

Pursuant to article 35 and article 46 paragraph 7 of the Law on Financing of Political Entities and Election Campaigns (Official Gazette of Montenegro 52/14), the Agency for Prevention of Corruption hereby issues the

RULEBOOK
ON THE MANNER OF EXERCISING CONTROL OVER POLITICAL ENTITIES AND
CONTROL AND SUPERVISION DURING ELECTION CAMPAIGN

I. GENERAL PROVISIONS

Article 1

This Rulebook shall prescribe the manner of exercising control over the implementation of provisions contained in articles 24 to 34 of the Law on Financing of Political Entities and Election Campaigns (hereinafter: “the Law”) and the manner of exercising control and supervision during election campaign.

Article 2

Control over implementation of provisions contained in articles 24 to 34 of the Law and control during election campaign (hereinafter: “control”) and supervision during election campaign (hereinafter: “supervision”), in terms of this Rulebook, shall be performed by the Agency for Prevention of Corruption (hereinafter: “the Agency”), by examining the documentation submitted upon the Agency’s request, or by direct access to the business records, accounting and other documentation of a political entity and other person, who is the subject of control.

In order to exercise the control and supervision referred to in paragraph 1 of this article, the Agency shall collect and analyse reports, information and data submitted to the Agency, ex officio or upon request, by political entities, as well as data from other legal and natural persons.

II. MANNER OF EXERCISING CONTROL

Article 3

In order to implement the competencies prescribed by the Law, the Agency shall adopt the Plan of control and supervision during election campaign, within 10 days from the day of publishing of the call for elections.

The Plan referred to in paragraph 1 of this article shall be adopted based on the risk analysis, which includes the analysis of previous decisions, opinions, reports and other acts of the Agency, as well as reports of other institutions and organizations, concerning the control and work of political entities and election campaigns.

The Plan referred to in paragraph 1 of this article shall define the institutions and, where appropriate, political entities over which a comprehensive control of implementation of the rules and compliance with the prohibitions and restrictions prescribed by the Law will be carried out,

as well as institutions over which the control of implementation of the rules and compliance with the prohibitions and restrictions prescribed by the Law will be carried out.

The Plan referred to in paragraph 1 of this article may also include areas in which non-compliance with the provisions on prohibitions and restrictions prescribed by the Law have been identified.

III. EXERCISING CONTROL AND SUPERVISION

Article 4

Person authorised by the decision of the Director of the Agency (hereinafter: “authorised officer”) shall implement the procedure to establish whether a violation of the Law was committed and impose measures.

Article 5

By rule, the Agency shall inform the entity subject to control about the planned control before the commencement of the control.

Article 6

The controlled entity shall create the necessary conditions for the authorised officer to exercise control, ensure unimpeded access to documentation and to the operation of the information technology and computer database, and provide copies of certain documents in printed and/or electronic form.

Article 7

The authorised officer shall prepare the minutes of the control carried out.

The minutes of the control carried out shall contain: name of the controlled entity, date and place of control, scope of control, names of official and other persons who were present during the control, accurate and concise description of the content and course of control and statements given, and specification of documents referring to the scope of control and relevant for the exercise of control.

Statements of official persons who attend control shall be entered into the minutes as accurately as possible, and, if necessary, in their exact words.

The minutes of the exercised control shall be signed by the authorised officer and the official or other person who was present during the control.

If a person refuses to sign the minutes, that shall be recorded in the minutes.

A copy of the minutes referred to in article 7 of this Rulebook shall be submitted to the controlled entity.

Article 8

The controlled entity may submit objections to the minutes of the exercised control to the Agency within eight days from the day of receipt thereof.

The Agency shall consider submitted objections and notify the controlled entity, in writing, of acceptance or rejection of the objections, within eight days from the day of receipt of objections to the minutes of the exercised control or objections to the amendment to the minutes of the exercised control.

Article 9

If the controlled entity fails to submit objections to the minutes of the exercised control within the deadlines stipulated in this Rulebook, or fails to dispute the findings contained in the minutes of the exercised control with the grounded objections, the Agency shall undertake appropriate measures and actions prescribed by the Law.

Article 10

The authorised officer in the Agency referred to in article 7 of this Rulebook shall prepare the report on the exercised control whenever in the course of supervision s/he establishes irregularities or violations of the regulations by the controlled entities.

Based on the report referred to in the paragraph 1 of this article, the Agency shall adopt the decision imposing measures or appropriate actions set forth in the Law.

Article 11

In addition to exercising control, supervision shall be carried out by means of continuous monitoring and analysis of the reports, information and data on the operations and activities of the supervised entities during election campaigns, along with the use of comparative and other applicable analytical methods and procedures.

While exercising supervision, the Agency may request from the supervised entities to submit certain reports, information and data.

In the request referred to in paragraph 2 of this article, the Agency may define the manner of submission of the requested reports, information and data, including the submission using the appropriate forms.

The authorised officer shall prepare a report on the exercised supervision whenever in the course of supervision s/he finds irregularities or violations of the regulations by the supervised entities.

Based on the report referred to in paragraph 4 of this article, the Agency shall adopt a decision imposing measures or appropriate actions set forth by the Law.

Article 12

Decisions on imposed measures and implemented actions referred to in articles 10 and 11 of this Rulebook shall be published on the Agency's website, and submitted to the party to the proceedings, in accordance with the provisions of the Law on general administrative procedure.

IV. FINAL PROVISIONS

Article 13

With the entry into force of this Rulebook, the Rulebook on the manner of exercising control over the implementation of articles 24 to 34 of the Law on Financing Political Entities and Election Campaigns, and control and supervision during election campaign, dated 31 July 2015 (Official Gazette of Montenegro 43/15) shall cease to be valid.

Article 14

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

Number: 01 - 332

Podgorica, 2 February 2016

Agency for Prevention of Corruption

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