

CIVIL SOCIETY IN THE CREATION AND IMPLEMENTATION OF PUBLIC POLICIES

- Annual Monitoring Report –
(1 January 2014 - 31 December 2014)



Project "Civil Society Decides Too" is funded by the European Union, via the Delegation of the European Union in Montenegro. The contents of this publication are the sole responsibility of the Centre for Development of Non-Governmental Organizations and can in no way be taken to reflect the views of the European Union.



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1. SUMMARY

The Report: “Civil Society in the Creation and Implementation of Public Policies” contains results of the research conducted by the **Centre for Development of Non-Governmental Organizations (hereinafter: CRNVO)** in recent five months for the sake of monitoring the application of the **Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations** and **Decree on the Manner and Procedure of Conducting Public Debate in Drafting of Laws**. With the adoption of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations, key forms of cooperation between the state and NGO sector envisaged by the Law on State Administration have been standardized in detail for the first time: informing NGO sector by state administration authorities, consulting NGOs when developing enactments from annual work programme of these authorities, as well as participation of NGO representatives in the work of the working bodies established by the heads of state administration authorities. On the other hand, with the adoption of the Decree on the Manner and Procedure of Conducting Public Debate in Drafting of Laws, the manner and procedure of organizing public debate, as the key form of civic participation in drafting of laws, have been standardized in detail for the first time.

The present Report contains data on the level of compliance and implementation of rules stipulated by these Decrees by state administration authorities, within the period from 1 January 2014 to 31 December 2014, the main problems in their implementation and recommendations for their more efficient application. The first part of the Report presents general information regarding the significance of adopting the mentioned Decrees, goals and research methodology. The second part of the Report contains the results of the research related to the implementation of the procedure of informing, consulting NGOs by state administration authorities, ensuring the participation of NGO representatives in the work of the working groups and bodies established by state administration authorities, and the organization of consultations of interested public and debates in drafting of laws. The Report has been focused on transparency of these procedures, as well as on specific problems in practice. The third part of the Report represents the recommendations for the improvement of the implementation of these procedures.

Methodology tools used for the research were the requests for free access to information, as well as detailed and continuous search of websites of state administration authorities and e-administration Portal. According to the obligations specified by the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations, there are three groups of requests for free access to information, sent to the addresses of 54 state administration authorities. Two groups of requests for free access to information were prepared and sent to all ministries for the sake of monitoring the application of the Decree on the Manner and Procedure of Conducting Public Debate in the Process of Drafting of Laws. Starting from the content of the Decrees, in compliance with which state administration authorities have to publish calls, reports and other information on their websites, as well as from the obtained responses from the authorities related to our requests, the majority of data of this Research have been obtained by detailed search of websites of the authorities.

What has been shown by the research results for the previous year are insufficient and unbalanced application of the Decrees, i.e. insufficient transparency of the work of state administration authorities, partial but not satisfactory cooperation of state administration authorities with non-governmental organizations and insufficient participation of civil society in the

process of creation and implementation of public policies on the national level. Regarding from the distance, after three years of the application of both Decrees, these findings are not encouraging at all. What is also for concern is the fact that state administration officers frequently do not understand the regulations which they are supposed to implement, which leads to their poor application and mingling with other procedures.

THE RESULTS OF MONITORING OF THE APPLICATION OF THE DECREE ON THE MANNER AND PROCEDURE OF COOPERATION BETWEEN STATE ADMINISTRATION AUTHORITIES AND NON-GOVERNMENTAL ORGANIZATIONS

❖ Consulting non-governmental organizations while drafting and adopting documents from annual working programme

Generally, the research results show that the application of the Decree is the weakest in the part related to consulting NGOs when developing and adopting enactments from annual work programme. The application of the Decree in this part is even weaker in terms of the results of CRNVO research on its application for 2012. Only **three out of 32 state administration authorities consulted NGOs when developing annual work programmes. These are: Ministry of Interior, Ministry of Labour and Social Welfare and Environmental Protection Agencies. These authorities published a total of four calls for participation in consultations.** Obtained data indicate that the application of the Decree in this part is even weaker in terms of the results of CRNVO research¹ on its application for 2012, which has shown that the process of consulting with NGOs was conducted by 7 state administration authorities, which published 12 public calls to non-governmental organizations for participation in consultations.

What has remained the greatest problem, year by year, is publishing reports on conducted consultations with non-governmental organizations. During 2014, **only one authority published the report on conducted consultations.** Such an approach questions the transparency of consultative process as well as its quality, as NGOs and the whole public remain deprived of information on which NGOs participate in the development of regulations, what kind of proposals they provide and to what extent working groups accepted and incorporated received initiatives, suggestions and comments in the draft version of a law or other enactment.

This type of cooperation is the most important because it ensures the participation of NGOs in the earliest phase of development of regulations, prior to drafting, when the possibility to influence the solutions is the greatest. Therefore, what is of particular concern is that NGOs are continuously excluded from the phase of development of regulations when they can best influence their creation.

❖ Participation of NGO representatives in working groups and other bodies established by state administration authorities

Generally, the Decree has been still most applied in the part related to ensuring participation of NGO representatives in working groups and bodies of state administration authorities, and

1 Annual Report on Monitoring the application of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations is available on CRNVO website: <http://www.crnvo.me/programi/program-zaistraivanje-i-analize.html>

such type of cooperation between state administration authorities and NGOs has been most represented in practice. **During 2014, 55 NGO representatives participated in the work of 36 working groups and bodies established by state administration authorities. This number does not include the number of NGO representatives in the working groups for the preparation of negotiation chapters. There are 52 NGO representatives in these working groups.**

A total of 15 state administration authorities published 79 calls to non-governmental organizations for proposing the candidates for the composition of working bodies. Based on 78² public calls for the involvement of NGO representatives in the working groups and bodies of state administration authorities, during 2014, there were 55 selected NGO representatives in the composition of 36 working groups and bodies created by state administration authorities. There were no proposed candidates with regard to 42 public calls out of total 78 published calls. (Majority of calls were related to very specific areas in which there are no registered or specialized non-governmental organizations. Thus, for example, there were no proposed candidates with regard to public calls for the proposal of candidates for the composition of the Working group for the creation of the Proposal of a manual on types of found significant sources of non-ionization radiation for which the Study of the Use of Found Significant Sources of Non-Ionization Radiation is being developed, as well as the Proposal of a manual on the manner of marking and requirements for safe use of devices which issue optical radiation or contain sources of optical radiation).

Therefore, regarding quantity, it is the fact that significant number of NGO sector representatives in Montenegro nowadays participate in the work of the working bodies for the development of various regulations: laws, bylaws and strategic documents. In this segment, the adoption of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations and detailed specification of the procedure for the selection of NGO representatives in such bodies considerably contributed to this number. However, what cannot be standardized and prescribed is political will to take NGO proposals and suggestions seriously and accept them. Therefore, this number is an indicator of a change and soft openness of institutions, but the essential possibilities of NGO representatives in such bodies are another issue. This requires a comprehensive and detailed analysis.

It is the fact that NGO representatives at the beginning are in difficult position, as they are usually a minority against the representatives of state administration authorities in the working bodies. State administration representatives are usually led by the defined political and strategic goal of the Government in certain area, which may not be correct and which is susceptible to examination, but in such constellation, the possibilities of NGO representatives are really lowered. That is why prior consultations are so important for NGO sector and public in general, when the form or draft of a text of law is still not defined.

❖ **Informing NGOs by state administration authorities**

In compliance with the Decree, state administration authorities are obliged to publish their work programmes on the websites. They are also obliged to publish their work reports.

Out of 32 state administration authorities which adopt their work programmes, 23 authorities published their work programmes for 2014 on their websites. In addition to this, the data show that out of 32 state administration authorities obliged to submit work reports to the Government, **27 published their work reports for 2013 on their websites.** Unfortunately, there are

2 (One public call out of 79 calls during 2014 is not included, as the decision on the selection of NGO representatives, based on this call, was adopted in 2015).

state administration authorities which continuously fail to fulfil this obligation. For example, Ministry of Science, Administration for the Prevention of Money Laundering and Terrorist Financing and Directorate for Youth and Sports failed to publish their annual work plans on the websites, for 2012 and 2014.

Contact data of the officer in charge for cooperation with NGOs were published on the websites by 34 out of total 54 state administration authorities.

THE RESULTS OF MONITORING OF THE APPLICATION OF THE DECREE ON THE MANNER AND PROCEDURE OF CONDUCTING PUBLIC DEBATE IN THE PROCESS OF DRAFTING OF LAWS

❖ Publishing the list of laws

During 2014, **only five ministries published on their websites the list of laws** related to which a public debate would be conducted. These are: **Ministry of Interior, Ministry for Human and Minority Rights, Ministry of Finance, Ministry of Justice and Ministry of Labour and Social Welfare**. Despite being obliged to publish the list of laws on the e-administration portal as well, this obligation was completed only by the Ministry of Interior. By such manner of work, ministries disable the right of interested public to be timely informed on the planned activities in the field of development of legal regulations.

❖ Consulting with interested public

Although the Government of Montenegro adopted 73 draft laws whose preparation should have implied consulting with interested public, this procedure was conducted by 8 ministries in the preparation of only 16 laws. Therefore, 57 laws were adopted without prior consultations with wider public on the proposed solutions.

Still, the half of the ministries does not recognize the significance of organizing consultations in this initial phase and fails to ensure the citizens, non-governmental organizations, professional public, trade unions and other entities to get involved in the earliest phase of the development of documents and thus contribute to better quality of legal and other enactments. All calls for participation in consultations were published on ministries' websites, while **only two calls out of 22 were published on the e-administration portal. Deadline for consultations of 20 days, which was envisaged for the submission of suggestions and comments, was adhered to in 16 calls**. On the other hand, in three out of these 16 calls, deadline for consultations was even longer than envisaged and lasted 45 days. These are: Public call for participation of public in the consultations for the development of the Draft Law on Administration Inspection, Public call for participation of public in the development of the Draft Law on Public Agencies and Public call for participation of public in the development of the Draft Law on Public Funds.

Only three ministries published five reports on consulting with interested public on their websites. Without published reports, the consulted entities do not have an insight into extent to which working groups accepted and incorporated the received initiatives, proposals, suggestions and comments in the draft text of law or other enactment, and thus the procedure of conducted consultations is being pointless.

❖ Debate on the draft text of law

During 2014, the Government of Montenegro proposed 73 draft laws whose proposers were all 16 ministries and related to which the debate on the draft text of law was supposed to be conducted. Public debate on the draft text of law was conducted for only 52 laws, while for even 21 laws it was not conducted.

During 2014, public calls for participation in debates on the draft texts of laws were published by 15 state administration authorities (14 ministries and one body within a ministry). On the websites of these authorities, 80 **public calls** were published.

Out of 80 public calls for participation in debates on the draft texts of laws or other enactments, **35 were published on the e-administration portal**. Minimum deadline for public debate of 40 days was complied with in **49 published calls out of total 80**.

Out of 15 state administration authorities that published 80 public calls for participation in debate about text of the law or another document, **11 ministries published on their websites 39 reports on public debates. Only 8 out of the mentioned 39 reports on public debates were published on the e-administration portal**. The received data indicate that importance of developing reports from public debates has not been recognized to the necessary extent.

RECOMMENDATIONS

After three years of the application of both Decrees, the practice has shown that there are segments of both Decrees which need to be improved and thus the cooperation between state administration authorities and NGOs would be enhanced, as well as the participation of wider public in the processes of drafting of laws.

We propose the changes in those segments of the Decrees in which the application is continuously unsuccessful.

Regarding the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations, it is necessary to revise the consultation phase, as well as informing NGOs by state administration authorities.

Regarding the Decree on the Manner and Procedure of Conducting Public Debate in Drafting of Laws, it is necessary to revise the deadlines in the Decree due to intensive legislative agenda, caused by the European integration process. Additionally, it is necessary to prescribe additional transparency mechanisms, as well as the possibilities of informing the public on public debates.

However, key recommendation is related to civil servants in charge for regulations, who are obliged to fully apply these Decrees and ensure that non-governmental organizations and interested public become involved in the development of laws which regulate every-day life of citizens.

Heads of the authorities are responsible for the application of the regulations in the authorities they manage and therefore we invite them to seriously consider these findings and ensure the involvement of citizens and NGOs in the development of regulations from their sectors.

2. INTRODUCTION

Civil society participation in decision making processes represents a key principle of democratic practice and good governance, based on the rights of citizens to jointly with all stakeholders participate in the decision making and creation of policies which influence the quality of life in certain society and direct its further development. The concept of cooperation of state administration authorities with civil society in the creation and implementation of public policies represents the basic feature of contemporary state which serves to its citizens. Civil society denotes that citizens via NGOs and other forms of organization of civil society, as well as individually, by being involved in public and political life, articulate, defend and advocate their legitimate interests. In this sense, civil society plays a key role in the achievement of participatory democracy. This role has also been acknowledged by relevant international documents. Thus, in the second chapter of the Lisbon Treaty of the European Union 2007, representative democracy (the role of political parties) and participatory democracy (the role of citizens and civil society organizations in social and political life) are mentioned as rudimentary democratic principles on which the European Union has been based. The goal of civil participation in decision making is the promotion of transparency in decision making, encouragement of open and responsible governance and the creation of civil ownership in public policies. The improvement of public participation may strengthen the trust of the public in state administration authorities, increase the capacities of the citizens and create more sustainable policies.

The promotion of civic participation is significant for the society as, besides the fact that it strengthens capacities and develops potentials of citizens, it largely contributes to the creation of social cohesion and strengthening of awareness of joint belonging to a community. By participating in the creation and implementation of decisions, citizens, instead of poorly interested and inactive electors, are becoming active political entities. Thus, the citizens undertake the responsibility for making political decisions, they decide on the quality of public services, identify and solve certain issues in their communities. It is not only the citizens who have the arguments for insisting on the increased level of participation. It is in the interest of each authority to involve as many citizens, NGOs and other civil society entities as possible in decision making processes, as this will be the manner to ensure greater legitimacy of adopted solution.

The Government of Montenegro adopted two key regulations for the cooperation of state administration authorities with non-governmental organizations, as well as for civil participation in decision making on the national level. These are the **Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations** ("Official Gazette of Montenegro", number 07/12 as of 30/01/2012) and **Decree on the Manner and Procedure of Conducting Public Debate in Drafting of Laws** ("Official Gazette of Montenegro", number 02/12 as of 24/02/2012).

The Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations was adopted at the session of the Government of Montenegro on 22 December 2011, and it has been applied since February 2012. This is the document which, for the first time, regulated in detail key forms of cooperation between the state and NGO sector envisaged by the Law on State Administration, such as: informing NGO sector by state administration authorities, consulting NGOs while developing enactments from annual working programmes of these authorities, as well as participation of NGO representatives in the work of bodies established by the heads of state administration authorities. On the other

hand, public debate as the key form of participation of citizens, NGOs, bodies, professional and other interested public in the process of drafting of laws, was regulated for the first time by the adoption of the Decree on the Manner and Procedure of Conducting Public Debate in Drafting of Laws. The adoption of this Decree has regulated in detail the manner, procedure and goals of conducting public debate, as well as the type of laws in relation to which the debate is not to be conducted, deadlines, etc. It is important to note that this Decree leaves the possibility that a public debate may be conducted even in the process in the creation of other public policies, apart from the case of drafting of laws. This Decree was adopted at the session of the Government of Montenegro on 2 February 2012 and it came into force on 5 March 2012.

However, although the adoption of these Decrees regulated the procedure of informing, consulting and participating of NGOs, as well as interested public, in the process of creation of public policies, efficient application of adopted solutions has been absent in practice. The need for thorough and consistent application of the Decrees has also been recognized in the Strategy of Development of Non-Governmental Organizations in Montenegro 2014-2016, as well as in CRNVO reports related to monitoring of the application of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations and Decree on the Manner and Procedure of Conducting Public Debate in Drafting of Laws for 2012. For the sake of their more efficient application, as well as the assured monitoring, the Action Plan for the implementation of the Strategy of Development of Non-Governmental Organizations in Montenegro 2014-2016 envisaged the activity of creating annual reports related to the application of these Decrees.

2.1 General Report Related Information

In the past five months, the Centre for Development of Non-Governmental Organizations (CRNVO) conducted a research related to the application of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations and Decree on the Manner and Procedure of Conducting Public Debate. This research has been one of the key activities of the Project “Civil Society Decides Too”, implemented by the Centre for Development of Non-Governmental Organizations (CRNVO) in partnership with the Network of Institutes and Schools for Public Administration in Central and Eastern Europe (NISPAcee) and NGO Bonum. The Project is financially supported by the European Union within IPA Programme for Civil Society Development 2013, and its main goals are the contribution to greater participation of civil society organizations in the creation and implementation of public policies in Montenegro and the improvement of cooperation between state administration authorities and civil society organizations in these processes.

This Report covers the overview of the application of both Decrees within the period from 1 January 2014 to 31 December 2014. The aim of this Report is to identify the compliance and application of rules prescribed by the Decrees from state administration authorities, to identify problems in their application, as well as to provide recommendations in order to overcome identified problems and their more efficient application.

The first part of the Report presents general information related to the significance of participation of citizens in decision making on the national level, cooperation between state administration

authorities and NGOs, as well as the significance of the adoption of these Decrees. Additionally, this part covers the goals and methodology of the research. The second part of the Report contains the results of the research related to the implementation of the procedure of informing, consulting NGOs by state administration authorities, ensuring the participation of NGO representatives in the work of the working groups and bodies established by state administration authorities, and the organization of consultations of interested public and debates in drafting of laws. The Report has been focused on transparency of these procedures, as well as on specific problems in practice. The third part of the Report represents the conclusions and recommendations for the improvement of the implementation of these procedures.

2.2 Methodology of the Research

Methodology tools used for the research were the requests for free access to information, as well as detailed and continuous search of websites of state administration authorities and e-administration Portal.

According to the obligations specified by the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations, there are three groups of requests for free access to information, sent to the addresses of **54 state administration authorities**. **The first group of requests** was used to monitor the implementation of consultations of state administration authorities with NGOs during the creation and adoption of documents from their annual working programmes, i.e. the application of Articles 2 – 6 of the Decree. **The second group of requests** was aimed at collecting data on participation of NGO representatives in the work of working groups and other bodies established by state administration authorities, more precisely, the application of the solutions prescribed by Articles 8 – 14 of the Decree. **The third group of requests** served for monitoring the application of the Decree in the part of informing NGOs by state administration authorities (Articles 15 and 16). The ministries and independent state administration authorities were sent all three groups of requests. The bodies within the ministries were sent only the third group of requests.

Two groups of requests for free access to information were prepared for the sake of monitoring the application of the Decree on the Manner and Procedure of Conducting Public Debate in the Process of Drafting of Laws. Both groups of requests were sent to **all ministries**. **The first group of requests** required the information aimed at collecting the data related to what extent the ministries fulfilled the obligation of publishing the lists of laws related to which the debate was to be conducted, as well as all those obligations the ministries have to conduct in the process of consulting interested public before drafting the laws. **The second group of requests** was aimed at obtaining data related to what extent the ministries complied with the provisions of the Decree related to the second phase of public debate, i.e. the procedure of debate on the text of draft law.

Within the deadline prescribed by law, **46 out of 54 state administration authorities responded to the requests**. State administration authorities which failed to respond within the deadline prescribed by law are the following: Ministry of Finance, Ministry of Health, Ministry of Economy, Ministry of Foreign Affairs and European Integration, Customs Administration, Forest Administration, Police Administration and Directorate for Development of Small and Medium-sized Enterprises. Therefore, we initiated a second-instance procedure and sent complaints to the Agency for the

Protection of Personal Data and Access to Information due to the lack of response from these authorities. Following the submission of complaints, Ministry of Foreign Affairs and European Integration, Ministry of Finance and Forest Administration submitted required information.

It is necessary to point out that the requests sought information for which there is the obligation of state administration authorities to publish them on their websites, so in majority of cases, obtained responses referred to the search of websites. However, although the obligation of state administration authorities in compliance with Article 26, paragraph 2 of the Law on Free Access to Information (“Official Gazette of Montenegro”, no. 44/12) is to inform those who submit the request on where and when the required information was published, certain authorities in their responses generally referred to their websites, not to precise names of the pages on the websites with the date of publishing. Starting from the content of the Decrees, in compliance with which state administration authorities have to publish calls, reports and other information on their websites, as well as from the obtained responses from the authorities related to our requests, the majority of data of this Research have been obtained by detailed search of websites of the authorities.

Note: Institute for Social and Child Protection did not have website in the period covered by this Research. The website of this authority was launched at the beginning of 2015.

3.

THE RESULTS OF MONITORING OF THE APPLICATION OF THE DECREE ON THE MANNER AND PROCEDURE OF COOPERATION BETWEEN STATE ADMINISTRATION AUTHORITIES AND NON-GOVERNMENTAL ORGANIZATIONS

3.1 Consulting non-governmental organizations while drafting and adopting documents from annual working programme

3.1.1 Publishing public calls to non-governmental organizations for participation in consultations

In compliance with Articles 2 and 3 of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations, state administration authorities have to ensure the consultations with NGOs when drafting and adopting enactments from annual working programme (strategy and analysis of the condition in certain area, draft and proposal of laws, other regulations and by-laws which regulate the manner of exercising the freedoms and rights of citizens) and publish public calls to non-governmental organizations for the participation in consultations on their websites. Based on obtained information during the conducted research, it has been concluded that **3 out of 32 state administration authorities**, which published **4 calls to non-governmental organizations for participation in consultations**, ensured the process of consulting with NGOs when drafting enactments from annual working programmes. These are: Ministry of Interior, Ministry of Labour and Social Welfare and Environmental Protection Agency.

The results of the Research indicate insufficient application of the obligation of consulting NGOs by state administration authorities when drafting and adopting enactments from annual working programme. Although, in majority of responses of these bodies, it was stated that there were no documents from their annual working programmes during which creation the consultations with NGOs were carried out, there were some responses in which the authorities specified the regulations they drafted, but they failed to consult NGOs during their creation. For example, with regard to the required information on published public calls to NGOs for participation in consultations, the Public Procurement Administration stated that it was not in charge of initiating and adopting regulations and other enactments from the field of rights and freedoms of citizens, while, on the other hand, this authority, during 2014, published the Public Call to NGOs to propose representatives for the composition of the Working Group for developing methodology of risk analysis in conducting control, with the aim of pro-active intervention in the prevention and early detection of corruptive actions and other acts marked as corruptive. In addition to this, the responses of certain bodies indicate that the obligation of consulting NGOs has been still mixed or equalized with consulting interested public, which is prescribed by Article 7 of the Decree on the Manner and Procedure of Conducting Public Debate in the Process of Drafting of Laws. Obtained data indicate that the application of the Decree in this part is even much weaker with regard to the Research results³ related to its application in 2012, conducted by the

3 Annual Report on Monitoring the Application of the Decree on the Manner and Procedure of Conducting

Centre for Non-Governmental Organizations, which has shown that the process of consulting NGOs was ensured by 7 state administration bodies, which published 12 public calls to NGOs for participation in consultations.

This type of cooperation is the most important since it ensures the participation of NGOs in the earliest phase of development of regulations, before drafting phase, when the possibility to influence the solutions is the greatest. Therefore, what is of particular concern is that NGOs are continuously excluded from the phase of development of regulations when they can best influence their creation.

Summary table of the published public calls to non-governmental organizations to participate in consultations during 2014:

Authority	Document for which a public call to NGOs to participate in consultation was published	Date of publication
Ministry of Interior	Public call to NGOs for consultations about development of the draft Decision on Establishment of the NGO Development Council	14 January 2014
	Public call to NGOs for consultations about development of functional analysis with an overview of current use of the mechanisms of internal control, structure and administrative capacities of the Police Administration, Tax Administration and Customs Administration	7 February 2014
Ministry of Labour and Social Welfare	Public call to NGOs for consultations about development of the Work Programme of the Council for Protection against Discrimination for 2014	12 February 2014
Environmental Protection Agency	Public call to NGOs for consultations about development of Annual Work Programme	28 January 2014

3.1.2 Publishing the list of non-governmental organizations which expressed the interest to participate in consultations

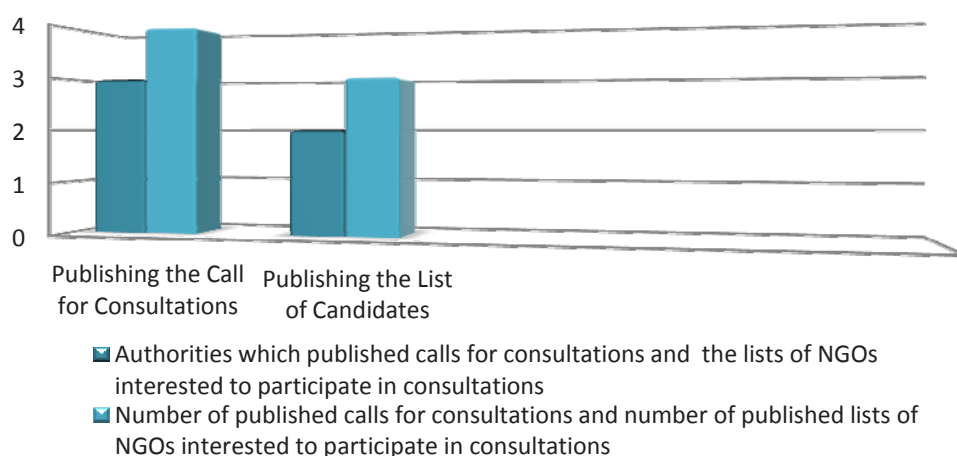
Pursuant to Article 4 of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations, state administration authorities are obliged to publish on their websites the list of non-governmental organizations which expressed the interest for participation in consultations, within three days from the expiration of

Public Debate in the Process of Drafting of Laws is available on the website of the Centre for Development of Non-Governmental Organizations <http://www.crnvo.me/programi/program-zaistraivanje-i-analize.html>

the deadline for submitting the applications of NGOs for participation in consultations. Results of the monitoring have shown that **out of three state administration authorities which published four public calls to non-governmental organizations for participation in consultations during 2014, two authorities published on their websites a total of three lists of non-governmental organizations which expressed their interest for participation in this process.** These are the Ministry of Interior and Agency for Environmental Protection. Following published public calls to NGOs for consultations related to the preparation of the Proposal of a decision on establishing the Council for Development of Non-Governmental Organizations and related to the development of functional Analysis with the cross-cut of the existing situation in applying the mechanisms of internal control, structure and administration capacities of Police Administration, Tax Administration and Customs Administration, the Ministry of Interior published on its website the lists of interested NGOs for participation in consultations. The interest in consultations regarding the preparation of the Proposal of a decision on establishing the Council for Development of Non-Governmental Organizations was expressed by five NGOs, while regarding the creation of functional Analysis with the cross-cut of the existing situation in applying the mechanisms of internal control, structure and administration capacities of Police Administration, Tax Administration and Customs Administration, the interest for participation in consultations was expressed only by one NGO. Following published public call to NGOs for consultations related to the creation of annual work programme, the Agency for Environmental Protection published on its website the announcement that no NGO applied in relation to this public call. Findings of the research on published public calls to NGOs for participation in consultations indicate that, besides the Ministry of Interior and Agency for Environmental Protection, the Ministry of Labour and Social Welfare was also obliged to publish the list of interested NGOs or the announcement that there were no interested NGOs, following the published Public Call to NGOs for consultations related to the preparation of the Programme of the Council for Protection Against Discrimination for 2014. However, this data is not available on the website of this Ministry, although it was stated in the response of this authority that the required information is available on the website www.mrs.gov.me/organizacija/nvo.

In the context of non-publishing of the list of NGOs which expressed the interest for participation in consultation process, it is necessary to point out that this obligation was specified for the sake of ensuring the transparency of this process, and thus the transparency of the work of state administration. Non-publishing of the list, following published public calls to NGOs for participation in consultations, disables their timely informing and therefore it disables the transparency of consultative process. In this way, the monitoring of the obligation of publishing the reports on conducted consultations is also disabled, because if there are no published data on whether or not NGOs were interested in participating at consultative process, we are not able to identify whether the competent authority was obliged to create a report (if there were no interested NGOs with regard to the public call).

Ratio of published calls for consultations and published lists of candidates



3.1.3 Publishing the report on consultations

Pursuant to Article 6 of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations, following conducted consultations with NGOs related to the preparation of a certain enactment from annual work programme, state administration authorities are obliged to publish the report on conducted consultations on their websites within seven days from the day of consultations. The significance of creation and publishing of the reports is reflected in the fact that it may serve as the basis to estimate whether and to what extent suggestions and proposals of NGOs are integrated in the draft version of certain document.

Taking into account available data on published calls for consultations and published lists of interested NGOs during 2014, Ministry of Interior was obliged to create the report following conducted consultations related to the preparation of the Proposal of a decision on establishing the Council for Development of Non-Governmental Organizations, as well as related to the development of functional Analysis with the cross-cut of the existing situation in applying the mechanisms of internal control, structure and administration capacities of Police Administration, Tax Administration and Customs Administration. Ministry of Interior has completed this obligation in the first case, i.e. it published the report following the conducted consultations related to the preparation of the Proposal of a decision on establishing the Council for Development of Non-Governmental Organizations, while the report on conducted consultations related to the development of functional Analysis with the cross-cut of the existing situation in applying the mechanisms of internal control, structure and administration capacities of Police Administration, Tax Administration and Customs Administration is not available on the website of this authority. Taking into account the fact that the Ministry of Labour and Social Welfare, following the published Public Call to NGOs for consultations related to the preparation of the Programme of the Council for Protection Against Discrimination for 2014, failed to publish on its website the list of interested NGOs or the announcement that there were no interested NGOs, we were not able to identify whether this authority was obliged to organize consultations and publish the

report on conducted consultations. Environmental Protection Agency as the third authority that published the Public Call to NGOs for participation in consultations related to the creation of annual work programme was not obliged to create the report, as there were no interested NGOs with regard to this Public Call.

Therefore, although available data show that after two⁴ published calls to NGOs for participation in consultations, there was an obligation to publish two reports on conducted consultations, only one report was published during 2014. Such an approach questions the transparency of consultative process as well as its quality, as NGOs and the whole public remain deprived of information on which NGO participate in the development of regulations, what kind of proposals they provide and to what extent working groups accepted and incorporated received initiatives, suggestions and comments in the draft version of a law or other enactment.

3.2 Participation of NGO representatives in working groups and other bodies established by state administration authorities

State administration authorities ensure the participation of NGO representatives in working and other bodies established by them, pursuant to Article 8 of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations. The procedure and criteria for the selection of NGO representatives in the working bodies of these authorities have been defined in detail by Articles 9-14 of this Decree, while the main characteristics of the procedure is the fact that the selection of NGO representatives has been based on the largest number of representatives proposed by NGOs themselves. On the other hand, the Decree on the Organization and Manner of Work of State Administration⁵ prescribes that the project group, team or other form of work shall be established by the vice prime minister, minister or the head of an independent state administration authority. Therefore, state administration authorities that may establish working groups are 16 ministries and 16 independent state administration authorities.⁶ The very procedure of the selection of NGO representatives in the working groups and bodies is initiated by publishing of a public call for the proposal of candidates, published on the website of state administration authority and e-administration Portal.

Based on obtained data, it has been concluded that during 2014, 55 NGO representatives participated in the work of 36 working groups and bodies established by state administration authorities. This number does not include the number of NGO representatives in the work-

4 Public Call to NGOs for consultations related to the preparation of the Programme of the Council for Protection Against Discrimination for 2014, published by the Ministry of Labour and Social Welfare is not covered by this figure, as we do not have available data on the website of this Ministry whether there were interested NGOs and whether it was obliged to conduct further consultations

5 Decree on the Organization and Manner of Work of State Administration („Official Gazette of Montenegro”, no. 5/2012,25/12,44/12 i 61/12,20/13,17/14,06/15)

6 Human Resource Administration, Administration for Prevention of Money Laundering and Terrorist Financing, Public Procurement Administration, Administration for Inspection Affairs, Youth and Sports Directorate, Statistical Office of Montenegro-MONSTAT, Institute of Hydrometeorology and Seismology of Montenegro, Bureau for Educational Services, Intellectual Property Rights Office, Metrology Office, Institute for Social and Child Protection, State Archives, Directorate for Protection of Classified Data, Environmental Protection Agency, Secretariat for Legislation and Secretariat for Developmental Projects

ing groups for the preparation of negotiation chapters. There are 52 NGO representatives in these working groups.

A total of 15 state administration authorities published 79 calls to non-governmental organizations for proposing the candidates for the composition of working groups and bodies. Based on 78 public calls for the involvement of NGO representatives in the working groups and bodies of state administration authorities, during 2014, there were 55 selected NGO representatives in the composition of 36 working groups and bodies created by state administration authorities. There were no proposed candidates with regard to 42 public calls out of total 78 published calls.

Note: Public Call published by the Ministry of Labour and Social Welfare on 23/12/2014, with regard to proposing NGO candidates for the membership in the Working group for the creation of a Rulebook on the conditions for the provision and use, rules and minimum standards of advisory-therapy and socio-educational services, has not been involved in the previously mentioned number of 78 public calls, since the list of candidates as well as the decision on the selection of NGO representatives, based on this Call, were adopted and published in 2015.

Previously mentioned data indicate that the Decree is still mostly applied in the part of ensuring participation of NGO representatives in working groups and bodies of state administration authorities, as well as that this form of cooperation between state administration authorities and non-governmental organizations has been most represented in practice. In this context, positive examples are the Ministry of Sustainable Development and Tourism, which published 16 public calls and the Ministry of Labour and Social Welfare, which published 15 public calls. On the other hand, the fact that there were no proposed NGO candidates with regard to 42 published public calls indicates that there are certain areas in which there are no registered or specialized NGOs. For example, there were no proposed candidates with regard to public calls for the proposal of candidates for the composition of the Working group for the creation of the Proposal of a manual on types of found significant sources of non-ionization radiation for which the Study of the Use of Found Significant Sources of Non-Ionization Radiation is being developed, as well as the Proposal of a manual on the manner of marking and requirements for safe use of devices which issue optical radiation or contain sources of optical radiation. These are specific areas in which Montenegro is deficient when it comes to adequate expert profiles and there are no specialized NGOs in this regard. However, the fact that there were no proposed candidates from NGOs with regard to public calls for the proposal of NGO candidates in working groups for the development of the Law on Environment and Law on Minority Rights and Freedoms indicates that there is a lack of interest of NGOs in charge of these areas for such type of cooperation.

Summary table of the published calls for appointment of NGO representatives in working groups and other bodies established by the state authorities:

Authority	Documents for which calls to NGOs were published to participate in the work of working groups in charge of their development	Number of NGO representatives in the working group
Ministry of Justice	<ol style="list-style-type: none"> 1. Draft Law on Administrative Dispute -22 July 2014 2. Draft Law on Amendments to the Law on Extra-Judicial Proceedings -5 February 2014 3. Draft Law on Amendments to the Notary Law- 6 February 2014 4. Draft Law on Amendments to the Law on Enforcement and Security – 21 February 2014 5. Draft Law on Amendments to the Law on Free Legal Assistance – 26 February 2014 6. Draft Law on Amendments to the Judicial Education Law-14 May 2014 	<p>No candidate</p> <p>No candidate</p> <p>No candidate</p> <p>No candidate</p> <p>No candidate</p> <p>No candidate</p>
Ministry of Education	<ol style="list-style-type: none"> 1. Draft Law on Vocational Training of People with Acquired Vocational Education – 21 March 2014 2. Strategy for Adult Education for the period 2015-2025 – 5 February 2014 3. Adult Education Plan for the period 2015-2019 – 5 February 2014 4. Draft Law on Amendments to the Law on National Vocational Qualifications – 29 January 2014 5. Strategy for the Support to Gifted Students – 22 January 2014. 6. Strategy for Development of Vocational Education (2015-2020) – 20 January 2014 	<p>No candidate</p> <p>No candidate</p> <p>One NGO representative</p> <p>No candidate</p> <p>Two NGO representatives</p> <p>One NGO representative</p>
Ministry of Interior	<ol style="list-style-type: none"> 1. Draft Law on Amendments to the Law on Public Gatherings - 10 December 2014 2. Draft Law on Amendments to the Law on Border Control – 10 December 2014 3. Ethics Council- 14 April 2014 4. Draft law on Public Funds (services)- 3 March 2014 5. Draft Law on Public Agencies - 3 March 2014 	<p>One NGO representative</p> <p>One NGO representative</p> <p>One NGO representative</p> <p>No candidate</p> <p>No candidate</p>

	<ol style="list-style-type: none"> 6. Draft Law on Administrative Inspection – 3 March 2014 7. Analysis with an overview of current use of the mechanisms of internal control, structure and administrative capacities of the Police Administration, Tax Administration and Customs Administration – 7 February 2014 8. Draft Decision on Establishment of the NGO Development Council – 16 January 2014 9. Analysis of Institutional Framework for NGO Development Affairs -16 January 2014 	<p>One NGO representative</p> <p>One NGO representative</p> <p>One NGO representative</p> <p>Two NGO representatives</p>
Ministry of Labour and Social Welfare	<ol style="list-style-type: none"> 1. Rulebook on detailed conditions for the use of minimum standards of advisory and therapeutic, social and educational services- 23 December 2014 2. Report on Implementation of the Action Plan for implementation of the Social and Child Protection System Development Strategy for 2013 – 20 June 2014 3. Draft Law on Amendments to the Law on Recognition of Foreign Qualifications to perform regulated profession-18 November 2014 4. Team for Evaluation of the Implementation of the Strategy of Social Care for the Elderly 2013-2017- 27 June 2014 5. Report on implementation of the National Plan of Action for Children for the period 2013-2017 – 26 May 2014 6. Strategy for Development of Foster Care in Montenegro with its Action Plan for the period 2012-2016 – 1 April 2014 7. Draft Law on Amendments to the Law on Peaceful Settlement of Labour Disputes – 2 April 2014 8. Draft Law on Amendments to the Law on Voluntary Work- 2 April 2014 9. Employment and Social Policy Reform Programme-21 March 2014 10. Draft Law on Amendments to the Law on Travel Benefits for People with Disabilities - 19 March 2014 	<p>Decision made only in January</p> <p>One NGO representative</p> <p>One NGO representative</p> <p>One NGO representative</p> <p>One NGO representative</p> <p>One NGO representative</p> <p>No NGO representative</p> <p>No NGO representative</p> <p>Four NGO representatives</p> <p>Two NGO representatives</p> <p>No candidate</p>

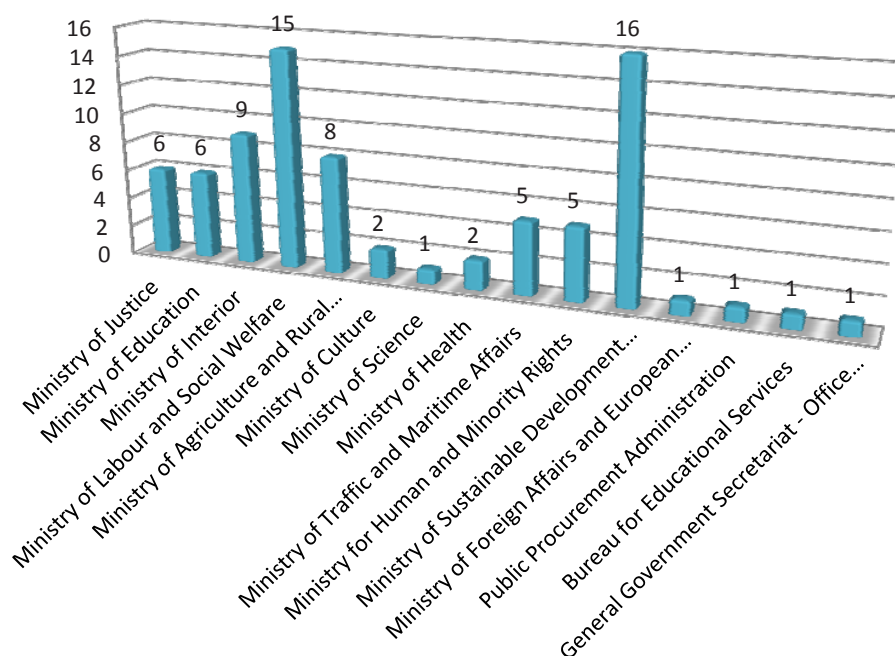
	<ul style="list-style-type: none"> 11. Rulebook on detailed conditions for enforcing institutional measure of referral in education institution of non-residential type – 10 March 2014 12. Commission for Coordination, Application and Monitoring of Implementation of Activities Envisaged by the Family Violence Protection Strategy – 3 February 2014 13. Rulebook on medical eligibility for exercising rights to family support allowance, assistance and care allowance, disability allowance and compensation for half of the full time work-16 January 2014 14. Development of the Action Plan for implementation of the Strategy for Integration of Persons with Disabilities-15 January 2014 15. Draft Law on Amendments to the Law on Employment and Exercise of Unemployment Related Rights 	<p>No candidate</p> <p>Two NGO representatives</p> <p>Two NGO representatives</p> <p>Three NGO representatives</p> <p>One NGO representative</p>
Ministry of Agriculture and Rural Development	<ul style="list-style-type: none"> 1. Draft Law on Amendments to the Law on Identification and Registration of Animals-8 June 2014 2. Draft Law on Amendments to the Law on Marine Fishery and Mariculture -23 June 2014 3. Draft Agriculture and Rural Development Strategy 2014-2020-6 March 2014 4. Draft Law on Wine-6 March 2014 5. Draft Law on Agricultural Land-6 March 2014 6. Hunting Development Programme for the period 2014- 2024 – 12 March 2014 7. Draft Law on Amendments to the Forestry Law – 3 April 2014 8. Draft Law on Amendments to the Law on Wild Animals and Hunting – 1 August 2014 	<p>No candidate</p> <p>No candidate</p> <p>Two NGO representatives</p> <p>Two NGO representatives</p> <p>Two NGO representatives</p> <p>No candidate</p> <p>No candidate</p> <p>One NGO representative</p>
Ministry of Culture	<ul style="list-style-type: none"> 1. Draft Law on Amendments to the Law on Public Broadcasting Services of Montenegro – 15 October 2014 2. Public call to non-governmental organizations to appoint member for the Council for Management of Kotor Area – 26 May 2014 	<p>No candidate</p> <p>No candidate</p>

Ministry of Science	1. Draft Law on Amendments to the Law on Science and Research Activity – 20 February 2014	One NGO representative
Ministry of Health	1. Coordination body for implementation and monitoring of implementation of the Development Project 2014-2017: Development of Partnership and Promotion of Quality and Safety by conducting a research about satisfaction of patients and those employed in the health sector, first year- pilot project (Health Care Centre (DZ) Bijelo Polje, DZ Podgorica, General Hospital (OB) Bijelo Polje, OB Bar) – 15 April 2014 2. National Team for development of the Global report on violence prevention status in cooperation with the World Health Organization-3 February 2014	One NGO representative One NGO representative
Ministry of Traffic and Maritime Affairs	1. Draft Law on Amendments to the Law on Obligations and Basics of Property Relations in Air Transport – 24 April 2014 2. Draft Law on Amendments to the Law on Yachts – 4 February 2014 3. Draft Law on Entry of Vessels in the Registry of Montenegro-4 February 2014 4. Draft Law on Amendments to the Law of the Sea-4 February 2014 5. Draft Law on Protection of Trade Ships and Ports- 4 February 2014	No candidate No candidate No candidate No candidate
Ministry of Human and Minority Rights	1. Report on implementation of the Beijing Declaration and Platform for Action – 31 October 2014 and 10 October 2014 2. Programme on implementation of the 2015- 2016 Action Plan for reaching gender equality for the period 2013-2017- 31 October 2014 3. Draft Law on Amendments to the Law on Prohibition of Discrimination against Persons with Disabilities- 21 February 2014 4. Draft Law on Amendments to the Law on Minority Rights and Freedoms- 15 January 2014 5. Draft Law on Amendments to the Law on Gender Equality- 15 January 2014	One NGO representative One NGO representative Two NGO representatives No candidate One NGO representative

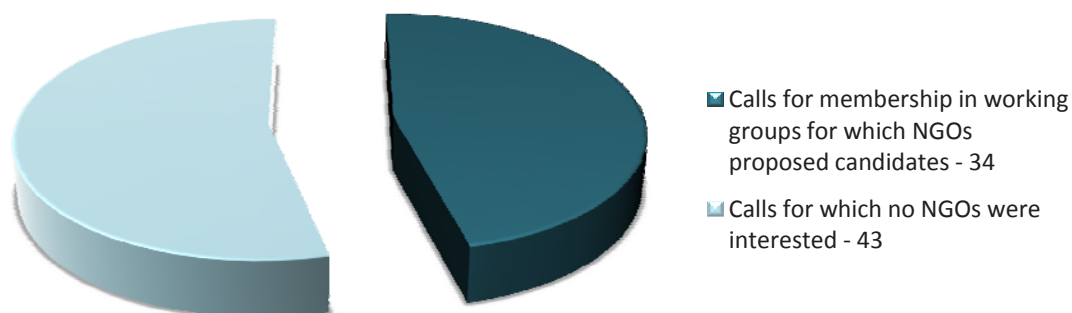
Ministry of Sustainable Development and Tourism	1. IPA Sectoral Monitoring Committee for Regional Development Operative Programme 2012-2013 – 5 November 2014	One NGO representative
	2. Draft rulebook on ultra sound broadcasting devices or optical radiation broadcasting devices containing sources of optical radiation requiring issuance of usage licences – 4 September 2014	No candidate
	3. Draft Rulebook on the manner of labelling and requirements for safety use of optical radiation broadcasting devices or containing sources of optical radiation – 4 September 2014	No candidate
	4. Draft Rulebook on types of discovered important non-ionising radiation sources for which the Use Study is being developed – 4 September 2014	No candidate
	5. Draft Rulebook on the Manner of first and periodical measurements, criteria to define frequency of periodical measurements, content and forms of report on the conducted first and periodical measurements-4 September 2014	No candidate
	6. Draft Law on Spatial Planning and Construction of Buildings – 8 July 2014	Two NGO representatives
	7. Preparatory IPA Sectoral Monitoring Committee for Regional Development Operative Programme 2012-2013 – 3 March 2014	No candidate
	8. Draft Law on Biocidal Products – 23 January 2014	No candidate
	9. Draft National Chemicals Management Strategy- 23 January 2014	No candidate
	10. Draft Rulebook on types of sources of electromagnetic fields, requiring issuance of use licences – 17 January 2014	No candidate
	11. Draft Rulebook on detailed conditions in terms of the human resources, equipment and space to be fulfilled by the commercial company, entrepreneur or other legal entity to obtain a license for performing professional protection from non-ionising radiation... 17 January 2014	No candidate

	<p>12. Draft Rulebook on limits of exposure to electromagnetic fields for population and professionally exposed persons – 17 January 2014</p> <p>13. Draft Rulebook on development of national inventories of emissions and list of gases with greenhouse effects 16 January 2014</p> <p>14. Draft Law on Amendments to the Law on Air Protection – 16 January 2014</p> <p>15. Draft Social Housing Programme – 16 January 2014</p> <p>16. Draft Environmental Protection Law – 15 January 2014</p>	<p>No candidate</p> <p>No candidate</p> <p>No candidate</p> <p>No candidate</p> <p>No candidate</p>
Ministry of Foreign Affairs and European Integrations	1. Operational Body in charge of implementation of the Strategy of Raising Awareness of the Public about Montenegro Accession to the EU – 2018 dated on 7 May 2014	Five NGO representatives
General Secretariat of the Government of Montenegro – Office for Fight against Trafficking with Human Beings	1. Working group for monitoring of implementation of the Strategy for Fight against Trafficking with Human Beings-15 January 2014	One NGO representative
Public Procurement Administration	1. Working group for development of methodology of the risk analysis in performing control, aiming at proactive action in the prevention and early detection of the corruptive acts and other acts with corruptive characteristics-20 February 2014	One NGO representative
Bureau for Educational Services	1. Public call to non-governmental organizations to appoint representatives for working group for the selection and assessment of the professional development of teachers for academic 2014/2015 – 12 February 2014	No candidate

Published calls to NGOs for the proposal of candidates for the membership in working groups and bodies established by state administration authorities



NGOs response to calls for membership in working groups



3.3 Informing NGOs by state administration authorities

3.3.1 Publishing annual work programmes on the websites of state administration authorities

The Decree also prescribes the obligation for state administration authorities to inform non-governmental organizations on their planned activities, by publishing annual work programme on their websites, within three days from the day of their adoption. State administration authorities which adopt work programmes and which are obliged to publish their programmes pursuant to Article 52 of the Decree on the Organization and Manner of Work of State Administration are the ministries and independent administration authorities.

The Research has shown that out of 32 state administration authorities which adopted their work programmes, 23 authorities published their work programmes for 2014 on their websites.

These data indicate that certain progress has been achieved with regard to the publication of annual work programmes comparing to data for 2012, when only one half of authorities published their work programmes for 2012. Unfortunately, there are state administration authorities which continuously fail to fulfil this obligation. For example, Ministry of Science, Administration for the Prevention of Money Laundering and Terrorist Financing and Directorate for Youth and Sports failed to publish their annual work plans on the websites, for 2012 and 2014.

It is necessary that all competent authorities implement this obligation considering the fact that informing represents a precondition for all other levels of cooperation and only by timely publication of information on their planned activities, state administration authorities open the space for adequate preparation of non-governmental sector for participation in the process of developing public policies.

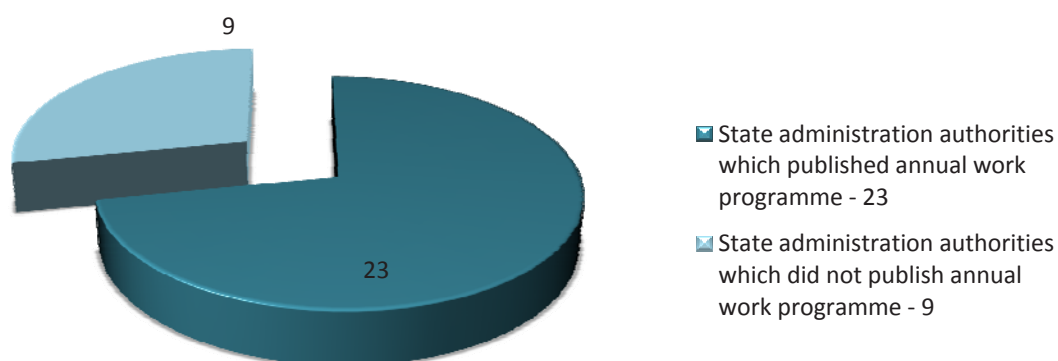
Note: Administration for Anti-Corruption Initiative, Tax Administration and Real Estate Administration also published annual work programmes for 2014 on their websites, although in compliance with the Decree on the Organization and Manner of Work of State Administration, annual work programmes shall be adopted on the level of the ministry to which these authorities belong and they shall be published on the websites of competent ministries.

Authorities that published Annual Work Programme for 2014 on their websites

1. Ministry of Defence
2. Ministry of Justice
3. Ministry of Education
4. Ministry of Interior
5. Ministry of Labour and Social Welfare
6. Ministry of Agriculture and Rural Development
7. Ministry for Information Society
8. Ministry of Finance
9. Ministry of Culture
10. Ministry of Economy
11. Ministry of Sustainable Development and Tourism

12. Ministry of Human and Minority Rights
13. Ministry of Foreign Affairs and European Integrations
14. Human Resources Administration
15. Public Procurement Administration
16. Secretariat for Legislation
17. Secretariat for Development Projects
18. Statistical Office –MONSTAT
19. Bureau for Educational Services
20. Metrology Office
21. State Archives
22. Directorate for Protection of Classified Data
23. Environmental Protection Agency
Bodies within ministries
24. Administration for Anti-Corruption Initiative
25. Tax Administration
26. Real-Estate Administration

Publishing annual work programme on the websites of state administration authorities



3.3.2 Publishing work reports on the websites of state administration authorities

Also, one of the manners of how state administration authorities inform NGOs on implemented activities has been publishing annual work reports on their websites. This manner of informing has been envisaged by Article 15 of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations. Pursuant

to Articles 62 and 72 of the Law on State Administration⁷ ("Official Gazette of the Republic of Montenegro", no. 38/03 and "Official Gazette of Montenegro", no. 22/08 and 42/11), ministries and independent state administration authorities shall at least once a year submit to the Government of Montenegro, or the ministries, work reports and reports on the condition in governance areas for which they were established. Work reports, besides implemented activities in terms of developmental policy, contain the overview of implemented laws and other regulations, implementation of conclusions of the Government, decision making in administrative procedure, etc. Work reports of the ministries also contain work reports of their integrated authorities.

Based on obtained data, **27 out of 32 state administration authorities published their work reports for 2013 on their websites.**

Data on fulfilling the obligation of publishing work reports by state administration authorities have shown that more than majority of state administration authorities inform NGOs on their implemented activities, which represents a progress, in comparison to the application of some other obligations prescribed by the Decree, such as the publishing of calls to NGOs for participation in consultations and publishing reports on conducted consultations, as well as in comparison with the research on the application of the Decree in 2012.

Note: Although they are not obliged to publish work reports, Administration for Anti-Corruption Initiative, Port Administration, PhytoSanitary Administration, Tax Administration and Administration for Games of Chance published on their websites work reports for 2013. Considering the fact that the obligation of creating, and thus publishing the reports belongs to the ministries and independent state administration authorities, these bodies have not been covered by previously mentioned figure - 27 authorities, but they have certainly been recognized in the tables and they represent positive examples.

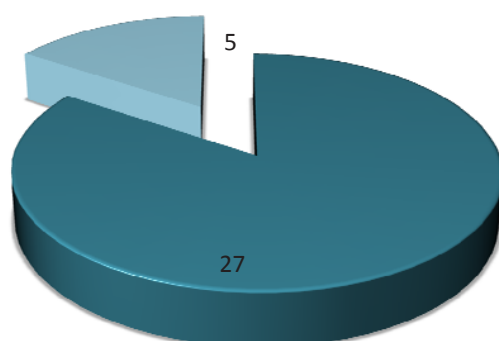
Authorities that have published on their websites Work Report for 2013

1. Ministry of Defence
2. Ministry of Justice
3. Ministry of Education
4. Ministry of Interior
5. Ministry of Labour and Social Welfare
6. Ministry of Agriculture and Rural Development
7. Ministry for Information Society and Telecommunications
8. Ministry of Finance
9. Ministry of Culture
10. Ministry of Economy
11. Ministry of Sustainable Development and Tourism
12. Ministry of Human and Minority Rights

⁷ Law on State Administration ("Official Gazette of the Republic of Montenegro", no. 38/03 and "Official Gazette of Montenegro", no. 22/08 and 42/11)

13. Ministry of Foreign Affairs and European Integrations
14. Human Resources Administration
15. Administration for Prevention of Money Laundering and Terrorism Financing
16. Public Procurement Administration
17. Administration for Inspection Affairs
18. Secretariat for Legislation
19. Secretariat for Development Projects
20. Statistical Office –MONSTAT
21. Hydro-Meteorological and Seismological Office
22. Bureau for Educational Services
23. Intellectual Property Rights Office
24. Metrology Office
25. State Archives
26. Directorate for Protection of Classified Data
27. Environmental Protection Agency
Authorities within ministries
1. Port Administration
2. Phytosanitary Administration
3. Administration for Anti-Corruption Initiative
4. Tax Administration
5. Administration for Games of Chance
6. Real-Estate Administration

Publishing work reports on the websites of state administration authorities



- Authorities which published Work Report for 2013 - 27
- Authorities which did not publish Work Report for 2013 - 5

3.3.3 Publishing data on focal points for cooperation with NGOs on the websites of state administration authorities

The obligation to publish contact data of a civil servant or state employee in charge for cooperation with non-governmental organizations on the website of state administration authority has been prescribed by Article 16, paragraph 2 of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations. Data obtained based on the request for free access to information and search of websites of state administration authorities have shown that **34 out of total 54 state administration authorities** have published contact data of the officer in charge for cooperation with NGOs.

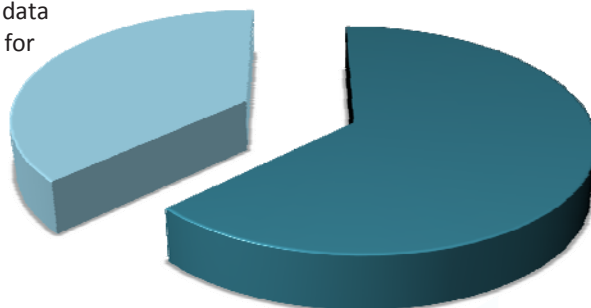
Summary table of authorities that have published information about focal points on their websites

1. Ministry of Defence
2. Ministry of Education
3. Ministry of Labour and Social Welfare
4. Ministry of Agriculture and Rural Development
5. Ministry for Information Society and Telecommunications
6. Ministry of Finance
7. Ministry of Culture
8. Ministry of Science
9. Ministry of Economy
10. Ministry of Health
11. Ministry of Traffic and Maritime Affairs
12. Ministry of Sustainable Development and Tourism
13. Ministry of Human and Minority Rights
14. Human Resources Administration
15. Administration for Prevention of Money Laundering and Terrorism Financing
16. Administration for Inspection Affairs
17. Secretariat for Legislation
18. Secretariat for Development Projects
19. Statistical Office- MONSTAT
20. Hydro-meteorological and Seismological Office
21. Bureau for Educational Services
22. Directorate for Protection of Classified Data
23. Environmental Protection Agency
24. Port Administration
25. Maritime Safety Administration
26. Transport Directorate
27. Phytosanitary Administration
28. Forest Administration

29. Administration for Anti-Corruption Initiative
30. Institution for Enforcement of Criminal Sanctions
31. Tax Administration
32. Customs Administration
33. Real-Estate Administration
34. Tobacco Agency

Publishing contact data on focal points for cooperation with NGOs on the websites of state administration authorities

Authorities which
did not publish data
on focal point for
NGOs - 20
37%



Authorities which
published data on
focal point for
NGOs - 34
63%

4.

THE RESULTS OF MONITORING OF THE APPLICATION OF THE DECREE ON THE MANNER AND PROCEDURE OF CONDUCTING PUBLIC DEBATE IN THE PROCESS OF DRAFTING OF LAWS

4.1 Publishing the list of laws related to which public debate will be conducted on the websites of the ministries and e-administration Portal

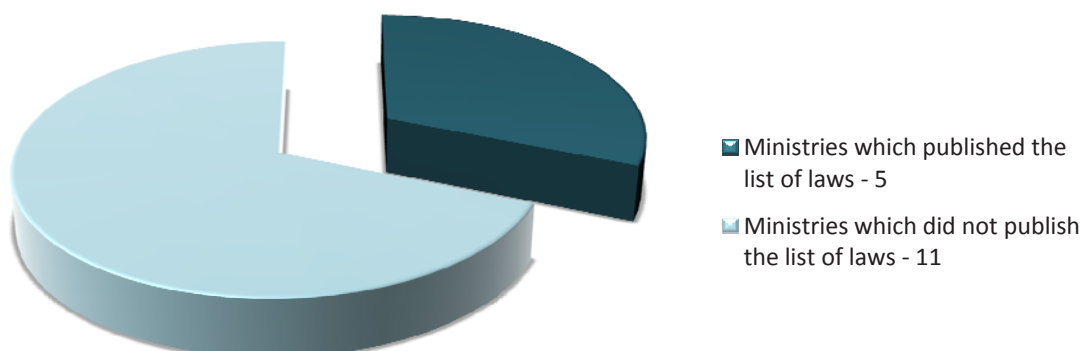
In compliance with the Decree on the Manner and Procedure of Conducting Public Debate in the Process of Drafting of Laws, the ministries are obliged, within 5 days from the day of adopting annual work programme, to publish on their website and e-administration Portal the list of laws related to which public debate will be conducted, along with brief explanation of the need for adopting a law and other information relevant for drafting of laws. **Out of 16 ministries, five ministries published on their websites the list of laws** related to which a public debate will be conducted. These are: **Ministry of Interior, Ministry for Human and Minority Rights, Ministry of Finance, Ministry of Justice and Ministry of Labour and Social Welfare**. On e-administration Portal there is only the list of laws related to which the **Ministry of Interior** was to conduct public debates during 2014.

It is necessary to point out that the remaining 11 ministries which did not publish the list of laws, in their work programmes planned and implemented normative activities, i.e. participated in the drafting of laws during 2014. Such data is for concern as the failure to publish the list of laws prevents interested citizens and civil society from quality and timely preparation for the forthcoming public debates. The obligation to publish the list of laws is actually aimed at ensuring the interested public timely information on planned activities in the field of drafting of laws. However, the fact that only one third of ministries publish the list of laws related to which public debate will be conducted indicates that no progress has been achieved, even after three years from the beginning of the application of the Decree.

Summary table of the ministries with published list of the laws for which public debate will be conducted

Ministry	Date of publication
Ministry of Interior	18 February 2014
Ministry of Human and Minority Rights	26 January 2014
Ministry of Justice	24 January 2014
Ministry of Finance	12 February 2014
Ministry of Labour and Social Welfare	24 March 2014

Publishing the list of laws related to which public debate will be conducted

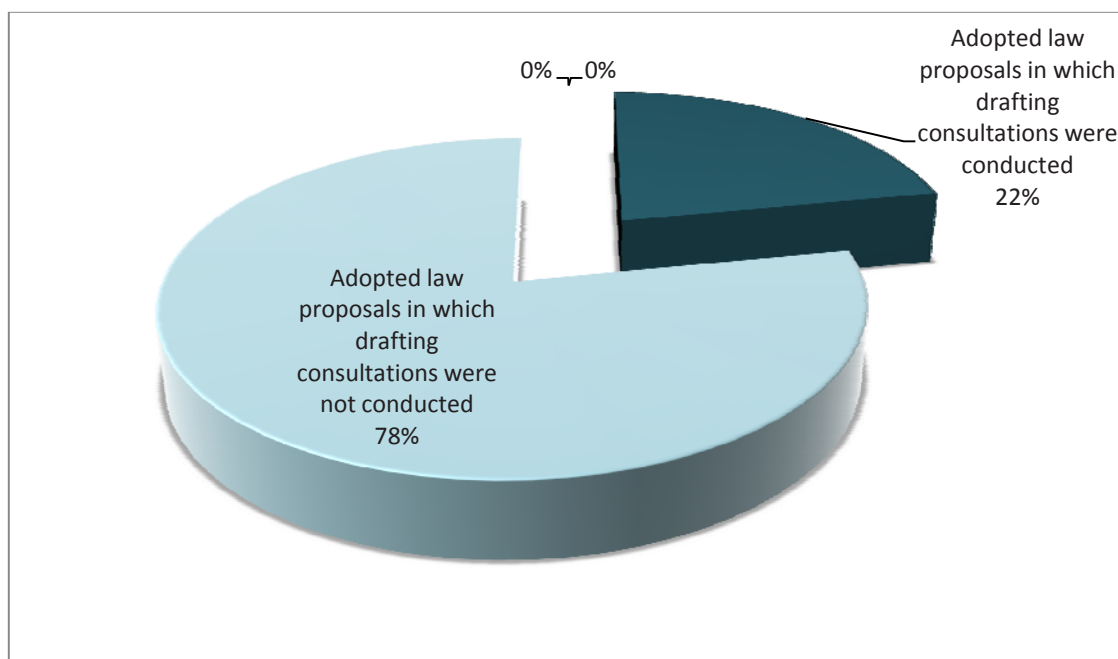


4.2 Publishing public calls for participation in the consultations of interested public in the initial phase of drafting of laws

The process of consulting interested public in initial phase of drafting of laws begins by publishing a public call on the website of a ministry and e-administration Portal. In addition to this, in compliance with Article 6 of the Decree, provisions related to the process of consulting interested public, as well as to the further process of the debate on the text of law are applied even in the case of public debate in the drafting of other enactments, strategic and planning documents.

It is necessary to emphasize that, based on submitted data of General Secretariat of the Government of Montenegro, it has been concluded that the Government during 2014 adopted 73 law proposals whose proposers were all 16 ministries and whose drafting required conducting consultations with interested public⁸. The research has shown that during 2014, only eight ministries published 22 calls for participation in consultations with interested public. Out of 22 calls, 16 calls were related to consultations in initial phase of drafting of laws, while six calls were related to consultations in the development of strategic and planning documents. The fact that in the drafting of 57 law proposals there were no conducted consultations with interested public indicates that there has been no progress in the implementation of this exceptionally important phase of public debate. Still, the half of the ministries fail to recognize the importance of organizing consultations in this initial phase and do not ensure citizens, NGOs, professional public, trade unions and other entities to get involved in the earliest phase of development of documents and thus contribute to better quality of legal and other enactments.

⁸ General Secretariat submitted the data that at the sessions of the Government of Montenegro, during 2014, 112 law proposals were adopted. However, out of 112 adopted law proposals, the obligation to conduct consultations with interested public existed only with regard to 73 law proposals, as the remaining 39 law proposals were related either to proposals on confirming various agreements between Montenegro and other states, or law proposals related to which consultations and debates were conducted during 2013.



All calls for participation in consultations were published on the websites of ministries, while **only two calls⁹ out of 22 were also published on e-administration Portal. Consultations deadline of 20 days, envisaged for the submission of suggestions and comments was fulfilled in 16 calls, while in the remaining six¹⁰, it was not respected.** On the other hand, in three calls¹¹ out of 16, consultations deadline was even longer than the envisaged and it amounted to 45 days.

It is necessary to note that based on obtained responses via the requests for free access to information, it has been identified that employees in the ministries still do not make difference between the terms: consultations with interested public in initial phase of drafting of laws, which entails not only consultations with NGO sector but also with all social entities, which are defined by the Decree on the Manner and Procedure of Conducting Public Debate in the Process of Drafting of Laws and consultations with NGOs while developing enactments from annual work plan of state administration authorities, which are defined by other regulation, the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations. For example, upon the request related to the information on the number of published calls for participation in consultations with interested public in initial phase of drafting of laws during 2014 (regulated by the Decree on the Manner and Procedure of Conducting Public Debate in the Process of Drafting of Laws), the following response of the Ministry of Defence was submitted: "Ministry of Defence does not own required information, as it did not address

9 Public Call of the Ministry of Interior for participation in the process of drafting of Law on Amendments to the Law on Flammable Liquids and Public Call of the Ministry of Justice for participation in the process of drafting of Law on Education in Judiciary System

10 Call for public consultations related to Draft manual of strategic assessment of influence to environment in spatial planning, Call for consultations related to drafting of Law on Mandatory Health Insurance, Call for consultations related to alignment of action plans for negotiation chapters 23 and 24, Call for online consultations with interested public related to draft trilateral Programme Italy – Albania – Montenegro, Call to online consultations with interested public related to Danube trans-national programme 2014-2020, Call for consultations with interested public related to developing Draft Action plan for the implementation of the measures from the Strategy for improvement of the position of LGBT persons in Montenegro for 2014

11 Public Call for the participation in consultations related to Draft Law on Administrative Inspection, Public Call for involving the public in the preparation of the Draft Law on Public Agencies and Public Call to interested public to get involved in the preparation of the Draft Law on Public Funds

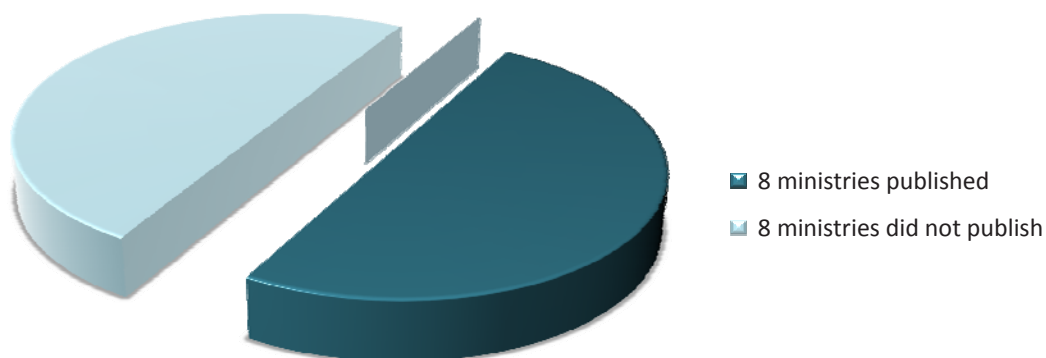
the call for participation in consultations of interested public in initial phase of drafting of laws. Namely, in the respective period, the Ministry drafted the proposal of Law on Amendments to the Law on Data Secrecy, by which Article 26 of the Law was amended in a way that the number of persons who have the right to accede classified data of other countries is limited, without permission, while the provision 2 of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations specifies that “state administration authorities, when drafting and adopting enactments from annual work programme, (*which regulated the manner of exercising freedoms and rights of citizens*) ensures consultations with NGOs, and as amendment to Article 26 of the Law on Amendments to the Law on Data Secrecy does not regulate *the manner of exercising freedoms and rights of citizens*, thus this authority was not obliged to publish the call for participation in consultations with interested public.”

Summary table of the published calls for public consultations:

Ministry	Call for public consultations	Date of publication
Ministry of Justice	Public call for consultations in the procedure of preparing draft Law on Amendments to the Law on Enforcement and Security	21 March 2014
	Public call for consultations in the procedure of preparing the draft Law on Education and Justice	14 May 2014
	Public call for consultations in the procedure of preparing draft Law on Administrative Procedure	22 July 2014
	Public call for consultations in the procedure of preparing draft Law on Amendments to the Family Law	3 December 2014
Ministry of Interior	Public call for consultations in the procedure of preparing draft Law on Amendments to the Law on Flammable Liquids	28 January 2014
	Public call for consultations in the procedure of preparing draft Law on Administrative Inspection	3 March 2014
	Public call for participation of public in preparing draft Law on Public Agencies	3 March 2014
	Public call for participation of public in preparing draft Law on Public Funds (Services)	3 March 2014
	Public call for participation of public in preparing draft Law on Amendments to the Law on DNA Registry	10 March 2014
Ministry of Education	Public consultations regarding Environment Management Plan for adaptation of dormitories	24 February 2014
Ministry of Agriculture and Rural Development	Public call for participation of public in preparing draft Law on Wine	18 November 2014
	Public call for participation of public in preparing draft Law on Amendments to the Law on Identification and Registration of Animals	8 July 2014

Ministry of Sustainable Development and Tourism	Public call for consultations in preparing the draft Law on Environment	15 January 2014
	Public call for consultations in the procedure of preparing the draft Law on Biocidal Products	23 January 2014
	Public call for consultations of interested public in preparing draft Law on Spatial Planning and Construction of Buildings	4 February 2014
	Public consultations for Draft Manual Strategic Environment Impact Assessment in Spatial Planning	30 January 2014
Ministry of Health	Public call for participation of interested public in preparing draft Law on Amendments to the Law on Reducing Tobacco Consumption	27 October 2014
	Public call of the Ministry of Health for participation in the procedure of preparing Draft Law on Mandatory Health Insurance	7 November 2014
Ministry of Foreign Affairs and European Integration	Public call for participation of interested public in alignment of action plans for Chapters 23 and 24	15 December 2014
	Calls for online consultations of interested public in drafting tri- lateral Programme Italia-Albania-Montenegro	24 September 2014
	Calls for online consultations of interested public in Tobacco Transnational Programme 2014-2020.	10 June 2014
Ministry of Human and Minority Rights	Call for consultation in preparing Draft Action Plan for Implementation of Measures of the Strategy for Improving the Status of LGBT Persons in Montenegro for 2014	05 March 2014

Publishing the call for participation in consultations



4.3 Publishing the report on conducted consultations with interested public

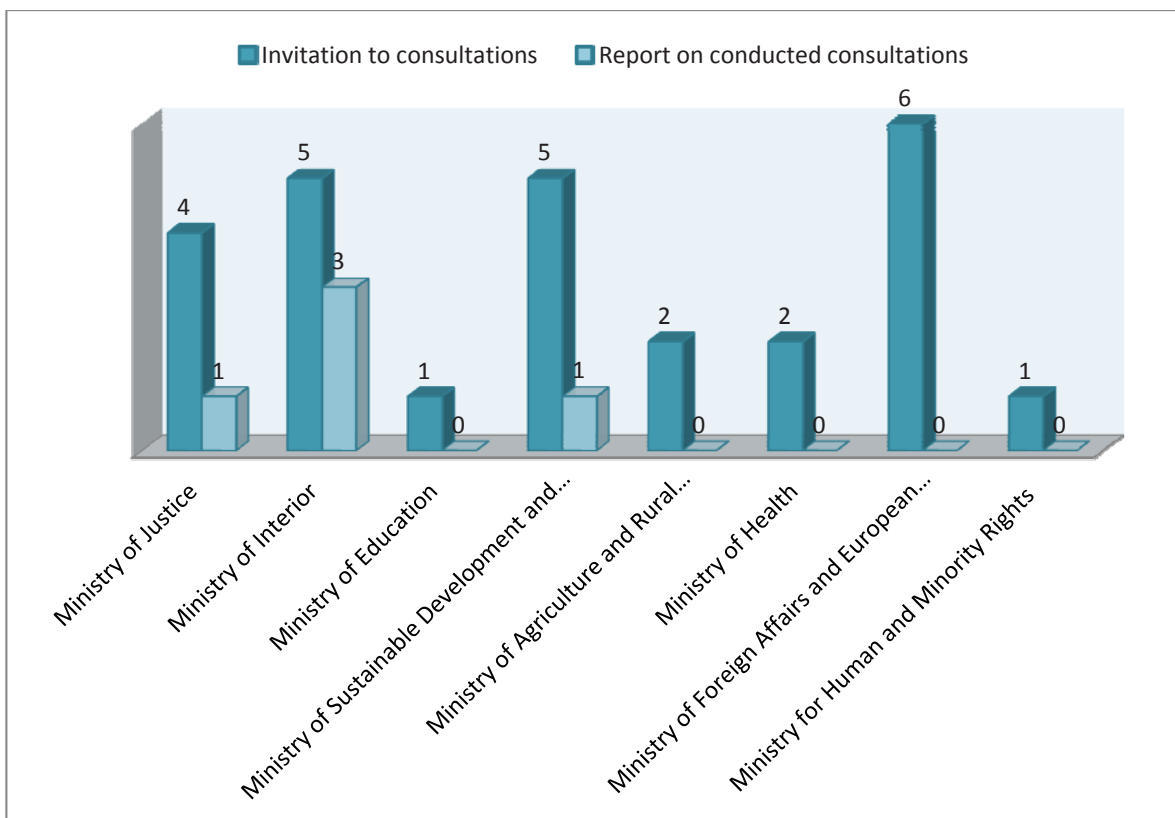
Following completed consultations with interested public, a person in charge for coordination of consultations is obliged to duly record all received initiatives, proposals, suggestions and comments and make a report which contains the overview of entities which took part in consultations, as well as the summary of received initiatives, proposals, suggestions and comments. The ministries are obliged to publish this report on their website and e-administration Portal, within seven days from the day of expiration of deadline for the submission of initiatives, comments and suggestions.

Out of seven ministries which published 22 calls for participation in consultations with interested public, **only three ministries** published a total of **five reports on consultations with interested public** on their website.

These data indicate that the ministries still poorly respect the obligation of publishing reports on conducted consultations. Thus the ministries also show their transparency and responsibility in this process, as this obligation has been prescribed for the sake of transparency of consultation process, and besides that, reports show to what extent working groups have accepted and incorporated received initiatives, proposals, suggestions and comments in draft law or other enactment. It is essential that the ministries, after more than three years of applying the Decree, start fulfilling the obligation of writing and publishing reports, as by their attitude so far, they make consultation process pointless, which may not have sense if there is no document which would summarize all received initiatives, as well as the entities that took part in the consultations.

Summary table of published reports on conducted consultations

Ministry	Report	Date of publication
Ministry of Justice	Overview of comments and suggestions received in consultation with interested public in preparing the Law on Extra-Judicial Proceedings	6 August 2014
Ministry of Interior	Report on consultations regarding preparation of Draft Law on Amendments to the Law on Flammable Liquids and Gases	26 February 2014
	Report on consultations about Draft Amendments to the Law on DNA Registry	31 March 2014
	Report on consultations regarding preparation of the Draft Law on Administrative Inspections	21 October 2014
Ministry of Sustainable Development and Tourism	Report on consultations with interested public about development of Draft Law on Spatial Planning and Construction of Buildings	3 March 2014

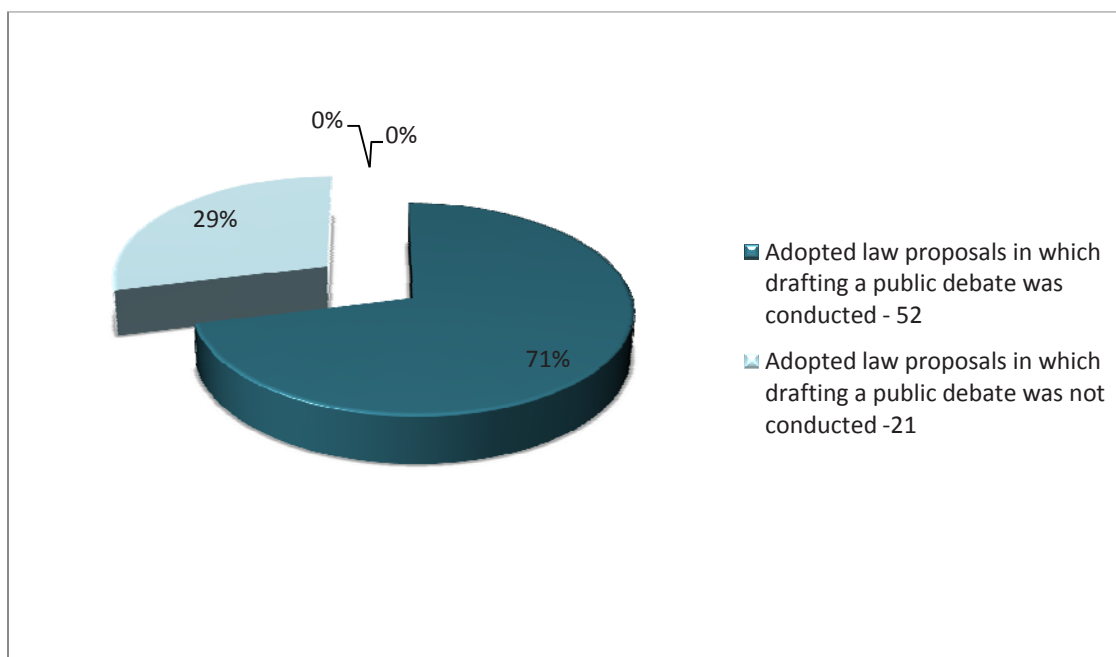


4.4 Publishing of a public call for participation in the debate on the text of law

The second phase of public debate – debate on the text of law starts with publishing of a public call for participation in the debate on the website of a ministry, e-administration Portal and one printed media issued on the territory of Montenegro. Along with the public call, the text of law is also published with explanation and agenda of the debate. Debate on the text of law lasts at least 40 days from the day of publishing of the public call for participation in the debate on the text of law.

During 2014, public calls for participation in the debate on the text of law were published by 15 state administration authorities (14 ministries and authority which is the part of ministry)¹². On the websites of these bodies there were 80 public calls published, out of which 52 calls were related to calls for participation in debate on the text of law, while 28 of them were related to calls for participation in debate on draft other enactments, strategic and planning documents. On the other hand, it is necessary to point out that during 2014, the Government adopted 73 law proposals whose proposers were all 16 ministries, and whose preparation required conducting the debate on the text of law. Therefore, legal obligation of conducting debate on the text of law was not completed in the process of creating 21 draft laws.

¹² Ministry of Justice, Ministry of Interior, Ministry of Finance, Ministry of Economy, Ministry of Sustainable Development and Tourism, Ministry of Education, Ministry of Science, Ministry for Information Society and Telecommunications, Ministry of Traffic and Maritime Affairs, Ministry of Culture, Ministry of Health, Ministry for Human and Minority Rights, Ministry of Foreign Affairs and European Integration, Ministry of Agriculture and Rural Development and Administration for Waters



Debates were organized via round tables, tribunes, presentations, submission of proposals, suggestions and comments via e-mails and in written form. Although the ministries are obliged to publish the calls for debate on the text of law or other enactment on e-administration Portal, this obligation has been also selectively applied. In favour of this, there are data that **out of 80 public calls for participation in debate on the text of law or some other enactment, 35 public calls were published on e-administration Portal as well. Minimum deadline for the duration of a debate of 40 days was respected in 49 published calls, out of total of 80 calls.**

During the search of websites, it has been identified that majority of ministries have special links entitled: Public Debates, on which they are supposed to update all contents related to public debate (calls for participation in consultations, calls for debate on the text of law, reports on conducted debates, etc.). However, although they have separate links, it is a frequent practice that they fail to upload on these links the calls for debate, calls for consultations, lists of laws related to which debate will be conducted, but only on the home pages or other links. Additionally, the contents related to the application of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations are frequently uploaded on the links – public debates (calls for proposing NGO representatives in working groups, lists of interested NGOs for consultations, etc.), which should be uploaded on the links entitled: Cooperation with NGOs, which are also owned by the majority of the ministries. These data are additionally in favour of the conclusion that the obligations from these two Decrees are not differentiated and understood sufficiently, as well as that there is a need for providing support to civil servants in view of more efficient application of both Decrees.

Summary table of web published public call for participation in debate about the draft law texts

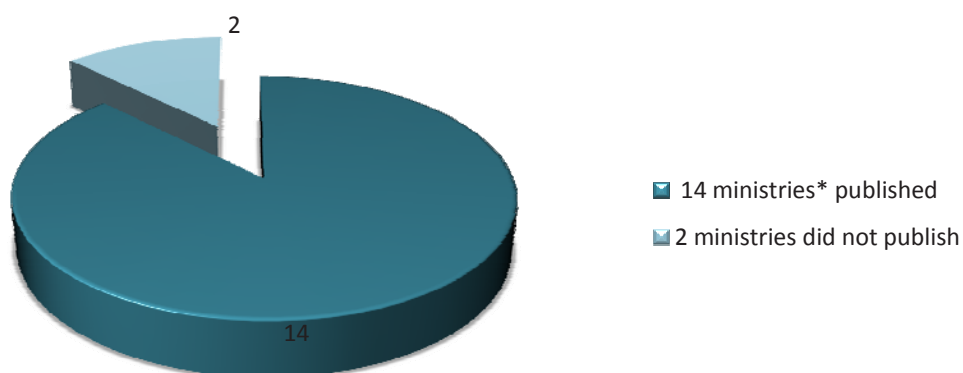
Ministry	Public call for participation in debate about draft text of the law	Date of publication
Ministry of Justice	<ol style="list-style-type: none"> 1. Draft Law on the Prevention of Conflict of interest 2. Draft Law on Prevention of Corruption 3. Draft Law on Amendments to the Law on Enforcement and Security 4. Draft Law on Amendments to the Law on Extra-Judicial Proceedings 5. Draft Law on Amendments to the Law on Judicial Proceedings 6. Draft Law on the Judicial Council and Rights and Obligations of Judges 7. Draft Law on Courts 8. Draft Law on State Prosecutor 9. Draft Law on Amendments to the Law on Free Legal Assistance 10. Draft Law on the Constitutional Court of Montenegro 11. Draft Law on Special State Prosecutor 12. Draft Law on Arbitration 13. Draft Law on Amendments to the Criminal Procedure Code 14. Draft Law on Enforcement of Imprisonment Sentence, Pecuniary Punishments and Security Measures 15. Draft Law on the Seizure of Property Gained by Committing Criminal Offences 	<p>14 March 2014</p> <p>14 March 2014</p> <p>4 July 2014</p> <p>20 May 2014</p> <p>5 June 2014</p> <p>10 June 2014</p> <p>10 June 2014</p> <p>10 June 2014</p> <p>31 July 2014</p> <p>1 August 2014</p> <p>4 August 2014</p> <p>15 August 2014</p> <p>15 August 2014</p> <p>2 October 2014</p> <p>10 October 2014</p>
Ministry of Interior	<ol style="list-style-type: none"> 1. Draft Law on Amendments to the Law on Flammable Liquids and Gases 2. Draft Law on Administrative Inspection 3. Draft Law on Amendments to the Law on Protection and Rescue 4. Draft Law on Residence and Dwelling Place Registry 5. Draft Law on Amendments to the Law Public Order and Peace 	<p>12 July 2014</p> <p>1 August 2014</p> <p>14 March 2014</p> <p>17 April 2014</p> <p>6 May 2014</p>
Ministry of Finance	<ol style="list-style-type: none"> 1. Draft Law on Voluntary Financial Restructuring 2. Draft Law on Amendments to the Law on Public Procurement 3. Draft Law on Salaries of State Employees 4. Draft Law on Bankruptcy and Liquidation Procedure of Insurance Companies 5. Draft Law on Capital Market 6. Draft Law on Takeover of Shareholding Companies 7. Draft Law on Accounting 8. Draft Law on Auditing 	<p>30 January 2014</p> <p>21 February 2014</p> <p>16 March 2014</p> <p>21 March 2014</p> <p>22 July 2014</p> <p>5 September 2014</p> <p>21 October 2014</p> <p>21 October 2014</p>

Ministry of Foreign Affairs and European Integration	1. Draft Law on Cooperation of Montenegro with Diaspora in the period from 17 January onwards	17 January 2014
Ministry of Education	1. Draft »Strategy for Lifelong Entrepreneurial Learning 2015-2019« 2. Draft Law on Vocational Training of People with Acquired Vocational Education 3. Strategy of Development of Vocational Education in Montenegro (2015-2020) 4. Draft Strategy for Development and Support to the Gifted Students (2015-2019) with its Action Plan (2015-2016) 5. Montenegrin Adult Education Plan (2015-2019) 6. Draft Strategy for Adult Education of Montenegro (2015-2025) 7. Draft Law on Young People	22 October 2014 27 June 2014 21 November 2014 1 December 2014 20 November 2014 9 September 2014 8 April 2014
Ministry of Science	1. Draft Law on Amendments to the Law on Science and Research Activity	19 June 2014
Ministry of Culture	1. Draft Management Plan of Necropolis of <i>Stećci</i> – medieval tombstones of Greek Cemetery and the Žugića Bare, Novakovići, Žabljak Municipality and Greek Cemetery, Šćepan Polje, Plužine Municipality 2. Draft Law on Amendments to the Law on Public Broadcasting Services of Montenegro	4 February 2012 15 October 2014
Ministry of Economy	1. Draft Law on Patents 2. Draft Law on General Security of Products 3. Draft Law on Monitoring Products in the Market 4. Draft Strategy of Montenegro for Applying EU acquis in the area of Free Movement of Goods for the period 2014-2018 and Action plan for Implementation of the mentioned Strategy in 2014 5. Draft Plan for Providing Concessions for detailed geological research and exploitation of mineral raw materials for 2014 with the Draft Programme for Public Debate and conclusions 6. Draft Plan for Granting Concessions for detailed geological research and exploitation of mineral raw materials for 2014 7. Draft Regional Development Strategy of Montenegro, 2014-2020. 8. Concession acts for mineral raw materials 9. Draft Energy Law	17 January 2014 29 January 2014 29 January 2014 31 January 2014 21 March 2014 10 April 2014 5 May 2014 11 July 2014 4 August 2014

	10. Draft Law on Amendments to the Law on Copyrights and Related Rights	21 October 2014
	11. Draft Law on Amendments to the Bankruptcy Law	16 December 2014
	12. Draft Law on Amendments to the Law on Trademark	24 December 2014
Ministry of Transport and Maritime Affairs	1. Draft Law on Amendments to the Law on Obligations and Basics of Property Relations in Air Transport	29 April 2014
	2. Draft Law on Amendments to the Law on Yachts	1 August 2014
Ministry of Agriculture and Rural Development	1. Draft Law on Amendments to the Law on Identification and Registration of Animals	6 August 2014
	2. Draft Law on Food Safety	6 August 2014
	3. Draft Agriculture and Rural Development Strategy, 2014-2020	20 October 2014
	4. Draft Hunting Development Programme 2014-2024 and draft strategic environmental impact assessment of Hunting Development Programme 2014-2024	17 November 2014
Ministry of Sustainable Development and Tourism	1. Draft Public Study of the location "Mihailovići" – Cetinje and Draft Report on strategic environmental impact assessment	7 February 2014
	2. Draft Public Study of the location "Part of the sector 46- Kamenovo" – Budva and Draft Report on strategic environmental impact assessment	7 February 2014
	3. Draft Plan of Granting Concession for the Kotor-Lovćen – Cetinje Cableway Construction Project	7 April 2014
	4. Proposal of the Second National Report of Montenegro on the Climate Changes according to the UN Framework Convention on Climate Changes (UNFCCC)	29 April 2014
	5. Participation of the public in preparing and adoption of the Spatial Plan for 2014	30 April 2014
	6. Draft Amendments to the Public Study of the location „Sector 5” (for the part of the former Orijen battalion barracks)	12 May 2014
	7. Draft Law on Amendments to the Law on Air Protection	12 May 2014
	8. Draft Spatial Plan of Ulcinj Municipality	17 July 2014
	9. Draft Public Study of the Virpazar-Bar location	25 September 2014
	10. Draft Amendments to the Public Study of the Sector 32 location, Rose – Dobreč	2 October 2014
	11. Draft Law on Biocidal Products	20 October 2014
	12. Draft National Chemicals Management Strategy	31 October 2014
	13. Draft Law on Environment	18 November 2014
	14. Draft Action Plan for Fight Against Land Degradation and Mitigation of Dryness Effects in Montenegro	19 December 2014
	15. Draft National Strategy on Integral Management of Montenegrin Coastal Area	29 December 2014

Ministry of Health	1. Draft Law on Amendments to the Law on Reducing Tobacco Consumption	28 November 2014
Ministry of Human and Minority Rights	1. Draft Law on to the Law on Minority Rights and Freedoms 2. Draft Law on Amendments to the Law on Gender Equality 3. Draft Law on Prohibition of Discrimination of Persons with Disabilities 4. Draft Action Plan for Implementation of Measures arising from the Strategy for Improvement of the status of LGBT persons in Montenegro for 2014	22 July 2014 1 August 2014 8 August 2014
Ministry for Information Society and Telecommunications	1. Draft Law on Free Use of Information Kept by the Public Authorities	24 December 2014
Administration for Waters	1. Proposal of the Concession Act for granting concession for the use of the water sources "Veliki Maljen", Gornja Bukovica, Šavnik Municipality and Proposal of the Concession Act for granting concession for the use of water in technological purpose 2. Draft Plan of Granting Concessions in the area of waters for 2014	10 November 2014 29 May 2014

Publishing the call for participation in the debate on the text of law on the website



* Call for debate on the text of law, besides 14 ministries, was also published by Administration for Waters.

4.5. Publishing reports on public debate

Following the completion of the debate, ministry creates a report on public debate. The ministry publishes the report on public debate on its website and e-administration Portal, within 10 days from the day of expiration of a deadline for the duration of public debate. The report has to contain the data on the venue and time of debate, authorized representatives of the ministries who took part in the debate, number and structure of participants in the debate, number and structure of submitted proposals, suggestions and comments, proposals and suggestions accepted and proposals and suggestions not-accepted, along with the explanation of the reasons. Integral parts of this report are report of consultations with interested public and report on inter-sector consultations, if conducted during the debate.

Out of 15 state administration authorities that published 80 public calls for participation in debate on the text of law or some other enactment, 11 ministries published 39 reports on public debate on their websites. Only 8 out of mentioned 39 reports on public debate were published on e-administration Portal. The structure of the report is not in all cases in compliance with prescribed form of the Decree. Most frequently, reports on consultations are missing, as well as the number and structure of submitted proposals and data on authorized representatives of the ministries who took part in the debate.

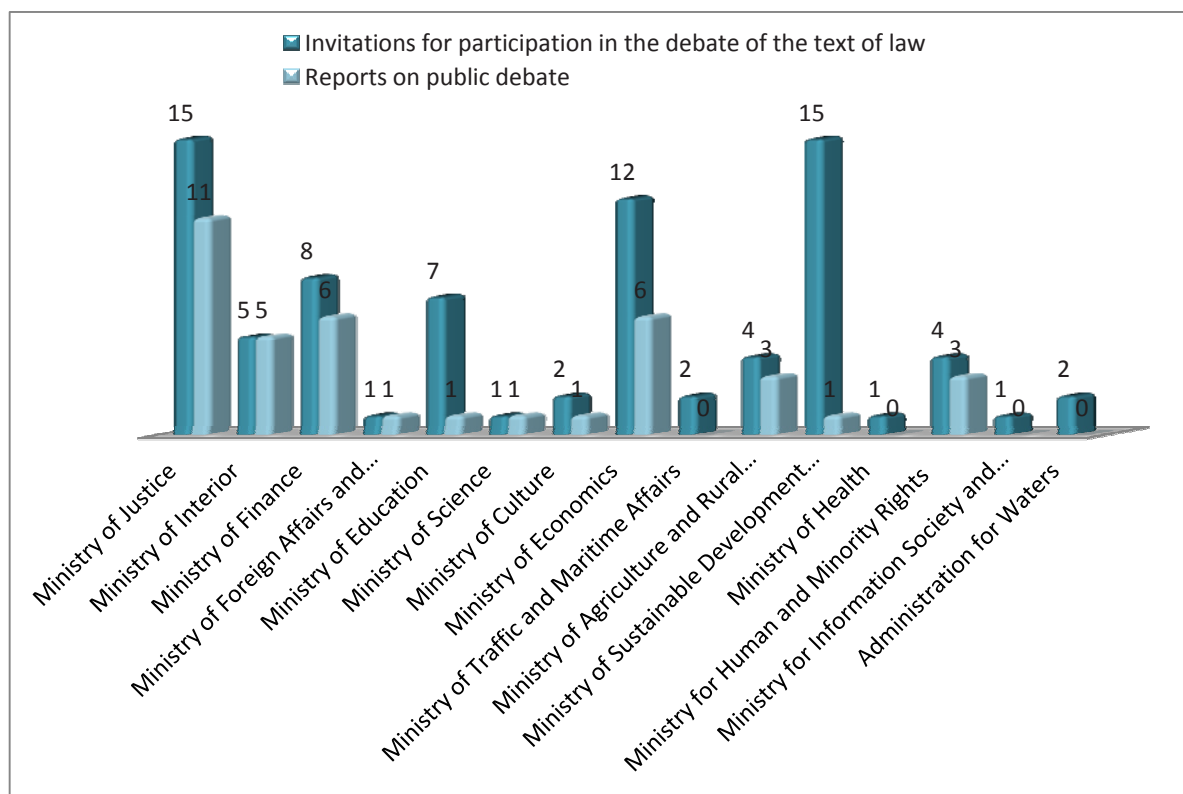
Obtained data indicate that the importance of creation of reports from public debate and the need for their introduction in the procedure of public debate have still not been sufficiently recognized. If the reports after conducted consultations are missing, there is also no source of information on the level of involvement of interested public, quality of submitted proposals and the scope of accepted proposals by competent ministry. Therefore, the purpose of conducting public debate and transparency of the whole procedure are in question.

Summary table of the published reports on public debate:

Ministry	Report	Date of publication
Ministry of Justice	1. Report on public debate about Draft Law on Amendments to the Law on Enforcement and Security	17 September 2014
	2. Report on public debate about Draft Law on Amendments to the Law on Extra-Judicial Proceedings	6 August 2014
	3. Report on public debate about Draft Law on Amendments to the Law on Judicial Proceedings	23 April 2015
	4. Report on public debates about Draft Law on Courts, Draft Law on Judicial Council and Rights and Obligations of Judges and Draft Law on State Prosecutor	30 July 2014
	5. Report on public debate about Draft Law on Amendments to the Law on Free Legal Assistance	19 September 2014

	6. Report on public debate about Draft Law on Constitutional Court of Montenegro 7. Report on public debate about Draft Law on Special State Prosecutor 8. Report on public debate about Draft Law on Arbitration 9. Report on public debate about Draft Law on Amendments to the Criminal Procedure Code 10. Report on public debate about Draft Law on Enforcement of Imprisonment Sentence, Pecuniary Punishments and Security Measures 11. Report on public debate about Draft Law on Seizure of Property Gained by Committing Criminal Offences	1 December 2014 14 October 2014 23 April 2015 14 October 2014 20 February 2015 2 December 2014
Ministry of Interior	1. Report on public debate about Draft Law on Foreigners 2. Report on public debate about Draft Law on Diving 3. Report on public debate about Draft Law on Administrative Inspection 4. Report on public debate about Draft Law on Amendments to the Law on Protection and Rescue 5. Report on public debate about Draft Law on Residence and Dwelling Place Registry	19 February 2014 19 February 2014 21 October 2014 26 May 2014 17 June 2014
Ministry of Finance	1. Report on public debate about Draft Law on Voluntary Financial Restructuring 2. Release on the Round Table about completion of public debate on the draft Law on Amendments to the Law on Public Procurement 3. Report on the conducted public debate about draft Law on Salaries of State Employees 4. Report on the conducted public debate about draft Law on Bankruptcy and Liquidation of Insurance Companies 5. Report on the conducted public debate about draft Law on Market 6. Report on the conducted public debate about draft Law on Amendments to the Law on Takeover of Shareholding Companies	31 March 2014 17 March 2014 5 June 2014 29 May 2014 12 November 2014 12 November 2014
Ministry of Foreign Affairs and European Integration	1. Report on the conducted public debate about draft Law on Cooperation of Montenegro with Diaspora	1 April 2014
Ministry of Education	1. Report on the conducted public debate about draft »Strategy for Life-Long Entrepreneurial Learning 2015-2019«	10 December 2014

Ministry of Culture	1. Report on the conducted public debate about draft Management Plan of Necropolis of <i>Stećci</i> – medieval tombstones of Greek Cemetery and the Žugića Bare, Novakovići, Žabljak Municipality and Greek Cemetery, Šćepan Polje, Plužine Municipality	27 March 2014
Ministry of Science	1. Report on the conducted public debate about draft Law on Amendments to the Law on Science and Research Activity	20 June 2014
Ministry of Economy	1. Report on the conducted public debate about draft Law on Patents 2. Report on the conducted public debate about draft Law on Efficient Energy Use 3. Report on the conducted public debate about draft Regional Development Strategy of Montenegro, 2014-2020. 4. Report on the conducted public debate about draft Energy Law 5. Report on the conducted public debate about draft Law on Amendments to the Law on Copyright and Related Rights 6. Report on the conducted public debate about draft Plan of Granting Concessions for detailed geological research and exploitation of mineral raw materials	27 March 2014 4 April 2014 27 June 2014 31 October 2014 22 December 2014 9 May 2014
Ministry of Agriculture and Rural Development	1. Report on the conducted public debate about draft Law on Amendments to the Law on Identification and Registration of Animals 2. Report on public debate about Draft Agriculture and Rural Development Strategy 2014-2020. 3. Report on public debate about Draft Hunting Development Programme 2014-2024 and draft strategic environmental impact assessment of Hunting Development Programme 2014-2024.	20 September 2014 1 December 2014 18 December 2014
Ministry of Sustainable Development and Tourism	1. Report on public debate about Draft National on Chemicals Management Strategy and the supporting Action Plan 2015-2018.	1 December 2014
Ministry of Human and Minority Rights	1. Report on public debate about Draft Law on Amendments to the Law on Minority Rights and Freedoms 2. Report on public debate about Draft Law on Amendments to the Law on Gender Equality 3. Report on public debate about Draft Law on Amendments to the Law on Prohibition of Discrimination of Persons with Disabilities	17 September 2014 3 October 2014 9 October 2014



5.

5. RECOMMENDATIONS

After three years of the application of both Decrees, the practice has shown that there are segments of both Decrees which need to be improved and thus the cooperation between state administration authorities and NGOs would be enhanced, as well as the participation of wider public in the processes of drafting of laws.

We propose the changes in those segments of the Decrees in which the application is continuously unsuccessful.

Regarding the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations, it is necessary to revise the consultation phase, as well as informing NGOs by state administration authorities.

Regarding the Decree on the Manner and Procedure of Conducting Public Debate in Drafting of Laws, it is necessary to revise the deadlines in the Decree due to intensive legislative agenda, caused by the European integration process. Additionally, it is necessary to prescribe additional transparency mechanisms, as well as the possibilities of informing the public on public debates.

However, key recommendation is related to civil servants in charge for regulations, who are obliged to fully apply these Decrees and ensure non-governmental organizations and interested public the involvement in the development of laws which regulate every-day life of citizens.

Heads of the authorities are responsible for the application of the regulations in the authorities they manage and therefore we invite them to seriously consider these findings and ensure the involvement of citizens and NGOs in the development of regulations from their sectors.

6. SOURCES

- Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations (“Official Gazette of Montenegro“, number 07/12 as of 30/01/2012)
- Decree on the Manner and Procedure of Conducting Public Debate in the Process of Drafting of Laws (“Official Gazette of Montenegro“, number 02/12 as of 24/02/2012)
- Decree on the Organization and Manner of Work of State Administration (“Official Gazette of Montenegro“, no. 5/2012,25/12,44/12 and 61/12,20/13,17/14,06/15)
- Law on State Administration (“Official Gazette of the Republic of Montenegro“, no. 38/03 and “Official Gazette of Montenegro“, no. 22/08 and 42/11)
- Strategy of Development of Non-Governmental Organizations in Montenegro (2014-2016) available on: <http://www.mup.gov.me/biblioteka/strategije>
- Annual Report on Monitoring the Application of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations is available on the website of the Centre for Development of Non-Governmental Organizations
<http://www.crnvo.me/programi/program-zaistraivanje-i-analize.html>
- Annual Report on Monitoring the Application of the Decree on the Manner and Procedure of Conducting Public Debate in the Process of Drafting of Laws for 2012 is available on the website of the Centre for Development of Non-Governmental Organizations <http://www.crnvo.me/attachments/article/8464/izvestaj%20o%20javnoj%20raspravi%20OSCE%202-2-final.pdf>
- Website of the Government of Montenegro http://www.gov.me/sjednice_vlade
- Websites of all state administration authorities



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