

COMPLIANCE MATRIX
MONTENEGRO

Treaty	Treaty Requirement	Self assessment			Relevant legislation and institutional framework in place ¹	Difficulties in implementing specific requirements ²
		Not implemented	Partially implemented	Fully in compliance		
CoE Criminal Law Convention on Corruption	Criminalization of Offences/and Provision of:	Yes/No	Yes/No	Yes/No		
	Active and passive bribery ³			Yes	Criminal Code, ("Official Gazette of RoM", No. 70/03) Article 423,424	
	Money-laundering of proceeds from corruption			Yes	Criminal Code, ("Official Gazette of RoM", No. 70/03) Article 268 Law on Prevention of Money Laundering and Terrorism Financing ("Official Gazette of Rom", No.55/03, 58/03 and 17/05)	
	Accounting corruption related offences			Yes	Criminal Code, ("Official Gazette of RoM", No.70/03) Article 414,416,419, 264, 268, 274, 278	
	Effective and dissuasive sanctions and measures			Yes	Criminal Code, ("Official Gazette of RoM", No. 70/03) -Article 422, 423,424,425	
	Legal entities criminal and non-criminal liability		yes		Criminal Code ("Official Gazette of RoM", No.70/03) –Article 31 The Business Organization Law ("Official Gazette of Rom", No. 6/02) Article 89-95	
	Liability of legal persons		yes		Criminal Code, ("Official Gazette of RoM", No. 70/03) Article 31	
	Setting up of specialised anti-corruption bodies			Yes	Decree on organization and functioning of public administration ("Official Gazette of the Republic of Montenegro", No. 54/04).	Necessary material resources and specialized staff , as well as training
	Protection of			Yes	Criminal Procedure Code, ("Official Gazette	Necessary material

¹ When applicable please only provide the Law/Act title, Nr. and date of entry into force

² Please list the specific areas/notions

³ Please note that which subjects are covered by active and passive bribery (i.e., public officials, civil servants, international officials, private sector etc)

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	collaborators of justice				of RoM", No.71/03) Article 108-112. 511-515. The Law on Witness Protection ("Official Gazette of RoM", No.65/04).	resources and specialized staff as well as training
	Investigating or prosecuting authorities, gathering of evidence and confiscation of proceeds			Yes	Criminal Procedure Code ("Official Gazette RoM", No. 71/03) Article 75-135 Article 237-242 Article 249-273 Article 538-542.	Necessary material resources and specialized staff as well as training, especially for implementation of special investigative means.
	International co-operation: mutual assistance, extradition & provision of information during proceedings re: corruption offences			Yes	The Law on ratification of Criminal Law Convention ("Official Gazette of SRJ – International Contracts", No. 2/2002). Law on ratification of the Convention Against Transnational Organized Crime («Official Gazzette of SFRJ« International contracts no. 6/2001). Law on ratification of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime («Official Gazzette of SFRJ« International contracts no. 7/2002). Law on ratification of European Convention on mutual legal assistance in criminal matters ("Official Gazette SRJ– International contracts", No. 10/2001). Law on ratification of Convention on convicts transfer with additional Protocol ("Official Gazette	There are no concrete circumstances that disable the international legal assistance in criminal matters, including corruption criminal offences. Regarding the international operative co-operation, considering the fact that there is no direct contact, one of the limitations lie in the Ministry of Interior's communication with Interpol and Europol through the Central National Bureau of Interpol in Belgrade.

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					SRJ– International contracts”, No. 4/2001). Criminal Procedure Code, (“Official Gazette of RoM”, No. 71/03) Article 573	
CoE Civil Law Convention on Corruption	Provision of:	Yes/No	Yes/No	Yes/No		
	compensation for damage				Criminal Procedure Code, (“Official Gazette of RoM”, No.71/03) Article 207-218 The Law on Contractual Obligations (“Official Gazette of SFRJ” No.29/78,39/85,45/89,57/89 and “Official Gazette of SRJ”, No.31/93) Article 185-205.	
	liability (including State liability for acts of corruption committed by public officials);				The Law on Civil Servants and State Employees (“Official Gazette of RoM”, No. 27/04) Article 69-78	
	contributory negligence: reduction or disallowance of compensation, depending on the circumstances				The Law on Contractual Obligations (“Official Gazette of SFRJ” No.29/78,39/85,45/89,57/89 and “Official Gazette of SRJ”, No.31/93)Article 191,192.	
	validity of contracts;				The Law on Contractual Obligations (“Official Gazette of SFRJ” No.29/78,39/85,45/89,57/89 and “Official Gazette of SRJ”, No.31/93) Article 22, 26, 103-110, 262-269, The Law on Civil Procedure (“Official Gazette of RoM”, No. 22/04, 28/05), Article 56	
	protection of employees who report				The Criminal Procedure Code (“Official Gazette of RoM”, No. 71/03), Article 227.	There are general principles regarding the

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	corruption				The Law on civil servants and state employees ("Official Gazette of the RoM", No. 27/04), Article 5, 6, 7, 10	protection of civil servants in performing the rights and duties, but the specific safeguards for civil servants reporting to his superior, to the police, to the State prosecutor, to other institutions or to the public about the pressure inflicted while performing duties, have not been established.
	clarity and accuracy of accounts and audits				Law on accountancy and audit ("Official Gazette of RoM", No.06/02) The law on State Auditing Institution ("Official Gazette of RoM", No.28/04) The Criminal Code ("Official Gazette of RoM", No, 70/03)	
	acquisition of evidence				The Law on Civil Procedure ("Official Gazette of RoM", No. 22/04, 28/05), Article 217-270	
	court orders to preserve the assets necessary for the execution of the final judgment and maintenance of status quo pending resolution				The Law on Civil Procedure ("Official Gazette of RoM", No. 22/04, 28/05), Article 266-270)	
	international co-operation				The Law on Civil Procedure ("Official Gazette of RoM", No. 22/04, 28/05), Article	

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					29, 172-176	
CoE Additional Protocol to the Criminal Law Convention on Corruption	Provision of: measures to establish, as criminal offences, the active and passive bribery of domestic and foreign arbitrators and jurors	Yes/No	Yes/No	Yes/No		
UN Convention against Corruption	Provision of: Preventive measures	Yes/No	Yes/No	Yes/No	<p>Law on Civil Servants and State Employees ("Official Gazette of the RoM", no. 27/04) Article 4, 5, 6, 7, 8, 10, 11,16,55, 58, 59, 60</p> <p>The Law on Budget ("Official Gazette of RoM", No.40/01, 44/01),</p> <p>The law on Conflict of Interests ("Official Gazette of RoM", No.42/04) –Article 8-12.</p> <p>Law on Prevention of Money Laundering and Terrorism Financing ("Official Gazette of Rom", No.55/03, 58/03 and 17/05</p> <p>The Law on Public procurement ("Official Gazette of RoM", No. 040/01-1) Article – 7, 67.</p> <p>The Decree on setting the amounts and deadlines to be applied in public procurement procedure ("Official Gazette of the RoM", No.48/2001 and 25/2003)</p> <p>The law on Financing political parties</p>	

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					("Official Gazette of RoM", No.21/04) The Law on Protector of human rights and freedoms ("Official Gazette of RoM", No.41/03)	
	Criminalization and law enforcement				Criminal Code, ("Official Gazette of RoM", No. 70/03) Article 422 ,423,424, 425	
	International cooperation				See Criminal Law Convention on Corruption	
	Asset recovery				Criminal Code ("Official Gazette of RoM", No. 70/03) Article 112-114	
	Technical assistance and information exchange					