

**RULES OF PROCEDURE
OF THE COUNCIL OF THE AGENCY FOR PREVENTION OF CORRUPTION
(Official Gazette of MNE, no. 66/2015 and 33/2016)**

I. GENERAL PROVISIONS

Article 1

These Rules of Procedure define in more detail the manner of work and other issues relevant for the work of the Council of the Agency for Prevention of Corruption (hereinafter: the Council).

Article 2

The Council shall use the seal and stamp of the Agency, which are defined in more detail in the Statute of the Agency.

The Council shall have a Secretary.

Employees in the Agency shall perform administrative and technical tasks for the needs of the Council, in accordance with the Rulebook on internal organization and systematization of work posts.

Publicity of work of the Council

Article 3

Work of the Council is public.

The session may be attended by media representatives (journalists, cameramen and photo-reporters), based on the previously adopted decision of the Council, and in accordance with the provisions of the law.

Sessions of the Council may be recorded via audio recording, in accordance with the rules of work of the Agency and/ or based on the decision of the Council.

The Council shall inform the public about its work via press releases, posting of decisions on the webpage and in some other manner.

In the conduct of its work and when informing the public, the Council is obliged to ensure protection of confidential data and personal information.

Article 3a

Press release from the meeting of the Council is drafted by the President of the Council, with the administrative and technical support of the Council Secretary.

The Secretary of the Council shall register the press release referred to in Paragraph 1 of this Article, signed by the President of the Council, in the Archive of the Agency for Prevention of Corruption (hereinafter: the Agency) and deliver it, in hardcopy and electronic form, to the IT department of the Agency, for publication.

In case of absence or other duty of the Council President that prevents him/her from doing so, the press release referred to in Paragraph 1 of this Article shall be drafted, by rule, by the member designated by Council President.

Press release from the meeting of the Council shall be published on the webpage of the Agency for Prevention of Corruption and shall be electronically sent to the "MINA" Agency.

Article 3b

Upon invitation, representatives of non-governmental organizations may participate in the work of the Council, without the right to decide.

Non-governmental organization dealing with issues under the responsibility of the Agency may file a request to have its representative participate in the work of the Council.

Request referred to in Paragraph 2 of this Article must contain, inter alia, the following:

- Name of the non-governmental organization;
- Reference number of the session and title of the item in the agenda that the representative of the non-governmental organization wishes to participate in discussing;
- Act containing proposals, suggestions and/ or comments regarding the item in the agenda that the representative of the non-governmental organization wishes to participate in discussing at the session of the Council; and
- Stamp and signature of the authorized person in the non-governmental organization.

Request referred to in Paragraphs 2 and 3 of this Article shall be submitted no later than 24 hours before the beginning of the Council meeting.

Article 4

Publicity of work of the Council is ensured through the issuance of official press releases regarding the activities in the responsibility of the Council.

The following shall be published on the webpage of the Council of the Agency:

- Names of all candidates who applied to the competition for appointment of the Director of the Agency and press releases/ public information about the course and procedure of appointment;
- Statute of the Agency;
- Rules of Procedure of the Council of the Agency;
- Rulebook on internal organization and systematization of work posts;
- Other bylaws of the Agency;
- Annual activity plan of the Agency;
- Annual and periodical reports on the situation in the area of prevention of corruption;
- Calculation of wages of public officials in the Agency;
- Proposal of the budget and final statement of the Agency;
- Invitations to sessions and minutes of the sessions of the Council;
- Decisions, conclusions and initiatives from the sessions of the Council;
- Decisions in the procedures based on motions by the citizens and the civil sector;
- All other information regarding the work of the Council of the Agency in accordance with the Law.

Publicity of work of the Council is also ensured through the organization of professional consultations, round tables and other events to discuss topics under the responsibility of the Council, as well as through the organization of meetings and press conferences/ media events.

II. ORGANIZATION OF THE COUNCIL

President and Members of the Council

Article 5

The President shall coordinate the work of the Council.

The Council President is elected by the members of the Council with a majority of a total number of members of the Council, for the period of one year.

If the Council President resigns, the Council shall elect the President from the ranks of other Council members.

The mandate of the Council President referred to in Paragraph 3 of this Article lasts until the expiry of mandate of the existing Council, i.e. the expiry of mandate of the new Council President.

Responsibilities of the President of the Council

Article 6

The Council President:

- signs the Council decisions and other acts in the responsibility of the Council;
- takes care of organization of work of the Council;
- takes care of execution of Council decisions;
- prepares and convenes Council sessions, proposed the agenda for the sessions, in agreement with the Council members, and chairs those sessions;
- initiates the procedure for appointment and dismissal of the Agency Director;
- takes care of implementation of the Rules of Procedure of the Council and other rules;
- initiates organization of professional meetings and chairs such meetings;
- gives statements to the media about the activities related to the work of the Council;
- performs other tasks stipulated by the law and these Rules of Procedure.

Responsibilities of the Member of the Council

Article 7

Council Member:

- initiates the discussion on the items in the agenda;
- initiates thematic, sectoral or individual control of work of the director;
- initiates adoption or amendments to the acts, with the view of improving the work of the Agency;
- proposes amendments to the Rules of Procedure, the Statute, the Annual Plan, Budget, Annual Report and other acts;
- controls the data in the reports on assets and income of the Agency Director;
- initiates the procedure for appointment and dismissal of the Agency Director;
- gives statements to the media about the activities related to the work of the Council.

III. MANNER OF WORK AND DECISION-MAKING

1. Sessions of the Council

Article 8

The Council shall work and decide in sessions.

By rule, Council sessions are held minimum twice a month.

The Council shall decide with the majority vote of the total number of members.

Decision on the appointment and dismissal of the Agency Director shall be adopted by the Council with the majority of minimum four votes.

The decision referred to in Paragraph 4 of this Article shall be published in the Official Gazette of Montenegro.

a) Invitation to session and participation in the work of the Council

Article 9

The Council President shall convene and propose the agenda of the session at his/her own initiative or at the request of the Council Member or the Agency Director.

The invitation to the session shall contain the ordinal number of the session, date, time and place of holding the session, and the proposed agenda.

Invitation to the session and the materials shall be submitted to the Council members no later than seven days before the date of holding the session.

Exceptionally, when there are justified reasons for urgent action, the Council session may be convened by phone or electronic mail within a deadline shorter than the one referred to in Paragraph 3 of this Article, which shall not be shorter than 48 hours, and some materials may be delivered to the Council Members before the beginning of the session.

In the case referred to in Paragraph 4 of this Article, the Council President shall inform the Council Members and the public about reasons for urgent convening of the session.

Convocation for the session shall be published on the webpage of the Agency.

Article 10

The president and members of the Council shall have the right and obligation to attend the session and to participate in its work and decision-making.

The Council Member who is unable to attend the session shall inform the Council President in a timely manner (prior to the beginning of the session) about the reasons for inability to attend and state the reasons for absence, while the President shall inform one of the Council Members about his inability to attend the session.

In case that the necessary majority for the work and decision-making (via consensus) is not present at the session, the session shall be postponed, and the next one shall be scheduled within the deadline stipulated in Article 9, Paragraph 3 of these Rules of Procedure.

Article 11

In order to analyze specific issues under its responsibility, prepare conclusions and opinions about the materials under the responsibility of the Council, the Council may establish a working group and define the scope of its work. Apart from the Council Members, members of the working group may also include experts, representatives of non-governmental organizations or representatives of institutions or other legal entities.

Apart from the members thereof, other persons, who are invited to the session based on the Council decision, may also attend and participate in the work of the Council sessions, but without the decision-making rights.

Exceptionally from Paragraph 2 of this Article, besides the Director, the Assistant Directors shall also participate in the work of the Council, without the decision-making rights.

b) Course of the session

Article 12

The Council President shall chair the session of the Council, and in case of his inability to do so, one of the Council Members shall chair the session.

The Council members chairing the session in the case referred to in Paragraph 1 of this Article shall be rotated, based on the alphabetical order of surnames of the Council members.

The President shall open the Council session, establish whether the majority necessary for work and decision-making (the quorum) exists, inform other members about the members who announced and justified their absence, as well as who is invited to attend the session.

Article 13

In the beginning of the session, prior to the definition of the agenda, the Council adopts the minutes from the previous session.

A Council Member may object the minutes and request adequate amendments thereof.

The Council shall decide whether the objections to the minutes are grounded.

A Council Member may request his statement or dissenting opinion to be quoted in the minutes.

The Council President shall establish whether the minutes were adopted without objections, or with the amendments that were approved or with a dissenting opinion.

Article 14

The agenda of the session shall be established at the session itself.

The Council President shall remind the participants in the session of the proposed agenda, and give necessary information and clarifications in relation to it.

President and member of the Council may propose changes or amendments to the proposed agenda and shall elaborate such proposal.

The Council shall vote on each proposal of the member of the Council, as well as the proposal of the agenda in its entirety, without the discussion.

Article 15

The Council President shall confirm the approved agenda, and move on to the discussion according to the order of the adopted items in the agenda.

The Council President may change the order of discussion of individual items in the agenda or integrate the discussion on certain items.

Article 16

At the session of the Council no person shall speak without asking for the floor and being given the floor by the Council President.

The President or members of the Council may request the persons attending the session to give necessary information or explanations.

The Council President shall ensure order during the session.

The Council members and other participants shall address each other with respect and respect the dignity of the Council member and other participants during the session.

Use of insulting expressions and presentation and commenting of data from the private lives of the Council members and other persons shall be prohibited.

Use of mobile phones during the session shall be prohibited.

In case of violation of order in the Council session it is possible to pronounce warning measures or deny the right to speak.

Warning measures shall be pronounced by the Council President and entered into the minutes of the session of the Council.

A Council member or other participant who fails to observe the provisions of Paragraphs 4 and 5 of this Article shall be denied the right to speak by the President.

Article 16a

Upon initiation of discussion on each item of the agenda, the right to speak is given based on the following order:

- Council member;
- Director; and
- Other person participating in the work of the Council upon invitation.

Council members and other persons participating in the work of the Council upon invitation shall be given the floor according to the order in which they requested the floor.

The presentation referred to in Paragraph 1 of this Article may last as long as the Council specifies in the beginning of discussion on the specific item in the agenda.

Article 16b

Following the discussion by a Council member, the Director or some other participant in the work of the Council, the participant in the discussion whose opinion was commented on shall have the right of reply.

The right referred to in Paragraph 1 of this Article may be used once for up to five minutes.

Article 16c

The Council member or other participant in the discussion may speak only about the proposal that is on the agenda and at the time specified for presentation. If the speaker departs from the agenda and fails to observe the time specified for the presentation, the Council President shall warn him of that fact.

If the speaker fails to observe the agenda or the time specified for presentation even after the warning, the Council President shall deny his right to speak and invite the next person who asked for the floor to take it.

Article 17

When the Council President establishes that there are no other persons who asked for the floor, he shall note that the discussion is over and, in accordance with the opinions, suggestions and proposals from the discussion, he shall propose an adequate decision that the Council members are supposed to vote on, for the purpose of adoption thereof.

Besides the President, every Council member shall have the right to propose the decision that the Council members are supposed to vote on, for the purpose of adoption thereof.

The Council shall decide on each issue on the agenda following the end of the discussion on that particular issue.

If there are several proposals, each one is voted on individually, in the order in which they were proposed.

Exceptionally, if the Council concludes that the discussion on a particular item in the agenda did not end by the end of the session, or if it is not possible to decide prior to obtaining additional information mentioned in the discussion, the President will interrupt the discussion and continue it, by rule, in the next session of the Council.

Article 18

A Council member shall have the right to seek information from the Agency Director with regard to the performance of his duty.

The Agency Director shall submit the requested information to the Council member within 7 days from the date of submission of the request.

c) Decision-making

Article 19

The Council member shall have the right and the obligation to decide, that is, to vote on each proposal that is being decided upon in the session of the Council.

Voting of the Council members is open.

Open ballot takes place by raising the hand, and the Council member votes “in favor” or “against” the proposal.

Article 20

Provisions of the Law on Prevention of Corruption shall apply accordingly to the work of and decision-making by the members of the Council of the Agency with regard to the conflict of interest.

Article 21

The Council member shall ask for his/her exemption from decision-making in the process of adoption of decisions and conclusions or in the establishment of the initiative in cases where s/he is or may be in the conflict of interest, in accordance with Article 7 of the Law on Prevention of Corruption.

If the Council member participates in the discussion and decision-making on an issue in which s/he or a person related to him/her has a private interest, s/he is obliged to give a statement of existence of the conflict of interest and thus inform other participants in the discussion and decision-making of that fact prior to his/her participation in the discussion, and no later than by the beginning of decision-making.

The Council shall enter the statement of the public official referred to in Paragraph 1 of this Article into the minutes and to seek the opinion of the Agency on this issue.

In case referred to in Paragraph 1 of this Article, the public official shall not participate in the discussion and adoption of the decision until the Agency issues an opinion on the existence of the conflict of interest.

If the Agency establishes, in the case referred to in Paragraph 1 of this Article, the existence of conflict of interest and informs the Council member and the Council thereof, the Council member shall not participate in the discussion and decision-making, and the Council shall adopt the decision on his/her exemption.

The Council member may also be exempt from decision-making based on his/her own decision, without the previous opinion of the Agency, and this is recorded in the Minutes.

If the Council member who finds himself/herself in the conflict of interest participates in the decision-making by the Council, the decision shall be legally null and void.

The procedure of establishment of legal nullity of the decision referred to in paragraph 7 of this Article shall be initiated by the Council as a body, a Council member or the Agency Director.

Article 22

Following the voting, the Council President shall establish the results of voting and announce that the proposal that was subject to vote is adopted or rejected.

The decision of the Council shall be published following the signing of the decision in writing, and no later than within eight days from the date of adoption thereof.

Article 23

The Council member shall have the right to a dissenting opinion with regard to the decision against which he/she voted.

The Council member shall submit the dissenting opinion, with justification, to the Council President in writing within three days from the end of the session.

If the Council decision is published, the dissenting opinion referred to in Paragraph 1 of this Article shall be published at the same time and in the same place.

Article 24

The Council shall decide in the form of a decision or conclusion.

The Council shall establish and submit initiatives.

The decision is used to decide on control of assets of the Agency Director; to adopt the annual activity report of the Agency; to appoint and dismiss the Agency Director; to adopt, change and amend the Statute, Rules of Procedure and other acts of the Agency; to decide on the adoption of the Budget proposal and the Final Statement of the Agency; and to decide on other issues.

The conclusion is used to initiate the procedure for establishment of reasons for initiation of the procedure for dismissal of the Director and to decide on other procedural issues.

The initiative is used to propose changes and amendments and to harmonize laws and other regulations.

Article 25

Motions of the citizens and the civil sector shall include all letters and acts sent to the President of the Council, the Council member or the Council, in which they request or initiate the discussion or actions in accordance with the responsibilities of the Council stipulated by the law and other acts.

In order for an act sent to the Council to be considered a motion, it shall contain the following: contact information of the person submitting the motion, description of the concrete issue and proposal of what the Council should do about it.

The motion shall also be an act sent to the Council anonymously, that is, an act that does not contain contact information of the person who submitted it.

Article 26

When the citizen or representative of the civil sector submits a motion to the Agency, referred to in Article 24 of these Rules of Procedure, the Agency Director shall forward the motion to the Council within three days from the date of submission of the motion.

2. Minutes of the session

Article 27

Minutes shall be kept in the session of the Council.

The minutes shall contain basic data about the session, and particularly: ordinal number of the session, place, date and time of holding of the session; name of the chairperson and present Council members; agenda of the session; important parts of presentations by the Council

members; proposals approved in the session and adopted decisions, conclusions and initiatives, as well as the results of voting on individual issues.

The Council member who had a dissenting opinion in the session shall have the right to request entry of important parts of his opinion into the minutes.

Article 28

The minutes shall be prepared as soon as possible, and no later than within three days from the date of holding the session.

The minutes shall be kept by the officer of the Agency in accordance with the job description from the Rulebook on internal organization and systematization.

The minutes shall be sent to the Council members no later than with the invitation for the next session of the Council.

The adopted minutes shall be signed by the person who took the minutes and the president of the Council.

Prior to adoption, the minutes can be used only with the consent of the Council President.

Article 29

The adopted minutes, with all the materials from the session, are put together for each session individually, as one file, and are placed and kept in the Council Archive, in accordance with the regulations on archive materials and office operations.

The adopted minutes shall be published at the webpage of the Agency.

3. Execution of decisions of the Council

Article 30

The Director of the Agency is responsible for the execution of decisions of the Council and their implementation.

IV. CHANGES AND AMENDMENTS TO THE RULES OF PROCEDURE

Article 31

Changes and amendments to these Rules of Procedure shall be made with the decision of the Council.

Proposal of decision on changes and amendments to the Rules of Procedure may be submitted by the President or member of the Council.

Proposal referred to in Paragraph 2 of this Article shall be submitted in the form in which the decision is adopted and must be justified.

Article 32

Adoption of the new Rules of Procedure may be proposed by the President or member of the Council.

Proposal of the Rules of Procedure referred to in Paragraph 1 of this Article shall be submitted in the form in which the decision is adopted and must be justified.

V. TRANSITIONAL AND FINAL PROVISIONS

Article 33

The Council may regulate in a special decision particular issues related to the work of the Council, which are not regulated by the Rules of Procedure.

Article 34

These Rules of Procedure shall come into effect on the eighth day from the date of publication thereof in the Official Gazette of Montenegro.