



Parliament of Montenegro

# NEWSLETTER OPEN PARLIAMENT

Newsletter on the Parliament of Montenegro Performance ♦ No. 45 ♦ January 2015

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# OPEN PARLIAMENT



Parliament of Montenegro

Newsletter on the Parliament of Montenegro Performance ♦ Electronic format ♦ Release: monthly ♦ Year V ♦ No. 45 ♦ January 2015

## FOREWORD

*Dear readers,*

We present to you the key information on activities of the Parliament of Montenegro in the period from 1 to 31 January, which is, in the form of monthly newsletter "Open Parliament", prepared by Parliamentary Service.

In January, the Parliament held a Sitting of the First Extraordinary Session of the Parliament of Montenegro in 2015.

During January, the committees considered 24 proposals for a law and held other activities within their oversight role.

In focus of this month's newsletter is the Winter Session of the Parliamentary Assembly of the Council of Europe held from 26 to 30 January in Strasbourg.

The newsletter is published monthly through which the Parliament endeavours to bring its work closer to Montenegrin citizens.

We remain open to your comments and suggestions, as well as criticism, which can help us bring more quality to our work.

*Respectfully,  
Parliamentary Service*



## LEGISLATIVE AND OVERSIGHT ACTIVITY

**At the Sitting of the First Extraordinary Session of the Parliament of Montenegro in 2015**, resignation of Deputy Secretary General Slobodan Dragović was noted.

### *Proposals for a law deliberated in committees*

- **Proposal for a Law on Ratification of the Agreement on Operational and Strategic Cooperation between Montenegro and the European Police Office** was considered and proposed to the Parliament for adoption by the Legislative Committee and the Committee on International Relations and Emigrants.
- **Proposal for a Law on the Constitutional Court** was considered and proposed to the Parliament for adoption by the Legislative Committee.
- **Proposal for a Law on Courts** was considered and proposed to the Parliament for adoption by the Legislative Committee.
- **Proposal for a Law on the Judicial Council and the Rights and Duties of Judges** was considered and proposed to the Parliament for adoption by the Legislative Committee.
- **Proposal for a Law on Public Prosecution Office** was considered and proposed to the Parliament for adoption by the Legislative Committee. Same proposal was considered by the Anti-Corruption Committee, which submitted its opinion to the lead committee.
- **Proposal for a Law on Special Public Prosecutor's Office** was considered and proposed to the Parliament for adoption by the Legislative Committee. The same

proposal was considered by the Anti-Corruption Committee which submitted its opinion to the lead committee.

- **Proposal for a Law on Amendments to the Criminal Code of Montenegro** was considered and proposed to the Parliament for adoption by the Legislative Committee.
- **Proposal for a Law on Amendments to the Customs Law** was considered and proposed to the Parliament for adoption by the Legislative Committee.
- **Proposal for a Law on Amendments to the Law on Value Added Tax** was considered and proposed to the Parliament for adoption by the Legislative Committee.
- **Proposal for a Law on Ratification of the Agreement between the Government of Montenegro and Government of the Republic of Austria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Property** was considered and proposed to the Parliament for adoption by the Committee on International Relations and Emigrants.
- **Proposal for a Law on Ratification of the Convention on Nuclear Safety** was considered and proposed to the Parliament for adoption by the Committee on International Relations and Emigrants.
- **Proposal for a Law on Ratification of the Agreement on Energy Charter** was considered and proposed to the Parliament for adoption by the Committee on International Relations and Emigrants.
- **Proposal for a Law on Amendments to the Law on Accreditation** was considered and proposed to the Parliament for adoption by the Committee on Economy, Finance and Budget.
- **Proposal for a Law on Amendments to the Law on Consumer Protection** was considered and proposed to the Parliament for adoption by the Committee on Economy, Finance and Budget.
- **Proposal for a Law on Amendments to the Law on Real Estate Tax** was considered and proposed to the Parliament for adoption by the Legislative Committee.
- **Proposal for a Law on Amendments to the Law on Inspection Control** was considered and proposed to the Parliament for adoption by the Legislative Committee.
- **Proposal for a Law on Amendments to the Law on Energy** was considered and proposed to the Parliament for adoption by the Committee on Economy, Finance and Budget and the Legislative Committee.
- **Proposal for a Law on Amendments to the Law on Travel Benefits of Persons with Disabilities** was considered and proposed to the Parliament for adoption by the Legislative Committee.
- **Proposal for a Law on Amendments to the Law on Tax Administration** was considered and proposed to the Parliament for adoption by the Legislative Committee.
- **Proposal for a Law on Amendments to the Law on Mandatory Social Security Contributions** was considered and proposed to the Parliament for adoption by the Legislative Committee and the Committee on

Economy, Finance and Budget.

- **Proposal for a Law on Amendments to the Law on Fees for Access to Certain Services of General Interest and for the Use of Tobacco Products and Electro-Acoustic and Acoustic Devices** was considered and proposed to the Parliament for adoption by the Legislative Committee and the Committee on Economy, Finance and Budget.
- **Proposal for a Law on Coffee Tax** was considered and proposed to the Parliament for adoption by the Legislative Committee and the Committee on Economy, Finance and Budget.
- **Proposal for a Law on Arms** was considered and proposed to the Parliament for adoption by the Legislative Committee.
- **Proposal for a Law on Amendments to the Law on Public Peace and Order** was considered and proposed to the Parliament for adoption by the Legislative Committee.

Proposals for which committees began deliberation during January are the following:

- Committee on Political System, Judiciary and Administration considered Proposal for a Law on Courts; Proposal for a Law on the Judicial Council and the rights and duties of judges; Proposal for a Law on the Constitutional Court of Montenegro; Proposal for a Law on Public Prosecution Office, and Proposal for a Law on Special Public Prosecutor's Office. Voting on the proposals for laws was postponed for a following meeting.

#### Other activities of working bodies

- At the 42<sup>st</sup> meeting of the **Committee on International Relations and Emigrants**, 30 January, control hearing of Deputy Prime Minister of the Government of Montenegro and Minister of Foreign Affairs and European Integration Igor Lukšić and Minister of Interior Raško Konjević was held. The subject of the hearing was the emerging dispute with Bosnia and Herzegovina on delimitation in the area of Sutorina. Following the exchange of views, several conclusions were adopted.
- At the 32<sup>nd</sup> meeting, 28 January, the **Committee on European Integration** adopted 2014 Performance Report of the Committee and the 2015 Annual Work Plan of the Committee.
- At its 40<sup>th</sup> meeting, 29 January, the **Gender Equality Committee** adopted 2014 Performance Report of the Committee.
- At the 49<sup>th</sup> meeting, 27 January, the **Committee on Education, Science, Culture and Sports** got acquainted with Study on cooperation with scientists from diaspora, Report on implementation of the Cooperation Strategy with Diaspora and Implementation Action Plan for the period 2011-2014, Information on implementation of the project by the Innovation and Entrepreneurship Centre "Tehnopolis" Nikšić. The aforementioned documents were considered by the Government at its meetings.

## NEWS FROM PARLIAMENT



### *Visit of President of the Parliament to the United Arab Emirates*

During the official visit to the United Arab Emirates, held from 11 to 13 January, President of the Parliament of Montenegro and President Emeritus of the OSCE Parliamentary Assembly Ranko Krivokapić met with President of the Federal National Council of the Parliament of the UAE Mohammed Ahmed Al Murr:



Krivokapić and Al Murr emphasised a high level of cooperation between the two countries, noting that it represented a quality ground for its further strengthening in all areas of mutual interest. President Krivokapić informed his interlocutor about political challenges that Montenegro had been facing at the moment, emphasising that joining the EU and NATO were the key challenges in the process of further democratic maturing of the country.

Krivokapić and Al Murr also referred to the recent events at the global political scene in the context of growing challenges, particularly when it comes to security.

President Al Murr expressed pleasure over the previous dynamics of the talks at the high level between the two states, adding that Montenegro was the state with which the UAE wanted to continue cooperation in numerous areas.

During the meeting with Minister of Economy of the UAE Saeed Al Mansoori, there were talks about actual modalities of economic connection and cooperation.

### *Meeting between President of the Parliament of Montenegro Ranko Krivokapić and Deputy Prime Minister of the Government and Minister of Foreign Affairs of the Republic of Kosovo Hashim Thaçi held*

President of the Parliament of Montenegro Ranko Krivokapić met on 16 January Hashim Thaçi, Deputy Prime Minister of the Government and Minister of Foreign Affairs of the Republic of Kosovo.

President of the Parliament of Montenegro Ranko Krivokapić and Deputy Prime Minister Hashim Thaçi assessed that bilateral relations of Montenegro and the Republic of Kosovo were good and filled with mutual understanding.

President Krivokapić noted that those who had a

Minister Al Mansoori expressed significant interest of its country to deepen economic relations, primarily in the areas of tourism, development of small and medium enterprises as well as import of food that the UAE needed and Montenegro had a significant potential for production.

In Abu Dhabi, President Krivokapić met Sheikh Abdullah bin Zayed bin Al Nahyan, Minister of Foreign Affairs of the UAE and a member of the ruling royal family.

During the meeting, the interlocutors discussed the regional position and foreign policy challenges that the two countries had been facing.

Special attention was devoted to issues of new global political architecture and contemporary safety challenges manifested primarily through open issues in the Middle East and the Arab world as a whole, especially in the context of intensifying crisis and conflicts caused by the emergence of the Islamic State of Iraq and Syria.

President Krivokapić held a lecture at the New York University in Abu Dhabi for students, professors and representatives of diplomatic corps, on the topic: "Safety and Security: The Basis for Stable Development".

Krivokapić also met with Minister of International Cooperation and Development Sheikha Lubna Al Qasimi.

Referring to numerous prejudices related to understanding Islam, particularly nowadays, Krivokapić stated that Islam was an integral, inseparable and indelible part of Europe, its culture, history and tradition.

"Islam is a part of the European past, present and future. Europe that I believe in is the Europe that I am decisive to further build with you. It is the Europe of differences, political and religious tolerance. That is not the Europe of conflicting but unique civilisation. The Europe which has learnt a lesson from its colonial past, Europe which is resolute to build a partnering relation with Islamic world", President Krivokapić emphasised.

common history in the former Yugoslavia and who share the fate of the Western Balkans have to work on understanding and respect, because that is a foundation for stability in this area. "The Republic of Kosovo may be certain that Montenegro will provide it with support on its Euro-Atlantic path, and that Montenegrin experience from the integration process - regarding which we are still the leaders in the region - will be available", Krivokapić stated. Krivokapić said that every step of the Western Balkans countries which

meant approaching the Euro-Atlantic structures also meant a success and guarantee of peace and cooperation in the Balkans. "Accepting the facts and facing the truth is a condition for a more prosperous future of this part of the South-East Europe", Krivokapić assessed.

Deputy Prime Minister of the Government and Minister of Foreign Affairs of the Republic of Kosovo Hashim Thaçi thanked President Krivokapić on wise state politics of Montenegro, politics which means a creation of a constructive relationship between the two states, and which ultimately results in benefits and a better life of citizens.

Thaçi noted that Kosovo considered Montenegro to be a friendly country, from which much could be learned and with which it wants to develop political,

economic and other relations. Thaçi reiterated gratefulness of Kosovo for Montenegro's understanding and help in the most difficult moments of dark nineties.



The interlocutors stated that the next phase of the relationship of the two states should be based on intensifying the relationships among institutions.

### ***Deputy Protectors of Human Rights and Freedoms of Montenegro took their oath before the President of Montenegrin Parliament***

**D**eputy Protectors of Human Rights and Freedoms of Montenegro Zdenka Perović and Siniša Bjeković, on 20 January, took their oath before the President of Montenegrin Parliament Ranko Krivokapić, who told them that they should remain autonomous from all influences of the Government.



Krivokapić said that the Deputy Ombudsmen should be autonomous from the executive and legislative power, and expressed assurance that the institution of the Ombudsman in this new composition would have more capacity.

"The Parliament shall be obliged to help, protect and affirm you", stated Krivokapić.

Montenegrin Ombudsman Šučko Baković said: "The constitutional position of the institution is very clear; it provides great autonomy. The extent of our autonomy and independence primarily depends on us, on me as the head person in the institution, and on my closest associates."

Baković stated that the job of protecting human rights and freedoms was never finished, not even in the most democratic of societies, and not in Montenegro.

Zdenka Perović stated that she had worked in the institution of Ombudsman since its establishment, and hoped that she would leave her mark in this area as well.

According to Siniša Bjeković, there are three responsibilities in this profession: "The first one is voting in the Parliament, and I am extremely grateful to all political subjects who participate in the work of the Parliament for their undivided support. The second responsibility is the support of a part of the civil sector in Montenegro, which I represent. The third responsibility is private and familial. Not so distant experiences tell me that my ancestors would give their lives for justice and morality. What obliges me in that sense is perseverance in these principles upon which the work of the protector is based", concluded Bjeković.

## **PARLIAMENTARY GLOSSARY**

**Customs.** "Customs are a type of fiscal revenue, respectively special duty levied by the state, during the transfer of goods across the state border, respectively customs border. They are a type of indirect taxes and represent one of the most important instruments of foreign trade exchange. As an instrument of foreign trade exchange, customs may affect formation and change of relation of expenditures and prizes at domestic market; whereas through prizes, they may affect import and export, balance between trade and balance of payments, acceleration or deceleration of development of a certain economic branch or economy as a whole, employment, demand, consumption and so on."<sup>1</sup>

<sup>1</sup> Dr Marko Radičić, dr Božidar Raičević, Javne finansije-Teorija i praksa, Beograd 2008, p.175

## IN FOCUS



### *Winter Session of the Parliamentary Assembly of the Council of Europe held from 26 to 30 January in Strasbourg*

The first day of the Winter Session, Anne Brasseur was reelected President of the Council of Europe. In addition, 19 Vice-Presidents were elected, while one seat for Vice-President belonging to Bosnia and Herzegovina remained vacant.

PACE parliamentarians were informed on the reports of observers' missions on observation of the parliamentary elections in Tunisia and Moldova.

In addition, a ceremony was organised in order to mark the International Day of Commemoration in memory of the victims of the Holocaust, to commemorate the liberation of the Auschwitz camp on 27 January 1945.

The second day of the Session, PACE considered the Report on honouring of obligations and commitments by Montenegro and adopted Resolution on closing the monitoring procedure in respect of Montenegro and engaging in post-monitoring dialogue.

It was noted that Montenegro is a reliable and constructive partner to the Council of Europe, that it plays a positive role in the stabilisation of the region and has made progress in fulfilling its commitments and obligations since its accession in 2007. Montenegro was invited to pursue policies focusing on democratic standards, consolidation of the rule of law, enhanced transparency and accountability of public institutions and the equitable representation of minorities.

Three amendments were adopted, related to: encouraging Montenegrin authorities to promote equality and inclusion of persons with disabilities; passing the legislation to facilitate granting of Montenegrin citizenship under Resolution 1989 (2014) and fulfilling other issues highlighted in

recommendations of the OEBS/ODIHR and Venice Commission, such as reducing the constitutional two-year residency requirement granting citizens the right to vote.



The third day, it was debated on terrorist attacks which happened in Paris in January 2015, after which the Resolution was adopted.

The PACE decided to ratify credentials of the delegation of the Russian Federation, pointing out the need to foster dialogue, but at the same time it decided to suspend the voting rights of the Russian delegation, as well as its right to be represented in the leading Assembly bodies.

On day four, the members of the Assembly were addressed by the Secretary General of the Council of Europe Thorbjørn Jagland, who focused his speech on the crisis in Ukraine, freedom of expression and fight against terrorism.

The final day, the following topics were discussed: "Witness protection as an indispensable tool in the fight against organised crime and terrorism in Europe" and "Equality and inclusion for people with disabilities".

## FROM PARLIAMENT'S GALLERY

On the Coat of Arms introduced during the reign of Petar II, there is a golden double-headed eagle with its wings lifted up high, holding a scepter and a globus cruciger in its talons. On the chest of the eagle there is a shield with a golden lion passing in a green field with a blue background. There is the royal crown above the eagles' heads.

At the time of his reign, the coat of arms has gone through modifications only in terms of graphic design, i.e. elements shown in the coat of arms are much more realistic.



# FROM THE HISTORY OF MONTENEGRIN PARLIAMENTARISM



## LAW ON STATE BUDGET

1/14 May 1901

**WE  
NIKOLA I**  
By the grace of God  
**PRINCE AND SOVEREIGN OF MONTENEGRO**  
At the proposal of Our Minister of Finance,  
After hearing our State Council  
Decided to order and we are ordering this

## LAW ON STATE BUDGET

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### Article 12

Credits (budget allocations designated for specific time periods) are approved by the Ministry of Finance, at the request of concerned Ministries.

No treasurers shall be allowed to perform their duties until they have been granted a credit, in accordance with the procedure.

### Article 13

Approved expenditures envisaged within the budget must be spent for the purpose they've been designated and in the manner prescribed by law.

In case funds designated for a specific project are not spent, they cannot be spent on projects for which there are insufficient funds. In addition, it is prohibited to use funds envisaged for personal income to cover the expenditures relating to supplies and services.

Pursuant to the Law on Organisation of the General State Audit Institution, persons authorised to give orders and all who are accountable shall be held financially accountable for each activity performed contrary to the law.

### Article 14

In case approved credits are not spent, they will be registered as savings.

If a certain authority has taken from the State Treasury more money than needed, it shall return that money before closure of books of accounts for the said year.

### Article 15

If the results during the fiscal year show that the approved funds are not sufficient, and a competent minister seeks the increase of funds, the said minister shall submit a

proposal with an explanatory statement to the State Council, through the Minister of Finance.

The State Council's decision shall be submitted to the Prince and Sovereign for approval. It shall be published in the Official Gazette and submitted to the General State Audit Institution.

The same shall apply in case the budget does not envisage allocation of funds relating to emergency situations.

### Article 16

Upon the closure of books of accounts, all the unspent funds are annulled.

However, in case the state has failed to meet certain obligations, funds allocated for these particular purposes may be used for the accounting year to come.

On this matter, the competent minister shall submit the State Council a proposal with an explanatory statement, specifying how certain obligations have come to appertain to the state, and why hadn't they been met in a timely manner.

When the second accounting year ends, the said funds will be annulled as well.

However, in case that certain financial obligations still remained unmet, the competent minister shall compose new estimates on expenditures containing the necessary sum, whereas the previously approved funds will be annulled.

### Article 17

Extraordinary funds envisaged for construction companies shall remain available until completion of the task.

The unspent funds from the previous year may be also used during the following year; provided that the competent minister submits a timely request (prior to the end of fiscal year) to the State Council, upon obtaining the approval from the Prince and Sovereign.

In this case, these funds shall be incorporated in the budget expenditures envisaged for the following year.

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Nikola, handwritten signature

**From the Law on State Budget, Cetinje, 1 May  
1901.**

Pavičević, B, Raspopović, R, eds. Crnogorski zakonici 1796 -1916, knj. II (Montenegrin Codes 1796 -1916, Book II), Podgorica, Istorijski institut Crne Gore, 1998, pp. 534-539

# CALENDAR



## 11 January

- President of the Parliament of Montenegro and President Emeritus of the OSCE Parliamentary Assembly Ranko Krivokapić paid an official visit to the United Arab Emirates, where he met with President of the Federal National Council of the Parliament of the UAE Mohammed Ahmed Al Murr, Minister of Economy of the UAE Saeed Al Mansoori and Minister of Foreign Affairs of the UAE and member of the ruling royal family Sheikh Abdullah bin Zayed bin Al Nahyan.

## 15 January

- Chairwoman of the Gender Equality Committee Nada Drobnjak was the keynote speaker at the session entitled „Overcoming gender inequality in Montenegro: where are we?“, held during the final conference of the project “Fast Forward Human Rights”. The Conference was about the challenges in implementation of modern concept of human rights and vulnerable groups and low visibility of human rights of persons with disability.

## 16 January

- President of the Parliament of Montenegro Ranko Krivokapić received Hashim Thaçi, Deputy Prime Minister of the Government and Minister of Foreign Affairs of the Republic of Kosovo. The interlocutors assessed that bilateral relations of Montenegro and the Republic of Kosovo were good, fulfilled with mutual understanding.

## 20 January

- Deputies of the Protector of Human Rights and Freedoms Zdenka Perović and Siniša Bjeković took an oath before the President of the Parliament of Montenegro Ranko Krivokapić.

## 22 January

- Chairwoman of the Gender Equality Committee Nada Drobnjak met with representatives of the UNICEF Office to Montenegro - Social Policy Coordinator Maja Kovačević and Education Specialist Maja Manojlović. Kovačević and Manojlović spoke on expanding the scope of children included in preschool education and support in providing quality preschool services to all children, because that has been one of the key areas of UNICEF's work in Montenegro. In addition, they presented a Study on Investment in Early Child

Education in Montenegro, published by Ministry of Education and UNICEF.



## 26 January

- President of the Parliament of Montenegro Ranko Krivokapić received H.E. Péter Sztáray, Ambassador of Hungary to NATO. The interlocutors led conversation on NATO integration of Montenegro, of particular importance this year. Since Hungary has recently overtaken the role of NATO contact point Embassy for Montenegro, President Krivokapić expressed contentment over the fact that the state, which still closely supports Montenegro, will continue to monitor carefully our state and assist it in its NATO commitments. Sztáray assessed that Montenegro has been achieving a constant progress in Euro-Atlantic integration, and repeated that this was the year when NATO partners are focused on our state and steps to the goal; which is receiving the invitation to join the Alliance.
- Delegation of the Parliament of Montenegro to the Parliamentary Assembly of the Council of Europe participated in the Winter Session, which took place from 26 to 30 January in Strasbourg. The Montenegrin Delegation to PACE consisted of: Predrag Sekulić, Head of Delegation and members Draginja Vuksanović, Goran Tuponja, Damir Šehović and Snežana Jonica.

## 30 January

- President Krivokapić received H.E. Sue K. Brown, for a farewell visit. Krivokapić expressed contentment and gratitude for the intensive and partner cooperation with the US Embassy in Podgorica, as well as for personal contribution to important reform processes in Montenegro, which the Ambassador Brown has provided for. The interlocutors emphasised that Montenegro is on its Euro-Atlantic path, and that this is the year when a special focus of Euro-Atlantic partners had been put on the results in the field of the rule of law.