
- 2) a person having the status of a self-employed person, including a person having the status of a self-employed person within the meaning of Article 49 of the Treaty on the Functioning of the European Union;
- 3) a shareholder and a person belonging to the administrative, management or supervisory body of an undertaking, including non-executive members;
- 4) a volunteer, trainee or beneficiary of professional training;
- 5) a person working under the supervision and in line with the instructions of contractors, subcontractors and suppliers;
- 6) a person participating in any manner in the activities of a legal or natural person;
- 7) a person who was employed or expects to be employed within the meaning of items 1 to 6 of this paragraph, provided that information on breaches was obtained during the recruitment process or other pre-contractual negotiations.

Use of Gender-Sensitive Language

Article 5

Terms used in this Law for natural persons in the masculine gender shall also apply to the corresponding terms in the feminine gender.

Definitions

Article 6

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

- 1) public interest shall be the material and non-material interest for the well-being and prosperity of all citizens on equal terms;
- 2) private interest shall be an ownership or other material or non-material interest of the reported person;
- 3) corruption shall be any abuse of an official, business or social position or influence for the purpose of obtaining personal benefit or benefit for another person;
- 4) facilitator shall be a person who assists a whistleblower in the procedure for reporting breaches in a work-related context and whose assistance should be confidential;
- 5) person connected with the whistleblower shall be:
 - a colleague or another person who, due to their connection with the whistleblower in a work-related context, could suffer harm,
 - 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 with the whistleblower in a work-related context, regardless of the type, line or degree of kinship;
- 6) information on breaches shall be information, including reasonable grounds to suspect actual or potential breaches in a work-related context that have occurred or

are very likely to occur in the work-related context in which the whistleblower works or worked or at another entity with which the whistleblower is or was in contact in the course of their work, as well as attempts to conceal such breaches;

7) employer shall be a public authority, business organisation, other legal person or entrepreneur with which the whistleblower is employed, was employed or expects to be employed within the meaning of Article 4 paragraph 2 items 1 to 6 of this Law, provided that information on breaches was obtained during the recruitment process or other pre-contractual negotiations;

8) reported person shall be a natural or legal person to whom a whistleblower report or public disclosure of information on breaches refers and who committed the breach, as well as a person connected with that person;

9) retaliation shall be any direct or indirect act or omission in a work-related context prompted by internal or external reporting or public disclosure of information on breaches, which causes or may cause harm to the whistleblower.

II. REPORTING BREACHES AND DATA PROTECTION

Channels for Reporting Breaches

Article 7

Channels for reporting breaches shall be established in a manner making them accessible to all employees and other relevant persons, easy to use, confidential, protected against unauthorised access and enabling timely action on reports of breaches.

Submission of and Acting upon a Report

Article 8

Any whistleblower who has reasonable grounds to suspect the existence of a breach in a work-related context may submit a report in line with this Law (hereinafter referred to as: report).

For the purposes of paragraph 1 of this Article, submission of a report shall not include communicating unsubstantiated rumours or information already published in the media, unless the whistleblower was the source of such information.

Reports shall be submitted in writing, orally for the record, by post, electronically or by telephone.

Written form shall include any form of communication that provides a written record.

Oral report may be submitted by telephone, voice message or directly to the person designated to receive and act upon reports.

Oral report shall be documented through a precise recording of its content.

Person designated to receive and act upon reports shall draft a record of an orally submitted report and allow the whistleblower to review, correct and confirm it by signature.

Submission of a report by telephone or voice message may be recorded only after the whistleblower has been informed thereof in advance and has given their explicit consent.

Should the submission of a report by telephone not be recorded, a record of the content of the conversation may be drafted without prior consent of the whistleblower, provided that the whistleblower is allowed to review, correct and confirm the record by signature.

Should the submission of a report be made directly to the person designated to receive and act upon reports, the submission may be recorded only with explicit consent of the whistleblower.

Acting upon a whistleblower report shall comprise of any action taken to verify the accuracy of the allegations contained in the report and, where possible, any measure taken to remedy the reported breach, in particular:

- 1) conducting an internal investigation;
- 2) referring the report to competent authorities;
- 3) discontinuing the procedure due to lack of evidence or other reasoned grounds;
- 4) providing acknowledgement of receipt of the report, as well as information on the measures taken in response to the report.

Whistleblower shall be informed of the measures taken in response to the report, the outcome of the procedure and any failure to take measures in response to the report, together with the reasons for such action or inaction.

Whistleblower may be requested to provide additional information necessary for acting upon the report.

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

Content of the Report

Article 9

Report shall contain a description of the breach, the personal data of the whistleblower unless they wish to remain anonymous and when necessary other facts and circumstances.

Prohibition of Preventing the Reporting of Breaches and Initiating Malicious Proceedings

Article 10

Preventing or attempting to prevent the reporting of breaches shall be prohibited.

Initiating malicious proceedings against a whistleblower, a facilitator and a person connected with the whistleblower shall be prohibited.

Prohibition of Abuse of Submission of Reports and Public Disclosure of Information on Breaches

Article 11

Abuse of the submission of reports and public disclosure of information on breaches shall be prohibited.

Abuse referred to in paragraph 1 of this Article shall exist when a report is submitted or information on breaches is publicly disclosed which the reporting person knew to be untrue.

Protection of Confidentiality

Article 12

Identity of the whistleblower, facilitator, person connected with the whistleblower and reported person, data on the basis of which their identity may be disclosed, as well as other data referred to in Article 9 of this Law contained in the report, shall be accessible solely to the persons or organisational units referred to in Article 16 paragraphs 1 and 2 of this Law, the Agency for Prevention of Corruption (hereinafter referred to as: the Agency) and the competent authority referred to in Article 18 paragraph 16 of this Law and shall be handled in line with the law governing classified data.

Notwithstanding paragraph 1 of this Article, identity of a person and other data referred to in paragraph 1 of this Article may be disclosed only when this is necessary and proportionate to the obligations laid down by national legislation or European Union law within an investigation or court proceedings, unless disclosure of the identity of the person and other data referred to in paragraph 1 of this Article would jeopardise the investigation or court proceedings.

Should it be necessary, in the course of acting upon a report, to disclose the identity of a person or other data referred to in paragraph 1 of this Article, the person or organisational unit referred to in Article 16 paragraphs 1 and 2 of this Law, the Agency and the competent authority referred to in Article 18 paragraph 16 of this Law shall, prior to disclosing the identity of the person or other data referred to in paragraph 1 of this Article, notify the person referred to in paragraph 1 of this Article thereof in writing, stating the reasons for disclosure of the identity or other data referred to in paragraph 1 of this Article, unless such notification could jeopardise the investigation or court proceedings.

Person or organisational unit referred to in Article 16 paragraphs 1 and 2 of this Law, the Agency and the competent authority referred to in Article 18 paragraph 16 of this Law shall keep confidential all information obtained in connection with the report.

Person or organisational unit referred to in Article 16 paragraphs 1 and 2 of this Law, the Agency and the competent authority referred to in Article 18 paragraph 16 of this Law shall protect the personal data of an anonymous whistleblower whose identity is subsequently disclosed.

Data Protection

Article 13

Person or organisational unit referred to in Article 16 paragraphs 1 and 2 of this Law, the Agency, the competent authority referred to in Article 18 paragraph 16 of this Law, a facilitator, a person connected with the whistleblower and another person participating in the procedure upon the report shall protect data obtained from the report and shall not use or disclose such data for purposes other than those necessary for further acting upon that report.

Should a report contain classified data, information obtained in the course of providing legal assistance, information obtained in the course of providing medical assistance, data relating to the confidentiality of deliberations of judicial panels, as well as classified data in line with the rules of criminal procedure, such data and information shall be handled in line with the laws governing classified data, trade secrets in the relevant sector and criminal procedure.

Any processing of personal data in line with this Law, including exchange or transfer of personal data to the competent authorities referred to in Article 18 paragraph 16 of this Law, shall be carried out in line with the law governing personal data protection and relevant European Union law.

III. INTERNAL AND EXTERNAL REPORTING AND PUBLIC DISCLOSURE OF INFORMATION ON BREACHES

Internal Reporting

Article 14

Whistleblower may submit a report to the employer where, to their knowledge, there are reasonable grounds to suspect the existence of a breach.

Whistleblower shall be encouraged to submit a report to the employer before externally reporting information on breaches, particularly when the whistleblower considers that there is no risk of harm in line with Article 26 of this Law.

Acting upon a Report by the Employer

Article 15

When acting upon a report, the employer shall verify the truthfulness of allegations concerning the existence of a breach and take measures within its competence to prevent the occurrence of the breach or remedy the breach in line with the law.

Designation of a Person or Organisational Unit to Receive and Act upon Reports

Article 16

For the purpose of conducting the procedure referred to in Article 15 of this Law, employer having fewer than 20 employees may designate an impartial person or organisational unit to receive and act upon reports.

For the purpose of conducting the procedure referred to in Article 15 of this Law, employer having at least 20 employees shall designate an impartial person or organisational unit to receive and act upon reports.

Employer referred to in paragraph 2 of this Article having fewer than 50 employees shall, in addition to designating an impartial person or organisational unit to receive and act upon reports, establish internal reporting channels when the European Union acts listed in Part I.B and Part II of the Annex to Directive 2019/1937 apply to that employer.

Receipt of reports and acting upon reports may be carried out by a person or organisational unit which, in addition to those tasks, performs other duties of their post or within its competence.

Employer shall make easily accessible information on the person or organisational unit designated to receive and act upon reports referred to in paragraphs 1 and 2 of this Article, as well as information on the use of internal channels for reporting breaches, both in the work-related context and by publishing such information on its website.

Employer shall provide clear and easily accessible information on procedures for externally reporting breaches to the Agency and when applicable to the competent institutions, bodies, offices or agencies of the European Union.

Person or organisational unit referred to in paragraphs 1 and 2 of this Article shall conduct the procedure to verify the truthfulness of allegations contained in the report and propose measures should the existence of a breach be established.

Employer shall not influence the actions of the person or organisational unit referred to in paragraphs 1 and 2 of this Article when they undertake actions within their competence.

Should a report be received by a person or organisational unit not competent to act upon the report, that person or organisational unit shall forward the report, without delay and without amendments, to the person or organisational unit referred to in paragraphs 1 and 2 of this Article, protecting the identity of the whistleblower and confidentiality of the data contained in the report.

Employer shall adopt an internal act regulating in detail the manner of acting upon reports.

Act referred to in paragraph 10 of this Article may not reduce the scope of rights or deny any right under this Law to the whistleblower, facilitator or person connected with the whistleblower.

Provision of paragraph 11 of this Article shall apply to an agreement, policy, form or condition of employment, including pre-dispute arbitration agreements, as well as to any other document relating to the employer, regardless of which party adopts it.

Acknowledgement of Receipt of a Report and Information on Measures Taken upon the Report

Article 17

Person or organisational unit referred to in Article 16 paragraphs 1 and 2 of this Law shall provide the whistleblower with acknowledgement of receipt of the report within seven days from the date of submission of that report and information on measures taken upon the report or the outcome of the measures taken within 45 days from the date of submission of the report.

Should a report not contain the data referred to in Article 9 of this Law, the person or organisational unit referred to in Article 16 paragraphs 1 and 2 of this Law shall, within eight days from the date of receipt of the report, invite the whistleblower to supplement the report.

Should the whistleblower fail to supplement the report within the time limit referred to in paragraph 2 of this Article, the person or organisational unit referred to in Article 16 paragraphs 1 and 2 of this Law shall decide on further acting upon the report on the basis of available information.

Person or organisational unit referred to in Article 16 paragraphs 1 and 2 of this Law shall also act upon an anonymous report containing a description of the breach or other facts and circumstances on the basis of which a procedure may be initiated and shall not undertake actions to establish the identity of the person who submitted the anonymous report.

External Reporting

Article 18

Should the whistleblower not be informed or not be satisfied with the information or measures referred to in Article 17 of this Law, they may submit the report to the Agency.

Whistleblower may submit a report to the Agency without previously submitting the report to the employer whom the report refers to.

In addition to the data referred to in Article 9 of this Law, a report submitted in line with paragraph 1 of this Article may also contain data on the reported person and information on the measures taken and outcomes referred to in Article 17 of this Law, provided that such information was provided to the whistleblower, while a report submitted in line with paragraph 2 of this Article may also contain data on the reported person.

Within seven days from the date of receipt, the Agency shall provide the whistleblower with acknowledgement of receipt of the report, unless the whistleblower has expressly requested otherwise or the Agency reasonably considers that acknowledging receipt of the report could jeopardise protection of the identity of the whistleblower.

Should a report not contain the data referred to in Article 9 of this Law, the Agency shall invite the whistleblower to supplement the report within eight days.

Should the whistleblower fail to act in line with paragraph 5 of this Article, the Agency shall discontinue the procedure.

Agency shall also discontinue the procedure upon a report in the following cases, when:

- 1) the submission does not constitute a report of a breach but an expression of an opinion, criticism or position;
- 2) the allegations contained in the report are unintelligible or offensive;
- 3) the report was previously submitted to another competent authority and was forwarded to the Agency solely for information;
- 4) the report is anonymous and does not contain the data referred to in Article 9 of this Law;
- 5) the Agency has already acted upon the report and the report contains no new facts or information.

Should the Agency determine that the report relates to a breach indicating a threat to the public interest which points to the existence of corruption, it shall request the employer to whom the report relates to submit a written statement on the allegations contained in the report, together with data and evidence necessary for conducting the procedure, within 15 days from the date of receipt of the request for submission of the written statement.

Should the employer to whom the report relates fail to provide a statement in the manner and within the time limit referred to in paragraph 8 of this Article, the Agency shall continue acting upon the report.

Agency shall conduct the procedure upon a report through a person authorised by the Director of the Agency who shall, in the exercise of official duties, obtain data and information necessary for conducting the procedure upon the report which are kept in records in line with the law by state authorities, state administration authorities, local self-government authorities, local administration authorities, business organisations or legal persons in state ownership, business organisations, institutions or other legal and natural persons.

Authorities, legal and natural persons referred to in paragraph 10 of this Article shall, within the time limit and in the manner determined by the Agency, provide the requested data and information or make the requested documentation available for inspection.

Should the authorities, legal and natural persons referred to in paragraph 10 of this Article fail to act within the time limit and in the manner referred to in paragraph 11 of this Article, they shall inform the Agency of the reasons without delay.

In the case referred to in paragraph 12 of this Article, the Agency shall inform the authority supervising the work of the authority, legal or natural person referred to in paragraph 10 of this Article and may submit a special report to the working body of the Parliament of Montenegro competent for anti-corruption matters (hereinafter referred to as: competent committee) or inform the public.

Agency shall provide the whistleblower with information on measures taken in the procedure upon a report referred to in paragraphs 1 and 2 of this Article within a period not exceeding three months from the acknowledgement of receipt of the report.

Notwithstanding paragraph 14 of this Article, when justified by the particular circumstances of the case, the Agency may provide the information referred to in paragraph 14 of this Article within a period not exceeding six months.

Should the Agency determine that the report does not relate to a breach indicating a threat to the public interest which points to the existence of corruption, it shall forward the report to the competent authority without delay and inform the whistleblower thereof.

Competent authority referred to in paragraph 16 of this Article shall inform the Agency, without delay, of the outcome of the procedure upon the report.

Agency shall provide the whistleblower with the information referred to in paragraph 17 of this Article within seven days from the date of receipt.

In the event of receipt of a large number of reports, the Agency may, when acting upon reports, give priority to reports depending on the seriousness of the allegations and the possible consequences of the occurrence of breaches, while ensuring that the time limits referred to in paragraphs 14 and 15 of this Article are not exceeded.

Employee of the Agency who receives a report but is not competent to receive it or authorised to act upon it shall act in line with Article 16 paragraph 9 of this Law.

Opinion of the Agency

Article 19

Should the Agency, on the basis of the procedure conducted upon a report submitted in line with Article 18 paragraphs 1 and 2 of this Law, establish that a threat to the public interest indicating the existence of corruption has occurred, it shall draft an opinion containing a recommendation on the measures to be taken to prevent such threat, as well as the time limit for acting upon the recommendation and informing the Agency thereof and shall deliver it to the employer whom the report refers to and the whistleblower.

Should the Agency, on the basis of the procedure conducted upon a report submitted in line with Article 18 paragraphs 1 and 2 of this Law, establish that no threat to the public interest indicating the existence of corruption has occurred, it shall inform the whistleblower thereof.

Acting upon the Recommendation of the Agency

Article 20

Employer whose work is the subject of the recommendation referred to in Article 19 paragraph 1 of this Law shall, within the time limit set, submit a report on actions taken to implement the recommendation.

Should the employer fail to act upon the recommendation referred to in Article 19 paragraph 1 of this Law within the time limit set or fail to inform the Agency, the Agency shall inform the authority supervising its work, submit a special report to the competent committee and inform the public.

Assistance of the Agency

Article 21

Agency shall make comprehensive and objective information and advice concerning available procedures and legal remedies for protection against harm to the whistleblower publicly available and free of charge by publishing them on its website and when necessary, due to the particular circumstances of individual procedures in another appropriate manner.

Information referred to in paragraph 1 of this Article shall relate in particular to:

- 1) conditions for the protection of whistleblowers;
- 2) information on external reporting channels, including the address, email address and telephone numbers, indicating whether telephone conversations may be recorded;
- 3) procedures for reporting breaches and a clearly defined time limit within which the Agency provides the whistleblower with information on acting upon the report;

- 4) a description of acting upon a report, including actions undertaken by the Agency to verify the accuracy of allegations contained in the report, conduct the procedure and take measures to remedy established breaches;
- 5) information on the obligation to maintain confidentiality of data and protect personal data;
- 6) information on legal remedies and protection against harm in line with Article 26 of this Law, as well as on the rights of the person whom the report refers to;
- 7) information on the availability of legal advice for persons considering submitting a report, including information on the reporting procedure, rights and protection prior to submission of the report;
- 8) information that a person submitting a report to the Agency shall not incur liability for breach of confidentiality or disclosure of information, provided that the person had reasonable grounds to believe that the report was necessary for revealing the breach.

At the request of the whistleblower, the Agency shall provide the necessary assistance in proceedings before a court or other competent authorities.

Agency shall provide regular training for its employees and persons designated to receive and act upon reports, with a view to ensuring proper conduct, respect for confidentiality and timely acting upon reports.

Detailed conditions for exercising the right to assistance referred to in paragraph 3 of this Article, as well as the manner of providing such assistance, shall be prescribed by the Agency.

Obligation to Keep Records of Reports

Article 22

Employer and the Agency shall keep and retain records of all reports received in a manner ensuring confidentiality and protection of data referred to in Articles 12 and 13 of this Law, in line with this Law and the law governing personal data protection.

Employer shall keep records of reports containing the following data: number and date of the report, name and surname, place of residence and address of the whistleblower (provided that the report was not submitted anonymously), a brief description of the breach reported by the whistleblower, number and date of the information referred to in Article 17 paragraph 1 of this Law and number and date of the report referred to in Article 20 paragraph 1 of this Law.

Agency shall keep:

- 1) records of reports upon which it has acted, containing the following data: number and date of the report, name and surname, place of residence and address of the whistleblower (provided that the report was not submitted anonymously), name and registered office or address of the reported person, description of the breach reported by the whistleblower, number and date of the information referred to in Article 17 paragraph 1 of this Law when provided to the whistleblower, number and date of the opinion referred to in Article 19 paragraph 1 of this Law and number and date of the report referred to in Article 20 paragraph 1 of this Law;
- 2) records of reports forwarded by the Agency to the competent authority referred to in Article 18 paragraph 16 of this Law, containing the following data: number and date of the report, name and surname, place of residence and address of the whistleblower (provided that the report was not submitted anonymously), name and registered office or address of the reported person, description of the breach

reported by the whistleblower, name and registered office of the authority to which the report was forwarded and information on the outcome of the procedure upon the report.

Public Disclosure of Information on Breaches

Article 23

Whistleblower may publicly disclose information on breaches in the following cases, namely when:

- 1) the whistleblower previously submitted a report in line with Article 8 of this Law to the employer and the Agency or to the Agency and appropriate measures to prevent or remedy the breach were not taken within the time limits referred to in Article 17 paragraphs 1 and 2 and Article 18 paragraphs 4, 5, 14 and 15 of this Law; or
- 2) the whistleblower has reasonable grounds to believe that:
 - the breach may constitute an imminent or manifest danger to the public interest, including in emergency situations or when there is a risk of irreversible damage; or
 - reporting the breach to the Agency entails a risk of harm or there is a low prospect of the breach being remedied due to the particular circumstances of the case, including when evidence may be concealed or destroyed or when there is a possibility that the Agency is connected with the reported person or involved in the breach.

Referral of the Procedure to Competent State Prosecutor's Offices

Article 24

Should, in the procedure for verifying the truthfulness of allegations concerning the existence of a breach, the employer, the Agency or the competent authority referred to in Article 18 paragraph 16 of this Law suspect that the occurrence of the breach involved the commission of a criminal offence subject to public prosecution, they shall, without delay, submit the report together with the evidence collected to the competent State Prosecutor's Office and inform the whistleblower thereof.

IV. WHISTLEBLOWER PROTECTION AND COMPENSATION FOR DAMAGE

Conditions for the Protection of Whistleblowers

Article 25

Whistleblower shall be entitled to protection provided that:

- 1) they had reasonable grounds to believe that the reported information was true at the time of submitting the report to the employer or the Agency or at the time of its public disclosure and that such information constituted information on breaches within the meaning of this Law;
- 2) they submitted the report in line with Article 14 or Article 18 of this Law or publicly disclosed information on breaches in line with Article 23 of this Law.

When the conditions referred to in paragraph 1 of this Article are met, a person who submits a report to the competent institutions, bodies, offices or agencies of the European Union shall also be entitled to protection.

Whistleblower shall have the same right to protection regardless of the manner in which the report was submitted.

Whistleblower shall not incur liability for submitting a report or publicly disclosing information on breaches provided that they had reasonable grounds to believe that the reported information on breaches was necessary for revealing the breach and shall not be considered to have breached any restriction.

Person who submitted a report anonymously or publicly disclosed information on breaches and who meets the conditions referred to in paragraph 1 of this Article and whose identity is subsequently established and who suffers harm shall be entitled to protection regardless of having submitted the report anonymously or publicly disclosed the information.

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

In court proceedings related to a report, including proceedings concerning infringement of copyright, breach of confidentiality of data, breach of data protection rules, disclosure of a trade secret or claims for damages arising from employment, a whistleblower shall not incur liability for submitting the report.

Should proceedings referred to in paragraph 7 of this Article be initiated, a whistleblower shall have the right to request discontinuation of the proceedings provided that it is established in those proceedings that the conditions referred to in paragraph 1 of this Article are met.

Prohibition of Retaliation against a Whistleblower

Article 26

Direct or indirect acts, omissions or failures to act in a work-related context that cause harm to a whistleblower by placing them at a disadvantage in connection with submitting a report or publicly disclosing information on breaches shall be prohibited, particularly when such disadvantage relates to:

- 1) risk to life, health and property;
- 2) inability to obtain employment;
- 3) preventing the acquisition of trainee or volunteer status;
- 4) work outside employment (actual work);
- 5) preventing education, training or professional development;
- 6) preventing promotion at work, giving a negative performance appraisal, preventing the acquisition of or removing a professional title;
- 7) withholding the means of work previously used by the whistleblower;
- 8) prohibiting access to certain data necessary for the performance of work duties;
- 9) initiating and conducting disciplinary proceedings and imposing sanctions;
- 10) undertaking unfounded actions and initiating unfounded proceedings;
- 11) termination of employment;
- 12) suspension;
- 13) termination of business cooperation by terminating a service contract or a business cooperation agreement;
- 14) failure to convert a fixed-term employment contract into an indefinite-term employment contract after the statutory conditions have been met, non-renewal of a contract or early termination of a contract;

- 15) reduction or withholding of salary or other rights arising from employment;
- 16) denial of participation in the profits of the employer;
- 17) non-payment of a reward or severance pay;
- 18) reassignment to another post or another place of work outside the place of permanent or temporary residence;
- 19) reassignment to a post with less favourable working conditions, change of duties within the same post and change of working hours;
- 20) failure to take measures to protect against harassment by other persons;
- 21) failure to refer the whistleblower for mandatory medical examinations or assessment of work capacity when the statutory conditions for such referral are met, as well as any referral for such examinations or assessment when the statutory conditions are not met;
- 22) early termination or cancellation of a contract for the supply of goods or provision of services;
- 23) revocation of a licence or permit;
- 24) blacklisting on the basis of an informal or formal agreement at the level of a particular sector of economic activity or the economy as a whole, which may result in the whistleblower being unable to obtain employment in that sector or activity;
- 25) causing material or non-material damage, including damage resulting from violation of personality rights, particularly on social media or financial loss, including loss of employment and loss of income;
- 26) discrimination;
- 27) mobbing.

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

Compensation for Damage Due to Reporting

Article 27

Whistleblower shall be entitled to compensation for damage due to submitting a report or publicly disclosing information on breaches, in line with the law governing contracts and torts.

Certificate of the Agency

Article 28

Upon the request of the whistleblower and on the basis of evidence submitted that a report has been filed in line with this Law, the Agency shall issue the whistleblower a certificate of the submitted report within 30 days from the date of submission of the request to the Agency, regardless of whether the whistleblower has suffered harm.

On the basis of the certificate referred to in paragraph 1 of this Article, the whistleblower shall be entitled to bring an action for whistleblower protection before the competent court.

Judicial Protection

Article 29

Whistleblower who has suffered harm or is at risk of suffering harm in line with Article 26 of this Law shall be entitled to bring an action for whistleblower protection before the competent court.

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

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 permanent residence or in whose territory the retaliation occurred.

Proceedings upon an action for whistleblower protection shall be urgent.

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

Provisions of the law on civil procedure governing labour disputes shall apply accordingly in proceedings upon an action for whistleblower protection.

Content of the Claim

Article 30

Action for whistleblower protection may seek:

- 1) a determination that an act referred to in Article 26 of this Law has been taken against the whistleblower;
- 2) prohibition of carrying out and repeating an act referred to in Article 26 of this Law;
- 3) removal of the consequences of retaliation;
- 4) compensation for material and non-material damage;
- 5) publication of the judgment rendered upon that action in the media, at the expense of the defendant.

Burden of Proof

Article 31

Should, in proceedings upon an action for whistleblower protection, the whistleblower, as plaintiff, show that it is likely that they submitted a report or publicly disclosed information on breaches and suffered harm, the burden of proving that the retaliation is not causally related to submission of that report or public disclosure of information shall rest with the defendant.

Should the whistleblower be the defendant in proceedings upon the action, general rules on the burden of proof shall apply.

Interim Measures

Article 32

Court conducting proceedings upon an action for whistleblower protection may order an interim measure in line with the law governing enforcement and security.

Right of a Facilitator and a Person Connected with the Whistleblower to Protection and Compensation for Damage

Article 33

Provisions of Articles 25 to 30, Article 31 paragraph 1 and Article 32 of this Law shall apply accordingly to the protection of and compensation for damage to a facilitator and a person connected with the whistleblower who could suffer harm in a work-related context, as well as to a legal person owned by the whistleblower or in which the whistleblower is employed.

V. REWARD FOR REPORTING BREACHES

Right of a Whistleblower to a Reward

Article 34

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

Whistleblower who, by submitting a report, contributed to the generation of public revenue or revenue of the employer and such revenue would not have been generated had the report not been submitted shall be entitled to a cash reward from the employer that generated the revenue.

Whistleblower shall acquire the right to a reward from the moment the revenue referred to in paragraph 2 of this Article is generated and should submission of the report result in the initiation and conduct of criminal proceedings concluded by a final decision resulting in confiscation of assets, the right to the reward shall be acquired when the decision on confiscation of assets becomes final.

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.

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 35

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

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

Decision establishing the right to a reward shall also determine the time limit for payment of the reward which may not exceed six months.

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

VI. REPORTS AND REVIEW OF PROCEDURES

Employer Report

Article 36

By 31 March of the current year at the latest, the employer shall submit to the Agency a report for the previous year containing data on:

- 1) the number of reports received;
- 2) the number of reports in which breaches were established;
- 3) measures taken to prevent the occurrence of breaches or remedy breaches.

Report referred to in paragraph 1 of this Article shall be submitted in a manner ensuring confidentiality and personal data protection, with the data being submitted without an obligation of additional processing in line with the law.

Agency Report

Article 37

Agency shall separately present in its annual work report submitted in line with the law governing the prevention of corruption data on:

- 1) the number of reports received;
- 2) the number of procedures conducted on the basis of reports and their outcome;
- 3) the number of breaches established;
- 4) measures taken to prevent the occurrence of breaches or remedy breaches;
- 5) the estimated financial damage resulting from established breaches and amounts collected or returned to the budget following the procedures conducted, provided that such data are available or established in the procedures conducted.

Agency may also submit a special report on procedures upon reports to the competent committee in cases involving a larger-scale threat to rights.

Review of Agency Procedures

Article 38

Once a year, the Agency shall review its procedures for receiving and acting upon reports with a view to ensuring uniform application of the law.

VII. PENAL PROVISIONS

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

Article 39

Legal person shall be fined from EUR 1,000 to EUR 40,000 for a misdemeanour if it:

- 1) fails to draft a record of an orally submitted report and allow the whistleblower to review, correct and confirm it by signature (Article 8 paragraph 7);
- 2) records the submission of a report by telephone or voice message without informing the whistleblower thereof in advance and obtaining their explicit consent (Article 8 paragraph 8);
- 3) in the case referred to in Article 8 paragraph 9 of this Law fails to allow the whistleblower to review, correct and confirm the record by signature;
- 4) in the case of submission of a report directly to the person designated to receive and act upon reports records the submission without the explicit consent of the whistleblower (Article 8 paragraph 10);
- 5) prevents or attempts to prevent the reporting of breaches (Article 10 paragraph 1);
- 6) initiates malicious proceedings against a whistleblower, facilitator or person connected with the whistleblower (Article 10 paragraph 2);
- 7) fails, when it is necessary in the course of acting upon a report to disclose the identity of a person or other data referred to in Article 12 paragraph 1 of this Law, prior to disclosing the identity of the person or other data referred to in Article 12 paragraph 1 of this Law, to notify the person referred to in Article 12 paragraph 1 of

- this Law thereof in writing stating the reasons for disclosure of the identity or other data referred to in Article 12 paragraph 1 of this Law unless such notification could jeopardise the investigation or court proceedings (Article 12 paragraph 3);
- 8) fails to keep confidential all information obtained in connection with the report (Article 12 paragraph 4);
- 9) fails to protect the personal data of an anonymous whistleblower whose identity is subsequently disclosed (Article 12 paragraph 5);
- 10) fails to protect data obtained from the report and uses or discloses such data for purposes other than those necessary for further acting upon that report (Article 13 paragraph 1);
- 11) fails to verify the truthfulness of allegations concerning the existence of a breach and take measures within its competence to prevent the occurrence of the breach or remedy the breach (Article 15);
- 12) fails to designate an impartial person or organisational unit to receive and act upon whistleblower reports for the purpose of conducting the procedure referred to in Article 15 of this Law (Article 16 paragraph 2);
- 13) in addition to designating an impartial person or organisational unit to receive and act upon reports fails to establish internal reporting channels when the European Union acts listed in Part I.B and Part II of the Annex to Directive 2019/1937 apply to it (Article 16 paragraph 3);
- 14) fails to make easily accessible information on the person or organisational unit designated to receive and act upon reports referred to in Article 16 paragraphs 1 and 2 of this Law and information on the use of internal channels for reporting breaches in the work-related context and by publishing such information on its website (Article 16 paragraph 5);
- 15) fails to provide clear and easily accessible information on procedures for externally reporting breaches to the Agency (Article 16 paragraph 6);
- 16) influences the actions of the person or organisational unit referred to in Article 16 paragraphs 1 and 2 of this Law when they undertake actions within their competence (Article 16 paragraph 8);
- 17) in the case referred to in Article 16 paragraph 9 of this Law fails to forward the report without delay and without amendments to the person or organisational unit referred to in Article 16 paragraphs 1 and 2 of this Law while protecting the identity of the whistleblower and confidentiality of the data contained in the report;
- 18) fails to adopt an internal act regulating in detail the manner of acting upon reports (Article 16 paragraph 10);
- 19) fails to provide the whistleblower with acknowledgement of receipt of the report within seven days from the date of submission of that report and information on measures taken upon the report or the outcome of the measures taken within 45 days from the date of submission of the report (Article 17 paragraph 1);
- 20) fails to act upon an anonymous report containing a description of the breach or other facts and circumstances on the basis of which a procedure may be initiated in line with Article 17 paragraph 4 of this Law;
- 21) fails to provide the whistleblower with acknowledgement of receipt of the report within seven days from the date of receipt unless the whistleblower has expressly requested otherwise or it reasonably considers that acknowledging receipt of the report could jeopardise protection of the identity of the whistleblower (Article 18 paragraph 4);

- 22) fails, within the time limit and in the manner determined by the Agency, to provide the requested data and information or make the requested documentation available for inspection (Article 18 paragraph 11);
- 23) fails to inform the Agency of the reasons for failure to act within the time limit and in the manner referred to in Article 18 paragraph 11 of this Law (Article 18 paragraph 12);
- 24) fails to inform the Agency of the outcome of the procedure upon the report (Article 18 paragraph 17);
- 25) in the case referred to in Article 18 paragraph 20 of this Law fails to act in line with Article 16 paragraph 9 of this Law;
- 26) fails to submit, within the time limit set, a report on actions taken to implement the recommendation referred to in Article 19 paragraph 1 of this Law (Article 20 paragraph 1);
- 27) fails to keep and retain records of whistleblower reports in line with Article 22 of this Law;
- 28) fails, without delay, to submit the report together with the evidence collected to the competent State Prosecutor's Office and inform the whistleblower thereof (Article 24);
- 29) by direct or indirect acts, omissions or failures to act in a work-related context causes harm to a whistleblower by placing them at a disadvantage in connection with submitting a report or publicly disclosing information (Article 26 paragraph 1);
- 30) by direct or indirect acts, omissions or failures to act in a work-related context causes harm to a facilitator, a person connected with the whistleblower who could suffer harm in a work-related context or a legal person owned by the whistleblower or in which the whistleblower is employed by placing them at a disadvantage in connection with submitting a report or publicly disclosing information (Article 26 in conjunction with Article 33);
- 31) fails to submit to the Agency, by 31 March of the current year at the latest, a report for the previous year in line with Article 36 of this Law.

Responsible person in a legal person, state authority, state administration authority, local administration authority or local self-government authority shall also be fined from EUR 500 to EUR 4,000 for the misdemeanour referred to in paragraph 1 of this Article.

Entrepreneur shall be fined from EUR 500 to EUR 12,000 for the misdemeanour referred to in paragraph 1 of this Article.

Fines for Misdemeanours of Natural Persons

Article 40

Natural person shall be fined from EUR 500 to EUR 4,000 for a misdemeanour if they:

- 1) prevent or attempt to prevent the reporting of breaches (Article 10 paragraph 1);
- 2) submit a report or publicly disclose information on breaches which they knew to be untrue (Article 11 paragraph 2);
- 3) fail to protect data obtained from the report and use or disclose such data for purposes other than those necessary for further acting upon that report (Article 13 paragraph 1);
- 4) by direct or indirect acts, omissions or failures to act in a work-related context cause harm to a whistleblower by placing them at a disadvantage in connection with submitting a report or publicly disclosing information (Article 26 paragraph 1);

5) by direct or indirect acts, omissions or failures to act in a work-related context cause harm to a facilitator, a person connected with the whistleblower who could suffer harm in a work-related context or a legal person owned by the whistleblower or in which the whistleblower is employed by placing them at a disadvantage in connection with submitting a report or publicly disclosing information (Article 26 in conjunction with Article 33).

VIII. TRANSITIONAL AND FINAL PROVISIONS

Pending Proceedings

Article 41

Proceedings initiated upon reports and not completed by the date of entry into force of this Law shall be completed under the provisions of the Law on Prevention of Corruption ("Official Gazette of Montenegro" 53/14 and 42/17) or the Law on Prevention of Corruption ("Official Gazette of Montenegro" 54/24 and 41/26).

Proceedings upon requests for assistance not completed by the date of entry into force of this Law shall be completed under the provisions of the Law on Prevention of Corruption ("Official Gazette of Montenegro" 54/24 and 41/26).

Obligation to Designate an Impartial Person or Organisational Unit to Receive and Act upon Reports

Article 42

Employers referred to in Article 16 paragraphs 1 and 2 of this Law shall designate an impartial person or organisational unit to act upon reports in line with this Law within 90 days from the date of entry into force of this Law.

Deadline for Adoption of Acts

Article 43

Acts referred to in Article 16 paragraph 10 and Article 21 paragraph 5 of this Law shall be adopted within 90 days from the date of entry into force of this Law.

Deferred Application

Article 44

Provisions of Article 2 paragraph 1; Article 3 paragraph 1 items 1 and 2 in the part relating to European Union law, item 4 and item 5 in the part relating to European Union law; Article 12 paragraph 2 in the part relating to European Union law; Article 13 paragraph 3 in the part relating to relevant European Union law; Article 16 paragraph 3 and paragraph 6 in the part relating to the competent institutions, bodies, offices or agencies of the European Union and Article 25 paragraph 2 of this Law shall apply as of the date of accession of Montenegro to the European Union.

Cessation of Validity

Article 45

As of the date of entry into force of this Law, Article 5, Chapter III. WHISTLEBLOWERS and Article 104 of the Law on Prevention of Corruption ("Official Gazette of Montenegro" 54/24 and 41/26) shall cease to have effect.

Entry into Force

Article 46

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

Number: 23-1/26-13/5

EPA 1074 XXVIII

Podgorica, 29 July 2026

Parliament of Montenegro, 28th Convocation

President,

Andrija Mandić, sgd.

* 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.