

Pursuant to article 88 paragraph 2 of the Law on Prevention of Corruption (Official Gazette of Montenegro 53/14), the Council of the Agency for Prevention of Corruption, at its ninth session, held on 20 November 2015, adopts the following

# Statute of the Agency for Prevention of Corruption

*The Statute was published in the Official Gazette of Montenegro, 66/2015, dated 26 November 2015, and entered into force on the same date*

## **I. I BASIC PROVISIONS**

### **Article 1**

The Statute of the Agency for Prevention of Corruption (hereinafter: the Agency) shall regulate the following matters: the seat and activities of the Agency; acting for and on behalf of the Agency; internal organisation of the Agency; manner of work, decision-making and competences of the Agency's bodies; publicity of work; detailed decision-making process; manner of publishing of annual activity report and other matters of importance for the Agency's work.

### **Article 2**

The terms used in this Statute to denote natural persons in masculine gender shall include the same terms in feminine gender.

### **Article 3**

The Agency shall have the status of a legal person.

## **II. NAME, SEAT, SEAL, STAMP, EMBLEM AND MEMORANDUM OF THE AGENCY**

### **Article 4**

The full name of the Agency shall be: *Agencija za sprječavanje korupcije*. The English name for the Agency shall be: Agency for Prevention of Corruption.

### **Article 5**

The seat of the Agency shall be in Podgorica, address: Kralja Nikole 27/V.

### **Article 6**

The Agency shall have a round seal, 30 mm in diameter, with two concentric circles with 2 mm spacing between them.

The seal shall contain: the coat of arms of Montenegro, the title “Montenegro” and full name and seat of the Agency: “Agency for Prevention of Corruption” – Podgorica.

The text in the seal shall be contained in the inner concentric circle, around the coat of arms of Montenegro.

The Director of the Agency shall prescribe the manner of using, keeping and destroying of the seal, the person responsible for the seal and other matters thereon, by a special document.

### **Article 7**

The Agency shall have two rectangular stamps (for incoming and outgoing documents), with the dimensions 23 x 59 mm, which shall contain: the title “Montenegro” and the full name and seat of the Agency: “Agency for Prevention of Corruption” - Podgorica. The title “Montenegro” and the name and seat of the Agency shall be printed horizontally, and there shall be an empty space between them for entering the number of an act and the date when it was filed.

The Director of the Agency shall prescribe the manner of using, keeping and destroying of the stamps and other matters thereon, by a special decision.

The Agency shall have a logo.

The Agency shall have a memorandum containing: the logo of the Agency (in the upper left corner), the coat of arms of Montenegro (in the upper right corner), the Agency's name, address, phone number, website and e-mail address (below a line in the footer of the memorandum).

The Council of the Agency shall define the visual appearance, form and content of the logo and memorandum, upon the proposal of the Director.

The Agency shall have an emblem that symbolizes the Agency's activities.

## **III. ACTING FOR AND ON BEHALF OF THE AGENCY**

### **Article 8**

The Director of the Agency shall represent the Agency at home and abroad.

The Director shall be responsible for the legality of the Agency's work.

The Director shall be authorized to conclude contracts and perform other legal actions on behalf of the Agency, unless otherwise defined by the Law, Statute or other act.

### **Article 9**

Regulations and other acts of the Agency shall be signed by the Director of the Agency, with the exception of documents the adoption of which is under the competence of the Council.

Exceptionally, the acts and documents may be signed by other employees of the Agency, within the limits of delegated powers, and in the manner established by a special decision of the Director.

The Agency shall keep special records of the right to sign and delegated powers to sign.

## **IV. COMPETENCES**

## **Article 10**

The Agency shall:

- Establish existence of conflict of interest in the exercise of public function and take measures for the prevention thereof;
- Control restrictions in the exercise of public function;
- Carry out control over gifts, sponsorships and donations;
- Verify data from the Report on income and assets of public officials;
- Issue opinions on existence of threats to the public interest indicating the existence of corruption and give recommendations for prevention of threats to the public interest and whistleblower protection;
- Monitor adoption and implementation of integrity plans, give recommendations for their improvement and assess the efficiency and effectiveness of integrity plans, in accordance with the Law;
- Adopt acts under the competences of the Agency, in accordance with the law;
- Propose initiatives for amendments of laws, other regulations and general acts, aimed at eliminating potential corruption risks or their harmonisation with international standards in the field of anti-corruption;
- Issue opinions on draft laws and other regulations and general acts, aimed at their harmonisation with international standards in the field of anti-corruption;
- Initiate and conduct procedures to establish violations of the provisions of this and other laws stipulating the competences of the Agency;
- Cooperate with competent authorities, higher education institutions and scientific organizations and other entities, in order to implement the activities in the area of prevention of corruption;
- Keep records and registers in accordance with the Law;
- Issue misdemeanour warrants and initiate misdemeanour and other proceedings;
- Undertake educational, research and other activities, aimed at prevention of corruption;
- Promote regional and international cooperation in prevention of corruption;
- Perform other tasks prescribed by law.

The Agency shall exercise supervision over the implementation of regulations governing lobbying and implement measures to control financing of political entities and election campaigns, in accordance with a special law.

In undertaking tasks within its competences, the Agency may engage national and international experts, or institutions, organizations and agencies.

## **V. INTERNAL ORGANIZATION**

### **Article 11**

Bodies of the Agency shall be the Council of the Agency (hereinafter: the Council) and Director of the Agency (hereinafter: the Director).

## **Article 12**

The Council shall have a president and four members.

Appointment and dismissal of the members of the Council is governed by the Law on Prevention of Corruption.

## **Article 13**

The Council shall appoint the president from among its members at the first, inaugural session, by a majority of votes of all members of the Council.

In case of absence, the President of the Council shall be substituted by a member of the Council, appointed in accordance with the Rules of Procedure of the Council.

Technical and administrative tasks for the needs of the Council shall be executed by the Secretary to the Council, pursuant to the Rulebook on internal organisation and job descriptions of the Agency.

## **Article 14**

The work of the Council shall be defined in more detail by the Rules of Procedure of the Council.

## **Article 15**

The Council shall:

- 1) Advertise a vacancy for the position of the Director, appoint and dismiss the Director;
- 2) Adopt the Statute and Rulebook on internal organization and job descriptions of the Agency, upon the proposal of the Director;
- 3) Adopt annual activity plan of the Agency, upon the proposal of the Director;
- 4) Adopt the proposal of budget and final statement, upon the proposal of the Director;
- 5) Adopt rules of work the Agency and rules for preparing and implementing integrity plans, upon the proposal of the Director;
- 6) Adopt rules of procedure of the Council;
- 7) Propose initiatives for improvement of the Agency's work to the Director;
- 8) Adopt annual activity report of the Agency, upon the proposal of the Director;
- 9) Verify data from the Report on income and assets of the Director;
- 10) Carry out supervision over the work of the Director;
- 11) Give initiatives for improvement of draft laws, other regulations and general acts, aimed at their harmonisation with international standards in the field of anti-corruption, in consultation with the Director;
- 12) Adopt rules specifying the matters under its competences;
- 13) Review periodic reports on the implementation of the annual Activity Plan of the Agency;
- 14) Review periodic reports on the execution of the Agency's budget for the current year;
- 15) Establish permanent and temporary expert and advisory working bodies (commissions, working groups, committees, etc); and
- 16) Perform other tasks, in accordance with law and the Statute of the Agency.

## **Article 16**

Session of the Council shall be attended by the Director and other invited persons, who shall be entitled to participate in the discussion, but not to make decisions. In case of absence of the Director, the session shall be attended by an employee authorized by the Director.

As a rule, the President of the Council shall inform the public on the tasks under the competences of the Council.

## **VI. MANAGEMENT**

### **Article 17**

The Agency shall be managed by the Director, in the manner set forth in the law and this Statute.

### **Article 18**

The Director of the Agency shall:

- 1) Be responsible for the work of the Agency;
- 2) Act on behalf and for the Agency;
- 3) Plan, organize and manage the work of the Agency;
- 4) Propose annual activity plan and annual activity report to the Council;
- 5) Propose budget and final statement of the Agency to the Council;
- 6) Propose Rulebook on internal organization and job descriptions to the Council;
- 7) Appoint/assign the Assistant Director and other employees of the Agency, in accordance with the act on internal organisation and job descriptions;
- 8) Conclude contracts related to the work of the Agency;
- 9) Undertake all legal actions on behalf of and for the Agency;
- 10) Act for the Agency in all proceedings in courts, administrative and other state authorities, and legal persons with public authorities;
- 11) Organize and ensure lawful and effective implementation of activities under the competences of the Agency;
- 12) Propose measures for improvement of the organization of work of the Agency to the Council;
- 13) Perform other duties, in accordance with the law and the Statute of the Agency.

### **Article 19**

The Director shall adopt acts under the competence thereof.

When s/he deems appropriate, the Director may request the opinion of the Council on the matters within the competence thereof.

### **Article 20**

The Director shall be entitled to a salary in the same amount as the Protector of Human Rights and Freedoms.

The decision on the amount of the Director's salary shall be issued by the President of the Council.

### **Article 21**

The activities of the Agency shall be performed within organizational units, as defined by the act on internal organization and job descriptions, depending on the needs of the Agency.

Decisions on the assignment of employees and the decision on the appointment of Assistant Directors shall be issued by the Director.

### **Article 22**

The act on internal organization and job descriptions of the Agency shall regulate the internal organization of the Agency, work posts, conditions of employment, and assignment of the employees in the Agency.

The work of the Agency shall be organized into divisions, sections and departments, as follows:

1. DIVISION FOR PREVENTION OF CONFLICT OF INTEREST AND CONTROL OF FINANCING OF POLITICAL ENTITIES AND ELECTION CAMPAIGNS;
2. DIVISION FOR PREVENTION OF CORRUPTION, INTEGRITY, LOBBYING AND IMPLEMENTATION OF INTERNATIONAL STANDARDS;
3. DEPARTMENT FOR INTERNATIONAL COOPERATION AND STANDARDS;
4. DEPARTMENT FOR INFORMATION TECHNOLOGY; and
5. DEPARTMENT FOR GENERAL AFFAIRS AND FINANCE.

The tasks of a senior advisor shall be carried out independently from the organizational units.

Organizational units shall cooperate with each other, coordinate their activities and act jointly in the performance of tasks under the Agency's competence.

### **Article 23**

By issuing a special decision or other act, the Director may confer some of his management duties to another employee of the Agency.

For lawful, professional and timely execution of the conferred duties, the person referred to in paragraph 1 of this article shall be responsible to the Director.

### **Article 24**

Director may establish permanent and temporary technical and advisory working bodies (commissions, working groups, committees, etc).

## **VII. REGULATORY ACTIVITIES OF THE AGENCY**

### **Article 25**

The Agency shall issue rulebooks, instructions, decisions and other general acts related to internal operations of the Agency, in accordance with the Law and this Statute.

The acts referred to in paragraph 1 of this article shall be published on the notice board and on the website of the Agency.

#### **Article 26**

The Council shall issue decisions and conclusions, in accordance with the law and the Rules of Procedure of the Council.

#### **Article 27**

The Director shall issue decisions, resolutions and conclusions, in accordance with the competences thereof prescribed by the law and the Statute.

### **VIII. PUBLICITY OF WORK AND INFORMATION DISCLOSURE**

#### **Article 28**

The work of the Agency is public.

The Agency shall inform the public on its activities by issuing public statements, providing timely information, publishing reports, issuing official publications, organising press conferences, etc.

The Council shall inform the public on its decisions in the manner stipulated by the law and the Rules of Procedure.

#### **Article 29**

Information and statements regarding the work of the Agency shall be communicated by the Director, or by other employees when authorised by the Director.

Persons referred to in paragraph 1 of this article shall not disclose information and notifications that are confidential, in accordance with the law.

#### **Article 30**

In order to provide more comprehensive information to the public, the Agency may issue a bulletin and other special publications or informative newsletters.

The concept of the publication or informative newsletter and conditions of their publishing shall be defined by the Director or a person authorized by him/her.

#### **Article 31**

The Agency shall have its own website.

The Agency shall have its own information system.

Management, operation and content of the information system shall be regulated by a special regulation issued by the Director of the Agency.

### **Funds for work of the Agency**

#### **Article 32**

The funds for work of the Agency shall be defined in the budget of the Agency.

The annual budget of the Agency shall be established by the Council, at the proposal of the Director of the Agency, and approved by the Parliament, and shall not be less than 0.2% of the current budget of Montenegro.

#### **Article 33**

The Council shall adopt the draft budget of the Agency for the following fiscal year, upon the proposal of the Director, and shall submit it to the competent working body of the Parliament and the Ministry of Finance for consideration.

The competent body of the Parliament shall adopt the final draft budget of the Agency by the end of October and submit it to the Government.

The budget of the Agency shall be public and published on the website of the Agency.

#### **Article 34**

The Council of the Agency shall adopt the final statement, at the proposal of the Director, by the end of March of the following year.

The audit of the financial statements of the Agency shall be carried out in accordance with the law.

## **IX. CONFIDENTIALITY OF INFORMATION AND DATA**

#### **Article 35**

Members of the Council, the Director and employees of the Agency shall handle confidential data, unpublished data and personal data that they learn of in the performance of their duties, in accordance with the regulations governing the confidentiality of data, protection of unpublished data and personal data protection.

#### **Article 36**

Members of the Council and employees of the Agency shall safeguard secret information in accordance with the law, regardless of the way they learned thereof.

## **X. AMENDMENTS TO THE STATUTE**

#### **Article 37**



Amendments to this Statute shall be proposed by the Director.  
Initiative for amendments to this Statute may also be given by a member of the Council.  
The Council shall decide on the amendments to this Statute in the same manner and procedure as the one prescribed for adoption of the Statute.

## **XI. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 38**

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

Ref. no.: 00-64/15-58  
Podgorica, 20 November 2015

President of the Council  
Goranka Vucinic, m.p.