

GRECO: Fifth Round Evaluation Report on Montenegro



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News

On 25 October 2022, GRECO published its [fifth round evaluation report](#) on Montenegro. The focus of this evaluation round is on preventing corruption and promoting integrity in central governments, in particular with regard to persons with top executive functions (PTEFs) and law enforcement agencies. The evaluation particularly tackles issues of conflicts of interest, the declaration of assets, and accountability mechanisms. Montenegro has been a member of GRECO since June 2006 and has fully implemented 86% of the recommendations of the first four evaluation rounds.

The perceived level of corruption in the country is high; according to the Corruption Perception Index published by Transparency International, Montenegro was ranked 64th out of 180 countries in 2021. Despite numerous reforms, corruption remains a serious problem in the public, private, and business sectors, challenging the trust in public institutions and political life.

The political transition since the general elections in August 2020 has had a direct impact on the functioning of the anti-corruption system, as newly appointed officials have to approve the actions and decisions of former members of such bodies. The change in government has also had an impact on the civil service, as amendments to the Law on Civil Servants and State Employees have reduced the requirements applying to the competence, independence, and merit-based recruitment of civil servants. Judicial reform is also stagnating, as key posts in the judiciary remain vacant and anti-corruption laws have not yet been adopted.

In 2022, a new Montenegrin government was elected by parliament, but the political situation remains tense, with deep-seated polarisation between the new government majority and the opposition, between the presidential administration and the current government, and even within the government itself. These tensions are slowing down the reform process.

Overall, the policy to prevent and combat corruption in the PTEFs and the Montenegrin police is being implemented during this changing political scenario. Public confidence in institutions in preventing and fighting corruption should be strengthened, but a comprehensive national strategy in this area is lacking.

The “Law on Preventing of Corruption” enables conflicts of interest to be addressed, the assets of PTEFs and police officers to be monitored, and a certain degree of transparency in their activities to be achieved. There are gaps in its effective implementation, however, and strong political will is needed to adopt a more proactive approach. Indeed, anti-corruption policy cannot be left solely to the Anti-Corruption Agency (ASK), even if the agency’s performance has improved under new management.

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GRECO recommends that the focus should now be on the overall coherence of the system and coordination between the different authorities. The role of the newly established National Council for the Fight Against High-Level Corruption needs to be clarified, and effective integrity plans needs to be implemented and proactively applied in ministries. In addition, lacking legislation and ethical rules aimed at PTEFs should be developed and the legal framework accompanied by strengthened enforcement mechanisms, practical guidance, and the possibility to take advantage of confidential counselling. The integrity of PTEFs and their declarations should be checked prior to any appointment, and transparency in this regard should be further enhanced.

As far as the police are concerned, their operational independence must be a priority. The police directorate has been comprehensively re-organised by the recently adopted Law on the Internal Affairs. Provisions are in place to prevent conflicts of interest and to monitor the police. Although internal bodies have been established to enhance police integrity and prevent corruption, their role needs to be clarified. A new Code of Police Ethics has been adopted but also needs to be supplemented with further provisions and guidelines for its practical implementation. In addition, a mechanism for lodging complaints about misconduct and corruption within the police, which is independent of the police and the Ministry of Interior, would be needed to gain public confidence.

Regarding central governments (top executive functions), GRECO recommends the following:

- Laying down rules requiring integrity checks prior to the appointment of ministers, state secretaries, and advisers to the Prime Minister and Deputy Prime Ministers in order to identify and manage possible risks of conflicts of interest;
- Clarifying the role and missions of the National Council for the Fight Against High-Level Corruption so as to ensure the consistency of the overall strategy when preventing and fighting corruption;
- Adopting a coordinated strategy for preventing corruption among PTEFs through the preparation and publication of risk assessments;
- Carrying out a review on the overall coherence and effectiveness of the legal framework for preventing and fighting corruption in order to ensure consistency between existing laws and bylaws;
- Establishing and publishing a code of ethics aimed at PTEFs, covering relevant integrity matters (e.g. preventing and managing conflicts of interest, contacts with lobbyists and other third parties, the handling of confidential information, post-employment restrictions, etc.);
- Strengthening the administrative capacities' independence and the efficiency of the ASK by ensuring independent, merit-based recruitment procedures, which require integrity checks for new staff, to ensure full operational independence;
- Providing systematic briefing and/or training on legal and ethical integrity standards to PTEFs, both upon taking office and at regular intervals while in office;
- Simplifying the legal framework governing access to information and the mechanism of appeal against such access decisions in order to ensure effective access to government information in practice;
- Broadening the definition of lobbying to cover all contacts with PTEFs, disclosing contacts between lobbyists and PTEFs in respect of the identity of the persons involved as well as the subject matters discussed, and enabling the ASK to investigate misgivings in respect of lobbying *ex officio*;
- Subjecting asset and income declarations of all PTEFs to the various levels of substantive control by the ASK;
- Excluding corruption-related offences from the immunity protection provided to members of the government.

With regard to law enforcement agencies, GRECO's recommendations are as follows:

- Providing for an assessment on risks of undue influence on the police, with a view to identifying measures that strengthen the operational independence of the police in practice;
- Supplementing existing rules for the appointment of the Integrity Manager within the Ministry of the Interior, who is also responsible for the Police Directorate, by means of strengthening integrity checks prior to appointments to this function;
- Revising the Code of Police Ethics, with the active participation of the police, to cover all relevant integrity matters (including various situations involving conflicts of interest, secondary activities, gifts, contacts with third parties, confidential information, etc.) and supplemented by practical guidance containing concrete examples that illustrate tricky issues and risk areas;
- Updating the initial and in-service training on relevant corruption prevention matters as well as ethical norms and conduct, by means of an institutionalized mechanism of confidential counseling on these issues;
- Subjecting police officers to integrity checks prior to their appointments and promotions, as well as at regular interval throughout their career, according to a clear procedure that is made known to the candidates and the public;
- Using sufficient and properly implemented policy and/or legal measures to ensure that the appointments of police officials are merit-based and free from undue political influence, including at the top level;
- Establishing a solid external mechanism for complaints against the police, independent of the police and the Ministry of the Interior, and an appropriate level of knowledge to deal with such matters;
- Strengthening existing measures on whistleblowing within the police by means of awareness raising and by developing training on whistleblowing procedures.

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