



Parliament of Montenegro

# NEWSLETTER OPEN PARLIAMENT

Newsletter on the Parliament of Montenegro Performance ♦ No. 56 ♦ January 2016

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# OPEN PARLIAMENT



Parliament of Montenegro

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## 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 Sitting of the First Extraordinary Session took place, during which MPs voted in favour of confidence in the Government of Montenegro.

During January, committees considered one proposal 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, which took place in Strasbourg from 25 to 29 January.

The newsletter is published monthly through which the Parliament endeavours to bring its work closer to Montenegrin citizens. We consider this publication to be very significant as a reliable source of information regarding the work of the Parliament and we hope that you will find it useful.

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 2016**, MPs voted in favour of confidence in the Government of Montenegro.

During January, Committees considered one proposal for a law, **Proposal for a Law on Amendments to the Law on Takeover of Joint Stock Companies**. The proposal was considered by the Committee on Economy, Finance and Budget, which decided to propose to the Parliament to adopt it.

Within other activities of working bodies, **Committee on Political System, Judiciary and Administration** held its 110<sup>th</sup> meeting on 21 January, during which the Committee members determined a text of the Public call for the election of two members of the Prosecutorial Council from among respectable lawyers and reached the decision on holding a control hearing of Supreme Public Prosecutor Ivica Stanković, Chief Special Prosecutor Milivoje Katnić, and Minister of Justice Zoran Pažin. At its 127<sup>th</sup> meeting, held on 21 January, **Committee on Economy, Finance and Budget** supported the initiative on holding a control hearing of Branimir Gvozdenović, Minister of Sustainable Development and Tourism, and Zoran Mrdak, Director of the Public Enterprise for National Parks of Montenegro.

## NEWS FROM PARLIAMENT



### *Committee on European Integration organised a public debate on negotiating Chapters 11 and 12*

Committee on European Integration organised on 29 January a public debate on the topic “Montenegro and the EU: Negotiations on Chapters 11 - Agriculture and rural development and 12 - Food safety, veterinary and phytosanitary policy”.

When it comes to agriculture and rural development, panelists emphasised that this was among the most important chapters given the considerable funds allocated for Common Agricultural Policy at the EU level. It is important that Montenegro increases the export of agricultural products, particularly traditional products which could be competitive in the European market. In order to obtain this goal, strengthening administrative and professional capacities was necessary, and study visits of agricultural producers to the EU states strongly contributed to this. In addition, Montenegro was required to establish a payment agency, and according to Benoit Esmanne, Programme Manager for Agriculture and Rural Development at the EU Delegation to Montenegro, during recent visit to Montenegro, the auditors of the European Commission’s Directorate General for Agriculture and Rural Development determined that the country was on a good path towards establishing such institution.

According to the panellists, the Chapter 12 - Food safety, veterinary and phytosanitary policy represented one of the most demanding with regard to the scope of legislation, given that the largest part of acts from Montenegro’s EU Accession Programme was envisaged precisely in this field.

### *Chair of the Committee on Education, Science, Culture and Sports met with representatives of the European Students’ Union (ESU) and the Student Parliament of the University of Montenegro (SPUCG)*

Chair of the Committee on Education, Science, Culture and Sports Branka Tanasijević met on 27 January with representatives of European Students’ Union (ESU) and the Student Parliament of the University of Montenegro (SPUCG).

During the meeting, the ESU representatives were interested in the following: general information on work, structure, composition, and competencies of the Committee on Education, Science, Culture and Sports; the Committee’s role in the legislative procedure; Law on Higher Education with regard to students’ status: involvement of students in the process of adoption of laws; involvement of students in the work of the Committee; funding of higher education and the University of Montenegro; role of the Committee and the Parliament in the field of higher education; representation of issues of students’ status and standards and similar issues at the

meetings of the Committee. With regard to strengthening of administrative capacities, it was emphasised that the forming of Food Safety Administration was underway, since the European Commission recommended establishing a single institution for implementing all forms of food safety control.



The participants in the discussion stated that it was necessary to strengthen the abilities of agricultural producers to apply for EU funds and provide funds for co-financing projects. They emphasised that agricultural producers should also be directly involved in drafting laws and secondary legislation relevant to them, and that the statistics in the field should be improved. In addition, significance of improving the system of agricultural production gained more importance given the negative effects that the climate change would also have on Montenegro in the future.

meetings of the Committee.

In addition to the Chair of the Committee, the meeting was attended by member of the Committee Jelisava Kalezić; ESU representatives Martin Retelj, Aleksandar Šušnjar, and David Kiš; SPUCG representatives Miloš Pavićević, Rajko Golović and Nikola Bošković.





## IN FOCUS



### *MP Snežana Jonica participated in the Winter Session of the Parliamentary Assembly of the Council of Europe*

**M**P Snežana Jonica participated in the Winter Session of the Parliamentary Assembly of the Council of Europe, which took place from 25 to 29 January in Strasbourg.

The first day of the session, Spaniard Pedro Agramunt (EPP/CD) has been elected PACE President for a mandate of one year, renewable once. Parliamentary Assembly of the Council of Europe (PACE) elected its 18 vice presidents from among its members. The seats for vice presidents in respect of the Russian Federation and Spain remain vacant.

The second day, parliamentarians discussed proposals for resolutions on topics: "Escalation of violence in Nagorno-Karabakh and the other occupied territories of Azerbaijan" and "Inhabitants of frontier regions of Azerbaijan are deliberately deprived of water" as well as a discussion on the topic: "Introduction of sanctions against parliamentarians".

PACE decided to grant the Jordanian Parliament a status of a Democracy Partner, and invited the Parliament to appoint a delegation from among the democratically-elected MPs, composed of three members and three substitute members. The resolution adopted on this occasion notes the need for deepening and continuing reforms towards the consolidation of democratic institutions, establishing the rule of law and respect of human rights in Jordan.

Within elections and appointments, Georgios A. Serghides was elected judge of the European Court of Human Rights from Cyprus.

The third day, the parliamentarians had a consolidated discussion on migrations, as well as proposals for resolutions "Combating international terrorism while protecting Council of Europe standards and values" and "Foreign fighters in Syria and Iraq".



The fourth day of the session, PACE discussed proposals for resolutions "The situation in Kosovo and the role of the Council of Europe" and "Strengthening the protection and role of human rights defenders in Council of Europe member States" and "How to prevent inappropriate restrictions on NGO activities in Europe?". Furthermore, a debate under urgent procedure was held on the topic "Recent attacks against women in European cities – the need for a comprehensive response".

## PARLIAMENTARY GLOSSARY

**Derogation.** "When a regulation or legal act repeals another regulation or act provided that their content is contradictory. As a rule, a norm, i.e. act of higher legal force repeals a norm i.e. act of lower legal force. When the legal norms, i.e. acts have equal legal force, yet their content is contradictory, the later norm, respectively act repeals the earlier act. There are some exceptions to this rule involving specific cases. In such event, a special norm does not repeal a general norm and vice-versa, although the aforementioned rule states the opposite. However, it should be noted that these exceptions are neither always justified nor practicable. It is not always easy to determine whether a norm is general or special when such comparisons are needed, which causes difficulty when applying the aforementioned rule of derogation."<sup>1</sup>

<sup>1</sup> Pravna Enciklopedija, Beograd, Savremena Administracija 1979, p 203

# FROM THE HISTORY OF MONTENEGRIN PARLIAMENTARISM



## LAW ON EXPROPRIATION

5/18 July 1906

**WE  
NIKOLA I  
BY THE GRACE OF GOD  
PRINCE AND SOVEREIGN OF MONTENEGRO**  
**Declare and announce that at the proposal of Our  
Ministerial Council, after hearing Our State Council,  
in terms of item II Article 221 of Constitution  
decided to order and we are ordering the**  
**LAW  
ON  
TAKING PRIVATE PROPERTY  
FOR A PURPOSE DEEMED TO BE IN PUBLIC  
INTEREST WITH COMPENSATION  
(EXPROPRIATION)**

### PART I

#### GENERAL PROVISIONS

##### Article 1

When necessary, the state, region, captaincy, tribe, municipality, village, as well as private entities and other business entities, who have a right to expropriation, are entitled to take each state or private property under their jurisdiction, while providing compensation to the owner for the property (Article 207 of Constitution), in line with the General property Code.

Private property includes property owned by an individual of both Montenegrin and foreign citizenship, joint community (zadruga), company, church, municipality, tribe or region.

In accordance with the legal provisions, the compensation is paid in the form of money or land. The value is determined through a mutual agreement between parties, or if necessary through expert evaluation.

##### Article 2

Underground space of an immovable property may be expropriated regardless of the size of the area.

##### Article 3

Given that the owner receives appropriate compensation, private property may be taken without the consent of the owner, in the following cases:

1. When expropriation is performed for the purpose of general progress, or in order to remedy the damage or remove the consequences which affect or may affect the municipalities or residents of a certain area in terms of health or possession. It is also performed for the improvement of particular locations, in terms of: building and regulation of the main and auxiliary roads in the interior of the country, and roads within towns and boroughs, building water supply, regulation of rivers and streams, digging canals, draining swamps, etc.

2. It can be undertaken for the needs of the state, region, tribe or municipality, when such location is specifically required in order to: build state facilities, schools, churches, cemeteries, respectable properties, forest nursery and perform other agricultural activities, build powder towers, surrounded by land, water supply, and waters, build hospitals, public toilets, iron roads, stations, harbours, industrial zones, and facilities for the maintenance of the abovementioned, etc. This rule shall not apply in the following cases: building facilities designated for certain authorities, post offices, customs offices etc. unless they are tied to a certain location.

3. When such actions are undertaken in the interest of the people located in a certain area. This shall include the following: mining, opening wells of mineral water and building appropriate mine facilities and facilities for the functioning of institutes, etc.

4. When it is prescribed by law.

\*\*\*

##### Article 5

Only immovable property shall be subject to expropriation, and no exceptions will be made. In the event of a war, movable assets such as food, clothing, automobiles, horses, weapons etc. may be also subject to expropriation for a purpose deemed to be in public interest. In such case, a special law shall apply through requisition.

\*\*\*

Cetinje, 5 July 1906 Nikola, handwritten signature

Pavićević, B, Raspopović, R, ur. Crnogorski zakonici 1796-1916, knj. IV, Podgorica (Montenegrin Codes 1796-1916, Book IV), Istorijiski institut Crne gore, 1998, pp. 285-299

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## 11 January

- President of the Parliament of Montenegro Ranko Krivokapić received Joseph Muscat, Prime Minister of Malta. During the meeting, the interlocutors agreed that the rule of law was needed in order to achieve prosperity and continuous progress, which would also encourage the investors to invest in our country. President Krivokapić emphasised that this visit was a step ahead in maintaining and strengthening existing relations and noted that Montenegro and Malta had good friendly relations at all levels.



## 12 January

- At the fourteenth meeting of the Working Group of Parliamentary Dialogue on Preparing Free Elections, members considered the control of using state resources through monitoring of the Budget Law and Final Budget Account within the competences of the State Audit Institution.
- Vice President Suljo Mustafić was the host of the constitutive meeting of the Council for Civilian Control of Police Operations, during which he emphasised that the Council for Civilian Control of Police Operations, by its active participation in the process of monitoring the legality of work in a number of cases, has given an important contribution and objective judgement in the previous period, and thus improved the work in the subject field and contributed to raising the level of citizens' confidence in police service.

## 14 January

- At the fifteenth meeting of the Working Group of Parliamentary Dialogue on Preparing Free Elections, members considered control of the state resources. The meeting was attended by Vukica Jelić, Director of

the Employment Bureau of Montenegro, Stoja Roćenović, Head of Department for Internal Audit Harmonisation in the Ministry of Finance, and Nina Blečić, Head of Department for Harmonisation of Financial Management and Control in the Ministry of Finance.

## 15 January

- At the sixteenth meeting, members of the Working Group of Parliamentary Dialogue on Preparing Free Elections spoke with President of the Board of Directors of the Investment and Development Fund of Montenegro Zoran Vukčević and Minister of Sustainable Development and Tourism Branimir Gvozdenović regarding the control over the use of state resources.

## 18 January

- At the seventeenth meeting, members of the Working Group of Parliamentary Dialogue on Preparing Free Elections spoke with Minister of Labour and Social Welfare Zorica Kovačević regarding the control over the use of state resources.

## 19 January

- At the eighteenth meeting of the Working Group of Parliamentary Dialogue on Preparing Free Elections, members considered the control over the use of state resources.

## 20 January

- At the nineteenth meeting of the Working Group of Parliamentary Dialogue on Preparing Free Elections, members resumed considering the control over the use of state resources.



- President of the Parliament of Montenegro received Edward Nalbandian, Minister of Foreign Affairs of the



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Republic of Armenia. The interlocutors exchanged their opinions regarding the current political situation and frozen conflicts in Armenia, as well as the current events and political scene in Montenegro. It was also assessed that the rule of law was the basis for the development of a country, as well as advanced international cooperation, strengthening the rule of law which boosts economic development.

## 21 January

- At the 20<sup>th</sup> meeting of the Working Group of Parliamentary Dialogue on Preparing Free Elections, members of the Group discussed with President of the Board of Directors of the Montenegro Post Igor Radusinović and Executive Director of the Montenegro Post Milan Martinović, as well as Minister of Agriculture and Rural Development Petar Ivanović the control over the use of state resources.
- Chair of the Committee on International Relations and Emigrants Miodrag Vuković received the Ambassador of Romania to Montenegro Ferdinand Nagy. The interlocutors discussed details regarding the forthcoming visit of the Chair of the Committee for Foreign Policy of the Romanian Chamber of Deputies Laszlo Borbely, who will pay an official visit to Montenegro. A special attention was devoted to parliamentary dimension of cooperation through friendship groups of the two parliaments, whose intensifying should follow the quality of overall interstate relations.



## 22 January

- Fifth and sixth graders of Knightsbridge Schools International (KSI) Montenegro from Tivat paid a visit to the Parliament of Montenegro, and thus got acquainted with the history, competences and manner of functioning of the Parliament.
- At the 21<sup>st</sup> meeting of the Working Group of

Parliamentary Dialogue on Preparing Free Elections, in the presence of Minister of Transport and Maritime Affairs Ivan Brajović and Executive Director of Airports of Montenegro Milovan Đuričković, members discussed the control over the use of state resources.

- President of the Parliament of Montenegro Ranko Krivokapić had a farewell meeting with Ambassador of the Slovak Republic to Montenegro Frantisek Lipka. During the meeting, the interlocutors assessed that the relations between Montenegro and Slovakia were traditionally good and strong, especially when it comes to cooperation and assistance towards European and Euro-Atlantic Integrations. The ambassador commended the Parliament for its contribution to European and Euro-Atlantic integrations.



## 25 January

- Member of the Delegation of the Parliament of Montenegro to PACE Snežana Jonica participated in the Winter Session of PACE, which took place from 25 to 29 January 2016 in Strasbourg. Among the topics discussed were migration and refugee crisis, international terrorism and the functioning of democratic institutions in Poland. This year's agenda included proposals for resolutions on: strengthening the protection and role of human rights defenders in Council of Europe member States, escalation of violence in Nagorno-Karabakh and the other occupied territories of Azerbaijan, the situation in Kosovo and the role of the Council of Europe, judicial corruption, preventing inappropriate restrictions on NGO activities in Europe and access to school and education for all children. In addition, PACE decided to grant the Jordanian Parliament the status of a Democracy Partner, and invited the Parliament to appoint a delegation from among the democratically-elected MPs, composed of three members and three

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substitute members.

## 27 January

- Chair of the Gender Equality Committee Nada Drobnjak received Head of the OSCE Mission to Montenegro Janina Hrebickova. Ambassador Hrebickova commended the previous cooperation realised between the OSCE Mission and the Gender Equality Committee, adding that its continuation was important for the purpose of mainstreaming policies and presenting experiences of men and women which would contribute to creating a democratic society and peace in the region. The interlocutors expressed readiness to continue the successful cooperation with regard to implementation of the Security Council Resolution 1325 "Women, Peace and Security".



- Chair of the Committee on Education, Science, Culture and Sports Branka Tanasijević met with representatives of the European Students' Union (ESU) and the Student Parliament of the University of Montenegro (SPUCG). The meeting took place in order to analyse the state of affairs in the higher education and assessing readiness of the SPUCG to obtain a positive report which would be a key step towards achieving a full-fledged membership to the ESU.



## 29 January

- Committee on European Integration organised a public debate on the topic: "Montenegro and the EU: Negotiations on Chapters 11 - Agriculture and rural development and 12 - Food safety, veterinary and phytosanitary policy". The interlocutors emphasised that Chapter 11 was one of the most significant, because of considerable funds allocated for Common Agricultural Policy at the EU level, whereas Chapter 12 represented one of the most demanding with regard to the scope of legislation, bearing in mind that the largest part of acts from Montenegro's EU Accession Programme was envisaged precisely in this field.



- Chair of the Gender Equality Committee Nada Drobnjak participated in the work of TAIEX (Technical Assistance and Information Exchange instrument workshop), which took place on the topic "Gender Equality in the media". The purpose of the workshop was to inform representatives of the media on gender equality policy, along with implementing of obligations stemming from Action Plan for Achieving Gender Equality in Montenegro 2013-2017 and Action Plan for Chapter 23 Judiciary and Fundamental Rights.

