# LAW ON SEIZURE AND CONFISCATION OF MATERIAL BENEFIT DERIVED FROM CRIMINAL ACTIVITY

*DISCLAIMER*

*Consolidation below is a provisional document and therefore DOES NOT REPRESENT an official document and/or version. It is provided for information purposes only. It does not confer any rights or impose any obligations separate from those conferred or imposed by laws that have been formally adopted and published in the Montenegrin language.*

Date of last check: 21 September 2026

Parliament of Montenegro of the 28th Convocation, at the sitting of the Sixth Extraordinary Session in 2026 held on 3 September 2026, pursuant to Article 82 paragraph 1 item 2 of the Constitution of Montenegro and Amendment IV paragraph 1 to the Constitution of Montenegro, adopted the following:

## LAW
## ON SEIZURE AND CONFISCATION OF MATERIAL BENEFIT DERIVED FROM CRIMINAL ACTIVITY*[1]

## I. BASIC PROVISIONS

### Subject Matter
### Article 1

This Law shall govern the conditions for seizure and confiscation of material benefit derived from criminal activity, the procedure for seizure and confiscation and other matters of relevance to the seizure and confiscation of such material benefit, as well as the management of seized and confiscated material benefit derived from criminal activity and seized and confiscated material benefit acquired through a criminal offence (hereinafter referred to as: “seized and confiscated material benefit”), instrumentalities of crime, items temporarily seized in criminal and misdemeanour proceedings, and property pledged as bail.

### Conditions and Manner of Seizure and Confiscation of Material Benefit Derived from Criminal Activity
### Article 2

[1] Official Gazette of Montenegro, 131/26 of 7 September 2026



Funded by the European Union and implemented by aed in cooperation with the European Commission.

Material benefit for which there is a well-founded suspicion that it was derived from criminal activity may be seized from the perpetrator, provided that the perpetrator fails to make plausible its lawful origin (extended seizure and confiscation) and has been convicted by a final judgment of a criminal offence prescribed by the Criminal Code of Montenegro, as follows:

1) abduction referred to in Article 164;
2) criminal offences against sexual freedom referred to in Articles 206, 208, 209, 210, 211, 211a and 211b;
3) criminal offences against property referred to in Articles 240, 241, 242, 243, 244, 244a, 249, 250, 251, 252 and 253b;
4) criminal offences against payment transactions and commercial activity referred to in Articles 258, 259, 260, 261, 262, 263, 264, 265, 268, 270, 272, 272a, 272b, 272c, 272d, 273, 274, 276, 276a, 276b, 281, 281a and 283;
5) criminal offences against human health;
6) criminal offences against the environment and spatial development;
7) criminal offences against computer security data referred to in Articles 350, 352, 353 and 354;
8) criminal offences against public law and order referred to in Articles 401, 401a, 402, 403, 403a, 403b, 403c, 404 and 405;
9) criminal offences against legal transactions referred to in Articles 412, 413 and 414;
10) criminal offences against official duty referred to in Articles 416, 417, 419, 420, 422, 422a, 423 and 424;
11) crimes against humanity and other values protected under international law referred to in Articles 444, 445, 446, 447, 447a, 447b, 447c, 447d, 449, 449a and 449b;
12) another criminal offence committed with intent for which a prison sentence of three or more years may be imposed.

Notwithstanding paragraph 1 of this Article, the material benefit referred to in paragraph 1 of this Article may be seized provided that:

- a ruling confirming the indictment against the perpetrator has been rendered, or a main hearing has been scheduled in summary proceedings, for any of the criminal offences referred to in paragraph 1 of this Article committed as part of a criminal association or criminal organisation;
- its value amounts to at least EUR 50,000; and
- based on the circumstances of the case, in particular the manifest disproportion between the value of the property after deduction of taxes and other duties paid and the lawful income of the holder, and the fact that the holder has failed, by means of credible documents or otherwise, to make plausible the lawful origin of the material benefit, the court has established that the material benefit was derived from criminal activity.

Material benefit referred to in paragraphs 1 and 2 of this Article shall also be seized from the legal predecessor, legal successor and family members of the perpetrator referred to in paragraphs 1 and 2 of this Article, as well as from third parties, provided that it is established that they knew or could have known or were obliged to know that the purpose of the transfer or acquisition of the material benefit was to avoid its seizure.

When determining whether the persons referred to in paragraph 3 of this Article knew or could have known that the purpose of the transfer or acquisition of the material

benefit was to avoid its seizure, the court shall assess all the specific facts and circumstances, in particular whether:

- the transfer or acquisition was made without remuneration or for remuneration which manifestly does not correspond to the actual value of the material benefit; or
- the material benefit was transferred to the persons referred to in paragraph 3 of this Article, while the perpetrator retained actual control over such material benefit.

Should material benefit have been acquired through criminal activity for another person, such material benefit shall be seized.

Should seizure under paragraphs 1 and 2 of this Article not be possible, other property corresponding to the value of the material benefit derived from criminal activity shall be seized.

**Definitions**
**Article 3**

Material benefit derived from criminal activity shall mean material benefit which directly or indirectly originates from a criminal offence, regardless of where it is located, and which represents any increase in, or prevention of a decrease in, assets resulting from criminal activity, any subsequent reinvestment of assets, as well as income or other benefit realised directly or indirectly from criminal activity, including property into which it has been converted or with which it has been combined.

Assets shall mean property rights of any kind, regardless of whether they relate to tangible or intangible assets, movable or immovable property, securities and other documents evidencing property rights, as well as digital assets.

Digital assets shall mean a digital representation of value that can be digitally traded or transferred and that can be used as a medium of exchange or for investment purposes, including crypto-assets.

Crypto-assets shall mean a digital representation of value or rights that can be transferred and stored electronically, using distributed ledger technology (DLT) or similar technology, including electronic money tokens, provided that it does not refer to crypto-assets that qualify as:

- a financial instrument, in line with the law governing the capital market;
- a deposit, including structured deposits, in line with the law governing deposit insurance;
- funds that do not qualify as electronic money tokens;
- a securitisation, in line with the law governing the capital market;
- a non-life or life insurance product within the meaning of the law governing the conditions and manner of carrying out insurance activities;
- a pension product whose primary purpose is to provide the investor with income in retirement and which entitles the investor to certain benefits;
- an occupational pension insurance product covered by the law governing pension funds, or by the law governing insurance and reinsurance;
- a unit of account of voluntary pension funds, in line with the law governing voluntary pension funds;
- pension insurance, in line with the law governing pension and disability insurance;

- a pan-European personal pension product, in line with the law governing such products;
- a social security scheme under a special law;
- individual pension insurance products for which a financial contribution by the employer is prescribed by law and under which neither the employer nor the employee may choose the pension insurance product or insurer;
- crypto-assets that are unique and not fungible with other crypto-assets.

**Procedure for Seizure and Confiscation of Material Benefit**
**Article 4**

Procedure for seizure and confiscation of material benefit derived from criminal activity shall comprise financial preliminary investigation and/or financial investigation and the seizure and confiscation of material benefit derived from criminal activity.

Seizure and confiscation of material benefit derived from criminal activity shall mean the temporary seizure of such material benefit (provisional measures to secure assets and temporary seizure of movable property) or the confiscation of such material benefit.

Procedure for seizure and confiscation of material benefit derived from criminal activity may be conducted before, during and after the completion of criminal proceedings.

Procedure for seizure and confiscation of material benefit referred to in Article 2 paragraph 2 of this Law shall be conducted and decided upon independently of the criminal proceedings for the criminal offence referred to in Article 2 paragraph 1 of this Law.

Termination of criminal proceedings, including a judgment acquitting the accused, a judgment rejecting the charges or a ruling terminating the proceedings, shall not affect the procedure for seizure and confiscation of material benefit derived from criminal activity or the decision on the confiscation of such material benefit.

Procedure for seizure and confiscation of material benefit derived from criminal activity shall be conducted in line with this Law and the Criminal Procedure Code.

**Competent Authorities**
**Article 5**

Court shall decide on the seizure and confiscation of material benefit derived from criminal activity.

State Prosecutor's Office and the organisational unit of the state administration body responsible for internal affairs performing police duties (hereinafter referred to as: the police) shall carry out tasks of identifying, tracing and detecting material benefit derived from criminal activity.

Administrative body responsible for the management of state property (hereinafter referred to as: the competent body) shall carry out tasks of managing seized and confiscated material benefit, instrumentalities of crime, items temporarily seized in criminal and misdemeanour proceedings and property pledged as bail.

Jurisdiction of the State Prosecutor's Office and the court in the proceedings referred to in paragraphs 1 and 2 of this Article shall be determined according to the

jurisdiction for conducting proceedings for the criminal offence referred to in Article 2 paragraph 1 of this Law.
Authorities referred to in paragraphs 1 and 2 of this Article shall act urgently.

**Use of Gender-Sensitive Language**
**Article 6**

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

**Meaning of Terms**
**Article 7**

Terms used in this Law shall have the following meanings:

1) instrumentality of a criminal offence means an item which has been used or was intended, in whole or in part, for the commission of a criminal offence, or an item resulting from the commission of a criminal offence;
2) accused person means a suspect, a person against whom criminal proceedings have been instituted, or a person convicted of a criminal offence referred to in Article 2 paragraph 1 of this Law;
3) holder means the accused person, the legal predecessor, the legal successor, a family member of the accused person, the owner or a third party;
4) third party means a natural or legal person to whom material benefit derived from criminal activity has been transferred without remuneration or for remuneration which manifestly does not correspond to the actual value of the material benefit, who knew or could have known, or was obliged to know, that the material benefit was derived from criminal activity;
5) legal predecessor means a natural or legal person whose property rights have been transferred to the holder;
6) legal successor means an heir of the accused person, a third party or their heirs, or a natural or legal person to whom property rights have been transferred by a legal transaction;
7) family member means a spouse or common-law spouse, a partner in a same-sex union, a blood relative in the direct line up to any degree of kinship, in the collateral line up to the fourth degree of kinship, or a relative by marriage up to the second degree of kinship;
8) injured party means a natural or legal person whose personal or property right has been infringed or threatened by a criminal offence;
9) defence attorney means an attorney-at-law who represents the accused person in the procedure for seizure and confiscation of material benefit derived from criminal activity;
10) proxy means an attorney-at-law authorised to represent a legal predecessor, legal successor or family member of the accused person, or a third party;
11) bona fide third party means a natural or legal person who is proven to have a right in respect of the material benefit subject to seizure and confiscation which prevents its seizure and confiscation, or who, at the time of acquiring such rights, did not know, could not have known or was not obliged to know that the material benefit had been derived from criminal activity;

12) identification, tracing and detection of property means any action taken by the State Prosecutor's Office and the police to locate material benefit for which there is a well-founded suspicion that it was derived from criminal activity.

## II. SEIZURE AND CONFISCATION OF MATERIAL BENEFIT DERIVED FROM CRIMINAL ACTIVITY

### Seizure and Confiscation from the Perpetrator
### Article 8

Material benefit derived from criminal activity shall be seized and confiscated from the perpetrator referred to in Article 2 paragraph 1 of this Law, provided that it was acquired in the period before and/or after the commission of the criminal offence referred to in Article 2 paragraph 1 of this Law until the judgment becomes final and the court establishes that there is a temporal connection between the time when the material benefit was acquired and other circumstances of the specific case which justify the seizure and confiscation of the material benefit.

Material benefit derived from criminal activity shall, in the case referred to in Article 2 paragraph 2 of this Law, be seized and confiscated from the perpetrator, provided that it was acquired in the period before and/or after the commission of the criminal offence referred to in Article 2 paragraph 1 of this Law committed as part of a criminal association or criminal organisation until the expiry of the time limits referred to in Article 36 paragraphs 2 and 4 of this Law and the court establishes that there is a temporal connection between the time when the material benefit was acquired and other circumstances of the specific case which justify the seizure and confiscation of the material benefit.

Well-founded suspicion that material benefit was derived from criminal activity shall exist should the property of the perpetrator referred to in Article 2 paragraphs 1 and 2 of this Law be manifestly disproportionate to his lawful income.

Should material benefit derived from criminal activity have been combined with property acquired lawfully, the entire property of the perpetrator referred to in Article 2 paragraphs 1 and 2 of this Law shall be subject to seizure and confiscation up to the assessed value of the material benefit derived from criminal activity.

Material benefit derived from criminal activity shall be seized and confiscated from a family member of the perpetrator referred to in Article 2 paragraphs 1 and 2 of this Law, irrespective of whether that family member lives in a joint household with the perpetrator, provided that it is established that such family member knew or could have known or was obliged to know that the purpose of the transfer or acquisition of the material benefit was to avoid its seizure and confiscation.

### Special Circumstances for Seizure and Confiscation of Material Benefit in the Absence of a Judgment
### Article 9

Should the person against whom criminal proceedings have been instituted for a criminal offence referred to in Article 2 paragraph 1 of this Law die, or should continuation of the proceedings be impossible due to illness, absconding, immunity, amnesty, pardon, limitation of criminal prosecution provided that the limitation period is shorter than 15 years and expired after the institution of criminal proceedings, or other circumstances permanently precluding criminal prosecution, material benefit

derived from criminal activity shall be seized and confiscated in the procedure for confiscation of material benefit in line with this Law.

Material benefit derived from criminal activity shall, in the event of the death of the person against whom criminal proceedings have been instituted for a criminal offence referred to in Article 2 paragraph 1 of this Law, be seized and confiscated from his legal successors, or from the person against whom criminal proceedings cannot be continued due to circumstances permanently precluding criminal prosecution.

Material benefit derived from criminal activity may be seized and confiscated in the case referred to in paragraphs 1 and 2 of this Article, provided that the evidence indicates that the proceedings instituted would have resulted in a conviction had the person not died or had circumstances permanently precluding criminal prosecution not arisen.

## III. FINANCIAL PRELIMINARY INVESTIGATION

### Initiating Financial Preliminary Investigation
### Article 10

Should there be grounds for suspicion that a criminal offence referred to in Article 2 paragraph 1 of this Law has been committed and grounds for suspicion that material benefit has been derived from criminal activity, the police shall be obliged to inform the state prosecutor thereof.

### Taking Measures in Financial Preliminary Investigation
### Article 11

Police shall, in the financial preliminary investigation, on their own initiative or at the request of the state prosecutor, take the necessary measures to detect and identify material benefit derived from criminal activity for the purpose of establishing whether there is a well-founded suspicion that the material benefit was derived from criminal activity.

Provisions of the Criminal Procedure Code governing the powers of the police in preliminary investigation shall apply accordingly to the taking of measures referred to in paragraph 1 of this Article by the police.

Police shall, without delay, inform the state prosecutor of the actions taken under paragraph 1 of this Article and shall thereafter act upon his requests.

### Obtaining Evidence in Financial Preliminary Investigation
### Article 12

Financial preliminary investigation shall be conducted in line with this Law and the Criminal Procedure Code.

Evidence obtained in criminal proceedings concerning the criminal offence referred to in Article 2 paragraph 1 of this Law may be used for the purposes of the financial preliminary investigation.

Data and evidence obtained in the financial preliminary investigation may be used in criminal proceedings, and their admissibility shall be assessed by the court in line with the provisions of the Criminal Procedure Code governing the admissibility of evidence.

## IV. FINANCIAL INVESTIGATION

**Initiating Financial Investigation**
**Article 13**

Financial investigation shall be initiated by an order of the state prosecutor provided that:

1) there are grounds for suspicion that material benefit has been derived from criminal activity; and
2) there is a well-founded suspicion that the criminal offence referred to in Article 2 paragraph 1 of this Law has been committed.

Notwithstanding paragraph 1 of this Article, a financial investigation shall be initiated by an order of the state prosecutor, provided that there is a well-founded suspicion that the criminal offence referred to in Article 2 paragraph 1 of this Law was committed as part of a criminal association or criminal organisation and that, by the commission of such criminal offence, material benefit in the value of at least EUR 50,000 may be acquired, directly or indirectly.

Order referred to in paragraphs 1 and 2 of this Article shall, as a rule, designate the person against whom the financial investigation is conducted.

**Purpose and Scope of Financial Investigation**
**Article 14**

Data and evidence concerning the property, lawful income and living expenses of the holder, which the state prosecutor requires for submitting a request for confiscation of material benefit, shall be collected during the financial investigation, as follows:

1) data and evidence concerning the property or lawful income of the holder after deduction of taxes and other duties paid, as well as concerning the relationship between the income and property of the holder;
2) data and evidence concerning property transferred to third parties or transferred to a legal successor, as well as concerning the manner in which the property was acquired and transferred;
3) other data and evidence relevant to the seizure and confiscation of material benefit derived from criminal activity.

State prosecutor shall, depending on the circumstances of the case, summon the person whose property is subject to the financial investigation to provide a statement concerning the data and evidence referred to in paragraph 1 of this Article.

Person referred to in paragraph 2 of this Article shall be immediately informed that he is not obliged to make a statement or answer questions should doing so expose himself, his legal predecessor, legal successor, family member or third party to criminal prosecution.

Investigating judge may, at the request of the state prosecutor, by a ruling, order a credit institution, financial institution or other similar institution, as well as a service provider related to digital assets and crypto-assets, to provide data necessary for detecting and identifying material benefit derived from criminal activity.

Investigating judge may impose, for failure to comply with the ruling referred to in paragraph 4 of this Article, a fine of up to EUR 5,000 on the responsible person in a credit institution, financial institution or other similar institution, or on a service provider related to digital assets and crypto-assets, and a fine of up to EUR 50,000 on the credit institution, financial institution or other similar institution, or on the service provider related to digital assets and crypto-assets.

Should a credit institution, financial institution or other similar institution fail, even after the imposition of the fine referred to in paragraph 5 of this Article, to comply with the ruling of the investigating judge, the investigating judge shall enforce the ruling referred to in paragraph 5 of this Article coercively.

Appeal may be lodged against the rulings referred to in paragraphs 4, 5 and 6 of this Article within 48 hours from the time of receipt of the ruling.

Panel of the competent court referred to in Article 24 paragraph 7 of the Criminal Procedure Code shall decide on the appeal referred to in paragraph 7 of this Article.

**Managing the Financial Investigation**
**Article 15**

Financial investigation shall be managed by the state prosecutor.

State prosecutor shall, by issuing orders or by directly managing the financial investigation, direct the actions of the police, including the organisational unit of the police responsible for preventing money laundering and terrorist financing, the military police, administrative authorities responsible for tax and customs matters, as well as other authorities in performing the tasks within their competence, with the aim of detecting material benefit derived from criminal activity, or proving that material benefit was derived from criminal activity.

State bodies, state administration bodies, local self-government bodies, legal persons exercising public powers and other entities shall be obliged, without delay, to provide the state prosecutor or the police, acting pursuant to an order of the state prosecutor, with the requested data necessary for detecting and identifying material benefit derived from criminal activity.

**Financial Investigation Team**
**Article 16**

State prosecutor may establish a financial investigation team for the purposes of the financial investigation.

Financial investigation team may, in addition to the state prosecutor, comprise civil servants employed by the bodies referred to in Article 15 paragraph 2 of this Law, as well as experts of the relevant specialisation should this be necessary for the efficient conduct of the financial investigation.

Financial investigation team shall draw up a written report and submit it, together with the collected data and evidence, to the state prosecutor within the time limit determined by the state prosecutor.

**Obtaining Evidence**
**Article 17**

Financial investigation shall be conducted in line with this Law and the Criminal Procedure Code.

Evidence obtained in criminal proceedings and data and evidence obtained in the financial preliminary investigation concerning the criminal offence referred to in Article 2 paragraph 1 of this Law may be used for the purposes of the financial investigation, and their admissibility shall be assessed by the court in line with the provisions of the Criminal Procedure Code governing the admissibility of evidence.

Evidence and data obtained in other proceedings may also be used for the purposes of the financial investigation, including criminal proceedings concerning

other criminal offences and tax, financial and other administrative proceedings relating to the holder, provided that they are relevant to the identification, tracing and detection of material benefit derived from criminal activity.

Evidence obtained in the financial investigation in line with paragraph 1 of this Article may be used in criminal proceedings.

**Confidentiality of Data**
**Article 18**

Data collected, obtained and/or generated during the financial investigation shall constitute classified data in line with the law governing classified data and the Criminal Procedure Code.

Officials participating in the financial investigation procedure shall be obliged to inform all persons involved in the financial investigation of the obligation to keep data confidential.

**Extension of Financial Investigation**
**Article 19**

Should the data and evidence obtained during the financial investigation indicate that there are grounds for suspicion that material benefit derived from criminal activity has been transferred to another person who is not covered by the order to conduct the investigation, the state prosecutor shall issue an order to extend the financial investigation and conduct it against that person as well.

**Finalisation of Financial Investigation**
**Article 20**

State prosecutor shall finalise the financial investigation when he determines that the state of affairs has been sufficiently clarified for submitting a request for confiscation of material benefit, or for discontinuing the financial investigation, and no later than 18 months after the finality of the judgment for the criminal offences referred to in Article 2 paragraph 1 of this Law, or within one year after the finality of the decision establishing the circumstances referred to in Article 9 of this Law.

State prosecutor shall discontinue the financial investigation by an order should he determine, during the financial investigation or upon its finalisation, that the conditions for submitting a request for confiscation of material benefit have not been met.

**Discontinuation of Financial Investigation**
**Article 21**

State prosecutor shall discontinue the financial investigation by an order should he determine, during the financial investigation or upon its finalisation, that the conditions for submitting a request for confiscation of material benefit derived from criminal activity have not been met.

Should the competent state prosecutor consider it necessary following discontinuation of the financial investigation, he shall, within 30 days from the date of issuing the order referred to in paragraph 1 of this Article, submit a notification concerning the person whose property was subject to the financial investigation, together with the documentation necessary for determining the tax liability, to the

administrative body responsible for tax affairs for the purpose of conducting the procedure for determining the tax liability.

Administrative body responsible for tax affairs shall be obliged to conduct the procedure referred to in paragraph 2 of this Article within three months from the date of receipt of the notification and the documentation necessary for determining the tax liability.

## V. PROVISIONAL MEASURES TO SECURE ASSETS AND TEMPORARY SEIZURE OF MOVABLE PROPERTY

### Types of Provisional Measures to Secure Assets and Seizure of Movable Property
### Article 22

State prosecutor may, for the purpose of preserving material benefit derived from criminal activity and enabling its possible subsequent seizure and confiscation, propose the imposition of a provisional measure to secure assets (asset freezing), as follows:

1) prohibition of the use of immovable property, with an annotation of the prohibition in the real estate cadastre;
2) prohibition of disposal of immovable property, with an annotation of the prohibition in the real estate cadastre;
3) an order to a credit institution, financial institution or other similar institution to withhold payment of the amount of money in respect of which a provisional measure to secure assets is imposed;
4) prohibition of disposal of a claim arising from an obligation;
5) prohibition of disposal of and encumbrance of shares or stakes in a company, with the prohibition entered in public records;
6) prohibition of the use of or disposal of rights arising from shares and stakes in a company and other securities;
7) introduction of interim administration into a company;
8) prohibition of disposal of and/or use of movable property, including crypto-assets and other digital assets, with an annotation of the prohibition in the appropriate registers.

Provisional measure to secure assets referred to in paragraph 1 of this Article may also be imposed in respect of other property whose value corresponds to the value of material benefit acquired through criminal activity, for the purpose of securing its possible subsequent confiscation in line with the law.

Court may, at the proposal of the state prosecutor, order the temporary seizure of movable property for the purpose of preserving the material benefit derived from criminal activity referred to in paragraph 1 of this Article or other property of corresponding value referred to in paragraph 2 of this Article and enabling its confiscation.

### Conditions for Imposing a Provisional Measure to Secure Assets
### Article 23

Provisional measure to secure assets may be imposed should there be a well-founded suspicion that material benefit has been derived from criminal activity.

Provisional measure to secure assets shall be imposed provided that, in addition to the conditions referred to in paragraph 1 of this Article, one of the following risks exists:

- that the value of the material benefit referred to in paragraph 1 of this Article will decrease;
- that the holder will use the material benefit referred to in paragraph 1 of this Article, himself or through other persons, to commit a criminal offence;
- that the holder will use the material benefit referred to in paragraph 1 of this Article, himself or through other persons, in a manner that prevents or significantly impedes its seizure and confiscation.

Interim administration in a company may be imposed together with a prohibition on the disposal of and encumbrance of shares or stakes in the company, with the prohibition entered in public records, or together with a prohibition on the use of or disposal of rights arising from shares or stakes in the company, provided that, in addition to the conditions referred to in paragraphs 1 and 2 of this Article, the following conditions are also met:

- that the holder, directly or indirectly, exercises more than 50% of the total voting rights in the company or controls the company on the basis of a dominant position in the management of the company;
- that there is a need to protect the property of the company.

When imposing a provisional measure to secure assets, the court shall limit itself to establishing a manifest disproportion between the value of the property after deduction of taxes and other duties paid and the lawful income of the holder.

**Jurisdiction for Imposing a Provisional Measure to Secure Assets**
**Article 24**

Provisional measure to secure assets shall be imposed by a court ruling upon the proposal of the state prosecutor.

Investigating judge shall have jurisdiction to impose a provisional measure to secure assets, while the panel composed of three judges of the court of first instance shall have jurisdiction to decide on an appeal.

State prosecutor may, in urgent cases, by an order:

- prohibit the use of immovable property, with an annotation of the prohibition in the real estate cadastre;
- prohibit the disposal of immovable property, with an annotation of the prohibition in the real estate cadastre;
- order a credit institution, financial institution or other similar institution to withhold payment of the amount of money in respect of which a provisional measure to secure assets is imposed;
- prohibit the disposal of a claim arising from an obligation;
- prohibit the disposal of and encumbrance of shares or stakes in a company, with the prohibition entered in public records;
- prohibit the use of or disposal of rights arising from shares and stakes in a company and other securities;
- prohibit the disposal of and/or use of movable property, including crypto-assets or other digital assets, with an annotation of the prohibition in the appropriate register;
- order the temporary seizure of movable property (seizure).

State prosecutor shall, without delay, inform the investigating judge of the issuance of the order referred to in paragraph 3 of this Article and shall, within eight days, submit a reasoned proposal for imposing a provisional measure to secure assets.

Order referred to in paragraph 3 of this Article shall remain in force until the court issues the ruling referred to in paragraph 1 of this Article.

Should the state prosecutor fail to submit a reasoned proposal for imposing a provisional measure to secure assets within the time limit referred to in paragraph 4 of this Article, the measure shall be revoked by operation of law.

State prosecutor shall inform the authority responsible for enforcing the revoked provisional measure to secure assets of its revocation.

**Proposal for Imposing a Provisional Measure to Secure Assets**
**Article 25**

Proposal for imposing a provisional measure to secure assets shall contain: information on the holder of the property, the type of provisional measure, the statutory designation of the criminal offence and the material benefit subject to the provisional measure to secure assets; evidence of the legal basis of ownership; the circumstances giving rise to a well-founded suspicion that the material benefit was derived from criminal activity; and the reasons justifying the need to impose a provisional measure to secure assets.

Proposal referred to in paragraph 1 of this Article shall be served by the investigating judge on the holder of the property and his defence attorney, if any, who may make a statement on the allegations contained in the proposal within eight days from the date of receipt.

Holder shall have the right to be represented by an attorney-at-law, in the capacity of a proxy, throughout the entire procedure for imposing and during the duration of the provisional measure to secure assets.

Court shall inform the holder of this right when serving the proposal for imposing the provisional measure.

Notwithstanding paragraph 2 of this Article, the time limit for making a statement may, in justified cases, be extended by a maximum of 15 days.

**Decision of the Investigating Judge**
**Article 26**

No later than three days from the receipt of the statement, or within three days from the expiry of the time limits referred to in Article 25 paragraphs 2 and 4 of this Law, the investigating judge shall issue a ruling imposing a provisional measure to secure assets or a ruling rejecting the proposal for imposing a provisional measure to secure assets.

Ruling referred to in paragraph 1 of this Article shall contain a statement of reasons.

Investigating judge shall not be bound by the proposal of the state prosecutor for imposing a provisional measure to secure assets as regards the type of measure.

When deciding on a provisional measure to secure assets, the investigating judge shall take into consideration all facts and evidence relevant to the decision, including the facts and evidence submitted with the statement referred to in Article 25 paragraph 2 of this Law.

**Ruling**
**Article 27**

Ruling imposing a provisional measure to secure assets shall contain:

1) information on the holder;
2) the statutory designation of the criminal offence referred to in Article 2 paragraph 1 of this Law;
3) the designation of the provisional measure to secure assets being imposed;
4) information on the material benefit subject to the provisional measure to secure assets;
5) the circumstances giving rise to a well-founded suspicion that the material benefit was derived from criminal activity;
6) the reasons for imposing the provisional measure to secure assets;
7) the period for which the provisional measure to secure assets is imposed;
8) information on the right to request a hearing referred to in Article 30 of this Law;
9) instruction on the right to appeal and a warning that the appeal does not stay the enforcement of the ruling.

**Service of the Ruling**
**Article 28**

Ruling imposing a provisional measure to secure assets shall be served on the holder, the defence attorney or proxy, the state prosecutor and the competent body.

Ruling imposing a provisional measure to secure assets shall, for the purpose of protecting the rights and interests of bona fide third parties, be published in the Official Gazette of Montenegro and posted on the bulletin board of the court, and may also be published in one of the print media in Montenegro.

Notice inviting bona fide third parties to join the proceedings under this Law until the decision on the confiscation of material benefit derived from criminal activity becomes final shall be published together with the ruling imposing a provisional measure to secure assets, with an instruction that they have the right to be represented by an attorney-at-law, in the capacity of a proxy, throughout the entire proceedings.

When joining the proceedings, the court shall inform the bona fide third party of this right.

Bona fide third parties shall have the procedural rights of an injured party in line with this Law and the Criminal Procedure Code.

Ruling imposing a provisional measure to secure assets shall not affect the right of a person injured by the criminal offence referred to in Article 2 paragraph 1 of this Law to seek compensation for damage.

**Appeal**
**Article 29**

Appeal against the ruling of the investigating judge referred to in Article 26 paragraph 1 of this Law may be lodged by the state prosecutor, the holder, the defence attorney or the proxy within eight days from the date of service of the ruling.

Appeal referred to in paragraph 1 of this Article shall not stay the enforcement of the ruling.

Holder, defence attorney or proxy may, together with the appeal referred to in paragraph 1 of this Article, submit evidence concerning the origin of the material

benefit in respect of which the provisional measure to secure assets has been imposed.

**Appellate Proceedings**
**Article 30**

Panel referred to in Article 24 paragraph 2 of this Law shall, for the purpose of deciding on an appeal against a ruling imposing a provisional measure to secure assets, schedule a hearing, provided that this has been requested in the appeal referred to in Article 29 paragraph 1 of this Law.

Party that requested the hearing referred to in paragraph 1 of this Article shall be summoned to the hearing, and the state prosecutor shall in any event be notified of the hearing.

Should the president of the panel referred to in Article 24 paragraph 2 of this Law consider it necessary, the president shall also inform the party that did not request the hearing of the holding of the hearing referred to in paragraph 1 of this Article.

Summons and the appeal shall be served at the known address or registered office of the persons referred to in paragraphs 2 and 3 of this Article, with a warning that the hearing shall be held even in their absence.

**Hearing**
**Article 31**

Hearing referred to in Article 30 of this Law shall be held no later than 15 days from the date of lodging the appeal, and the absence of duly summoned persons referred to in Article 30 paragraphs 2 and 3 of this Law shall not prevent the hearing from being held.

Hearing that has commenced shall, as a rule, be held without interruption or adjournment.

Panel referred to in Article 24 paragraph 2 of this Law shall render its decision on the appeal within eight days from the date of conclusion of the hearing.

**Decision on the Appeal**
**Article 32**

Panel referred to in Article 24 paragraph 2 of this Law shall reject the appeal referred to in Article 29 paragraph 1 of this Law by a ruling should it be lodged out of time, be incomplete or have been lodged by an unauthorised person.

Panel referred to in Article 24 paragraph 2 of this Law shall reject the appeal by a ruling should it establish that the appeal is unfounded.

Panel referred to in Article 24 paragraph 2 of this Law shall uphold the appeal by a ruling and:

- amend the ruling imposing a provisional measure to secure assets; or
- set aside the ruling imposing a provisional measure to secure assets and, as necessary, refer the case to the investigating judge for a new decision.

When deciding on the appeal referred to in Article 29 paragraph 1 of this Law, the panel referred to in Article 24 paragraph 2 of this Law may set aside the ruling referred to in Article 26 paragraph 1 of this Law only once.

Ruling referred to in paragraphs 1, 2 and 3 of this Article shall be final.

**Duration of Provisional Measure to Secure Assets**

**Article 33**

Provisional measure to secure assets may remain in force at most until the decision on the confiscation of material benefit derived from criminal activity becomes final.

Should a provisional measure to secure assets have been imposed in the preliminary investigation, it shall be revoked ex officio unless an investigation is initiated within six months from the date of the ruling imposing the provisional measure to secure assets.

Should a provisional measure to secure assets have been imposed in the investigation, it shall be revoked ex officio unless the indictment becomes legally effective within two years from the date of the ruling imposing the provisional measure to secure assets.

Proposal for imposing a provisional measure may not, in the case referred to in paragraph 3 of this Article and upon expiry of two years from the date of the ruling imposing the provisional measure to secure assets, be submitted again against the same person in respect of the same property that was subject to the provisional measure to secure assets.

Court may, before the expiry of the periods referred to in paragraphs 1, 2 and 3 of this Article, revoke the provisional measure to secure assets ex officio or at the request of the state prosecutor, holder, defence attorney or proxy, should it establish that the measure is no longer necessary or justified having regard to the gravity of the criminal offence, the financial circumstances of the person against whom the provisional measure applies or of a person whom that person is legally obliged to support, and the circumstances indicating that seizure and confiscation of the material benefit will not be prevented or significantly impeded until the conclusion of the proceedings.

Court may replace a provisional measure to secure assets with another measure at the request of the state prosecutor, holder, defence attorney or proxy should it establish that the purpose of securing the material benefit can be achieved by another measure.

Court shall, at the request of a bona fide third party, revoke the provisional measure to secure assets, provided that that person submits documents clearly establishing that he is the owner of the material benefit subject to the provisional measure to secure assets.

State prosecutor, holder, defence attorney, proxy or bona fide third party may resubmit a request for revocation of the provisional measure to secure assets after the expiry of three months from the date of the ruling rejecting the request for revocation referred to in paragraph 5 of this Article.

**Corresponding Application**
**Article 34**

Provisions of the law governing enforcement and security shall, in the procedure for imposing a provisional measure to secure assets, apply accordingly unless otherwise provided by this Law, as well as the provisions of the Criminal Procedure Code governing the rights of a suspect or accused person.

**Temporary Seizure of Movable Property**
**Article 35**

Provisions of this Law governing the procedure, jurisdiction and duration of provisional measures to secure assets shall apply accordingly to the procedure, jurisdiction and duration of temporary seizure of movable property.

## VI. CONFISCATION OF MATERIAL BENEFIT DERIVED FROM CRIMINAL ACTIVITY

### Time Limit for Submitting a Request for Confiscation
### Article 36

State prosecutor shall, no later than six months following the finality of the judgment by which the accused is found guilty of the criminal offence referred to in Article 2 paragraph 1 of this Law, submit a request for confiscation of material benefit derived from criminal activity from the holder who fails to make plausible, by credible documents or otherwise, that the origin of the material benefit is lawful (confiscation).

State prosecutor shall, in the case referred to in Article 2 paragraph 2 of this Law, upon completion of the financial investigation referred to in Article 13 of this Law and no later than upon expiry of six months from the completion of the financial investigation referred to in Article 13 of this Law, submit a request for confiscation of property acquired through criminal activity (confiscation).

Request for confiscation of material benefit derived from criminal activity may, in the case referred to in Article 9 of this Law, be submitted no later than six months from the finality of the decision establishing the existence of circumstances permanently precluding criminal prosecution, or establishing that the criminal proceedings cannot be continued due to the death, illness, absconding, immunity, amnesty, pardon of the perpetrator of the criminal offence or the limitation period for criminal prosecution.

Notwithstanding paragraphs 1, 2 and 3 of this Article, the state prosecutor may, for justified reasons, request from the head of the immediately higher State Prosecutor's Office an extension of the time limit for submitting the request for confiscation of material benefit derived from criminal activity, for a maximum period of one year.

Panel referred to in Article 24 paragraph 2 of this Law shall decide on the request referred to in paragraphs 1, 2 and 3 of this Article at the main hearing referred to in Article 40 of this Law.

### Submission of a Request for Confiscation in the Event of Discovery of New Material Benefit
### Article 37

Should new material benefit for which there is a well-founded suspicion that it was derived from criminal activity be discovered during the proceedings concerning a request for confiscation of material benefit, the state prosecutor shall submit a supplement to the request referred to in Article 36 of this Law in respect of such material benefit.

Should new material benefit for which there is a well-founded suspicion that it was derived from criminal activity be discovered after the final conclusion of the proceedings concerning the request for confiscation of material benefit derived from

criminal activity and no later than upon expiry of the time limits referred to in Article 36 of this Law, the state prosecutor may submit a new request for confiscation of material benefit derived from criminal activity in respect of such material benefit.

**Content of the Request**
**Article 38**

Request for confiscation of material benefit derived from criminal activity shall contain:

1) information on the final judgment, or the decision referred to in Article 36 paragraphs 1 and 3 of this Law, or information on the ruling confirming the indictment or the scheduled main hearing in summary proceedings in the case referred to in Article 36 paragraph 2 of this Law;
2) information on the holder or owner;
3) information on the material benefit to be confiscated;
4) evidence of the property held by the holder and of his lawful income;
5) evidence that the material benefit was derived from criminal activity, or the reasons indicating a manifest disproportion between the value of the property after deduction of taxes and other duties paid and the lawful income of the holder.

Request for confiscation of material benefit derived from criminal activity submitted against a legal successor shall, in addition to the information referred to in paragraph 1 of this Article, contain evidence that the material benefit was derived from criminal activity, while a request against third parties shall also contain evidence that the material benefit was transferred without remuneration or, where it was transferred for remuneration, that the third party knew that the material benefit was derived from criminal activity or could have known or was obliged to know that the material benefit was derived from criminal activity.

Records of the financial investigation shall be submitted together with the request for confiscation of material benefit.

**Preparatory Hearing**
**Article 39**

Court shall, within 30 days from the date of submission of the request referred to in Article 36 of this Law, schedule a preparatory hearing for the purpose of proposing evidence and determining the issues to be considered at the main hearing.

Court shall summon the state prosecutor, the holder and his defence attorney or proxy to the preparatory hearing.

Summons shall be served on the holder at the known address or registered office of the person summoned, with a warning that the hearing shall be held even in his absence, as well as an instruction that he has the right to be represented by an attorney-at-law, in the capacity of a proxy, throughout the entire proceedings for confiscation of material benefit.

Should the summons be served directly on the holder or on the defence attorney or proxy, such service shall be deemed to constitute proper service on the holder. Should service of the summons in this manner not be possible, the court shall appoint a proxy ex officio for the holder in the proceedings for confiscation of material benefit.

Summons shall be served on the holder at least eight days before the hearing, and in justified cases this period may be extended to 15 days.

Court shall, in the summons, invite the persons referred to in paragraph 2 of this Article to present at the preparatory hearing the facts and propose the evidence on which the request of the state prosecutor is based or by which it is contested.

**Main Hearing**
**Article 40**

Court shall hold the main hearing within two months from the date of the preparatory hearing.

Should there be circumstances indicating that certain evidence cannot be obtained within the period referred to in paragraph 1 of this Article, or should evidence need to be obtained from another state, the date of the main hearing may be adjourned for a maximum additional period of two months.

Main hearing shall be held upon expiry of four months from the date of the preparatory hearing irrespective of whether the evidence referred to in paragraph 2 of this Article has been obtained.

Court may, in the case referred to in paragraph 3 of this Article, adjourn the main hearing, provided that the evidence in question is decisive.

**Summons**
**Article 41**

Court shall summon the state prosecutor, the holder and his defence attorney or proxy and, as necessary, other persons to the main hearing.

Summons shall be served on the holder, defence attorney or proxy and other persons at their known address or registered office of the legal person summoned, with a warning that the hearing shall be held even in their absence.

Summons shall be served on the holder at least 15 days before the hearing.

**Taking of Evidence**
**Article 42**

Main hearing shall commence with the presentation of the contents of the request of the state prosecutor and shall, as a rule, be held without interruption or adjournment.

Should the property of the accused be the subject of the request, the state prosecutor shall present evidence concerning the property and lawful income of the accused and the circumstances indicating the existence of a manifest disproportion between the value of the property after deduction of taxes and other duties paid and the lawful income.

Accused or his defence attorney shall make a statement concerning the allegations of the state prosecutor referred to in paragraphs 1 and 2 of this Article.

Should the property of a legal successor, a family member of the accused or a third party be the subject of the request, the state prosecutor shall present evidence that the legal successor inherited material benefit derived from criminal activity, or that the material benefit was transferred to a family member of the accused or a third party without remuneration or for remuneration which manifestly does not correspond to its actual value, with the aim of preventing its confiscation.

Legal successor, family member of the accused, third party or their proxies shall make a statement concerning the allegations of the state prosecutor referred to in paragraphs 1 and 4 of this Article.

**Ruling**
**Article 43**

Court shall, upon completion of the main hearing, issue a ruling granting or rejecting the request for confiscation of material benefit.

When issuing the ruling referred to in paragraph 1 of this Article, the court shall specifically assess the objective possibility of the holder obtaining evidence.

Ruling on confiscation of material benefit shall contain information on the holder, the statutory designation of the criminal offence referred to in the judgment or the circumstances referred to in Article 9 paragraph 1 of this Law, or information on the ruling confirming the indictment or the scheduled main hearing in summary proceedings in the case referred to in Article 36 paragraph 2 of this Law, information on the material benefit and, should the holder have disposed of the property, the value of the material benefit confiscated from the holder, and a decision on the costs of managing the material benefit in respect of which a provisional measure to secure assets was imposed, the civil claim of the injured party and the costs of representation, and the claim or other right of a bona fide third party.

Court shall serve the ruling referred to in paragraph 1 of this Article on the holder, his defence attorney or proxy, the bona fide third party and his proxy, the state prosecutor, the injured party and his proxy, and the competent body.

Should the ruling referred to in paragraph 3 of this Article decide on the costs of managing the material benefit in respect of which a provisional measure to secure assets was imposed, the costs of the proxy referred to in Article 39 paragraph 3 of this Law and the costs of the temporary representative referred to in Article 48 paragraph 2 of this Law, and should such costs not be recoverable from the holder, the court shall, in the ruling on confiscation of material benefit, set aside that amount from the seized and confiscated material benefit.

**Civil Claim**
**Article 44**

Should a final judgment have ruled on the civil claim of the injured party and the judgment not have been enforced, the court shall, in the ruling on confiscation of material benefit, set aside that amount from the seized and confiscated material benefit or set aside part of the property to satisfy the civil claim, and should no decision have been made on the civil claim, the court may, by its ruling, set aside part of the property to satisfy the civil claim.

**Right to Appeal**
**Article 45**

Appeal against the ruling referred to in Article 43 paragraph 1 of this Law may be lodged by the holder, his defence attorney or proxy, the injured party and his proxy, or the state prosecutor within 15 days from the date of service of the ruling.

Competent court of second instance shall decide on the appeal referred to in paragraph 1 of this Article.

**Decision on Appeal**
**Article 46**

When deciding on an appeal, the court of second instance may reject the appeal as out of time or inadmissible, reject it as unfounded, or uphold the appeal and amend or set aside the ruling and refer the case for a new decision.

Should the ruling have already been set aside once in the same case, the court of second instance shall schedule a hearing and decide on the appeal, and the ruling may not be set aside and the case referred back to the court of first instance for a new decision.

Provisions of Article 31 of this Law shall apply to the scheduling and holding of the hearing referred to in paragraph 2 of this Article.

**Reopening of Proceedings**
**Article 47**

Proceedings concluded by a final decision in line with this Law may, at the request of the state prosecutor, holder or defence attorney, be reopened in line with Articles 424 to 432 of the Criminal Procedure Code.

**Service**
**Article 48**

Court shall, in the procedure for imposing a provisional measure to secure assets and for the temporary seizure and confiscation of material benefit derived from criminal activity, serve summonses, documents and decisions on the parties in line with the provisions of the Criminal Procedure Code governing personal service.

Should service of a summons, document or decision on the holder not be possible, the court shall appoint a temporary representative authorised to take, in the name and on behalf of the holder, actions necessary to protect his interests.

Summons, document or decision shall, in the case referred to in paragraph 2 of this Article, also be posted on the bulletin board of the court.

***Corresponding Application***
**Article 49**

Provisions of the Criminal Procedure Code governing the rights of a suspect or accused person shall apply accordingly in proceedings concerning a request for confiscation of material benefit derived from criminal activity.

## VII. PROTECTION OF *BONA FIDE* THIRD PARTIES AND EFFECT ON OTHER PROCEEDINGS

**Social Protection**
**Article 50**

Decision on the seizure and confiscation of material benefit derived from criminal activity shall not preclude the exercise of rights arising from social and child protection, in line with the law governing social and child protection.

**Protection of the Injured Party**
**Article 51**

Should a final decision granting the civil claim of the injured party have been rendered in criminal proceedings concerning the criminal offence referred to in Article 2 paragraph 1 of this Law or in civil proceedings, the court shall, at the request of the

injured party, determine in the ruling on confiscation of material benefit that the civil claim shall be satisfied from the seized and confiscated material benefit, provided that the civil claim has not been otherwise satisfied by the time the ruling becomes final.

Should civil proceedings for the purpose of enforcing a civil claim arising from the criminal offence referred to in Article 2 paragraph 1 of this Law be pending, the court shall, at the request of the injured party, determine in the ruling on confiscation of material benefit that funds in the amount of the civil claim be set aside and kept separately or deposited into a separate account.

Should a judgment granting the civil claim be rendered in the proceedings referred to in paragraph 2 of this Article, enforcement shall be carried out against the funds set aside or deposited, provided that the civil claim has not been otherwise satisfied.

**Rights of *Bona Fide* Third Parties**
**Article 52**

Seizure and confiscation of material benefit derived from criminal activity shall not affect the rights held in such property by a *bona fide* third party.

*Bona fide* third party may join proceedings conducted in line with this Law until the decision on the confiscation of material benefit derived from criminal activity becomes final.

*Bona fide* third party may submit a proposal for revocation or amendment of a provisional measure to secure assets, participate in hearings, lodge an appeal against a ruling imposing a provisional measure to secure assets, temporary seizure of movable property or confiscation of material benefit derived from criminal activity, and undertake other actions in line with this Law.

Should a bona fide third party fail to join proceedings conducted in line with this Law until the decision on the confiscation of material benefit derived from criminal activity becomes final, despite having been informed of the initiation of the proceedings, he shall lose the right to seek satisfaction from the seized and confiscated material benefit.

Notwithstanding paragraph 4 of this Article, a bona fide third party may subsequently exercise the right to seek satisfaction of a claim from the seized and confiscated material benefit by submitting a reasoned request, provided that he proves that his failure to join the proceedings until the decision on the confiscation of material benefit derived from criminal activity became final was not caused by his fault.

Court that rendered the decision on the confiscation of material benefit derived from criminal activity shall decide on the request referred to in paragraph 5 of this Article.

**Satisfaction of Claims of *Bona Fide* Third Parties**
**Article 53**

*Bona fide* third party whose claim or other right has been established by a final decision on the confiscation of material benefit derived from criminal activity may, within two months from the date of receipt of the final decision, submit a request to the competent body for the satisfaction of his claim or exercise of his other right from the seized and confiscated material benefit.

Provided that, in the case referred to in Article 52 paragraph 5 of this Law, the competent court grants the request for subsequent exercise of the right to seek

satisfaction of a claim from the seized and confiscated material benefit, the bona fide third party may, within one month, submit a request to the competent body for the satisfaction of his claim or exercise of his other right from the seized and confiscated material benefit.

Should the total value of the claims referred to in paragraphs 1 and 2 of this Article exceed the value of the seized and confiscated material benefit derived from criminal activity, the competent body shall offer the bona fide third party satisfaction of the claim by corresponding application of the rules governing the satisfaction of creditors in bankruptcy proceedings.

Should the bona fide third party not accept the offer referred to in paragraph 3 of this Article, he may, within two months, submit a request to the court that rendered the decision on the confiscation of material benefit derived from criminal activity to issue a ruling on the satisfaction of the claim referred to in paragraph 1 of this Article. Court shall determine the satisfaction of the claim by corresponding application of the law governing the satisfaction of creditors in bankruptcy proceedings.

Appeal against the decision referred to in paragraph 4 of this Article may be lodged with the court of second instance within eight days from the date of receipt of the ruling.

**Impact on Other Proceedings**
**Article 54**

No proceedings against the holder may, following the imposition of a provisional measure to secure assets in line with this Law, be initiated for compulsory collection of a tax claim, enforcement proceedings or voluntary liquidation proceedings against a company, nor any other proceedings for the satisfaction of a claim from the material benefit subject to seizure and confiscation, with the exception of proceedings for exercising the civil claim of the injured party.

Proceedings referred to in paragraph 1 of this Article that have already been initiated shall be stayed until the decision on the confiscation of material benefit derived from criminal activity becomes final.

Limitation period and statutory time limits for taking actions in the proceedings referred to in paragraph 1 of this Article shall be stayed during the period from the imposition of a provisional measure to secure assets in line with this Law until the decision on the confiscation of material benefit derived from criminal activity is rendered.

Proceedings referred to in paragraph 1 of this Article may be resumed once the decision on the request for confiscation of material benefit derived from criminal activity becomes final.

**Impact on Bankruptcy Proceedings**
**Article 55**

Legal consequences of the opening of bankruptcy proceedings shall not affect the application of this Law.

Montenegro shall, in the event of the opening of bankruptcy proceedings, be:

- a secured creditor in respect of material benefit derived from criminal activity in relation to which a provisional measure to secure assets has been imposed and the annotation thereof has been entered in a public register;

- a creditor entitled to separation in respect of material benefit derived from criminal activity that has been confiscated in line with the provisions of this Law.

Conditions for bringing an action for separation in respect of material benefit that has been temporarily seized shall be deemed to have been fulfilled, as in the case of due amounts, on the date of opening bankruptcy proceedings against a legal person that is the holder of such material benefit.

## VIII. MANAGEMENT OF SEIZED AND CONFISCATED MATERIAL BENEFIT

### 1. Duties Relating to the Management of Seized and Confiscated Material Benefit

**Management of Seized and Confiscated Material Benefit**
**Article 56**

Management of seized and confiscated material benefit shall include:

1) enforcement of provisional measures to secure assets imposed in line with this Law or the Criminal Procedure Code;
2) enforcement of decisions on the temporary seizure of movable property and confiscation of material benefit derived from criminal activity;
3) enforcement of decisions on the seizure and confiscation of material benefit acquired through a criminal offence, instrumentalities of crime and items temporarily seized in criminal and misdemeanour proceedings, and enforcement of decisions concerning property pledged as bail;
4) valuation of seized and confiscated material benefit for the purposes of managing such material benefit;
5) leasing seized and confiscated material benefit or entrusting it for management in line with this Law;
6) granting seized and confiscated material benefit for use free of charge;
7) safekeeping, storage, sale and return of seized and confiscated material benefit;
8) depositing seized funds and funds obtained from the sale of seized and confiscated material benefit in line with the law;
9) destruction of seized and confiscated material benefit in line with the law;
10) keeping records of seized and confiscated material benefit and judicial proceedings in which such material benefit was seized or confiscated, as well as of provisional measures to secure assets;
11) other duties in line with the law.

Police shall assist the competent body in enforcing the decisions referred to in paragraph 1 items 1, 2 and 3 of this Article.

**Manner of Management**
**Article 57**

Competent body shall perform the management duties referred to in Article 56 of this Law ex officio or pursuant to a court decision, with the diligence of a prudent person, in a manner that guarantees the highest possible degree of preservation of the value of seized and confiscated material benefit, at the lowest possible cost.

**Delivery of Decisions and Data**
**Article 58**

Court, other authorities and legal persons shall deliver to the competent body, without delay and no later than three days from the date of issuing the decision or obtaining the data, the decisions referred to in Article 56 paragraph 1 items 1, 2 and 3 of this Law, as well as the data necessary for carrying out the management duties in respect of seized and confiscated material benefit.

**Record**
**Article 59**

Record shall be drafted on the taking over of seized and confiscated material benefit, containing:

1) the name of the court that issued the decision referred to in Article 56 paragraph 1 items 1, 2 and 3 of this Law, the case number, or the decision number, and the date of issuance;
2) the name, surname and address of the person, or the name and registered office of the legal person, from whom the material benefit was seized and confiscated;
3) the capacity of the person from whom the material benefit was seized and confiscated;
4) information on the seized and confiscated material benefit and the condition in which such material benefit is found;
5) information on the value of the seized and confiscated material benefit;
6) information on the place where the seized and confiscated material benefit is located;
7) the signature of the authorised person; and
8) other information concerning the seized and confiscated material benefit.

**Official Identification Card**
**Article 60**

Head of the competent body, the assistant head and other employees of the competent body authorised to perform the duties referred to in Article 56 paragraph 1 items 1, 2 and 3 of this Law shall, for the purpose of performing those duties, be issued an official identification card.

Official identification card referred to in paragraph 1 of this Article shall be issued by the state administration body responsible for judicial affairs (hereinafter referred to as: the Ministry), in the prescribed form.

Ministry shall prescribe the contents and form of the official identification card.

## 2. Enforcement of Provisional Measures to Secure Assets and Decisions on Temporary Seizure of Movable Property and Confiscation of Material Benefit Derived from Criminal Activity or Acquired through a Criminal Offence

**Prohibition of Disposal of Immovable Property and/or Use of Immovable Property**
**Article 61**

Should a provisional measure to secure assets referred to in Article 22 paragraph 1 items 1 and 2 of this Law be imposed, the competent body shall, immediately upon receipt of the ruling imposing such measure, issue an enforcement order.

Competent body shall, without delay, deliver the order referred to in paragraph 1 of this Article, together with the ruling imposing the provisional measure to secure assets, to:

1) the administrative body responsible for maintaining the real estate cadastre; and
2) the person to whom the measure applies, his defence attorney or proxy.

Authority and the person, defence attorney or proxy referred to in paragraph 2 of this Article shall be obliged to comply with the order referred to in paragraph 1 of this Article, whereby the authority shall act in line with the provisions of the law under which it performs its duties.

Should the provisional measure to secure assets referred to in Article 22 paragraph 1 item 2 of this Law be imposed, the holder of the immovable property shall have the right to use the immovable property in line with its intended purpose, provided that:

1) he does not dispose of, encumber or allow another person to use the immovable property;
2) he does not undertake actions that would reduce the value of the immovable property or change its intended purpose;
3) he enables the competent body to carry out inspections for the purpose of protecting the value of the property.

Should the court, exceptionally, impose the provisional measure to secure assets referred to in Article 22 paragraph 1 item 1 of this Law for the purpose of preventing the deterioration of property or a substantial decrease in its value, the ruling shall expressly state the reasons for imposing such measure.

Provisions of the law governing enforcement and security shall apply accordingly to the enforcement of the order referred to in paragraph 1 of this Article unless otherwise provided by this Law.

**Order to a Credit Institution, Financial Institution or Other Similar Institution, Prohibition of Disposal of a Claim and Prohibition of Disposal of and Encumbrance of Shares**

**Article 62**

Should a provisional measure to secure assets referred to in Article 22 paragraph 1 items 3, 4 and 5 of this Law be imposed, the competent body shall, immediately upon receipt of the ruling imposing such measure, issue an enforcement order.

Competent body shall, without delay, deliver the order referred to in paragraph 1 of this Article, together with the ruling imposing the provisional measure to secure assets, to the legal person maintaining the public register or records of the material benefit subject to the provisional measure to secure assets or with which the account of the person to whom the provisional measure to secure assets applies is maintained.

Legal person referred to in paragraph 2 of this Article shall be obliged to comply with the order of the competent body in line with the provisions of the law under which the legal person performs its duties.

Provisions of the law governing enforcement and security shall apply accordingly to the enforcement of the order referred to in paragraph 1 of this Article unless otherwise provided by this Law.

**Prohibition of Use of or Disposal of Rights Arising from Shares and Stakes**
**Article 63**

Should a provisional measure to secure assets referred to in Article 22 paragraph 1 item 6 of this Law be imposed, the competent body shall, immediately upon receipt of the ruling imposing such measure, issue an enforcement order.

Provisions of Article 62 of this Law concerning the service of the order, the obligations of the authority or legal person maintaining public records of shares or stakes in a company and other securities, and the enforcement of the order shall apply accordingly to the order referred to in paragraph 1 of this Article.

Should the provisional measure to secure assets referred to in Article 22 paragraph 1 item 6 of this Law be imposed, the competent body may appoint a person to represent the interests of the minority holder of shares or stakes in the company.

Person referred to in paragraph 3 of this Article shall be appointed from among independent experts with appropriate experience in the fields of company management, finance or law, who have no conflict of interest in relation to the property subject to the provisional measure to secure assets referred to in Article 22 paragraph 1 item 6 of this Law.

Person referred to in paragraph 3 of this Article shall submit to the competent body and to the court that issued the ruling imposing the provisional measure to secure assets referred to in Article 22 paragraph 1 item 6 of this Law, once every three months, a report on the representation of the interests of the minority holder of shares or stakes in the company.

**Interim Administration in a Company**
**Article 64**

Should the provisional measure to secure assets referred to in Article 22 paragraph 1 item 7 of this Law concern a joint-stock company, the Government of Montenegro (hereinafter referred to as: the Government) shall, at the proposal of the competent body, appoint an interim management board consisting of three members and an interim administrator.

Interim management board referred to in paragraph 1 of this Article shall assume the powers of the assembly of shareholders and the board of directors of the joint-stock company, while the interim administrator shall assume the powers of the executive director.

Should the provisional measure to secure assets referred to in Article 22 paragraph 1 item 7 of this Law concern another form of organisation of a company, the Government shall, at the proposal of the competent body, appoint an interim administrator who shall assume the powers of the bodies of the company.

Person may not be appointed as a member of the interim management board or as an interim administrator referred to in paragraphs 1 and 3 of this Article in any case in which that person:

1) has been subject to the security measure prohibiting the exercise of a profession, activity or duty;
2) has a claim against or an obligation towards the company in which interim administration has been introduced;

3) during the preceding year was a member of a management body or another authorised person in the company in which interim administration has been introduced;
4) is a blood relative in the direct line, in the collateral line up to the fourth degree of kinship, or a relative by marriage up to the second degree of kinship, or is the spouse or common-law spouse or partner in a same-sex union of the holder or a member of the management body of the company in which interim administration has been introduced, regardless of whether the marriage or union has ended;
5) participated, as an official, in proceedings for seizure and confiscation of material benefit in line with this Law, or there are other material reasons indicating the existence of a conflict of interest in relation to the company in which interim administration has been introduced;
6) is the defence attorney or proxy of the holder;
7) is a related person of the holder.

Competent body shall supervise the work of the interim management board and interim administrator referred to in paragraphs 1 and 3 of this Article.

Interim management board or interim administrator referred to in paragraphs 1 and 3 of this Article shall submit to the competent body and to the court that issued the ruling imposing the provisional measure to secure assets referred to in Article 22 paragraph 1 item 7 of this Law, once every three months, a report on the operations of the company in which interim administration has been introduced.

**Prohibition of Disposal of and/or Use of Movable Property**
**Article 65**

Should a provisional measure to secure assets referred to in Article 22 paragraph 1 item 8 of this Law be imposed, the competent body shall, immediately upon receipt of the ruling imposing such measure, issue an enforcement order.

Competent body shall, without delay, deliver the order referred to in paragraph 1 of this Article, together with the ruling imposing the provisional measure to secure assets, to the authority responsible for maintaining the relevant register.

Authority referred to in paragraph 2 of this Article shall be obliged to comply with the order referred to in paragraph 1 of this Article.

Provisions of the law governing enforcement and security shall apply accordingly to the enforcement of the order referred to in paragraph 1 of this Article.

**Enforcement of the Decision on Temporary Seizure of Movable Property**
**Article 66**

Provisions of the law governing enforcement and security shall apply accordingly to the enforcement of a decision on the temporary seizure of movable property.

**Enforcement of the Decision on Confiscation of Material Benefit Derived from Criminal Activity or Acquired through a Criminal Offence**
**Article 67**

Confiscated material benefit shall become state property, and the law governing enforcement and security shall apply to the enforcement of decisions on the confiscation of material benefit derived from criminal activity.

Law governing state property shall apply to the disposal of seized and confiscated material benefit.

Government shall dispose of the property referred to in paragraph 1 of this Article in the following proportions:

- 40% of the value of such property for the needs of the Ministry, of which at least half shall be used for the protection of and support to victims of criminal offences;
- 20% of the value of such property for the needs of state authorities which, within their competence, undertake actions to detect material benefit derived from criminal activity, conduct financial investigations and financial preliminary investigations, and conduct proceedings for temporary seizure and confiscation of material benefit;
- 20% of the value of such property for the needs of the competent body, for the purpose of modernising the system for managing seized and confiscated material benefit, in particular the records referred to in Article 83 of this Law; and
- 20% of the value of such property for the purpose of providing funds in line with the law governing the exercise of the right to temporary child maintenance.

## 3. Valuation, Leasing and Free-of-Charge Use of Seized and Confiscated Material Benefit

### Valuation of Seized and Confiscated Material Benefit
### Article 68

Competent body shall assess the value of seized and confiscated material benefit for the purposes of managing such material benefit (leasing, granting use free of charge and sale) or at the request of the court.

Competent body shall also assess special circumstances relevant to the management of seized and confiscated material benefit, including an assessment of the costs of safekeeping, management and maintenance of seized and confiscated material benefit when justified by the nature of such material benefit.

Valuation referred to in paragraphs 1 and 2 of this Article may be carried out by an expert employed by the competent body.

Notwithstanding paragraph 3 of this Article, the competent body may, for the purposes of carrying out the valuation referred to in paragraphs 1 and 2 of this Article, engage an expert, organisation or institution, with the prior consent of the state administration body responsible for financial affairs.

### Leasing or Granting the Use of Seized and Confiscated Material Benefit Free of Charge
### Article 69

Competent body may lease material benefit in respect of which a provisional measure to secure assets referred to in Article 22 paragraph 1 items 1 and 2 of this Law has been imposed, or entrust it for management, to a person who is not related to the holder or owner, state authorities and local self-government bodies, legal persons exercising public powers, humanitarian and non-governmental organisations or other legal entities.

Competent body may grant a house or apartment in respect of which a provisional measure to secure assets referred to in Article 22 paragraph 1 items 1 and 2 of this Law has been imposed for use free of charge to the spouse or common-law spouse or partner in a same-sex union, children and parents of the holder or owner, provided that they were residing in the temporarily seized house or apartment at the time of seizure.

Funds obtained from leasing seized and confiscated material benefit shall be paid into a separate account of the competent body and used to cover the costs of managing and maintaining seized and confiscated material benefit.

Competent body may grant temporarily seized movable property for use free of charge to a state authority or state administration body, provided that this is necessary for the purpose of protecting the safety of a person protected in line with the regulation determining the persons, facilities and premises protected by the police.

Competent body shall, without delay, inform the court that issued the ruling imposing the provisional measure to secure assets referred to in Article 22 paragraph 1 items 1 and 2 or Article 22 paragraph 3 of this Law of the actions taken under paragraphs 1, 2 and 4 of this Article.

Manner of leasing temporarily seized material benefit shall be prescribed by the Government.

## 4. Safekeeping, Storage and Sale of Seized and Confiscated Material Benefit

### Safekeeping and Storage of Seized and Confiscated Material Benefit
### Article 70

Temporarily seized material benefit of historical, artistic or scientific value shall be delivered by the competent body for safekeeping to institutions specialised in the safekeeping of such property until the decision becomes final.

Temporarily seized items made of precious metals, precious or semi-precious stones, pearls and other valuables shall be delivered by the competent body for safekeeping to the Central Bank of Montenegro.

Items referred to in paragraph 2 of this Article shall, before being delivered for safekeeping, comply with the packaging and protection requirements prescribed by the regulation of the Central Bank of Montenegro.

Temporarily seized weapons shall be delivered by the competent body for safekeeping to the state administration body responsible for internal affairs, except for antique weapons, which shall be delivered for safekeeping to a museum.

Competent body may conclude an agreement with a natural or legal person to whom seized and confiscated material benefit is entrusted for safekeeping and storage.

Material benefit referred to in paragraph 1 of this Article that has been confiscated, as well as antique weapons referred to in paragraph 3 of this Article that have been confiscated, as state property, shall be entrusted for safekeeping to an institution specialised in the safekeeping of such property designated by the state administration body responsible for cultural affairs.

Material benefit referred to in paragraph 2 of this Article that has been confiscated, as state property, shall be kept in a safe at the Central Bank of

Montenegro on the basis of a safe-deposit agreement concluded between the competent body and the Central Bank of Montenegro.

**Sale of Movable Property**
**Article 71**

Competent body may sell movable property in respect of which a provisional measure to secure assets referred to in Article 22 paragraph 3 of this Law has been imposed in either of the following circumstances:

- the estimated costs of safekeeping, management and maintenance significantly exceed the value of such property;
- such property is at risk of deterioration.

Sale referred to in paragraph 1 of this Article shall be conducted by public auction in line with the law governing enforcement and security.

Competent body shall, without delay, inform the court that issued the ruling imposing the provisional measure to secure assets referred to in Article 22 paragraph 3 of this Law of the sale referred to in paragraph 1 of this Article.

Should the sale referred to in paragraph 2 of this Article be unsuccessful, the property may be sold by direct agreement in line with the law governing enforcement and security, and should such sale also be unsuccessful, the seized movable property may be donated for humanitarian purposes, entrusted for use to a state authority or state administration body, or destroyed.

Value of the property referred to in paragraph 1 of this Article shall be determined by the competent body.

**Securities**
**Article 72**

Management and sale of securities shall be carried out in line with the law governing securities.

Should the temporary seizure of securities be ordered, the competent body shall enter an annotation prohibiting the disposal and alienation of such securities with the Central Depository Agency.

Competent body may engage an authorised participant in the securities market for the purpose of monitoring changes in the market value of securities subject to temporary seizure.

Person referred to in paragraph 3 of this Article shall submit to the competent body, every three months, periodic reports on changes in the market value of securities subject to temporary seizure, as well as extraordinary reports in the event of significant market changes which may result in a substantial decrease in the market value of such securities.

Competent body may, on the basis of the report referred to in paragraph 4 of this Article and with the prior approval of the court that issued the ruling ordering the temporary seizure of the securities, propose the sale of such securities should there be a risk that their value will substantially decrease.

**Sale of Immovable Property**
**Article 73**

Competent body may sell immovable property in respect of which a provisional measure to secure assets referred to in Article 22 paragraph 1 items 1 and 2 of this Law has been imposed, with the consent of the court, in either of the following circumstances:

- the costs of safekeeping, management and maintenance significantly exceed the value of such property;
- such property is at risk of deterioration.

Competent body shall, without delay, inform the holder of the initiation of the sale procedure referred to in paragraph 1 of this Article and invite him to make a statement, unless he is unknown or unavailable or the circumstances referred to in paragraph 1 indent 2 of this Article exist.

Holder shall have the right to request the competent body to initiate the sale procedure for the immovable property referred to in paragraph 1 of this Article, provided that the circumstances referred to in paragraph 1 indent 2 of this Article exist and the competent body has not initiated the sale procedure.

Value of the property referred to in paragraph 1 of this Article shall be determined by the competent body.

Manner of sale of immovable property in respect of which a provisional measure to secure assets referred to in Article 22 paragraph 1 items 1 and 2 of this Law has been imposed shall be prescribed by the Government.

**Restrictions on Disposal**
**Article 74**

Competent body may not lease or sell seized and confiscated material benefit entrusted for safekeeping and storage to the spouse or common-law spouse or partner in a same-sex union of the holder, his blood relative in the direct line up to any degree, collateral relative up to the fourth degree or relative by marriage up to the second degree, his defence attorney or proxy, or to a company in which the holder owns shares representing at least 25% of all shares or controls the company on the basis of a dominant position in the management of the company, or to another related person of the holder.

**Sale of Perishable Goods and Animals**
**Article 75**

Competent body may, without public auction, sell perishable goods and animals or transfer them for humanitarian purposes.

Funds obtained from the sale of temporarily seized material benefit referred to in paragraph 1 of this Article shall be kept in a separate account of the competent body as a demand deposit at the most favourable interest rate until the decision on confiscation of material benefit becomes final.

## 5. Return of Seized and Confiscated Material Benefit and Compensation for Damage

**Return of Seized and Confiscated Material Benefit**
**Article 76**

Should a provisional measure to secure assets or temporary seizure of movable property be ordered in line with this Law, the holder shall have the right to the return of the seized and confiscated material benefit and compensation for damage, in line with the law governing obligations, in the event of:

1) a decision rejecting the request for confiscation of material benefit derived from criminal activity or acquired through a criminal offence;
2) an acquittal or a judgment rejecting the charges for the criminal offence referred to in Article 2 paragraph 1 of this Law, or for the criminal offence in respect of which a provisional measure to secure assets or temporary seizure of movable property was ordered.

Notwithstanding paragraph 1 item 2 of this Article, the material benefit shall not be returned, provided that a request for confiscation of material benefit referred to in Article 36 paragraph 2 of this Law has been submitted and the proceedings concerning such request have not been finally concluded, or that such request may still be submitted within the time limit referred to in Article 36 paragraph 2 of this Law.

Competent body shall, in the case referred to in paragraph 1 item 1 of this Article, without delay and no later than 15 days from the date of receipt of the decision rejecting the request for confiscation of material benefit derived from criminal activity or acquired through a criminal offence, return the temporarily seized material benefit.

Competent body shall, in the case referred to in paragraph 1 item 2 of this Article, without delay and no later than 15 days from the date of receipt of the final acquittal or judgment rejecting the charges, return the temporarily seized material benefit.

Action for compensation for damage may be brought within six months from the date of service of the final decision rejecting the request for confiscation of material benefit derived from criminal activity or acquired through a criminal offence.

Record shall be drafted on the return of material benefit referred to in paragraphs 1, 3 and 4 of this Article and shall be signed by the head of the competent body and the holder.

Montenegro shall be liable for the compensation for damage referred to in paragraph 4 of this Article.

**Scope of Return of Seized and Confiscated Material Benefit**
**Article 77**

Fruits and all other benefits generated during the management of seized and confiscated material benefit shall, in the event of its return, be returned to the holder.

Should part or all of the material benefit have been sold during its management, the competent body shall transfer to the holder the amount of the purchase price increased by the amount of the average interest calculated on demand deposits in Montenegro.

Should temporarily seized material benefit have been donated or destroyed during its management, the holder shall have the right to compensation for damage in line with the law governing obligations.

Competent body shall act in line with paragraphs 1 and 2 of this Article within 15 days from the date of service of the final decision referred to in Article 76 paragraph 1 of this Law.

## 6. Deposit of Seized Funds and Funds Obtained from the Sale of Seized and Confiscated Material Benefit

### Deposit of Seized Funds
### Article 78

Seized funds denominated in euros shall be deposited into a dedicated account of the competent body maintained with the state administration body responsible for financial affairs, until the decision on confiscation of the funds becomes final.

Seized funds, i.e. foreign currencies and foreign cash, shall be deposited into a dedicated account of the competent body maintained with the Central Bank of Montenegro, until the decision on confiscation of the funds becomes final.

### Deposit of Funds Obtained from Sale
### Article 79

Funds obtained from the sale of movable property referred to in Article 71 of this Law and the sale of immovable property referred to in Article 73 of this Law shall be placed with a bank in Montenegro as a demand deposit until the decision on confiscation of the material benefit becomes final.

Competent body shall use the funds referred to in paragraph 1 of this Article to cover the costs of managing and maintaining seized and confiscated material benefit.

## 7. Destruction of Seized and Confiscated Material Benefit

### Destruction of Material Benefit
### Article 80

Seized and confiscated material benefit that must be destroyed for the purpose of protecting the life and health of people and animals, protecting the environment, for security or other reasons shall be destroyed under the supervision of the competent authorities, in line with the law.

Notwithstanding paragraph 1 of this Article, seized and confiscated material benefit shall not be destroyed should it be capable of being used as evidence in criminal proceedings or in proceedings for seizure and confiscation of material benefit in line with this Law, until such proceedings are finally concluded or until the need for its use as evidence ceases.

Costs of destruction of the material benefit referred to in paragraph 1 of this Article shall be borne by the person from whom the material benefit was seized.

Should the person referred to in paragraph 3 of this Article be unknown or unavailable, the costs of destruction shall be borne by the competent body.

Should the identity of the person referred to in paragraph 3 of this Article subsequently be established, or should such person become available, the competent body shall have the right to recover the costs from that person.

Costs of destruction of perishable material benefit shall be borne by the holder.

### Management Costs
### Article 81

Costs of safekeeping and maintenance of seized and confiscated material benefit shall be borne by the competent body until the decision becomes final.

## 8. Management of Seized Instrumentalities of Crime, Items Temporarily Seized in Criminal and Misdemeanour Proceedings and Property Pledged as Bail

***Corresponding Application***
**Article 82**

Provisions of this Law concerning the management of seized and confiscated material benefit shall apply accordingly to the management of seized instrumentalities of crime, items temporarily seized in criminal and misdemeanour proceedings and property pledged as bail.

## 9. Keeping Records of Seized and Confiscated Material Benefit

**Records**
**Article 83**

Records of seized and confiscated material benefit shall contain information on:

1) final court decisions imposing provisional measures to secure assets, temporary seizure of movable property and confiscation of material benefit derived from criminal activity or acquired through a criminal offence — the number and date of issuance, the name of the court and the date on which the decision became final;
2) the criminal offence referred to in Article 2 paragraph 1 of this Law or the criminal offence by which the material benefit was acquired — the statutory designation of the criminal offence and the Article of the Criminal Code of Montenegro prescribing the criminal offence;
3) the type and assessed value of the seized and confiscated material benefit, as follows:

- for movable property — an inventory of the items, their assessed value and the place where the items are located;
- for immovable property — information on the surface area of the immovable property, buildings, rights in respect of the immovable property and the authority with which the immovable property is entered in the real estate cadastre; the period for which the material benefit was seized; material benefit entrusted for safekeeping and the person to whom it was entrusted; movable property sold for the purpose of preserving its value and the price for which it was sold; the sale of confiscated material benefit; the price for which it was sold; property transferred free of charge; and property destroyed;

4) the person from whom the material benefit was seized — the first and last name, personal identification number and address of the natural person, or the name, registered office and registration number of the legal person and the capacity in which the person acted;
5) the return of seized and confiscated material benefit — the number of the final court decision rejecting the request for confiscation of material benefit and the date on which the decision became final; the number of the final judgment referred to in Article 76 paragraph 1 item 2 of this Law and the date on which the judgment became final, and the scope of the return of seized and confiscated material benefit;

6) seized instrumentalities of crime, items temporarily seized in criminal and misdemeanour proceedings and property pledged as bail.

Records referred to in paragraph 1 of this Article shall be maintained separately for provisional measures to secure assets, temporary seizure of movable property, confiscated material benefit, seized instrumentalities of crime, items temporarily seized in criminal and misdemeanour proceedings and property pledged as bail.

Records referred to in paragraph 1 of this Article shall be maintained in the form of a bound book consisting of numbered pages and in electronic form.

Provisions governing office administration in state administration bodies shall apply accordingly to the keeping of records of seized and confiscated material benefit.

## IX. INTERNATIONAL COOPERATION

### Basis for International Cooperation
### Article 84

International cooperation for the purpose of seizure and confiscation and management of seized and confiscated material benefit shall be carried out in line with an international agreement.

Should no international agreement exist or should certain matters not be regulated by an international agreement, international cooperation shall be carried out in line with this Law, provided that reciprocity exists or that it may be expected that the foreign state would execute a request for mutual legal assistance from a domestic judicial authority.

Provisions of the law governing international legal assistance in criminal matters shall apply accordingly to matters of international cooperation not regulated by this Law.

Sharing of confiscated material benefit with other states may be regulated by an international agreement.

Should no international agreement exist, the sharing of confiscated material benefit shall be determined on a case-by-case basis according to objective and transparent criteria, taking into particular account the contribution of each state to the detection, financial investigation, provisional securing and confiscation of material benefit.

### Scope of International Cooperation
### Article 85

International cooperation shall, for the purposes of this Law, include the identification, tracing and detection of material benefit, imposition of a provisional measure to secure assets, temporary seizure of movable property, confiscation of material benefit and management of seized and confiscated material benefit.

Organisational unit of the police responsible for the tasks of the National Asset Recovery Office of Montenegro shall act upon requests in line with Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime.

### Submission of a Request for Cooperation
### Article 86

Request of the competent authority of another state for international cooperation shall be submitted to the competent authority of Montenegro through the Ministry.

Request of a competent authority of Montenegro shall be submitted to the competent authority of another state in the manner referred to in paragraph 1 of this Article.

**Content of a Request for Cooperation**
**Article 87**

Request for international cooperation shall contain:

1) the name of the authority submitting the request;
2) the legal basis for providing international cooperation;
3) information on the person to whom the request relates (name, date and place of birth, nationality and residence), and, for a legal person, information on its registered office;
4) information on the material benefit in respect of which cooperation is requested and its connection with the person referred to in paragraph 1 item 3 of this Article;
5) the specific actions to be undertaken; and
6) an extract from the text of the law of the other state constituting the legal basis for undertaking particular measures.

Request for international cooperation relating to the detection of material benefit, prohibition of disposal of material benefit or seizure and confiscation of material benefit shall, in addition to the information referred to in paragraph 1 of this Article, contain the circumstances indicating that the material benefit was derived from criminal activity.

Request shall, in the case referred to in paragraph 2 of this Article, be accompanied by evidence that criminal proceedings have been instituted for the criminal offence referred to in Article 2 paragraph 1 of this Law or that a financial preliminary investigation or financial investigation has been initiated.

Request for enforcement of confiscation of material benefit shall be accompanied by a final decision on the confiscation of material benefit.

**Procedure**
**Article 88**

State prosecutor or the court shall, upon receipt of a request from the competent authority of another state for international cooperation, examine whether the conditions referred to in Articles 85 and 87 of this Law have been met.

Should the request from the competent authority of another state for international cooperation not contain all the prescribed elements, that authority shall be requested to supplement the request and a time limit for doing so shall be set.

Should the competent authority of the other state fail to act in line with paragraph 2 of this Article, its request shall be rejected.

**Duration of Provisional Measure to Secure Assets**
**Article 89**

Provisional measure to secure assets imposed pursuant to a request for international cooperation shall remain in force until the proceedings for confiscation of

material benefit in the state that submitted the request for international cooperation are concluded.

Should the proceedings referred to in paragraph 1 of this Article not be concluded within two years from the date of the ruling imposing the provisional measure to secure assets, the court shall revoke the provisional measure to secure assets ex officio.

Six months before the expiry of the time limit referred to in paragraph 2 of this Article, the court shall inform the competent authority of the other state of the consequences of the expiry of the time limit.

Court may, at the reasoned request of the competent authority of the other state, decide that the provisional measure to secure assets shall remain in force for a maximum additional period of one year.

## X. TRANSITIONAL AND FINAL PROVISIONS

### Pending Proceedings
### Article 90

Proceedings in which, before the date of entry into force of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity ("Official Gazette of Montenegro", Nos. 58/15, 47/19 and 54/24), a first-instance decision on the confiscation of property had been rendered shall be concluded in line with the provisions of the regulations that were in force before the date of entry into force of that Law.

Should a first-instance decision on a request for confiscation of property have been set aside and the case referred back to the court of first instance for a new trial before the date of entry into force of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity ("Official Gazette of Montenegro", Nos. 58/15, 47/19 and 54/24), the provisions of this Law shall apply in the further proceedings.

Should a final decision on the confiscation of property rendered before the entry into force of this Law not have been enforced before the date of entry into force of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity ("Official Gazette of Montenegro", Nos. 58/15, 47/19 and 54/24), enforcement shall be carried out in line with the provisions of this Law.

### Article 91

Should an order initiating a financial investigation have been issued under the provisions of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity ("Official Gazette of Montenegro", Nos. 58/15 and 47/19) before the date of entry into force of this Law, the financial investigation shall be concluded in line with the provisions of that Law.

Should an order initiating a financial investigation have been issued under the provisions of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity ("Official Gazette of Montenegro", Nos. 58/15, 47/19 and 54/24) before the date of entry into force of this Law, the financial investigation shall be concluded and the proceedings for confiscation of material benefit derived from criminal activity shall be conducted in line with the provisions of this Law.

### Article 92

Should proceedings for seizure and confiscation of material benefit derived from criminal activity have been initiated pursuant to Article 10 of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15 and 47/19) before the date of entry into force of this Law, such proceedings shall be concluded in line with the provisions of that Law.

Should a provisional measure to secure assets and temporary seizure of movable property have been proposed in line with the provisions of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15 and 47/19) before the date of entry into force of this Law and the court have not issued a ruling thereon, the proceedings shall continue in line with the provisions of that Law.

Should a provisional measure to secure assets and temporary seizure of movable property have been ordered in line with the provisions of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15 and 47/19) before the date of entry into force of this Law, the provisions of that Law shall apply to the duration of those measures.

Proceedings for confiscation of material benefit derived from criminal activity that were initiated in line with the provisions of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15 and 47/19) shall continue in line with the provisions of that Law.

Should a first-instance decision on the confiscation of material benefit derived from criminal activity have been rendered in line with the provisions of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15 and 47/19) before the date of entry into force of this Law, the appeal proceedings shall be conducted in line with the provisions of that Law.

Should a first-instance decision on a request for confiscation of material benefit derived from criminal activity have been set aside and the case referred back to the court of first instance for a new trial in line with the provisions of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15 and 47/19), the provisions of this Law shall apply in the further proceedings.

**Article 93**

Should proceedings for seizure and confiscation of material benefit derived from criminal activity have been initiated pursuant to Article 10 of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15, 47/19 and 54/24) before the date of entry into force of this Law, such proceedings shall be concluded in line with the provisions of that Law.

Should a provisional measure to secure assets and temporary seizure of movable property have been proposed in line with the provisions of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15, 47/19 and 54/24) before the date of entry into force of this Law and the court have not issued a ruling thereon, the proceedings shall continue in line with the provisions of that Law.

Should a provisional measure to secure assets and temporary seizure of movable property have been ordered in line with the provisions of the Law on Seizure

and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15, 47/19 and 54/24) before the date of entry into force of this Law, the provisions of that Law shall apply to the duration of those measures.

Proceedings for confiscation of material benefit derived from criminal activity that were initiated in line with the provisions of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15, 47/19 and 54/24) shall continue in line with the provisions of that Law.

Should a first-instance decision on the confiscation of material benefit derived from criminal activity have been rendered in line with the provisions of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15, 47/19 and 54/24) before the date of entry into force of this Law, the appeal proceedings shall be conducted in line with the provisions of that Law.

Should a first-instance decision on a request for confiscation of material benefit derived from criminal activity have been set aside and the case referred back to the court of first instance for a new trial in line with the provisions of the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15, 47/19 and 54/24), the provisions of this Law shall apply in the further proceedings.

**Adoption of Implementing Regulations**
**Article 94**

Implementing regulations for this Law shall be adopted within 60 days from the date of entry into force of this Law.

Until the adoption of the implementing regulations referred to in paragraph 1 of this Article, the existing implementing regulations adopted pursuant to the Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15, 47/19 and 54/24) shall apply, unless they are contrary to this Law.

**Repeal**
**Article 95**

Law on Seizure and Confiscation of Material Benefit Derived from Criminal Activity (“Official Gazette of Montenegro”, Nos. 58/15, 47/19 and 54/24) shall cease to have effect on the date of entry into force of this Law.

**Entry into Force**
**Article 96**

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

No.: 23-2/26-8/15
EPA 1162 XXVIII
Podgorica, 3 September 2026

Parliament of Montenegro, 28th Convocation
President,

Andrija Mandić, m.p.

---

∗ The provisions of Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union have been transposed into this Law.