Pursuant to Article 26, paragraph 2 of the Rules of Procedure of the Government of Montenegro (Official Gazette of Montenegro 48/09), the National commission for implementation of the Strategy for the Fight against Corruption and Organised Crime, on its session held on 22 November 2010, adopted

THE RULES OF PROCEDURE

OF THE NATIONAL COMMISSION FOR IMPLEMENTATION OF THE STRATEGY FOR THE FIGHT AGAINST CORRUPTION AND ORGANISED CRIME

I. GENERAL PROVISIONS

Article 1

The Rules of Procedure regulate issues of organisation, work methodology and decision-making process by the National commission for implementation of the Strategy for the Fight against Corruption and Organised Crime (hereinafter: the National Commission), which was established by the Decision of the Government of Montenegro on establishing National commission for implementation of the Strategy for the Fight against Corruption and Organised Crime (Official Gazette of Montenegro 61/10).

II. RIGHTS AND DUTIES OF MEMBERS OF THE NATIONAL COMMISSION

Article 2

Members of the National Commission shall be equal in their rights and duties.

Article 3

Member of the National Commission shall attend sessions of the National Commission and have right to participate in its work and decision-making process.

Chairperson, deputy chairperson and members of the National Commission may authorise other person from the institutions that they are representing, to participate at the sessions of the National Commission, without having the right to vote.

Article 4

Should a member of the National Commission be prevented to attend a session, he/she shall inform the chairperson of the National Commission accordingly.

Member of the National Commission may submit his/her opinion on particular items of the agenda, relating to the session he/she is prevented to attend.

Article 5

Member of the National Commission shall perform his/her duties in good faith.

Member of the National Commission shall be regularly informed on all issues examined and decided upon by the National Commission, including all other issues that may be relevant for

his/her participation in the work of the National Commission.

Article 6

Member of the National Commission shall be entitled to initiate a discussion on particular issues pertaining to the scope of work of the National Commission, to propose measures for improvement of the implementation of the Action Plan for implementation of the Strategy for Fight against Corruption and Organised Crime, as well as to vote on proposed decisions, other acts and opinions.

Member of the National Commission shall adhere to the session's approved agenda.

III. CONVOCATION AND WORK ON THE SESSION

Article 7

The National Commission shall work and reach decisions on its sessions.

The chairperson or deputy chairperson shall convene the session of the National Commission, at least twice a year.

The chairperson or deputy chairperson shall convene the session of the National Commission, upon request of at least one third of all members of the National Commission, not later than fifteen days following the receipt of such a request

Article 8

The chairperson, i.e. deputy chairperson shall submit the convocation letter, as well as proposal of the agenda and supporting documents and minutes from the previous session, to the members of the National Commission, not later than fifteen days prior to the session.

Members of the National Commission may submit the proposal of amendments to the periodic reports on the implementation of the Action Plan not later than seven days prior to the session.

Exceptionally, the chairperson or deputy chairperson may convene the session of the National Commission, on his/her own initiative or upon proposal of a member of the National Commission, in a period of time shorter than fifteen days, while proposal of the agenda and supporting documents for the session may be submitted on the session itself.

In the case of convening the session as per the paragraph 3, the chairperson of the National Commission or his deputy shall, at the beginning of the session, inform members about the reasons for its convening.

Article 9

The chairperson shall moderate the sessions of the National Commission, and in case of his/her absence the session shall be moderated by the deputy chairperson.

The chairperson shall determine whether the session is attended by the required number of members of the National Commission and manage the work of the National Commission in accordance with the agenda, adhering to the Rules of Procedure.

In order to reach a valid decision, the session shall be attended by more than a half of all members of the National Commission.

Should it be determined that the session is not attended by the required number of members, the chairperson shall postpone the session and set the date for the next session.

Article 10

The National Commission shall reach decisions on its sessions, by public vote.

Exceptionally, the National Commission may decide to reach decisions by secret vote.

Should more than a half of all members of the National Commission vote for a decision, it shall be considered adopted.

Article 11

Following the opening of the session, the National Commission shall approve the agenda.

Every member of the National Commission shall be entitled to propose changes and amendments of the agenda.

Article 12

According to the approved agenda, minutes from the previous session shall be discussed, prior to the start of work of the National Commission.

The minutes shall contain information on: attendance and absence of members of the National Commission, on proposals which were discussed, decisions, conclusions and other acts adopted on the session, as well as on the outcome and voting methods for each question that was discussed.

The member of the National Commission shall be entitled to produce comments related to the minutes, while the validity of these comments shall be discussed on the session. Following the request of the member of the National Commission who expressed individual opinion, minutes shall include information on the member expressed the individual opinion, as well as reasons behind it.

Should there be no comments produced to the minutes, or should they be changed according to the submitted comments, the minutes shall be considered adopted.

Producing and approving comments, or statements that the minutes were adopted without comments, shall be noted in the minutes of the current session of the National Commission.

Article 13

The chairperson shall represent and act on behalf of the National Commission, propose the adoption of the reports of the National Commission on the implementation of measures from the Action Plan for the implementation of the Strategy for the fight against Corruption and Organised Crime, and shall verify with his/her signature the decisions, minutes and other acts adopted by the National Commission.

The report referred to in paragraph 1 of this Article, the National Commission shall submit in writing to the Government of Montenegro, at least twice a year, while the chairperson of the National Commission or his/her deputy shall elaborate on the report on the Government's session

The report referred to in paragraph 1 of this Article shall be submitted to the Committee on Economy, Finance and Budget, as well as to the Committee on Political System, Judiciary and Administration of the Parliament of Montenegro

The report referred to in paragraph 1 of this Article may be submitted to international organisations which express such an interest.

Article 14

The secretary of the National Commission shall produce minutes from the sessions.

The secretary shall organise and prepare the session of the National Commission and provide necessary administrative and technical support to the work of the National Commission.

Article 15

Expert tasks in collecting, analysing and drafting reports of the competent bodies shall be realised by the Directorate for Anti-corruption Initiative, in framework of their competencies and functioning as Secretariat of the National Commission.

Collecting and analysing of statistical data shall be performed by the Three-Party Commission as well, which consists of representatives of the Supreme State Prosecutor's Office, Supreme Court and Police Directorate.

IV. TRANSPARENCY OF WORK OF THE NATIONAL COMMISSION

Article 16

The sessions of the National Commission shall, as a rule, be held without public presence.

The transparency of work of the National Commission shall be ensured through public presentations of the report referred to in Article 13 herein, through press releases following its sessions and through holding press conferences, as well as disclosing the documents on work

of the National Commissions, in accordance to specific regulations.

The Decision on establishing National Commission, these Rules of Procedure, reports of reporting institutions and the report referred to in Article 13 shall be published on the internet portal of Directorate for Anti-Corruption Initiative.

The report referred to in Article 13 herein shall be published on the internet portal of the Government of Montenegro, in Montenegrin and English language.

The chairperson or his/deputy, or a member of the Commission or its secretary, authorised by the chairperson, shall inform the public on the work of the National Commission.

V. FINAL PROVISIONS

Article 17

Issues relating to the work of the National Commission that are not regulated by means of these Rules of Procedure may be regulated by a decision of the National Commission, in accordance with the provisions of these Rules.

Article 18

These Rules of Procedure shall enter into force on the day of their publication in the Official Gazette of Montenegro.

Number: 05-827-2/10
Podgorica, 22 November 2010

Chairperson of the National Commission
prof. dr Gordana Djurovic