

Pursuant to Article 3a paragraph 2 of the Decision on the Criteria for Determining Scientific, Business, Economic, Cultural and Sports Interest of Montenegro for the Acquisition of Montenegrin Citizenship by Admission (Official Gazette of Montenegro 34/10, 40/16 and 62/18) the Government of Montenegro, at the session of 22 November 2018, adopted the

**DECISION**  
**ON THE CRITERIA, METHOD AND PROCEDURE FOR SELECTION OF PERSONS WHO MAY ACQUIRE MONTENEGRIN CITIZENSHIP BY ADMISSION FOR THE PURPOSE OF IMPLEMENTATION OF SPECIAL INVESTMENT PROGRAMS OF SPECIAL IMPORTANCE FOR THE BUSINESS AND ECONOMIC INTERESTS OF MONTENEGRO**

**Scope**

**Article 1**

This Decision prescribes the criteria, method and procedure for selecting the person submitting the application (hereinafter: applicant) for the implementation of a special investment program of special importance for the business and economic interests of Montenegro, on the basis of which he can acquire Montenegrin citizenship by admission (hereinafter: special program).

**Use of gender-sensitive language**

**Article 2**

The terms used in this Decision for natural persons of masculine gender shall mean the same terms in the feminine gender.

**Special program**

**Article 3**

Special program is considered to be a program that contributes to the economic and business development of Montenegro by paying funds intended for the development of less developed units of local self-government within the meaning of the Law on Regional Development and by investing in development projects determined in accordance with this Decision.

Special program shall be implemented by the administrative body in charge of development projects (hereinafter: Competent Body).

**Intermediary agent and international due diligence agent**

#### **Article 4**

The applicant shall file an application for the implementation of a special program through an intermediary agent, and vetting of the applicant shall be carried out by an international due diligence agent, both of whom have had their licences issued in accordance with this Decision.

#### **Method of licence issuing**

#### **Article 5**

The intermediary agent and the international due diligence agent shall be selected by Competent Body, based on a public notice.

The Government of Montenegro (hereinafter: Government) shall conclude a contract with the intermediary agent and the international due diligence agent for whom the Competent Body establishes that they meet the requirements referred to in Article 6 of this Decision.

Pursuant to the contract referred to in paragraph 2 of this Article, the Competent Body shall issue licenses to the intermediary agent and the international due diligence agent.

#### **Requirements for licence issuing**

#### **Article 6**

An intermediary agent license may be issued to a legal entity if:

1) A responsible person in that legal entity has not been sentenced in Montenegro or in another state by a final and binding court decision to an unconditional prison sentence of more than one year for a criminal offense prosecuted ex officio or the legal consequences of the conviction for such criminal offense have ceased; and

2) For at least three years, he has performed the same or similar activities in at least three countries on the basis of a contract or license, and of which at least in one of the countries that is a member of the European Union.

A license for an international due diligence agent may be issued to a legal entity if:

1) A responsible person in that legal entity has not been sentenced in Montenegro or another state by a final and binding court decision to an unconditional prison sentence of more than one year for a criminal offense prosecuted ex officio or the legal consequences of the conviction for such criminal offence have ceased; and

2) For at least three years, he has performed the international due diligence assessment.

The form of the licences referred to in paragraphs 1 and 2 of this Article shall be determined by the Competent Body and published on its website.

### **Licence validity period and costs**

#### **Article 7**

The licenses referred to in Article 6 of this Decision shall be issued for a period of one year and may be extended, at the request of the intermediary agent or international due diligence agent, without concluding again the contract referred to in Article 5 paragraph 2 of this Decision, twice for a period of one year per extension.

The costs of issuing the license referred to in Article 6 paragraph 1 of this Decision and the costs for the extension of the licence in accordance with paragraph 1 of this Article shall be borne by the intermediary agent.

The amount of the fee referred to in paragraph 2 of this Article amounts to EUR 50,000.00 annually and shall be paid to the payment account of the Competent Body.

The license for an international due diligence agent is free of charge.

### **Agent lists**

#### **Article 8**

Based on the licenses issued referred to in Article 6 paragraph 1 of this Decision, the List of Licensed Intermediary Agents shall be constituted, and based on Article 6 paragraph 2 of this Decision, the List of International Due Diligence Agents shall be constituted.

The lists referred to in paragraph 1 of this Article shall be compiled and updated by the Competent Body and shall publish them on its website.

### **Cessation of licence validity**

#### **Article 9**

The licenses referred to in Article 6 of this Decision shall cease to be valid if the intermediary agent or the international due diligence agent fails to fulfil the obligations set forth in the contract referred to in Article 5 paragraph 2 of this Decision, without the obligation of returning the paid funds referred to in Article 7 paragraph 3 of this Decision.

The Decision on cessation of validity of licenses referred to in paragraph 1 of this Article shall be made by the Competent Body.

### **Applicant criteria**

#### **Article 10**

An applicant may acquire Montenegrin citizenship by admission on the basis of a special program if:

- 1) For the purpose of the costs of the procedure, he has made a payment to the payment account of the Competent Body in the amount of:
  - EUR 15,000.00 for the applicant;
  - EUR 10,000.00 for each family member, up to four members at maximum;
  - EUR 50,000.00 for each next family member.
- 2) Has deposited on the ESCROW account an amount of EUR 100,000.00 intended for the development of less developed local self-government units for the purpose referred to in Article 18 of the Law on Regional Development;
- 3) Has deposited on the ESCROW account an amount of at least EUR 450,000.00 for the purpose of investing in some of the development projects in the Capital of Podgorica or the coastal region of Montenegro or an amount of at least EUR 250,000.00 for the purpose of investing in some of the development projects in the northern or central region of Montenegro, save for the Capital of Podgorica;
- 4) Has not been sentenced in Montenegro or another state by a final and binding court decision to an unconditional prison sentence of more than one year for a criminal offense prosecuted ex officio or the legal consequences of the conviction for such criminal offence have ceased;
- 5) The international due diligence agent has given a positive opinion, including proof of the origin of the money intended for payment and investment in accordance with this Decision.

## **Development projects in tourism**

### **Article 11**

The development project within the meaning of this Decision implies the construction of a hotel/mixed-type complex

- with five stars in the coastal region or the Capital of Podgorica or at least four stars in the northern or central region save for the Capital of Podgorica,

- requiring a necessary minimum of investment in the amount of EUR 15,000,000.00 in the coastal region or the Capital of Podgorica or a minimum investment in the amount of EUR 5,000,000.00 in the northern or central region save for the Capital of Podgorica,

- employing at least 80 employees in the coastal region or the Capital of Podgorica or at least 25 employees in the northern or central region save for the Capital of Podgorica,

- having at least 60 accommodation units in the coastal region or the Capital of Podgorica or at least 35 accommodation units in the northern or central region save for the Capital of Podgorica.

The list of development projects, within the meaning of paragraph 1 of this Decision, shall be determined by the Government upon proposal of the public administration body in charge of sustainable development and tourism.

The list of development projects referred to in paragraph 2 of this Article shall be published on the Competent Body's website.

Regions referred to in Article 10 paragraph 1 item 2 of this Decision and paragraph 1 of this Article have been defined in accordance with the Law on Regional Development.

### **Development projects in agriculture and processing industry**

#### **Article 12**

Development projects, within the meaning of this Decision, are also considered to be the following:

1) projects in the field of agriculture, which meet the conditions determined by the public administration body in charge of agriculture and rural development;

2) projects in the field of processing industry, meeting the conditions determined by the public administration body in charge of economy.

The list of development projects referred to in paragraph 1 item 1 of this Article shall be established by the Government, at the proposal of the public administration body in charge of agriculture and rural development, and the list of development projects referred to in paragraph 1 item 2 of this Decision shall be established by the Government at the proposal of the public administration body in charge of the economic affairs and public administration body in charge of agriculture and rural development.

The lists referred to in paragraph 2 of this Article shall be published on the website of the Competent Body.

### **Application for acquisition of Montenegrin citizenship**

#### **Article 13**

Application for acquisition of Montenegrin citizenship by admission on the basis of a special program shall be submitted by the applicant for himself and members of his family to the Competent Body through an intermediary agent.

Family members within the meaning of paragraph 1 of this Article shall be considered to be:

- a married spouse;
- applicant's children who turned 18 years of age, who are dependent on the applicant
- applicant's children under 18 years of age, who can acquire Montenegrin citizenship by coming of age.

Family members referred to in paragraph 2 of this Article must fulfil the criterion referred to in Article 10 paragraph 1 item 5 of this Decision, and the applicant's married spouse and children who turned 18 years of age must also fulfil the criterion referred to in Article 10 paragraph 1 item 4 of this Decision.

The application referred to in paragraph 1 of this Article shall be submitted on the form determined by the Competent Body and published on its website.

In addition to the application referred to in paragraph 1 of this Article, the applicant shall enclose for himself and his family members the following:

- certified copies of passports and ID cards,
- birth certificates,
- marriage certificates,
- insurance policies valid in Montenegro, which cover health insurance,
- confirmation that they do not suffer from contagious diseases, issued in accordance with the regulations of the country in which the applicant is a national.

### **Criteria for family members**

#### **Article 14**

When the Competent Body establishes that the applicant fulfils the criteria referred to in Article 10 of this Decision, and members of his family those referred to in Article 13 paragraph 3 of this Decision, and that the applicant has submitted the necessary proofs referred to in Article 13 paragraph 5 of this Decision, it shall submit a report thereof to the Prime Minister.

## **Procedure Article 15**

When the public administration body in charge of internal affairs informs the Competent Body that, proceeding upon the Prime Minister's proposal, it has established that the requirements for adopting a decision on admission of an applicant and members of his family to Montenegrin citizenship have been fulfilled, the Competent Body shall inform the applicant thereof.

In the notification referred to in paragraph 1 of this Article, the Competent Body shall inform the applicant about the obligation to make payment from the ESCROW account referred to in Article 10 paragraph 1 items 2 and 3 of this Decision, into the account intended for the development of less developed units of local self-government and into the account of the investor implementing the development project if it is registered in Montenegro, or the account of the company implementing the development project registered in Montenegro.

The verification of payments referred to in paragraph 2 of this Article shall be performed by an independent auditor hired by the Competent Body on the basis of a public notice in order to monitor investment into development projects.

Based on the independent auditor's report, the Competent Body shall inform the public administration body in charge of internal affairs the payment referred to in paragraph 2 of this Article has been effected, for the purpose of adopting a decision on admission to the Montenegrin citizenship on the basis of a special program.

## **Limitation Article 16**

During the period of the special program, up to 2000 decisions on the admission to Montenegrin citizenship on the basis of a special program may be adopted at maximum.

## **Provision of inaccurate data Article 17**

If it is subsequently established that a person who has acquired Montenegrin citizenship by admission in accordance with this Decision had given false information or deliberately concealed the facts or circumstances in connection with the criteria referred to in Article 10 and Article 13 paragraph 3 of this Decision, as well as in the case that an international due diligence agent had given inaccurate data in his report for that person, the Competent Body shall inform thereof the public administration body in charge of internal affairs for the purpose of issuing a decision on the

cessation of Montenegrin citizenship in accordance with the Law governing Montenegrin citizenship.

If the person who has acquired Montenegrin citizenship by admission, in accordance with this Decision, is stripped of Montenegrin citizenship for the reasons referred to in paragraph 1 of this Article, he shall not be entitled to a refund of the funds he had paid in accordance with Article 10 of this Decision.

### **Entry into force and application**

#### **Article 18**

This Decision shall enter into force on the eighth day from the day of its publication in the Official Gazette of Montenegro, and shall apply from 1 January 2019 until 31 December 2021.

No: 07-5532

Podgorica, 22 November 2018

**Government of Montenegro**

Prime Minister,  
Duško Marković

