



Montenegro
Agency for Prevention of Corruption

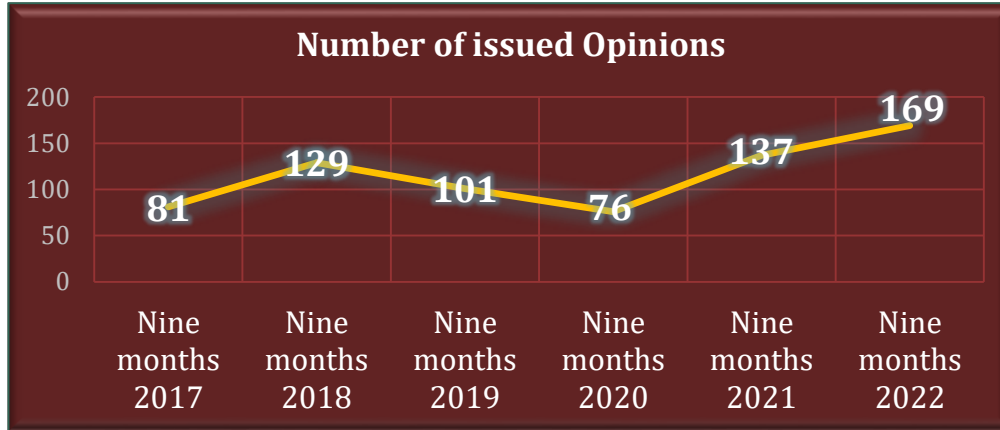
SUMMARY OF RESULTS OF THE APC WORK IN THE FIRST NINE MONTHS OF 2022

APC

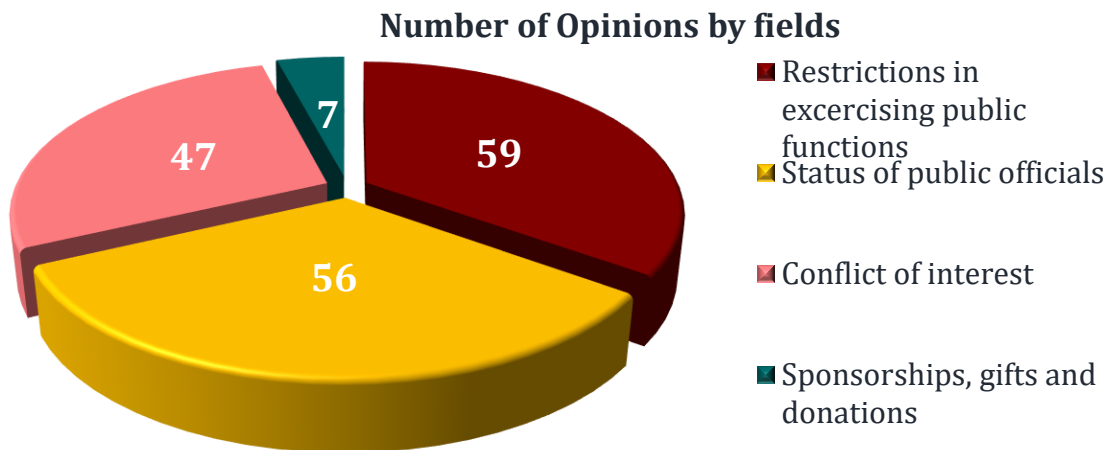
Podgorica, October 2022

PREVENTING CONFLICTS OF INTEREST OF PUBLIC OFFICIALS AND RESTRICTIONS IN EXERCISING PUBLIC FUNCTIONS

In the first nine months of 2022, the Agency for the Prevention of Corruption (APC), acting on all requests received, **issued 169 Opinions on the existence of conflicts of interest and restrictions on the exercise of public functions, by 23.4% more than in the same reporting period of the previous year and the highest at a nine-month level since 2017.**



This is a **result of an intensive campaign** aimed at raising the awareness of public officials regarding compliance with the obligations prescribed by the Law, but **also the growth of trust in the APC, its importance and quality of work.**



On the basis of the given Opinions and adopted Decisions of the Agency, **16 resignations of public officials were submitted** (15 after the given Opinions and 1 on the basis of the Decision), **1 transfer of management rights in a company was noted, as well as 1 decision on termination of employment in a state-owned company.**

Due to the violation of the provisions of the LPC related to the area of **restrictions on the performance of public functions**, the Agency submitted **2 requests for initiation of misdemeanor proceedings** to the competent misdemeanor courts, **one of which**

requested the confiscation of the property gain acquired by committing the misdemeanor. **1 procedure was completed** based on the request from 2021, in which a warning was issued and property gain in the amount of €474.30 was confiscated.

CONTROL OF RECEIVED GIFTS, DONATIONS AND CONCLUDED SPONSORSHIPS

Within the legal deadline until the end of March:

- **203 gifts received during 2021 were reported to the Agency by 22 authorities**, while a total of **160 authorities** at the state and local level submitted **notifications that they did not receive gifts** in 2021;
- **137 sponsorships** were reported by **30 authorities**;
- **2,168 donations** from 2021 were reported by **229 authorities**;
- **131 authorities** submitted a notification **that they did not receive donations and sponsorships** in 2021.

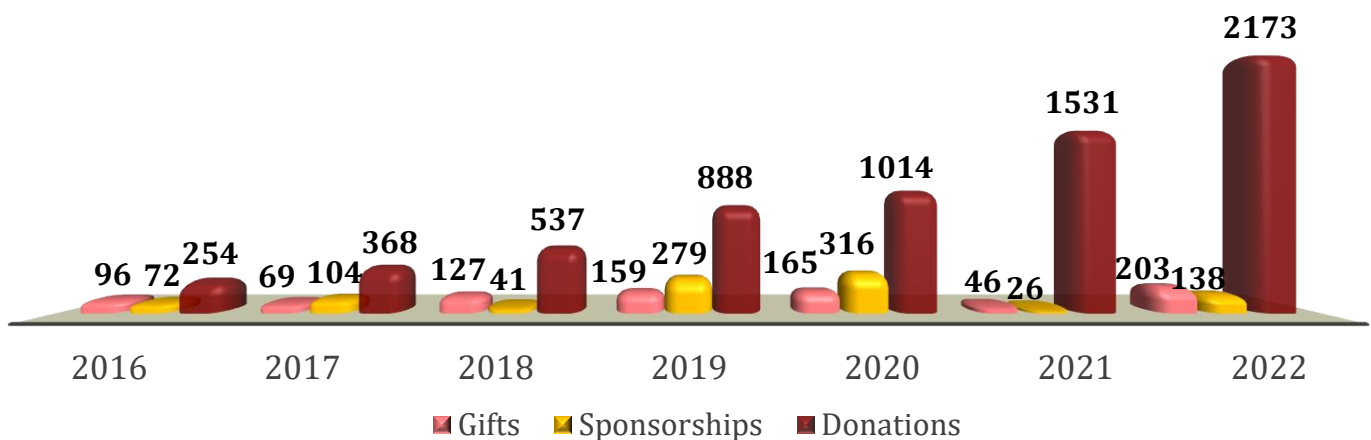
In the second quarter of 2022:

- ✓ A total of **1 sponsorship and 5 donations** were reported to the Agency by **1 authority**;
- ✓ **9 authorities** submitted a notification that they **did not receive donations and sponsorships** in 2021.

In 2022, the **trend of growth of reported donations continued (42% more than in the previous year)**, and the **growth of reported gifts was recorded (four and a half times more than in the previous year and the most since the establishment of the APC)**, and the **number of reported sponsorships is higher (five times more than in the previous year)**.

Acting preventively, in the first quarter of 2022, the Agency **sent letters and notifications to the authorities about their legal obligation** to submit excerpts from the records of gifts and reports on received sponsorships and donations with accompanying documentation for the previous year by the end of March of the current year.

Number of reported gifts, sponsorships and donations by year



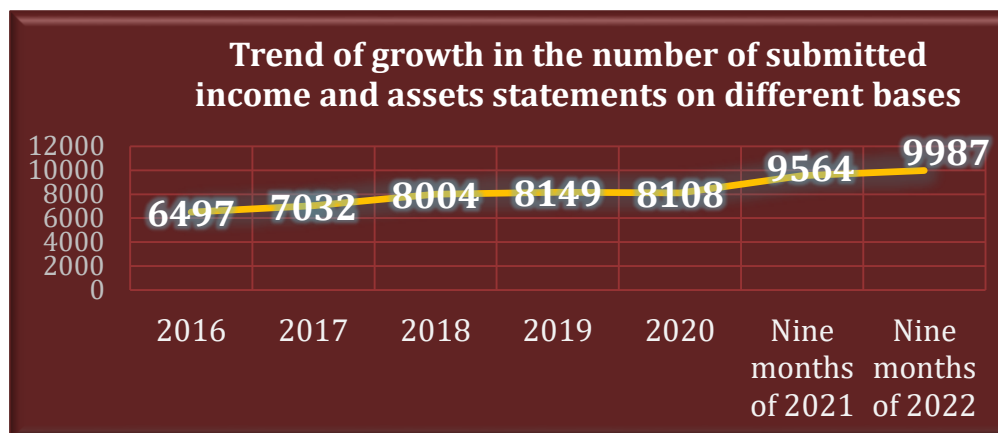
All submitted excerpts from the records of gifts and reports on received sponsorships and donations were **administratively checked and published on the APC website** ¹, while based on the verification of the reports received, **a total of 27 irregularities were determined, on the basis of which misdemeanor proceedings were initiated:**

- ✓ **26 requests** for initiation of misdemeanor proceedings **due to violation of the provision of the LPC, which prescribes the obligation of authorities to submit a report on received donations with a copy of the documentation to the Agency by the end of March of the current year for the previous year;**
- ✓ **1 request** due to violation of the provision of the LPC, which stipulates the obligation to refuse gifts in cases provided for by law.

Before the competent courts, **7 cases were concluded** based on requests to initiate misdemeanor proceedings, and **sanctions were imposed in all of them - 4 fines in the total amount of €2,000 and 3 warnings.**

VERIFICATION OF INCOME AND ASSETS STATEMENTS

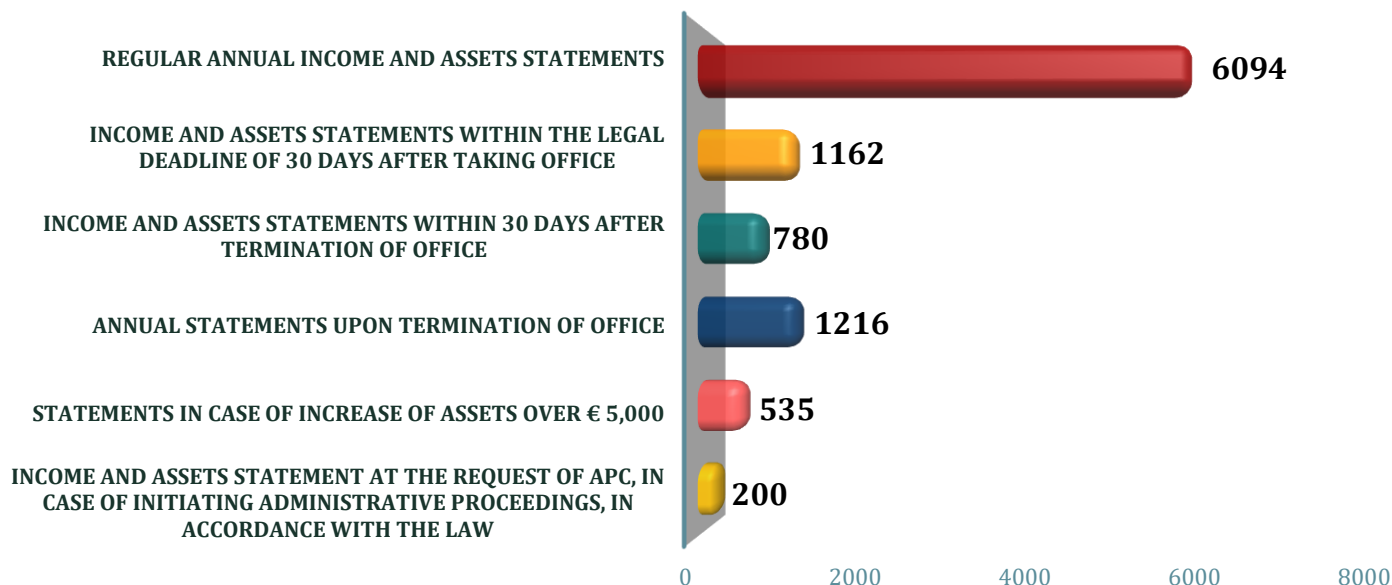
In the first three quarters of 2022, a total of 9,987 income and assets statements were submitted to the Agency on different basis of submission, which is 4.4% more compared to the same reporting period of the previous year and more compared to the annual levels of the first five years of the Agency's work.



The growth in the number of submitted statements is a consequence of **the increase in the number of newly appointed public officials**, as well as a **greater number of statements submitted by public officials upon termination of office**. This further increased the **scope of work** of the competent Department, especially in the part of administrative and technical verification of statements.

¹ <https://portal.antikorupcija.me:9343/acamPublic/poklonSearch.htm>
<https://portal.antikorupcija.me:9343/acamPublic/donacijaSearch.htm>

Summary of results of the APC work in the first nine months of 2022



All received statements were administratively and technically processed. On that occasion, **29 statements of public officials were recorded, indicating irregularities in the domain of restrictions on the exercise of public functions.** The Agency initiated an ex officio control procedure against them.

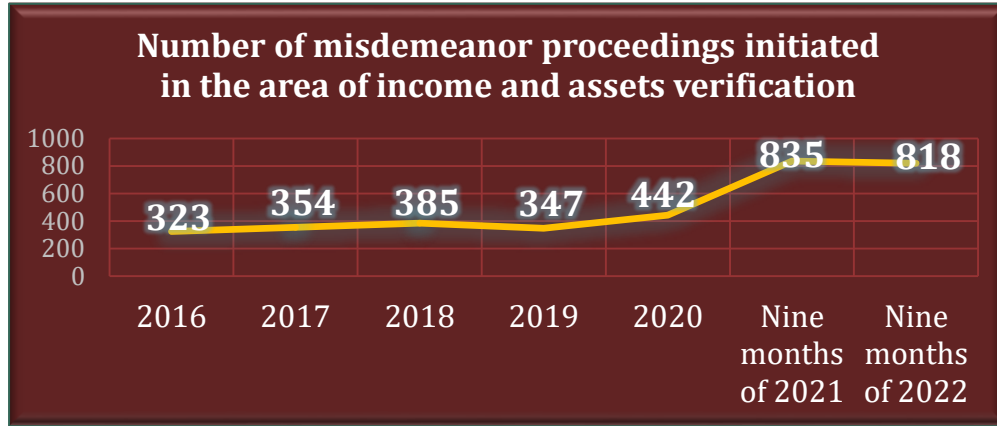
From January 1 to September 30, 2022, a total of **6,094 regular annual income and assets statements were submitted.** Within the legally prescribed deadline until March 31, 2022, **public officials and civil servants submitted 5,659 statements,** which means that **95% of them fulfilled their legal obligation.** The percentage of fulfillment of this legal obligation in 2022 is about 5% higher than in 2021 (90.12%).

In the second quarter, in accordance with the Annual Verification Plan, **a verification of the accuracy and completeness of the data in the income and assets statements started.** In this regard, by the end of September, **951 income and assets statements were verified,** which means that **71.5% of the 1,330 planned statements have already been verified.** In addition, the competent Department, **acting ex officio, started the verification of the accuracy and completeness of additional 42 income and assets statements.** In 17 statements, possible violations of the law were determined and the cases were submitted to the competent Department for initiating administrative and misdemeanor proceedings.

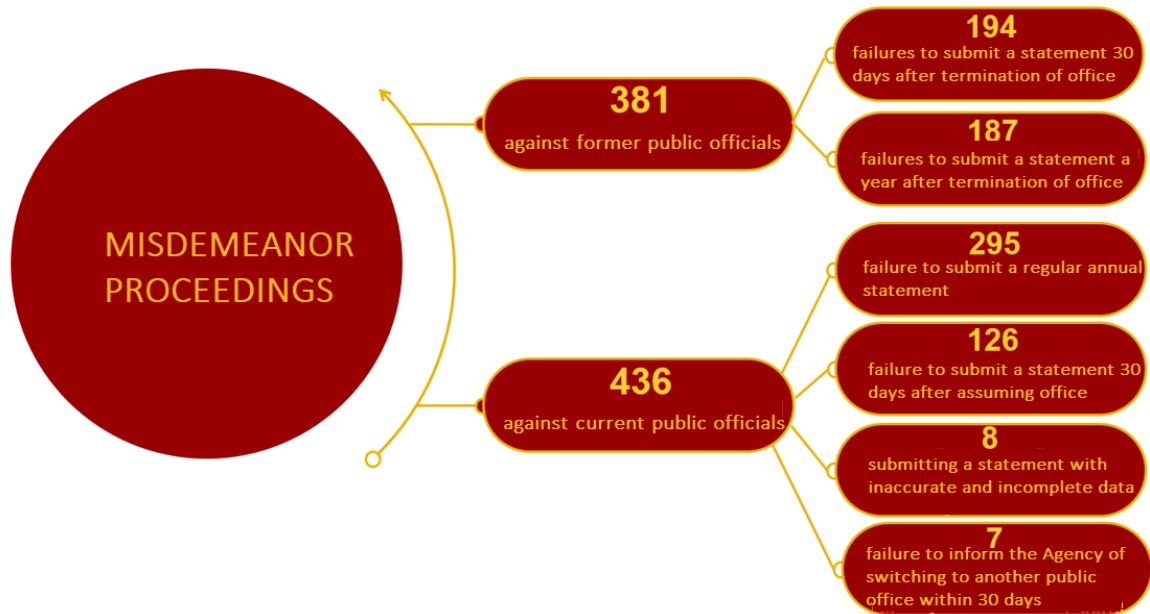
Additional verification of statements, as the most complex form of control of income and assets of **20 high-ranking public officials,** in accordance with the Annual Verification Plan for 2022, **began in the second quarter and will last until the end of the year.**

In connection with the additional verification that began in the third quarter of 2021, by the end of March 2022, **proceedings were initiated against 20 public officials** who were the subject of that verification, and all of them are ongoing.

The number of misdemeanor proceedings initiated in the first three quarters of 2022 in this area is at the level of the same reporting period of the previous year, and **significantly higher than the annual level of the first five years of APC work**. This is primarily the result of the **intensive work and proactive approach of APC**.



With a non-selective approach, the Agency initiated **misdemeanor proceedings against both former and current public officials**.



At the end of 2020, monitoring of the so-called lifestyle of public officials was started, with the aim of checking the increase in the assets of public officials, using publicly available data, as well as information from the media, and comparing them with databases to which the APC has access, while adhering to the legal framework prescribed in Articles 23 and 30 of the LPC.

In this regard, the Agency submitted **one case to the Special State Prosecutor's Office in 2022.**

In order to effectively implement the legal provisions related to income and assets statements, the Agency has intensified its activities in the field of providing support to those obliged to submit statements, in order to become more familiar with legal obligations and remove potential ambiguities, especially in the context of the reporting process itself. In this sense, **the Agency informed the newly appointed public officials in the Capital of Cetinje, and the municipalities of Mojkovac, Petnjica, Berane and Ulcinj, as well as the officials of the 43rd Government of Montenegro and the General Secretariat of the Government about the obligations under the LPC. Also, APC created a manual for filling in income and assets statements, while, in cooperation with UNDP, video training for filling out statements was created and published on the APC website.**

CONTROL OF FINANCING OF POLITICAL ENTITIES AND ELECTION CAMPAIGNS

In the area of **financing political entities and election campaigns**, the Agency continued to implement activities in a planned and systematic manner in order to consistently monitor the implementation of the Law on Financing of Political Entities and Election Campaigns (LFPEEC) and control the implementation and compliance with all prescribed prohibitions and restrictions during the election campaigns.

In the first quarter of 2022, **local elections were held in Berane and Ulcinj, and the election campaign for local elections in Tivat began, while in the second quarter, previously announced local elections in a total of 10 municipalities were postponed to October 23, 2022.** By Decision of August 2, 2022, the President of Montenegro **suspended the execution of the Decision** on calling elections for councilors, based on the Decision of the Constitutional Court on the repeal of the Law on Amendments to the Law on Local Self-Government. On the same day, **he passed Decision on calling elections for councilors in the assemblies of the municipalities of Bar, Bijelo Polje, Danilovgrad, Golubovci (municipalities within the Capital City), Kolašin, Plav, Plužine, Pljevlja, the Capital City of Podgorica, Rožaje, Šavnik and Žabljak, as well as Decision on calling early elections for councilors in the municipalities of Tivat and Budva.** After the adoption of the Law on the Capital City, on August 23, a Decision was made on the partial annulment of the **Decision on calling elections for councilors and a new Decision was made on calling elections for councilors in the Assembly of the Capital City of Podgorica and the Assembly of the Municipality of Zeta.**

The fact that the obligations, prohibitions and restrictions prescribed by the Law are applied on the territory of the whole of Montenegro in the period from at least April 21 to October 23, caused a **significant part of the personnel capacities of the APC to be directed to the supervision and control of the campaign.** It is expected that future amendments to the LFPEEC will provide an appropriate solution to remove this legal gap and thus prevent a situation where the campaign lasts for eight months instead of a maximum of three.

Summary of results of the APC work in the first nine months of 2022

According to all the bases of the Agency's work in this area, in the first nine months of 2022, APC carried out control of 37,946 reports submitted by entities that are subject to the LFPEEC on regular work and during election campaigns for already held local elections², as well as for the elections scheduled for October 23, 2022.

When it comes to the regular work of entities subject to the LFPEEC, a total of 153 reports / documents were submitted, of which 97 reports / notifications of political entities.³

Categories of submitted reports/notifications		Number of submitted reports	Number of registered entities	Percentage of compliance with the obligation
Consolidated Annual Report for 2021	Delivered within the deadline	46	68	67,65%
	Subsequently delivered	6		
Decisions on the amount of membership fee for 2022	Delivered within the deadline	43 ⁴	63	68,25%
	Subsequently delivered	7		

The Agency initiated misdemeanor proceedings against political entities that did not submit consolidated reports and decisions on the amount of membership fees in accordance with the Law, where it was possible due to legal restrictions, **and imposed measures to suspend** the transfer of budget funds for financing regular work in 2022 for eight political entities that have won mandates at the state or local level. After fulfilling the legal obligations, the funds were unblocked for six political entities. Also, the Agency **imposed a permanent measure of suspension** of budget funds for financing regular work for the budget year 2021 for five political entities.

In the context of election campaigns, **the Agency controlled a total of 37.793 reports and other supporting documentation:**

- ✓ **121 by political entities/electoral lists;**
- ✓ **37.462 by authorities;**

² In the first quarter of 2022, reports were submitted to the Agency during the election campaigns for the local elections held in Berane and Ulcinj, as well as for the elections that were then announced for the Municipality of Tivat. Also, in January, a part of the reports related to the election campaign for the December 2021 elections held in Mojkovac, Petnjica and Cetinje was submitted.

³ The Agency, in accordance with its legal powers, supervises the implementation of the obligation of the Ministry of Finance and Social Welfare and the bodies of 25 local governments responsible for finance to, by January 31 at the latest, make a Decision on the amount of budget funds for financing the regular work of political entities and then publish it on its website within seven days of its adoption. In this regard, a total of 23 decisions on financing regular work, 23 decisions on financing the work of women's organizations, as well as 2 notifications were made.

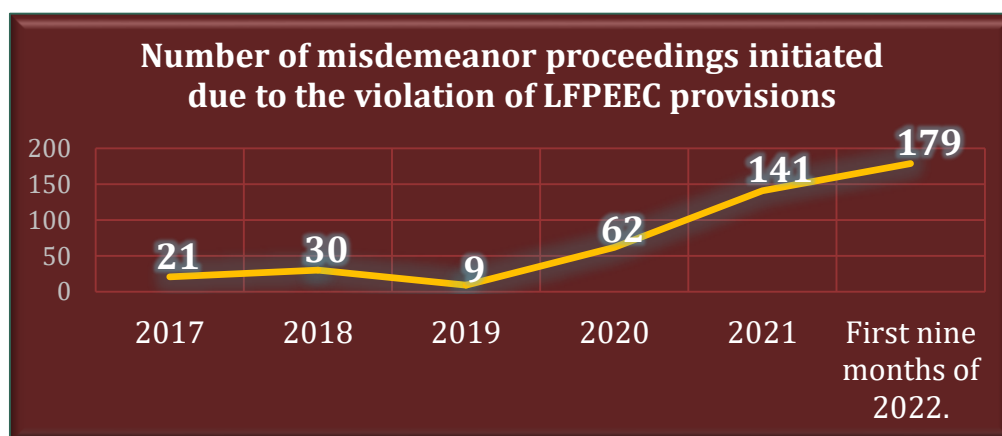
⁴ In this number, for the sake of the percentage of compliance with the obligation, 5 decisions on the amount of the membership fee for 2021, which were submitted by political entities at the end of 2020, were also included.

- ✓ 162 by media advertising service providers.

Acting proactively, the Agency sent a total of 2,914 warnings (2,882 to authorities and 32 political entities) **in order to submit reports on time, as well as in the case of observed technical irregularities, to which all responded positively.**

Also, 539 controls of compliance with prohibitions and restrictions during election campaigns were carried out. In addition, **the control of 14 prescribed prohibitions was carried out, i.e. the verification and control of 2,199 persons who gave contributions to political entities.**

In accordance with the adopted control plans and methodologies, and bearing in mind the duration of the campaign in 2022, despite the legal restrictions due to which it could not initiate misdemeanor proceedings in all cases of established irregularities, **the Agency initiated a total of 179 misdemeanor proceedings in the first nine months of 2022, due to violations of the LFPEEC, significantly more compared to the annual level of the previous five years of work of the APC.**



ADOPTION AND IMPLEMENTATION OF INTEGRITY PLANS

In the first nine months of 2022, **a total of 23 authorities issued a decision on the appointment of integrity managers for the first time.** Since the beginning of the year, **a total of 184 authorities have appointed a new person as integrity manager.**

The total number of authorities that appointed an integrity manager as of January 1, 2016 is 728 - 98,8%.

Since the beginning of the year, **a total of 22 authorities have adopted their first integrity plan.** These are newly formed authorities or authorities that, due to a lack of personnel capacity, were previously unable to fulfill the obligations of appointing an integrity manager and forming a working group for the development of an integrity plan. **A total of 724 authorities submitted an integrity plan to the Agency as of January 1, 2016 - 98.2%.**

Since the beginning of the year, **a total of 530 authorities have filled out a questionnaire for assessing the efficiency and effectiveness of the integrity plan through the application.** After the evaluation of the efficiency and effectiveness of the current integrity

plan, the authorities start drafting a new integrity plan for the next two-year period, and **since the beginning of the year, a total of 555 authorities have revised the integrity plan.**

Since the beginning of the year, **a total of 700 reports on the implementation of the integrity plan for the previous year have been submitted to the Agency.**

Due to the violation of the provisions of the LPC related to the obligation to submit the Report on the Implementation of the Integrity Plan by April 15 of the current year for the previous year, the Agency in 2022 submitted a total of **25 requests to initiate misdemeanor proceedings** to the competent misdemeanor courts.

15 cases were completed according to requests, of which sanctions were imposed in 14 - five fines in the total amount of €4,900 and 9 warnings.

In September, the Agency drafted the **Methodology for assessing the application of anti-corruption measures in the judicial system**, in cooperation with the United Nations Development Program (UNDP) in Montenegro, with the aim of improving the content and effects of the plans for the integrity of judicial bodies..

APC originally developed the Methodology for assessing the application of anti-corruption measures in 2021, and applied that version of the Methodology to two systems: state administration and social and child protection. It is planned that in the coming period the Methodology will be applied to the authorities from the other seven sectors, such as: local self-government, education, health, state-owned enterprises and others.

The purpose of the Methodology is to assess whether authorities implement anti-corruption measures and whether their implementation has positive effects, as well as to encourage authorities to be proactive when planning and implementing anti-corruption measures.

CONTROL OF LOBBYING ACTIVITIES

After the APC **formed the Commission for taking the exam for performing lobbying activities** in the 1st quarter, **two calls** for candidates to take the exam for performing lobbying activities were published and **two exams were organized.**

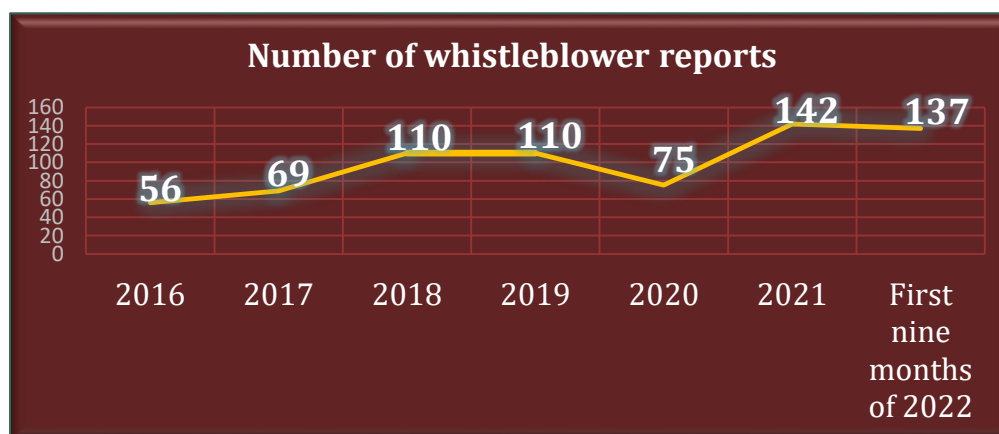
In the second quarter of 2022, **four certificates of passing the exam for performing lobbying activities were issued, while one natural person, after submitting a request, was entered in the register of lobbyists.**

Six natural persons and one legal entity are currently registered in the register of lobbyists.

The Ministry of Justice **continued to work on the Draft Law on Lobbying**, harmonizing it with the comments of the Secretariat for Legislation, the proposals of the APC Council and the Opinion on the Draft Law prepared by a Council of Europe expert. Also, a meeting of the **Working Group for the drafting of by-laws on lobbying** was held, which prepared drafts on the basis of which the proposals for the necessary by-laws will be further developed.

PROCEDURE FOR WHISTLEBLOWER REPORTS AND PROTECTION OF WHISTLEBLOWERS

In the first nine months of 2022, the Agency received 137 whistleblower reports, which is more than the annual level of the first five years of APC work and almost at the level of the entire year 2021, which continues the trend of increasing the number of reports.



Of the total number of whistleblower reports, 70 were submitted anonymously.

In the first three quarters of 2022, the Agency completed **43 procedures based on whistleblower reports, in 4 of which the existence of threats to the public interest was determined**, and the Agency made **6 recommendations** to legal entities for improving transparency and eliminating corruption risks, **all of which were implemented**.

The Agency handed over **7 whistleblower reports** (procedures in progress) **to the competent prosecutor's offices** for further processing, and **2 to another competent authority**. For two reports forwarded to the competent prosecutor's offices in the earlier period, feedback was provided that **an investigation had been initiated**.

Also, the APC initiated **8 ex officio proceedings** due to the suspicion of endangering the public interest, which indicates the existence of corruption, and **continued work on 4 ex**

officio proceedings from 2021. **4 procedures have been completed and in all of them it has been determined that the public interest is endangered.** On that occasion, the Agency made **6 recommendations** to the legal entity for improving transparency and eliminating corruption risks (two were not implemented, and in this sense the Agency acted in accordance with the powers arising from the provisions of Article 53 of the LPC).

In the first nine months of 2022, **4 requests for protection of whistleblowers** were submitted to the Agency, and **work continued on one procedure based on the request for protection from 2021.** One procedure was suspended due to the withdrawal of the request, in one the merits of the request were not determined, while the other three procedures are ongoing.

The agency is committed to harmonizing national legislation within its competences with international standards.

In this regard, the acting assistant director attended **the seventh meeting of the European Commission's expert group related to the implementation of Directive (EU) 2019/1937**, with the aim of further improving the legal framework for the purpose of more adequate protection of whistleblowers and creating preconditions for a more effective fight against corruption.

MONITORING REGULATIONS AND GIVING OPINIONS ON REGULATIONS IN THE FIELD OF ANTI-CORRUPTION

In the first nine months of 2022, the Agency has prepared:

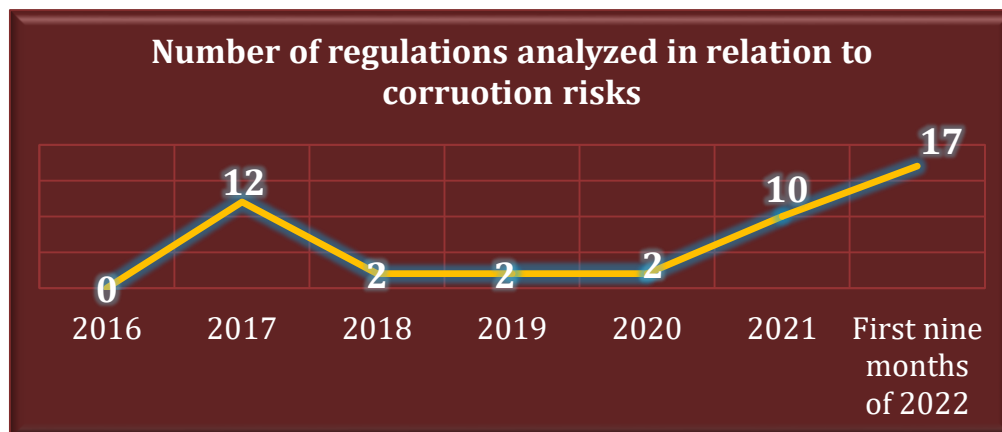
- ✓ **Analysis of regulations at the state administration level⁵** with the aim of improving solutions to prevent conflicts of interest, as a commitment from the Dynamic Plan of activities that lead to the fulfillment of temporary benchmarks in Chapter 23 - judiciary and fundamental rights. The analysis includes **9 laws and 5 other regulations⁶**, and resulted in guidelines, that is, recommendations for upgrading the legal framework that governs the policy of preventing conflicts of interest at the level of state administration;
- ✓ **Opinion on the Law on Health Care;**
- ✓ **Opinion on the Law on Montenegrin Citizenship;**
- ✓ **Opinion on the Rulebook on the professional exam for the bankruptcy administrator.**

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https://www.antikorupcija.me/media/documents/Analiza_propisa_na_nivou_dr%C5%BEavne_uprave_u_cilju_unapre%C4%91enja_rje%C5%A1enja_spr.pdf

⁶ Labor Law, Law on Civil Servants and State Employees, Law on Public Procurement, Law on Internal Affairs, Law on Defense, Law on the Army of Montenegro, Customs Law, Law on Tax Administration, Law on Inspection Supervision, Code of Ethics of Civil Servants and State Employees, Rulebook on Records and Methodology of Risk Analysis in Performing Control over Public Procurement Procedures, Rulebook on Method of Conducting Simple Procurement, Code of Police Ethics, Decree on the List of Military Equipment and Products, Procedure and Manner of Conducting Public Procurement in the Field of Defense and Security

Thus, **in the first nine months of 2022, the Agency analyzed a total of 17 regulations, which is an increase of 70% compared to the whole of 2021 and more than in the previous four years combined.**



METHODOLOGY FOR REGULATION ANALYSIS

In cooperation with the United Nations Development Program (UNDP) in Montenegro, intensive work was done on the improvement of the **Methodology for the analysis of regulations** with the aim of determining areas of risk for corruption, especially the part of the Methodology that refers to the list of risks, all with the aim of easier and more objective identification of future regulations that would be the subject of the Agency's analysis. **This resulted in the creation of an Analysis** that contains:

- **Comparative analysis** that includes the practice of 11 countries;
- **Analysis of the situation in Montenegro**, with recommendations for improving the situation in this area;
- Proposal of the **Preliminary Checklist on the risks of corruption**.

The methodology will be improved in accordance with the recommendations of UNDP experts.

The Agency has prepared **two initiatives for the introduction of Preliminary Control on the Risks of Corruption - the CPL Checklist (with a list of 23 questions)**, as mandatory in the procedure for drafting a proposal of a law, determined by the Government of Montenegro, as well as in the procedure for proposing laws by members of parliament independently or on behalf of six thousands of voters. The questions from the CPL Checklist are intended to help the proponent of the regulation to assess the potential corruption risks that the regulation may contain, and to give the Agency the opportunity to, by reviewing the completed checklist, more quickly detect norms that contain corruption risks and make recommendations aimed at eliminating them.

The Initiative for the unification of the legal framework that regulates the most important issues of management, supervision, real and potential conflict of interest and transparency of the work of the administration bodies of public companies has also been prepared.

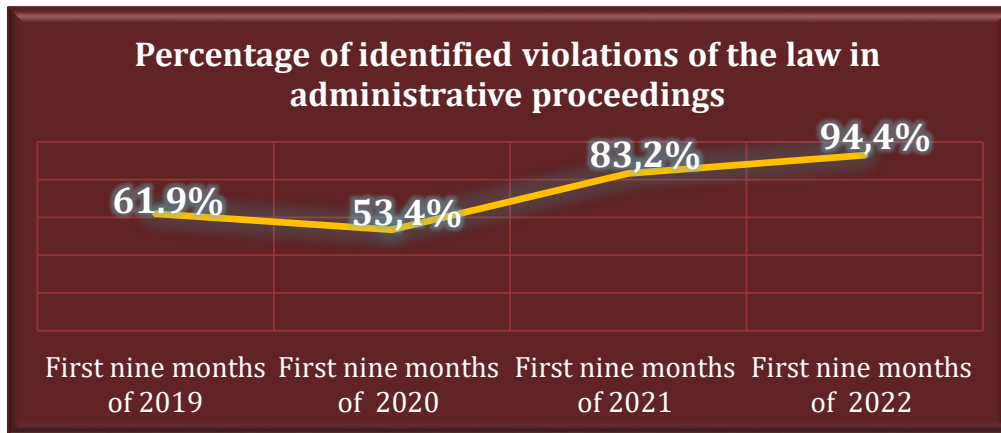
Through **participation in working groups**, APC made a full contribution to the preparation of the Draft Law on Amendments to the Law on Lobbying, International Restrictive

Measures, as well as on confiscation of proceeds acquired through criminal activity and property of illegal origin, as well as a set of media laws.

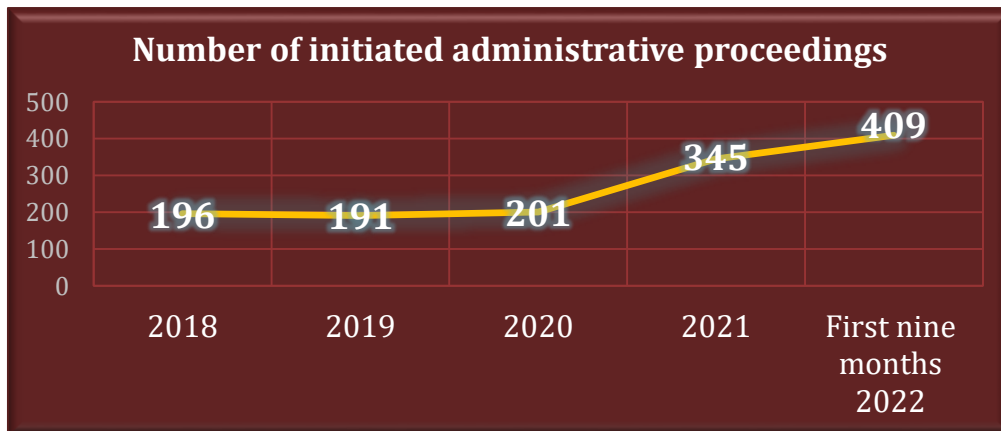
MANAGEMENT OF ADMINISTRATIVE PROCEDURES UNDER THE COMPETENCE OF APC

The Agency continued its intensive work in the field of conducting administrative proceedings, so in the first nine of 2022 it **initiated 409 administrative procedures against public officials**.

Thus, in the first nine months of 2022 alone, the APC initiated 18.5% more administrative procedures against public officials compared to the whole of 2021, and significantly more compared to the annual level of 2018, 2019 and 2020, which was primarily generated by a larger number of initiated administrative procedures in the area of



income and assets verification, which refer to incorrect and incomplete data in the statements.



Additionally, the percentage of identified violations of the law is significantly higher in the first nine months of 2022 compared to the same reporting periods of the previous three years of APC work.

A total of 232 procedures were completed (including cases from the previous period) and **violations of the Law were established in 219 procedures (94.4%)**.

After the completion of the administrative procedures, the authorities submitted **20 responses** in the first nine months of 2022 in the area of prevention of conflicts of interest and restrictions in exercising public functions, as well as in the area of income and assets verification:

- ✓ the term of office of 2 public officials has ended;
- ✓ in 5 cases, a disciplinary measure was issued - warning;
- ✓ in 1 it was stated that the public official resigned;
- ✓ disciplinary proceedings are ongoing in 3 cases;
- ✓ in 6 cases, the Agency was informed that the offense committed may not be a reason for initiating disciplinary proceedings against the public official;
- ✓ in 3 cases, the Agency was informed that the decision was forwarded to the competent authority for further jurisdiction.

In the first nine months of 2022, the Administrative Court issued **42 judgments in proceedings for lawsuits against the Agency's acts**, by which:

- ✓ 36 decisions were confirmed and rejected as unfounded;
- ✓ 4 Decisions were annulled and the case was returned for retrial;
- ✓ in 2 cases, the proceedings were suspended.

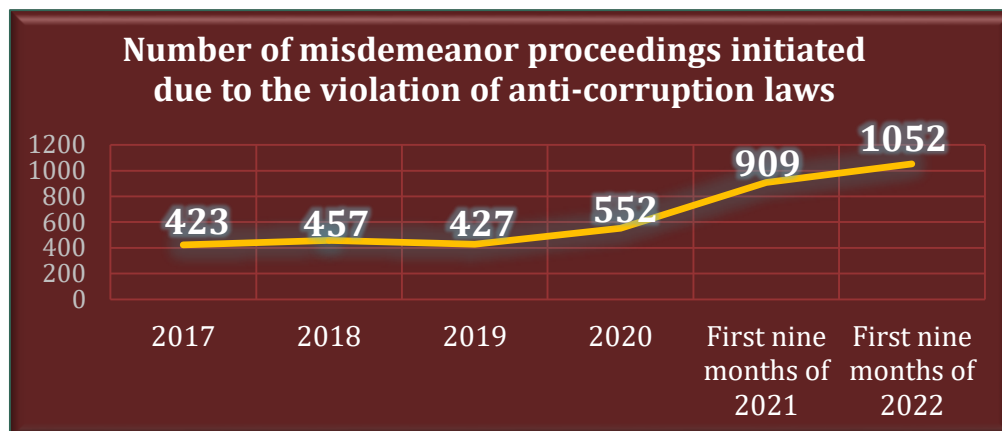
INITIATION OF MISDEMEANOR PROCEEDINGS AND ISSUANCE OF MISDEMEANOR WARRANTS

In the first nine months of 2022, due to violations of anti-corruption laws, the Agency submitted a total of **1,052 requests** to the competent misdemeanor courts **to initiate misdemeanor proceedings**:

- ✓ **873** for violating the LPC;
- ✓ **179** for violating the LFPEEC

In that period, a total of **700 proceedings were completed** (including proceedings based on requests from previous years and executed misdemeanor warrants), of which **93% were sanctioned**. The total amount of fines is **€83,660**.

Due to violations of anti-corruption laws under its competences, the Agency initiated **15.7% more misdemeanor proceedings** in the first three quarters of 2022 **compared to the same reporting period in 2021, and significantly more compared to the annual levels of the previous years of work of the APC**. This was primarily **generated by a greater number of misdemeanor proceedings initiated in the area of income and assets verification**, but also **by increasing the number of proceedings initiated due to violations of the LFPEEC**.



EDUCATION AND PUBLIC RELATIONS

In the first nine months of 2022, the Agency **intensively implemented educational activities**, and in accordance with the adopted *Annual Training Plan for subjects to the law* under the competences of the APC, **it organized as many as 21 trainings (more compared to the entire previous year), which were attended by 217 participants:**

- ✓ **in five municipalities, trainings were held for newly appointed public officials who took office after local elections, on Declaration of Income and Assets and Prevention of Conflicts of Interest;**
- ✓ **one training on Declaration of income and assets was held for public officials in the Administration for the Protection of Property and Legal Interests of the Capital City;**
- ✓ **in six municipalities where local elections are planned, trainings were held on Control of funding of political entities and integrity of authorities in the election campaign;**
- ✓ **two trainings on Integrity in public administration and implementation of the integrity plan were organized in cooperation with the Human Resources Management Authority;**
- ✓ **seven trainings were held as part of the third cycle of the Education Program for the acquisition of key skills for performing the duties of an integrity manager, in cooperation with the Human Resources Management Authority.**



Transparency has been strengthened through greater openness to the media, as evidenced by the fact that the **media image of the APC has been extremely favorable**. This is

evidenced by the ratio of positively and negatively intoned media publications, which is key to creating an image - **there were almost three times more positively intoned publications in the first nine of the year.** The fact that the number of positively intoned announcements in the first nine months of 2022 is higher than in the entire year of 2018 and 2019 also testifies to the significant improvement of the media image of the Agency.

COOPERATION WITH STATE INSTITUTIONS AND THE CIVIL SECTOR

In the spirit of deepening inter-institutional cooperation and strengthening the systemic response to corruption, the Agency achieved **intensive cooperation with state institutions**, and in this sense **several meetings were held with the highest representatives of the executive and legislative authorities** - Minister without Portfolio **Zoran Miljanić**, Minister of Justice **Marko Kovač**, Minister of Public Administration **Maraš Dukaj**, Minister of Foreign Affairs **Ranko Krivokapić**, President of the Parliament of Montenegro **Danijela Đurović** and State Secretary in the Ministry of Capital Investments **Admir Šahmanović**.

In order to **further develop cooperation with the civil sector**, which contributed to improving the responsibility and reputation of the Agency, representatives of the Agency met with representatives of NGOs Center for Civil Liberties (CEGAS) and Center for Monitoring and Research (CeMI).

On that occasion, the interlocutors were informed about the activities that the APC undertakes and will undertake in the **control and supervision of election campaigns for the upcoming local elections**. Also, in accordance with the conclusion of the Council of the Agency from the 66th session, consultations were started with the NGO sector on the topic of **improving the APC reporting form**.



INTERNATIONAL COOPERATION

The presented results of the work are also a consequence of the implementation of all methodologies, projects and expert knowledge that the Agency has continuously received from international partners.

Within the framework of international cooperation, the Agency continued with the **continuous strengthening of institutional capacities and improvement of work**.

As part of the *Project for the fight against economic crime in Montenegro*, the Agency, in cooperation with the Council of Europe, started a comprehensive analysis of the Law on Prevention of Corruption, which is being carried out in three phases.

The first phase of this project, which refers to the **functional independence of the Agency**, was completed with the preparation of the Technical Document - Analysis of parts of the Law on the Prevention of Corruption that regulate the establishment and work of the Agency for the Prevention of Corruption. The document states that the **Law** includes numerous progressive provisions that protect the position of the APC, but still **leaves some room for inappropriate external pressure and political interference in the work of the Agency**. In that part, it is emphasized that the legal provisions prevented attempts to reduce the legally defined budget of the Agency, but that the LPC could not ensure the full implementation of the right to independent disposal of the budget. In addition, the Agency's independence and effectiveness could be limited due to the absence of clear and specific legal provisions regarding its competences, personnel management, appointment and dismissal of senior managers, appeals procedures and punishment policy. Due to all of the above, the document describes a series of recommendations for improving the legal framework that would prevent inappropriate pressures and interference, but also enable more effective, independent and efficient work of the Agency.

The second phase, in which the parts of the law related to conflicts of interest and property records are analyzed, is underway. In September, a round table was held with the aim of finalizing the Technical Document with the working title of *Analysis of the parts of the LPC that regulate conflicts of interest, restrictions in exercising of public functions (incompatibility of functions), statements on income and assets, gifts, donations and sponsorships*. The technical document was prepared by the experts of the Council of Europe based on the inputs of the Agency.

In the third phase, the parts of the law related to **whistleblowers, integrity and misdemeanor provisions** will be analyzed.

The analysis of the Law will be completed by the end of the year, after which **it will be decided whether to draft a new law or amend the existing one.**

As part of the II phase of the Horizontal Facility Program (Council of Europe and the EU), active work was also done on the preparation of the **APC Communication Strategy**, with the aim of improving communication and cooperation with the domestic and international public. The goal of the Communication Strategy is to strategically frame the good practice of the Agency in the last two years when it comes to communication with key target groups, as well as to define measures for challenges that the Agency faces in a specific socio-political context.

Within the support of UNDP in Montenegro:

- ✓ The **APC Strategic Plan (2022-2024)** was adopted;
- ✓ Implementation of the **Methodology for evaluating anti-corruption instruments in the state administration systems and social and child protection** continued;

- ✓ A draft of the **Methodology for assessing the application of anti-corruption measures - Judicial system** was prepared, in order to improve the content and effects of the integrity plans of judicial bodies;
- ✓ work was done on improving the **Methodology for assessing the corruptions risks in regulations**.

Within the framework of the **Regional Anti-Corruption Initiative (RAI)**:

- ✓ The agency is a beneficiary of the **three-year project on whistleblowers - Break the silence: Enhancing the whistleblowing policies and culture in Western Balkans and Moldova**;
- ✓ The implementation of the *Southeastern Europe - Together against corruption project*, which includes **support in the areas of integrity plans** (Corruption risk assessment - CRA) and giving opinions on regulations (Corruption proofing of legislation - CPL) continued. After finalizing the mapping of the two most sensitive sectors to corruption - **the higher education sector and the public enterprises sector, CPL and CRA guidelines with checklists** for the mentioned two sectors were developed, which were presented **to the relevant Montenegrin institutions**.

With the support of the US Embassy in Montenegro, activities continued in terms of harmonizing the Agency's internal procedures with **ISO 9001 standards**. The implementation of ISO standards will contribute to the improvement of the quality of employees' work, professionalization, stronger responsibility, motivation and coordination of work processes, better use of resources and time, with the aim of harmonizing work processes with international standards.

The Agency continued to **fulfill all obligations arising from Montenegro's membership** in key international organizations that define and monitor the implementation of standards in the field of anti-corruption.

In the reporting period, the Agency, as the national coordinator of the obligations arising from the signing of the United Nations Convention against Corruption (UNCAC) by Montenegro, coordinated and organized the **visit of representatives of the Secretariat of the Office on Drugs and Crime (UNODC) and competent evaluators (representatives of Iraq and Estonia) in combined format**. The working visit was one of a series of steps in the evaluation of Montenegro in the application of UNCAC, the only legally binding universal anti-corruption instrument. In this second cycle of evaluation, the application of chapters II - Preventive measures, and V - Restitution of property was under scrutiny. The next step will be the preparation of the final Report for Montenegro, which will show whether and to what extent our country fulfills the articles of the Convention in the mentioned chapters with its legislation and practice.

The Agency has the role of national coordinator for fulfilling all obligations arising from Montenegro's membership in **GRECO**. So far, Montenegro has successfully **passed the I, II, III and IV rounds of GRECO evaluation**, fulfilling 42 recommendations, out of 49 addressed, five recommendations were partially fulfilled, and two were not fulfilled.

During the second quarter, **representatives of the Agency** (which has the role of national coordinator for fulfilling all obligations arising from Montenegro's membership in the Group of States against Corruption of the Council of Europe - GRECO) participated in the **91st plenary meeting of GRECO in Strasbourg**, where the **evaluation report for Montenegro** "Prevention of corruption in relation to the highest levels of executive power and the police" was discussed. On that occasion, recommendations were listed that our country should fulfill in the next 18 months in order to improve the institutional and legislative framework and practice in these areas.



When it comes to the **Roadmap on Anti-Corruption and Illicit Finance Flows for the Western Balkans jurisdictions**, which was adopted last year under the auspices of the **Berlin Process initiative**, and with the support of UNODC, in the reporting period the Agency submitted an overview of the current projects of which it is the beneficiary, in order to more easily map the areas in which further support is needed, both at the level of the Agency and at the level of Montenegro and the Western Balkan six. This cross-section of activities will serve to further define the needs in the region and to encourage the exchange of experience with regard to three key objectives: prevention and fight against corruption in public procurement, including public procurement in extraordinary circumstances, further strengthening of the system for reporting conflicts of interest and property and improving the criminal justice response to corruption and economic crimes through the creation of a regional network of specialized prosecutors, police and financial intelligence services in the Western Balkans countries.

In the third quarter, the Agency organized a **working breakfast with international partners and media representatives**, at which a cross-section of the most significant activities in the field of corruption prevention in the first half of the year was presented, as well as the contribution of the Agency, as a key institution in this field and the bearer of the implementation of important temporary benchmarks in the negotiations chapter 23 -

Summary of results of the APC work in the first nine months of 2022

Judiciary and fundamental rights, in the efficient and effective fight against corruption and affirmation of the rule of law environment in Montenegro.

