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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

MONTENEGRO

**LAW ON THE PRESIDENT
OF MONTENEGRO**

784.

Pursuant to Article 95 item 3 of the Constitution of Montenegro, I hereby issue the

DECREE
ON PROMULGATING THE LAW ON THE PRESIDENT OF MONTENEGRO

I promulgate the **Law on the President of Montenegro**, passed by the 26th Parliament of Montenegro, at its ninth sitting of the first regular (spring) session in 2018, on 26 June 2018.

Number: 01-735/2
Podgorica, 28 June 2018

President of Montenegro,
Milo Đukanović, sgd.

Pursuant to Article 82 paragraph 1 item 2 of the Constitution of Montenegro and Amendment IV paragraph 1 to the Constitution of Montenegro, at its ninth sitting of the first regular (spring) session in 2018, on 26 June 2018, the 26th Parliament of Montenegro passed the

LAW
ON THE PRESIDENT OF MONTENEGRO

I. BASIC PROVISIONS

Subject-matter
Article 1

The present Law shall regulate the way of providing material and other conditions for performance of the function of the President of Montenegro (hereinafter: President), as well as the rights of the President upon termination of function, the basis for the organisation of the Office of the President and other matters of importance for performance of the function of the President.

Performance of function
Article 2

The President shall perform his function within the responsibilities established by the Constitution and the law.

Conditions for performance of function
Article 3

The conditions necessary for performance of the function of the President shall be provided by the state administration bodies and other authorities, in accordance with the established responsibilities. The authorities referred to in paragraph 1 of this Article shall notify and inform the President about matters of importance for performance of his function.

Security tasks
Article 4

The activities related to the security of the President and the facilities he uses shall be performed by the administration body responsible for police work.

Funds for work
Article 5

Funds for work of the President and funds for the exercise of rights upon termination of the function of the President shall be provided in the Budget of Montenegro.

Use of gender-sensitive language

Article 6

The expressions used in the present Law for natural persons in the masculine gender shall equally imply the same expressions in the feminine gender.

II. RIGHTS AND DUTIES OF THE PRESIDENT

Oath

Article 7

Before assuming the function, the President shall take an oath before the members of the Parliament of Montenegro, which reads:

“I swear that I will perform the function of the President responsibly, honourably, conscientiously, fairly and impartially, according to the Constitution and the law.”

Secret data

Article 8

The President shall keep secret data during the performance of his function and upon its termination, in accordance with the law regulating data secrecy.

The Government of Montenegro (hereinafter: the Government) may, in accordance with the law, release the President from the obligation to keep secret data.

Residence and representative facilities

Article 9

During the performance of his function, the President shall use a residence, in accordance with the law.

The maintenance and provision of services in the residence shall be provided by the Government.

During the performance of his function, the President shall also use other representative facilities, in accordance with Government regulations.

Personal security and official vehicle

Article 10

The President shall have permanent personal security.

The President shall be entitled to permanent use of an official vehicle with or without a driver, which he shall use in accordance with Government regulations.

Salary and other remuneration

Article 11

The President shall exercise the right to salary and other labour rights in accordance with the law governing public sector salaries, unless otherwise specified by the present Law.

Spouse's right to leave

Article 12

The President's spouse who is employed shall have the right to a paid leave from work during the time when he participates in the President's protocol duties.

III. RIGHTS OF THE PRESIDENT UPON TERMINATION OF FUNCTION

Right to an honorary title and other rights

Article 13

Upon termination of function, the President shall acquire the honorary title of “former President of Montenegro”.

Upon termination of function, the President shall be entitled to employee benefits, an office and administrative support, as well as to other rights prescribed by the present Law.

The rights referred to in paragraphs 1 and 2 of this Article shall belong to the presidents of Montenegro who have held that position since the restoration of Montenegro's independence (3 June 2006).

State ceremonies

Article 14

The President referred to in Article 13 of the present Law shall be invited to state ceremonies in accordance with the state protocol rules.

Employee benefits

Article 15

Upon termination of function, until the fulfilment of the conditions prescribed by law for acquiring the right to a pension, the President shall have the right to employee benefits in the amount of 70% of the salary received in the last month before the termination of presidential function, with adequate adjustment.

If the former President of Montenegro exercises the right to a pension, and his pension is below the amount of the benefits referred to in paragraph 1 of this Article, he shall be entitled to a separate monthly remuneration in the amount of the difference between 70% of the salary and the pension he receives.

If the former President starts an employment during the exercise of the right to benefits referred to in paragraph 1 of this Article, payment of the benefits shall be suspended during that period.

Office

Article 16

Upon termination of his function, the President shall have the right to use an office, have one adviser and one employee performing administrative and technical tasks, as well as the right to use an official vehicle with or without a driver.

The rights referred to in paragraph 1 of this Article can be used for a maximum of five years after termination of the presidential function.

Funds for the purposes referred to in paragraph 1 of this Article shall be provided in the Budget of Montenegro.

Access to archives

Article 17

Upon termination of his function, the President shall have the right of access to archival material created during the time when he performed the presidential function.

The authority in possession of the archival material referred to in paragraph 1 of this Article shall provide the President whose function has ended with access to the archival material upon his request.

Personal security upon termination of function

Article 18

Upon termination of his function, the President shall be entitled to permanent personal security in accordance with the security assessment determined by the competent authority, in accordance with the law.

Exclusion of rights

Article 19

The presidential rights envisaged by the present Law to apply upon termination of presidential function shall not belong to the President whose function has ended by dismissal pursuant to the Constitution.

Personal request

Article 20

Upon termination of his function, the President shall inform the competent working body of the Parliament of Montenegro, and the Office of the President, if he does not wish to use the rights envisaged by the present Law to apply upon termination of presidential function.

Exercise of rights

Article 21

The exercise of the rights enjoyed by the President upon termination of his function shall be ensured by the Office of the President.

IV. OFFICE OF THE PRESIDENT

Office formation and management

Article 22

With a view to performance of professional, administrative and other tasks, the President shall form Office of the President.

The Office of the President shall be managed by Secretary-General, appointed by the President. Secretary-General shall be appointed for a period of five years.

Secretary-General

Article 23

Secretary-General shall report to the President regarding his work and work of the Office.

The act on internal organisation and job descriptions of the Office shall be determined by the Secretary-General, with the consent of the President.

Working bodies

Article 24

In carrying out the tasks within his jurisdiction, the President can establish councils, commissions and working groups, as permanent or temporary working bodies.

The composition, number and scope of permanent and temporary working bodies referred to in paragraph 1 of this Article shall be determined by the act on their formation.

V. FINAL PROVISION

Entry into force

Article 25

The present Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.

Number: 00-34/18-1/12
EPA 443 XXVI
Podgorica, 26 June 2018

26th Parliament of Montenegro
Speaker,
Ivan Brajović, sgd.