

Pursuant to Article 88, Paragraph 1, Item 8, in connection with Article 30 of the Law on Prevention of Corruption (Official Gazette of Montenegro, 53/14) and Article 6 of the Rules of Procedure of the Council of the Agency for Prevention of Corruption (Official Gazette of Montenegro, 66/15), at its session held on 17 December 2015, the Council of the Agency for Prevention of Corruption adopted the following

Rules on verification of data in the Report on income and assets of the Director of the Agency for Prevention of Corruption

The rules were published in the Official Gazette of Montenegro no. 75/2015, dated 25 December 2015, and entered into force on 2 January 2016.

I. GENERAL PROVISIONS

Article 1

These rules shall describe in detail the manner of initiating and carrying out verification procedure, types of verification procedures, timeframes of procedures and other matters of importance for verification of data on movable and immovable assets, acquired after taking public office, and on income of the Director of the Agency for Prevention of Corruption.

Article 2

Verification of data shall include processing and verifying data on income and assets of the Director of the Agency for Prevention of Corruption.

The verification shall be carried out by processing, collecting, exchanging data, comparing and analysing the reported data on income and assets, from the submitted reports on income and assets of the Director of the Agency, with the data collected from authorities and legal persons, which keep in their records data on assets of public officials, in accordance with article 30 paragraph 1 and 2 of the Law on Prevention of Corruption.

Article 3

The aim of verification procedure shall be to establish the accuracy of all reported assets and income of the Director of the Agency, as well as of the assets and income of spouse and children, if they live in the same household, authenticity and completeness of the reported data on assets, and to carry out verification procedure of the manner in which the assets were acquired, as well as of the sources of funds used to acquire movable and immovable assets, acquired after taking the public office, and which the Director of the Agency stated in the report.

II. TYPES OF VERIFICATION PROCEDURES

Article 4

Verification procedure of the data from the Report on income and assets of the Director of the Agency, as a public official, shall include:

- Technical (administrative) verification;
- Verification upon request; and
- Full verification procedure.

1. Technical and administrative verification

Article 5

Technical and administrative verification procedure of the Report on income and assets of the Director of the Agency, as a public official, shall be initiated and carried out by the Council of the Agency, with the technical and administrative support of the Council Secretary.

Technical and administrative verification procedure shall include:

- verifying whether the Director of the Agency submitted the Report on income and assets within the deadline stipulated by the law; and
- verifying whether the Report of the Director of the Agency is completed properly and in accordance with law.

Administrative verification procedure shall be carried out for each submitted report on income and assets of the Director of the Agency, as a public official, within 30 days following the day of expiration of the statutory period, or the receipt of the Report, and before entering the Report in the register of income and assets, and its publication on the Agency's website.

2. Verification procedure upon request

Article 6

Verification of data from the Report on income and assets of the Director of the Agency upon request shall include verification of data on assets and income from the submitted Report, on the manner of acquisition, the sources of funds used for acquiring assets, which were acquired after taking the public office.

Verification procedure upon request shall be initiated by the Council of the Agency upon request of an authority and other legal or natural person.

Verification procedure upon request shall be carried out by the Council of the Agency, which shall, in its sessions, establish facts and propose necessary presentation of evidence, with technical and administrative support of the Council Secretary, in the context of the submitted request.

The Council of the Agency shall carry out the procedure within 60 days following the day of receipt of the request.

3. Full verification

Article 7

Full verification shall include processing, analysing, controlling and verifying all data on income and assets of the Director of the Agency, as a public official, as well as on

assets and income of spouse and children, if they live in the same household, and information on the manner of acquisition of assets, and on sources of funds which were used for acquiring movable and immovable assets, which were acquired after taking the public office, other data listed in the submitted Report, by comparing the collected data on income and assets of the Director of the Agency with the data on income and assets of the Director of the Agency obtained from authorities and legal persons that hold in their records data on income and assets.

Full verification shall be carried out by exchanging data on income and assets of the Director of the Agency through the data network, use of databases, through written requests, e-mail requests, and similar, with the Tax Administration, Real Estate Administration, Securities Commission, Ministry of Interior, Ministry of Transport and Maritime Affairs, commercial banks in Montenegro, as well as other authorities and legal persons, which hold in their records data on parts of assets owned and income generated by the Director of the Agency.

Article 8

Full verification procedure shall be initiated by the Council of the Agency, in accordance with the provisions of article 6 of the Rules of Procedure of the Council of the Agency for Prevention of Corruption.

Full verification procedure shall be carried out by the Council of the Agency, which shall, in the sessions, establish facts and propose presentation of evidence, if necessary, with the technical and administrative support of the Council Secretary, within 60 days from the day of initiation of the procedure, or the day of expiration of the statutory timeframe for submission of the Report on income and assets of the Director of the Agency, as a public official.

Article 9

The Council of the Agency shall carry out verification procedure of the Report on income and assets of the Director of the Agency *ex officio* in the following manner:

- Verification of the Report on income and assets of the Director of the Agency, upon assuming the public office;
- Verification of regular annual Report on income and assets of the Director of the Agency, by the end of March each year for the previous year;
- Verification of the Report on income and assets of the Director of the Agency, upon request of authorities and legal or natural persons, or initiation of the verification procedure *ex officio*;
- Verification of the Report on income and assets of the Director of the Agency *ex officio*, in case of establishing the reasons for disagreement between the data from the Report and factual situation, or establishing the reasons for disagreement between increased value of the assets of the Director of the Agency, acquired subsequently, and the reported income thereof;
- Verification of the Report on income and assets of the Director of the Agency, in case of change of the data from the Report, relating to an increase in assets over EUR 5,000.00;

- Verification of the Report on income and assets of the Director of the Agency, after termination of public office, within the timeframes set by the law.

Verification procedure referred to in article 30 of the Law shall be carried out in cooperation with all institutions that hold in their records data on assets and income of public officials.

III. INITIATION OF THE PROCEDURE AND DECISION-MAKING

Article 10

In accordance with Articles 9 and 19 of the Rules of Procedure of the Council of the Agency for Prevention of Corruption, and in connection with the application of Article 30 of the Law on Prevention of Corruption, the Council of the Agency shall carry out verification procedure of data from the Report on income and assets of the Director of the Agency.

Provisions of the Law on Prevention of Corruption and the law governing administrative procedure shall apply accordingly to the verification procedure of data from the Report on income and assets of the Director of the Agency, and they refer to: initiation of the procedure, establishment of facts and circumstances, presentation of evidence, statement of the Director of the Agency, hearings, decision-making by the Council of the Agency, submission of documents to the Director of the Agency regarding the implementation of the verification procedure, as well as the availability of information to the public on the implementation of the verification procedure.

After collecting data on income and assets of the Director of the Agency, as well as on the assets and income of spouse and children, if they live in the same household, from authorities and legal persons, the data shall be processed and the procedures of verification, analysis and control initiated, by comparing the obtained data with the data stated in the Report on income and assets.

In order to establish an accurate and complete factual situation for decision-making, and when it deems necessary in order to establish facts and circumstances relevant for decision-making, the Council of the Agency, which carries out the procedure, may request, ex officio, presentation of evidence, in accordance with the rules of the general administrative procedure.

Article 11

Verification procedure of data from the submitted Report on income and assets of the Director of the Agency shall begin with administrative and technical data processing, after which the data shall be entered in the records of the Agency, which shall be published on the Agency's website.

Following the entry of data from the Report on income and assets into the records, the procedure of full verification of data on income and assets of the Director of the Agency, as well as the assets and income of spouse and children, if they live in the same household, shall be carried out.

Article 12

Once the procedure of verification of data from the Report on income and assets of the Director of the Agency is completed, based on the established factual situation and evaluation of presented evidence, the President of the Council of the Agency shall establish the outcome of the verification procedure in the form of the proposal of a reasoned decision of the Council of the Agency, with the technical and administrative support of the Council Secretary.

Following the voting, the President of the Council of the Agency shall establish the outcome of the voting and announce whether the proposed decision of the Council of the Agency was adopted or not. The decision of the Council of the Agency shall be published after its submission to the Director of the Agency, which it applies to, within eight days following the day of adoption of the act.

IV. OBLIGATION TO SAFEGUARD AND PROTECT CLASSIFIED DATA AND PERSONAL DATA

Article 13

Procedure of verification of data from the submitted Reports of the Director of the Agency shall not be open to the public.

Personal data shall only be used for the time necessary to achieve the purpose of their use, according to the purpose for which they were provided and the legal basis for their use.

The Council of the Agency shall ensure the protection of classified data and personal data during its work and when communicating to the public.

Article 14

Members of the Council of the Agency and the Council Secretary and the employees of the Agency's Secretariat shall not process personal data without authorization.

Members of the Council and employed civil servants and state employees who signed the statement on handling classified data shall ensure protection and safeguarding of classified data and personal data in accordance with the law.

The confidentiality clause shall apply to members of the Council of the Agency even after the termination of their work in the Agency.

Article 15

In the event that, during verification of data from the Report on income and assets of the Director of the Agency, members of the Council establish the existence of grounds for suspicion that a criminal offence prosecuted ex officio was committed, members of the Council shall submit the request, with the evidence obtained in the exercise of their competences, to the competent public prosecutor's office without delay.

If the Council members have data that indicate irregularities, which are not within their competence, they shall submit such data to the competent authority.

The competent authority referred to in Paragraphs 1 and 2 of this Article shall notify the Council of the Agency about the outcome of the procedure.

Article 16

These rules shall enter into force on the eighth day following the date of publication thereof in the Official Gazette of Montenegro.

Number 00-64 / 15-71

Podgorica, 17 December 2015

Council of the Agency for Prevention of Corruption

President of the Council of the Agency,

Goranka Vučinić, m.p.