



GOVERNMENT OF MONTENEGRO

# ACTION PLAN

FOR CHAPTER 24 JUSTICE, FREEDOM AND SECURITY



June 27, 2013

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## 1. BACKGROUNDS

In its session held on 8 March 2012, the Government of Montenegro adopted the Decision establishing the Working Group for Preparation of Negotiations on Accession of Montenegro to the European Union in the area of EU *acquis* relating to the Negotiating Chapter 24 – Justice, Freedom and Security (hereinafter referred to as: Working Group 24).<sup>1</sup>

Pursuant to the Decision of the Government, the Working Group consists of 38 members from all three branches of power: legislative, judicial and executive, including two representatives of civil society from non-governmental organisations: Centar za monitoring (Centre for Monitoring) and Građanska alijansa (Civic Alliance).

Explanatory screening for Chapter 24 of the EU *acquis* covering the area of justice, freedom and security, was held in Brussels on 28-30 March 2012.

Bilateral screening for the Chapter 24 of the EU *acquis* covering the area of justice, freedom and security was held in Brussels from 23 to 25 May 2012.

At the end of the bilateral meeting, according to the procedure, the Chief Negotiator stated on behalf of Montenegro that Montenegro accepts the European Union *acquis*.

On the basis of the bilateral meeting and complete screening process, the European Commission summed up the results of the screening process in the screening report, submitted to the Working Group on 25 December 2012, which also contains the assessments from the EUROPOL report.

The obligation of Montenegro to adopt the Action Plan was set as the sole benchmark for the opening of negotiations on Chapter 24 – Justice, Freedom and Security, which was clearly stated in the letter of the Permanent Representative of the Republic of Cyprus to the European Union, as a member state of the Union that presided the Union at the moment of submission of the Screening report.

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<sup>1</sup> Decision establishing the Working Group, [http://www.gov.me/sjednice\\_vlade\\_2010-2012/56](http://www.gov.me/sjednice_vlade_2010-2012/56)

*“On behalf of the member states of the European Union, you are informed that, in accordance with paragraphs 42 and 43 of the Negotiating Framework and screening of the EU acquis Chapter 24, the EU considers that the opening of this chapter may be considered after the EU confirms that the following benchmarks have been met:*

- *Montenegro shall adopt one or more detailed action plans that include related timetables and implications on funds and setting out clear objectives, measurable indicators as appropriate and necessary institutional order in the following areas: Migration, Asylum, Visa Policy, External Borders and Schengen, Judicial Cooperation in Civil and Criminal Matters, Police Cooperation and the Fight against Organised Crime, Fight against Terrorism, Cooperation in the Area of Drugs, Customs Cooperation and Counterfeiting of the euro (criminal aspects).”*

## **2. DESCRIPTION OF THE ACTION PLAN STRUCTURE**

### **2.1. General remarks**

Immediately after the screening process was completed, the Working Group 24 initiated preparing the starting points of the Action Plan for Chapter 24 and, in that regard, created an overview of all the commitments and deadlines that have been imposed during the bilateral screening, in order to include them in the action plan.

Along with the abovementioned activities, the Working Group 24 engaged a regional UNDP expert, Filip Dragović, former chief of the Working Group 24 in the Republic of Croatia, with whom the starting points of the Action Plan were considered and who gave guidelines for better preparation of the draft Action Plan.

On 24 January 2013, suggestions of the European Commission were submitted to the Working Group 24, containing the framework guidelines on how the action plan for Chapter 24 should look like, in terms of structure and substance.

Based on the above mentioned, the Working Group 24 prepared the first Draft Action Plan, as a starting basis for further work until its final adoption in the form of a proposal.

The Draft Action Plan was submitted to the European Commission and subsequently the EC experts visited Montenegro in the period from 5 to 22 March 2013, with a view to assisting the members of the Working Group 24 in innovating the Draft Action Plan for

Chapter 24. Montenegro was visited by 12 experts for 9 sub-areas covered by the Chapter 24, with the exception of sub-area Customs Cooperation, where the Commission deemed no expert engagement is required at this stage of preparation.

Following the expert missions, the Draft Action Plan was innovated and translated in the Ministry of Foreign Affairs and European Integration and consequently submitted to the European Commission for additional suggestions and comments.

On 15 and 19 April 2013, the European Commission submitted “general” and “concrete” comments on the innovated Draft Action Plan, which represented the basis for innovating the Draft once more and incorporating the comments given by the European Commission.

On 13 May 2013, the Working Group 24 submitted the Draft Action Plan for Chapter 24 to the Ministry of Foreign Affairs and European Integration for the purpose of its publication and consultations with relevant stakeholders.

## **2.2. Method of establishing objectives**

Objectives have been defined, bearing in mind clear recommendations from the Screening Report, as well as the ones provided in the course of analytical overview of compliance of Montenegrin legal system with the *acquis*. Furthermore, part of the objectives has been defined bearing in mind the need to achieve certain standards, which represent precondition for fulfilment of certain objectives from recommendations contained in the Screening Report.

According to the rules for preparation of the action plan as a strategic and reform document, as well as in accordance with the guidelines of the European Commission, the Draft Action Plan contains an overview of activities within a single process that helps to approach to meeting the obligations towards European integration in a planned and proactive manner, through the achievement of clearly defined objectives.

The Action Plan represents an overview of mechanisms and activities on the basis of which it is evident what is intended to be achieved within a specified period, based on realistic assessments and to the objectively attainable extent.

### **2.3. Method of determining measures**

Measures in the Action Plan for Chapter 24 were designed towards fulfilment of recommendations defined by the Screening Report for this chapter. All the measures contained in this Action Plan are harmonised with measures provided in national strategic documents (Strategy for the Fight against Corruption and Organised Crime, Strategy for the Integrated Border Management, Strategy for the Fight against Trafficking in Human Beings, Strategy for the Integrated Migration Management, Strategy for Prevention and Suppression of Terrorism, Money Laundering and Financing of Terrorism, as well as other relevant strategic documents covered by Chapter 24).

Recommendations provided in the Screening Report, which were defined as objectives, are divided into measures. During prescription of measures, priorities were taken into account; these priorities were assessed as precondition for fulfilment of certain other objectives, i.e. their achievement was deemed necessary in the shortest possible period of time. Measures were classified as well in relation to priorities; these measures were presented chronologically in the Action Plan, depending on determined deadlines for their implementation.

Prescribed measures can be divided into three groups: normative harmonisation, strengthening institutional and administrative framework, as well as performance of necessary educational activities for staff and raising awareness of citizens (where applicable), all with the intention to implement the legal framework and achieve appropriate standard (where necessary) in a best possible manner.

It is important to point out that the planned measures were not designed so as to ensure their classical meeting, in terms of achieving a certain degree of alignment, but special attention was devoted to designing them, where possible, in such a way that their implementation clearly reflects the influence of the reform.

### **2.4. Method of determining deadlines**

The deadlines were defined with regard to implementation of each activity individually, which as a set of measures provide for the attainment of the set objective.

For each sub-area of the Chapter 24, activities were planned and presented so as to chronologically follow the dynamics of their implementation, starting from 2014 (*part of the activities envisaged for 2013 was set forth by the Action Plan for Fulfilling Recommendations Given in the EC Progress Report*). In this context, the priorities in the implementation of activities were determined, according to the following structure of the implementation dynamics:

- **Short-term priorities** include activities that will be implemented in 2013 and 2014, designed at monthly basis;
- **Medium-term priorities** include measures that will be implemented in the period 2015 -2016 inclusive, designed at quarterly basis;
- **Long-term priorities** include measures that will be implemented in the period from 2017 to 2019 inclusive, designed at semi-annual basis.

In relation to the time structure of established priorities, at the end of the introductory section, a plan is given and an opportunity for periodic updating of the Action Plan is foreseen, based on the semi – annual reporting on implementation of activities and planning of the activities to the extent possible.

The intention is to enable, through structuring of deadlines, a better monitoring of the success of implementation of the Action Plan and creation of adequate conditions for the European Commission to set up an overview of measurable results, as well as to be to contribute, at any time, to improvement of the substance of the Action Plan through their suggestions.

It should also be noted that the deadlines for performance of activities from the already approved IPA projects have been adjusted to deadlines defined by projects themselves, and the beginning of performance of these activities depends on the beginning of implementation of the project itself. It would be the same for activities, for which funds from IPA II will be approved (2014 – 2020).

## **2.5. Method of determining the responsible authorities for implementation of measures**

For each individual measure, an institution was specifically determined, i.e. a body that will be responsible for its implementation.



For some measures requiring involvement of several institutions and inter-ministerial cooperation, the institution in charge for carrying out and coordinating the implementation of activities was placed first, while the other institutions provide support in achieving as high and efficient level of implementation as possible.

In the measures which refer to amendments of the existing and development and adoption of new pieces of legislation, multidisciplinary working groups will be established, in accordance with the content of that piece of legislation, with participation of interested representatives from the civil sector, in accordance with the Decree on Method and Procedure of Establishing Cooperation between State Administration Bodies and Non – Governmental Organisations (Official Gazette of Montenegro 07/12 of 30 January 2012) and the Decree on Method and Procedure of Conducting the Public Dispute in Preparation of Laws (Official Gazette of Montenegro 02/12 of 24 February 2012).

## **2.6. Method of establishing the required funds**

The Action Plan defines the funds required for implementation of envisaged measures, and it should be noted that the Budget of Montenegro will represent the major source of financing. Bearing in mind that the expert assistance is required for implementation of certain measures, the engagement of foreign experts through TAIEX assistance mechanism has been envisaged.

Also, bearing in mind that significant amount of funds is required for implementation of certain measures, possible donations of international organisations or EU Member States through projects and bilateral agreements have been stated as the potential sources of financing, along with plans for submission of applications for financing through IPA programming 2014 – 2020.

Priority activities from this Action Plan are completely harmonised with priority activities for financing from IPA II.

For activities planned to be implemented in 2013 and 2014, the exact amount of costs and the source of financing are indicated.

For activities planned to be implemented in 2015 and 2015, an approximate amount of costs is indicated as well as the source from which the funds is likely to be obtained.

For activities planned to be implemented in 2017 onwards, it is indicated that financial assessment will be made in accordance with preparation of project proposals and thus assessed financial needs.

## **2.7. Method of determining the indicators of results and impact**

Implementation performance indicators were set with respect to each measure individually. Indicators were set up to facilitate the manner of monitoring the implementation of the action plan, both in quantitative and especially in qualitative terms. In this respect, two types of indicators were determined: result indicator and impact indicator, where possible. In this manner, the aim is to project clear results that will, at the same time, project a concrete impact towards improving operational standards or the condition in a particular area in general.

Each indicator was set so as not only to monitor the implementation of certain activities up to the level of alignment (*result indicator*), but in a way that the level of implementation (*impact indicator*), namely the implementation of a new standard with respect to citizens and all stakeholders can be assessed (*for example: an indicator of amendment or adoption of a law is not only its adoption, but also, where possible, statistical data on the implementation of the law, reports, in some cases research, etc. – hence, measurable data pointing to changes made in society*).

## **2.8. Participation of all relevant stakeholders in the preparation and implementation of the Action Plan for Chapter 24**

The existing structure of the Working Group for Chapter 24 includes representatives of three branches of power: legislative, executive and judicial, as well as representatives of NGOs. The Working Group 24 comprises representatives of the following institutions: Parliament of Montenegro, Ministry of Interior, Ministry for Human and Minority Rights, Ministry of Justice, Ministry of Labour and Social Welfare, Ministry of Foreign Affairs and European Integration, Ministry of Health, Police Administration, Directorate for Anti-Corruption Initiative, Administration for Prevention of Money Laundering and Terrorism Financing, Customs Administration, Administration for the Care of Refugees, Supreme Public Prosecutor's Office, High Court and Judicial Council, plus representatives of two NGOs – Civic Alliance and Centre for Monitoring.

During the process of drafting the Action Plan, it was concluded that the original composition of the Working Group does not correspond to requirements of the negotiating process in this chapter. Namely, having in mind the contents of the Screening Report, a part of the members of the existing Working Group composition could not have concrete tasks, or their tasks in their respective institutions do not correspond to requirements of this process. Therefore, drafting of the Action Plan required engagement of a number of representatives of other authorities and institutions, who are not formally members of the Working Group.

Taking into account the aforementioned, and particularly bearing in mind implementation of the Action Plan and introduction of an efficient monitoring mechanism, once the Action Plan is adopted, formal composition of the Working Group 24 will be immediately modified in order to create conditions for high quality response to forthcoming obligations.

In line with the negotiating framework, the draft Action Plan was developed through a process of consultations with key stakeholders and in full inter-ministerial cooperation of all the responsible institutions and bodies, in order to provide maximum support for its implementation.

Important professional contribution was made by representatives of the civil sector in the Working Group 24 as well, who were completely involved in the process of development and final design of the Action Plan.

As regards financial estimations, as already stated, a more extensive deadline is required for alignment, so as to project each objective and measure so that the financial aspect does not pose a limitation, but to be supportive and that there is a possibility of a timely planning of funds for financing the activities.

Special attention during the process of drafting this Action Plan was given to the aspiration to include as many experts as possible into the preparation of the Action Plan, in which the greatest support was provided by the representatives of the Republic of Croatia, the Slovak Republic and the Republic of Slovenia. Until the final adoption of the Action Plan, it is envisaged, pursuant to the requirements addressed at the European Commission, to engage experts through the TAIEX instrument, for nine sub-areas of the Action Plan individually (*except for the area of Customs Cooperation, as previously stated*).

## **2.9. Monitoring**

During the implementation of the action plan, special attention will be paid to the performance of continuous monitoring of the implementation of all the measures and the level of achievement of projected objectives.

In this part, Working Group 24 is in charge at the most operative level for monitoring and reporting on the implementation of commitments, and above it, pursuant to the Decision on the negotiating structures, there are a member of the Negotiating Group, Chief Negotiator, the College and the Government.

In the monitoring of implementation, special support is expected from the civil sector, whose representatives are members of the Working Group 24 and who will significantly, by their expert comments and suggestions, contribute to improving the implementation of each activity, but also to maintenance of the necessary level of transparency.

Regular monitoring of the implementation of the set commitments will enable, through inter-ministerial communication, as well as in cooperation with the European Commission, creating of an adequate mechanism for possible updating and reviewing of certain activities during the implementation of the action plan.

Specifically, the monitoring of the implementation of the Action Plan presupposes the existence of a coordinator for particular areas of the Action Plan. The coordinators will have a direct co-operation with the focal points in the bodies responsible for the implementation of envisaged activities and will receive information on all the issues that are of importance for the implementation from them. This means that one person will be determined, and that person will be responsible for reporting on the implementation of defined measures. Those focal points will report to the coordinators every three months, who in turn will prepare a semi-annual report on undertaken activities on the basis of those reports. The semi-annual report created in such a manner is approved by the Head of the Working Group and a member of the Negotiating Group, upon which it is submitted to the Ministry of Foreign Affairs and European Integration as the main coordinator of the accession process of Montenegro to the European Union. Then, the report is discussed by the Government and submitted to the European Commission through the MFAEI.

Along with the data on implemented measures, the report will also include the data on possible difficulties in their implementation and the reasons for failing to fulfil the obligations from the Action Plan.

Apart from with the abovementioned “formal” manner of reporting by submitting quarterly report, ad hoc “informal” informing is possible as well at the request of the Head, members of the Working Group, coordinators for particular areas, as well as the European Commission, or the EU Directorate-General for Enlargement.

### **3. AREAS COVERED BY THE ACTION PLAN**

In accordance with the position of the Member States of the European Union and the notification of the Cyprus Presidency, the Draft Action Plan was designed so as to cover 10 sub-areas: *Migrations, Asylum, Visa Policy, External Borders and Schengen, Judicial Cooperation in Civil and Criminal Matters, Police Cooperation and the Fight against Organised Crime, Fight against Terrorism, Cooperation in the Field of Drugs, Customs Cooperation and Counterfeiting of the Euro (criminal aspects).* "

Prior to presentation of the objectives and measures for each sub-area, in order to consider their projections as adequately as possible, a brief description of the current state of play in that sub-area is provided, which represents the starting basis for the projection of future activities.

Within each sub-area, bearing in mind the wide range of issues covered, as well as the objective – to ensure easier referencing of the material and monitoring of the implementation of the measures set, each sub-area is divided into headings, namely topics of which it consists and which follow the recommendations from the Screening Report, as follows:

#### **I. Migrations**

1. *Legal migration*
2. *Readmission of irregular migrants*
3. *Irregular migration*

#### **II. Asylum**

#### **III. Visa policy**

1. *Visa regime*
2. *Document security*
3. *Visa information system*

#### **IV. External borders and Schengen**

1. *External borders*
2. *Police cooperation relating to the Schengen*
3. *Schengen acquis*

#### **V. Judicial cooperation in civil and criminal matters**

1. *Judicial cooperation in civil and commercial matters*
2. *Judicial cooperation in criminal matters*

#### **VI. Police cooperation and fight against organised crime**

1. *Police cooperation*
2. *Fight against organised crime*

#### **VII. Fight against terrorism**

#### **VIII. Cooperation in the field of drugs**

#### **IX. Customs cooperation**

#### **X. Counterfeiting of the euro**

### **4. ACTION PLAN UPDATES**

On the occasion of setting priorities (short, medium and long term), and the planning of objectives and measures in the Draft Action Plan, care was taken to preserve a certain space that allows for flexibility in the planning of medium and, especially, long-term priorities.

The reason for this is because we bore in mind the suggestion of the European Commission that the Action Plan - its preparation and implementation, is a multi-stage process. Namely, when the first stage of the Action Plan is implemented- short-term priorities, along with parallel projection and planning of medium-term priorities, possible need for updating the Action Plan was taken into the account, especially taking into account certain new circumstances that could arise in the form of new legislation of the European Union, new information systems and software, and the like.

In order to monitor the letter from the EU presidency and the Screening Report, and to adjust the Action Plan to dynamic process of development of the national, as well as degree of development of the *acquis* under Chapter 24, automatic innovation will be performed after two years, in order to provide details for implementation of mid – term measures (2015 – 2016) and long – term

measures to the possible extent (2017 and forth). That should be the opportunity to consider results from the previous phase of implementation, the real impact and consequences of measures.

## 1. MIGRATIONS

### 1.1. LEGAL MIGRATION

#### STATE OF PLAY

Montenegrin legislation is partially aligned with the EU acquis in the field of legal migration. The Law on Foreigners (Official Gazette of Montenegro 82/08, 72/09, 32/11 and 53/11) entered into force on 8 January 2009. In 2008, Montenegro adopted the 2008-2013 Strategy for the Integrated Migration Management, with the Action Plan for its implementation. In 2011, the Government of Montenegro adopted a new 2011-2016 Strategy for the Integrated Migration Management and the Action Plan for its implementation in 2011 and 2012. The adoption of these documents was the result of the IPA project "Support for migration management in Montenegro", within which the mission of the International Organisation for Migration (IOM), in October 2009, conducted an analysis and review of migration management system in Montenegro. At its session held on 11 April, the Government of Montenegro adopted the new Action Plan for implementation of the Strategy in 2013 and 2014 ([www.mup.gov.me](http://www.mup.gov.me)).

Office of the International Organisation for Migration in Podgorica has prepared a project proposal aimed at reducing the number of foreigners working illegally in Montenegro, as well as towards the improvement of administrative capacities and simplifying administrative procedures for regulating the work and residence of foreigners in Montenegro.

Activities envisaged by this project of the IOM include, inter alia:

- The establishment of a "One Stop Shop" or a single counter for issuing work and residence permits, which implies the selection of appropriate premises (most likely in the premises of one of the branch or regional offices of the Ministry of Interior), and its equipping (office furniture, computers, printers, software, etc.);
- The signing of the relevant Memoranda of Understanding between the competent authorities;
- The development of standard operational procedures for the functioning of the "One Stop Shop";
- Training of the staff to be working in this single counter;
- Organising and conducting information campaigns to inform the public of the opening and operation of the "One Stop Shop";
- Harmonisation of the relevant national legislation with EU standards in terms of defining the rights and obligations of employers and workers concerning the issuance of residence and work permit in Montenegro (anticipated engagement of experts who should help in the development of new legislation);



- Establishment of an inter-ministerial working group that should work on amendments to existing regulations in the field of residence, employment and work of foreigners.

If the project is approved by the Development Fund of the International Organisation for Migration, its implementation is expected to begin in June 2013, while the project completion is expected by the end of 2014.

The Law on Foreigners prescribes that a foreigner who has been granted permanent residence in Montenegro has the right to: employment and work; education and professional training; recognition of diplomas and certificates; social welfare, health and pension insurance; tax reliefs; access to commodities and services market; freedom of association, connection and membership in organisations representing the interests of employees or employers. Foreigner exercises these rights in accordance with the laws prescribing the manner of exercising the above mentioned rights.

**The Law on Employment and Work of Foreigners prescribes that a foreigner, who has been granted temporary residence for the purposes of reunification with his/her family, shall have the right to be employed within the period of his temporary residence permit.**

The Labour Law applies to employees who are foreign nationals and work under an employer in the territory of Montenegro, therefore, rights and obligations on the basis of work, including the right to compensation in cases of termination, apply to these persons as well, unless otherwise prescribed by a special law.

The Law on Social and Child Welfare prescribes that foreign nationals can exercise rights from social and child welfare determined by law, in accordance with international treaties and conventions.

The Law on Pension and Disability Insurance prescribes that foreign nationals have access to pension and disability insurance, under the same conditions as Montenegrin nationals.

The Law on the Recognition and Assessment of Educational Certificates prescribes that Montenegrin and foreign nationals have the right to the recognition of the educational certificate or assessment of qualifications. Recognition or assessment of educational certificates is carried out for the purposes of continued education or employment in Montenegro.

The General Law on Education prescribes that foreign nationals who have regulated their residence in Montenegro exercise the right to education equally to the nationals of Montenegro.

**Montenegrin regulations are partially (significantly) harmonised with:** Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research, Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long term residents.

**Montenegrin regulations are not harmonised with:** the Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment and Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

**Recommendation 1 from the Screening Report – Migrations**

**OBJECTIVE:**

Determining the measures for the harmonisation of the remaining legislation in the field of legal migration with the EU *acquis*, including the assessment of the impact on administrative capacities, training needs and the budget

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
1.1.1.	Establish the inter-ministerial working group in charge of making an overall analysis of the legal migration system, drafting amendments to relevant legislation, and monitoring the overall process of harmonisation and implementation of regulations and standards in the field of legal migration  Prepare the project proposal for engagement of expert support	<i>The inter-ministerial working group would include representatives of:</i> Ministry of Interior, Ministry of Foreign Affairs and European Integration, Ministry of Justice,	November 2013 (for establishment of the inter-ministerial working group and preparation of the project proposal for engagement of the expert support)	Budgetary funds – EUR 17,010  TAIEX – EUR 5,400  TOTAL: EUR 22,410	Inter-ministerial working group established, the number of held meetings, Project proposal prepared and submitted to the EC, Project proposal approved and expert engaged to provide expert	The involvement and engagement of all relevant institutions during the entire process of negotiations for Chapter 24, Semi-annual reports on the work and activities of the inter-ministerial working group,

	<p>(TAIEX) with a view to preparing an all-encompassing legal migration system analysis in Montenegro;</p> <p>Prepare the all-encompassing Legal Migration System Analysis in Montenegro-legislative and institutional framework, administrative capacities, and technical equipment, that should identify the problems and financial needs and recommendations for full legislative, institutional, administrative and technical harmonisation with the regulations and standards of the EU in this area, including a detailed impact assessment with respect to training needs, administrative capacities and budget required</p>	<p>Ministry of Labour and Social Welfare, Ministry of Finance, Ministry of Education, Employment Office, University of Montenegro, Scientific research institutions, IOM representatives</p>	<p>December 2014 (for preparation of the Analysis)</p>		<p>assistance in preparation of the Analysis, Legal Migration System Analysis made</p>	<p>Expert assistance of the EC for the preparation of the all-encompassing Analysis ensured, Level of implementation of the defined guidelines for legislative, institutional and technical harmonisation of the national system with the regulations and standards of the European legislation</p>
1.1.2.	<p>Adopt the necessary amendments to the Law on Foreigners and to its implementing legislation based on the analysis and its recommendations for:</p> <ul style="list-style-type: none"> <li>- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification;</li> <li>- Council Directive 2005/71/EC of</li> </ul>	<p>Ministry of Interior, Inter-ministerial working group</p>	<p>Fourth quarter of 2015 <i>(for Directive 2003/86/EC, Directive 2005/71/EC, Directive 2004/114/EC and Directive</i></p>	<p>Budgetary funds – EUR 82,368</p>	<p>Proposal for amendments to the Law on Foreigners prepared and submitted to the Government for consideration, Proposal for amendments to</p>	<p>Semi-annual reports of the inter-ministerial working group on the harmonisation process and the implementation of the newly-adopted regulations, Reports of IOM</p>

	<p>12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research;</p> <p>- Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service;</p> <p>- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long term residents;</p> <p>- Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment,</p> <p>- Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State</p>		<p><i>2003/109/EC)</i></p> <p>Fourth quarter of 2016 <i>(for Directive 2011/98/EU)</i></p> <p>Second half of 2017 <i>(for Directive 2009/50/EC)</i></p>		<p>the Law on Foreigners adopted by the Government, Amendments to the Law on Foreigners adopted, Amendments to the secondary legislation adopted</p>	<p>representatives on the harmonisation process and the implementation of regulations, Reports of the expert assessment on harmonisation process and implementation of regulations, Statistical indicators on the number of submitted appeals by applicants, Statistical indicators on the number of claims submitted to the Administrative Court by applicants</p>
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<b>1.1.3.</b>	<p>Adopt the necessary amendments to the legislation in the field of family law based on the analysis and its recommendations for:</p> <p>- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification</p>	<p>Ministry of Justice, Inter-ministerial working group</p>	<p>Fourth quarter of 2015</p>	<p>Budgetary funds – EUR 21,480</p>	<p>Amendments to the legislation in the field of family law prepared and submitted to the Government for consideration, Amendments to the legislation in the field of family law adopted by the Government, Amendments to the legislation in the field of family law adopted</p>	<p>Semi-annual reports of the inter-ministerial working group on the harmonisation process and the implementation of the newly-adopted regulations, Reports of IOM representatives on the harmonisation process and the implementation of regulations, Reports of the expert assessment on harmonisation process and implementation of regulations</p>
<b>1.1.4.</b>	<p>Adopt the necessary amendments to the Law on Employment and Work of Foreigners and to its implementing legislation based on the analysis and its recommendations for:</p> <p>- Council Directive 2003/86/EC of</p>	<p>Ministry of Labour and Social Welfare, Employment Office, Inter-ministerial working group</p>	<p>Fourth quarter of 2015</p>	<p>Budgetary funds – EUR 21,480</p>	<p>Proposal for amendments to the Law on Employment and Work of Foreigners prepared and submitted to the</p>	<p>Semi-annual reports of the inter-ministerial working group on the harmonisation process and the implementation of the newly-adopted</p>

	<p>22 September 2003 on the right to family reunification;</p> <p>- Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research;</p> <p>- Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service;</p> <p>- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long term residents.</p>				<p>Government for consideration, Proposal for amendments to the Law on Employment and Work of Foreigners adopted by the Government, Amendments to the Law on Employment and Work of Foreigners adopted, Amendments to the secondary legislation adopted</p>	<p>regulations, Reports of IOM representatives on the harmonisation process and the implementation of regulations, Reports of the expert assessment on harmonisation process and implementation of regulations, Statistical indicators on the number of submitted appeals by applicants, Statistical indicators on the number of claims submitted to the Administrative Court by applicants</p>
<b>1.1.5.</b>	<p>Adopt amendments to the Law on Voluntary Work and to its implementing legislation based on the analysis and its recommendations for:</p>	<p>Ministry of Labour and Social Welfare Employment Office Inter-ministerial</p>	<p>Fourth quarter of 2015</p>	<p>Budgetary funds – EUR 21,480</p>	<p>Proposal for amendments to the Law on Voluntary Work prepared and submitted to the</p>	<p>Semi-annual reports of the inter-ministerial working group on the harmonisation process and the</p>

	Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service	working group			Government for consideration, Proposal for amendments to the Law on Voluntary Work adopted by the Government, Amendments to the Law on Voluntary Work adopted, Amendments to the secondary legislation adopted	implementation of the newly-adopted regulations, Reports of IOM representatives on the harmonisation process and the implementation of regulations, Reports of the expert assessment on harmonisation process and implementation of regulations, Statistical indicators on the number of submitted appeals by applicants, Statistical indicators on the number of claims submitted to the Administrative Court by applicants
<b>1.1.6.</b>	Adopt a comprehensive training plan to ensure the smooth implementation of the new (harmonised) legal framework,	Inter-ministerial working group, Expert from an EU Member State	Second quarter of 2015	Budgetary funds – EUR 9,720 TAIEX – EUR	Project proposal for hiring an expert from an EU Member State	Reports of the inter-ministerial working group on trainings

	which will elaborate the following aspects: the number of trainings, the number of employees who will be encompassed by the training, hiring trainers - experts from the EU Member States by organising workshops / seminars and organising study visits to EU Member States			2,700  TOTAL: EUR 12,420	prepared and submitted to the EC, Comprehensive training plan adopted and submitted to all the relevant institutions	conducted, the number and structure of attendees, realised study visits and workshops / seminars, Reports of the expert assessment on the level of staff training, Statistical indicators of the number and types of complaints and claims filed by foreign nationals, on the basis of which the success of implemented training and the level of knowledge of staff who have undergone training can be measured
<b>1.1.7.</b>	Strengthen the administrative capacities, if the analysis of the legal migration system and its impact assessment of the need for administrative capacity proves it	Ministry of Interior, Ministry of Labour and Social Welfare, Ministry of	January 2015 - Fourth quarter of 2016	Financial resources are not required on the assumption of relocation, i.e.	The number of new or taken-over employees	Statistical indicators on the number of residence permits issued on any



	<p>necessary, especially with regard to the implementation of Directive 2011/98/EU, through:</p> <ul style="list-style-type: none"> <li>▪ <i>Hiring new employees or taking over employees from other authorities if the analysis shows that it is necessary.</i></li> </ul> <p><b>NOTE:</b>  <i>The current situation indicates that the strengthening of the administrative capacities of the Ministry of Interior will be required with regard to the implementation of <b>Directive 2011/98/EU</b>. There are two options for this:</i>  - <i>Taking over employees of the Employment Office who are currently working on issuing work permits to foreigners, or hiring new employees by the Ministry of Interior.</i>  <i>The analysis should provide an answer as to which option is preferable.</i></p>	Finance, Employment Office		taking-over of staff		grounds, the number of filed complaints and claims by foreign nationals, on the basis of which we will be able to observe whether there are sufficient administrative capacities for the implementation of newly adopted regulations, Reports of the expert assessment on administrative capacities
<b>1.1.8.</b>	Prepare an Analysis for the future technical solutions regarding the implementation of the Directive 2011/98/EU ( in the part concerning the development of the “single permit for residence	Ministry of Interior, Inter-ministerial working group, Expert from an EU member state	Fourth quarter of 2016	Budgetary funds – EUR 972  TAIEX – EUR 2,700  TOTAL: EUR 3,672	Analysis made	Guidelines defined for future technical solutions related to the implementation of the Directive

	and work “ in accordance with the Council Regulation 1030/2002), with a financial plan for implementation of technical solutions					2009/50/EC, Financial plan for implementation of the technical solutions defined
<b>1.1.9.</b>	Produce informational material (brochures, flyers, banners at the official website of the ministry of Interior) and distribute it to employees and target groups with a view to informing them on the newly adopted legislation and standards	Inter-ministerial working group, Ministry of Interior, Ministry of Foreign Affairs and European Integration, Ministry of Education, Ministry of Labour and Social Welfare, Ministry of Finance, Employment Office, Scientific and research institutions, Union of Employers ,IOM	<i>Periodically, after the adoption and entry into force of every harmonised regulation in the field of legal migration - by the end of 2018</i>	Budgetary funds – EUR 4,500 donor support (IOM, UNHCR) - EUR 4,500  TOTAL: EUR 9,000	Informational material prepared and printed, Informational material distributed to employees, Informational material distributed to diplomatic missions and consular posts of Montenegro abroad with a view to introducing the foreign nationals with the newly adopted legislation and standards, Informational	Reports on the number of employees, as well as the approximate number of foreign nationals introduced with the informational material

					material distributed to foreign diplomatic missions and consular posts in Montenegro with a view to introducing their nationals with the newly adopted legislation and standards, Informational material distributed to employers in Montenegro, Informational material distributed to scientific and educational institutions	
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**Recommendation 2 from the Screening Report – Migrations**

**OBJECTIVE:**

Establishing a mechanism that will be used to check whether the legislation in this field is implemented;

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
1.1.10.	Monitor the process of	Inter-ministerial	January 2014	Budgetary funds –	Semi-annual	Reports of the

	harmonisation and implementation of newly adopted legislation in the area of legal migrations	working group, IOM representative	– December 2018	EUR 4,860	reports of the inter-ministerial working group	expert assessment on harmonisation process and implementation of regulations, Reports of IOM representatives, Reports on the problems identified in the process of harmonisation and implementation of newly adopted regulations, with recommendations of the inter-ministerial working group to relevant institutions with a view to eliminating the identified problems
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## 1.2. IRREGULAR MIGRATION

### STATE OF PLAY

Fight against irregular migration is one of the foremost priorities of Montenegro on its EU path; therefore, cooperation and exchange of information is necessary at the national, regional and international levels.

It is important to emphasize that irregular migration in Montenegro are of transit-type: through the territory of Montenegro, via the Republic of Croatia and Bosnia and Herzegovina towards EU Member States. Most of these migrants are economic migrants, whose objective is to provide better living conditions for themselves and their families, by irregularly crossing the borders of states through which they can get the shortest route to economically prosperous and stable countries. That is, according to the statements of migrants, the key reason why someone decides to irregularly reach their objective.

Statistical data confirm that unstable political and economic conditions continue to affect the increase in the number of irregular migrants from the territories of African and Asian countries.

Irregular migrants come to Montenegro mostly through the territories of Turkey, Greece, Former Yugoslav Republic of Macedonia, Albania and Kosovo, where they have been recently applying for asylum in significant numbers or they continue further towards the European Union. There is a significant number of false asylum seekers who use asylum as an opportunity to get from one country to another more easily, i.e. to continue their journey onwards to the EU MSs from Montenegro through Bosnia and Herzegovina or Croatia.

According to their statements and according to the information we receive through international cooperation channels, these persons come irregularly to Montenegro on the route Turkey - Greece - Former Yugoslav Republic of Macedonia - Albania or Kosovo - Montenegro and then they continue further. For this reason, and in agreement with European Commission's recommendations, border supervision is strengthened and border checks enhanced at border crossings with Albania and Kosovo.

The largest number of irregular migrants was found outside border crossing points. They were found to be in possession of maps in Albanian or Greek, plotted routes and the like, which indicates that they had aiders in the process of moving from state to state. A small number of irregular immigrants use BCPs to irregularly cross the state border by using forged passports and travel documents of others. On several occasions, during inspections of heavy goods vehicles at BCP Port of Bar, border police officers found persons who were attempting to irregularly cross the border hidden under the truck.

Unstable situation, political and economic conditions cause the continuation of irregular migration from African and Asian countries towards EU countries, among others, through the territory of Montenegro as well.

In accordance with the recommendations of the European Commission referred to in the Visa Liberalisation Roadmap with Montenegro, and aiming at acquiring new knowledge and renewing existing ones, over 120 trainings were carried out at the Police Academy in Danilovgrad, out of which we point out the following:

- implementation of existing regulations - readmission agreements and their implementing protocols - statistics-practical examples,
- implementation of existing regulations - measures towards foreigners, software for foreigners, visa regime, up to 90 days' stay, temporary stay of foreigners, statistics and reporting – practical examples,
- asylum, migration and the Reception Centre - work and the functioning of the Reception Centre for Foreigners, Centre for Asylum - practical examples,
- Suppressing irregular migration,
- Risk analysis in Border Police Department,
- Smuggling and trafficking in persons,
- integrated border management.

#### **Current state of capacities**

The Division for Foreigners and Suppression of Irregular Migration, one of four divisions in the Border Police Department, has been successfully suppressing irregular migration in the course of its daily measures and activities in coordination with the BCPs in the territory of Montenegro.

In order to create the conditions for the control of movement and stay of foreigners in accordance with EU standards and recommendations, as well as for a more efficient fight against irregular migration, Border Police Department continued, with the assistance of the International Organisation for Migration (IOM), to carry out activities related to the establishment of the Reception Centre for Foreigners within the project "Support to Migration Management in Montenegro".

Building a Reception Centre for Foreigners, with the capacity for 46 persons, was carried out in two stages. The first stage of the project was carried out through the project "Support to Migration Management in Montenegro" planned under the 2008 IPA program, while the second stage was carried out by using funds from the 2011 capital budget.

The first stage was implemented with the funds of the EU Delegation to Montenegro, through the International Organisation for Migration (IOM), while the second phase was carried out through the Public Works Directorate of Montenegro.

The Rulebook on internal organisation and job descriptions of the Ministry of Interior provides that, as an organisational unit of the Police Administration – Border Police Department, the Shelter for Foreigners functions within the Division for Foreigners and Suppression of Irregular Migration. According to the Rulebook, 36 employees will be working at the Shelter.

In the past, **three** cycles of training were carried out for all employees who will be engaged in the Shelter. The training was carried out by an expert from the Netherlands, as our instructor, with his associates. It is important to recall that the third training was carried out on the spot, in the facility.

**Harmonisation of the legislation of Montenegro with the EU *acquis* in the area of irregular migration:**

- 32002L0090 (Eurlex 19.10.40) Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence – compliance status (*compliant*)
- 32002F0946 - Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence - compliance status (*compliant*)
- 32009L0052 Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of irregularly staying third-country nationals - compliance status (partly compliant – in more details: presentation of Montenegro at the bilateral screening).

***Recommendation 1 from the Screening Report – Migrations***

**OBJECTIVE**

Align the remaining segments of the Montenegrin legal system in the area of irregular migrations with the EU *acquis*, continue further improvement of the overall legal framework and monitoring the results of its implementation

No.	Measure/activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
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1.2.1.	Amend the Criminal Code in accordance with the EU <i>acquis</i> – the Criminal Code of Montenegro needs to be amended - in terms of introducing a new criminal offence which would include items a), b), c) and partly e) of Article 9 of the Directive 2009/52/EC of 18 June 2009.	Ministry of Justice	Fourth quarter of 2015	(The funds necessary for amendments to the Criminal Code have been envisaged within the AP for Chapter 23)	Establishment of a working group for drafting Amendments, Proposal for Amendments drafted, Amendments to the Code adopted in the Parliament of Montenegro.	Statistical overview of the number of criminal charges filed for the new criminal offence which would include items a), b), c) and partly e) of Article 9 of the Directive 2009/52/EC of 18 June 2009, Monthly, semi-annual and annual reports.
1.2.2.	Amend the Law on Employment and Work of Foreigners in accordance with the EU <i>acquis</i> – the Law needs to be harmonised with the Directive 2009/52/EC of 18 June 2009, in terms of laying down the following: - <i>obligation of the employer, in accordance with Article 4 of the Directive, to: require that before entering into employment, third-country nationals need to hold and present a valid residence permit; keep for the duration of the employment a copy or record of the residence permit;</i>	Ministry of Labour and Social Welfare	Fourth quarter of 2015	(The funds necessary for amendments to the Law on Employment and Work of Foreigners have been envisaged within the sub-field of Legal Migration, in item 1.1.4 of the AP for Chapter 24)	Establishment of working group for drafting Amendments; Proposal for Amendments drafted, Amendments to the Law adopted in the Parliament of Montenegro.	Statistical overview of measures taken with regard to the new penal measures adopted in amendments to the Law. Monthly, semi-annual and annual reports, The number of residence permits issued.



	<ul style="list-style-type: none"> <li>- further alignment of the penal policy with Article 5 paragraph 2 – item related to financial sanctions in accordance with the number of illegally employed and sanctioning of the offence by paying the costs of return of illegally employed;</li> <li>- further alignment as regards Article 6 of the Directive in terms of introducing an obligation for the employer to pay any outstanding remuneration to the irregularly staying third-country national;</li> <li>- with regard to Article 7 of the Directive, further alignment in terms of introducing special measures against employers, such as exclusion of employers from entitlement to some or all public benefits, aid or subsidies, should they employ irregularly residing third-country nationals;</li> <li>- with regard to Article 8 of the Directive, it needs to be fully implemented.</li> </ul>					
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<b>1.2.3.</b>	<p>Adopt the necessary amendments to the Law on Foreigners and its secondary legislation, on the basis of the Analysis performed and its recommendations for:</p> <p><i>Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals</i></p>	Ministry of Interior	Fourth quarter of 2015	(The funds necessary for amendments to the Law on Foreigners have been envisaged within the sub-field of Legal Migration in item 1.1.2 of the AP for Chapter 24)	Proposal for Amendments to the Law on Foreigners prepared and submitted to the Government for consideration, Proposal for Amendments to the Law on Foreigners adopted by the Government, Amendments to the Law on Foreigners adopted, Amendments to the secondary legislation adopted in the Parliament of Montenegro.	Semi-annual reports of the inter-agency working group on the process of harmonisation and implementation of regulations
<b>1.2.4.</b>	Adopt the secondary legislation which will regulate the work of the Reception Centre for Foreigners (house rules)	Ministry of Interior	December 2013	EUR 1,000 / Budget	Secondary legislation adopted	
<b>1.2.5.</b>	Formally put into operation the Reception Centre for Foreigners	Ministry of Interior	December 2013	No additional budgetary funds required	Reception Centre for Foreigners put into operation	
<b>1.2.6.</b>	Adopt the Rulebook on amendments to the Rulebook	Ministry of Interior	December 2014	EUR 1,000 / Budget	Rulebook adopted	/

	on the template and method of submitting temporary residence registration and deregistration forms and the contents and method of keeping records					
<b>1.2.7.</b>	Set up a temporary residence register as an electronically managed database on temporary residence of Montenegrin nationals and foreigners with permanent residence and temporary stay or 90-days residence and users of those data	Ministry of Interior	December 2014	EUR 82,450 / Budget and donations	Temporary residence register created	Statistical data from the register
<b>Recommendation 2 from the Screening Report - Migrations</b>						
<b>OBJECTIVE</b>						
Adopt an evaluation mechanism to assess the capacities of the Reception Centre for Foreigners and arrangements for strengthening its capacities						
<b>No.</b>	<b>Measure/activity</b>	<b>Responsible authority</b>	<b>Deadline</b>	<b>Required funds / Source of financing</b>	<b>Indicator of result</b>	<b>Indicator of impact</b>
<b>1.2.8.</b>	Obtain the licence for the Reception Centre for Foreigners PLEASE SPECIFY WHEN THE CENTRE WILL BE OPENED	Ministry of Interior	July 2013	No financial assets are need.	Technical acceptance of the facility. Issuing the use permits.	Measures and activities taken pursuant to the assessment prepared
<b>1.2.9.</b>	Draw up a plan of activities for providing accommodation facilities in case of a large number of irregular migrants over a short period of time	Ministry of Interior, Ministry of Labour and Social Welfare -	December 2013	EUR 1,300 / Budget	Establishing the working group, Developing a plan, Plan adopted	/

		Administration for the Care of Refugees, Ministry of Defence, NGO in accordance with the Agreement on Cooperation				
<b>1.2.10</b>	Evaluate the adequacy of capacities of the Reception Centre for Foreigners	Ministry of Interior	December 2014 (since 2014 continuous activity at annual level)	EUR 2,700/TAIEX EUR 200/Budget	Expert engagement	Measures and activities undertaken according to prepared Evaluation
<b>1.2.11</b>	Equip the Reception Centre for Foreigners with the following material and technical resources	Ministry of Interior	December 2015	TOTAL: EUR 200,000 / Budget and donations Necessary financial assets per years: 2013 – EUR 20,000 2014 - EUR 80,000 2015 - EUR 100,000	Project proposal prepared, Open call announced for purchase of material and technical resources, Reception Centre for Foreigners equipped	List of ensured resources and equipment to get the Centre started
<b>1.2.12</b>	Prepare information material in several languages, which is intended for foreigners accommodated in the Reception Centre for	Ministry of Interior	December 2014	EUR 5,000 / Budget and donations	Brochure prepared	

	Foreigners, about the right to asylum and voluntary return					
<b>Recommendation 3 from the Screening Report - Migrations</b>						
<b>OBJECTIVE:</b>						
Prepare and implement an adequate training programme for officers working in the Border Police Department and the Reception Centre for Foreigners						
No.	Measure/activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
1.2.13	Draft and adopt a comprehensive training plan for employees of the Reception Centre for Foreigners, so as to ensure peaceful work of the Reception Centre. Fields to be covered include: <i>X-ray devices;</i> <i>identification of persons;</i> <i>interviewing techniques;</i> <i>regulations governing the work of the Centre;</i> <i>foreign languages;</i> <i>conducting repatriations;</i> <i>proceeding with asylum seekers.</i>	Ministry of Interior, Police Academy, UNHCR	December 2014	EUR 10,000 / Budget	Developing a comprehensive training plan. Training plan adopted	Reports on the number of organised trainings, Reports on the number of trained employees, Evaluation of success of trainings, in terms of a more efficient and higher quality work of employees.
1.2.14	Study visits of the staff from the Reception Centre for Foreigners and the Reception Centre for Unaccompanied Juvenile Migrants to EU Member States.	Ministry of Interior	December 2014	EUR 9,000 / TAIEX EUR 1,000 / Budget TOTAL: EUR 10,000	Application for TAIEX prepared, Approval for study visits received.	Reports on study visits conducted.

1.2.15	Modernise the Division for Foreigners and Suppression of Irregular Migrations by purchasing the equipment for exercising their tasks in line with Schengen Borders Code	Ministry of Interior	Fourth quarter of 2016	Cca EUR 20,000 / Budget Cca EUR 80,000 / IPA II TOTAL: EUR 100,000	Project proposal prepared, Applying for EU funds (IPA); Equipment procured	Comparative results of the Division's work, by means of regular reporting
1.2.16	Develop and adopt a comprehensive training plan for border police officers, Ministry of Labour and Social Welfare, Ministry of Health, Ministry of Justice and Employment Office, to ensure the smooth implementation of regulations related to irregular migration, which will elaborate the following aspects in detail – number of trainings, number of officers who will attend trainings, hiring trainers - experts, through the following topics: <i>regulations in the fields of irregular migrations and foreigners;</i> <i>Treatment of vulnerable categories of migrants – unaccompanied juveniles,</i>	Ministry of Interior, Police Academy, Human Resources Administration, UNHCR	During 2014 <sup>2</sup>	EUR 35,000 / Budget	Developing a comprehensive training plan. Training plan adopted and delivered to all the relevant institutions.	Reports on the number of organised trainings, Reports on the number of trained employees, Evaluation of success of trainings, in terms of a more efficient and higher quality work of employees.

<sup>2</sup> The first set of initial trainings for employees of the Reception centre for foreigners has already been completed and the employees have been adequately trained for commencement of operation of the Reception Centre

	<i>disabled persons, families, persons having war traumas, etc.); visas and visa regime; readmission agreements; foreign languages; risk analysis; proceeding with asylum seekers.</i>					
<b>1.2.17</b>	Develop cooperation with police forces of neighbouring countries and the EU Member States as well as participate in all forms of regional police cooperation, in terms of preventing irregular migration	Ministry of Interior – Police Administration	Continuous activity	No funds necessary	The number of meetings held	Reports (semi-annual and annual) on the number of joint patrols, joint operations, and results achieved.
<b>1.2.18</b>	Cooperate with FRONTEX on the implementation of the Working Arrangement	Ministry of Interior – Police Administration	Continuous activity	No funds necessary	The number of activities realised with FRONTEX	Reports on the number of employees participating in joint operations, Reports on the number of working meetings, Reports on the exchange of information.
<b>Recommendation 4 from the Screening Report - Migrations</b>						
<b>OBJECTIVE:</b>						
Strengthen the capacities for accommodation, rehabilitation, and protection of unaccompanied juvenile migrants and other vulnerable groups						
<b>No.</b>	<b>Measure/activity</b>	<b>Responsible authority</b>	<b>Deadline</b>	<b>Required funds / Source of financing</b>	<b>Indicator of result</b>	<b>Indicator of impact</b>
<b>1.2.19</b>	Make a feasibility study for strengthening the capacities for accommodation, protection	Ministry of Labour and Social Welfare,	December 2014	EUR 2,700 / TAIEX EUR 2,600 / Budget TOTAL: EUR 5,300	Feasibility study developed	Report on the level of implementation of measures laid down in

	and rehabilitation of unaccompanied juvenile migrants and other vulnerable groups , as well as finding the sources of funding for strengthening the capacities for accommodation, protection and rehabilitation of unaccompanied juvenile migrants and other vulnerable groups <sup>3</sup>	Ministry of Interior				the study
<b>1.2.20</b>	Prepare project and investment documentation for strengthening the capacities for accommodation, protection and rehabilitation of unaccompanied juvenile migrants and other vulnerable groups	Ministry of Labour and Social Welfare, Ministry of Interior, Ministry of Finance, Public Works Directorate, local self-government units	Fourth quarter of 2015	EUR 50,000 Budget IPA II	Project prepared on the basis of the feasibility study, Applying for EU funds (IPA II), Application submitted, Funds ensured,	The level of implementation of planned activities
<b>1.2.21</b>	Develop guidelines for the treatment of unaccompanied juvenile migrants (accommodation, care and rehabilitation) as well as for other vulnerable groups	Ministry of Labour and Social Welfare, Ministry of Interior	Fourth quarter of 2015	EUR 2,000 / Budget	Guidelines prepared	

<sup>3</sup> The feasibility study will identify the real need for the capacities for accommodation of juvenile migrants without custody and other vulnerable groups, as well as required funds for construction and equipping of those capacities as of 2016



### 1.3. READMISSION OF IRREGULAR MIGRANTS

#### STATE OF PLAY

Agreement between the Republic of Montenegro and the European Community on readmission was signed on 18 September 2007. Pursuant to Article 19 of the Agreement, implementing protocols with the Republic of Slovenia, Malta, the Republic of Austria, Bulgaria, the Czech Republic, the Republic of Germany, the Benelux states and the Slovak Republic were concluded. During the talks in Podgorica, held on 9 and 10 April 2013, the Delegation of Montenegro and the Republic of Estonia harmonised and initialled the text of the Implementation Protocol and it is ready for its signing.

Montenegro concluded readmission agreements with the Kingdom of Norway, the Swiss Confederation, the Republic of Croatia, Bosnia and Herzegovina, the Republic of Albania, the Republic of Kosovo, Former Yugoslav Republic of Macedonia and the Republic of Moldova.

The Agreement on Readmission with the Republic of Serbia was signed on 12 April 2013 in Belgrade.

The Agreement on Readmission with the Republic of Turkey was signed on 18 April 2013 in Istanbul.

Negotiations on the conclusion of readmission agreement with the Russian Federation have been initiated.

With the reference to the above mentioned, it is obvious that Recommendation number 5 from the Screening report was fully implemented.

In 2011, the Government of Montenegro adopted the Strategy on reintegration of persons repatriated on the basis of the 2011-2015 Readmission Agreement, as well as the Action Plan for the Implementation of the Strategy for 2011 and 2012. The adoption of the Strategy and Action Plan was the result of the IPA project "Support for migration management in Montenegro", and these documents were prepared in collaboration with the International Organisation for Migration (IOM) and the international expert engaged within the project.

During the meeting, on 11 April, the Government of Montenegro adopted a new Action Plan for implementation of Strategy for 2013 and 2014 (link: [www.mup.gov.me](http://www.mup.gov.me)).

*Remark: The information on state of play state in terms of concluded agreements on readmission of Montenegro with other countries, as well as those which are planned to be concluded, was submitted to the Directorate General for Home Affairs. The implementation of activities in this area in the future will be jointly planned in cooperation with DG HOME.*

**OBJECTIVE:** Continuous effective and efficient implementation of the Agreement on Readmission between Montenegro and EU as well as conclusion of implementing protocols with the remaining EU member states on the basis of Article 19 of the Agreement between the Republic of Montenegro and the European Community on Readmission (return and admission) of Persons Residing without Authorisation.

No.	Measure/Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
1.3.1	Efficiently and effectively implement the Agreement on Readmission between Montenegro and European Community regarding readmission of persons without residence permits	Ministry of Interior, Ministry of Foreign Affairs and European Integration	Continuous/ Permanent activity	No financial resources needed.	Number of requests received for readmission of own citizens divided upon: -Member state of EU, -Number of positive answers, -Number of negative answers -Number of written notifications on carried out transfers, -Number of transferred persons. Number of requests received for readmission of citizens of third countries divided upon:	

					<ul style="list-style-type: none"> <li>-Member state of EU,</li> <li>-Number of positive answers,</li> <li>-Number of negative answers</li> <li>-Number of written notifications on carried out transfers,</li> <li>-Number of transferred persons. Number of received/approved/refused requests for transit,</li> <li>Number of accelerated border procedures,</li> <li>Number of persons from vulnerable groups who are again received in country (e.g. minors and persons with special needs).</li> </ul>	
<b>1.3.2</b>	Conclude the implementing protocols with the other EU member states upon the request from any side, in line with Article 19 of the Agreement between Montenegro and European	Ministry of Interior , Ministry of Foreign Affairs and European Integration	The second half of 2017	Budgetary funds- EUR 71,680	Initiative launched for conducting negotiations, Initiative accepted and drafts of the protocols exchanged,	Statistical indicators on the number of persons who were subject to readmission, reports of expert evaluation on the

	Community on Readmission for persons without residence permit.				Dates for negotiations agreed, Texts of the protocols agreed and initialled, Protocols signed, Protocols entered into force.	implementation of agreements and protocols on readmission.
<b>Recommendation 5 from the Screening Report - Migrations</b>						
<b>OBJECTIVE:</b> Sign and ratify readmission agreements with third countries.						
No.	Measure/Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
1.3.3.	Adopt the Law on ratification of the Agreement and the Implementing Protocol with the Republic of Serbia and the Law on ratification of the Agreement with the Republic of Turkey	Ministry of Interior, Ministry of Foreign Affairs and European Integration	December 2013	Budgetary funds – EUR 15,000	Proposals for the Law on Ratification of the Agreement defined with the Republic of Serbia and the Republic of Turkey The Law on Ratification of the Agreement with the Republic of Serbia and the Republic of Turkey adopted; The Law on ratification of	Number of persons who were subject to readmission,

					Agreement with the Republic of Serbia and the Republic of Turkey entered into force.	
<b>1.3.4</b>	Initiate and conduct negotiations on concluding the Agreement on Readmission with Iceland.	Ministry of Interior, Ministry of Foreign Affairs and European Integration	December 2014 <i>(Competent Montenegrin bodies will initiate the negotiations for the signing of the Agreement in the III quarter of 2013)</i>	Budgetary funds EUR 5,200	Initiative launched for conducting negotiations, Initiative accepted and drafts of the text of Agreement exchanged, Dates for conducting negotiations agreed, Text of the Agreement agreed and initialled, Initiative launched for signing the Agreement, Initiative accepted and date agreed for signing the Agreement, Agreement signed, Proposal for the Law on Ratification of the Agreement defined, The Law on Ratification of the	Number of persons who were subject to readmission.

					Agreement adopted.	
<b>1.3.5</b>	Continue negotiations in order to conclude the Agreement and the Implementing Protocol with the Russian Federation.	Ministry of Interior, Ministry of Foreign Affairs and European Integration	December 2014	Budgetary funds- EUR 5,200	The first round of negotiations was held in March 2013, Initiated continuation of negotiations, Dates for the second round of negotiations agreed, Text of the Agreement and Implementing Protocol agreed and initialled, Initiative launched for signing the Agreement and Implementing Protocol, Initiative accepted and date agreed for signing the Agreement and Implementing Protocol, Agreement and Implementing Protocol signed;	Number of persons who were subject to readmission.

					Protocol signed, Proposal for the Law on Ratification of the Agreement defined; The Law on Ratification of the Agreement adopted.	
<b>1.3.6</b>	Initiate and conduct negotiations on concluding the Agreement on Readmission with Ukraine.	Ministry of Interior, Ministry of Foreign Affairs and European Integration	Fourth quarter of 2015	Budgetary funds- EUR 5,200	Initiative launched for conducting negotiations, Initiative accepted and drafts of the texts of Agreement exchanged; Dates for conducting negotiations agreed, Text of the Agreement agreed and initialled; Initiative launched for signing the Agreement; Initiative accepted and date agreed for signing the Agreement; Agreement signed; Proposal for the Law on Ratification of the Agreement defined;	Number of persons who were subject to readmission.

					The Law on Ratification of the Agreement adopted;	
<b>1.3.7</b>	Initiate and conduct negotiations on concluding the Agreement on Readmission with Georgia	Ministry of Interior, Ministry of Foreign Affairs and European Integration	Fourth quarter of 2016	Budgetary funds – EUR 5,200	Initiative launched for conducting negotiations; Initiative accepted and drafts of the texts of Agreement exchanged; Dates for negotiations agreed; Text of the Agreement agreed and initialled; Initiative launched for signing the Agreement; Initiative accepted and date agreed for signing the Agreement; Agreement signed; Proposal for the Law on Ratification of the Agreement defined; The Law on Ratification of the Agreement adopted.	Number of persons who were subject to readmission.



<b>OBJECTIVE:</b> Adopt a new strategy for reintegration of persons returned on the basis of the Agreement on Readmission and its implementing Action Plan.						
<b>No.</b>	<b>Measure/Activity</b>	<b>Responsible authority</b>	<b>Deadline</b>	<b>Required funds / Source of financing</b>	<b>Indicator of result</b>	<b>Indicator of impact</b>
<b>1.3.8</b>	Draft and adopt a new Strategy and its implementing Action Plan, in accordance with the European standards in this area.	Coordination body for monitoring implementation of the Strategy for Reintegration of Persons Returned on the Basis of the Readmission Agreements; International expert	Fourth quarter of 2015	Budgetary funds - EUR 3,240 TAIEX – EUR 2,700  TOTAL : EUR 5,940	Strategy and its implementing Action Plan drafted and submitted to the Government for adoption; Strategy and its implementing Action Plan adopted	Reducing the number of irregular migrants from Montenegro, with a special emphasis on circular migration, Reducing the number of requests for readmission referred to Montenegro; Statistical data on the number of returnees who have made access to the labour market; Statistical data on the number of returnees who have made access to education; Statistical data on the number of

						returnees who are entitled to a financial assistance.
<b>1.3.9</b>	Monitor the course of implementation of the Strategy and its implementing Action Plan	Coordination body for monitoring implementation of the Strategy for Reintegration of Persons Returned on the Basis of the Readmission Agreements; Representative of IOM.	December 2016 – December 2020	Budgetary funds – EUR 2,592	Annual reports submitted by the Coordination body for monitoring implementation of the Strategy and Action Plan which will include the marks given by the representative of IOM on implementation process of the Strategy and Action Plan.	Reports of experts' evaluation on the implementation of the Strategy and Action Plan. Annual Report of the Coordinating Body on the number of returnees included in the reintegration process; Number of recommendations from the Coordinating Body addressed to the relevant institutions in order to improve the implementation of the Strategy and Action Plan; Number of documents of the Coordinating Body sent to the relevant institutions in order to eliminate the shortcomings

						observed in practice.
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## 2. ASYLUM

### STATE OF PLAY

The Law on Asylum of Montenegro is partially aligned with the EU *acquis*, as is the relevant secondary legislation. Since the start of the implementation of the Law on Asylum (2007) until 13 June 2013, 2,699 requests for asylum were submitted, out of which 7 positive decisions were made (2 refugee statuses and 5 subsidiary protections); at the moment 1 refugee status and 4 subsidiary protection statuses are in force. We point out that there is a genuine lack of interest of asylum seekers for receiving protection in Montenegro, so that in 2013, since 3 January until 12 June, there is a total of 892 submitted requests for asylum, procedures for 771 requests were concluded (adopted: 572 conclusions on termination of the procedure because the seekers failed to appear for the interview to make a statement on the facts and circumstances that are of significance for making a decision, and 199 solutions on rejecting the asylum requests that were obviously unjustified). The statistical indicators clearly show that the asylum seekers still view Montenegro as a transit state.

The Government adopted the Rulebook on internal organisation and job descriptions of the Administration for the Care of Refugees - Centre for Accommodation of Asylum Seekers<sup>4</sup>.

The Centre for Accommodation of Asylum Seekers is projected for 65 seekers, with the possibility of increasing the capacity to 100 beds in case of need. Also, depending on the number of asylum seekers, the alternative accommodation capacities (lease of private facilities) will be continuously engaged, with the capacity of up to 150 beds.

Prior to the adoption of the new Law on Asylum, an analysis will be carried out of the asylum system, which will result in the adoption of the new Law on Asylum and new secondary legislation regulating this area. Adopting this Law, European legislation shall be introduced into Montenegrin legislation and conditions will be met for implementation of standards, practice and policy of European Union in this area.

### ***Recommendation 1 from the Screening Report – Asylum***

<sup>4</sup> Normative document which regulates internal organisation, number of employees, qualification conditions for employment, and job descriptions.

**OBJECTIVE:**

Fully align the national legislation with the EU legislation and practice in the asylum area, including evaluation of the impact on administrative capacities, needs for education and budget

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
2.1	<p>Establish an inter-agency working group for the preparation of the new Law on Asylum</p> <p>Prepare an impact analysis with regard to the impact of the new Law on administrative and technical capacities of competent bodies included in the asylum system</p>	<p>Ministry of Interior, Ministry of Labour and Social Welfare, (Administration for the Care of Refugees), Ministry of Justice, Ministry of Health, Ministry of Education, Ministry of Finance, UNHCR</p>	<p>April 2014</p> <p>September 2014</p>	<p>No additional financial resources are necessary</p> <p>EUR 3,245</p>	<p>Working group has been established and has started to work</p> <p>Analysis made</p>	<p>Ensured engagement and involvement of all the relevant institutions in the process of alignment of the legislation</p>
2.2	<p>Prepare the project proposal for engagement of an EU expert in the area of harmonisation of legislation.</p>	<p>Ministry of Interior</p>	<p>September 2014</p>	<p>EU funds (TAIEX)</p> <p>EUR 2,700</p>	<p>Project proposal prepared and submitted to the European Commission for approval; Project proposal approved by the European</p>	<p>Defined institutes of European legislation with which national legislation will be harmonised, such as:</p> <ul style="list-style-type: none"> <li>- Act of persecution,</li> </ul>

					Commission; EU expert engaged.	<ul style="list-style-type: none"> <li>- Reasons for exclusion,</li> <li>- Agent of persecution,</li> <li>- Safe country of origin,</li> <li>- The first country of asylum,</li> <li>- Safe third country,</li> <li>- Unacceptable requests,</li> <li>- Procedure at border,</li> <li>- Court protection</li> </ul>
<b>2.3</b>	<p>Adopt the new Law on Asylum which will identify the institutes of the EU <i>acquis</i> on asylum, as well as the best practice of the Member States, with which the national legislation will be harmonised:</p> <ul style="list-style-type: none"> <li>- identification of asylum seekers</li> <li>- admission conditions</li> <li>- the procedures of granting and revoking the international protection</li> </ul>	Ministry of Interior, Inter-agency working group	Fourth quarter of 2015	EUR 29,520	Law aligned with the relevant EU <i>acquis</i> , as well as analysis made on the impact of the new law on administrative and technical capacities of state authorities involved in the asylum system.	<p>Prerequisites made for the implementation of standards, practice and policy of EU in the area of asylum. New Law incorporates the following institutes:</p> <ul style="list-style-type: none"> <li>- Act of persecution,</li> <li>- Reasons for</li> </ul>

	<ul style="list-style-type: none"> <li>- standards for the qualification of asylum seekers as users of the international protection</li> <li>- rights of persons with approved protection</li> </ul>					<ul style="list-style-type: none"> <li>- exclusion,</li> <li>- Agent of persecution,</li> <li>- Safe country of origin,</li> <li>- The first country of asylum,</li> <li>- Safe third country,</li> <li>- Unacceptable requests,</li> <li>- Procedure at borders,</li> <li>- Court protection</li> </ul>
<b>2.4</b>	Adopt amendments to the existing and new secondary legislation in accordance with the new Law on Asylum	Ministry of Interior, Ministry of Labour and Social Welfare, (Administration for the Care of Refugees), Ministry of Justice, Ministry of Health, Ministry of Education, Ministry of Finance, UNHCR	Second quarter of 2016	EUR 34,992	Secondary legislation adopted	Prerequisites are made for the implementation of standards, practice and policy of the EU in the area of asylum, especially with regard to the rights of asylum seekers in the field of free legal assistance, financial assistance,

						accommodation, medical examinations, etc.
<b>2.5</b>	Prepare information materials for asylum seekers and persons who have been granted protection	Ministry of Interior, Ministry of Labour and Social Welfare, (Administration for the Care of Refugees), Ministry of Justice, Ministry of Health, Ministry of Education, Ministry of Finance, UNHCR	As of third quarter of 2016	EUR 3,000 at the annual level (EUR 1,500 from donations and EUR 1,500 from the Budget)	Information material printed and distributed to target groups	The number of asylum seekers and persons who have been granted protection who have been informed about their rights and duties
<b>2.6</b>	Train the trainers for training of civil servants and border police officers in the asylum system	Ministry of Interior, Ministry of Labour and Social Welfare (Administration for the Care of Refugees), Police Academy	Second quarter of 2014	UNHCR Projects of bilateral cooperation TAIEX  EUR 4,000	Trainers trained	A list of trained trainers made. The number of delivered trainings and the number of civil servants and police officers to be trained by trainers.
<b>2.7</b>	Train the state, border and other police officers in the asylum system, depending upon the needs, with regard to recognising the asylum seekers, establishing the origin of asylum seekers, analysis of reasons for seeking asylum, translation and	Police Academy	Continuously	Budgetary funds  EUR 4,800 (at the annual level)	The number of trainings held, the number of civil servants	

	interpretation, as well as monitoring voluntary returns, with special focus on vulnerable groups such as: unaccompanied minors, women under risk, victims of violence, non-refoulement, international standards and rights of refugees					
<b>Recommendation 2 from the Screening Report – Asylum</b>						
<b>OBJECTIVE:</b>						
Prepare an analysis on what is necessary to establish in order to fulfil technical requirements for cooperation within the meaning of EURODAC system and Dublin Convention. Also, establish databases which are in line with EURODAC system and the Dublin Convention.						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
2.8	Create the electronic records of asylum seekers with basic data on seekers	Ministry of Interior	December 2014	EUR 10,000 / Budget	Established electronic record which is fully operational	Updating records, easier daily work of officers from the Asylum Directorate, achieved better efficiency in work.
2.9	Prepare the project proposal for engagement of EU experts in the areas of EURODAC and Dublin and submit it to the European Commission with a view to analyzing procedures for establishing the national	Ministry of Interior, Ministry of Foreign Affairs and European Integration	May 2014	EU funds (TAIEX)  EUR 2,700	Project proposal prepared and submitted to the European Commission for approval; EU expert engaged.	Competent services familiarised with EU standards in the area of Information Technologies for EURODAC system.



	database (DATA BASE) of asylum seekers					
<b>2.10</b>	Make an analysis of the working procedures for creating the national database (DATA BASE) of asylum seekers	Ministry of Interior	December 2014	EUR 810	Analysis on state of play made	Identified concrete working procedures for creating national data base (DATA BASE) of asylum seekers. Competent services familiarised.
<b>2.11</b>	Prepare the project proposal for engagement of EU experts in the area of information technologies required for EURODAC system and submit it to the European Commission with a view to analyzing the required technical conditions to ensure proper electronic transmission of data to/from EURODAC	Ministry of Interior, Ministry of Foreign Affairs and European Integration	December 2014	EU funds (TAIEX) EUR 2,700	Project proposal prepared and submitted to the European Commission for approval; Project proposal approved by the European Commission; EU expert engaged	Technical conditions defined for proper electronic data transmission.
<b>2.12</b>	Make an analysis on the state of play as regards required technical conditions to ensure proper electronic transmission of data to/from EURODAC	Ministry of Interior	Second quarter of 2015	EUR 810	Analysis on state of play made	Defined concrete technical conditions which will ensure proper electronic transmission of data to/from EURODAC.

2.13	Create the national database (DATA BASE) of asylum seekers in accordance with the EURODAC system and the Dublin Convention	Ministry of Interior	Fourth quarter of 2016	Budget	National database (DATA BASE) of asylum seekers established; Staff trained to use the electronic register of asylum seekers	Precise records of asylum seekers with biometric data.
2.14	Networking with the EURODAC system <sup>5</sup> and DubliNet	Ministry of Interior	By the date of accession to the EU	Required funds could not be assessed at this point of time.	Technical equipment purchased; Safe electronic communication with the EURODAC system established; Staff trained for use of the EURODAC system	Full implementation of the Dublin Convention.

***Recommendation 3 from the Screening Report – Asylum***

**OBJECTIVE:**

Strengthen administrative capacities dealing with requests for acquiring asylum, especially with a view of establishing origin, analysis of reasons for seeking asylum, translation and interpretation, as well as monitoring voluntary returns.

<sup>5</sup> DG Home will subsequently inform about the timeframe and steps needed for establishing link with EURODAC after accession.

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
2.15	<p>Strengthen the administrative capacities of the Asylum Directorate</p> <p>Strengthen the administrative capacities of the Asylum Directorate through reorganisation of it and increase of number of civil servants and efficiency of work.</p> <p>Establish the mechanisms for the translation needs with countries in the region and increase the number of interpreters for the needs of Asylum Directorate.</p>	Ministry of Interior, Ministry of Finance	<p>Fourth quarter of 2013</p> <p>Fourth quarter of 2016</p>	<p>No additional funds necessary – relocation of existing personnel</p> <p>EUR 38,880 (for 4 interpreters with 100% engagement at the annual level)</p>	<p>Out of 6 envisaged servants positions in the Asylum Directorate 4 are currently manned, while the remaining two will be manned within the set deadline</p> <p>Administrative capacities of the Asylum Directorate strengthened, number of civil servants and interpreters increased, technical conditions met for establishing mechanisms for the translation</p>	<p>Statistical indicators on the number of requests submitted/solved, those resolved within the legally set deadline, the number of backlog cases</p> <p>Practice of the Asylum Directorate in the implementation of the new Law on Asylum, complimentary to the EU practice, to be confirmed through expert reports</p>

					<p>needs with the countries in the region and reorganisation carried out by forming special Departments in the Directorate such as:</p> <ul style="list-style-type: none"><li>- Section for procedures (receiving requests, conducting procedures);</li><li>- Section for searching information on countries of origin of asylum seekers, networking and electronic updating upon the basis of relevant information sources regarding</li></ul>	
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					countries of origin of asylum seekers. Section – Dublin Unit.	
<b>2.16</b>	Establish the mechanism of permanent monitoring aimed at promoting the asylum procedures	Ministry of Interior, UNHCR	Continuously	UNHCR donations	The number of monitored interviews, the number of monitored decisions, analysis of flaws	Asylum procedures quality improved and best practices identified
<b>2.17</b>	Train staff of the Asylum Directorate and the State Commission for Resolving Asylum-Related Complaints, focusing on identification of countries of origin of asylum seekers, reasons for seeking asylum, translation and interpretation, as well as with regard to supervision of voluntary departures and EUODAC, with a special emphasis on vulnerable groups such as: unaccompanied minors, women under risk, victims of violence, non-refoulement, international standards and the	Ministry of Interior, Human Resources Administration	Continuously	UNHCR, International cooperation projects, TAIEX  EUR 10,530 (budget for 2013, 2014 and 2015)	Staff of the Asylum Directorate and State Commission for Resolving Asylum-Related Complaints additionally trained.	

	rights of refugees.					
<b>2.18</b>	Strengthen the cooperation with the countries in the region as regards monitoring mixed migrations and asylum system, by initiating meetings and taking part in regional initiatives.	Ministry of Interior, Ministry of Foreign Affairs and European Integration, UNHCR	Continuous activity	Budget, Donations,  EUR 2,500 at the annual level	The number of held bilateral and multilateral meetings; The number of adopted recommendations; Reports on the implementation of recommendations adopted in regional conferences.	Better quality of monitoring mixed migrations and asylum system in the region, to be confirmed through expert reports.
<b>Recommendation 4 from the Screening Report – Asylum</b>						
<b>OBJECTIVE:</b>						
To put into function the Centre for asylum seekers and to establish mechanisms for regular checks of capacities of Centre for asylum seekers in order to meet requirements due to changeable pressures over time.						
<b>No.</b>	<b>Measure / Activity</b>	<b>Responsible authority</b>	<b>Deadline</b>	<b>Required funds / Source of Financing</b>	<b>Indicator of result</b>	<b>Indicator of impact</b>
<b>2.19</b>	Put into function the Centre for asylum seekers with the capacity of 65 beds, with the possibility of increasing the capacity to 100 beds in case of a need	Ministry of Labour and Social Welfare, Administration for the Care of Refugees	December 2013	2013 – EUR 15,000 2014 – EUR 628,133 2015 – EUR 605,609.74 2016 – EUR	Centre for asylum seekers put into function.	Provided conditions for accommodation of asylum seekers in the Centre, The number of asylum seekers,

				<p>635,519.69  2017 – EUR  666,925.71  TOTAL: EUR  2,551,188.23  Budget  (indicated  financial  resources are  planned for the  capacity of the  Centre of 100  beds)</p>		<p>persons with  approved  protection and  vulnerable groups  for which care  was provided.</p>
<b>2.20</b>	<p>Secure additional  accommodation capacities for  asylum seekers through  alternative manners (lease of  alternative private facilities for  150 persons)</p>	<p>Ministry of Labour and  Social Welfare,  Administration for the  Care of Refugees</p>	<p>Permanent  activity</p>	<p>2013-EUR  205,875  2014 – EUR  410,625  2015 – EUR  410,625  2016 – EUR  410,625  TOTAL :  EUR 1,437,750  Budget  (indicated  financial  resources are  planned for the  capacity of 150  beds in the</p>	<p>Secured additional  accommodation  through alternative  manners.</p>	<p>Provided  conditions for  accepting asylum  seekers. The  number of asylum  seekers, persons  with approved  protection and  vulnerable groups  for which care  was provided.</p>

				alternative accommodation)		
<b>2.21</b>	Establish the mechanisms of permanent monitoring in relation to occupancy of and evaluation of adequacy of capacities of the Centre for Asylum Seekers with support of UNHCR, with a special focus on vulnerable groups and the preparation of analysis for defining additional accommodation needs	Ministry of Labour and Social Welfare - Administration for the Care of Refugees, Ministry of Interior, Police Administration, UNHCR	Continuous activity <sup>6</sup>	EUR 4,000 Budget	Analysis of the state, report on conducted monitoring (semi-annual reports) Adapting the existing capacities on the basis of current monitoring	Promoted quality of reception conditions for asylum seekers on the basis of real needs
<b>2.22</b>	Prepare additional capacities for accommodation of asylum seekers – approximately 150 persons	Ministry of Finance - Public Property Administration, Ministry of Finance - Public Works Directorate, Ministry of Labour and Social Welfare - Administration for the Care of Refugees, UNHCR	Fourth quarter of 2016	Cca 1,100,000 Budget, EU funds	Improved conditions and the quality of reception	Provided additional capacities for accommodation of asylum seekers.
<b>2.23</b>	Provide reception conditions adequate to the needs of vulnerable groups (e.g. unaccompanied minors, single mothers, victims of violence)	Ministry of Labour and Social Welfare – Social Welfare Centres and the Administration for the Care of Refugees,	Continuous activity	Funds have been taken into account within the item 2.19	Provided reception conditions adequate to the needs of vulnerable groups	Better protection of vulnerable groups and easier integration

<sup>6</sup> Monitoring will begin as of putting the Centre into function



		Ministry of Health and specialised medical institutions		Budget		
<b>2.24</b>	Train the civil servants and state employees for a more efficient work in the area of reception conditions with a special focus on vulnerable groups (e.g. unaccompanied minors, women under risk, victims of violence)	Ministry of Labour and Social Welfare - Administration for the Care of Refugees, Human Resources Administration, UNHCR	January – December 2014 and January – December 2016	EUR 25,400  Budget, UNHCR, Projects of international cooperation, TAIEX	Officers of the Centre for accommodation of asylum seekers additionally trained.	Better efficiency in taking care and increased quality of work (number of trained civil servants and state employees).
<b>2.25</b>	Project of development of an IT system <sup>7</sup> in the Centre for accommodation of asylum seekers: <ul style="list-style-type: none"> <li>- developing needs analysis and terms of reference for IT system,</li> <li>- detailed specification of terms of reference,</li> <li>- software development and implementation,</li> <li>- system testing and system acceptance testing,</li> <li>- training of</li> </ul>	Ministry of Labour and Social Welfare, Administration for the Care of Refugees, Ministry for Information Society	Fourth quarter of 2016	Cca. EUR 55,000 Budget, UNHCR, Projects of international cooperation, EU funds	Established and fully operational information system.	Updated records, easier daily work of officers from the Centre.  Achieved better efficiency in work.

<sup>7</sup> The IT system will deal with recording: asylum seekers, refugees and persons under the additional protection that are taken care of; accommodation of asylum seekers; equipment borrowed to persons who are taken care of for each accommodation facility; entrances and exits from the Center or other accommodation facility; material accountancy; business operations of the restaurant, laundry and infirmary; assets used by employees; scheduling work in shifts; failures, damage and missing assets, etc.

	<ul style="list-style-type: none"> <li>- system users,</li> <li>- putting IT system into operation and</li> <li>- maintenance of IT system following the expiry of warranty period.</li> </ul>					
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**Recommendation 5 from the Screening Report – Asylum**

**OBJECTIVE:**

Establish a structure required for cooperation with the European Asylum Support Office and use of the European Refugee Fund, as appropriate by the date of accession

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
2.26	Establish a structure required for cooperation with the European Asylum Support Office and use of the European Refugee Fund, as appropriate.	Ministry of Interior, Ministry of Labour and Social Welfare, Ministry of Foreign Affairs and European Integrations	By the date of accession to the EU	Budget	Established structure required for cooperation with the European Asylum Support Office and use of the European Refugee Fund, as appropriate.	Established mechanisms in case of necessary cooperation with European Asylum Support Office and use of the European Refugee Fund.

**3. VISA POLICY**

<b>STATE OF PLAY</b>
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In the area of “**Visa regime**”, guided by the official EU policy, Montenegro adopted the Law on Foreigners (Official Gazette of Montenegro 82/2008, 72/09, 32/11 and 53/11), on the grounds of which the Decree on Visa Regime was adopted (Official Gazette of Montenegro 18/2009, as of 11 March 2009), as well as the Decree on Amendments to the Decree on Visa Regime (Official Gazette of Montenegro 31/2011, as of 23 December 2011), which established the basis for normative alignment of the visa policy with EU and Schengen standards, although, it should be noted, the practical adaptation process started in 2007 by signing of the Stabilisation and Association Agreement.

Starting from the guidelines of the European Union that analyses and reports on illegal migration and the percentage of asylum seekers from the so-called “third countries”, play an important role in the strategy of issuing visas, as well as the fact that issuing visas at the border is not in accordance with Schengen standards, except in extraordinary circumstances as prescribed in Articles 35 and 36 of the Visa Code, Montenegro has, although not a member of the Schengen zone significantly reduced the number of visas issued at the border in accordance with Art. 22 of the Law on Foreigners, and has adopted stricter documentary evidence and procedures necessary for the issuance of visas to enter and stay in Montenegro for nationals of all countries from the so-called “black list” (risky countries), demonstrating significant commitment and cooperativeness with regard to implementation of the EU recommendations. The above mentioned is substantiated by the following information: in 2008 at border crossing points 2,606 visas have been issued, in 2009 897 visas have been issued, in 2010 280 visas have been issued, in 2011 102 visas have been issued, in 2012 84 visas have been issued (71 of which was "B" visa type for seafarers), while from 01 January to 28 May 2013 only 2 visas have been issued at border crossing points. We emphasize that the largest number of visas at border crossing points have been issued to seafarers.

Bearing in mind the above mentioned, we believe that the visa regime of Montenegro is currently not in full compliance with EU and Schengen standards. Therefore, the intensive activities are still carried out regarding harmonisation of the visa regime of Montenegro with EU standards, and these activities will be continued in the course of negotiations.

In accordance with the international law and diplomatic practice, the representation of Montenegro through diplomatic missions and consular posts of third countries is normatively regulated by the Law on Foreign Affairs. Due to the fact that there are no diplomatic missions and consular posts of Montenegro in a large number of countries, bilateral agreements have been concluded on providing consular assistance and representation in the issuance of visas with the Republic of Serbia (17 February 2007), Republic of Bulgaria (20 May 2008), and the Republic of Croatia (28 January 2011). Priorities in this area include strengthening the existing cooperation with the EU Member States representing Montenegro, including future conclusion of agreements on representation with the EU Member States in accordance with the Visa Code, as well as gradual abolishment of agreements on representation with states representing Montenegro and which are not members of the EU.

In the area of **“Safety of documents”**, according to the Law on Foreigners (Official Gazette of Montenegro 82/08, 72/09, 32/11 and 53/11), personal identity cards for foreigners shall be issued to a foreigner who has been granted permanent residence in Montenegro and a foreigner who has been granted temporary residence but does not possess a valid travel document. Personal identity card for foreigners is an autonomous document in ID 1 format. The ID card for foreigners is rectangular in shape, in the form of a card, measuring 86 mm x 54 mm, made of laminated polycarbonate, dominantly in the shades of blue, and with built-in security features. The ID card is made in accordance with ISO/IEC 7810 standards for dimensions and physical characteristics and ISO/IEC 10373 for testing physical properties.

Visas for entering Montenegro are issued through passports stamps, with manual data entry into a visa, which is not in accordance with the applicable standards. The existing Rulebook on Visas and Visa Forms (Official Gazette of Montenegro 64/2009, as of 22 September 2009) should be adapted in accordance with the EU recommendations, i.e. appropriate secondary legislation should be prepared.

**Full alignment is not possible until the technical specifications of the Schengen visa are obtained.**

In the area of **“Visa information system”**, Development of the national visa system represents a complex and lengthy process, which is confirmed by the fact that the EU has been working intensively on the establishment of the Visa Information System since 2004, and that this system became operational at the end of 2011.

Bearing in mind the above mentioned the delegation of the Ministry of Foreign Affairs and European Integration spoke with representatives of the Unit C3 – Large-Scale IT Systems and Biometrics within the European Commission in July 2011. On that occasion the Visa Information System and its advantages over the current visa systems were presented. In accordance with recommendations from this meeting, visits were organised to Slovenia, Croatia and the Former Yugoslav Republic of Macedonia, since these are the countries that have Visa Information System; the objective was to get familiar with the process of its development, operation, and operational experience. At the same time, the Ministry of Finance is undertaking actions aimed at considering the possibilities for provision of financial resources, while the Ministry of Foreign Affairs and European Integration established contacts with domestic and foreign experts in software programming, with a view to designing a suitable Visa Information System in Montenegro, which would be fully compliant with Schengen standards. Furthermore, we expect EU support in this segment through relevant IPA funds and possibly through donations.

Montenegro will draft and adopt the Schengen Action Plan in December 2015. All the financial, administrative, legal and procedural measures, as well as the infrastructure necessary for the implementation of EU policy in the area of visas will make the integral part of the Schengen Action

Plan. The Schengen Action Plan will, inter alia, cover the following: EU Regulation 539/2001 on visas, capacities for reception of classified information on security details of travel documents and visa format, along with their implementation in practice several months prior to accession, EU Visa Code, Visa Information System and connection with diplomatic missions and consular posts of Montenegro, as well as discovering the alternative for consular representation of Montenegro abroad by using the EU Member States.

***Recommendation 1 from the Screening Report – Visa policy***

**OBJECTIVE:**

Harmonise the Law on Foreigners with the EC recommendations and the *acquis* in the area of visa policy, along with additional specification of motifs for rejection of visa and prescription of right to appeal regarding visa rejection

No.	Measure/Activity	Responsible authority	Deadline	Required funds/Source of financing	Indicator of result	Indicator of impact
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<p><b>3.1</b></p>	<p>1. Prepare the analysis of financial, administrative, legal and procedural measures, as well as the necessary infrastructure for the implementation of EU visa policy, towards the preparation for the Schengen Action Plan</p> <p>2. Adopt the Schengen Action Plan which will, inter alia, include the following: EU Regulation 529/2001 on visas, capacities for reception of classified information on the security details of travel documents and form of visas and their implementation in practice several months prior to accession, EU Visa Code, Visa Information System and connection with diplomatic missions and consular posts of Montenegro as well as finding an alternative for consular representation of Montenegro abroad by using the EU Member States</p> <p>Note: For more details, please see Area 4. External Borders and Schengen</p>	<p>Ministry of Interior, Ministry of Foreign Affairs and European Integration</p>	<p>1. May 2014 2. December 2015</p>	<p>Regular budgetary funds and TAIEX</p>	<p>1. Analysis prepared 2. Schengen Action Plan adopted</p>	<p>70</p>
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**Recommendation 1 from the Screening Report – Visa policy**

**OBJECTIVE**

- Align national legislation and the Montenegrin visa regime with the *acquis* concerning the third countries whose nationals require visas when crossing the external borders and those whose nationals are exempt from that requirement, for example EU positive and negative lists attached to the Regulation 539/2001, strengthening at the same time administrative and technical capacities necessary for aligning with the above mentioned regulations by the date of accession to the EU.

- Prepare a draft of measures which will ensure alignment with the Visa Code.

No.	Measure/Activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
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**OBJECTIVE:**

Prepare capacities for reception of classified information several months prior to accession, regarding security details of travel documents and format of visas, as well as with their implementation in practice

<b>3.2</b>	Prepare capacities for reception of classified information regarding security details of travel documents and visa format and their implementation in practice, several months prior to accession	Ministry of Interior, Ministry of Foreign Affairs and European Integration	six months before accession to the EU	Capacity analysis and financial evaluation will be prepared in cooperation with the European Commission	Capacities strengthened for reception of classified information regarding security details of travel documents and visa format, as well as their implementation in practice	Expert assessment reports on established capacities for reception of classified information regarding security details of travel documents and visa format and their implementation in practice
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**Recommendation 5 from the Screening Report – Visa policy**

**OBJECTIVE:**

Define measures in order to additionally limit issuing of visas at border crossing points.

No.	Measure/Activity	Responsible authority	Deadline	Required funds/Source of financing	Indicator of result	Indicator of impact
3.3	Issue visas at the border crossing points only in exceptional cases, if it is required for humanitarian, personal or professional reasons – in these cases, visas will be issued with a previous notification and after checks were carried out	Ministry of Interior - Police Administration Ministry of Foreign Affairs and European Integration	On-going	No additional funds required	Strict respecting of regulation	Number of issued visas at the border crossing points; Number of received notifications and completed checks.
3.4	Inform ship agents, who submit requests for issuing visas to sailors, to send these requests to competent diplomatic missions and consular posts because visas cannot be issued at the border crossing points but in exceptional cases	Ministry of Interior - Police Administration Ministry of Foreign Affairs and European Integration	On-going	No additional funds required	Continuous and improved informing of ship agents.	Number of issued visas type “B” to sailors.

#### 4. EXTERNAL BORDERS AND SCHENGEN



## STATE OF PLAY

The national legislation regulating the **area of border control** is mostly in line with the EU legislation, primarily with the Regulation (EC) No. 32006R0562 (EurLex 19.10.10.00) establishing a Community Code on the rules governing the movement of persons across borders - Schengen Borders Code.

On 23 February 2006, the Government of the Republic of Montenegro adopted the **Integrated Border Management Strategy 2006-2012**, while the Action Plan for its implementation was adopted on 7 December 2006.

Following the conclusions of the Government of Montenegro, on 11 March 2013 the Ministry of Interior passed the decision establishing the Commission for demarcation and designation of the national border, designation of border crossing points, establishment of the border traffic regime with the neighbouring countries and **implementation of the Integrated Border Management Strategy**.

With a view to fully implementing the Integrated Border Management Strategy, as well as the synchronising and coordinating activities of border services in performing border control procedures, the Ministry of Interior, Police Administration and inspection services competent for veterinary, phytosanitary and health matters have signed the following agreements:

- Agreement on Mutual Cooperation in Integrated National Border Management, No. 01-731/1 of 3 February 2009,
- Special agreement on Establishing the Coordination Teams for Implementation of the Integrated Border Management Strategy at the regional and local level, No. 01-1648/1 of 5 May 2009,
- Special Agreement on the Rules of Conduct at Border Crossing Points, No. 01-1649/1 of 5 May 2009.

***(Provisions of the Schengen Borders Code, Article 15, item 3, that recommends permanent cooperation between the national services responsible for border control)***

In accordance with the vital interests of Montenegro, changes within the European Union and the European Commission's guidelines, with a view to strengthening cooperation and coordination within the services, inter-ministerial cooperation of bodies exercising powers at the national border, as well as cooperation with the competent authorities of neighbouring and other countries, allowing for faster and safer cross-border transit, increasing the border security, ensuring the human health protection and the environmental protection, and suppressing all forms of cross-border crime as a contribution to the regional security, the Government of Montenegro adopted the Report on Implementation

of the Integrated Border Management Strategy for the period 2006-2012 on 28 February 2013. In addition, the Government adopted the new **Integrated Border Management Strategy for the period 2013-2016**. The Strategy and the accompanying Action Plan have been developed on the grounds of the EC Guidelines for drafting strategies in this area intended for the Western Balkan countries, as well as partially, on the basis of the EU IBM concept, the Schengen Catalogue for external borders control, return and readmission and the Schengen Borders Code, taking also into account the current position of Montenegro and the level and estimated further dynamics in the integration of Montenegro up to 2016. The Framework Action Plan for Implementation of the Strategy for the period 2013-2016 and the Action Plan for Implementation of the Strategy in 2013 were also adopted (<http://www.mup.gov.me>).

The national legislation regulating the **border traffic regime** at the common borders and the signed international agreements are partially aligned with the *acquis*.

The Agreement between the Government of Montenegro and the Council of Ministers of Bosnia and Herzegovina on Border Crossing Points for Border Traffic was signed on 7 October 2010 in Podgorica (Law on Ratification of the Agreement on Border Crossing Points for Border Traffic between the Government of Montenegro and the Council of Ministers of Bosnia and Herzegovina (Official Gazette of Montenegro – International Treaties 9/2011)).

Currently, harmonisation of the agreements regulating the border traffic regime between the Government of Montenegro, the Government of the Republic of Serbia and the Government of Republic of Croatia is underway, as well as the negotiations with the Government of the Republic of Kosovo.

The national legislation stipulating the **obligations of carriers in the international road, air, maritime and inland waterway traffic as well as the penalties for failure to meet the statutory provisions** is partially aligned with the *acquis*.

The Law on Border Control (Official Gazette of Montenegro 72/09):

- in Article 53 paragraph 8 provides for that the ship's captain is responsible for hidden passengers;
- in Article 54 paragraph 3 provides for that, with regard to cruising, the ship's captain is obliged to submit a list of crew members and passengers, including the name, date of birth, nationality and the number and type of travel document, and if necessary, the visa number.

The national legislation governing the **obligations of air carriers** to submit passenger information to the competent authorities in advance, in order to enable timely planning and undertaking of measures, is partially aligned with the *acquis*.

The national legislation regulating the field of **international border cooperation**, which includes establishment of the European Agency for the

Management of Operational Cooperation at the External Borders of the Member States of the European Union, aimed at improving the joint management of external borders of the EU Member States, is partially aligned with the EU regulations.

Operational cross-border cooperation is defined by protocols on joint patrols with neighbouring countries, prescribing *inter alia* procedures for operation of mixed patrols and joint contact points. Such protocols have been signed with the Republic of Albania, Republic of Serbia, and Bosnia and Herzegovina. The same protocols are planned to be signed with the Republic of Croatia and the Republic of Kosovo.

The working arrangement on the establishment of operational cooperation between the Police Administration of Montenegro and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was signed on 18 June 2009, in order to promote operational cooperation, fight against irregular migration and cross-border crime, information exchange and risk analysis, cooperation in the field of training, technical cooperation, joint operations, all in accordance with Article 14 of the Regulation (EC) No. 2007/2004. With a view to fully implementing these regulations, it is necessary to sign a protocol on operational cooperation with Frontex at the external border EU – Republic of Croatia, which will become a member state on 1 July 2013.

The national legislation defining the **manner of implementation of procedures of border controls of persons** is mostly aligned with the Schengen Borders Code, which governs the rules for exercising border control or border checks on persons at border crossing points, as well as rules for surveillance of national borders between border crossing points.

The Law on Border Control (Official Gazette of Montenegro 72/09) provides for procedures for border checks on persons at border crossing points, for surveillance of national borders between border crossing points, for minimum and thorough border checks, as well as special rules for border checks on certain categories of persons and special rules for border checks in international rail, air, maritime and inland waterway traffic.

The Rulebook on the manner of performing specific police tasks and exercising powers in performing those tasks (Official Gazette of Montenegro 5/2007) regulates, among other things, the manner of supervising and securing the state border, and exercising border control: state border protection, border control, and stay and movement of foreigners, Articles 176-219.

**With a view to full implementing the recommendations of the European Commission in the application of the Schengen Handbook, the border services should be fully provided with all the necessary conditions in terms of human, administrative, infrastructural and technical capacities.**

The national legislation regulating the field of international border cooperation, which includes the activities of foreign police services in the

territory of Montenegro, or the activities of the Police Administration in the territory of a foreign country, as well as the cooperation with foreign security services, are mostly in line with the Schengen *acquis*.

The national legislation regulating the field of international judicial cooperation in criminal matters, with regard to the extradition and escort - transit of accused or convicted persons, are harmonised with the Schengen *acquis* when it comes to subject regulations.

It is planned to adopt the Schengen Action Plan and to draft plans for development of a national information structure that would be compatible with the Schengen Information System, including the adequate data protection provisions. Within the same framework, the existing structure of the Ministry of Interior and the Police Administration is planned to be reorganised with a view to establishing the SIRENE Bureau. The Schengen Action Plan will include the following areas: **Border Control** (transit of internal and external borders, airports, maritime and river traffic, cooperation of parties involved, risk analysis), **Visas** (common visa policy, single visa form, visa categories, request for visas, visas with limited territorial expiration, consular representation abroad, cooperation, exchange of information and statistics, visa fees), **Migrations** (conditions for foreigner movement management, foreigner deportation, cooperation, information and statistics exchange, carrier responsibility), **Police Cooperation** (cross-border police cooperation including the establishment SIRENE information and statistics exchange in order to carry out the obligation of information exchange with other Member States 24/7), **Judicial Cooperation** (legal assistance in criminal matters, application for the principle “ne bis in idem”, extradition, transfer of convicted felons), **Schengen Information System and Personal Data Protection**. Schengen Acton Plan will additionally promote the cooperation with neighbouring countries in accordance with the best practices in the implementation of Schengen *acquis*.

***Recommendations 1, 2 and 4 from the Screening Report – External borders and Schengen***

***(recommendations concerning the Schengen Action Plan)***

**OBJECTIVE**

- Draft a strategy with the sequence of necessary legal amendments to Montenegrin legislation required before joining the EU and the Schengen Action Plan (recommendation 1);
- Prepare a comprehensive analysis of the infrastructure and business processes of the competent law enforcement, judicial and vehicle licensing authorities regarding their proposed access to and use of the Schengen Information System (SIS), including the querying, creation, update and deletion of alerts in the SIS. This is also to include an analysis of the sources of information for both alerts and supplementary information to ensure that the SIRENE Bureau is able to fulfil its role in information exchange with other Member States 24/7 (recommendation 2);

- Develop a risk analysis model for border management purposes, based on European standards, such as the Common Integrated Risk Analysis Model developed by Frontex (recommendation 4).

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
4.1.	<p>1. Make an overall needs assessment with regard to legal, technical, human and infrastructural requirements and their costs in the aim of harmonising with the relevant portions of the Schengen <i>acquis</i> until the accession to EU, as well as for the purpose of accession to Schengen</p> <p>2. Form an inter-ministerial working team (IMWT) for drafting the Schengen Action Plan</p>	<p>Government of Montenegro,</p> <p>Ministry of Interior – Police Administration, Police Academy,</p> <p>Ministry of Justice,</p> <p>Ministry of Foreign Affairs and European Integration,</p> <p>Ministry of Finance,</p> <p>Ministry of Transport and Maritime Affairs,</p> <p>Customs</p>	<p>1.May 2014</p> <p>2.May 2015</p> <p>3.</p>	<p>cca. EUR 60,000 per annum</p> <p>Budgetary funds / IPA funds</p> <p>EUR 6,000 per annum</p>	<p>1. EU expert engaged, analysis made;</p> <p>IMWT for drafting the Schengen Action Plan formed;</p> <p>2.Subgroups under the IMWT established;</p> <p>Objectives and tasks of the IMWT and subgroups defined;</p>	<p>Defined plan for short-term and long-term measures and activities in the process of accession of Montenegro to the EU, as regards supervision of the external borders in accordance with the Schengen <i>acquis</i> in terms of more efficient border management, future EU external borders as regards irregular migrations, trafficking in human beings</p>

		Administration				and all other forms of cross-border crime and asymmetrical threats
4.2.	<p>Draft the Schengen Action Plan that will contain a roadmap of necessary steps in order to harmonise national legislation with Schengen <i>acquis</i>. Schengen Action Plan will contain the following areas:</p> <ul style="list-style-type: none"> <li>• <b>Border control</b> (transit of internal and external borders, airports, maritime and river traffic, cooperation of parties involved, risk analysis), <b>Visas</b> (common visa policy, single visa form, visa categories, requests for visas, visas with limited territorial validity, consular representation abroad, cooperation, exchange of information and statistics, visa fees),</li> </ul>	<p>IMWT for drafting the Schengen Action Plan composed of representatives of the following authorities:</p> <ul style="list-style-type: none"> <li>- Ministry of Interior – Police Administration</li> <li>- Ministry of Justice</li> <li>- Ministry of Foreign Affairs and European Integration</li> <li>- Ministry of Finance</li> <li>- Ministry of Transport</li> <li>- Customs</li> </ul>	1. June - November 2015	Regular budgetary funds and TAIEX	<p>EU experts hired as consultants</p> <p>The Schengen Action Plan drafted</p>	

	<p><b>Migrations</b> (conditions for foreigner movement management, foreigner deportation, cooperation, information and statistics exchange, carrier responsibility), <b>Police Cooperation</b> (cross-border police cooperation including the establishment of SIRENE information and statistics exchange in order to carry out the obligation of information exchange with other Member States 24/7), <b>Judicial Cooperation</b> (legal assistance in criminal matters, application for the principle “ne bis in idem”, extradition, transfer of convicted felons), <b>Schengen Information System and Personal Data Protection</b></p>	<p>Administration - Police Academy</p>				
<b>4.3.</b>	1. Adopt the Schengen Action Plan	Ministry of Interior	1. December 2015 2. January	Budgetary funds	1. Schengen Action Plan adopted	

	<p>2. Begin the implementation of Schengen Action Plan</p> <p>3. Establish a mechanism for monitoring implementation of the Schengen Action Plan</p>		<p>2016</p> <p>3. December 2015</p>		<p>2. Implementation begins as of 1 January 2016</p> <p>3. Established a mechanism for monitoring the implementation of Schengen Action Plan</p>	
<b>4.4.</b>	Report every six months on implementation of the Schengen Action Plan	Ministry of Interior,	Beginning from June 2016 and afterwards each 1 June and December of every year	Regular budgetary funds	Reporting every six months on implementation of the Schengen Action Plan	
<b>4.5.</b>	Establish the National Coordination Centre in line with the EUROSUR concept and create preconditions for connection with FRONTEX and coordination centres of the neighbouring	Ministry of Interior – Police Administration	Fourth quarter of 2015	No additional budgetary expenses	National Coordination Centre established	



	countries					
<b>Recommendations 3 and 5 from the Screening Report – External borders and Schengen</b>						
<b>(recommendations concerning the integrated border management)</b>						
<b>OBJECTIVE</b>						
<ul style="list-style-type: none"> <li>• Prepare a new strategy and an action plan for integrated border management in line with EU concepts (recommendation 3);</li> <li>• Outline measures to improve inter-agency cooperation including the exchange of information at the borders through a joint operational work (recommendation 5)</li> </ul>						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
4.6.	1. Draft reports on the Implementation of the Integrated Border Management Strategy 2013-2016, until the adoption of the new Strategy, in accordance with the EU's IBM concept	Ministry of Interior,  Inter-ministerial Commission for demarcation and designation of the national border, designation of border crossing points, establishment of the border traffic regime	1. Continuously until the adoption of the new Strategy and the Action Plan at the beginning of 2014	1. Budgetary funds: EUR 2,000	Annual reports on implementation of action plans drafted, Annual action plans for implementation of the Integrated Border Management Strategy 2013-2016 drafted, in accordance with the vital interests of Montenegro, changes within the European Union and the European	Annual reports on implementation of the Integrated Border Management Strategy;  Level of implementation of measures and activities and achieved results

		with the neighbouring countries and implementation of the Integrated Border Management Strategy			Commission's guidelines with regard to the EU's Schengen IBM concept	
4.7.	<p>1. Establish a working group for the development of the Integrated Border Management Strategy 2014-2018</p> <p>2. Engage EU experts for support in the development of the Strategy</p> <p>3. Adopt an innovated Integrated Border Management Strategy 2014-2018 in accordance with the concept IBM EU</p>	Ministry of Interior	<p>1. September 2013</p> <p>2. until December 2013</p> <p>3. March 2014</p>	<p>Budgetary funds</p> <p>EUR 5,000</p> <p>TAIEX</p> <p>EUR 5,000</p>	<p>1. Established WG for Strategy development</p> <p>2. EU expert engaged for support in the development of the Strategy</p> <p>3. Innovated Integrated Border Management Strategy 2014-2018 adopted</p>	

**Recommendations 6 and 7 from the Screening Report – External borders and Schengen**

*(recommendations concerning cooperation with the neighbouring countries)*

**OBJECTIVE**

- Propose measures to improve the protection of the external borders through improved operational cooperation with neighbouring countries (recommendation 6);
- Suggest steps to effectively prevent cross-border traffic through alternative roads (recommendation 7)<sup>8</sup>

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
4.8.	<p>1. In addition to those already signed, sign the protocols on joint patrols with the remaining neighbouring countries (the Republic of Croatia and the Republic of Kosovo) and define contact points</p> <p>2. Recommend signing of a protocol on establishing operational cooperation with the FRONTEX at the EU external border with the</p>	Ministry of Interior – Police Administration	<p>1. December 2013</p> <p>2. December 2014 and continuously, in accordance with the FRONTEX policy and position</p>	<p>1. Budgetary funds: EUR 3,000</p> <p>2. Budgetary funds: EUR 3,000</p>	Protocols on establishing cross-border operational cooperation signed with all neighbouring countries and operational police cooperation established at the EU external borders	<p>Concrete results in the implementation of protocols, prevented illegal crossings of the state border and other forms of cross-border crime;</p> <p>Established operational cross-border police cooperation at the Montenegrin border and at the EU external borders</p>

<sup>8</sup> Cooperation with the neighbouring countries will be developed in detail in the Schengen Action Plan

	Republic of Croatia, member state as of 1 July 2013, with a view to fully implementing the EU Regulations No 2007/2004/EC and No 1168/2011/EC, and prepare a plan for the future operational cooperation with the FRONTEX at the EU external borders					
4.9.	Fully align the existing agreement with Bosnia and Herzegovina on border crossing points for border traffic with the EU Regulation No 1931/2006, and conclude agreements on defining the border traffic regime with the remaining neighbouring countries in accordance with the EU <i>acquis</i>	Ministry of Interior – Police Administration	Permanent task until the conclusion of all agreements	Budgetary funds: EUR 6,000	The existing agreements aligned, and the agreements on defining the border traffic regime concluded with the remaining neighbouring countries in accordance with the EU <i>acquis</i>	The border traffic regime with the neighbouring countries established in accordance with the adopted rules for border traffic at the EU external borders;  Effects of implementation of the signed agreements

4.10.	<p>Enhance the protection of external borders through operational cooperation with the neighbouring countries in preventing the illegal crossings of the state border by alternative roads:</p> <p>1. by demolishing 22 side roads appropriate for illegal crossing of the state border between Montenegro and Bosnia and Herzegovina, in accordance with the Agreement on defining border crossings between Montenegro and BIH and drafted joint Study of Montenegro and Bosnia and Herzegovina on demolishing side roads appropriate for illegal border crossings (44 roads appropriate for illegal border crossings</p>	Ministry of Interior – Police Administration	<p>1. May 2014</p> <p>2. As of July 2013</p> <p>3. 3.1 December 2014</p> <p>a. July 2015</p> <p>b. December 2015</p> <p>4. Continuous activity</p>	<p>1. EUR 30,000</p> <p>2. EUR 60,000</p> <p>3.</p> <p>3.1 EUR 15,000</p> <p>3.2. EUR 30,000</p> <p>3.3. EUR 30,000</p>	<p>1. 22 roads demolished by Montenegro</p> <p>2. Established inter-ministerial working teams</p> <p>3. Demolished side roads with Republics of Kosovo, Albania and Serbia</p> <p>4. Undertaken activities</p>	Decrease in the number of illegal border crossings
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<p>are defined, 22 demolished by each side)</p> <p>2. Initiate the establishment of mixed working teams for the development of the study for demolishing roads with the Republics of Kosovo, Albania and Serbia</p> <p>3. Demolish side roads with:</p> <ul style="list-style-type: none"> <li>a. Republic of Kosovo</li> <li>b. Republic of Albania</li> <li>c. Republic of Serbia</li> </ul> <p>4. Implement increased patrol activities and increase the number of control points along the state line, as well as use the technical means for border crossing surveillance</p>					
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***Recommendation 8 from the Screening Report – External borders and Schengen***

**OBJECTIVE:**

Outline measures to improve the fight against corruption at the borders, based on the anti-corruption code of ethics

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
4.11.	<p>1. Draft a common plan of measures for prevention and repression of corruption on border crossings by all institutions involved<sup>9</sup></p> <p>2. Implement the plan and establish the monitoring mechanism, including annual reporting on results</p>	<p>Ministry of Interior – Police Administration, Ministry of Justice – Administration for Anti-Corruption Initiative, Inter-ministerial commission for implementation of the Integrated Border Management Strategy, Police Academy</p>	<p>1. January 2014</p> <p>2. annually as of January 2015</p>	<p>Budgetary funds: EUR 3,000</p> <p>TAIEX: EUR 2,700</p> <p>TOTAL: EUR 5,700</p>	<p>1. Plan drafted</p> <p>2. Drafted annual report</p>	<p>Decrease of corruption on borders, efficient complaints processing</p>

<sup>9</sup>Border Police, Customs Administration, Veterinary Inspection, Phytosanitary Inspection and Health and Sanitary Inspection

## 5. JUDICIAL COOPERATION IN CIVIL AND CRIMINAL MATTERS

### 5.1. JUDICIAL COOPERATION IN CIVIL AND COMMERCIAL MATTERS

#### STATE OF PLAY

In addition to relevant laws (Law on Civil Procedure, Law on Resolution of Conflict of Laws with Regulations of Other Countries), the legal basis for judicial cooperation in civil and commercial matters and in the field of family law in Montenegro is contained in international treaties. At this point, Montenegro is committed by 18 multilateral and 32 bilateral agreements which regulate the area of international judicial cooperation in civil and commercial matters. This area is also represented in the national strategic documents - Judicial Reform Strategy 2007-2012 and the Action Plan for the implementation of the Strategy, as well as the National Programme for Integration of Montenegro into the EU (link: [www.mpa.gov.me](http://www.mpa.gov.me)).

In the efforts to meet the criteria for gaining membership in EU, efforts need to be continued towards the full harmonisation of the legislative framework in this area with the EU *acquis*. This implies undertaking measures for incorporating regulations into the Montenegrin legislation, with an assessment of the impact of such legislative reforms. In this regard, in the field of international judicial cooperation in civil and commercial matters, the Government of Montenegro adopted the Proposal for a new Law on Private International Law, the adoption of which is expected in the Parliament in the first half of 2013. This Law seeks to establish the highest level of standards of compliance with Regulation 44/2001 and other EU standards.

Bearing in mind that the Law on Private International Law has brought several absolute novelties in the field of judicial cooperation in civil and commercial matters (escape clause, the norm of immediate application, the concept of habitual residence, partial expansion of the independence of will), the national courts are presently not sufficiently familiar with the forthcoming obligations with regard to law enforcement and do not have enough practice in the application of these institutes in court proceedings. Therefore, prompt and additional training in this area is regarded as crucial, especially in relation to the application of the relevant EU *acquis* in this area (substantive and case law). In view of the above, the Judicial Training Centre must develop and implement, in cooperation with academic institutions, training programmes in the field of application of European private law through programmes of initial and continuing training with participation of international experts.



The current state of human resources and administrative capacities of the central bodies of communication (Ministry of Justice and the Ministry of Labour and Social Welfare) is not at the satisfactory level in terms of quality and timely fulfilment of obligations in the field of judicial cooperation in civil and commercial matters.

All current regulations provide the necessary space for unobstructed provision of international legal assistance in civil and commercial matters. This is illustrated by statistics showing that there were 1,230 cases of international legal assistance in civil matters in 2011. Montenegro was the party submitting letter rogatory in 43% of cases, while it provided legal assistance in 57% of cases. Classified per type of cases, most of them were related to conveyance or delivery (80%), and data submission (9%), giving heirs' statements (6%), hearings (4%), and the recognition of the judgments (1%). As regards the cases of international legal assistance in civil and commercial matters, in 2012, there were 1,497 cases processed, which is an increase of 21.7% compared to 2011, when there were 1,230 cases. As regards the letters rogatory submitted by the judicial authorities of Montenegro, 41.88% of them were active ones, and 58.12% passive ones, which is at the last year's level. Classified per type of cases, just as last year, the largest share of letters rogatory related to the delivery of judicial acts (80.76%), followed by cases that required the submission of data or documents (9.82%), and a smaller percentage of cases relating to taking heirs' statements (5.74%), hearings (1.40%) and information on the regulations of foreign countries (1.95%). During 2012, the Ministry of Justice as the central authority for the implementation of the Convention on the Civil Aspects of International Child Abduction processed certain cases in this field. As the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children was ratified in 2012, the effects of the implementation of this Convention will be monitored in the future period.

The existing system of keeping track of cases in the Ministry of Justice as the central body of communication does not allow for accurate monitoring of the number of received letters rogatory and other requests, which is due to inadequate system of recording the number of cases. Because of this, it is necessary to improve the mechanisms of statistical reporting in the field of international legal assistance in civil and commercial matters. This will contribute to better analyses of international judicial cooperation and the evaluation and presentation of the efficiency in resolving requests from third countries. Quality records and the operational methods of statistical reporting will be an efficient monitoring tool to assess the level of regional and international cooperation in the areas of judiciary.

***Recommendation 1 from the Screening Report – Judicial cooperation in civil and commercial matters***

**OBJECTIVE**

Propose measures to transpose existing regulations into Montenegrin legislation with an impact analysis (administrative, budgetary, staff and training needs)

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
5.1.1.	Submit the text of the Proposal for and/or the Law on Private International Law in English, with the attached Table of Concordance, to the EC – DG Justice, in order to assess the degree of conformity with relevant conventions (Brussels I and II, Rome I and II and Lugano)	Ministry of Justice	October 2013	No additional funds required	Text of the Law submitted to the EC	Assessment of compliance of the Law on Private International Law submitted by the EC, with the recommendations for further improvement of national legislation
5.1.2.	Prepare the analysis of the national civil – procedure and executive legislation, in order to assess the degree of compliance with the <i>acquis</i> .  The analysis will contain separately the impact analysis for transposition of relevant EU regulations	Ministry of Justice in cooperation with Ministry of Labour and Social Welfare, Judicial Council, Supreme Court and faculties of law and engagement of expert through TAIEX	January – December 2014	Budget EUR 32,400 (two working groups each composed of 5 persons, for the analysis of procedure and analysis of legislation for enforcement, EUR 16,200 x 2)  TAIEX EUR 5,400	Analysis prepared regarding the degree of conformity with proposals for amendments of legislation for full harmonisation, and recommendations for strengthening human resource capacities of competent	/

	<p>into Montenegrin legislation in terms of assessment of the current and required administrative, budget, human resources and educational capacities and needs, based on the number of cases, efficiency of procedure and the existing structure of employees.</p> <p>The analysis will include the following Regulations:</p> <ul style="list-style-type: none"> <li>▪ <i>Regulation 32007R1393 of the European Parliament and the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of</i></li> </ul>			<p>(two experts – for analysis of procedure and analysis of legislation for enforcement – five working days each, EUR 2,700 x 2)</p>	<p>authorities.</p>	
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	<p>documents)</p> <ul style="list-style-type: none"> <li>▪ Regulation 32001R1206 of the Council of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters</li> <li>▪ Regulation 32004R0805 of the European Parliament and the Council of 21 April 2004 creating the European Enforcement Order for Uncontested Claims</li> <li>▪ Regulation 32006R1896 of the European Parliament and the Council of 12 December 2006, creating a European order for payment procedure</li> <li>▪ Regulation 32007R0861 of the</li> </ul>					
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	<p><i>European Parliament and the Council of 11 July 2007 establishing a European Small Claims Procedure</i></p> <ul style="list-style-type: none"> <li>▪ <i>Council Regulation (EU) No 1259/2010 of 20 December 2010, implementing enhanced cooperation in the area of the law applicable to divorce and legal separation</i></li> <li>▪ <i>Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations</i></li> <li>▪ <i>Amended Regulation of the Council (EC) No 2201/2003 of 27</i></li> </ul>					
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	<i>November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000</i>					
<b>5.1.3.</b>	Prepare proposals of the amendments to the Law on Civil Procedure, in accordance with recommendations from the Analysis	Ministry of Justice, in cooperation with Judicial Council and Supreme Court, faculties of law and engagement of expert through TAIEX	Second quarter of 2015	Budget EUR 27,710 (working group composed of 5 persons, effective work 2 months – draft law EUR 8,900; public dispute EUR 3,810; work of Parliamentary committees EUR 15,000; TAIEX EUR 2,700 (one expert, five working days))	Proposal for Amendments to the Law on Civil Procedure adopted	/

<b>5.1.4.</b>	Adopt the Law on Amendments to the Law on Civil Procedure	Ministry of Justice	Fourth quarter of 2015	Budget  Work of Parliamentary Committees EUR 15,000 – from the previous measure	Amendments to the Law on Civil Procedure adopted	Provided normative, institutional, administrative and technical preconditions for efficient implementation of transposed EU regulations into the Law on Civil Procedure
<b>5.1.5.</b>	Prepare proposals for the amendments to the relevant procedural legislation in line with the recommendations from the Analysis	Ministry of Justice in cooperation with Judicial Council and Supreme Court, Faculties of law and engagement of expert through TAIEX	Third quarter of 2015	Budget EUR 27,710 (working group composed of 5 persons, effective work of 2 months – draft law EUR 8,900; public dispute EUR 3,810; work of Parliamentary Committees EUR 15,000; TAIEX EUR 2,700 (one expert for five working days)	Proposal for amendments to the Law on Executive Procedure adopted	/
<b>5.1.6.</b>	Adopt the Law on Amendments to the Law on Enforcement Procedure	Ministry of Justice	First quarter of 2016	Budget  Work of Parliamentary Committees	Proposal for the amendments to the Law on Enforcement Procedure adopted.	Provided normative, institutional, administrative and technical preconditions

				EUR 15,000 – from the previous measure		for efficient implementation of transposed EU regulations into the Law on Enforcement Procedure
<b>5.1.7.</b>	Continuously monitor implementation of the new legal solutions of the Law on International Private Law through regular reports on implementation of the law, case law and principal opinions of the Supreme Court	Ministry of Justice in cooperation with Supreme Court and faculties of law	Once a year, following the adoption of the Law	Budget EUR 4,450 (working group composed of 5 persons, effective work 1 month)	Report on implementation of the Law with statistical data of courts and case law prepared	
<b>5.1.8.</b>	Sign the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance of 2007	Ministry of Labour and Social Welfare, Ministry of Foreign Affairs and European Integration	December 2014	No funds required	The Hague Convention signed	
<b>5.1.9.</b>	Prepare the Proposal of the Law on Ratification of the	Ministry of Labour and Social Welfare	March 2015	No funds required	Proposal for the Hague Convention on the International	Report on results of implementation of the



	Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance of 2007				Recovery of Child Support and Other Forms of Family Maintenance of 2007 adopted, Law adopted	Hague Convention
<b>5.1.10.</b>	Adequately plan and enhance personnel capacities of the Ministry of Justice and the Ministry of Labour and Social Welfare in the area of international judicial cooperation and legal assistance in civil and commercial matters in accordance with recommendations from the Analysis – measure 5.1.2.	Ministry of Justice and Ministry of Labour and Social Welfare	As of first quarter of 2015	Budget  Note: in 2013, the annual budget expenses for one employee amount EUR 9,720	Rulebooks on Internal Organisation and Job Descriptions of the Ministry of Justice and the Ministry of Labour and Social Welfare adopted  Three new positions, in line with the internal organisation and job descriptions, in the Ministry of Justice and two in the Ministry of Labour and Social Welfare in accordance with recommendations from the Analysis –	Increased number of employees working on international judicial cooperation and legal assistance in civil and commercial matters, in comparison with the existing one

					measure 5.1.2. Number of the newly-employed	
<b>5.1.11.</b>	Conclude the Agreement on Cooperation between the Ministry of Justice, the Judicial Training Centre, and the faculties of law, aimed at the implementation of training programmes in the field of private international law and EU law	Ministry of Justice, Judicial Training Centre, faculties of law	September 2013	No funds required	The Agreement concluded  It defines forms of cooperation through unique training programme	
<b>5.1.12.</b>	Prepare the general education programme for judges and prosecutors and representatives of legislative and	Ministry of Justice in cooperation with Supreme Court, Faculty of Law , Human Resources Administration,	December 2013	Budget EUR 9,720 (working group – up to 6 persons, effective work 2 months)  TAIEX expert – five	Developed education programme  Cluster included in the work of the Programme of	/

	<p>executive branch of power</p> <p>The programme will contain the following:</p> <ul style="list-style-type: none"> <li>- trainings on international private law and EU law following the Lisbon Treaty and obligation of harmonisation</li> <li>- Law on International Private Law, relations with international private law, practical implications for implementation,</li> <li>- theme trainings for employee of ministries and judges on provisions defined by EU conventions and decrees: <ul style="list-style-type: none"> <li>▪ <i>Regulation 44/2001 (Brussels I) on jurisdiction and the recognition</i></li> </ul> </li> </ul>	<p>Judicial Training Centre, along with engagement of expert through TAIEX</p>		<p>working days – 2.700</p>	<p>Human Resources Administration and Judicial Training Centre</p>	
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	<p><i>and enforcement of judgments in civil and commercial matters;</i></p> <ul style="list-style-type: none"> <li>▪ <i>Council Regulation (EC) 1397/2007, Council Regulation (EC) 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, connection with the Hague Convention of 1965, case law;</i></li> <li>▪ <i>Regulation 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, facilitated communication, use of video links, case law;</i></li> <li>▪ <i>Regulation (EC)</i></li> </ul>					
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	<p>1896/2006 creating a European order for payment procedure, case law;</p> <ul style="list-style-type: none"> <li>▪ Regulation (EC) 805/2004 creating a European Enforcement Order for uncontested claims and Regulation 1869/2005 replacing the Annexes to Regulation (EC) No 805/2004, case law;</li> <li>▪ 2007 Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;</li> <li>▪ Regulation 2201/2003 (Brussels II bis) concerning jurisdiction and the recognition and</li> </ul>					
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	<p><i>enforcement of judgments in matrimonial matters and the matters of parental responsibility.</i></p> <ul style="list-style-type: none"> <li>▪ <b>European Contract Law:</b></li> <li>▪ <i>Regulation 593/2008 on the law applicable to contractual obligations (Rome I),</i></li> <li>- <i>Regulation 864/2007 on the law applicable to non-contractual obligations (Rome II), case law</i></li> </ul>					
5.1.13.	Carry out a training programme for judges and prosecutors, as well as representatives of legislative and executive power in accordance with defined programme	Judicial Training Centre	From January 2014 continuously	<p>Budget of the Centre</p> <p>Note: one training for 20 persons – EUR 3,000</p> <p>Foreign expert – EUR 1,500</p>	<p>Number and type of trainings organised</p> <p>Number and structure of attendees</p> <p>Media articles</p> <p>Materials published on the websites of the ministries</p>	<p>Administrative capacities of judicial authorities and executive power authorities enhanced and able to efficiently implement regulations in the area of international and EU law</p>

					Survey papers of participants	
<b>Recommendation 2 from the Screening Report – Judicial cooperation in civil and criminal matters</b>						
<b>OBJECTIVE:</b>						
Outline steps to improve statistics to monitor efficiency in treating international requests in this area						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
5.1.14.	<p>Establish the information system, which will support keeping the records MPPGIGPS I in the area of family law</p> <p>Note: the information system will support keeping records of ILACM as well</p>	Ministry of Justice	September 2014	<p>Expenses of establishment of information system EUR 100,000</p> <p>For implementation of this measure, additional funds will be required; Montenegro will ask them via donations and bilateral cooperation projects – EUR 80,000</p> <p>Additional funds in the budget for 2014 – EUR 20,000</p>	Information system established	<p>Statistical data provided on cases within MPPGS by form of legal aid, legal base, by the applicant state</p> <p>Duration of the process of cases and collection of statistical data shortened</p>

5.1.15.	Establish records on implementation of the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children	Ministry of Labour and Social Welfare	July 2014  Continuous semi – annual reporting	Budget  EUR 810.00 (regular activities of one employee, which last for one month)	Records established regarding implementation of the Convention	Statistical data provided regarding treatment of the Ministry of Labour and Social Welfare regarding Convention
5.1.16.	Consider the possibility of connecting the Information System of the Ministry of Justice with PRIS, in order to enable the use of data for the needs of acting upon cases MPPGiPS and ILACM	Ministry of Justice  Secretariat of Judicial Council	First quarter of 2015	Budget  Additional funds will be required for implementation of this measure in the part which refers to provision of informatics preconditions for connection of systems; Montenegro will ask for these funds via donations and bilateral cooperation projects	Analysis prepared  IT support provided	/



## 5.2. JUDICIAL COOPERATION IN CRIMINAL MATTERS

### STATE OF PLAY

Efficient judicial cooperation in criminal matters presents one of the key challenges in the efforts to prevent and fight against criminal activities more efficiently, as they are increasingly gaining international characteristics. Quality mechanisms for fighting against these phenomena include a quality normative and institutional framework. Strengthening the capacities of judicial and law enforcement bodies remains a priority.

The basis for providing international legal assistance in criminal matters in Montenegro is contained in multilateral and bilateral international agreements as well as in the Law on International Legal Assistance in Criminal Matters and the Criminal Procedure Code. International judicial cooperation in criminal matters is carried out on the basis of 26 multilateral agreements of the Council of Europe and United Nations. In addition, legal assistance in criminal matters is regulated by bilateral international agreements.

In order to improve the efficiency of implementation of legal assistance in criminal cases with an international element, the Ministry of Justice has started to prepare Amendments to the Law on International Legal Assistance in Criminal Matters. The Proposal for a Law provides a legislative framework for: introducing the possibility of extradition with the defendant's consent and without the request, introducing the possibility of renouncing the principle of specialty in extradition proceedings, the abolition of restrictions on the transfer of criminal prosecution and ensuring protection of the rights of defendants and other persons in criminal cases with an international element. Also, for the first time, the conditions for the recognition or denial of recognition of judicial decisions in criminal matters are prescribed, as is the protection of the information contained in the letter rogatory or the response, while the joint investigation teams and the submission of banking data have been introduced as other forms of international legal assistance. The Proposal for a Law on Amendments to the Law on International Legal Assistance in Criminal Matters is based on the fundamental international documents governing international legal assistance in criminal matters, as follows: the European Convention on Mutual Assistance in Criminal Matters and its protocols, the European Convention on Extradition and its protocols, the Convention on the Transfer of Sentenced Persons, European Convention on the Transfer of Proceedings.

Article 13 of the Proposal for a Law on Amendments to the Law on International Legal Assistance in Criminal Matters introduces the possibility of extradition of a defendant without submitting an application, in order to comply with - Art. 3 par. 2, Article 9, 10 and 11 of the Convention of 10 March 1995 on simplified extradition procedure between the Member States of the European Union, i.e. with a view to providing the legislative requirements for the application of the European Arrest Warrant. In the aspect of meeting the criteria for gaining membership in EU, efforts need to be continued towards full harmonisation of the legislative framework in this area with the EU *acquis*. This includes undertaking

measures in order to incorporate regulations in the Montenegrin legislation, with the impact assessment of these legislative reforms.

Primarily, it is necessary to implement the Convention on simplified extradition procedures between the Member States of the European Union as of March 1995, in order to transpose the Framework Decision 2002/584/JHA on the European Arrest Warrant and the surrender procedures between Member States, as well as to take into account the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union from 2000 and its Additional Protocol.

In the previous period, in order to bilaterally create the conditions for stronger, obligatory and more effective cooperation with the countries of the region in the fight against all forms of crime, in particular organised crime and corruption, Montenegro has concluded extradition agreements with the Republic of Serbia (2009, amended in 2010), Republic of Croatia (2010) and the Former Yugoslav Republic of Macedonia (2011). With a view to further promote the cooperation, bilateral agreements with Serbia and Croatia, which began to be implemented in October 2010, provide for the procedure for extradition of own nationals. In 2012, negotiations have been initiated with a view to signing the Agreement on Mutual Enforcement of Court Decisions in Criminal Matters, and the Agreement on Mutual Legal Assistance in Criminal Matters and the Extradition Agreement with the **Republic of Kosovo**. In addition, intensive negotiations have been led with the **Republic of Italy** with a view to signing the Additional Bilateral Agreement to the European Convention on Extradition of 13 December 1957, which aims to facilitate its implementation, as well as the Additional Bilateral Agreement to the European Convention on Mutual Assistance in Criminal Matters of 20 April in 1959, which aims to facilitate its implementation. The signing of additional bilateral agreements with the Republic of Italy is expected in 2013. Also, the negotiation process with the **Republic of Turkey** has been initiated, with a view to signing the Agreement on Mutual Legal Assistance in Criminal Matters, Extradition and Transfer of Sentenced Persons.

During the year there were 2299 cases of international legal assistance processed, created in 2012, which is 179 cases more than in 2011. As regards the structure of cases, there were 145 cases of extradition, i.e. 104 requests for extradition were sent to foreign states (active), while there were 41 requests for extradition from foreign countries received (passive). Also, there were 35 requests, received and processed, for the transfer of sentenced persons, of which 30 requests for transfer of sentenced persons to Montenegro and 5 requests for transfer of sentenced persons from Montenegro to foreign states. Due to a lack of good transport links, a quarter of active extraditions are conducted with transit through third countries, which implies the need to address the competent authorities of third states for approval of transit. This applies to a portion of the cases of transfer of sentenced persons as well. Further on, there were 26 cases for the recognition and enforcement of foreign court decisions, 202 cases of transfer of criminal prosecution, 178 letters rogatory for service of notices, 648 letters rogatory for delivery of criminal records, of which 155 cases were the data of conviction, as well as 84 letters rogatory asking for verification of data. The rest is relating to requests for a temporary delivery of a person deprived of liberty, checking bank accounts, and three requests to locate potential witnesses by

the Prosecution of the International Criminal Tribunal for the Former Yugoslavia, etc.

The current state of human resources and administrative capacities of the Ministry of Justice as the central body of communication is not at the satisfactory level in terms of quality and timely fulfilment of obligations in the field of judicial cooperation in criminal matters.

Importance of international judicial cooperation of Montenegro in criminal matters is increasing and it is notable that cooperation instruments, especially with the countries of the region, EU and numerous international organisations (EUPM, MARRI, UNODC, SEESAC, INTERPOL, ICMPD, RAI, SELEC, RACVIAC; PCC-SEE Secretariat, Geneva Centre for Democratic Control of Armed Forces (DCAF), GIZ, Council of Europe, UOB, OSCE Mission in Bosnia and Herzegovina, Treptower group, etc.), meet their purpose. In addition, the Supreme Public Prosecutor's Office is an active member of the Consultative Council of European Prosecutors, South East European Prosecutors Advisory Group, and the Western Balkans Prosecutors' Network. The Supreme Public Prosecutor has submitted an initiative for obtaining the observer status in the Network of the General Prosecutors at the Supreme Judicial Courts of the European Union in February 2013. The Judicial Training Centre has launched an initiative to acquire the observer status in the European Judicial Training Network in February 2013, while the Judicial Council was granted the observer status at the General Assembly of the European Network of Councils for the Judiciary (08-10 June 2012). The President of the Supreme Court of Montenegro is an observer in the Network of the Presidents of the Supreme Judicial Courts of the Member States of the European Union and attends meetings of the Network, while the Supreme Court has also launched an initiative for obtaining the observer status in the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union in February 2013. The Ministry of Justice has launched an initiative to gain observer status in the Network for legislative cooperation between the Ministries of Justice of the Member States of the European Union in March 2013.

As regards the cooperation with EUROJUST, Montenegro submitted a translation of the Law on Personal Data Protection to the Secretariat of the body for the assessment of compliance. Upon receipt of the opinion, EUROJUST's representatives are expected to visit Montenegro in order to assess the fulfilment of conditions necessary for concluding the Agreement on cooperation.

***Recommendation 1 from the Screening Report – Judicial cooperation in criminal matters***

**OBJECTIVE**

Outline measures to implement outstanding pieces of legislation, including an impact assessment on administrative capacity, the budget and technical requirements

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of results	Indicator of impact
5.2.1.	<p>Submit the consolidated text of the Law on International Legal Assistance in Criminal Matters, with the attached Table of Concordance, to the EC – DG Justice.</p>	Ministry of Justice	September 2013	No funds necessary	Text of the law submitted to the EC	Submitted assessment grade of compliance of the Law on International Legal Assistance in Criminal Matters by the EC along with recommendations for further improvements in the national legislation
5.2.2.	<p>Prepare the analysis of the existing national legislation in order to evaluate the degree of compliance with the <i>acquis</i>.  The analysis will particularly contain the impact analysis regarding transposition of relevant EU regulations into Montenegrin legislation in terms of</p>	Ministry of Justice, in cooperation with Judicial Council and Supreme Court, along with engagement of expert through TAIEX	June – December 2014	<p>Budget, EUR 16,200 (working group composed of 5 persons, 4 months of effective work)  TAIEX 2,700 (one expert for five working days)</p>	Analysis prepared regarding the degree of compliance with proposals for amendments of legislation with the view to full harmonising, and recommendation for strengthening human resource capacities of competent authorities.	/

	evaluation of the current and necessary administrative, budgetary, human resources and educational capacities and needs of the Ministry of Justice, competent courts and prosecutor's offices, based on the number of cases, efficiency of procedure and existing employee structure					
<b>5.2.3.</b>	Continuously monitor the implementation of the Law on the amendments to Law on International Legal Assistance in Criminal Matters  Closely monitor the application of Article 13 of Amendments to the Law on	Ministry of Justice	Once a year, following the adoption of the Law	Budget EUR 810.00 (regular activities of one employee for a month)	Report on implementation with statistical data from courts prepared	/

	International Legal Assistance in Criminal Matters introducing the possibility of extradition of the accused person without filing a request for the purpose of harmonisation with Article 3 paragraph 2, Article 9, 10 and 11 of the Convention of 10 March 1995 on simplified extradition procedure between Member States of the European Union					
<b>5.2.4.</b>	<p>Prepare proposal for amendments of the Law on International Legal Assistance in Criminal Matters on the grounds of the following:</p> <ul style="list-style-type: none"> <li>- Implementation Report</li> <li>- Analysis of the</li> </ul>	Ministry of Justice in cooperation with Supreme Court and Supreme Public Prosecutor's Office, along with engagement of	<p>Second quarter of 2015</p> <p>Fourth quarter of 2015</p>	<p>Budget EUR 27,710 (working group composed of 5 persons, two months of effective work – draft law EUR 8,900;</p>	<p>Proposal for the law prepared</p> <p>Public dispute held</p> <p>Law adopted</p>	The Law on International Legal Assistance in Criminal Matters completely harmonised with the <i>acquis</i> in this area

	degree of compliance and - Opinion of DG Justice – measures 5.2.1. and 5.2.2.	expert from TAIEX		public dispute EUR 3,810;  work of the Parliamentary Committees EUR 15,000;  TAIEX EUR 2,700  (one expert for five working days)		
<b>5.2.5.</b>	Prepare amendments to the Law on Courts with a view to defining the courts authorised for issuing and proceeding upon the European Arrest Warrant	Ministry of Justice in cooperation with Supreme Court and Supreme Public Prosecutor's Office, along with engagement of expert from TAIEX	Third quarter of 2016  First quarter of 2017	Budget approximately as in the previous measure  TAIEX EUR 2,700 (one expert for five working days)	Proposal for the Law on Amendments to the Law on Courts adopted  Law adopted	Defined courts competent for issuing and proceeding upon the European Arrest Warrant
<b>5.2.6.</b>	Define the procedures for the application of the European Arrest	Ministry of Justice, in cooperation	I quarter  2017	Budget  Approximately	Procedures defined (secondary legislation or special law)	/

	Warrant considering comparative normative and operational experiences of the EU Member States, having previously consulted DG JUST especially in terms if further amendments to the Constitution are necessary	with Supreme Court and Supreme Public Prosecutor's Court, along with engagement of expert through TAIEX		EUR 2,000 TAIEX EUR 2,700 (one expert for five working days)		
<b>5.2.7.</b>	Amend the Criminal Code for the purpose of harmonisation with the definitions of 34 criminal offences from the European Arrest Warrants	Ministry of Justice in cooperation with Supreme Court, Supreme Public Prosecutor's Office, along with engagement of expert through TAIEX	Third quarter of 2016  First quarter of 2017	Budget  Expert support of DG JUST will be necessary to implement this measure	The Criminal Code adopted	/

***Recommendation 2 from the Screening Report – Judicial cooperation in criminal matters***

**OBJECTIVE:**

Establish the necessary institutions relevant to judicial cooperation in criminal matters to complete the institutional framework; enable direct



cooperation between Montenegrin courts and courts from third countries						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of results	Indicator of impact
5.2.8.	Adequately plan and enhance personnel capacities of the Ministry of Justice in the area of international judicial cooperation and legal assistance in criminal matters in accordance with recommendations from the Analysis – measure 5.2.2.	Ministry of Justice	As of first quarter of 2015	Budget  Note: in 2013, annual budget expenses for one employee amount EUR 9,720	Number of new working posts in the Ministry of Justice, for which the job description has been provided in accordance with recommendation from the Analysis – measure 5.2.2.  Number of newly employed persons	Number of employees increased for affairs regarding international judicial cooperation and legal assistance in criminal matters in comparison with the existing one
5.2.9.	Organise regular meetings of representatives of ministries of justice with whom Montenegro has signed bilateral agreements on international legal assistance in criminal	Ministry of Justice, in cooperation with ministries of justice from the region	As of January 2014, at least once a year	Budget EUR 4,520 per meeting for 4 persons (airplane ticket, 2 overnights, 2 daily fees for one person EUR 1,130)	Number of regional meetings held	Increased number of cases in which the direct cooperation between courts has been established  Quality of implementation of bilateral agreements improved

	<p>matters on the topic of application of bilateral</p> <p>Agreements envisaging direct cooperation of courts</p>					
<b>5.2.10.</b>	<p>Organise regional conferences on the topic of application of provisions of bilateral agreements envisaging direct cooperation of courts</p>	<p>Judicial Training Centre</p>	<p>As of January 2014, at least once a year</p>	<p>Budget</p> <p>EUR 16,000 (5 delegations, two persons each)</p> <p>Additional funds will be necessary for implementation of this measure; Montenegro will ask them through donations and bilateral cooperation projects</p>	<p>Number of regional conferences held</p>	<p>Increased number of cases in which the direct cooperation between courts has been established</p> <p>Quality of implementation of bilateral agreements has been improved</p>
<b>Recommendation 3 from the Screening Report – Judicial cooperation in criminal matters</b>						

OBJECTIVE:

Prepare and deliver training taking into account legislative developments when aligning legislation

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
5.2.11.	<p>Prepare the plan of education for judges and prosecutors, Ministry of Justice and officers of Police Administration on positive regulations from the area of international legal assistance in criminal matters, which includes trainings on provisions of ILACM, as well as provisions of multilateral and bilateral agreements from the area of ILACM</p> <p>Theme trainings for employees of ministries and judges concerning provisions defined by the following EU conventions and</p>	<p>Ministry of Justice in cooperation with Supreme Court, Supreme Public Prosecutor's Office, Judicial Training Centre and Police Academy, along with engagement of expert through TAIEX</p>	<p>December 2013</p>	<p>Budget EUR 9,720 (working group composed of six persons, two months of effective work)</p> <p>TAIEX expert for five working days – EUR 2,700</p>	<p>Education programme prepared</p> <p>Cluster included in the programme of work of Human Resources Administration and Judicial Training Centre, as well as Police Academy</p>	<p>/</p>

	<p>decrees:</p> <ul style="list-style-type: none"> <li>- European Convention on mutual provision of legal assistance in criminal matters, with accompanying protocols,</li> <li>- European Convention on extradition with accompanying protocol,</li> <li>- Convention on transfer of convicted persons,</li> <li>- European Convention on transfer of procedure,</li> <li>- Convention on simplified procedure of extradition between EU states,</li> <li>- Framework Decision 2002/584/JHA on European Arrest Warrant and procedure of transfer between</li> </ul>					
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	Member States - Convention from 2000 on mutual assistance in criminal matters between EU Member States, along with the Protocol					
<b>5.2.12.</b>	Organise trainings on the grounds of prepared plan	Judicial Training Centre and Police Academy for the needs of:  Ministry of Justice  Courts  Prosecutor's Offices  Police, along with engagement of expert	As of January 2014	Budget of the Centre  Note: one training for 20 persons – EUR 3,000  Foreign expert – EUR 1,500	Number and type of organised trainings  Number and structure of attendees  Media articles  Materials published at the websites of the ministries  Survey papers of participants	Administrative capacities of judicial authorities, Ministry of Justice and Police Administration enhanced and enabled for efficient implementation of international treaties and national regulations from the area of judicial cooperation and legal assistance in criminal matters
<b>Recommendation 4 from the Screening Report – Judicial cooperation in criminal matters</b>						
<b>OBJECTIVE</b>						

Ensure preparations to conclude a cooperation agreement with Eurojust, notably as regards personal data protection						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
5.2.13.	Organise the expert visit of representatives of EUROJUST to relevant institutions	Ministry of Justice, in cooperation with competent institutions	During 2014, depending on requests from EUROJUST	No funds required	Expert visit organised  Required information submitted	On the grounds of evaluation of conformity of national regulations and reports of expert mission, further necessary steps defined regarding signing of the Agreement
5.2.14.	Sign the Agreement on Cooperation with EUROJUST	Ministry of Justice	2015, depending on the opinion of EUROJUST	No funds required	Agreement signed	Results of implementation of the Agreement

## 6. POLICE COOPERATION AND FIGHT AGAINST ORGANISED CRIME

### 6.1. POLICE COOPERATION

#### STATE OF PLAY

Montenegro actively participates in regional cooperation in the area of law enforcement. Furthermore, Montenegro established practical cooperation with some of the EU Member States. As a result, several police operations were led in cooperation with bodies from EU Member States as well as other countries of the region, as well as with Interpol and Europol. Signing of the operational agreement with Europol is

planned as well as assignment of a liaison officer who would assist to intensify the cooperation with EU Member States.

- **INTERPOL** - Montenegro has been a fully-fledged member of INTERPOL as of 19 September 2006. International Law Enforcement Coordination Unit (ILECU) has been defined in the job classification documents of the Police Administration. It is at the same time the National Central Bureau of INTERPOL Podgorica. The Unit has 30 employees. NCB Interpol is connected to Interpol's database using the I-24/7 secure global police communications network, used for exchanging data with other member states of INTERPOL. NCB INTERPOL has installed the so-called MIND system at Montenegrin border crossing points, which is used for making checks directly in Interpol's databases. Cooperation via INTERPOL is intensive and continuous and aimed at exchanging data which are necessary to collect evidence against criminal offenders, exchanging evidence needed for court proceedings (mutual legal assistance), exchanging letters rogatory of competent public prosecutor's offices and organising joint police operations. Data are exchanged via the secure communications network, I-24/7.
- **EUROPOL** - on 19 September 2008, Montenegro signed a strategic cooperation agreement with EUROPOL, which was ratified in July 2009 by the Parliament of Montenegro in the form of a law (published in the Official Gazette of Montenegro - International Treaties 2/2009). In November 2010, a secure communication link was established, which was upgraded in April 2012 into SIENA communication link. In April 2012, Montenegro responded to additional EUROPOL questions as regards personal data protection. Therefore, Europol's Evaluation Team visited Montenegro in November 2012 and made an assessment on the spot whether prerequisites have been met to begin the process of signing the operational cooperation agreement- based upon which experts from Europol made report in April in 2013 and submitted it to Joint Supervisory Body for opinion i.e. to give recommendations to Europol for initiating the process of negotiating signing the Agreement on operative cooperation with Montenegro. As for cooperation, it takes place at a strategic level, through the secure communication link. Operational cooperation takes place via one of the member states of EUROPOL. Montenegro is currently conducting the process of selecting a liaison officer who will be seconded to Europol headquarters in The Hague, as soon as the necessary prerequisites have been met.
- **SELEC** - In 2011, Montenegro ratified the SELEC Convention at the Parliament of Montenegro, in the form of a law. Montenegro has had its own liaison officer in SELEC as of November 2009. As of July 2010 Montenegro has had established a protected communication link with SELEC. The national SELEC contact point (including the secure communication link) is the International Law Enforcement Coordination Unit. SELEC is used to exchange data, as well as organise joint police operations aimed at detecting specific crimes and prosecuting certain criminal groups that are the covered by that joint police operation. Data are exchanged via the SELEC communication link, liaison officers or during direct contacts at joint meetings.
- It is via **bilateral cooperation** (network of liaison officers) that data related to specific police operations are exchanged and investigative activities are coordinated in both countries in order to collect evidence in a timely manner and prosecute persons before competent courts and to exchange evidence or materials needed for forensic expertise.

Montenegro identified the key challenges in the implementation of the *acquis* in the field of police cooperation. Special attention and capacities are directed towards the implementation of the Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and crime with cross-border implications (Prüm Decision) and the Framework Decision 2006/960/JHA on simplifying the



exchange of information and intelligence between law enforcement authorities of the Member States of the European Union ("Swedish Initiative"). Moreover, the need has been recognised to sign the Operational Agreement on cooperation with EUROPOL and establish the SERENE Bureau.

#### LEGAL FRAMEWORK

Criminal Procedure Code, Criminal Code, Law on Internal Affairs, Law on Personal Data Protection, Law on Data Confidentiality, Law on Ratification of the Strategic Cooperation Agreement with Europol.

#### *Recommendation 1 from the Screening Report – Police Cooperation*

#### OBJECTIVES:

- put in place the necessary data protection standards to allow the smooth implementation of the operational agreement with Europol
- Sign the operational agreement with Europol
- Second a liaison officer to Europol headquarters in the Hague

No.	Measure/activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
6.1.1.	Engage EU experts for the purpose of drafting:  1. a situation analysis in terms of application of standards of personal data protection standards and data confidentiality (legislative, organisational, IT,	Ministry of Interior – Police Administration,  Police Academy	1. December 2013 2. February 2014	EUR 20,000 / Projects – external financing / Expert support (TAIEX)	1. Experts engaged. Analysis completed. 2. Proposal of measures prepared for enhancement of the situation regarding the protection of personal data and data	/

	<p>staff and procedural analysis)</p> <p>2. proposal of measures for drafting procedures, organisation of trainings and procurement of the missing equipment (computer, safety equipment, computer programs) for implementation of standards in the field of personal data protection</p>				confidentiality developed <sup>10</sup>	
<b>6.1.2.</b>	<p>Fulfil personal data protection standards on the basis of analysis done:</p> <p>1. drafting rulebooks on the form and contents of personal data records,</p>	<p>Ministry of Interior– Police Administration, Police Academy</p>	<p>1. September 2013 2. October 2013 3. October 2013 4. November 2013 5. September 2013 - Fourth</p>	<p>1. No additional expenses 2. No additional expenses 3. No additional</p>	<p>1. Rulebooks drafted on the form and contents of personal data records kept according to the Law on Internal</p>	<p>1. Number of information kept in personal data records 2. Number of deleted/updated information pursuant to the application of personal data</p>

<sup>10</sup> In conformity with EU regulation:

- **32009D0371** – COUNCIL DECISION of 6 April 2009 establishing the European Police Office (Europol) (2009/371/JHA)
- **32009D0934** - Council Decision 2009/934/JHA of 30 November 2009 adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information
- **32009D0935** - COUNCIL DECISION 2009/935/JHA of 30 November 2009 determining the list of third States and organisations with which Europol shall conclude agreements
- **32009D0968** - COUNCIL DECISION 2009/968/JHA of 30 November 2009 adopting the rules on the confidentiality of Europol information

	<p>according to the Law on Internal Affairs,</p> <ol style="list-style-type: none"> <li>2. amending procedures for handling<sup>11</sup> personal data</li> <li>3. drafting the Personal Data Protection Plan</li> <li>4. upgrading of computer programs for electronic records of personal data, and application of IT security standards<sup>12</sup>,</li> <li>5. organisation of continuous trainings for Police Administration staff regarding personal data protection.</li> </ol>		<p>quarter of 2017, continuously, at least once a year</p>	<p>expenses</p> <ol style="list-style-type: none"> <li>4. EUR 50,000 approx. /- budgetary funds</li> <li>5. EUR 20,000 year/ We will apply for external financing (TAIEX) and budgetary funds</li> </ol>	<p>Affairs</p> <ol style="list-style-type: none"> <li>2. Procedures developed for handling personal data (input, updating and deletion of personal data)</li> <li>3. Plan of Personal Data Protection drafted</li> <li>4. Computer programs developed for electronic keeping of all personal data databases, as well as for the automatic warning/deletion of personal data kept in electronic databases, after the expiration of statutory deadline for keeping data in the databases</li> <li>5. Plan of</li> </ol>	<p>protection standards, number of controls conducted concerning the confidentiality and protection of personal data, number of applications for examination/complaints of persons whose data are being processed, and number of rejected complaints/applications for examination.</p> <p>3.–</p> <p>4. Number of information/personal information stored in electronic form into applications for storage of personal data; number of information exchanged via Europol, which are stored into national databases via applications</p> <p>5. Number of unclassified and classified information exchanged with Europol (number</p>
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<sup>11</sup> In line with new Law on Personal Data Protection and the Law on Internal Affairs

<sup>12</sup> In line with new Law on Personal Data Protection and the Law on Internal Affairs

					continuous trainings of Police Administration staff drafted – programme of the Police Academy drafted	of information containing personal data), number of information stored into Europol's Analysis Work Files (AWF), number of joint police operations with Europol as a result of information exchanged via the AWF.
<b>6.1.3.</b>	Fulfil security standards defined by: <ul style="list-style-type: none"> <li>• Europol Instructions for network security-System Specific Security Requirements</li> <li>• Europol Security Manual</li> <li>• Europol Guidance for Security.</li> </ul>	Ministry of Interior – Police Administration, Directorate for Data Confidentiality	November 2013	Cca. EUR 20,000 / Application will be submitted for external financing - expert support (TAIEX)	Standards fulfilled – analysis of fulfilment of recommendations defined by Europol documents and standards-procedures applied in Montenegro drafted.	/
<b>6.1.4.</b>	Sign Operational Agreement on Cooperation with Europol (in order to exchange personal data) <sup>13</sup>	Ministry of Interior – Police Administration	By December 2013	No additional costs	Operational Agreement on Cooperation signed, Ratified by the Parliament,	Number of unclassified and classified information exchanged with Europol, number of information stored in analytical working files

<sup>13</sup> In conjunction with measure 219 of the national AP for the fight against organised crime and corruption

					Entered into force	of Europol (AWFs), number of joint police operations carried out with Europol as a result of exchanged information via AWF.
<b>6.1.5.</b>	Select and second a liaison officer to Europol's headquarters – Train the selected liaison officer before secondment to Europol	Ministry of Interior, Police Academy	By December 2013	EUR 80,000 / year, budgetary funds	Procedure for selection of liaison officer completed  Training of the liaison officer carried out according to the Europol Instructions on duties, skills and qualifications of liaison officers  Police liaison officer assigned to Europol – the Montenegrin Liaison Bureau established	Number of information exchanged via liaison officers. Number of joint cases - police operations initiated on the basis of direct data exchange between liaison officers at Europol with liaison officers of other states; number of information entered into Europol's Analysis Work Files (AWF) on the basis of engagement of liaison officers
<b>6.1.6.</b>	1. Join and actively participate in Europol's <sup>14</sup> Analysis Work Files (AWF)	Ministry of Interior – Police	1. January 2014, continuously <sup>15</sup> 2. January 2014	No additional expenses	1. Montenegro participates in Europol Analysis Work Files (AWF)	Number of information entered into Europol's analysis work files (AWF);

<sup>14</sup> In conjunction with measure 190 and 223 of national AP for the fight against organised crime and corruption

	2. Appoint – nominate a contact person who will have the role of the national coordinator for the AWF	Administration			<p>– concerning Southeast Europe (by submitting, analysing and using information from the AWF),<sup>16</sup></p> <p>2. The national coordinator for the AWF appointed – nominated</p>	number of information exchanged related to specific work files, number of criminal charges – persons and criminal organisations prosecuted, based on information obtained from the analytical work files (AWF) in Montenegro, and / or in one or more EU Member States.
<b>6.1.7.</b>	Deliver information to Europol via the Siena Link about the newly identified psychoactive substances	Ministry of Interior – Police Administration	January 2014, continuously <sup>17</sup>	No additional expenses	Number of submitted information compared to the number of newly identified psychoactive substances <sup>18</sup>	/
<b>6.1.8.</b>	Establish a secure	Ministry of	1. October 2013	1. No additional	Special programme	Established better and

<sup>15</sup> Participation in files, if needed

<sup>16</sup> In conformity with regulation **32009D0936** - COUNCIL DECISION 2009/936/JHA of 30 November 2009 adopting the implementing rules for Europol analysis work files

<sup>17</sup> After detecting a new psychoactive substance

<sup>18</sup> In conformity with the Council Decision 2005/387/JHA on the information exchange, risk assessment and control of new psychoactive substances

	<p>electronic communication network<sup>19</sup> for mutual access to data bases<sup>20</sup> and exchange of information between law enforcement agencies<sup>21</sup>, including Public Prosecution Office<sup>22</sup> by:</p> <ol style="list-style-type: none"> <li>1. drafting analysis with proposal of measures, in relation to the existing infrastructure and possibilities for access to data bases</li> <li>2. implementing measures for enabling access to data bases and exchange of information.</li> </ol>	<p>Interior – Police Administration</p> <p>Ministry of Justice</p> <p>Ministry for Information Society and Telecommunication</p> <p>Supreme Public Prosecutor's Office</p>	<p>2. First quarter of 2015</p>	<p>costs</p> <p>2. Cca. EUR 50,000/ budgetary financing</p>	<p>made which will enable access to data bases.</p> <p>Networking of data bases of all relevant bodies with Prosecution Office carried out.</p> <p>Improved existing technical conditions for access to data bases in competent bodies.</p> <p>Delivered trainings on use of data bases.</p> <p>Enabled access to data bases.</p> <p>- Report on work by Public Prosecution Office for the fight</p>	<p>more efficient inter-institutional cooperation (number of exchanged information, number of accesses to data bases, number of investigations for which network was used in order to access data bases and exchange information).</p>
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<sup>19</sup> In conjunction with measure 196 (so called ILECU Agreement) and 197 of national Action Plan for the fight against corruption and organised crime.

<sup>20</sup> Data bases of the Ministry of Interior, Tax Administration, Police Administration, Central Register of Commercial Companies, Port Administration, Customs Administration, Central Depository Agency, Securities Commission of Montenegro, Real Estate Administration, bank accounts of commercial banks, Administration for Prevention of Money Laundering and Terrorism Financing.

<sup>21</sup> Police Directorate, Tax Administration, Administration for Prevention of Money Laundering and Terrorism Financing, Customs Administration

<sup>22</sup> In conjunction with measure 6.2.23 of the Action Plan 24 and measures from 2.2.4.1 to 2.2.4.5 from the Action Plan 23

					<p>against organised crime, corruption, terrorism and war crimes.</p> <p>- Report of European Commission</p> <p>- Report of MONEYVAL</p>	
<b>6.1.9.</b>	<ol style="list-style-type: none"> <li>1. Define the Siena Link as the main channel for information exchange under the implementation of EU instruments (Prüm Decision, Swedish Initiative and ARO) governing cross border cooperation and information exchange</li> <li>2. Expand the Siena Link to other law enforcement agencies<sup>23</sup></li> </ol>	<p>Ministry of Interior – Police Administration,</p> <p>Customs Administration,</p> <p>Tax Administration,</p> <p>Administration for Prevention of Money Laundering and Terrorism Financing</p>	<ol style="list-style-type: none"> <li>1. First quarter of 2015</li> <li>2. First quarter of 2015</li> </ol>	<ol style="list-style-type: none"> <li>1. No additional expenses</li> <li>2. Cca. EUR 50,000 /budgetary financing</li> </ol>	<ol style="list-style-type: none"> <li>1. Siena Link defined as the main channel of communication</li> <li>2. Analysis made regarding the need for expanding the Siena Link to other law enforcement agencies; creating preconditions (legal procedural, technical) for the expansion of Siena</li> </ol> <p>Siena Link made</p>	<p>Number of exchanged information related to detecting crimes and identifying proceeds of criminals</p> <p>Number of information exchanged within application of the Prüm Decision, Swedish Initiative, ARO<sup>24</sup></p> <p>Number of information exchanged via Siena, by other law enforcement agencies Number of criminal charges against</p>

<sup>23</sup> Customs Administration, Tax Administration, Administration for Prevention of Money Laundering and Terrorism Financing

<sup>24</sup> After accession to the EU



					available for use by the defined law enforcement agencies	individuals - perpetrators, organised criminal groups, based on the information exchanged through e-Siena
<b>6.1.10.</b>	Define the role of the Europol Bureau in coordinating activities of the Montenegrin representatives at Europol (Steering Committee, Work Groups, meetings of ENU heads, etc.), by developing a Manual for international police cooperation <sup>25</sup>	Ministry of Interior – Police Administration	First quarter of 2015	No additional expenses	Manual – operational procedures for international police cooperation developed	
<b><i>Recommendation 2 from the Screening Report – Police cooperation</i></b>						
<b>OBJECTIVE:</b>						
Implement the necessary IT infrastructure for police cooperation, including analysis of costs, administrative resources, the budget and training needs						
<b>No.</b>	<b>Measure/activity</b>	<b>Responsible authority</b>	<b>Deadline</b>	<b>Required funds/ Source of</b>	<b>Indicator of result</b>	<b>Indicator of impact</b>

<sup>25</sup> This Rulebook defines procedures which are part of the unified procedure for international police cooperation

				financing		
6.1.11.	<p>1. Analyse the existing situation in relation to necessary resources for efficient international police cooperation:</p> <ul style="list-style-type: none"> <li>- equipment (computer and communication equipment)</li> <li>- human resources (needs analysis for increasing number of officers, needs analysis for trainings)</li> <li>-needs analysis for additional funds according to defined needs.<sup>26</sup></li> </ul> <p>2. Implement activities upon the basis of made</p>	Ministry of Interior – Police Administration	January 2014, continuously <sup>29</sup>	Source of financing will be defined after analysis. Costs evaluation amounts to cca. EUR 30,000 /annually (budgetary funds)	<p>Analysis made.</p> <p>Defined need for funds. Procured equipment for the Department, defined by the analysis as necessary.</p> <p>Equipment put into operation.</p> <p>Personnel recruited.</p> <p>Trainings delivered in line with needs analysis.</p>	/

<sup>26</sup> In conjunction with measure 156 and 224, National AP for the fight against corruption and organised crime

	<p>needs analysis:</p> <ul style="list-style-type: none"> <li>- equipment procurement<sup>27</sup></li> <li>- recruitment of lacking personnel<sup>28</sup></li> <li>- training of officers</li> </ul>					
<b>6.1.12</b>	<p>Amend the Decree on Police Representatives for the purpose of:</p> <ul style="list-style-type: none"> <li>- introducing the possibility for the police representatives to represent EU interests in third countries,</li> <li>- amending procedures of selecting police representatives in order to define the Director of</li> </ul>	Ministry of Interior – Police Administration	June 2014	No additional expenses	Decree amended so as to enable police representatives to represent EU interests in third countries <sup>30</sup>	Decree amended so as to enable police representatives to represent EU interests in third countries <sup>31</sup>

<sup>29</sup> At least once a year

<sup>27</sup> If analysis presents that procurement of equipment is necessary.

<sup>28</sup> If analysis presents that number of officers should be increased.

<sup>30</sup> Pursuant to Decision **32003D0170** - COUNCIL DECISION 2003/170/JHA of 27 February 2003 on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States

<sup>31</sup> After accession to the EU

	<p>police authorisation to conduct employment procedure and propose candidate for police representative,</p> <p>- defining authorisations of police for providing guidelines for the work of police representatives</p>					
<b>6.1.13</b>	<p>Draft operational procedures for the work of police representatives abroad<sup>32</sup></p>	<p>Ministry of Interior – Police Administration</p>	<p>First quarter of 2015</p>	<p>EUR 10,000 approximately/ we will apply for external financing / Expert assistance (TAIEX)</p>	<p>Experts engaged for assisting in drafting the procedures Operational procedures for the work of our police representatives abroad drafted</p>	<p>Number of information exchanged among liaison officers and police services of the host country Number of police investigations launched on the basis of information exchanged; number of prosecuted persons and criminal organisations, on the basis of information exchanged</p>
<b>6.1.14</b>	<p>Membership in the EU MSs liaison officers</p>	<p>Ministry of Interior – Police</p>	<p>Following accession to the</p>	<p>No additional costs</p>	<p>Montenegro member of the liaison officers' network of EU; active</p>	<p>Number of information exchanged with other liaison officers from EU</p>

<sup>32</sup> These procedures are a part of the unified procedure for international police cooperation

	network	Administration	EU		participation in the network, attending meetings of the network of liaison officers, implementation of guidelines defined at the EU level.	MS. Number of joint police operations as a result of exchange of information among liaison officers of EU MSs. <sup>33</sup>
<b>6.1.15</b>	<ol style="list-style-type: none"> <li>1. Expand Interpol's services – establish the FIND system and integrate it with the existing police databases<sup>34</sup></li> <li>2. Input all lost/stolen/invalid travel documents into Interpol's SLTD database</li> <li>3. Develop procedures to use the FIND system</li> <li>4. Establish a system for checking passengers on cruise ships and ships used for</li> </ol>	Ministry of Interior – Police Administration	<ol style="list-style-type: none"> <li>1. September 2013</li> <li>2. 2013, continuously<sup>35</sup></li> <li>3. Third quarter of 2013</li> <li>4. First quarter of 2015</li> <li>5. First quarter of 2014</li> </ol>	<ol style="list-style-type: none"> <li>1. EUR 50,000 approx. / we will apply for external financing (Interpol), budgetary funds</li> <li>2. No additional expenses</li> <li>3. EUR 10,000 approximately/ we will apply for external financing / Expert</li> </ol>	<ol style="list-style-type: none"> <li>1. FIND system implemented missing equipment procured and put into operation  The necessary computer programs developed</li> <li>2. Automatic input of all invalid documents into Interpol's SLTD database<sup>36</sup></li> </ol>	Number of persons/vehicles/documents entered into Interpol's database, number of checks of persons/vehicles/documents, number of hits, number of wanted persons located, number of sought vehicles located

<sup>33</sup> After accession to the EU

<sup>34</sup> In conjunction with measure of 194 and 195 of the national Action Plan for the fight against corruption and organised crime

<sup>35</sup> Data entry after their identification

<sup>36</sup> Pursuant to COUNCIL common position EU 2005/69/JHA of 24/01/2005 on exchanging certain data with Interpol

	<p>pleasure voyages (Interpol's batch searches)</p> <p>5. Expand the FIND system to the private sector</p>			<p>assistance (TAIEX, INTERPOL)</p> <p>4. EUR 10,000 approximately/ we will apply for external financing / Expert assistance (INTERPOL)</p> <p>5. No additional expenses</p>	<p>3. Procedure for the use of the FIND system developed</p> <p>4. System for checking passengers on cruise ships and ships used for pleasure voyages established; number of checks carried out at border crossing points</p> <p>5. FIND system connected to the private sector for the purpose of checking documents and vehicles</p>	
<b>6.1.16</b>	<p>Upgrade and networking with the existing applications at the MoI and develop new applications:</p> <p>1. Upgrade the application <i>InfoStream</i> (crime intelligence system application), in view</p>	<p>Ministry of Interior – Police Administration</p>	<p>1. First quarter of 2015</p> <p>2. First quarter of 2015</p> <p>3. December 2014</p>	<p>EUR 50,000 approximately/ we will apply for external financing - -/ Expert assistance (TAIEX)/IPA 2, budgetary</p>	<p>The existing applications upgraded:</p> <p>1. Case management put into use</p> <p>2. Database of wanted persons, vehicles and items connected</p>	<p>1. Number of information entered into Infostream through the case management application, number of matching information obtained via international police cooperation, entered into Infostream, number of information</p>

	<p>of interconnecting with the case management application</p> <p>2. Upgrade the application for wanted persons, vehicles and items (<i>Potražna</i>) and its interconnecting with the FIND and case management applications.</p> <p>3. Network the Division for International Police Cooperation with AFIS in Forensic Centre<sup>37</sup></p>			funds	<p>to the FIND and case management application</p> <p>3. Installed AFIS application in the Division for International Police Cooperation, interconnected with AFIS central base in Forensic Centre.</p>	<p>from the case management application that were useful to prosecute persons and organised criminal groups</p> <p>2. Number of wanted persons found in Montenegro, number of persons wanted by Montenegro found abroad, number of wanted persons entered into the national wanted persons database, number of persons extradited from Montenegro and extradited to Montenegro</p> <p>3. Number of checks through AFIS, number of hits, number of established identities of persons.</p>
<b>6.1.17</b>	Establish the duty 24/7 service needed for international police cooperation	Ministry of Interior – Police Administration	<p>1. December 2013</p> <p>2. December 2013</p>	EUR 12,000 / year, budgetary funds	<p>1. positions laid down by the job classification act filled in; work of international</p>	Number of employees engaged in the work of the duty service for international police

<sup>37</sup> In conjunction with measure 225 from the national Action Plan for the fight against corruption and organised crime

	<ol style="list-style-type: none"> <li>1. Fill in positions laid down by the job classification act<sup>38</sup></li> <li>2. Draft instructions for the work of the 24/7 duty service as a part of the Manual for International Police Cooperation<sup>39</sup></li> </ol>				<ol style="list-style-type: none"> <li>1. police cooperation organised according to the 24/7 principle</li> <li>2. Instructions for the work of the 24/7 service drafted</li> </ol>	cooperation, number of information exchanged outside standard working hours, number of cases acted upon outside standard working hours
<b>6.1.18</b>	<p>Train staff in the field of international police cooperation related to:</p> <ul style="list-style-type: none"> <li>• Use of Interpol 's databases</li> <li>• Use of Europol 's databases</li> <li>• Introducing new data exchange systems (I-link, Siena, SIS, Prum)</li> <li>• Personal data protection standards and data confidentiality</li> <li>• Working with Europol's Analysis Work Files</li> <li>• Access to the</li> </ul>	Police Academy,  Ministry of Interior – Police Administration	January 2014, continuously <sup>40</sup>	EUR 20,000 / year we will apply for external financing (TAIEX) / budgetary funds	<p>Training plan finalised</p> <p>Trainings organised at the national and international level</p> <p>Standard trainings and e-learning trainings carried out</p> <p>Number of organised trainings by comparison with the number of planned trainings</p> <p>Number of trained employees by comparison with the</p>	Number of exchanged information via Interpol, Schengen and Europol, number of data entered into Interpol's, Europol and the Schengen database, number of hits in the databases of Interpol, Europol and Schengen, number of persons deprived of liberty on the basis of conducted target searches, number of organised international police operations, number of implemented measures on the basis of

<sup>38</sup> In conjunction with measure 177 of the national Action Plan for the fight against corruption and organised crime

<sup>39</sup> These procedures are a part of the unified procedure for international police cooperation

<sup>40</sup> At least once a year



	Schengen Information System <ul style="list-style-type: none"> <li>conducting targeted searches and extraditions of persons</li> <li>foreign languages</li> </ul>				number of employees who were planned to attend trainings – periodic testing of employees	hits in databases
<b>Recommendation 3 from the Screening Report – Police cooperation</b>						
<b>OBJECTIVE</b>						
Participate in cooperation on issues such as security of football matches, vehicle crime, and the protection of public figures						
No.	Measure/activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
<b>6.1.19</b>	<ol style="list-style-type: none"> <li>Establish a national contact point (NCP) for football matches</li> <li>Train the NCP staff for international cooperation (foreign language courses)</li> <li>Inform the Council of the EU about the NCP's establishment</li> </ol>	Ministry of Interior – Police Administration,  Human Resources Administration,  Police Academy	<ol style="list-style-type: none"> <li>December 2014</li> <li>January 2014 – II half of 2019,</li> <li>Following accession to the EU</li> </ol>	<ol style="list-style-type: none"> <li>No additional expenses</li> <li>EUR 10,000 / year, budgetary funds</li> <li>No additional expenses</li> </ol>	<ol style="list-style-type: none"> <li>National contact point (NCP) established<sup>41</sup></li> <li>Number of trainings, number of NCP employees speaking a foreign language, by comparison with the total number of NCP staff</li> </ol>	Number of information exchanged between the national contact point and the NCPs of other EU MSs; number of organised joint activities related to football matches

<sup>41</sup> Pursuant to **32002D0348** - Council Decision of 25 April 2002 concerning security in connection with football matches with an international dimension

					3. Notification submitted to the Council Secretariat regarding establishment of the NCP	
<b>6.1.20</b>	<ol style="list-style-type: none"> <li>1. Establish a national contact point (NCP) for the protection of public figures</li> <li>2. Train the NCP staff for international cooperation (foreign language courses)</li> <li>3. Inform the Council of the European Union of NCP's establishment</li> </ol>	<p>Ministry of Interior – Police Administration, Police Academy</p>	<ol style="list-style-type: none"> <li>1. December 2014</li> <li>2. January 2014 – II half of 2019,</li> <li>3. December 2014</li> </ol>	<ol style="list-style-type: none"> <li>1. No additional expenses</li> <li>2. EUR 10,000 / year, budgetary funds</li> <li>3. No additional expenses</li> </ol>	<ol style="list-style-type: none"> <li>1. National contact point (NCP) established<sup>42</sup></li> <li>2. Number of trainings, number of NCP staff speaking a foreign language, by comparison with the total number of NCP staff</li> <li>3. Notification regarding the establishment of the NCP submitted to the General Secretariat of the Council of the European Union</li> </ol>	Number of information exchanged between the national contact point and NCP of other EU MSs; number of joint activities organised, related to the protection of protected figures
<b>6.1.21</b>	Establish a national contact point (NCP) for	Ministry of Interior – Police	Following accession to the	No additional expenses	National contact point established <sup>43</sup>	Number of information exchanged among NCPs

<sup>42</sup> Pursuant to the decision **32002D0956** - Council Decision of 28 November 2002 setting up a European Network for the Protection of Public Figures

	cross-border vehicle crime	Administration	EU			of EU MSs in relation to criminal offences related to motor vehicles Number of prosecuted persons/criminal organisations on the basis of information exchanged for motor vehicle-related offences, number of vehicles found on the basis of information exchanged via the NCP and entries/queries into available databases (Interpol, SIS II)
<b>6.1.22</b>	Define procedures <sup>44</sup> for automatic simultaneous checks of national, SIS and Interpol's stolen vehicle databases  1. authorise the services dealing with registration of motor vehicles to access the	Ministry of Interior – Police Administration	1. First quarter of 2015 (for SIS II –after joining Schengen) 2. First quarter of 2015 (for SIS II -mid 2018)	1. EUR 10,000 approx./ we will apply for external financing - expert assistance (TAIEX) 2. EUR 10,000 approx./ we will apply	1. Procedures for automatic simultaneous checks of national, SIS and Interpol's stolen vehicle databases defined Unit dealing with registration of vehicles	Number of vehicles entered into Interpol's and SIS II database, number of vehicles checked, number of hits, number of sought vehicles which were located, number of information exchanged on the basis of hits into

<sup>43</sup> Pursuant to the decision **32004D0919** - Council Decision 2004/919/EC of 22 December 2004 on tackling vehicle crime with cross-border implications

<sup>44</sup> Manual for International Police Cooperation will contain all individual operational procedures related to international police cooperation

	<p>databases</p> <p>2. define procedures and workflow for exchange of additional information following hits (define rights and obligations)</p>			<p>for external financing - expert assistance (TAIEX)</p>	<p>authorised to access Interpol 's and SIS databases in order to check vehicles,</p> <p>2. Work procedure defined following confirmation that the concerned vehicle is sought after – defining rights and obligations</p>	<p>Interpol 's and SIS II database</p>
<b>6.1.23</b>	<p>Upgrade the national information system for the purpose of automatic synchronisation of national and Schengen / Interpol database of stolen vehicles when entering / cancelling a vehicle search</p>	<p>Ministry of Interior – Police Administration</p>	<p>First quarter of 2015  (II half of 2018 for SIS II)</p>	<p>EUR 20,000 approximately (for Interpol)/ we will apply for external financing <sup>45</sup></p>	<p>National information system which enables simultaneous checks of all available international databases of stolen vehicles upgraded (in the background of the national application used by the end-user)</p>	<p>Number of automatic entries/cancellation of searches of vehicles in Interpol's and SIS II databases, number of vehicles found on the basis of searches entered</p>

<sup>45</sup> The funds necessary for synchronisation with SIS II system will be ascertained in a timely manner

<b>6.1.24</b>	Define procedures and workflow for automatic withdrawal and cancellation of vehicle documents and licence plates in cases of forging VINs (vehicle identification numbers)	Ministry of Interior – Police Administration	First quarter of 2015	No additional expenses	Procedures defined – manner defined for exchange of information between the Ministry of Interior and the Police Administration; Procedures applied	Number of vehicle documents/licence plates which were cancelled due to forged VIN, number of annulled vehicle documents
<b>OBJECTIVE:</b>						
Implement the Prüm Decision						
<b>No.</b>	<b>Measure/activity</b>	<b>Responsible authority</b>	<b>Deadline</b>	<b>Required funds/ Source of financing</b>	<b>Indicator of result</b>	<b>Indicator of impact</b>
<b>6.1.25</b>	Establish a working group for implementation of the Prüm Decision and engage an expert in order to: <sup>46</sup>  1. Analyse the situation with regard to databases	Ministry of Interior – Police Administration	1. March 2014 2. March 2014 3. December 2014 4. First quarter of 2015 5. First quarter of 2015 6. First quarter of 2015 7. First quarter of	1. EUR 10,000 / we will apply for external financing / Expert assistance (TAIEX) 2. EUR 10,000 / we will	Working group established; EU expert engaged:  1. Situation analysis made – report with recommendations prepared 2. Situation	1. / 2. / 3. Number of checks of databases of DNA and fingerprints (via AFIS and CODIS), number of hits, number of persons identified, number of additional information

<sup>46</sup> Pursuant to Council Decision 2008/615/JHA and 2008/616/JHA

	<p>of DNA, fingerprints and motor vehicles and possibility of exchanging those data under the Prüm Decision:</p> <ol style="list-style-type: none"> <li>a. Existence of AFIS system</li> <li>b. Existence of CODIS system</li> </ol> <p>2. Analyse the IT system as regards its adaptability for meeting commitments arising from the Prüm Decision</p> <p>3. Implement recommendations given in the analysis:</p> <ul style="list-style-type: none"> <li>• procurement of equipment, AFIS, CODIS,</li> <li>• organisation of trainings for the use of CODIS and AFIS,</li> <li>• development of computer programs,</li> <li>• establishment of secure communication links,</li> </ul>		<p>2015</p> <p>8. First half of 2017</p> <p>9. Following accession to the EU</p> <p>10. Following accession to the EU</p> <p>10 Following accession to the EU</p> <p>11 Second quarter of 2015, continuously (quarterly)</p> <p>12 Third quarter of 2015</p>	<p>apply for external financing / expert assistance (TAIEX)</p> <p>3. Expenses will be assessed after the development of analysis</p> <p>4. EUR 10,000 approximately/ we will apply for external financing (TAIEX) / budgetary funds</p> <p>5. No additional expenses</p> <p>6. EUR 10,000 approximately/ we will apply for external financing - (TAIEX) / budgetary</p>	<p>analysis made – report with recommendations prepared</p> <p>3. Recommendations from the analysis implemented (CODIS procured and put into operation, number of organised trainings for the use of CODIS and system, efficient AFIS system established, number of trainings for the AFIS system)</p> <p>4. Contact points for DNA and fingerprints designated; , number of trainings conducted for the NCP</p> <p>5. Contact points for exchange of</p>	<p>exchanged after a hit in DNA and fingerprints databases, number of persons prosecuted after being identified on the basis of checks made in the DNA and fingerprints databases, number of joint police activities conducted pursuant to the Prüm Decision</p>
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	<ul style="list-style-type: none"> <li>• define procedures</li> </ul> <ol style="list-style-type: none"> <li>4. Designate contact points for exchange of data on DNA and fingerprints             <ol style="list-style-type: none"> <li>a. organise trainings for the NCP</li> </ol> </li> <li>5. Designate a contact point for exchange of additional information following hits in the foreign databases of DNAs or fingerprints</li> <li>6. Designate a contact point for exchange of data on motor vehicles' owners             <ol style="list-style-type: none"> <li>a. Organise trainings for the NCP</li> </ol> </li> <li>7. Designate contact points for cooperation under the Prüm Decision according to other Articles of the Council Decision             <ol style="list-style-type: none"> <li>a. Organise a training for the NCP</li> </ol> </li> <li>8. Develop a legal</li> </ol>			<p>funds</p> <ol style="list-style-type: none"> <li>7. EUR 20,000 approximately/ we will apply for external financing - (TAIEX) / budgetary funds</li> <li>8. No additional expenses</li> <li>9. No additional expenses</li> <li>10. No additional expenses</li> <li>11. No additional expenses</li> <li>12. EUR 10,000 approximately/ we will apply for external financing - expert assistance (TAIEX)</li> <li>13. Expenses will be</li> </ol>	<p>additional information on the basis of DNA and fingerprints hits designated</p> <ol style="list-style-type: none"> <li>6. Contact point for exchange of data on motor vehicles owners designated, number of organised trainings for the NCP</li> <li>7. Contact point designated for data exchange with regard to other Articles of the Prüm Decision, number of trainings organised for the NCP</li> <li>8. Legal document (decree) for implementation of the Council of the European Union's Decision developed</li> <li>9. Statements on</li> </ol>	
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	<p>document (decree) for implementation of the Council Decision</p> <p>9. Prepare a statement on the meeting of obligations arising from Article 36(2) of the Council Decision 2008/615/JHA<sup>47</sup></p> <p>10. Send the statement on the register of data on DNA, fingerprints and motor vehicle owners<sup>48</sup></p> <p>11. Sending the statement on national contact points via the Council's General Secretariat<sup>49</sup></p> <p>12. Evaluate implementation of recommendations</p> <p>13. Implement recommendations from the evaluation report</p>			<p>assessed after evaluation of implementation of recommendations</p>	<p>obligations met, registrations of databases and national contact points submitted</p> <p>10. Statement on the register of DNA, fingerprints and motor vehicle owners submitted to the competent EU authority</p> <p>11. Statement on national contact points sent to the Council of the European Union's General Secretariat</p> <p>12. Periodic evaluation of implementation of recommendations made – additional</p>	
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<sup>47</sup> Implementation of the decision, which enables data exchange

<sup>48</sup> Pursuant to obligations concerning the meeting of standards from 36(2) Article of the Council Decision 2008/615/JHA

<sup>49</sup> Council Document 6077/11 JAI 72 DAPIX 5 ENFOPOL 19 CRIMORG 6



					recommendations given 13. Recommendations from the evaluation reports met – activities concerning additional recommendations completed	
<b>6.1.26</b>	Define procedures <sup>50</sup> for exchange of data with regard to:  1. Public order (Major Events) 2. Terrorism 3. Joint operations to be conducted <sup>51</sup> 4. Other forms of cross-border cooperation	Ministry of Interior – Police Administration	First quarter of 2015	No additional expenses	Procedure for exchange of data defined in accordance with the Council of the European Union Decisions <sup>52</sup>	Number of information exchanged, number of persons and OCGs prosecuted, who were identified on the basis of information exchange, number of joint police operations conducted (on the basis of Prüm)
<b><i>Obligations assumed at the bilateral screening</i></b>						
<b>OBJECTIVE:</b>						
Implement the Swedish Initiative (define standards and operational procedures in international police cooperation)						
<b>No.</b>	<b>Measure/activity</b>	<b>Responsible authority</b>	<b>Deadline</b>	<b>Required funds/</b>	<b>Indicator of result</b>	<b>Indicator of impact</b>

<sup>50</sup> These procedures are a part of the unified procedure for international police cooperation

<sup>51</sup> In conjunction with measure 220 of the national Action Plan for the fight against corruption and organised crime

<sup>52</sup> Pursuant to Council Decision EU 2008/615/JHA (2008/616/JHA) of 23/06/2008

				Source of financing		
<b>6.1.27</b>	<p>Establish a working group for implementation of the Swedish Initiative (Council Decision 2006/960/JHA):</p> <ol style="list-style-type: none"> <li>1. Situation analysis with regard to »Data availability, Accessibility and Reciprocity«</li> <li>2. Designate contact points (Police, Customs Administration, Public Prosecution Office) <ol style="list-style-type: none"> <li>a. Designate the International Law Enforcement Coordination Unit as a contact point in the Police Administration</li> </ol> </li> <li>3. Introduce 24/7 in contact points (access to all databases owned by</li> </ol>	<p>Ministry of Interior – Police Administration, Customs Administration, Public Prosecutor’s Office</p>	<ol style="list-style-type: none"> <li>1. December 2014</li> <li>2. Fourth quarter of 2015</li> <li>3. Fourth quarter of 2015</li> <li>4. Following accession to the EU</li> <li>5. Following accession to the EU</li> <li>6. Following accession to the EU</li> <li>7. Fourth quarter of 2016</li> <li>8. Following accession to the EU</li> <li>9. First quarter of 2015</li> <li>10. First half of 2017</li> </ol>	<ol style="list-style-type: none"> <li>1. EUR 10,000/ we will apply for external financing (TAIEX)</li> <li>2. No additional expenses</li> <li>3. EUR 100,000 approx. / budget funds</li> <li>4. No additional expenses</li> <li>5. No additional expenses</li> <li>6. No additional expenses</li> <li>7. No additional expenses</li> <li>8. No</li> </ol>	<p>Working group established:</p> <ol style="list-style-type: none"> <li>1. Situation analysed and a proposal of measures given</li> <li>2. Contact points in Police, Customs Administration, Public Prosecution Office designated</li> <li>3. 24/7 work introduced in all contact points</li> <li>4. Statement sent to the Council of the European Union</li> <li>5. Statement sent to the Council of the European Union</li> <li>6. All agreements to be implemented at the national level, following</li> </ol>	<p>Number of information exchanged while respecting the Swedish Initiative standards; number of information (incoming/outgoing) adhering to the deadlines of the Swedish Initiative; number of information exchanged via SIENA</p>

	<p>or available to contact authorities – Police, Customs Administration, Public Prosecution Office)</p> <p>4. Submit a statement to the Council of the European Union and to the Commission on contact points<sup>53</sup></p> <p>5. Submit a statement to the Council of the European Union and to the Commission on the contact point for exchange of urgent information and data (Division for International Police Cooperation)<sup>54</sup></p> <p>6. Specify all agreements which</p>			<p>additional expenses</p> <p>9. No additional expenses</p> <p>10. No additional expenses</p>	<p>implementation of the Swedish Initiative, defined; statement on agreements whose implementation will continue sent to the Council of the European Union</p> <p>7. Legal document adopted concerning the simplification of information exchange between contact points and the EU member states</p> <p>8. Copy of the legal document transposing the Swedish Initiative into the national</p>	
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<sup>53</sup>Pursuant to Article 2(a), 11136/08 CRIMORG 97 ENFOPOL 126 COMIX 522 ENFOCUSTOM 68 (Police, Customs

<sup>54</sup>Pursuant to Article 6 11136/08 CRIMORG 97 ENFOPOL 126 COMIX 522 ENFOCUSTOM 68

	<p>will continue to be applied and send a statement to the Council of the European Union on agreements that Montenegro will continue to apply<sup>55</sup></p> <p>7. Transpose into the national legislation the Council Framework Decision on simplifying the exchange of information and intelligence between contact points in Montenegro and the responsible authorities of the EU Member States</p> <p>8. Send a copy of articles transposing the "Swedish Framework</p>				<p>legislation, sent</p> <p>9. Decision taken to use SIENA as a channel for information exchange in accordance with the Swedish Initiative</p> <p>10. Analysis of recommendations implemented; relation between the proposed and implemented measures</p>	
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<sup>55</sup>Pursuant to Article 12 (6) published in Council of the European Union's document 11136/08 CRIMORG 97 ENFOPOL 126 COMIX 522 ENFOCUSTOM 68

	Decision" into the national legislation 9. Designate SIENA as a channel for exchange of information and data 10. Implement adopted documents, mechanisms and procedures					
<b>6.1.28</b>	Define operational procedures for international police cooperation by developing a manual (instructions) for international police cooperation <sup>56</sup>	Ministry of Interior – Police Administration	First quarter of 2015	EUR 10,000 approximately/ we will apply for external financing – projects – external financing (TAIEX)	Operational procedure adopted <sup>57</sup>	Number of information exchanged, number of joint international police activities conducted, number of entries of data into the available databases (Interpol, SIS II <sup>58</sup> , Europol), number of persons and OCGs prosecuted on the grounds of international police cooperation
<b>6.1.29</b>	1. Develop a "case	Ministry of	1. July 2014	1. EUR 25,000	1. Case	Number of cases entered

<sup>56</sup>This Manual will contain all individual operational procedures related to international police cooperation

<sup>57</sup>In accordance with the standards from Council Framework Decision 32006F0960

<sup>58</sup>After establishment of the SIS II

	<p>management" application for the entire operational police cooperation</p> <ol style="list-style-type: none"> <li>2. Connect the application to the single crime intelligence system<sup>59</sup></li> <li>3. Determine the form of the request to be used for international police cooperation – integration into the case management application</li> <li>4. Analyse, develop plan and connect all police units through the single electronic protected network (INTRANET) for the purpose of enabling exchange of data up to the "confidential"<sup>60</sup> level</li> </ol>	<p>Interior – Police Administration, Directorate for Data Confidentiality, Police Academy</p>	<ol style="list-style-type: none"> <li>2. First quarter of 2015</li> <li>3. December 2014</li> <li>4. First quarter of 2015</li> <li>5. March 2014</li> </ol>	<p>/ we will apply for external financing – projects – external financing</p> <ol style="list-style-type: none"> <li>2. EUR 30,000 / we will apply for external financing – external financing (IPA 2, budgetary funds)</li> <li>3. No additional expenses</li> <li>4. EUR 100,000 approximately/ we will apply for external</li> </ol>	<p>management application developed<sup>61</sup></p> <ol style="list-style-type: none"> <li>2. Application connected to the crime intelligence system for the purpose of storing data</li> <li>3. Form of the request defined<sup>62</sup></li> <li>4. Intranet developed – information exchange through electronic protected channel at the level of the Mol</li> <li>5. Training plan developed Number of organised trainings, number of employees</li> </ol>	<p>into the case management application, number of information entered, number of information/cases transferred from the application into the crime intelligence system (Infostream), number of information exchanged via the INTRANET, number of queries into the available databases via the INTRANET</p>
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<sup>59</sup> In conjunction with measure 6.2.41 of AP 24

<sup>60</sup> In conjunction with measure 6.2.19 of AP 24

<sup>61</sup> In conformity with Council Framework Decision 2006/960/JHA of 18/12/2006

	5. Train employees that will use the case management application			financing – Projects, Expert assistance (IPA 2, budgetary funds) 5. EUR 10,000 / budgetary funds	who have undergone the trainings	
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## 6.2. FIGHT AGAINST ORGANISED CRIME

### STATE OF PLAY

Regarding fight against organised crime, Montenegro strengthened its legal framework. Still, it is important to continue to work on harmonisation of legislation. Also, Montenegro must improve provisions on use of special investigative measures.

Montenegro actively participates in development of and strengthening regional cooperation for efficient and quality law enforcement. Also, it established practical cooperation with some of the EU member states. As a result, several police operations were conducted in cooperation with bodies from the EU member states, as well as with other countries from the region, then with Interpol and Europol. Special emphasis will be given to achieving results in investigations, criminal prosecution and verdicts.

Model “**Intelligence Led Policing**”(ILP) is carried out in police and capacities of the relevant department are strengthened. The first annual operational Activity Plan of the fight against organised crime was adopted in 2012. It has introduced operational measures and indicators in line with priorities identified in the Organised Crime Threat Assessment (OCTA). OCTA classified version was submitted to the Prosecution Office at the end of 2012.

<sup>62</sup>In accordance with the standards from Council Framework Decision 2006/960/JHA of 18/12/2006

Further capacity strengthening in the area of intelligence led policing, application of measures of secret surveillance and deployment of undercover officers will be continued within the period 2013-2015 in partnership with EU through approved project IPA2012. Within the area of “Witness protection in the fight against organised crime and corruption“, activities are carried out through continuation of regional project WINPRO II, for a period of 36 months, from the beginning of January 2013.

Basis for actions in this area is included in: Criminal Procedure Code, Criminal Code, Law on Internal Affairs, Law on Personal Data Protection, Law on Data Secrecy, and Law on DNA, Law on Management of Temporarily and Permanently Seized Assets, Law on Witness Protection, Law on Criminal Liability of Legal Persons. Besides the existing legal framework and planned activities in this area, the basis for actions are included also in:

- Strategy for Fight against Organised Crime and Corruption 2011 – 2016 (link: [www.antikorupcija.me](http://www.antikorupcija.me)),
- Strategy for Fight against Terrorism, Financing Terrorism and Money Laundering 2011 – 2016 (link: [www.mod.gov.me](http://www.mod.gov.me)) and
- Strategy for Fight against Trafficking in Human Beings 2011-2016 (link: [www.antikorupcija.me](http://www.antikorupcija.me)).

Regarding the area of the **fight against money laundering**, after evaluation of the system for prevention of money laundering and terrorism financing in Montenegro, Experts Commission of the Council of Europe in charge of evaluating measures for suppression of money laundering and terrorism financing MONEYVAL, in their joint evaluation report (MER), adopted at 29 plenary session in March 2009, it was assessed that Montenegrin legislation has been fully harmonised with 9, to large extent with 18, partially with 14, and not harmonised with 8 FATF recommendations.

In order to carry out MONEYVAL recommendations referring to amendments to the national legislation in the area of suppression of money laundering and terrorism financing , on 7 March 2012, it was adopted **the Law on Amendments to the Law on Prevention of Money Laundering and Terrorism Financing**. Adopted amendments to the Law on Prevention of Money Laundering and Terrorism Financing have introduced novelties such as: *obligation of financial institutions to undertake measures in relation to new technologies (Internet banking, use of ATMs, telephone banking etc.), prohibition to make transaction if an evidence about client cannot be obtained; the issue of electronic money transaction is regulated; also, it established the necessity to pay attention to unusual transactions; sports organisations were introduced as reporting entity; then, competent administration body publishes on its website the List of Countries which do not apply FATF recommendations, as well as List of Countries which apply standards at the same or higher level than EU standards; precise definitions of actual owner, politically exposed person and their close associate (obligation to regularly update list of politically exposed persons at the website of the Administration is introduced) were*



*provided.*

- Within the penalty provisions of the Law, more severe punishments are provided for and their amount is expressed in EUR. The prescribed fines range from EUR 2,500 to EUR 20,000. Also, in cases of especially severe violations or repetition of violation of this Law, there is a possibility to impose prohibition to perform activities of legal person or entrepreneurs.
- Besides, Criminal Code of Montenegro has been amended, especially regarding definitions of criminal offences such as money laundering and terrorism financing, as well as other criminal offences in line with international standards. Articles of Criminal Code referring to material conditions for seizure of assets in extended duration were also amended.

Experts Commission of the Council of Europe for evaluation of measures for suppression of money-laundering and terrorism financing (MONEYVAL), at 38 plenary session held within the period from 5 to 9 March 2012, adopted the Second Report of III Round of evaluation of progress of Montenegro in the area of suppression of money laundering and terrorism financing. The mentioned report was adopted but obliged Montenegro to remove lacks in legislation in the part referring to:

- harmonisation of definition of criminal offence of *money laundering* as well as criminal offences of *insider trade* and *market manipulation*;
- amendments to provision referring to extraterritoriality;
- incriminating criminal offence of terrorism financing; establishment of public mechanism for implementation of S/RES/1373 (2001) in order to mark terrorists at the national level;
- the issue of checking identity and monitoring business operations of clients (CDD) – the Law on Prevention of Money Laundering and Terrorism Financing should be amended so as to require from reporting entities to check if persons, claiming to make business (act) on behalf of a client, have authorisation to act on behalf of client;
- establish procedures in order to remove limitations of commercial register; the Law on Prevention of Money Laundering and Terrorism Financing should be amended so as to fully encompass all categories from Criterion 5.8 (non-resident clients, private banking, legal persons or arrangements such as trusts)
- introduce special clause in the Law on Prevention of Money Laundering and Terrorism Financing requiring from reporting entities to reconsider submission of report on suspicious transactions (STR) in circumstances when they were not able to carry out appropriate check of identity and monitoring of client operations;
- Keeping record – to amend the Law on Prevention of Money Laundering and Terrorism Financing in order to define obligation that record kept on transactions contain sufficient data in order to enable making reconstruction of individual transaction.

With the reference to the above mentioned, amendments to Criminal Code as well as drafting new Law on Prevention of Money Laundering and Terrorism Financing will be carried out in future period. Analysis of Montenegrin legislation had already been made by experts of MONEYVAL

(Committee of the Council of Europe), the European Commission and the EU (Peer Review Mission) and mentioned amendments will be aligned with their recommendations to the fullest extent possible.

Montenegro has to date adopted and incorporated in its legislative framework the UN Convention against Transnational Organised Crime (2000) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, ratified the Council of Europe Convention on Action against Trafficking in Human Beings, the UN Convention on the Rights of the Child and both protocols (Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Optional protocol on the Involvement of Children in Armed Conflict).

The Constitution of Montenegro in Article 9 provides that ratified and published international agreements and generally accepted rules of international law make an integral part of the internal legal order and have the supremacy over the national legislation and apply directly when they regulate relations in a manner different than the national legislation.

Regarding the area of fight **against trafficking in human beings**, according to evaluation of national and international subjects, Montenegro is recognised as transit country, less as country of origin and final destination for victims of trafficking in human beings. Established normative framework, enabling efficient criminal prosecution and punishment of perpetrators of criminal offence of trafficking in human beings/children and providing support and protection to victims of trafficking in human beings/children in Montenegro, is a result of a long-term reform and harmonisation with the relevant international standards. The most important legal regulations on this issue are: Criminal Code, Criminal Procedure Code, Law on Witness Protection, Law on Free Legal Assistance, Law on Foreigners, Law on Mutual Legal Assistance in Criminal Matters, Law on Personal Data Protection, Law on Treatment of Minors in Criminal Procedure, Law on Liability of Legal Persons in Criminal Offences as well as Protocol on Cooperation with Montenegrin Employers Federation, Codes of Conduct for Protection of Minors from Sexual Exploitation in Travel and Tourism.

The Government of Montenegro adopted the new Strategy on the Fight against Trafficking in Human Beings 2012-2018 as of 13 September 2012 and a two-year Action Plan (link: [www.antitrafficking.gov.me](http://www.antitrafficking.gov.me)). Implementation of activities planned in the Strategy creates possibilities for the improvement of legal and institutional framework, strengthening capacities for fight against trafficking in human beings, strengthening international cooperation and inter - departmental actions, ensures quality identification of potential victims and victims of trafficking in human beings, their protection, integration and reintegration into society, as well as efficient prosecution and conviction of perpetrators of the criminal offence *trafficking in human beings*.

In line with the recommendations of Expert Group of the Council of Europe<sup>63</sup>, in the established text of the Proposal for the Amendments to the Criminal Code, in Article 444 paragraph 1, forms of exploitation resulting from commitment of criminal offence *trafficking in human beings* include “slavery and actions related to slavery” and “entering into illegal marriage”. Also, Article 444 is amended by new paragraph 9 in relation to making the acceptance of intended exploitation by victim of trafficking in human beings irrelevant. Article 142, paragraph 11, defines a term of victim of criminal offence. In line with UN Convention on Children Rights, Article 445 “Trafficking in Children for Adoption” was amended by introducing term of minor instead of children, which involves persons who are up to 18 years old. Also, two new articles were included – 295a - Trafficking in Parts of Human Body and 295b – Advertising Trade in Parts of Human Body.

Montenegrin legislation is to the largest extent harmonised with the United Nations Convention against Corruption (UNCAC). The evaluation team for Montenegro has identified the following good practices: as regards active bribery, taking or failure to take “official or other activity” by a person in official capacity “in performing his/her duty” is incriminated, in spite of the UNCAC requirement; Introduction of “other activity” enables prosecution of the active bribery cases that persons in official capacity have the opportunity to commit owing to their official position; Wide implementation of domestic provisions on undue influence, having in mind that none of the provisions refers to “trading of influence” regulated by Article 18 of UNCAC; Adoption of amendments to the law enabling extended confiscation of proceeds of crime, financial investigation and criminal liability of legal persons.

In addition to recognising continuous efforts that Montenegro dedicates to approximation of the national legal system with the UNCAC provisions governing incrimination and law enforcement, evaluators have also identified some challenges in the implementation and/or grounds for further improvement such as: amend the legislation on prevention of the production of evidence / obstruction of justice in a way to widen the scope of provisions from witnesses, expert witnesses and other participants in the criminal procedure to members of their families and/or close relatives; ensure that the current amendments to the Criminal Code include approximation of sanctions for active and passive bribery with a view to eliminating inequality, improving the sanctioning system coherence and eliminating possible doubts or difficulties that may arise from the various statutes of limitations; apply the same to the criminal offence of undue influence. The mentioned recommendations of evaluators were taken into consideration and incorporated in the Proposal for the Law on Amendments to the Criminal Code, which was adopted by the Government on 18 April 2013 and which is currently under the parliamentary procedure.

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<sup>63</sup>[http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Recommendations/CP\\_2012\\_9\\_MNE\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Recommendations/CP_2012_9_MNE_en.pdf)

**Recommendation 1 from Screening Report – Fight against organised crime**

**OBJECTIVE:**

Harmonisation of the national legislation with the *acquis*

No.	Measure / Activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
6.2.1.	Amend the Law on Liability of Legal Persons for Criminal Offence – Harmonisation with Article 6, items a) and e) of the Framework Decision 2008/841 in respect of sentences for legal persons.	Ministry of Justice	Second quarter of 2015	Financial implications in Action Plan 23	Working group established, Draft amendments to the Criminal Code developed by experts for organised crime, Harmonisation of drafts performed by legal experts, Law adopted.	Law harmonised with the Framework Decision 2008/841 (YES/NO Indicator).
6.2.2.	Make report on necessity to amend the Criminal Procedure Code, especially in the part referring to: <ul style="list-style-type: none"> <li>▪ Allocation of <i>ex officio</i> defence attorney according to the order from the list of Bar Chamber;</li> <li>▪ more precise determination of legally invalid evidence, in terms of recalling certain articles of</li> </ul>	Ministry of Justice	June 2013	Financial implications in Action Plan 23	Report made on scope of necessary amendments to CPC and decision made on period when concrete amendments to CPC shall be carried out.	/

	<p>CPC;</p> <ul style="list-style-type: none"> <li>▪ procedure of implementing decision on temporary seizure, as well as the right of third persons acting in good faith in relation to temporarily seized property;</li> <li>▪ provisions which regulate measures of secret surveillance regarding: subjects which order measures of secret surveillance, scope of measures of secret surveillance, criminal offence for which measures of secret surveillance can be applied, persons upon whom measures of secret surveillance can be applied and duration of that measures;</li> <li>▪ provisions which regulate rejection of criminal charge and control of rejection;</li> <li>▪ provisions which regulate authorisations and actions of police in preliminary investigation; and it will be especially reconsidered prescribing possibility for police to hear a suspect upon the</li> </ul>					
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	<p>approval of the Public Prosecutor without the consent of the suspect, along with deadlines for police for depriving persons of freedom, as well as need to make decisions by police;</p> <ul style="list-style-type: none"> <li>▪ deadline for the Public Prosecutor to make decision on holding a person, as well as to prescribe deadline for lodging a complaint against decision on holding; to especially reconsider necessity to amend the holding period for certain criminal offences (organised crime and corruption);</li> <li>▪ provisions on offering evidence in investigation with a view to prescribing obligation for the Public Prosecutor to make decision against which complaint can be lodged;</li> <li>▪ Provisions which regulate control of indictment with a view to functional competence for indictment approval.</li> </ul> <p><i>Note: the same measure is provided</i></p>					
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	<i>for in Action Plan for negotiating Chapter 23 in part Repressive Actions against Corruption (SUB-OBJECTIVE 5, RECOMMENDATION 2.2.2, measure 2.2.2.1).</i>					
<b>6.2.3.</b>	Amend Criminal Procedure Code  <i>Note: the same measure is provided for in Action Plan for negotiating Chapter 23 in part Repressive Actions against Corruption (SUB-OBJECTIVE 5, RECOMMENDATION 2.2.2, and measure 2.2.2.2).</i>	Ministry of Justice	October 2014	Financial implications in Action Plan 23	Criminal Procedure Code amended.	
<b>6.2.4.</b>	Harmonise the Law and bylaws on the DNA registry with the EU Council Resolution <sup>64</sup>	Ministry of Interior	Fourth quarter of 2016	Budget: EUR 25,000 TAIEX: EUR 2,700	Established ESS (European Standard Set) through the adoption of amendments to the Law/bylaws on the DNA register.	Number of DNA profile checks, Number of hits in DNA data base, Number of processed persons upon the basis of established match of DNA profile, Number of profiles in DNA registry.

**Recommendation 2 from the Screening Report – Fight against organised crime**

**OBJECTIVE:**

<sup>64</sup> In line with Decision 32009G1205(01) as of 30 November 2009 on Exchange and Results of DNA Analysis

Building capacities of police, prosecution services and the Administration for Prevention of Money Laundering and Terrorism Financing for investigating organised crime, especially economic and financial crime, *inter alia* money laundering

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
6.2.5.	<p>Make a comprehensive analysis of the organisational structure, capacities and competences of state authorities and public administration bodies in the fight against organised crime and corruption, that will include:</p> <ul style="list-style-type: none"> <li>a. overview of legislative framework for fight against corruption and organised crime (Criminal Code, Criminal Procedure Code, Law on Internal Affairs, Customs Law, etc);</li> <li>b. organisational structure and functional content of the public prosecution office, police, Customs Administration, Tax Administration, etc.;</li> <li>c. a special section on seizure of material gain , with particular emphasis put on practical issues</li> </ul>	Ministry of Interior, Ministry of Justice	October 2013	<p>Budget of the Ministry of Justice EUR 6,029</p> <p>Project OSCE expert support IPA 2010 Strengthening of prosecutorial network expert support</p>	Analysis made with recommendations for amending legislative and institutional framework for the fight against corruption in accordance with the Government's Work Plan - priority activities point 56	



	<p>when identifying property for extended seizure, exchange of information and competences of the Public Property Administration in respect of management and redemption of the temporarily seized property;</p> <p>d. a special section on the structure and competences of the special investigative team and its relations towards other bodies;</p> <p>e. existing relevant databases for the efficient implementation of the CPC and identification of technical barriers in terms of access to databases of the Tax Administration, Customs Administration, Police Administration, Ministry of Interior, Public Property Administration, Central Depository Agency, Harbour Master's Office,</p>					
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	<p>Securities Commission, Central Register of Commercial Entities, and reassessment of the role of the current special investigative team;</p> <p>f. comparative model of Croatia and Serbia; and</p> <p>g. proposal of conclusions for overcoming existing legislative and institutional limitations</p> <p><i>Note: the same measure is provided for in Action Plan for Chapter 23, part 2.2. Repressive Actions, measure 2.2.1.1</i></p>					
<b>6.2.6.</b>	<p>Adopt a plan of implementation of conclusions from the previous analysis with concrete measures that need to be implemented, competent authorities and deadlines for implementation of measures, especially:</p> <ul style="list-style-type: none"> <li>- laws that need to be amended, and particularly the Criminal Code, Criminal Procedure Code, Law on Internal Affairs, Customs Law, etc.;</li> <li>- changes that need to be made in organisational structure;</li> <li>- improvement of the procedure for seizure of material gain and</li> </ul>	Ministry of Interior, Ministry of Justice	December 2013	Budget of the Ministry of Justice	Plan of implementation of conclusions from the analysis adopted	

	<p>functioning of the Public Property Administration;</p> <ul style="list-style-type: none"> <li>- define the future role of the investigative team;</li> <li>- establish unique database and enable exchange of information between relevant authorities;</li> <li>- adopt the best solutions from the comparative experience.</li> </ul> <p><i>Note: the same measure is provided for in Action Plan for Chapter 23, part 2.2. Repressive Actions, measure 2.2.1.2</i></p>					
<b>6.2.7.</b>	<p>Merge two specialised divisions in high courts into one division within the High Court in Podgorica for the purpose of centralising competences for criminal offences of organised crime, corruption, terrorism and war crime</p> <p><i>Note: Detailed activities, competent authorities and deadlines are defined by the Plan of rationalisation of the judicial network</i></p>	Judicial Council, High Court in Podgorica, High Court in Bijelo Polje, Secretariat of Judicial Council, Ministry of Justice	November 2014	Budget of the Supreme Court of Montenegro EUR 3,824	<p>Analysis made of human and technical resources in specialised divisions</p> <p>Decision on number of judges amended</p> <p>Plan made for taking over the cases</p>	Centralised competence for the criminal offences of organised crime, corruption, terrorism and war crimes
<b>6.2.8.</b>	<p>Form a separate Special Prosecutor's Office for the fight against organised crime, corruption, terrorism and war crimes, by adopting a separate law which will regulate the powers and</p>	Ministry of Justice Prosecutorial Council Supreme Public Prosecutor's Office	November 2014	No additional funds required – regular budget of the Ministry of	<p>Separate law adopted</p> <p>Decisions taken on the required</p>	

	<p>organisational structure of the Special Prosecutor's Office for acting in cases of organised crime and corruption, as well as create a basis for establishment of functional connections between the Unit for financial investigation of the Police Administration and a multidisciplinary team of the Special Prosecutor's office</p> <p><i>Note: The same measures provided for in Chapter 23, section 2.2 Repressive action against corruption</i></p>	<p>the Department for suppression of corruption, organised crime, terrorism and war crimes</p>		<p>justice, Budget of the Supreme Public Prosecutor's Office</p>	<p>number of state prosecutors</p> <p>Special Prosecutor's Office formed</p> <p>Developed plan of taking over cases, as well as premises and inventory, from the special department of the Supreme Public Prosecutor's Office</p>	
<b>6.2.9.</b>	<p>Establish a special information system in the Department for suppression of corruption, organised crime, terrorism and war crimes that will serve for establishing a database and a secure channel of communication with the court, the police and law enforcement agencies and allow the Public Prosecutor's Office and the Special Investigation Team access to databases necessary for effective conduction of financial investigations and electronic</p>	<p>Supreme Public Prosecutor's Office</p>	<p>June 2014</p> <p>September 2014</p>	<p>IPA 2012 funds provided</p>	<p>Established special information system and a secure channel for information exchange</p> <p>Connected databases between the Prosecutor's Office and databases of the Ministry of Interior, Tax Administration,</p>	<p>Better and more effective inter-institutional cooperation established</p> <p>-Report on work of the Public Prosecutor's Office for suppression of organised crime, corruption, terrorism and war crimes</p> <p>Report of the</p>

	<p>exchange of data and information</p> <p><i>Note: The same measure is provided for in Chapter 23, section 2.2</i></p> <p><i>Repressive Action against Corruption</i></p>				<p>Police Administration, Central Registry of Commercial Entities, Port Administration, Customs Administration, Central Depository Agency, Securities Commission, Real Estate Administration, bank accounts of commercial banks, Administration for Prevention of Money Laundering and Terrorism Financing</p> <p>Include the Public Property Administration, the authority that will be responsible for return of seized property</p>	<p>European Commission</p> <p>-Report of the MONEYVAL</p>
<b>6.2.10.</b>	Expand premises of the Department	Supreme Public	December	No funds	Expanded spatial	Conditions

	<p>for suppression of corruption, organised crime, terrorism and war crimes</p> <p><i>Note: The same measure is provided for in Chapter 23, section 2.2 Repressive Action against Corruption</i></p>	Prosecutor's Office	2013	required	capacities	provided for better work of the Prosecutor's Office
<b>6.2.11.</b>	<p>Strengthen human resources capacities of the Department for suppression of corruption, organised crime, terrorism and war crimes by employing two expert assistants and two IT experts</p> <p><i>Note: The same measure is provided for in Chapter 23, section 2.2 Repressive Action against Corruption</i></p>	Supreme Public Prosecutor's Office	September 2013 - March 2014	Salaries for four new employees	Strengthened human resources capacities by employing two expert assistants and two IT experts	
<b>6.2.12.</b>	<p>Strengthen administrative capacities of the Special Prosecutor's Office by establishing a multidisciplinary team composed of expert assistants and accountants, experts in the area of money laundering, banking experts, experts on international banking transactions, tax experts</p> <p><i>Note: The same measure is provided for in Chapter 23, section 2.2 Repressive Action against Corruption</i></p>	Supreme Public Prosecutor's Office	March 2014	No funds required	Multidisciplinary team established	

6.2.13.	Make analysis of material and technical needs of the Section for the fight against organised crime, the Section for Suppression of General Crime and the Section for Suppression of Economic Crime	Ministry of Interior – Police Administration	March 2014	Budget: EUR 2,430 TAIEX: EUR 2,700	Analysis made	Planned procurement initiated.
6.2.14.	Equip the Section for the fight against organised crime, the Section for Suppression of General Crime and the Section for Suppression of Economic Crime at central and regional level with material and technical assets in line with EU standards and analysis from measure 6.2.6 (vehicles, IT and equipment for protection and collection of evidence, material and technical assets etc.).	Ministry of Interior – Police Administration, Ministry of Finance	September 2014 Third quarter of 2015 Third quarter of 2016  Third quarter of 2015	Procurement in total for the period 2014-2018: EUR 2,865,000  2014 = EUR 500,000 2015 = EUR 600,000 2016 = EUR 350,000 <b>Apply for IPA II 2015-2016</b>  2015 = EUR 150,000 <b>Apply for IPA II 2015</b>	Number of initiated investigations according to dynamics and deadlines of secured assets  Number of provided vehicles.  Number of procured computers and supporting equipment.  Communication equipment.  Number of	Number of initiated investigations according to dynamics and deadlines of secured assets

			<p>Third quarter of 2015</p> <p>Third quarter of 2016</p> <p>Third quarter of 2016</p> <p>Third quarter of 2017</p>	<p>2015= EUR 90,000</p> <p>2016=90.000</p> <p><b>Apply for IPA II 2015-2016</b></p> <p>2016= EUR 190,000</p> <p><b>Apply for IPA II 2016</b></p> <p>2017= EUR 45,000</p> <p><b>Apply for IPA II 2017</b></p> <p>2018= EUR 50,000</p> <p><b>Apply for IPA II 2018</b></p> <p>Depreciation and equipment</p>	<p>personal sets for protection (bullet-proof vest) and work of officers.</p> <p>Number of metal safes for placing classified documents.</p> <p>Number of sets for collection of evidence.</p>	
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			Third quarter of 2018	maintenance: 20% of value: 2017 = EUR 400,000 2018 = EUR 400,000		
			since 2017 annually			
<b>6.2.15.</b>	<p>Purchase “N Case” equipment and other devices required for forensic analysis of mobile phones and examination of bank accounts within the group for examination of information technologies of the Forensic Centre</p> <p><i>Note: the same measure is provided for in Action Plan for Chapter 23, part 2.2. Repressive Actions, measure 2.2.1.15</i></p>	Ministry of Interior	2015	Support from the EU funds required	Number and type of purchased equipment	
<b>6.2.16.</b>	Organise trainings of employees in the group for examination of information technologies of the Forensic Centre by training two	Ministry of Interior	2015-2017	Support from the EU funds required	Trainings organised; Number and structure of	

	<p>officers in forensic analysis of computers, two officers in forensic analysis of mobile phones, and one officer in analysis of bank cards</p> <p><i>Note: the same measure is provided for in Action Plan for Chapter 23, part 2.2. Repressive Actions, measure 2.2.1.15</i></p>				<p>participants; Assessment of the trainings' success through evaluation forms</p>	
<b>6.2.17.</b>	<p>Amend the Rulebook on Internal Organisation and Job Description of the Ministry of Interior with a view to the following:</p> <ol style="list-style-type: none"> <li>1. Reorganisation, defining competences and centralisation of the line of work for economic crime investigation.</li> <li>2. Defining competences of the Department for suppression of economic crime and the Department for the fight against organised crime and corruption in conducting financial investigations.</li> </ol>	<p>Ministry of Interior – Police Administration</p>	<p>February 2014</p> <p>December 2014</p>	<p>Budget: EUR 2,430</p>	<p>Decision on establishing a Working Group whose member will be a representative of the line for fight economic crimes.</p> <p>Adopted amendments to the Rulebook on Internal Organisation and Job Description for working positions in the Ministry of Interior.</p>	<p>Number of initiated investigations.</p>
<b>6.2.18</b>	<p>Establish specialised organisational units in line with expert recommendations, within the</p>	<p>Ministry of Interior – Police Administration</p>	<p>February 2014</p>	<p>Total budget for the period 2014-2018:</p>	<p>Working group established.</p>	<p>Number of initiated investigations.</p>

	<p>Criminal Investigation Police through changes in organisation and job description, particularly for the following:</p> <ul style="list-style-type: none"> <li>- Financial investigations;</li> <li>- High-tech crime;</li> <li>- Trafficking in human beings and</li> <li>- Terrorism.</li> </ul>		<p>April 2014</p> <p>May 2014</p> <p>December 2014</p> <p>March 2015</p>	<p>EUR 528,000</p> <p>Working Group 2014 = EUR 4,860</p> <p>Salaries for new officers for the period 2015-2018: 2015 = EUR 132,000 2016 = EUR 132,000 2017 = EUR 132,000 2018 = EUR 132,000</p>	<p>Assessment of necessary number of officers made.</p> <p>Draft Proposal for the Rulebook developed.</p> <p>Amendments to the Rulebook on Internal Organisation and Job Description adopted.</p> <p>Fulfilling of working posts.</p>	
<b>6.2.19</b>	Strengthen human resources of the economic crime field of work, deploy new employees to vacancies	Ministry of Interior – Police Administration	December 2014	No additional funds required, Implementation via internal reallocation of	<ul style="list-style-type: none"> <li>- Selection of employees and adopting decisions on their allocation,</li> <li>- Decisions on</li> </ul>	Number of initiated investigations.

			January 2015	police officers.	allocation adopted.	
<b>6.2.20</b>	Strengthen human resources capacities and organise education programmes (courses, trainings, seminars, study visits) in country or abroad for the line for the fight against economic crime with special emphasis on: corruption, money laundering and financial investigations, money counterfeiting (euro), abuse of and counterfeiting cards, safety of computer data, copyrights and intellectual property.	Ministry of Interior – Police Administration, Police Academy	January 2014 - December 2018	Total needs for the period 2014-2018: EUR 117,500  Budget: 2014 = EUR 10,000 2015 = EUR 10,000 2016 = EUR 10,000 2017 = EUR 10,000 2018 = EUR 10,000 TAIEX: 2014 = EUR 13,500 2015 = EUR 13,500 2016 = EUR 13,500	Number of trainings completed at the annual level , Number of officers trained at the annual level, in relation to total number of officers dealing with the fight against economic crime.	Number of initiated investigations, Report on results of work in this area.

				2017 = EUR 13,500 2018 = EUR 13,500		
<b>Recommendation 3 from the Screening Report – Fight against organised crime</b>						
<b>OBJECTIVE:</b>						
According to the new recommendations of the Financial Action Task Force (FATF), analyse the Montenegrin legislation and amend it accordingly						
<b>No.</b>	<b>Measure/Activity</b>	<b>Responsible authority</b>	<b>Deadline</b>	<b>Required funds / Source of financing</b>	<b>Indicator of result</b>	<b>Indicator of impact</b>
<b>6.2.21</b>	Analyse and amend Montenegrin legislation in accordance with recommendations of the Financial Action Task Force	Ministry of Finance – Administration for Prevention of Money Laundering and Terrorism Financing, Ministry of Justice, Supreme Public Prosecutor’s Office, Ministry of Interior – Police Administration, Central Bank of Montenegro	December 2014	Budget EUR 27,300.00; TAIEX EUR 2,700.00 <b>In total EUR 30,000.00</b>	- Amendments to relevant laws and regulations ( <b>Criminal Code, Law on Prevention of Money Laundering and Terrorism Financing</b> ) - Montenegrin legislation harmonised with the FATF recommendations	Legislative framework harmonised with recommendations of the FATF provides a wider scope of application of relevant laws in regulated sector
<b>6.2.22</b>	Provide training in the field of implementation of the new Financial	Human Resources Management	January - September	Budget EUR 11,300.00	- Training plan for the regulated	- Number of organised

	Action Task Force Recommendations for officials of institutions involved in the system of prevention of money laundering/terrorism financing, as well as for taxpayers	Authority, Judicial Training Centre	2014	TAIEX EUR 2,700.00  <b>In total EUR 14,000.00</b>	sector developed - Trainings organised in relation to harmonisation and amendments to relevant legal acts	trainings and number of participants - Number of trained trainers
<b>6.2.23</b>	Develop a set of key rules for the regulated sector on implementation of the new Financial Action Task Force recommendations	Ministry of Finance – Administration for Prevention of Money Laundering and Terrorism Financing, Ministry of Justice, Supreme Public Prosecutor’s Office, Ministry of Interior, Central Bank of Montenegro	First quarter of 2015	Applying for IPA/Twinning projects Required funds up to EUR 150,000	- Creating brochures/flyers on implementation of the new FATF Recommendations	To make the competent sector familiar with FATF recommendations and their implementation into Montenegrin legislation.
<b>Recommendation 4 from the Screening Report – Fight against organised crime</b>						
<b>OBJECTIVE:</b> Increase and application of sanctions for failure to comply with legislation and reporting obligations						
<b>No.</b>	<b>Measure/Activity</b>	<b>Responsible authority</b>	<b>Deadline</b>	<b>Required funds /Source of financing</b>	<b>Indicator of result</b>	<b>Indicator of impact</b>

6.2.24	Increase and apply sanctions for not acting in line with the legislation and obligations of reporting	Ministry of Finance – Administration for Prevention of Money Laundering and Terrorism Financing, Ministry of Justice, Supreme Public Prosecutor’s Office, Ministry of Interior – Police Administration, Central Bank of Montenegro	January - September 2014	Budget EUR 15,300.00 TAIEX EUR 2,700.00  <b>In total EUR 18,000.00</b>	Amendments of legal provisions referring to increase of the amount of sanctions due to failure to comply with legislation and reporting obligations developed. Plan prepared for wider control of taxpayers-controlled sector, Increased number of sanctions imposed for failure to comply with the law	Increase and application of sanctions for not acting in line with the legislation and obligations of reporting;
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**Recommendation 5 from the Screening Report – Fight against organised crime**

**OBJECTIVE:**

Establish policy of information technology that would identify hardware and software requirements for data analysis related to money laundering

No.	Measure/Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
6.2.25	Replace and improve the	Ministry of Finance	Fourth	IPA 2012	Prepared analysis	Improved

	<p>information system of the Administration for Prevention of Money Laundering and Terrorism Financing</p>	<p>– Administration for Prevention of Money Laundering and Terrorism Financing</p>	<p>quarter of 2016</p>	<p>(EU support to the Rule of Law)/Budget Required funds in the amount of ca. EUR 500,000.00</p> <p>2014 – EUR 300,000.00 2015 – EUR 150,000.00 2016 – EUR 50,000.00</p>	<p>of the existing IT system which represents combination of old hardware and outdate software which cannot provide level of services and security necessary for the work of AMLTF.</p> <p>Solutions to remedy existing deficiencies proposed</p> <p>Hardware and software system the Administration for Prevention of Money Laundering and Terrorism Financing improved</p>	<p>efficiency in the analysis of data related to money laundering and terrorism financing.</p> <p>Electronic reception of regular reports on transactions for all types of reporting bodies. Single electronic processing and exchange of information, requests and orders between AMLTF, reporting bodies and other competent institutions for law enforcement. Automatic working processes in Administration, efficient</p>
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						<p>management of cases, analysis and documents as well as possibility to apply modern analytical tools for detection and processing of suspicious transactions and persons.</p> <p>Improved network infrastructure and increasing security of the system.</p>
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***Recommendation 6 from the Screening Report – Fight against organised crime***

**OBJECTIVE:**

Improvement of inter – institutional cooperation by facilitating access to information to investigators at all levels and strengthening capacities of investigative inter-institutional teams

No.	Measure/Activity	Responsible authority	Deadline	Required funds /Source of financing	Indicator of result	Indicator of impact
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6.2.26	<p>Sign a <b>Protocol on Cooperation of the Police Administration and Supreme Public Prosecutor's Office</b>, whereby cooperation in the pre-trial and criminal procedures will be regulated</p> <p><i>Note: The same measure is provided for in the Action Plan for Chapter 23, measure 2.2.4.1</i></p>	<p>Supreme Public Prosecutor's Office</p> <p>Ministry of Interior</p>	Under way	Regular funds from the budgets of both bodies	Protocol signed	Clearly defined roles of the police and prosecution in conducting preliminary investigation related to corruptive and other criminal offences
6.2.27	<p>Sign agreements between state authorities of Montenegro and authorities of other states, such as Tax Administration, Customs Administration, Harbour Master Office, on exchange of information necessary for collecting data in pre-trial and criminal procedure</p> <p><i>Note: The same measure is provided for in the Action Plan for Chapter 23, measure 2.2.4.2</i></p>	<p>Tax Administration</p> <p>Customs Administration</p> <p>Harbour Master Office</p>	January 2014 and continuously	No funds required	Agreements concluded	<p>Created possibility for exchange of information between the authorities of different states</p> <p>-Annual Work Report</p> <p>-EC Progress Report</p>
6.2.28	<p>Make an analysis of the organisational structure, capacities and competences of state authorities and public</p>					

	<p>administration bodies in the fight against organised crime and corruption</p> <p><i>Note: The same measure is provided for in the Action Plan for Chapter 24, measure 6.2.5, and in the Action Plan for Chapter 23, measure 2.2.1.1</i></p>					
<b>6.2.29</b>	<p>Adopt a Plan of implementation of conclusions from the previous analysis</p> <p><i>Note: The same measure is provided for in the Action Plan for Chapter 24, measure 6.2.6, and in the Action Plan for Chapter 23, measure 2.2.1.2</i></p>					
<b>6.2.30</b>	<p>Amend the Criminal Procedure Code in the part regulating authorisations and actions to be taken by the police and other bodies in the preliminary investigation</p> <p><i>Note: The same measure is provided for in the Action Plan for Chapter 24, measure 6.2.3, and in the Action Plan for Chapter 23, measure 2.2.2.2</i></p>					
<b>6.2.31</b>	In line with experts recommendations, establish	Ministry of Interior Ministry of Justice	March 2014	TAIEX: EUR 5,400	Prepared analysis of technical needs	Number of messages

	channels of secure communication for exchange of electronic e-mail and information <sup>65</sup> (Info-ex, Secure Mailing Service <sup>66</sup> ) between Police, the Special Prosecutor's office and the High Court. Connection with other law enforcement bodies will be carried out via measure 6.1.8.	The Special Prosecutor's Office The High Court	September 2014  First quarter of 2015  First quarter of 2015  Second quarter of 2015	Budget of Montenegro: 2014 = EUR 50,000 2015= EUR 50,000	Made project task  Procured equipment  Installed system of links Carried out trainings for use of equipment and allocated access rights	exchanged through interconnected bodies at annual level.
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**Recommendation 8 from the Screening Report – Fight against organised crime**

**OBJECTIVE:**

Strengthening capacities and resources of special units within the police for conduct secret surveillance measures and strengthening of organisational, administrative and technical capacities for implementation of the ILP model "Intelligence led policing" in the police at central, local and regional level, as well as at the national (inter-institutional) level

**SUB-OBJECTIVES (RESULTS):**

- Provide appropriate means and support for specialised units for fight against organised crime within the police,
- Provide additional equipment and specialised staff in order to enhance capacities of law enforcement bodies,

<sup>65</sup>Including the electronic exchange of documentation related to the secret surveillance measures (initiatives, proposals, orders, approvals, etc.)

<sup>66</sup> In conjunction with measure 6.1.29 of AP 24

<ul style="list-style-type: none"> <li>- Enhance capacities and resources of specialised police units</li> <li>- Harmonisation of the organisation of the police at all levels with the model “Intelligence Led Policing”,</li> <li>- Increase of operational capacity of units performing intelligence projects and operative investigations,</li> <li>- Building of capacities necessary for periodic preparation and completion of “Serious and Organised Crime Threat Assessment ” (SOCTA),</li> <li>- Establishment of ILP model of defining the priorities, management and award of tasks in the whole territory of Montenegro</li> </ul>						
No.	Measure/Activity	Responsible authority	Deadline	Required funds /Source of financing	Indicator of result	Indicator of impact
6.2.32	Strengthen human resources capacities through increased number of civil servants positions for implementation of secret surveillance measures (SSM) <sup>67</sup>	Ministry of Interior– Police Administration	February 2014  April 2014  May 2014  December	Working Group 2014 = EUR 4,860  No additional budget funds required for salaries of officers, realisation through internal reorganisation of police officers	Working group formed  Prepared estimation of the required increase in the number of civil servants for SSM  Drafted a proposal for the Rulebook  Adopted amendments to the Rulebook on organisation and systematisation of	Capacities of the Department for special checks allow conducting at least four field operations simultaneously

<sup>67</sup>Drafting of the assessment of needs for human resources was envisaged as one of the activities of the working group responsible for the realisation of this measure (look among the indicators of result)

			2014		working positions	
			March 2015		Increased number of civil servants positions for implementation of secret surveillance measures through reorganisation of police officers.	
			May 2015		Civil servants who fulfil conditions employed for indefinite period	
<b>6.2.33</b>	<p>Define and organise specialised trainings in the country and abroad for trainers and officers for secret surveillance measures, as well as research and development for the following areas:</p> <ul style="list-style-type: none"> <li>- Internet and telecommunication surveillance</li> <li>- operational technique and observation</li> <li>- newly adopted instructions</li> </ul>	Ministry of Interior– Police Administration, Police Academy, Project manager for IPA 2012	<p>March 2014</p> <p>from April 2014</p> <p>to April 2016</p>	<p>Through approved IPA 2012 project Donor 2014-2015 EUR 200,000</p> <p>+ co-financing IPA 2012 from the budget 2014 = EUR 20,000</p> <p>2015 = EUR 10,000</p>	<p>Curriculum for trainings prepared (including time of organisation and content)</p> <p>Number of organised trainings (courses, seminars, workshops, working visits)</p> <p>Number of own trainers</p>	Number of trained officers

				+ Independent trainings of the Police from the budget: 2014 = EUR 20,000 2015 = EUR 20,000 2016 = EUR 10,000 + Personnel costs 2014 = EUR 16,200 2015 = EUR 16,200		
<b>6.2.34</b>	Establish working group and develop: 1. Analysis on situation and needs for material and technical assets in the Special Verification Unit 2. Analysis of information system for the needs of Special Verification Unit	Ministry of Interior	October 2013  March 2014	Budget: EUR 4,860 TAIEX: EUR 5,400	Established Working Group 1. Analysis of situation and needs for recommendations prepared 2. analysis of IS with recommendations prepared	Planned procurement initiated
<b>6.2.35</b>	Equip the Division for Special Checks	Ministry of Interior	March 2014	Through		

	<p>with material – technical means in accordance with EU standards, on the grounds of previous analysis (IT and special purpose equipment for conducting investigations and surveillance, audio, video and GPS devices, improvement of Internet and telecommunication surveillance, vehicles and material – technical means etc.)</p> <p>Improve mechanisms of electronic recording and external control of application of measures of secret surveillance in the system for monitoring of telecommunication, in line with expert recommendations</p>		<p>from March 2014 to September 2018</p>	<p>approved IPA 2012 project, co-financing from the budget of Montenegro for 2014 = EUR 250,000</p> <p>Procurement in total: EUR 2,510.000 from the budget of Montenegro for the period 2013-2019: 2014 = EUR 1,000.000 2015 = EUR 760,000 2016 = EUR 450,000 2017 = EUR 300,000</p> <p><b>(Apply for IPA II in total amount of EUR 1,200.000 for the period</b></p>	<p>Procurement completed,  Equipment installation completed</p>	
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				<b>2015-2017)</b> + Annual maintenance of equipment and software from the budget of Montenegro in total EUR 1,270.000 (for the period 2013-2018): 2014 = EUR 210,000 2015 =EUR 230,000 2016 = EUR 250,000 2017 = EUR 280,000 2018 =EUR 300,000		
<b>6.2.36</b>	Supply and equip premises and vehicles for permanent and mobile command centre for secret surveillance measures	Ministry of Interior	February 2014  June 2014  October 2014	Through approved IPA 2012 project donation for 2014= EUR 90,000 +	Analysis prepared, Supply completed, Equipment installation completed, Permanent and mobile command	Command and control for planning and implementation of SSMs are centralised

			December 2014	co-financing IPA 2012 from the budget of Montenegro 2014 = EUR 50,000	centre for secret surveillance measures functional	
<b>6.2.37</b>	Adopt Guidelines on application of secret surveillance measures, under which it is necessary to develop: <ul style="list-style-type: none"> <li>- Introduction of security mechanism through obligation to prepare (in preparation phase):</li> <li>- Operative-tactical analytical assessment and</li> <li>- Risk analysis (for subject of surveillance and civil servants performing SSM).</li> </ul>	Ministry of Interior	June 2014  Second quarter of 2015  Fourth quarter 2015	Through approved project IPA 2012 Donor 2014-2015 EUR 56,800 + Co-financing IPA 2012 from budget 2015 = EUR 15,000 + Costs for personnel 2014 = EUR 4,860 2015 = EUR 6,075	Working Group formed. Proposals for guidelines adopted. Guidelines adopted	There are standard operating procedures for preparation and implementation of SSMs (including safety mechanisms)
<b>6.2.38</b>	Adopt the Instructions on usage of funds for special operative needs (in accordance with Article 122 LAP)	Ministry of Interior	June 2014 Second quarter of 2015	Through approved project IPA 2012 Financial	Working Group formed. Proposals for instructions	There are standard operating procedures for

			Fourth quarter 2015	implications 6.2.22	adopted. Instructions adopted.	financing preparation and realisation of SSMs
<b>6.2.39</b>	Define and organise professional trainings in the country and abroad for trainers and civil servants for investigations of undercover investigators	Ministry of Interior– Police Administration, Police Academy	March 2014 to Third quarter of 2015  Third quarter of 2017	Through approved project IPA 2012 Donor 2014-2015 EUR 43,500 + co-financing IPA 2012 from budget 2014 = EUR 15,000 + from budget of Montenegro: 2014= EUR 6,075 2015= EUR 1,013 2016=EUR 20,000 2017=EUR 20,000	Curriculum for trainings (including time of organisation and content)  Number of organised trainings completed (courses, seminars, workshops, study visits)  Number of own trainers in comparison with number of planned trainings	Capacities of undercover interrogators allow conducting at least two simultaneous operations in Montenegro and one abroad
<b>6.2.40</b>	Establish a working group and	Ministry of Interior	October	Budget: EUR	Working group	Initiated planned

	develop an analysis on situation and needs for material and technical assets in Unit for UC		2013 February 2014	4,860 TAIEX: EUR 5,400	established Prepared analysis on situation and needs for recommendations	procurements.
<b>6.2.41</b>	Equip the Unit for Undercover Investigators with material – technical resources in accordance with EU standards (Specialised vehicles, IT and equipment for protection and collection of evidence, material-technical resources etc.)	Ministry of Interior	September 2014 September 2015  September 2014 September 2015 September 2016  September 2014 September 2016 September 2017	Procurement from the Budget: EUR 230,000 (in total for 2014-2017):  2014 = EUR 70,000 2015 = EUR 70,000  2014 = EUR 20,000 2015 = EUR 20,000 2016 = EUR 20,000	Number of sets for collection and protection of evidence  Number of acquired vehicles  Number of acquired computers and related equipment  Communication equipment	Ratio (%) spent funds/required funds determined by analysis

			September 2016 September 2017	2014 = EUR 10,000 2016 = EUR 5,000 2017 = EUR 5,000  2016 = EUR 5,000 2017 = EUR 5,000		
<b>6.2.42</b>	Adopt instructions on manner and procedure of selection, training, legending, engaging and manner of work of undercover investigators	Ministry of Interior	March 2014  June 2014 October 2014	Budget: EUR 2,430 TAIEX: EUR 2,700	Working Group formed. Proposals for guidelines adopted. Instructions adopted	There are standard operating procedures
<b>6.2.43</b>	Adopt Guidelines on financial operations and means for special operative needs of Unit for Undercover investigators	Ministry of Interior	March 2014  June 2014 October 2014	Financial implications 6.2.26.	Working Group formed. Proposals for guidelines adopted. Guidelines adopted	There are standard operating procedures
<b>6.2.44</b>	Adopt guidelines for manner of preparation, keeping and destroying	Ministry of Interior	March 2014	Financial implications	Working Group formed.	There are standard

	the legend documents <sup>68</sup>		June 2014 October 2014	6.2.26.	Proposals for guidelines adopted. Guidelines adopted	operating procedures
<b>6.2.45</b>	Harmonise the organisational structure of the Police Administration with model “Intelligence-Led Policing” - <i>ILP</i>	Ministry of Interior– Police Administration	February 2014  April 2014  May 2014  September 2014	Working Group 2014 = EUR 4,860 2015 = EUR 4,860  No additional budgetary funds required for salaries of officers, implementation through internal reorganisation of police officers.	Working group established  Decision on organisational separation of intelligence and investigation affairs in the MI-PA adopted  Adopted decision that collection, processing, analysis and distribution of intelligence and information are concentrated into one organisation structure  Draft proposal for the Rulebook	Capacities of the Criminal intelligence unit (central level) allow conducting ten simultaneous long-term intelligence projects  Capacities of the Criminal intelligence unit (regional level) allow conducting two simultaneous intelligence research

<sup>68</sup> Legend documents are those which officers use when hiding identity. These documents are issued by the same body which issues personal documents to the citizens.

			December 2014		developed	
			First quarter of 2015		Amendments to the Rulebook on Internal Organisation and Job Description in the Police Administration adopted	
			Third quarter of 2015		Criminal intelligence unit has been formed at the central level in the PA	
			Fourth quarter of 2015		Special criminal intelligence units have been formed in all regions of Montenegro	
					Harmonisation process with the ILP implemented	
<b>6.2.46</b>	Amend: - ILP Manual and	Ministry of Interior– Police	April 2014	Through approved IPA	Working group established	/

	- Guidelines on the work with operative connections	Administration	Second quarter of 2015	2012 project Financial implications 6.2.22	Draft proposal for the ILP Manual developed	
			Fourth quarter of 2015		Amendments to the Manual for ILP adopted, Guidelines on work with operative connections amended	
<b>6.2.47</b>	Implement ILP model at the regional level in the police	Ministry of Interior– Police Administration	September 2014	Steering Groups 2014 = EUR 38,880 2015 =EUR 38,880	Number of regions in which steering committees for implementation have been formed	Number of developed plans at the regional level
			September 2015		Number of regions in which a permanent steering group has been formed	
<b>6.2.48</b>	Develop the National intelligence model of determining priorities, management and task award in the area of suppression of serious and organised crime on basis of SOCTA analysis, in accordance with the <i>EU</i>	Ministry of Interior, Ministry of Justice, Ministry of Finance	April 2014	Through approved IPA 2012 project Donor 2014-2015 EUR 168,000	National Interagency Strategic Steering Group formed  National	Number of meetings held by interagency groups



	<i>Council Conclusion, No. 3043 of 09.10. 2010.</i>		October 2014  First quarter of 2015	+ Co-financing IPA2012 from budget 2014 = EUR 20,000 2015 = EUR 10,000 + from budget of Montenegro: 2014=EUR 15,000 2015= EUR 10,000	Interagency Operational Steering Group formed  Methodologies for the annual and multi-year plan of fight against serious and organised crime adopted	First MASP (multiannual strategic plan) developed (YES/NO indicator)  OAP (operating annual plan) developed (YES/NO indicator)
<b>6.2.49</b>	Define and organise basic and specialised training in the country and abroad for heads, civil servants and trainers included in the process of ILP model implementation at strategic and operative level in the areas of: - management and handling in the ILP model - development of strategic and operative analyses - criminal intelligence affairs	Ministry of Interior– Police Administration, Police Academy	February 2014  From April 2014 to April 2016	Through approved IPA 2012 project Donor 2014-2015 – EUR 375,000 + co-financing for IPA 2012 from the budget 2014 = EUR 30,000	Training curriculum prepared (including the time and the content)  Number of organised training (courses, seminars, workshops, study visits) Number of own trainers	Increased number of operational reports composed in accordance with the ILP included in the Criminal Police Department by 10% by the end of 2016

	- training on the new equipment and software (connected with measures 6.2.35, 36 and 37)			2015 = EUR 25,000 + From the budget of Montenegro: 2014= EUR 46,700 2015=EUR 46,700 2016 = EUR 20,000		
<b>6.2.50</b>	Establish working group and develop an analysis on situation and needs for IT equipment at local level in police	Ministry of Interior	October 2013 March 2014	Budget: EUR 4,860	Working group established Prepared analysis on situation and needs with recommendations	Initiated planned procurements
<b>6.2.51</b>	Equip the local police with the necessary IT equipment	Ministry of Interior	October 2014  December 2014	Through approved IPA 2012 project Donor 2014 = EUR 130,000	Tender  Installation	Increased number of operational information received and processed within the Criminal Police Department by

						10% by the end of 2016
<b>6.2.52</b>	Establish a working group and develop an analysis on needs for “Entity management” software in police	Ministry of Interior	October 2013 February 2014	Budget: EUR 4,860	Working group established Prepared analysis on situation and needs with recommendations	Initiated planned procurements
<b>6.2.53</b>	Develop/purchase/install software for the implementation of the ILP model in accordance with the findings of the “Entity management” analysis	Ministry of Interior, Ministry of Finance	From June 2014 until June 2015	Results of the analysis referred to under point 6.2.45 will define the budget more precisely. Currently required funds from the budget of Montenegro: for 2014 EUR 100,000 and for 2015 EUR 50,000	Entity management systems implemented in computer systems of the police	Number of entities entered into the system
<b>6.2.54</b>	Establish a working group and develop: 1. Analysis on needs for software for statistics and reporting in police 2. Technical documentation for	Ministry of Interior	October 2014  March 2015	Budget: EUR 4,860	Working group established  Prepared analysis on situation and	Initiated planned procurements

	conducting a tender procedure				needs with recommendations	
					Technical documentation developed	
<b>6.2.55</b>	Develop/purchase/install software for statistics and reporting, in accordance with the finding of the analysis	Ministry of Interior	From June 2015 until June 2016	The results of the analysis from 6.2.47 will provide a more accurate budget. Current assessment of needs from the budget of Montenegro is: 2015 = EUR 50,000 2016 = EUR 50,000	Software for statistics and reporting implemented in computer system of the police	Number of electronically generated statistical reports on crime (from the police computer system)

***Recommendation 8 from the Screening Report – Fight against organised crime***

**OBJECTIVE:**

Amendments to the Law on Witness Protection, drafting Comments to the Law on Witness Protection, professional training of the members of the Witness Protection Unit through specialised training.

***SUB-OBJECTIVES (RESULTS):***

- *Attending specialised training organised within the project for the Witness Protection Unit (regional Project WINPRO II)*
- *Providing technical equipment to the Unit in accordance with the standards adopted in EU Member States*

<i>- Strengthening human resources</i>						
<b>No.</b>	<b>Measure/Activity</b>	<b>Responsible authority</b>	<b>Deadline</b>	<b>Required funds /Source of financing</b>	<b>Indicator of result</b>	<b>Indicator of impact</b>
<b>6.2.56</b>	Amend the Law on Witness Protection, inclusion of the category of witness collaborator in line with recommendations of experts, redefining of the term close person, number of members and composition of the Commission for Application of the Protection Program etc. It is also needed to define, in accordance with the Law on Witness Protection Article 47, the budget of the Unit for Witness Protection.	Ministry of Justice, Ministry of Interior	December 2013  April 2014  September 2014	From the budget 2014 = EUR 15,000	Proposal for the Law on Witness Protection determined  Law on Amendments to the Law on Witness Protection adopted  Means for implementation of the Law to be defined in the special proportion relating to the Ministry of Interior	Law and bylaws harmonised with the operational needs, Results of enforcement of the Law
<b>6.2.57</b>	Work on training concept/ Organise and implement specialised trainings at all levels, improve management of protection measures in implementation of the Protection Program in all segments and in the procedure of application of urgent measures	Unit for witness protection Organisation of NI-CO (Northern Ireland) through EU project "Cooperation in Criminal Justice:	From March 2013 to the fourth quarter of 2015	External sources, IPA 2012 EU funds for seven participating countries nearly EUR 7,000.000	Number of successfully completed specialised trainings	Implementation of the plan envisaged by the WINPRO II project

		Witness Protection in the Fight against Serious Crime and Corruption (WINPRO II)“		Number of Decision on Criminal intelligence System 2102/022-966 project number 05		
<b>6.2.58</b>	Equip the Unit for Witness Protection (communication means, equipment for testimony through video link (video conference), acquisition of vehicles and specialised armoured vehicles for the needs of the Unit in line with experts' recommendations.	Ministry of Interior	March 2014  Third quarter of 2015  Fourth quarter of 2015	Procurement from the budget: 2015 = EUR 5,000  2015 = EUR 250,000 <b>Apply for IPA II</b>	Analysis of the needs  One video conference acquired  Number of acquired vehicles	Ratio (%) spent funds/required funds determined by analysis
<b>6.2.59</b>	Analyse the needs and adjust the number of employees of the Unit for Witness Protection Unit with determined needs	Ministry of Interior /project WINPRO II, technical experts for human resources and structure	March 2014 June 2014  December 2014  First quarter of 2015	From the budget 2014 = EUR 2,430  No additional funds required, realisation through internal reorganisation	Analysis of the needs Drafting proposal for a systematisation  Adoption of the Rulebook  Staffing the unit	/

				of police officers		
<b>Recommendation 9 from the Screening Report– Fight against organised crime</b>						
<b>OBJECTIVE:</b>						
Ensure that the legislative and institutional framework allows effective confiscation, seizure and management of the proceeds of crime, which would result in increasing the number of seizures and confiscations						
No.	Measure/Activity	Responsible authority	Deadline	Required funds/Source of financing	Indicator of result	Indicator of impact
6.2.60	<p>Within the analysis of organisational structure, capacities and powers of state authorities and state administration bodies in the fight against organised crime and corruption, current situation relating to the procedure of confiscation of property gain, its custody and management will be specially analysed and a model for improvement will be proposed</p> <p><i>Note: The same measure is provided for in Chapter 23, section 2.2 Repressive Action against Corruption</i></p>	Ministry of Interior, Ministry of Justice	October 2013	No additional funds required – regular budget of both ministries OSCE Project Expert support from the IPA 2010 project - Fight against organised crime and corruption: Strengthening the Prosecutors' Network	Drafted analysis presenting current situation in cases where property gain was confiscated, its continued custody and management by the Public Property Administration, with detected obstacles and deficiencies in application of this instrument and recommendations for improvement	
6.2.61	Adopt a special law which will regulate the procedure of conducting financial investigations	Ministry of Justice	October 2014	Special Law adopted which will be		

	<p>and institute of property seizure (substantive and procedural provisions on confiscation of property, provisions on its management, care and return)</p> <p><i>Note: The same measure is provided for in Chapter 23, section 2.2 Repressive Action against Corruption</i></p>			<p>harmonised with new FATF recommendations from 2012.</p>		
<b>6.2.62</b>	<p>Strengthen administrative capacities of the Public Property Administration by increasing the number of working positions for civil servants for custody and management of temporarily and permanently seized assets, by hiring two new employees</p> <p><i>Note: The same measures is provided for in Chapter 23, section 2.2 Repressive action against corruption</i></p>	Public Property Administration	December 2014	<p>Budget in the amount of EUR 7,000.00 for one employee per year</p>	<p>Increased number working positions for civil servants for custody and management of temporarily and permanently seized assets</p> <p>The number of civil servants</p>	<p>Strengthened administrative capacities of the Public Property Administration for custody and management of seized assets</p>
<b>6.2.63</b>	<p>Develop internal operating procedures of the Public Property Administration</p> <p><i>Note: The same measures is provided for in Chapter 23, section 2.2 Repressive action against</i></p>	Public Property Administration	December 2013	<p>Budget of the Public Property Administration</p>	<p>Developed operating procedures, Specified criteria for management of various types of assets</p>	



	<i>corruption</i>					
<b>6.2.64</b>	<p>Establish an electronic register of seized assets which will contain the following:</p> <ul style="list-style-type: none"> <li>• number of the decision;</li> <li>• name of the court or authority responsible for conducting misdemeanour proceedings,</li> <li>• type and estimated value of seized assets and</li> <li>• information about the person from whom the asset was seized</li> </ul> <p><i>Note: The same measures is provided for in Chapter 23, section 2.2 Repressive action against corruption</i></p>	Public Property Administration	December 2013	Budget of the Public Property Administration	Established system of recording seized assets	
<b>6.2.65</b>	<p>Report regularly on custody and management of seized assets</p> <p><i>Note: The same measures is provided for in Chapter 23, section 2.2 Repressive action against corruption</i></p>	Public Property Administration	Semi-annually	Budget of the Public Property Administration	Semi-annual reports of the Public Property Administration drafted and published on the website	The number of cases and value of permanently seized assets
<b>6.2.66</b>	<p>Adopt a training plan and conduct trainings for officers of the Public Property Administration in the area</p>	Human Resources Management Authority	December 2013 and continuousl	Budget of the Human Resources	Adopted training plan The number of	

	of custody and management of seized assets  <i>Note: The same measure is provided for in Chapter 23, section 2.2 Repressive Action against Corruption</i>	Public Property Administration	y	Management Authority and the Public Property Administration	implemented trainings The number and structure of participants	
<b>6.2.67</b>	Conduct training of officers of the Police Administration, state prosecutors and judges on financial investigations, detection and freezing of property obtained by a criminal offence in accordance with the annual training program  <i>Note: The same measure is provided for in Chapter 23, section 2.2 Repressive Action against Corruption</i>	Judicial Training Centre  Police Academy	During 2014	Budget of the Judicial Training Centre and the Police Academy, IPA 2010 project - Fight against organised crime and corruption: Strengthening the Prosecutors' Network, OSCE Project	The number and structure of participants  The number of implemented trainings	
<b>6.2.68</b>	Establish an independent body that will take care and manage seized property  <i>Note: The same measure is provided for in Chapter 23, section 2.2 Repressive Action against Corruption</i>	Ministry of Justice and Ministry of Finance	2015		Independent body established	

**Recommendation 10 from the Screening Report – Fight against organised crime**

**OBJECTIVE:**

**Implement the recommendations of the Council of Europe expert group (GRETA) on activities against trafficking in human beings and monitor the implementation of newly adopted strategic documents in this area**

No.	Measure/Activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
6.2.69	Monitor implementation of the recommendations of the Council of Europe expert group – GRETA <sup>69</sup>	Secretariat-General of the Government – Office for Fight against Trafficking in Human Beings	November 2014 and further on	Total: EUR <b>26,730</b>  2013: EUR 3,402  2014-2017: EUR 23,328  annually: EUR 4,212  <b>Budget</b>  Total: EUR 26,730  2014-2017:	Prepared report on the degree of implementation of the GRETA recommendations	GRETA report

<sup>69</sup> [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Recommendations/CP\\_2012\\_9\\_MNE\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Recommendations/CP_2012_9_MNE_en.pdf)

				<p>EUR 23,328</p> <p>Annually: EUR 5,832</p> <p><b>Donation</b></p> <p>Total: EUR 0</p>		
<b>6.2.70</b>	Implement the Strategy for Fight against Trafficking in Human Beings for the period 2012-2018 and the accompanying Action Plan <sup>70</sup>	Secretariat-General of the Government – Office for Fight against Trafficking in Human Beings	Semi-annually  second half of 2018	<p>Total: EUR <b>18,954</b></p> <p>2013: EUR 2,106</p> <p>2014-2017: EUR 16,848</p> <p>annually: EUR 4,212</p>	<p>Report on implementation of the Strategy for Fight against Trafficking in Human Beings for the period 2012-2018 and the accompanying Action Plan (2012-2013)</p> <p>Evaluation of the Strategy for Fight against Trafficking</p>	<p>Report of State Department on trafficking in human beings in the world and other relevant subjects.</p> <p>Increased number of identified victims of THB</p>

<sup>70</sup> <http://www.antitrafficking.gov.me/rubrike/nacionalna-strategija/116182/Vlada-utvrdila.html>

				<b>Budget</b> Total: EUR 20,007  2014-2017: EUR 17,901  annually: EUR 1,053  <b>Donation</b> Total: EUR 0	in Human Beings for the period 2012-2018	
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**Recommendation 10 from the Screening Report – Fight against organised crime**

**OBJECTIVE**

Increase efforts to adequately identify and respond in the fight against human trafficking

No.	Measure/Activity	Responsible authority	Deadline	Required funds/Source of financing	Indicator of result	Indicator of impact
6.2.71	Include the trainings of judges and prosecutors into Judicial Training Programme, in relation to new legal decisions for the criminal offence –trafficking in	Judicial Training Centre	First quarter of 2014  Annually	Total: EUR <b>32,704</b>  2014: EUR 8,404	Training programme designed,  Number of	Number of judges and prosecutors trained in relation to new legal decisions for the criminal offence – trafficking in

	human beings, with emphasis on specificity of taking testimonies from victims			<p>2015-2017: EUR 24,300</p> <p>Annually: EUR 8,100</p> <p><b>Budget</b></p> <p>In total: EUR 18,303.75</p> <p>2014-2017: EUR 18,303.75</p> <p>annually: EUR 4,500</p> <p>Donation</p> <p>In total: EUR 14,400</p> <p>Annually:</p>	realised trainings in accordance with the adopted Training programme	human beings, with emphasis on specificity of taking testimonies from victims
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				EUR 3,600		
<b>6.2.72</b>	Train officers of the Police Administration (Crime Investigation Police Department, general police, border police) on methods of early identification of potential victims of human trafficking and their treatment as well as on specificity of taking testimonies from potential victims of human trafficking	Police Academy	Annually	<p>Total:  <b>EUR 39,000</b>  2013: EUR 0    2014-2017:  EUR 39,000  annually:  EUR 9,750</p> <p><b>Budget</b>  Total:  EUR 28,200  2014-2017:  EUR 28,200  Annually:  EUR 7,050</p>	Number of organised trainings	The number of attendees by institutions/organisations who successfully attended the trainings

				<b>Donation</b> 2014-2017: EUR 10,800 Total: EUR 10,800 annually: EUR 2,700		
<b>6.2.73</b>	Organise trainings for the employed in the labour and safety at work inspection, in health care institutions and Centres for social work, NGO on methods of early identification of potential victims of human trafficking and their treatment		Annually	Total: EUR 52,900 2013: EUR 0  2014-2017: EUR 52,900 Annually: EUR 13,230	Number of organised trainings	The number of attendees by institutions/organisations who successfully attended the trainings



				<p><b>Budget</b></p> <p>Total: EUR 9720</p> <p>2014-2017: EUR 9,720</p> <p>Annually: EUR 2,430</p> <p><b>Donation</b></p> <p>2014-2017: EUR 43,200</p> <p>Total: EUR 43,200</p> <p>Annually: EUR 10,800</p>		
<b>Recommendation 10 from the Screening report – Fight against organised crime</b>						
<b>OBJECTIVE</b>						
Change the national legislation on trafficking in human beings in order to harmonise it with the international instruments and with the EU acquis, especially with Directive 2011/36/EU and Directive 2004/81/EC						
No.	Measure / Activity	Responsible	Deadline	Required funds/	Indicator of result	Indicator of impact

		authority		Source of financing		
<b>6.2.74</b>	Amend the Criminal Code in terms of:  - defining the term of a victim of trafficking in human beings;  - introduction of “slavery and related actions” as a form of exploitation caused by the criminal offence of trafficking in human beings ;  - making the acceptance of intended exploitation by a victim of trafficking in human beings irrelevant;  - extension of the scope of Article 445 in order to cover children under the age of 18.	Ministry of Justice  Government of Montenegro,  Parliament of Montenegro	September 2013	Financial evaluation in AP 23	Amendments to the Criminal Code adopted	The number of criminal procedures  The number of convicted persons for the criminal offence of trafficking in human beings
<b>6.2.75</b>	Amend the Law on Foreigners in terms of regulating the period of reflection for victims of human trafficking	Ministry of Interior	Fourth quarter of 2015	Financial evaluation in Chapter MIGRATION	Establish the working group,  Elaborate the draft of the Amendments to the Law on	The period of reflection for victims of human trafficking regulated within the protection system. Statistical data on number of persons

					<p>Foreigners,</p> <p>Define the proposal of amendments to the Law,</p> <p>Amendments to the Law on Foreigners adopted</p>	<p>who used right to reflection;</p> <p>data on the number of approved stays for foreign nationals-Victims of THB.</p>
<b>6.2.76</b>	<p>Adopt the Law on Compensation of Damage to Victims of Serious Criminal Offences with a view to establishing a national system for compensation of damage available to victims of trafficking in human beings</p>	<p>Ministry of Justice</p> <p>Government of Montenegro,</p> <p>Parliament of Montenegro</p>	<p>July 2013</p> <p>December 2013</p>	<p>Financial evaluation in AP 23</p>	<p>Proposal of the Law defined,</p> <p>Law on Compensation of Damage to Victims of Serious Criminal Offences adopted</p>	<p>The number of victims of THB exercising the right of compensation on this basis</p>
<b>6.2.77</b>	<p>Amend the Law on Employment and Work of Foreigners in terms of prescribing that victims of human trafficking with authorised temporary residence are entitled to access the labour</p>	<p>Ministry of Labour and Social Welfare</p> <p>Ministry of Interior</p>	<p>Fourth quarter of 2015</p>	<p>Financial evaluation in Chapter MIGRATION</p>	<p>Working group established,</p> <p>Elaborate the draft of the Amendments,</p> <p>Proposal of the</p>	<p>The number of victims of human trafficking exercising the right of access to the labour market</p>

	market				amendments developed,  Amendments to the Law adopted	
<b>Recommendation 10 from the Screening report – Fight against organised crime</b>						
<b>OBJECTIVE</b>						
<b>Improving quality, diversity, adequacy and availability of services of protection and support to victims of human trafficking</b>						
<b>No.</b>	<b>Measure / Activity</b>	<b>Responsible authority</b>	<b>Deadline</b>	<b>Required funds/  Source of financing</b>	<b>Indicator of result</b>	<b>Indicator of impact</b>
<b>6.2.78</b>	Ensure unhindered functioning of the Shelter for Victims of Human Trafficking	General Secretariat of the Government – Office for the Fight against Trafficking in Human Beings	Annually	Total: EUR <b>203.500</b>  2013: EUR 25,900  2014-2017: EUR 177,600  Annually: EUR 44,400	Providing fees for the people working with the victims in the Shelter,  Covering overhead expenses and the rent expenses for the Shelter,  Obtaining the required funds for the needs of	Number of protégés to whom protection and accommodation was provided in Shelter;  The continuity of work of the Shelter for Victims of Human Trafficking ensured

				<b>Budget</b> Total: EUR 203,500  2014-2017: EUR 177,600  Annually: EUR 44,400  <b>Donation</b> Total: EUR 0	protégés of the Shelter	
<b>6.2.79</b>	Engage EU experts in order to develop the analysis of functioning of the Shelter for Victims of Human Trafficking and make the recommendations for strengthening its human resources and technical capacities with a view to complying with the EU standards in this area	General Secretariat of the Government – Office for the Fight against Trafficking in Human Beings	Second quarter of 2014	Total: EUR <b>5,805</b> 2014: EUR 5,805  <b>Budget</b> Total: EUR 405 2014: EUR 405	Expert engaged,  The analysis of functioning of the Shelter for Victims of Human Trafficking developed and recommendations for strengthening its human resources and	The degree of the implementation of recommendations defined in the analysis

				<b>Donation</b> 2014: EUR 5400 Total: EUR 5400	technical capacities with a view to complying with the EU standards in this area made	
<b>6.2.80</b>	In accordance with the experts' recommendations: 1. Strengthen the human resources capacities of the Shelter for Victims of Human Trafficking 2. Strengthen the technical capacities of the Shelter for Victims of Human Trafficking	General Secretariat of the Government – Office for the Fight against Trafficking in Human Beings	Third quarter of 2014 –and further on  Since 2015 - annually	Assessment of costs will be made after performing an analysis	Number and type of realised trainings,  Number of persons working with the victims in the Shelter for Victims of Human Trafficking who attended the trainings, Technical equipment for the Shelter's needs provided	Higher level of quality and efficiency of work in the Shelter

**Recommendation 11 from the Screening report – Fight against organised crime**

**OBJECTIVE**

Adopt and implement the Strategy on small arms and light weapons

No.	Measure / Activity	Responsible authority	Deadline	Required funds/Source of financing	Indicator of result	Indicator of impact
6.2.81	Adopt the Strategy for Control and Reduction of small arms and light weapons (SALW), with an implementing action plan	Ministry of Interior	July 2013	Budgetary funds EUR 5,000	Strategy for Control and Reduction of small arms and light weapons (SALW) adopted,  Implementing Action Plan adopted	Degree and quality of implementation of the measures defined in the Action Plan
6.2.82	Establish a coordination body for monitoring the implementation of the Strategy for Control and Reduction of small arms and light weapons with a view to efficiently implementing the Strategy and	Ministry of Interior – Police Administration,  Ministry of Foreign	September 2013	Budget / OSCE and UNDP	Coordination body for monitoring the implementation of the Strategy established	/

	the Action Plan	Affairs and European Integration, Ministry of Defence, Ministry of Justice, Ministry of Economy, Ministry of Finance, Customs Administration				
<b>6.2.83</b>	Monitor implementation of the Strategy and the Action Plan	Coordination body for monitoring the implementation of the Strategy for Control and Reduction of small arms and light	On annual basis	Budget	Number of held meetings of the Coordination Body	Annual report on implementation of the Strategy and the Action Plan submitted to the Government of Montenegro



		weapons (SALW)				
<b>Recommendation 11 from the Screening Report – Fight against organised crime</b>						
<b>OBJECTIVE:</b>						
Establish a more efficient system of legal supervision and keep records on procurement and possession of firearms and their transfer from one country to another, in accordance with the EU directives 91/477/EEC and 2008/51/EC, as well as strengthen measures for improvement of fight against illegal trade in small arms and light weapons in accordance with the Council directives 2010/765/CFSP and 2011/428/CFSP						
No.	Measure / Activity	Responsible authority	Deadline	Required funds/ Source of financing	Indicator of result	Indicator of impact
6.2.84	Adopt a new Law on Weapons, which will regulate in details the issue of weapons possessed by natural and legal persons and define a legal framework harmonised with EU directives 91/477/EEC and 2008/51/EC, referring <i>inter alia</i> to:	Ministry of Interior	December 2013	Budgetary funds EUR 21,000 TAIEX: EUR 5,400 Total EUR 26,400	Proposal for the Law adopted,  More efficient system introduced in supervising and keeping records on procurement, possession,	Results achieved in implementation of the Law

	<p>modification in some definitions given in the Law;</p> <p>clearer categorisation of weapons and special equipment for firearms in accordance with the EU standards;</p> <p>more precise procedure with weapons possessed by natural and legal persons;</p> <p>definition of the European Firearms Pass;</p> <p>simplification of procedures for procurement, possession, carrying and transfer of firearms for hunting and sport shooting, in accordance with the EU standards;</p> <p>definition of examination and marking of firearms;</p> <p>definition of ammunition loading for one's own needs in hunting and sport shooting done by natural persons, which is not considered</p>				<p>manufacturing, trade and transport of weapons and ammunition possessed by natural and legal persons, in accordance with the EU <i>acquis</i></p>	
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	<p>manufacturing of firearms and ammunition according to the EU standards;</p> <p>amendments to sanctioning provisions and their adjustment to the Criminal Code provisions;</p> <p>modification of existing and introduction of new registers;</p> <p>legalisation of weapons;</p> <p>definition of legal basis for adoption of the following implementing legislation:</p> <p>Rulebook on the procedure for and method of entry, transfer and exit of weapons across the state border;</p> <p>Method of keeping records on weapons entered, transferred and exited across the state border as well as on temporarily seized weapons and ammunition at the border crossing points</p>					
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<p><b>6.2.85</b></p>	<p>By amending the Law on Administrative Fees (Official Gazette of Montenegro 55/2003, 81/2005, 2/2006, and Official Gazette of Montenegro 22/2008, 77/2008, 3/2009, 20/2011 and 26/2011) define:</p> <p>the amount of administrative fees for persons who taking in, carrying and taking out weapons across the state border , for the purposes of hunting, sport shooting and for recreational purposes, aligned with the EU standards;</p> <p>the amendment of the amount of the administrative fee for the procurement of weapons and issuing fire arms licence for the needs of hunting and sport shooting, aligned with the EU standards;</p> <p>exemption from the obligation of paying fees for</p>	<p>Ministry of Finance, Ministry of Interior</p>	<p>September 2014</p>	<p>No additional funds required/under the already planned activities</p>	<p>Proposal for the Law adopted</p>	<p>Result of the Law implementation</p>
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	<p>the persons who are taking in, carrying and taking out weapons across the state border for which they have the European fire arms pass;</p> <p>the amount of administrative fee for issuing ID badge of a person performing duties in the border crossing area.</p>					
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## 7. FIGHT AGAINST TERRORISM

### STATE OF PLAY

The framework of action of Montenegro in the fight against terrorism is directed towards the improvement of the existing and the development of new measures, mechanisms and instruments, which serve the purpose of stability and security of Montenegro, the region and beyond.

Strategic objectives are defined and further activities planned which are necessary for reaching the vision which describes the future state in the area of prevention of terrorism.

Analysis of previous state indicates that Montenegro has not been confronted with the criminal offence of terrorism so far. However, the position of Montenegro in fight against terrorism is that modern terrorism is not limited to borders of countries and is considered international – with regard to objectives and manners of action, and therefore responses to causes, phenomena and consequences need to be an expression of joint actions with the international community.

Establishing a modern and comprehensive legislative framework, in accordance with relevant international standards is one of the key condition

for efficient prevention and fight against terrorism.

The number of state authorities and institutions involved in anti-terrorism actions indicates that effective coordination mechanism in formulating and implementing comprehensive policy in this area needs to be set up.

Montenegro ratified key international instruments and instruments of the Council of Europe for the fight against terrorism.

Capacities in this area are appropriate for the threat that terrorism imposes on Montenegro.

Further work on the harmonisation with the EU *acquis* is necessary. In this view, action plan on the basis of recommendations from the Bilateral Screening Analytical Report and the EC Montenegro Progress Report needs to be adopted.

On 30 September 2010, the Government of Montenegro adopted the Strategy for Prevention and Suppression of Terrorism, Money Laundering and Terrorism Financing 2010-2014, with the 2010-2012 Action Plan for its implementation (link: [www.gov.me](http://www.gov.me)).

The National Commission for Implementation of the Strategy for Prevention and Suppression of Terrorism, Money Laundering and Terrorism Financing 2010-2014 will these days submit the updated 2013-2014 Action Plan to the Government of Montenegro for the purpose of its adoption at the beginning of July 2013.

***Recommendation No. 1 from the Screening Report – section Fight against Terrorism***

**TOPIC:**

Prevention of terrorism

**OBJECTIVE**

- Aligning the national legislation with the EU *acquis*

No.	Measure / Activity	Responsible	Deadline	Required funds /	Indicator of result	Indicator of impact
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		authority		Source of financing		
7.1.	Adopt the Draft the Law on Compensation of Damage to Victims of Criminal Offences  It is aligned with the Framework Decision 2002/475/JHA of 13 June 2002 on fight against terrorism 32002F0475	Ministry of Justice	December 2013	Budget – EUR 15,000	Proposal for the Law adopted and submitted to the Parliament	Results of the implementation of the Law
7.2.	Amend the Law on Explosive Substances  It is aligned with the EU Action Plan on enhancing the security of explosives adopted by the Council on 4 April 2008	Ministry of Interior	December 2013	Budget – EUR 23,670	Proposal for Amendments to the Law adopted and submitted to the Parliament	Results of the implementation of the Law
7.3.	Amend the Law on Transport of Dangerous Substances	Ministry of Interior, Ministry of Economy	September 2013	Budget- EUR 23,670	Proposal for Amendments to the Law adopted and submitted to the	Results of the implementation of the Law

	It is aligned with the EU Action Plan on enhancing the security of explosives adopted by the Council on 4 April 2008				Parliament	
<b>7.4.</b>	Amend the Law on Protection against Ionizing Radiation and Radiation Safety  It is aligned with the EU Chemical, Biological, Radiological and Nuclear Action Plan (CBRN) adopted by the Council on 1 December 2009	Ministry of Sustainable Development and Tourism	second quarter of 2015	Expert assistance- EUR 2,700  Budget- EUR 23,670  Total -EUR 26,370	Proposal for Amendments to the Law adopted and submitted to the Parliament	Results of the implementation of the Law
<b>7.5.</b>	Draft the innovated Action Plan for Prevention and Suppression of Terrorism, Money Laundering and Terrorism Financing 2013-2014	National Commission for Implementation of the Strategy for Prevention and Suppression of Terrorism, Money Laundering and	July 2013	Budget EUR 1,485	Innovated Action Plan drafted  Innovated Action Plan adopted by the Government	Semi-annual reports on the implementation of objectives and measures from the Action Plan



		Terrorism Financing				
7.6.	Draft an action plan for implementation of the UN Security Council Resolution 1540	Ministry of Foreign Affairs and European Integration	March 2014	Regular budgetary funds	Action plan for implementation of the UN Security Council Resolution 1540 drafted	
<b>OBJECTIVE</b>						
Implementing new training and professional development programmes						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
7.7.	Train civil servants from judicial and law enforcement bodies, working on criminal offences of terrorism and related criminal offences  <i>Note: for more details, please see the Innovated Action Plan 2013-2014 (after its adoption it will be available at the Government's website)</i>	Judiciary, Public prosecution offices, Ministry of Interior – Police Administration, Ministry of Justice- Institution for Enforcement of Criminal Sanctions, APMLTF, Police	June 2013 – December 2014	Donations- EUR 59,500	The number of trainings and the number of trainees	The degree of training, efficiency and work quality

		Academy				
<b>OBJECTIVE</b>						
Developing personnel, administrative and material – technical capacities						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
7.8.	Strengthen the intelligence system in the process of collecting intelligence (drafting strategic documents and analyses, assessing threats, implementing training programmes, projects)  <i>Link: for more details, please see section “Police cooperation and fight against organised crime” and the Innovated National Action Plan for Prevention and</i>	/	/	/	/	/

	<i>Suppression of Terrorism, Money Laundering and Terrorist Financing 2013-2014 (after its adoption by the National Commission it will be available at the Government's website)</i>					
<b>7.9.</b>	Purchase specialised and technical equipment for the needs of the police (in line with the Action Plan – the plan of needs for acquiring the missing material and technical assets)	Ministry of Interior – Police Administration	fourth quarter of 2016	Donation-EUR 500,000	Equipment acquired	Promoted efficiency and the quality of work
<b>TOPIC:</b>						
Suppression of terrorism						
<b>OBJECTIVE</b>						
<b>Assessing the danger of terrorism and related criminal offences</b>						
<b>No.</b>	<b>Measure / Activity</b>	<b>Responsible authority</b>	<b>Deadline</b>	<b>Required funds / Source of financing</b>	<b>Indicator of result</b>	<b>Indicator of impact</b>
<b>7.10.</b>	Carry out risk assessment and danger analyses	Ministry of Interior – Police Administration, Ministry of	December 2014	Budget- EUR 11,880	Working group for preparing the methodology formed,	The implementation of recommendations and conclusions from the risk

		Defence, National Security Agency		Donation- EUR 4,000  Expert assistance- EUR 2,700  Total-EUR 18,575	Methodology prepared for collection of data necessary for carrying out of risk assessment and danger analysis ,  Carried out assessment and analysis	assessment and danger analysis
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**OBJECTIVE**

Improving the mechanisms for detection, monitoring, research and disabling movement and stay of persons connected with terrorism in the territory of Montenegro

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
7.11.	Sign the Operational Agreement with EUROPOL  In reference to the Decision 32005D0671 (EURLEX 19.30.20)  Council Decision 2005/671/JHA	/	/	/	/	/

	<p>of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (OJ L 253, 29/09/2005, p. 22)</p> <p><i>Link: Reporting through police cooperation and fight against organised crime</i></p>					
<b>7.12.</b>	<p>Conclude the agreement with EUROJUST</p> <p>In reference to the Decision 32005D0671 (EURLEX 19.30.20)</p> <p>Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (OJ L 253, 29/09/2005, p. 22)</p> <p><i>Link: Reporting through the sub-field of Judicial cooperation in criminal and civil matters</i></p>	/	/	/	/	/
<b>7.13.</b>	<p>Establish cooperation with the EU institutions and make a joint assessment of national arrangements for fight against</p>	<p>National bodies, which must closely cooperate with the assessment teams,</p>	<p>fourth quarter of 2016</p>	<p>No additional funds necessary</p>	<p>Assessment prepared</p>	<p>Implementation of recommendations from the Report</p>

	terrorism	established by the Council Decision of 28 November 2002, depending on the subject and sequence of assessments				
<b>Recommendation 2 from the Screening Report – Fight against Terrorism</b>						
<b>TOPIC:</b> Protection against terrorism						
<b>OBJECTIVE</b>						
Improving the mechanisms for development and strengthening of protection of infrastructure facilities of particular interest in the territory of Montenegro						
<i>Note: More details available in the Innovated National Action Plan for Prevention and Suppression of Terrorism, Money Laundering and Terrorist Financing 2013-2014</i>						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
7.14.	Achieve the required level of technical equipment at the border crossing points	/	/	/	/	/

	<i>Link: Reporting through the sub-field of External borders and Schengen</i>					
7.15.	Identify potential European Critical Infrastructures – ECI	Ministry of Economy,  Ministry of Transport and Maritime Affairs,  Ministry for Information Society and Telecommunication	fourth quarter of 2016	Expert assistance-  EUR 8,100  Budget-  EUR 8,910  Total-  EUR 17,010	Identification made in accordance with the Council Decision 2008/114/EC on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection, OJ L 345, 23.12.2008, p. 75	Periodical reporting on measures undertaken with a view to protection of critical infrastructure facilities

**Recommendation 3 from the Screening Report – Fight against terrorism**

**OBJECTIVE**

Improving the system of controlling the trade and transportation of explosives and weapons, improved security of warehouses and storage facilities for the storage of explosives, weapons, dual-use goods and other assets that could be used for terrorist attacks

*Note: More details available in the Innovated National Action Plan for Prevention and Suppression of Terrorism, Money Laundering and Terrorist*

Financing 2013-2014

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
7.16.	Analyse the existing system of control of trade, warehousing and storage of weapons, explosives and other assets, as well as of trade in and control of dual-use goods	Ministry of Interior, Ministry of Defence, Ministry of Foreign Affairs and European Integration, Ministry of Economy	September 2014	Budget- EUR 5,940 Expert assistance- EUR 2,700  Total EUR 8,640	Working group for conducting the analysis formed,  Analysis made	Implementation of recommendations prescribed in the Analysis
7.17.	Reconstruct the warehouses where lethal weapons are kept	Ministry of Defence – Armed Forces of Montenegro, Ministry of Interior	fourth quarter of 2016	Donation- EUR 2,300,000	The number of reconstructed warehouses compared to the number of warehouses requiring reconstruction	Increased degree of safety of the warehouses through clear indicators



<b>TOPIC:</b>						
Recovery of damage caused by terrorist attacks						
<b>OBJECTIVE</b>						
Improving and developing the national capacities required for recovery of consequences of terrorist attacks and revitalisation of damaged systems						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
7.18.	Perform the inter-agency exercises with various scenarios	Ministry of Interior, Ministry of Defence and state authorities participating in removing the consequences of attacks and revitalisation of damaged systems depending on the accident	January 2014 - December 2015	Budget: EUR 9,000	Existing plans reviewed,  The number of exercises conducted	New and innovated action plans developed,  Evaluation of capacities and efficient action-taking in the implementation of plans,  An increased degree of coordinated action of bodies in

						the removal of consequences
<b>OBJECTIVE</b>						
Develop mechanisms for rescuing people, material and cultural resources and environment						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
7.19.	Strengthen the coordination and cooperation with a view to adequate use of resources of the protection and rescue services	Ministry of Interior – Police Administration,  Ministry of Defence – Armed Forces of Montenegro, competent bodies and local protection and rescue services	Permanent activity	No additional funds necessary	The number of joint meeting in the country and abroad,  The number of joint interventions	An overview of results achieved

## 8. COOPERATION IN THE FIELD OF DRUGS

### STATE OF PLAY

#### Legal framework and short overview:

In the field of fight against drugs, Montenegro has acceded the relevant UN Conventions: the 1961 Single Convention on Narcotic Drugs, the 1972 Protocol Amending the Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1988 United Nations Convention on the Fight against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the UN Convention against Transnational Organised Crime and Protocols thereto, the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and Financing of Terrorism.

The field of fight against drugs and prevention of their abuse includes the following regulations: Criminal Code (Official Gazette of the Republic of Montenegro 70/03, 13/04, 47/06 and Official Gazette of Montenegro 40/08, 25/10 and 32/11), Criminal Procedure Code (Official Gazette of Montenegro 57/09 and 49/10), Law on Internal Affairs (Official Gazette of the Republic of Montenegro 44/12), Law on Prevention of Drugs Abuse (Official Gazette of Montenegro 28/11) and Law on Control of Production of and Trade in Substances Used in Manufacturing Narcotic Drugs and Psychotropic Substances (Official Gazette of Montenegro 83/09) (links: [www.mpa.gov.me](http://www.mpa.gov.me); [www.mup.gov.me](http://www.mup.gov.me); [www.mzd.gov.me](http://www.mzd.gov.me)).

The Rulebook on the list of drugs, psychotropic substances and plants that can be used for manufacturing drugs (Official Gazette of Montenegro 56/12) / List of drugs / entered into force and it is in accordance with the list of UN Conventions which contains a special section with new synthetic substances. The list can be easily updated and filled in when the need arises, depending on the appearance of new synthetic substances. The Rulebook on the form of special licence for import, export and transit of drugs (Official Gazette of Montenegro 44/12) also entered into force. The Regulation on the list of substances that can be used for manufacturing narcotic drugs and psychotropic substances (precursors) (Official Gazette of Montenegro 58/10) entered into force as well. [www.mzd.gov.me](http://www.mzd.gov.me)

National strategic guidelines in conducting policy in the area of drugs have been previously defined in the “National Strategic Response to Drugs 2008/2012”.

By hiring an external EU consultant, UNDOC supported the drafting of the following documents through the Regional Programme 2012-2015:

“Evaluation of the National Strategic Response to Drugs 2008-2012”,

“Strategy of Montenegro on the Prevention of Drug Abuse 2013-2020”, and

Action Plan 2013-2016, as adopted by the Government.

The Strategy of Montenegro 2013-2020 identifies areas in accordance with the new strategic framework of the European Union in the area of drugs (link: [www.mzd.gov.me](http://www.mzd.gov.me)).

Montenegro participated in the *UNDOC Regional Programme for Promoting the Rule of Law and Human Security in South Eastern Europe 2009-2011* and continued to actively participate in the new *UNDOC Regional Programme 2012-2015*.

As of 2011, Montenegro is a member of the Pompidou Group Council of Europe and, being a full member, it participates in the programmes of this body.

Montenegro participated in cooperation programmes with European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), and the following documents were drafted with the assistance of experts: *Country Overview 2009 and 2010*, *National Report 2011*, and the first draft of the *National Action Plan on Drugs Information System (NAPDIS)*.

In international cooperation with the civil sector Montenegro participated in a programme with Diogenis Association –Drug Policy Dialogue in South East Europe.

Montenegro has a long tradition and experience in implementing prevention programmes through the education system. Preventive, informational and educational programmes are also implemented by the municipal offices for prevention of addiction diseases, through cooperation with schools. Some of the preventive activities are implemented by NGOs.

In the health care system of Montenegro, treatment is available to all drug addicts who seek help, with the respect of human rights and rights of patients. The treatment costs for all addicts who seek help are paid from the state budget and free of charge for patients. Rehabilitation and re-socialisation programmes are available in the Public Institution for Accommodation, Rehabilitation and Re-socialisation of Users of Psychoactive Substances.

Significant financial funds are allocated from the games of chance revenues and, through public tenders, awarded to non-governmental

organisations which implement programmes for prevention, rehabilitation and self-help to addicts, as well as outreach and/or drop-in programmes and/or programmes for reducing damage (harm reduction) caused by drug abuse and/or programmes for populations which are difficult to reach.

The National Council for Drug Abuse Prevention affirms the activities of all entities aimed at comprehensive efforts of Montenegro to fight drug abuse.

The Department for drugs in the Ministry of health has the role of national unit for information and data on drugs and of national contact point for international cooperation with the relevant agencies and bodies.

During 2011, in cooperation DEU and the British Agency SOCA, IPA Project 2010 “Strengthening Police Capacities to Combat Narcotic Drugs in Montenegro” was implemented, within which the following activities were carried out:

Developing analysis on risk assessment related to narcotic drugs trade,

Developing a report on equipment used by officers and report on the equipment necessary to be procured for more efficient work,

Developing analysis on necessary trainings for officers for fight against drugs.

Proposal of activities of the Section for Fight against Narcotic Drugs largely corresponds to developed documents.

In December 2011, reorganisation of the Division for Fight against Drugs and Smuggling was carried out through the adoption of the Rulebook on internal organisation and job description of the Police Administration. Activities related to suppression of drugs abuse and smuggling were centralised at the level of the Crime Police Department, which will contribute to more efficient investigations and quality of work in collecting evidence for these criminal offences, and particularly their qualified forms (*international smuggling chains, organised criminal groups, etc.*).

Implementation of IPA 2012 project “Support to the rule of law – Strengthening administrative, technical and operational capacities of the Police Administration, Administration for Prevention of Money Laundering and Terrorism Financing and Public Property Administration” is planned to be implemented in partnership with the DEU and EU member states in the period 2013-2015.

On the basis of recommendations from the Screening Report and the European Commission Progress Report on Montenegro, in the following period in the areas of reduced demand for narcotic drugs and reduced supply of drugs, the strategic framework and national policy for prevention and fight of drug abuse will be implemented in accordance with new policy framework of the European Union, taking into account

evaluation mechanisms and continuous monitoring.

Planned measures and activities will be implemented with the expert assistance of EU institutions and participation in international projects, due to the need for continuous adoption of prescribed standards and indicators with the final objective of fully implementing good international practice into the national system.

**Recommendation 1 from the Screening Report – Cooperation in the field of drugs**

**OBJECTIVE:**

Improve operational results of the law enforcement bodies and judicial authorities in the fight against drugs, including the quantity of seized drugs

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
8.1.	Strengthen human resources of the Division for Fight against Drugs and Smuggling, through filling vacancies	Ministry of Interior – Police Administration	December 2014	Regular budgetary funds	Vacancies filled in the Division for Fight against Drugs and Smuggling	Increased number of cases, criminal charges, persons deprived of liberty, seizures and quantity of seized narcotic drugs
8.2.	Provide material resources and technical equipment for the Division by purchasing official vehicles and replacing old official	Ministry of Interior – Police	December 2013 – December	Regular budgetary funds	Motor vehicles provided	Increased number of cases, criminal charges, persons deprived of liberty,

	vehicles	Administration	2014 December 2015	EUR 15,000  EUR 50,000 EUR 85,000		seizures and quantity of seized narcotic drugs
<b>8.3.</b>	<p>Provide material resources and technical equipment for the Division by purchasing specialised equipment and equipment for protection for officers of the Division for Fight against Drugs:</p> <p>equipment used for raising the level of security of officers when on duty (bulletproof vest)</p> <p>equipment used for clear identification of police officers when taking arrest actions (jackets, vests and caps with visible police symbols)</p> <p>technical equipment to be used on the crime scene (specialised equipment for search of premises)</p>	Ministry of Interior – Police Administration	December 2013  December 2014  December 2015  December 2016	EUR 10,000  EUR 60,000  EUR 90,000  EUR 90,000	Equipment purchased	Increased number of cases, criminal charges, persons deprived of liberty, seizures and quantity of seized narcotic drugs

	such as CT35 sets, manual reflectors, LED torches, devices for daily and nightly long-distance surveillance, etc.)  <i>Need assessment made through IPA 2010</i>			Overall EUR 250,000 – Budgetary funds, and through IPA 2012 supply budget  EUR 80,000		
<b>8.4.</b>	Train officers in the country and abroad for:  use of secret surveillance measures in collecting evidence against organised criminal groups ( <i>a part through IPA 2012</i> )  international investigations and joint investigation teams  new types of drugs and method for their detection (particularly as	Ministry of Interior – Police Administration  Police Academy <sup>71</sup> , EU member state – IPA partner	a) and b)  December 2013 – Fourth quarter of 2015	EUR 9,600 of budgetary funds, and partly through IPA 2012 training budget - EUR 10,000	Number of trained officers	Increased number of cases resolved by applying secret surveillance measures

<sup>71</sup> - 1 trainee EUR 21.10 per day;/ for 18 trainees EUR 379.80 per day (for national organisations);  
- 1 trainee EUR 31.70 per day ;/ for 18 trainees EUR 570.60 (for foreign organisations);  
*The price varies depending on the number of trainees and days of training!*



	regards synthetic drugs and laboratories for their production)		c) continuously			
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**Recommendations 1 and 3 from the Screening Report – Cooperation in the field of drugs**

**OBJECTIVE**

Improve practical cooperation, coordination and exchange of data between national and international authorities involved in the fight against drugs

Improve international cooperation and cooperation with the Europol

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
8.5.	Strengthen cooperation between the Police Administration and the Customs Administration through joint controls at border crossing points	Ministry of Interior – Police Administration  Police Academy, Ministry of	Permanent activity	Budgetary funds	Increased number of conducted joint controls at the border crossing points	Increased number of seizures and quantity of seized drugs at the border crossing points

		Finance - Customs Administration				
<b>8.6.</b>	Exchange operational data with the Europol and counterpart services of other countries	Ministry of Interior – Police Administration, Ministry of Finance - Customs Administration, Supreme Public Prosecutor’s Office	Regular activity	Budgetary funds	Increased number of international investigations	Increased number of international cases, number of seizures, number of prosecuted persons and quantity of seized drugs within international cooperation
<b>8.7.</b>	Initiate and participate in international investigations	Ministry of Interior – Police Administration  Police Academy, Ministry of Finance -  Customs	Regular activity  December 2013  December 2014  December	Budgetary funds  EUR 21,432.60  EUR 36,741.60  EUR 36,741.60	Increased number of international investigations	Increased number of international cases, number of seizures, number of prosecuted persons and quantity of seized drugs within international cooperation

		Administration, Supreme Public Prosecutor's Office	2015  December 2016	EUR 36,741.60		
<b>Recommendation 2 from the Screening Report – Cooperation in the field of drugs</b>						
<b>OBJECTIVE</b>						
Strengthen security measures and the surveillance over the Port of Bar						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
8.8.	Form the working group for the development of the Risk Analysis and the assessment of the required material and technical resources with the aim of more efficient surveillance over the Port of Bar	Ministry of Finance - Customs Administration  Ministry of Interior – Police Administration	September 2013	Budgetary funds	Working group formed	More efficient cooperation between the CA and the MI
8.9.	Develop the Risk Analysis and the assessment of the required material and technical resources for the operative work on the	Ministry of Finance - Customs	December 2013	Budgetary funds	Analysis developed,  Risk profiles entered into the Risk	More efficient control of goods and passengers, increase in the number of

	improved surveillance over the Port of Bar	Administration Ministry of Interior – Police Administration		EUR 5,248.80	Management System of the Customs Administration and available to the Police Administration	controlled containers,  Increase in the number of seizures of drugs and smuggled goods
<b>8.10.</b>	Select and train officers who will, when necessary, be engaged in the operative team for the control of goods and passengers in the Port of Bar	Ministry of Finance - Customs Administration  Ministry of Interior – Police Administration	December 2013 –  Fourth quarter of 2015	Budgetary funds and the UNODC Project of “Regional Cooperation for Promoting the Rule of Law and Human Security in South Eastern Europe”		Increase in the number of conducted controls in the Port of Bar,  Increase in the number of seizures and the quantity of seized drugs in the Port of Bar
<b>8.11.</b>	Provide the premises and the equipment for the work of the joint operative team	Ministry of Finance - Customs Administration  Ministry of Interior – Police Administration	December 2014	Budgetary funds and the UNODC Project of “Regional Cooperation for Promoting the Rule of Law and Human Security in South Eastern	Material and technical conditions provided	Increase in the number of conducted controls in the Port of Bar,  Increase in the number of seizures and the quantity of seized drugs in the Port of Bar

				Europe”		
<b>Recommendations 4 and 5 from the Screening Report – Cooperation in the field of drugs</b>						
<b>OBJECTIVE:</b>						
Provide adequate number of employees, as well as the funds for the Focal Point for the EMCDDA, in order to secure an active cooperation with this agency						
Regular updating of the list of drugs by following the international and European trends						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
8.12.	Employ new staff in the National Unit for drugs (National Focal Point/National information unit) in the Drug Division. <sup>72</sup>	Ministry of Health	June 2014	State budget June - December 2014 cc EUR 11,340.00	Staff employed / officers for two posts that are currently vacant/	Staff of the Unit for drugs in the process of training in the programmes with EMCDDA

<sup>72</sup> Act on Internal Organisation of the Ministry of Health envisages a total of three working posts in the Drug Division. A National Focal Point for drugs was established in the Drug Division, pursuant to the current regulation (Law on Prevention of Drug Abuse), and it will be developed in the following period in accordance with the standards and recommendations of the EMCDDA. Only one working post is filled at the moment – that of a Head. So far, the co-operation with EMCDDA has been achieved with one person employed within the NFP. In order for the NFP to be fully functional, additional staffing is required (two more envisaged employees), so that all persons employed within the NFP would participate in training programmes and in the process of adopting standards with the EMCDDA and the REITOX..  
Reference: point 8.12.

				2015 cc EUR 19,440.00 2016 cc EUR 19,440.00 2017 cc EUR 19,440.00 overall by the end of 2017 cc EUR 69,660.00		
<b>8.13.</b>	Train staff in the Focal Point for Drugs, with building the capacity of national network for the information and data on drugs in line with the EMCDDA standards	Ministry of Health, Ministry of Interior – Police Administration	Continuously through stages until the membership	Expert support through participation in programmes with the EMCDDA, for three employees, per one employee cca EUR 1,000.00  Note: principal through programs	Number of trainings and the number of trained staff	Adopted and applied the standards and indicators for collecting and analysing data through the operative national network

				of training with EMCCDA  2014  cc EUR 3,000.00  2015  cc EUR 3,000.00  2016  cc EUR3,000.00  2017  Cc EUR 3,000.00		
<b>8.14.</b>	Develop the Action Plan for establishing a national drug information system ( <i>NAPDIS – National Action Plan on Drug Information System</i> ), along with recommendations for network participants	Ministry of Health  Multi-department group	Second quarter of 2015	Expert support through cooperation with the EMCCDA  Budget EUR 8,505.00	Action Plan adopted(NAPDIS) and activities implemented	Recognized and determined particular data sources at the national level;  operative through regular submission of collected and analysed data and information in accordance with the

						prescribed European standards and indicators to the National Focal Point
<b>8.15.</b>	Train the participants in the Early Warning System (EWS) in case of new types of psychoactive substances	Ministry of Health, Ministry of Interior - Police Administration	Continuously	Participation in the international training programmes;  TAIEX workshops and study visits;  Expert support of the European agencies  (EUROPOL, EMCDDA).  Per one officer: cc EUR 1,000  Note: principal through programs of training with EMCDDA.  2015  cc EUR 3,000.00	Number of trained participants and trainings conducted	Application of the adopted standards. Capacity to monitor trends regarding the appearance of new synthetic substances and exchange of information with the international partners



				2016 cc EUR 3,000.00 2017 cc EUR 3,000.00		
<b>8.16.</b>	Draft guidelines for establishment of the Early Warning System (EWS) in case of new types of psychoactive substances	Ministry of Health, Ministry of Interior - Police Administration	Third quarter of 2016	Expert support,  TAIEX workshops and seminars  Cca EUR 7,290.00  3 officers/experts will work on the document for three months	Guidelines adopted	EWS in function,  Possibility to detect new synthetic substances,  Participation in the European network for the EWS,  Exchange of information and practices with the EURPOL, EMCDDA and with the INCB
<b>8.17.</b>	Establish the functionality, through the stages, of the National Focal Point and the national information system, as a preparation for the participation in the European network (Reitox)	Ministry of Health	Continuously through stages until the membership	Participation in the programmes with the EMCDDA,  Expert support,	Development of annual national reports in accordance with the standards of EMCDDA	Availability of data and information on the condition in the area of drugs for the purpose of planning national programmes

	and in reporting of the EMCDDA			Regular budgetary funds  Reference: item 8.12		and measures and participation in the international exchange of information and data
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**Recommendation 6 from the Screening Report – Cooperation in the field of drugs**

**OBJECTIVE**

Apply strategic framework, along with development of evaluation mechanisms, and apply the national policy on drug abuse prevention and suppression in accordance with the new EU policy framework

No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
8.18.	Establish an inter-ministerial working group with the task to draft an annual report on fulfilment of objectives contained in the 2013-2016 Action Plan	Ministry of Health,  Inter-ministerial working group	January – March 2014	No additional funds required	Information and annual report on fulfilment of objectives contained in the 2013 Action Plan adopted by the Government	Improved situation in the area of drug abuse prevention, in accordance with the strategic framework, through functional monitoring
8.19.	External mid-term evaluation of the Strategy, by applying appropriate methodology.	Ministry of Health	Second half of	External evaluation with expert assistance needed in	Report on external in-term evaluation of the Strategy adopted	Obtained evaluation indicators are used for drafting the second Action Plan

			2016	choosing and applying certain methodology, in order to continually follow the strategic direction of EU, and through participation in international projects and cooperation programmes.	by the Government	for Implementation of the Strategy.
<b>8.20.</b>	Draft Proposal for the 2017-2018 Action Plan in order to continue implementation of the national Strategy for Prevention of Drug Abuse	Ministry of Health, Inter-ministerial working group	Second half of 2016	No additional funds required	The second Action Plan 2017-2018 adopted by the Government in order to continue implementation of the Strategy	Ensuring continuity in implementing activities in the area of drug abuse prevention, in accordance with the EU strategic framework.
	Draft Proposal for the 2019-2020 Action Plan in order to continue implementation of the national Strategy for Prevention of Drug Abuse	Ministry of Health, Inter-	Second half	No additional funds required	The Action Plan 2019-2020 adopted by the Government in order to continue implementation of	Ensuring continuity in implementing activities in the area of drug abuse prevention, in

		ministerial working group	of 2018		the Strategy	accordance with the EU strategic framework.
<b>OBJECTIVE</b>						
Align and implement legislation and strategic documents						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
8.21.	Adopt the Law Amending the Law on Prohibition of Drug Abuse, transposing the Council Decision 2001/419/JHA	Ministry of Health	December 2013	No additional funds required	Law adopted	Practical implementation of the concerned Decision regarding international official exchange and transmission of samples of controlled substances for the purpose of forensic analysis between police contact points of the involved countries

8.22.	Adopt instructions for officers' actions in cases involving drug smuggling ( <i>guidelines for acting in operations or in collecting evidence for criminal offences involving drugs</i> )	Ministry of Interior – Police Administration	September 2014	EUR 15,000 – Budgetary funds, donations, and partly through IPA 2012 ( <i>expert assistance in drafting the documents</i> )	Document drafted	Practical application of the adopted document
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## 9. CUSTOMS COOPERATION

### STATE OF PLAY

The Customs Administration cooperates with customs services of the EU Member States, on the basis of Article 99 of the Stabilisation and Association Agreement between Montenegro and the European Union (Official Gazette of Montenegro 7/07), i.e. on the basis of Protocol 6 of the Agreement (Protocol on Mutual Administrative Assistance in Customs Matters). Article 14 of the Customs Law (Official Gazette of the Republic of Montenegro 07/02, 38/02, 72/02, 21/03, 29/05, 66/06 and the Official Gazette of Montenegro 21/08) prescribes that, during the course of customs supervision and control and when it is necessary in order to lower the risks, customs authority is allowed to exchange information with international institutions and bodies of other countries regarding the entry, exit, transit, transfer and final use of goods transferred between the customs area of Montenegro and other territories, as well as information regarding foreign goods. The Law on Customs Service (Official Gazette of the Republic of Montenegro 7/02, 29/05) defines the scope of work of the body competent for customs affairs and obligations and responsibilities of customs officers.

The Customs Administration has signed 27 bilateral Agreements on Cooperation and Mutual Assistance in Customs Matters, 12 of which with the customs services of EU Member States. The Memorandum of Understanding was signed with the Customs Agency of Italy on the exchange of information between the Customs Stations Bar and Bari. Agreements on electronic data exchange have been signed with the customs services of Serbia, Bosnia and Herzegovina, Kosovo and Albania, which completed phase II of the Regional SEED project supported by the European Commission. The Customs Administration actively participates in international customs investigations. In 2012, 114 pieces of information have been exchanged with international institutions OLAF, SELEC, WCO-RILO, as well as with partner customs services.

Customs information system supports customs procedures. Article 33 of the Law on Customs Service prescribes keeping records of data that are collected, used and kept by customs officers for purposes of performing the tasks of implementing customs authorities. TIR carnet is monitored electronically, in accordance with the TIR Convention. TARICG is implemented into the IT system of the Customs Administration where a Control List has been entered which contains a list of goods that undergo sanitary and phytosanitary control, list of non-military lethal weapons, list of goods which undergo veterinary control and CITES species. Information on all significant seizures is entered into the Customs Enforcement Network, a computer system within RILO ECE. Implementation of the project for risk analysis and business rules is on-going, with the software solution donated by Slovenia.

**Recommendation 1 from the Screening Report: “Define terms of reference of experts to assist in preparing the strategy on customs IT**

**infrastructure” is implemented.**

The Customs Administration, in cooperation with DG TAXUD, has prepared technical specification for development of a new ICT strategy, based on the new business strategy. In January 2013, the Delegation of the European Union to Montenegro published an international tender for selection of the best bidder for development of ICT strategy of the Customs Administration. The procedure was completed. Three experts from the company Analysis for Economic Decisions (ADE) - Consulting & Advisory Services, with headquarters in Belgium, will be entrusted with preparing a document entitled “IT Strategy in Accordance with the Business Strategy of the Customs Administration”. Those are experts in the European customs information systems, with good knowledge of EU business procedures and experience in accession processes.

In drafting the IT Strategy, including a tactic plan, the main focus will be put on the following points:

1. Timeframe of the IT Strategy – up to 2020;
2. Tactic plan with detailed elaboration of the first three years of implementation of the Strategy;
3. Current IT architecture, which is already complex due to great advancement made in the last few years;
4. Obtaining recommendation from the consultants in terms of giving directions for development in the next 8 years, although there is a large number of available options for the IT Strategy.

The deadline for drafting the Strategy is October 2013.

***Recommendation 2 from the Screening Report – Customs Cooperation***

**OBJECTIVE:**

**Draft a strategy on changing the customs IT infrastructure,**

**Implement the Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes**

No.	Measure / Activity	Responsible	Deadline	Required funds /	Indicator of result	Indicator of
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		authority		Source of financing		impact
9.1.	Draft an IT Strategy in accordance with the Business Strategy of the Customs Administration by the company Analysis for Economic Decisions (ADE) - Consulting & Advisory Services from Belgium	Ministry of Finance - Customs Administration	October 2013	Delegation of the European Union to Montenegro  Budget /EUR 10,328	IT Strategy drafted	Customs Information System developed in accordance with the EU standards
9.2.	Engage an IT expert to prepare technical specifications for implementation of the Council Decision 2009/917/JHA	Ministry of Finance - Customs Administration	Fourth quarter of 2016	TAIEX/EUR 5,400  Budget/EUR 2,430	Technical specifications for implementation of the Council Decision 2009/917/JHA prepared	/
9.3.	Organise a public procurement procedure for selection of an IT expert for implementation of the Council Decision 2009/917/JHA	Ministry of Finance - Customs Administration	Second half of 2017	IPA II, DG TAXUD  TAIEX/EUR 2,700  Budget/EUR 8,100	Public procurement procedure completed – Council Decision 2009/917/JHA implemented	Increased number of exchanged information within international cooperation

**Recommendation 3 from the Screening Report – Customs Cooperation**

**OBJECTIVE:**

**Define activities for ratification of the Convention on Mutual Assistance and Cooperation between Customs Administrations (Naples II**



Convention) and plan for their implementation						
No.	Measure / Activity	Responsible authority	Deadline	Required funds / Source of financing	Indicator of result	Indicator of impact
9.4.	Ratify the Convention on Mutual Assistance and Cooperation between Customs Administrations (Naples II Convention)	Ministry of Finance - Customs Administration,  Ministry of Foreign Affairs and European Integration	Following accession to the European Union	Budget/EUR 15,000	Convention on Mutual Assistance and Cooperation between Customs Administrations (Naples II Convention) ratified	Increased number of exchanged information, joint investigative actions, criminal charges and seized goods within international cooperation
9.5.	Amend the Law on Customs Service  <i>Articles 5-35 of the Law, governing authorisations of customs officers arising from the Convention, should be amended. Also, amendments are required in order to align the Law with the Law on Classified Data, Law on Protection of Personal Data, Law on Prevention of Money Laundering and Terrorism Financing, and Criminal Procedure Code, in accordance with the initiative for amending the Code submitted to the</i>	Ministry of Finance - Customs Administration	Fourth quarter of 2015	TAIEX/EUR 24,300  Budget/EUR 31,185	Law on Customs Service amended, Periodical reports on implementation – progress	Increased number of customs investigations, number of cases conducted in cooperation with public prosecution offices, number of criminal charges, scope and value of seized goods

	<i>Ministry of Justice.</i>					
9.6.	<p>Amend the Criminal Procedure Code</p> <p><i>The existing Code does not contain provisions governing authorisations of customs officers for collecting evidence for criminal prosecution and taking evidentiary actions with regard to customs criminal offences. Therefore, on 16 May 2012 the Customs Administration submitted an initiative to the Ministry of Justice to amend the Criminal Procedure Code in accordance with requirements of the Naples II Convention.</i></p>	<p>Ministry of Justice</p>	<p>October 2014</p>	<p>Budget - envisaged in AP 23 (EUR 41,000)</p>	<p>Criminal Procedure Code amended</p>	<p>Periodical reports on achieved results, in accordance with new authorisations of customs officers</p>
9.7.	<p>Amend the Rulebook on internal organisation and job description of the Customs Administration</p> <p><i>The Customs Administration has drafted a new Rulebook on internal organisation and job description of the Customs Administration, which is currently under consideration in the Ministry of Finance. The most important innovation in the organisational structure of the</i></p>	<p>Ministry of Finance</p> <p>- Customs Administration</p>	<p>December 2013</p>	<p>Budget/ EUR 8,100</p>	<p>Rulebook on internal organisation and job description of the Customs Administration adopted</p>	<p>Increased number of exchanged information within international cooperation,</p> <p>Strengthened capacities of the Section for International Customs Cooperation and</p>

	<i>Customs Administration is establishment of a separate organisational unit – Section for International Customs Cooperation and European Integration, which will be held directly responsible to director of the Administration, with strengthened administrative capacities with a view to efficient functioning and meeting EU standards in the area of international customs cooperation.</i>					European Integration
9.8.	<p>Adopt internal rulebooks</p> <p><b><i>Internal rulebook on operation of the Division for Customs Investigations</i></b> (define and describe competences, precisely describe tasks and procedures, records keeping and monitoring status of cases, cooperation with the prosecutor in investigations, application of authorisations, evidence collecting, international cooperation, etc.)</p> <p><b><i>Internal rulebook on operation of the Intelligence Division</i></b></p> <p><b><i>Internal rulebook on operation of</i></b></p>	Ministry of Finance - Customs Administration	December 2014	TAIEX/EUR 7,290 Budget/EUR 5,400	Internal rulebooks adopted	Efficient monitoring of activities regarding cases, application of authorisations, evidence collection, resource planning, investigation efficiency improvement.

	<p><b><i>the Division for Ex-Post Control</i></b></p> <p><i>(Customs Administrative takes active part in the project on Regional Trade Facilitations implemented with the World Bank, which envisages drafting of the instructions for operation of the Division for Ex-Post Control. Project will be implemented in 2013 and 2014)</i></p>					
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## 10. COUNTERFEITING OF THE EURO

### STATE OF PLAY

#### LEGAL FRAMEWORK:

Law on Internal Affairs, Criminal Procedure Code, Criminal Code, Strategy for Prevention of Organised Crime and Corruption.

Official means of payment in Montenegro is the Euro. Euro was introduced on the basis of the Law on Central Bank in 2000 as a replacement for the Deutsche Mark. The Central Bank concluded the Agreement on Cooperation in the area of coins with the European Commission – OLAF in 2008. The Central Bank of Montenegro concluded the Agreement on Cooperation with the European Central Bank in the area of notes in 2009. Protocol on cooperation aimed at promoting cooperation in the fight against counterfeit euro was signed on the level of state institutions of Montenegro, Public Prosecutor's Office of Montenegro, Police Administration and the Central Bank of Montenegro in 2012.

In accordance with the aforementioned, an analysis has been developed based on which agreements were signed with OLAF and the European Central Bank, and those are implemented in a high quality manner, through regular reporting by means of data exchange, planning and organisation of seminars and trainings, which will be continued in the forthcoming period as well. Furthermore, analysis has recognised the need for strengthening capacities for improving cooperation with OLAF, EUROPOL and European Central Bank, with the special focus on the following:

harmonising normative framework with EU *acquis*,

strengthening administrative capacities of the line of work of economic crime,

more efficient discovery and prosecution of criminal offences of counterfeiting money - Euro,

more efficient discovery and prosecution of other offences of economic crime,

continuous enhancing of the cooperation of Montenegro with institutions of the European Union responsible for protecting Euro from forfeiting, such as: the European Commission – OLAF, European Central Bank

signing an operational agreement with EUROPOL, which would enable Montenegro to exchange information and cooperate with this institution in its full capacity, among others, in the field of protecting Euro from forfeiting, is expected

the process of establishing a national central office (NCO) for fight against Euro forfeiting is underway; it's registered office is planned to be located in Ministry of Interior of Montenegro, Police Administration, Criminal Police Sector, Department for Combating Economic Crime

***Recommendation 1 from the Screening Report – Counterfeiting of the euro***

**OBJECTIVE:**

Align the legislation with the *acquis* and strengthening the capacities for improving cooperation with OLAF (the European Anti-Fraud Office), EUROPOL and the European Central Bank in this area

No.	Measure / Activity	Responsible	Deadline	Required funds /	Indicator of result	Indicator of
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		authority		Source of financing		impact
<b>10.1.</b>	Analyse the normative and legal framework governing the area of counterfeiting of Euro:  a. Ratification of the Geneva Convention for the Suppression of Counterfeiting Currency as of 1929  b. Consider amending the word money into currency in Article 142, paragraph 23  c. Consider amending the use of SSM for individual persons in Article 262  d. Consider whether the Criminal Code needs to contain the definition of Counterfeit money which is currently contained in the decision of the Central Bank of Montenegro	Ministry of Justice,  Central Bank of Montenegro,  Ministry of Interior – Police Administration	September 2014	Funds necessary for 3 officers × one month × EUR 810.00 = EUR 2,430.00	Analysis made	/
<b>10.2.</b>	Amend the Rulebook on Organisation and Job Descriptions of the Ministry of Interior – by defining in the Section for	Ministry of Interior – Police Administration	December 2014	Funds necessary for 3 officers × one month × EUR 810.00 =	Amendments to the Rulebook on Organisation and Job Descriptions	Higher level of quality and efficiency of initiated investigations and filed criminal

	Suppression of Economic Crime of the National Central Bureau that will deal with the issue of Counterfeiting of the euro			EUR 2,430.00	of the Ministry of Interior adopted	charges in the area of Counterfeiting of the euro
<b>10.3.</b>	Organise training at an international and national level for the area of Counterfeiting of the euro	Ministry of Interior – Police Administration,  Central Bank of Montenegro,  Police Administration	January 2014 - December 2018	Budget, International cooperation  Funds required  Training at the national level,  8 officers × 5 days × EUR 100 = EUR 4,000  2 experts × EUR 2,700 = EUR 5,400  Training at the international level for 2 officers × EUR 1,000 = EUR 2,000  Funds required for a one year	Number of trainings carried out,  Number of officers trained	Higher level of quality and efficiency of initiated investigations and filed criminal charges in the area of Counterfeiting of the euro

				training in the country and abroad in the total amount of EUR 16,800		
<b>10.4.</b>	Strengthen technical capacities by purchasing an expert analysis software - BIP MAP	Ministry of Finance, Central Bank of Montenegro	June 2015	Budget and donations,  through projects supported by the international organisations  Funds required for the procurement of the expert analysis software - BIP MAP in the amount of EUR 15,000	Acquired equipment	Higher level of quality and efficiency of initiated investigations and filed criminal charges in the area of Counterfeiting of the euro
<b>10.5.</b>	Sign the operational agreement with the EUROPOL	/	/	/	Regular submission of	/



	Deliver quarterly reporting to EUROPOL regarding the counterfeiting of Euro  <b>Note:</b> <i>signing the agreement in the area of Police cooperation and fight against organised crime</i>				quarterly reports	
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