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MONTENEGRO

DRAFT LAW ON THE GOVERNMENT OF MONTENEGRO
AND EXPLANATORY REPORT

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DRAFT LAW ON THE GOVERNMENT OF MONTENEGRO

I. BASIC PROVISIONS

Article 1

This law governs matters pertaining to the composition of the Government of Montenegro (hereinafter: the Government), its term of office, organization, method of operation, decision-making, interaction with other state authorities, and other matters relevant to the functioning of the Government.

Article 2

The Government exercises executive power in accordance with the Constitution, ratified and published international treaties, and the law.

Article 3

The Government acts independently within the scope of its competencies.

Article 4

The seat of the Government is the Capital City of Podgorica.

Article 5

The Government manages state property in accordance with the regulations governing the management of state property.

Article 6

The work of the Government is public, as a rule.

Article 7

The terms used in this law referring to natural persons in the masculine gender shall imply the same terms in the feminine gender.

II. COMPOSITION OF THE GOVERNMENT

Article 8

The Government consists of the Prime Minister, one or more Deputy Prime Ministers, and Ministers (hereinafter: members of the Government).

Provided there is more than one Deputy Prime Minister the Government, at least one Deputy Prime Minister shall be a member of the underrepresented gender.

The Government may have a maximum of four Deputy Prime Ministers.

The Government may have a maximum of 20 Ministers, of which two may be Ministers without portfolio.

The Prime Minister and members of the Government must all be citizens of Montenegro.

Article 9

The Prime Minister is responsible for representing the Government, ensuring the unity of the Government's political actions, convening and presiding over Government sessions, signing acts

passed by the Government, coordinating the activities of the Government members, and carrying out other responsibilities as set forth in the Constitution and the law.

At the beginning of his mandate, the Prime Minister designates a Deputy Prime Minister to act as his substitute during his absence or inability to perform duties, within the scope of powers delegated to him.

The Prime Minister is accountable for his work to the Parliament of Montenegro (hereinafter: the Parliament).

Article 10

The Prime Minister may issue mandatory instructions and assign special responsibilities and authorizations to members of the Government, in accordance with the program and policies of the Government, that is, the conclusions of the Government and the Parliament, and the undertaken international obligations of Montenegro.

Article 11

The Deputy Prime Minister directs and coordinates the work of the relevant ministries in his areas of responsibility and oversees the implementation of Government policies in those areas.

The Deputy Prime Minister is accountable for his actions to the Prime Minister and the Parliament.

The Deputy Prime Minister may not hold the position of a minister.

Article 12

The Government may have no more than 18 ministers responsible for administrative areas.

The Government must have ministers for the following administrative areas:

1. Justice;
2. Defence;
3. Internal Affairs;
4. Finance;
5. Foreign Affairs;
6. Health;
7. Public Administration.

The administrative areas listed in paragraph 2 of this Article may not be merged with other administrative areas.

In addition to the ministers listed in paragraph 2 of this Article, the Government may appoint ministers for other administrative areas.

Article 13

The Minister is the head of the Ministry.

The Minister represents the Ministry, oversees and administers all aspects of the Ministry's operations.

The Minister is accountable to the Deputy Prime Minister overseeing the respective area, the Prime Minister, and the Parliament for his actions, those of his Ministry, and the state of affairs in the administrative area for which the Ministry was established.

Article 14

The Minister is responsible for carrying out the Government's program and policy in the administrative area for which the Ministry was established or to carry out the Government's program and policy for which he is responsible, in accordance with the law.

The Minister is politically accountable for decisions and actions he has made, undertaken, or failed to make or undertake in the administrative area for which the Ministry was established, as

well as for carrying out the mandatory instructions and using the duties and authority the Prime Minister has delegated to him.

The Minister is obligated to inform the Government of all matters within his scope of authority that are crucial to the implementation of Government policies and decision-making.

Article 15

The Prime Minister or a member of the Government has the authority to make recommendations to the Government for the regulation of matters that fall under its purview and to request that the Government adopt a position on the matter consistent with his authority.

Article 16

A Minister without a portfolio executes the tasks entrusted to him by the Prime Minister that are associated with particular areas of the work and policy of the Government.

Article 17

An official identification card is issued to a member of the Government in a prescribed form.

The official identification card includes information on the member of the Government's identity and immunity privileges.

The official identification card is signed by the Prime Minister.

The form of the official identification card is prescribed by the state administration authority in charge of public administration affairs.

Article 18

The Government adopts the Code of Ethics for the Prime Minister, Government members, and executive branch officials (hereinafter referred to as the "Code of Ethics"), which contains ethical standards and rules of conduct to be adhered to by the Prime Minister and members of the Government, the Chief of the Prime Minister's Cabinet, the Deputy Chief of the Prime Minister's Cabinet, the Secretary-General of the Government, the Deputy Secretary-General of the Government, the Chief Advisor to the Prime Minister, Special Advisor to the Prime Minister and Deputy Prime Ministers, and State Secretaries in ministry (hereinafter referred to as "executive branch officials") during the performance of their functions and for two years after their term of office ends.

To monitor compliance with the Code of Ethics, the Government establishes an Ethics Committee for monitoring the implementation of the Code of Ethics.

The composition and mandate of the Ethics Committee referred to in paragraph 2 of this Article shall be regulated by the Code of Ethics.

The Ethics Committee referred to in paragraph 2 of this Article adopts Rules of Procedure governing its operations and decision-making processes.

III. THE GOVERNMENT'S MANDATE

Article 19

The Prime Minister - designate must consider gender equality as well as the representation of minorities and other minority national communities, when deciding on the proposed composition of the Government.

Article 20

The Prime Minister and members of the Government, immediately after the election in the Parliament, take the oath.

The text of the oath states: " I solemnly vow that I will carry out my responsibilities in a manner consistent with the Constitution and the law, faithfully, honourably, and conscientiously."

Article 21

The term of office of the Prime Minister and Government members ends with the termination of the Government's mandate or upon the cessation of their functions.

The function of the Prime Minister or a member of the Government ceases:

1. Upon the election of a new Government;
2. By submitting a resignation;
3. By dismissal;
4. If sentenced to a term of imprisonment of at least six months by a final court decision;
5. If deprived of legal capacity by a final court decision;
6. Upon the loss of Montenegrin citizenship.

A member of the Government submits the resignation to the Prime Minister, who then notifies the Parliament.

In the event that a Government member's mandate expires or he becomes unable to carry out his responsibilities, the Prime Minister, or another member of the Government designated by him, takes charge of the Ministry's operations.

Article 22

The Prime Minister is obligated to suggest a candidate for a new Government member to the Parliament within 30 days after the expiration of a Government member's mandate.

If the Parliament does not elect the suggested candidate, the Prime Minister must offer a replacement within 30 days from the date the proposed candidate was not elected by the Parliament as a member of the Government.

If the second proposed candidate is not elected as a member of the Government by the Parliament, the Government shall submit a motion for a vote of no confidence to the Parliament within 30 days from the date the second candidate was not elected by the Parliament.

IV. METHOD OF WORK AND DECISION-MAKING

Article 23

The first session of the Government is convened by the Prime Minister within three days from the day the Government is elected.

Article 24

The Government works and decides at sessions.

The Government session is convened by the Prime Minister.

The Government's permanent working body, or at least five members of the Government, may propose holding a Government session.

The Government sessions are attended by the Prime Minister and members of the Government, the Secretary-General of the Government, and other persons invited as necessary.

Article 25

The Government adopts the Rules of Procedure of the Government.

The Rules of Procedure referred to in paragraph 1 of this Article regulate in more detail the organization, method of work, and decision-making of the Government.

Article 26

The Government has an Inner Cabinet.

The Inner Cabinet coordinates the execution of the Government's established policies and work program, deliberates on matters that fall under Government's purview, organizes the Government's sessions, and coordinates the work of Government members.

Article 27

The Prime Minister and the Deputy Prime Ministers make up the Government's Inner Cabinet. Ministers may also take part in the Inner Cabinet session's proceedings if they are invited to do so by the Prime Minister.

The Prime Minister calls and presides over Inner Cabinet sessions.

The Inner Cabinet sessions are attended by the Secretary-General.

The scope of work, organization of tasks, and other matters relevant to the operation of the Inner Cabinet shall be regulated by the Government.

Article 28

More than half of the Government members must be present at a Government session, for business to be conducted and decisions to be made.

The Government makes decisions by majority vote of all members of the Government.

Decisions are made by the Government during times of declared war or emergency when more than half of the members are present at a session and a majority vote is achieved.

Article 29

A Minister may be substituted by the state secretary designated by him, without the ability to vote, in the event that he is unable to attend a session of the Government or a permanent working body of the Government.

If the state secretary is not appointed in the Ministry or is prevented from doing so for the case mentioned in paragraph 1 of this Article, the Minister is replaced, without the ability to vote, by a person designated by him from among the senior management staff.

Article 30

In times of emergency, the Prime Minister may propose that the Government make decisions on certain matters via conference call meeting, with the approval of a simple majority of Government members.

During the session referred to in paragraph 1 of this Article, no decisions may be made regarding any of the following:

1. the Government's proposal to reduce the length of the Parliament's mandate;
2. motion to dissolve the Parliament;
3. proposal to call a state referendum;
4. motion of no confidence in the Government;
5. the resignation of the Government;
6. the submission of a proposal to amend the Constitution;
7. the determination of the draft law on the budget and the final budget account;
8. the draft law for which a two-thirds majority of the votes of all members are required to be adopted by the Parliament;
9. decisions on nominations, appointments, and dismissal.

Notwithstanding paragraph 2 of this Article, the Government may make the decisions referred to in paragraph 2 of this Article via conference call meeting in the event of war, state of emergency, or objective impossibility of holding a session.

At the first subsequent session of the Government, the decisions referred to in paragraphs 1 and 3 of this Article shall be confirmed.

A Government's Rules of Procedure specifies the rules for conducting conference call meetings of the Government.

V. PUBLICITY OF THE GOVERNMENT'S WORK

Article 31

The Government has its own website, on which it posts information and data pertaining to its operations.

In compliance with the law protecting the right to free access to information, the Government must give the public a window into its operations.

Article 32

Sessions of the Government may be open to the public unless they involve deliberation on matters accorded the degree of confidentiality required by the law governing data confidentiality.

On the official Government website, the following is posted:

1. the complete agenda of the Government sessions, including the names (labels) of materials marked with the degree of confidentiality, in accordance with the law governing data confidentiality;
2. materials proposed for each item on the session's agenda, with the exception of items with the appropriate degree of confidentiality markings, in accordance with the law governing data confidentiality, and the decisions made by the Government;
3. materials and decisions made by the Government at conference call meeting;
4. minutes from Government sessions.

VI. GOVERNMENT ACTS

Article 33

In exercising its powers, the Government adopts decrees, resolutions, strategies, programs, declarations, decisions, conclusions and other acts.

In accordance with the law, the regulation specifies the nature of the relationships governed by the law, regulates the interactions necessary for carrying out the Government's constitutional and legal duties, establishes administrative bodies, and sets forth the organization and mode of operation by which the public administration will function.

A decision is made by the Government on measures and matters of broad interest, specific matters and measures within the Government's purview, and matters for which the Government is required by law or regulation to make decisions on.

A strategy is a public policy document that lays out strategic objectives for enhancing a given domain, as well as actionable objectives for achieving them.

The program is a public policy document that lays out the actionable objectives and activities needed to address an issue not addressed by the strategy in that field.

The government's official stance on a certain matter is stated in the declaration.

Nominations, appointments, and removals, together with other matters under the purview of the Government, are all settled by a resolution.

The conclusion establishes positions on certain issues of importance for the implementation of the policy and in cases where the Government does not pass other acts.

Article 34

Regulations, decisions, the Rules of Procedure, resolutions on nomination, appointments, and removals, as well as other acts decided by the Government, are published in the "Official Gazette of Montenegro" and on the Government's website

VII. WORK PROGRAM OF THE GOVERNMENT

Article 35

The Government's work program is a document that details the priorities and timelines for accomplishing those priorities within the Government.

Article 36

The Government adopts a medium-term and annual work program.

The medium-term work program is adopted for a period of up to four years, and for the duration of the mandate of the Government that adopts it.

The Prime Minister's program, as approved by the Parliament, economic policy measures for the medium-term period, and obligations arising from laws, strategic documents, and the process of Montenegro's accession to the European Union serve as the basis for the Government's medium-term work program.

Article 37

The annual work program of the Government is adopted by the end of the current year for the following year.

Notwithstanding paragraph 1 of this Article, within 30 days of taking office, the newly elected Government may modify the existing annual work program, medium-term work program, or establish a new one.

Government's medium-term work program and economic policy measures for the present year serve as starting points for the preparation of Government's annual work program.

The Government's basic responsibilities, as well as responsible parties and the deadlines by which they must be completed, are all laid out in the annual work program.

There is both a thematic and normative component to the Government's annual work program.

Article 38

The Secretariat General of the Government of Montenegro (hereinafter: the Secretariat General) is responsible for monitoring the implementation of the Government's medium-term and annual work programs and submitting reports on its findings to the Government for adoption.

Parliament is provided with the report referred to in paragraph 1 of this Article for information.

VIII. SECRETARIAT GENERAL

Article 39

The Government has a Secretariat General, which performs professional and other tasks for the needs of the Government.

The Secretariat General is managed by the Secretary General of the Government (hereinafter: Secretary General).

The scope of work, job organization, and other matters relevant to the operation of the Secretariat General are determined by the Government.

Article 40

The Secretary General is appointed and dismissed by the Government, upon the proposal of the Prime Minister.

A Montenegrin citizen is eligible for the position of Secretary General.

The Secretary General shall be accountable to the Prime Minister and the Government.

The Secretary General's mandate ends with the termination of the Government's mandate or the termination of his office.

The Secretary General of the Government's term of office ends in the event of the following cases:

1. upon the election of a new Government;
2. upon submission of a resignation;
3. upon dismissal;
4. the imposition of an unconditional prison sentence of at least six months by a final court decision;
5. if deprived of legal capacity by a final decision;
6. upon the revocation of Montenegrin citizenship.

IX. WORKING BODIES OF THE GOVERNMENT

Article 41

Permanent working bodies (commissions) are established by the Government to review matters within the purview of the Government and provide advice and recommendations on those matters, to oversee the implementation of Government acts, and to coordinate the perspectives of public administration bodies in the preparation of acts for the Government sessions.

For the purpose of reviewing specific matters under its purview and making opinions and recommendations, the Government may convene a temporary working body.

An act of the Government creates a permanent working body, while a resolution of the Government creates a temporary working body.

The Deputy Prime Minister as a rule assumes the role of a chair for the permanent working bodies.

The working bodies referred to in paragraphs 1 and 2 of this Article may be chaired by the minister.

Article 42

The Cabinet of the Prime Minister is assembled to carry out advisory, analytical, professional and other tasks for the needs of the Prime Minister, headed by the Chief of the Cabinet.

The scope of work, organization of work and other issues important for the work of the Cabinet of the Prime Minister shall be regulated by the Government.

X. INTEGRITY CHECK

Article 43

Before proposing a candidate for Prime Minister, Government members, and executive branch officials, an integrity check procedure is conducted to identify and manage potential risks of conflicts of interest (hereinafter: integrity check).

The integrity check procedure is carried out by filling out a questionnaire and providing a statement on the prescribed form by candidates for the positions referred to in paragraph 1 of this Article, and verifying these data with the competent authorities as outlined in Article 44, paragraph 3 of this law.

The questionnaire referred to in paragraph 2 of this Article contains the name and surname, personal identification number, and other personal details of the candidate and their family members, educational and professional background of the candidate, and data on any potential conflicts of interest of the candidate and their family members.

For the purposes of paragraph 3 of this Article, family members are the spouse or common-law partner, or partner in a same-sex life partnership, child, and adoptee.

The Government determines the form and content of the questionnaire and statement referred to in paragraph 2 of this Article.

Article 44

Before proposing a candidate for Prime Minister, the President of Montenegro conducts an integrity check procedure for the candidate for Prime Minister.

The candidate for Prime Minister fills out the questionnaire and provides a statement as stipulated in Article 43, paragraph 2 of this law, which is then submitted to the President of Montenegro.

The President of Montenegro forwards the completed questionnaire referred to in paragraph 2 of this Article to the state administration body responsible for public procurement, the tax administration body, and the Anti-Corruption Agency for verification.

The authorities referred to in paragraph 3 of this Article are required to provide their opinion on the accuracy of the data from the questionnaire within three business days.

The candidate for Deputy Prime Minister or Minister fills out the questionnaire and provides a statement as referred to in Article 43, paragraph 2 of this law, which the candidate for Prime Minister submits, along with the program and proposal for the Government's composition, to the Parliament.

The Parliament submits the completed questionnaires referred to in paragraph 5 of this Article to the authorities listed in paragraph 3 of this Article for verification.

The authorities referred to in paragraph 3 of this Article are required to provide their opinion on the accuracy of the data from the questionnaire within five business days.

Article 45

Before proposing a candidate for an executive branch official, the Government conducts an integrity check procedure for the candidate.

The candidate for an executive branch official fills out the questionnaire and provides a statement as referred to in Article 43, paragraph 2 of this law, which is submitted to the Government's permanent working body responsible for personnel matters.

The working body referred to in paragraph 2 of this article submits the completed questionnaire to the authorities mentioned in Article 44, paragraph 3 of this law for verification.

The authorities referred to in Article 44, paragraph 3 of this law are required to provide their opinion on the accuracy of the data in the questionnaire within five business days.

XI. INTERACTION WITH STATE ADMINISTRATION BODIES

Article 46

The Government shall annul any Ministry's regulations that infringe the freedoms and rights of both natural and legal persons, as well as in other situations specified by law.

The Ministry's regulation that conflicts with the Government regulation shall be repealed by the Government.

A proposal for annulment or repeal of regulations may be made by the Prime Minister or a member of the Government.

Before making a decision about the proposal referred to in paragraph 3 of this Article, the Government shall consult with the Ministry whose regulation is being suggested for annulment or repeal.

XII. INTERACTION WITH THE PRESIDENT OF MONTENEGRO

Article 47

The cooperation that underpins the relationship between the Government and the President of Montenegro is carried out in accordance with the rights and responsibilities that are established by the Constitution, the legislation, and other general acts.

At the request of the President of Montenegro, the Government will take a stance on specific matters falling under its purview and inform the President of Montenegro in writing within a period of 30 days.

XIII. INTERACTION WITH THE PARLIAMENT OF MONTENEGRO

Article 48

The Government proposes laws and other acts to the Parliament.
The Government expresses its view on proposed laws and other acts proposed to the Parliament from another authorized proposer, in the manner and within the time limit prescribed by law and other acts.

Article 49

The Government appoints representatives to participate in the work of Parliament and its working bodies whenever it is the proposer of a law or other act.
Government representatives referred to in paragraph 1 of this Article shall participate in the work of the Parliament and its working bodies.
Whenever the Parliament and its working bodies are deliberating a proposed law or other act that has been submitted to it by an authorized proposer, representatives of the Government may, upon invitation, engage in the deliberations of the Parliament and its working bodies.

Article 50

The Prime Minister or a member of the Government shall be present at the session of Parliament at which the Prime Minister or a member of the Government is asked a parliamentary question.
The question referred to in paragraph 1 of this Article shall be answered by the Prime Minister or a member of the Government in the manner and within the time limit provided by law and other acts.

Article 51

Government representatives participating in the work of the Parliament and its working bodies shall represent the Government's position.
A delay in consideration or passage of a law or other act may be requested by Government representatives in order to take the official position of the Government.

Article 52

The Prime Minister and a member of the Government shall respond to the invitation of the working body of the Parliament, and attend the session dedicated to the control hearing on a specific topic.
The Prime Minister and a member of the Government must respond to the Parliament's call to participate and attend a session of the inquiry committee constituted to gather information and facts about occurrences linked to the operation of public authorities (a parliamentary investigation).

Article 53

In order for the Parliament to undertake a parliamentary investigation or control hearing in line with the legislation, the Government or a competent Ministry must provide official papers, documents, data, and information to the Parliament.
The government or the competent ministry, shall, at the request of a member of Parliament, make official papers, documents and data available to the Parliament, that is, to submit notifications and

explanations that are necessary for the performance of parliamentary functions, in accordance with the law.

XIV. INTERACTION WITH OTHER INSTITUTIONS

Article 54

Within the specified time frame, the Government shall provide the State Audit Institution with a report detailing its progress in implementing the Audit Report's recommendations.

Article 55

Within the specified time frame, the Government shall report to the Protector of Human Rights and Freedoms of Montenegro on the steps taken to implement the provided recommendations.

XV. TRANSITIONAL AND FINAL PROVISIONS

Article 56

By-laws for the implementation of this Law shall be adopted within three months from the date of entry into force of this Law.

Until the adoption of the by-laws referred to in paragraph 1 of this Article, the existing by-laws shall apply, provided they are not in contravention of the provisions of this Law.

Article 57

The provisions of this law relating to the composition of the Government shall be applied from the day following the announcement of the final results of the first subsequent Parliamentary elections.

Article 58

This Law shall enter into force on the eighth day following the day of its publication in the "Official Gazette of Montenegro."

EXPLANATORY REPORT

I. CONSTITUTIONAL BASIS FOR THE ADOPTION OF THE LAW

The constitutional basis for the adoption of the Law on the Government is contained in the provisions of Article 16 of the Constitution of Montenegro, which provides that the law, in accordance with the Constitution, among other things, regulates the manner of establishment, organization, and competence of state authorities and the procedures before these authorities, when necessary for their functioning and other matters of importance for Montenegro.

II. REASONS FOR ADOPTING THE LAW

Considering that Montenegro does not have a Law on the Government, the Medium-Term Work Program of the Government for 2022-2024 and the Government's Work Program for this year envisaged the determination of the Draft of this law.

The adoption of this law will systematically regulate all matters significant for its composition, mandate, operation, decision-making, relations with other authorities, as well as other issues important for the functioning of the Government. This will serve as a foundation for every future executive authority to carry out its function in accordance with the best practices and principles of good governance.

Moreover, the adoption of the Law on the Government will codify regulations in the field of public administration and reduce the number of regulations that govern related matters, which will facilitate the work of the Government, state authorities, as well as citizens and other interested parties, enabling them to engage in cooperation more easily and efficiently.

This law specifically regulates the relationship between the Parliament and the Government, as well as between the President of Montenegro and the Government, while certain provisions are dedicated to the regulation of the powers of the Government whose mandate has expired, until the election of a new Government. Previous experiences of Governments operating in a "technical mandate" have shown the need to clearly regulate the legal gap between the two governments, given that there should not be a legal vacuum from the end of the mandate of the old Government until the election of the new Government.

Finally, this law creates a normative framework for addressing existing weaknesses in this area, to the extent permitted by the Constitution, with the aim of improving the functioning of public administration, more efficient public spending, and more effective institutional coordination.

It is important to note that the Working Body for the Preparation of the Draft Law on the Government, which was formed in mid-June 2022, prepared the Draft Law which was reviewed by the Government in July 2022.

The Draft Law was put out for public consultation on September 21, 2022, for a period of 40 days, during which 15 comments were received from the interested public, and the Report from the public consultation was published on the Ministry's website at the following link: <https://www.gov.me/dokumenta/4fbd1160-3059-4a6a-9692-93514c9c90fa>. A roundtable was also organized as part of the public consultation.

The text of the law was improved based on the comments received during the public consultation, as well as the comments from relevant authorities during the additional interdepartmental consultations.

The Draft Law on the Government was also submitted to SIGMI for review and comments, and after certain adjustments based on their representatives' comments, the text of the draft was submitted to the European Commission and subsequently to the Venice Commission, which, during its plenary session in October 2023, adopted an opinion on the Draft Law. In this opinion, the law received a positive assessment with specific suggestions and recommendations for further improvement.

In December 2023, the Ministry of Public Administration organized a roundtable entitled "The Law on the Government – Open Issues." The draft law was further improved following the comments from the roundtable, as well as the opinion from the Venice Commission.

At the roundtable, it was also emphasized that the Draft Law would be aligned with GRECO recommendations. In this regard, in cooperation with the Council of Europe Program Office in Montenegro, a document was prepared under the Horizontal Facility Program of the European Union and the Council of Europe for the Western Balkans and Turkey, titled "Guide for the Ministry of Public Administration for formulating provisions of the Law on Government related to integrity checks and codes of conduct." The Draft Law was updated in accordance with the recommendations from this document.

III. ALIGNMENT WITH THE EUROPEAN UNION ACQUIS AND RATIFIED INTERNATIONAL CONVENTIONS

There are no sources of European Union law or ratified international conventions with which this law needs to be harmonized.

IV. EXPLANATION OF THE KEY LEGAL INSTITUTES

Chapter I – Basic provisions

This chapter defines the subject matter of the law and establishes that the Government operates independently within the scope of its competencies. It also prescribes that the Government's seat is in Podgorica and that its work is public.

Chapter II – Composition of the Government

This chapter stipulates that the Government consists of the Prime Minister, one or more Deputy Prime Ministers, and Ministers. It further specifies that the Government may have up to four Deputy Prime Ministers and 20 Ministers, two of whom may be Ministers without portfolio. It is mandated that the Prime Minister, Deputy Prime Ministers, and Ministers must be Montenegrin citizens. Additionally, if the Government has more than one Deputy Prime Minister, at least one must be from the less represented gender. This chapter also prescribes the ministerial portfolios that the Government must necessarily include and states that these portfolios cannot be merged with others. Furthermore, it elaborates on the rights and obligations of the Prime Minister, Deputy Prime Ministers, and Ministers. The chapter also mandates the adoption of a Code of Ethics by the Government, with an Ethics Committee established to oversee compliance with the Code.

Chapter III – The Government's mandate

This chapter defines the obligations of the Prime Minister-designate in forming the Government, requiring him to consider gender equality and the representation of minority peoples and other minority national communities. It also prescribes the oath of office taken by Government members. Specific provisions regulate the termination of the Government's mandate, while other provisions define the termination of a Government member's mandate and functions, along with the related responsibilities of the Prime Minister.

Chapter IV – Method of work and decision-making

This chapter clarifies the method of operation and decision-making within the Government, including the procedure and deadlines for convening the first Government session. It also defines who may propose a Government session and who is entitled to attend. The Government deliberates and decides in sessions by a majority vote of all its members, with decisions being valid if more than half of the Government members are present. Finally, it regulates decision-making in conference call sessions.

Chapter V – Publicity of the Government's work

This chapter sets out the principles of transparency regarding the Government's activities.

Chapter VI – Government acts

This chapter defines the legal acts adopted by the Government, including decrees, resolutions, strategies, programs, declarations, decisions and conclusions.

Chapter VII – Work program of the Government

This chapter defines the Government's work program as a document establishing the Government's priorities and deadlines for their implementation. It further stipulates that the Government adopts a medium-term and annual work program, specifying the periods covered and the foundational principles for their preparation. Finally, it provides that the Secretariat General of the Government of Montenegro monitors the implementation of these programs and prepares reports on their execution, which are submitted to the Government for adoption and to the Parliament for review.

Chapter VIII – Secretariat General

This chapter prescribes that the Government has a Secretariat General, headed by the Secretary General. It specifies the procedure for appointment and dismissal, as well as the responsibilities and grounds for termination of office. Additionally, it provides the legal basis for the adoption of a by-law that will further regulate the scope of work, organizational structure, and other issues relevant to the functioning of the Secretariat General.

Chapter IX – Working bodies of the Government

This chapter provides that the Government may establish permanent and temporary working bodies, defines the legal acts by which they are established, and outlines their scope of work. It also stipulates that a Cabinet of the Prime Minister may be established to perform specific tasks on behalf of the Prime Minister, with its structure and operations regulated by a Government regulation.

Chapter X – Integrity check

This chapter introduces provisions aimed at fulfilling GRECO recommendations for Montenegro, mandating that before the appointment of Government members and executive branch officials, an integrity check process must be conducted. It also stipulates that the integrity check is carried out by completing a questionnaire and providing a prescribed statement by the candidates for Government positions and executive branch officials, with the submitted information being verified by the competent authorities.

Chapter XI – Interaction with State Administration Bodies

This chapter regulates the Government's interaction with state administration bodies, specifically the procedure for annulling and repealing regulations issued by ministries that are inconsistent with Government regulations.

Chapter XII – Interaction with the President of Montenegro

This chapter regulates the interaction between the Government and the President of Montenegro.

Chapter XIII – Interaction with the Parliament of Montenegro

This chapter elaborates on the interaction between the Government and the Parliament, particularly regarding the submission of legislative proposals and other acts to the Parliament. It also prescribes the attendance and conduct of the Prime Minister and Government members at parliamentary sessions. Furthermore, it establishes the Government's obligation, through the responsible ministry, to provide Parliament with official materials, documents, data, and information necessary for conducting parliamentary investigations or control hearings, in accordance with the law.

Chapter XIV – Interaction with other institutions

This chapter defines the interaction between the Government and the State Audit Institution, as well as the Protector of Human Rights and Freedoms.

Chapter XV – Transitional and final provisions

This chapter specifies the deadlines for adopting by-laws, the entry into force of the law, and the commencement of application of its specific provisions.

V. FINANCIAL RESOURCES REQUIRED FOR IMPLEMENTATION OF THE LAW

The implementation of this law does not require additional financial resources from the Budget of Montenegro.