

**I Annex - Democracy and the rule of law**

**8. LAW ON STATE ADMINISTRATION**

---

## 8. LAW ON STATE ADMINISTRATION

---

Pursuant to Article 88 item 2 of the Constitution of the Republic of Montenegro, I hereby issue the

### **Decree Promulgating the Law on State Administration**

I hereby promulgate the Law on State Administration passed by the Parliament of the Republic of Montenegro at the second sitting of the first ordinary session in 2003 on 25 June 2003.

No 01-332/2

Podgorica, 26 June 2003

The President of the Republic Montenegro

Filip Vujanović

## **LAW ON STATE ADMINISTRATION**

### **I GENERAL PROVISIONS**

#### **Article 1**

The state administration performs administrative affairs within the scope of rights and obligations of Montenegro.

#### **Article 2**

The state administration shall perform the affairs by virtue of the Constitution, laws and other regulations and general acts.

The state administration shall be professional, independent and objective in its work.

#### **Article 3**

The affairs of state administration shall be performed by the ministries and other administration bodies (hereinafter referred to as: state administration bodies).

Certain affairs of the state administration may be performed by a local self-government and other legal person, when these affairs are delegated or entrusted to them.

#### **Article 4**

The work of state administration bodies shall be public.

Citizens shall have access to data, documents, reports and information of the state administration bodies, except in cases determined by the law.

#### **Article 5**

In performing their affairs, state administration bodies shall provide for equal protection of rights and on law founded interests to natural and legal persons.

State administration bodies shall decide lawfully and timely in matters within their competence.

## 8. LAW ON STATE ADMINISTRATION

---

### **Article 6**

The work of state administration bodies is subject to control.

The control of the work of state administration bodies shall be realized through administrative and other supervision, judicial control and other forms of control, in accordance with the law.

### **Article 7**

Montenegro shall be responsible for damage caused by unlawful or inaccurate work of a state administration body.

### **Article 8**

The state administration bodies shall provide to representatives of minority nations and other minority national communities the exercise of right to use their language and letters in official matters, as well as the right to conduct proceedings in their language as well, in places where they make a significant part of the population, in accordance with the law.

### **Article 9**

Political organizing and activities of political organizations in state administration bodies are prohibited.

Civil servants and state employees are not allowed to express and represent their political opinions in performing affairs of state administration.

### **Article 10**

The means and conditions for the operation of the state administration bodies shall be provided by the Budget of Montenegro.

## **II AFFAIRS OF STATE ADMINISTRATION**

### **Article 11**

The affairs of state administration are:

1. proposing internal and foreign policy;
2. conducting developmental policy;
3. normative affairs;
4. enforcement of laws and other regulations;
5. conducting administrative supervision;
6. deciding in administrative procedures on rights and obligations of citizens and legal persons;
7. proceeding in misdemeanor procedures;
8. ensuring the performance of affairs of public interest;
9. other affairs of the state administration set forth by the law and other regulations.

### **Article 12**

The affairs of proposing internal and foreign policy comprises the preparation of strategies, projects, programs and international documents based on monitoring of the execution of laws and

## 8. LAW ON STATE ADMINISTRATION

---

other regulations, reviewing and analyzing the current situation in the field, for the purpose of harmonization the national legal system with modern, democratic and internationally recognized standards.

### **Article 13**

The conduct of developmental policy comprises establishing developmental strategies and stimulating economic, social, cultural, ecological and overall social development.

### **Article 14**

Normative affairs comprise the preparation of the draft texts and proposals of laws and other regulations and the passing of secondary legislation.

### **Article 15**

Enforcement of laws and other regulations comprises administrative procedures, issuing and executing decisions and other individual acts, undertaking administrative measures and actions, monitoring of their execution, giving explanations, issuing professional instructions for work, as well as offering professional assistance.

### **Article 16**

The conduct of administrative supervision comprises:

1. supervision over the legality of administrative acts,
2. supervision over the legality and functionality of work of the administration bodies, local self-government authorities and other legal persons in performing delegated and entrusted affairs, and
3. inspection control.

### **Article 17**

The supervision over the legality of administrative acts comprises the control of legality of administrative acts, by means of which the rights, obligations and legal interests of natural and legal persons are decided on by virtue of the law, as well as taking measures determined by the law.

### **Article 18**

Supervision over the legality and functionality of work comprises:

1. control of legality of work and proceeding;
2. control and assessment of efficiency, cost-efficiency and effectiveness;
3. control of effectiveness of organization of the performance of activities and of the qualification of civil servants and state employees for the performance of these activities;
4. the relation of civil servants and state employees towards clients, natural and legal persons.

In performing the supervision specified in paragraph 1 of this Article, the following shall be undertaken:

## 8. LAW ON STATE ADMINISTRATION

---

1. the procedure for assessment of constitutionality and legality of general acts shall be commenced;
2. the execution of determined obligations shall be ordered;
3. the cessation, respectively prohibition of operation of an institution or other legal person shall be proposed;
4. other measures stipulated by a specific regulation shall be undertaken.

### **Article 19**

Inspection control shall be performed by way of direct insight at institutions and legal persons, authorities of municipalities, the Capital City, the Royal City and Montenegro, other authorities and citizens as to the observance of laws, other regulations and general acts, as well as by undertaking administrative and other measures and actions in order to adjust the established condition with a regulation.

Inspection control shall be regulated by a specific law.

### **Article 20**

Deciding in administrative procedures as to rights and obligations of natural and legal persons comprises the commencement and the conduct of an administrative procedure, taking measures and actions in a procedure, passing of administrative acts as to the rights and obligations of natural and legal persons, and their immediate enforcement.

### **Article 21**

Proceeding in misdemeanor procedures comprises the commencement, conducting, deciding and execution in misdemeanor procedures.

### **Article 22**

Ensuring the performance of affairs of public interest comprises the implementation of activities of public affairs through enterprises and institutions, entrepreneurs, by immediate execution, issuance of concessions, capital investment and through other measures that facilitate efficient and rational performance of these affairs.

### **Article 23**

Other affairs of the administration comprise the elaboration of analytical, informative and other materials, professional methodological elaboration of regulations in specific fields, collection and processing of data, as well as affairs that contribute to the development and implementation of the function of state administration.

## **III STATE ADMINISTRATION BODIES**

### **1. *Establishment and supervision***

#### **Article 24**

The Government of Montenegro (hereinafter referred to as: the Government) establishes state administration bodies, as well as the organization and the manner of work of the state administration and regulates the issues of ensuring the execution of decisions of the Constitutional Court of Montenegro, as well as other issues of significance for the organization and work of the state administration.

**Article 25**

The supervision over legality of work of the administration bodies shall be performed by the ministries.

The ministry to perform the supervision over the legality of the work of a state administration body shall be determined by the act on the establishment of the respective state administration body.

**2. Ministries**

**Article 26**

Ministries are established for one or more connected administrative domains, depending on the nature, significance and scope of these affairs, and on the need for providing a development strategy.

**Article 27**

Ministries perform affairs of proposing internal and foreign policy, conducting development policy, normative affairs and administrative supervision, in accordance with the law.

Ministries shall set development strategies and stimulate the economic, social, cultural, ecological and general social development, by monitoring and exchanging of information and records and by statistical and analytical monitoring of the situation in the fields they had been established for, as well as by proposing and passing appropriate measures.

**3. Other Administration bodies**

**Article 28**

Administration bodies are established for the performance of affairs of execution of laws and other regulations, of administrative and professional affairs in administrative fields in which ministries are established and in other fields, when the scope and character of work require independence at work.

**Article 29**

Administration bodies are:

1. administrations, as bodies that perform chiefly administrative and therewith related professional affairs,
2. secretariats, offices, directorates and agencies, as bodies that perform chiefly professional affairs.

**Article 30**

Administrations are bodies which immediately implement the laws and other regulations and decide on rights and liability of natural and legal persons and other entities.

**Article 31**

Secretariats are bodies which perform chiefly professional affairs with the possibility to perform certain administrative and other affairs.

**Article 32**

Offices are bodies that perform professional and therewith related administrative affairs by application of scientific methods and knowledge.

**Article 33**

Directorates are bodies that perform chiefly professional and therewith related administrative affairs relating to the field of economy.

**Article 34**

Agencies are bodies that perform professional and therewith related administrative affairs, which are performed by application of market principles, i.e. providing of services, and ensure improvement and development.

**Article 35**

Administration bodies may, in accordance with the act on their establishment, have the status of a legal person.

Administration bodies may, within their scope, provide services to natural and legal persons, and charge fees therefore.

**IV INTERNAL ORGANIZATION OF STATE ADMINISTRATION BODIES**

**Article 36**

The internal organization and systematization of state administration bodies shall be defined depending on the scope, type and complexity of affairs and in a manner that ensures their efficient, cost-efficient and effective performance.

**Article 37**

The criteria for the internal organization, systematization and nomenclature (designation of groups of affairs, the contents of these affairs and the conditions for their execution) as well as the tentative number of employees shall be defined by the Government.

The act on internal organization and systematization of a state administration body shall be defined by the Government, upon the motion of a minister, respectively head of an administration body.

In the procedure of defining an act on internal organization and systematization of an administration body, the Government shall obligatorily procure the opinion of the ministry that supervises the operation of that specific body.

**V REGULATIONS OF MINISTRIES**

**Article 38**

Ministries shall pass rulebooks, orders and instructions for the enforcement of laws and other regulations.

**Article 39**

Rulebooks shall elaborate specific provisions of laws and other regulations.

Orders shall order or prohibit the proceeding in a specific situation that is of public significance.

Instructions shall prescribe the manner of work and performance of affairs of administration bodies, as well as of local self-government authorities, institutions and other legal persons in performing delegated, respectively entrusted affairs.

**Article 40**

Regulations of ministries may not establish rights and obligations for natural and legal persons.

**VI MANAGEMENT AND LIABILITY IN STATE ADMINISTRATION BODIES**

**Article 41**

The minister shall represent a ministry, manage and direct its affairs.

The minister shall be liable for his work, the operation of the ministry and for the condition in the respective administrative field to the Parliament of Montenegro (hereinafter referred to as: the Parliament) and to the Prime Minister.

In the case of cessation of his/her office or prolonged impossibility of the minister to exercise his/her function, the operation of the ministry shall be managed by a member of the Government assigned by the Prime Minister.

**Article 42**

The Ministry shall have a permanent secretary.

The permanent secretary of the ministry shall coordinate the work of organizational units within the ministry, provide for the implementation of relations and cooperation with administration bodies in administrative fields for which the ministry was established, as well as with other authorities, and shall be liable for his/her work to the minister and to the Government.

**Article 43**

One or more assistant ministers, who shall manage and organize the work in one or more sectors of operation may be appointed in a ministry, and they shall be liable to the minister and to the Government.

**Article 44**

An administration, office, directorate, and agency shall be managed by a director, whereas the secretariat shall be managed by a secretary (hereinafter referred to as: head of an administration body).

The head of an administration body shall be appointed and dismissed by the Government, on the motion of the competent minister.

The office of a head of an administration body shall cease by resignation, dismissal, or with cessation of the Government's mandate.

The head of an administration body shall be liable for his/her work, the operation of the administration body he/she manages, as well as for the condition in the specific field, to the competent minister and to the Government.

**Article 45**

One or more deputies to the head of an administration body may be appointed in an administration body.

The deputy head of an administration body shall manage and organize the work in one or more sectors, i.e. fields of activity, perform the most complex affairs within the administration body and be liable for his/her work to the head of the administration body and to the Government.

**Article 46**



## 8. LAW ON STATE ADMINISTRATION

---

Issues relating to the appointment, dismissal and cessation of the term of office, respectively duty of the permanent secretary of a ministry, the assistant minister and the deputy head of an administration body shall be regulated by the law.

### **VII CIVIL SERVICE RELATIONS**

#### **Article 47**

State administration affairs in the state administration bodies shall be performed by civil servants.

Administrative-technical and auxiliary affairs for the needs of the state administration shall be performed by state employees.

#### **Article 48**

Civil servants and state employees shall be recruited on the basis of a public vacancy announcement.

The selection procedure and the proposal of candidates shall be carried out by the competent body established by the Government, in accordance with the law.

#### **Article 49**

The decision on the employment shall be passed by the minister, respectively head of the administration body.

When passing the decision mentioned in paragraph 1 of this Article, the minister respectively the head of the administration body shall observe the proportional representation of members of minority national and ethnic groups in state administration bodies.

#### **Article 50**

The status of civil servants and state employees, as well as their rights, duties and liabilities shall be regulated by the law.

### **VIII STATE ADMINISTRATION AND CITIZENS**

#### **Article 51**

Citizens shall have free access to data, documents, reports and information of state administration bodies.

Access to documents specified in paragraph 1 of this Article relating to particular natural and legal persons shall be granted only when there is a legal interest related to a judicial or other procedure in which a citizen is to realize his/her rights, obligations and legal interest.

Any deprivation, respectively denial of the request of a citizen in the sense of paragraphs 1 and 2 of this Article, shall be justified in writing, and the realization of the right to file a petition shall be provided. The petition shall be submitted to the body supervising the work of the state administration body.

#### **Article 52**

State administration bodies shall lawfully and timely act on citizens' requests filed with the view to realize their rights and execute their obligations.

State administration bodies shall furnish required data, information and explanations to citizens, and offer them professional assistance.

## 8. LAW ON STATE ADMINISTRATION

---

State administration bodies shall prepare, when it is possible, all necessary forms needed for the realization of rights and obligations of citizens, and obligatorily post the standards of proceeding at a visible place.

### **Article 53**

In a procedure for the realization of citizen's rights and obligations, state administration bodies shall procure ex officio data on facts that are officially recorded by other state administration bodies.

### **Article 54**

State administration bodies shall offer information on their work by way of technical means, publications, as well as by means of media.

### **Article 55**

For the performance of specific administrative affairs within the competence of administration bodies, particularly in the realization of citizen's rights, administration bodies may organize their work in places outside their headquarters (administration days).

The affairs to be performed in the manner specified in paragraph 1 of this Article, the place and the time of the performance thereof shall be determined by the head of the administration body.

The citizens shall be publicly informed in an appropriate way on the affairs, the place and time specified in paragraph 2 of this Article.

### **Article 56**

State administration bodies shall provide a book or a box for complaints, respectively other means to facilitate the clients to impart objections and complaints on the work of state administration bodies or an inappropriate attitude of civil servants.

A state administration body shall reply in writing to the submitter within 15 days as of the submission of the complaint, should the citizen require so.

State administration bodies shall obligatorily carry out monthly analyses of complaints and solve the problems a citizen addressed in a complaint.

### **Article 57**

The minister, respectively head of an administration body, shall determine the hours for reception of clients.

The working hours during the week, the daily distribution of working hours and other issues relative to the working hours in state administration bodies shall be defined by the Government.

### **Article 58**

The designation of state administration bodies shall be indicated on the buildings, in which they are situated.

The arrangement of the premises of a body shall be indicated at a convenient location in the respective buildings.

The personal name of a civil servant and the designation of affairs he/she officiates shall be indicated at the entrance of the office.

**Article 59**

The provisions of this chapter shall be applied by local self-government authorities, public institutions and public enterprises when performing delegated or entrusted affairs of state administration.

**IX RELATIONS AND COOPERATION**

**1. Relations of State administration bodies with the Government**

**Article 60**

Ministries shall undertake measures and actions with a view to realization of the program of the Government.

A ministry shall at the request of the Government study a specific issue or perform a specific task.

A ministry shall provide for the implementation of conclusions and acts of the Government that determine opinions on specific issues that are of significance for the determination and conducting of the policy, as well as for the realization of the program of the Government.

**Article 61**

The Government shall annihilate a ministerial regulation that, contrary to Governmental regulations, violates rights and freedoms of natural and legal persons, as well as in other cases set forth by the law.

The Government shall cancel a ministerial regulation that is not in accordance with a Governmental act.

**Article 62**

At least once a year the ministries shall submit to the Government a report on their activities and the condition in their administrative field. The report shall consist of an overview of the implementation of laws and other regulations, implementation of the programs and decisions of the Government, measures they have undertaken and the results achieved.

At the request of the Government, the ministries shall also submit a separate report on specific issues within their purview, measures they have undertaken and the results obtained.

**Article 63**

A ministry may submit to the Government a proposal for the regulation of issues in the administrative field.

A ministry may request of the Government to take a position or to issue instructions for the solution of specific issues in the administrative field.

**Article 64**

Administration bodies shall implement their relations with the Government in the manner specified in Articles 62 and 63 of this law.

Administration bodies shall implement their relations with the Government through the ministry performing the supervision over their work.

**2. Relations among the Ministries**

**Article 65**

## 8. LAW ON STATE ADMINISTRATION

---

The ministries shall cooperate and inform each other on their work, especially on issues of significance to their work.

Ministries shall jointly implement activities, if the Government should decide so, or if it derives from their stipulated duty.

A ministry may call for another ministry to involve it in the performance of specific affairs that are of interest to that ministry.

### **Article 66**

In preparing and passing regulations, the ministries shall cooperate with each other respectively obtain the opinions of other interested ministries.

### **Article 67**

When the performance of certain affairs is in the competence of two or more ministries, the execution of these affairs shall be administered by the ministry in whose purview lays the predominant part of affairs to be executed.

### **Article 68**

The provisions of this chapter shall be applied accordingly to relations among the administration bodies.

### ***3. Relations between the Ministries and Administration bodies***

#### **Article 69**

In performing supervision over the legality and functionality of work of administration bodies, ministries may: suspend acts issued outside an administrative procedure when they are in opposition to the law and other regulations, or it may propose to the Government to annihilate or cancel those acts; request reports and information on specific issues within the respective competence, give technical instructions, warn the administration body of the noticed irregularities in its work, and perform other forms of control, in accordance with the Governmental regulation.

#### **Article 70**

A ministry shall, within its competence, decide on the appeal against specific administrative acts passed in the first instance by an administration body.

A ministry shall as well perform other activities that appertain to a second instance authority in the administrative procedure according to the law.

#### **Article 71**

An administration body may require from the ministry an opinion, an explanation and instructions for the application of specific provisions of laws and other regulations.

#### **Article 72**

At least once a year, an administration body shall submit to the ministry a report on the work and condition in the fields it has been established for. The report shall consist of a survey of the implementation of laws and other regulations, the implementation of the program and of conclusions of the Government, the measures they have undertaken and the results thereof.

## 8. LAW ON STATE ADMINISTRATION

---

The content of the report specified in paragraph 1 of this Article shall be defined by the Government.

Administration bodies shall, at the request of a ministry, submit also a separate report on specific issues from within their competence, measures they have undertaken and the results thereof.

### ***4. Relations of Ministries with the Parliament***

#### **Article 73**

A ministry shall be obliged, on the occasion of considering an interpellation, to submit to the Parliament reports on specific issues as well as requested data from the administrative field.

A ministry shall be obliged to submit to the Parliament acts respectively documents, only within the scope of a parliamentary investigation, if those acts, respectively documents do not represent a state, military or official secret according to a specific law.

Should the acts, respectively documents specified in paragraph 2 of this Article represent a state, military or official secret, the ministry shall enable the insight into and a transcript of the same.

A ministry shall submit the reports, acts and documents to the Parliament through the Government.

#### **Article 74**

A ministry shall be obliged to reply to questions of representatives raised in the Parliament.

### ***5. Relations of State administration bodies with Courts***

#### **Article 75**

At the request of courts, state administration bodies shall be obliged to submit acts and data in the manner and in a time frame set forth by the laws regulating the procedure before court.

### ***6. Relations of Ministries with Local Government Authorities***

#### **Article 76**

The provisions of the Law on Local Self-Government shall be directly applied to the relations and cooperation of ministries with local self-government authorities during the performance of affairs from the original competence of the local self-government.

### ***7. Relations of Administration bodies with Public Institutions, Public Enterprises and other Legal Persons Founded by the State***

#### **Article 77**

An administration body shall perform the control of general acts relating to public institutions, public enterprises and other legal persons the founder of which is the state, warn their authorities that a general act is not in accordance with the Constitution or with the law and propose appropriate solutions for the purpose of adjustment.

In the case that the public institutions, public enterprises and other legal persons the founder of which is the state, should fail to act on the monition of an administration body, the administration body may withhold the implementation of such an act, if the application thereof might cause serious harmful consequences, and institute a proceeding before the Constitutional Court for the assessment of constitutionality and legality of that act.

#### **Article 78**

An administration body shall decide on appeals against particular administrative acts, which are passed in the first instance by public institutions, public enterprises and other legal persons, the

## 8. LAW ON STATE ADMINISTRATION

---

founder of which is the state, and perform other activities that appertain to a second instance authority in the administrative procedure according to the law.

### Article 79

An administration body shall perform the control over the performance of activities of public institutions, public enterprises and other legal persons the founder of which is the state.

In performing the control specified in paragraph 1 of this Article, the administration body shall provide for the control of performed public activities and to this end it shall perform direct inspection and require of the public institutions, public enterprises and other legal persons the founder of which is the state, reports, information, opinions and data, as well as their obligatory cooperation.

### **8. Relations of State administration bodies with non-governmental organizations**

### Article 80

Ministries and other administration bodies shall be obliged to provide for the cooperation with non-governmental organizations, which shall specifically be implemented by:

1. consulting the non governmental sector about legal and other projects and regulations governing the realization of rights and freedoms of citizens,
2. enabling the participation in the work of working groups for the consideration of issues of common interest, or for the normative regulation of specific issues,
3. organizing joint public discussions, round tables, seminars and other forms of joint activities and in other appropriate forms;
4. informing about the content of the work program and of reports on activities of state administration bodies.

## X. DELEGATING AND ENTRUSTING OF STATE ADMINISTRATION AFFAIRS

### Article 81

Some state administration affairs, for the sake of their more efficient and more cost-efficient implementation, shall be delegated to the local self-government authorities by the law, respectively they shall be entrusted by a Governmental regulation to the local self-government authorities, institutions and legal persons (hereinafter referred to as: *authorities*).

The law on delegating state affairs, respectively the regulation of the Government on entrusting affairs, in a sense of the paragraph 1 of this Article establishes the manner of financing thereof.

The act on entrusting in the sense of paragraph 1 of this Article shall be preceded by an elaboration on the justification, which shall particularly consist of:

1. a justification for the entrusting of the affairs,
2. a precise determination of affairs to be entrusted,
3. the entity to which the implementation of affairs is entrusted,
4. positions and opinions of the local self-government authorities, institutions and legal persons on the possibilities and conditions for the implementation of the entrusted affairs;
5. the existence of conditions as regards the organizational, personnel, technical, financial and other material issues;
6. the manner and terms of financing the implementation of entrusted affairs.

### Article 82

## 8. LAW ON STATE ADMINISTRATION

---

An administration body shall control whether the authorities, in performing the delegated or entrusted affairs act in accordance with the law, warn an authority when it finds that the same fails to act in compliance with the law and propose measures the authority should undertake.

### **Article 83**

An administration body shall decide on appeals against individual acts passed by the authorities in the first instance in performing the delegated or entrusted affairs, and exercise other rights that the second instance authority has in the administrative procedure according to the law.

### **Article 84**

An administration body shall execute control over the work of the authorities implementing delegated or entrusted affairs and it shall have the right and the obligation to:

1. give the preliminary approval to all regulations and acts passed in connection with the implementation of delegated and entrusted affairs;
2. give its approval to the organization of work and the conditions for performing delegated or entrusted affairs;
3. give binding instructions for the implementation of the delegated, respectively entrusted affairs and render professional assistance,
4. perform the control of work of the authorities by requiring reports, information, opinions and data, as well as by immediate insight,
5. admonish the authority in writing about the failure to perform the delegated or entrusted affairs and order it to ensure the execution of the activity within a specified deadline,
6. admonish the authority in writing and determine the deadline for the elimination of irregularities, when it establishes that the delegated or entrusted affairs were not performed in a lawful, proper and timely manner,
7. undertake liability measures.

### **Article 85**

If an authority should disregard the warning of an administration body, mentioned in Article 84 of this Law, the administration body may at the expense of the authority directly perform a specific task from the delegated, respectively entrusted affairs.

The administration body shall be obliged to proceed in the manner specified in paragraph 1 of this Article if the failure to perform the activity would cause harmful consequences to the life and health of people and the environment or to the property and the realization of rights and interests of citizens.

The administration body shall pass a decision on the costs mentioned in paragraph 1 of this Article.

### **Article 86**

The administration body may propose to the Government to initiate the procedure for withdrawal of the delegated or entrusted affairs when the authority fails to perform or does not perform those affairs in a proper and timely manner in spite of the warning.

The delegated, respectively entrusted affairs mentioned in paragraph 1 of this Article shall be performed by the competent administration body.

## **XI RESOURCES FOR THE OPERATION OF STATE ADMINISTRATION BODIES**

### **Article 87**

## 8. LAW ON STATE ADMINISTRATION

---

When defining the resources for the discharge of regular work of state administration bodies, special consideration shall be given to the necessity of the performance of activities that provide for the implementation of rights of natural and legal persons.

### **Article 88**

The state administration bodies shall independently dispose of the resources for the performance of their activity.

### **Article 89**

Material resources shall be provided to the state administration bodies in objects or funds for the purchase of equipment.

### **Article 90**

Resources necessary for special purposes may be allocated to the state administration bodies from the Budget, for the satisfaction of specific social needs and for the performance of certain tasks in accordance with their scope of activity.

The resources for special purposes shall be used and disposed of in the manner set forth by regulations and the act by which the resources are awarded.

### **Article 91**

The state administration bodies shall use the resources for operation so as to provide as complete an execution of their functions as possible, respectively the satisfaction of specific social needs and execution of certain tasks.

### **Article 92**

The salaries of civil servants and state employees shall be regulated by a special regulation.

### **Article 93**

The minister, respectively other official in charge shall be responsible for the lawful use of resources of state administration bodies.

### **Article 94**

The control over the legality of use of the resources for the operation of state administration bodies shall be performed by the Ministry of Finance, in accordance with the law.

## **XII PUBLICITY AND TRANSPARENCY OF WORK OF STATE ADMINISTRATION BODIES**

### **Article 95**

Ministries and administration bodies shall be obliged to acquaint the public with the performance of activities within their purview and inform it about their work through means of public information or in other appropriate ways.

The presentation of certain reports and data may be refused only if their disclosure would represent, in accordance with a specific law, a violation of keeping secrets (state, military, official) relating to the protection of security and privacy of citizens.



### **Article 96**

The state administration bodies shall be obliged to assign a person to provide reports, information and data on the performance of affairs of the state administration bodies.

Civil servants who are authorized for the preparation of relevant reports, information and data shall be personally responsible for the accuracy and timeliness thereof.

Unauthorized giving of reports, information and data or giving inaccurate reports, information and data shall represent a violation of official duty.

### **Article 97**

In preparing laws that shall regulate rights, obligations and legal interests of citizens, a minister shall have the draft law published through media and invite all stakeholders to present their comments, proposals and suggestions.

A minister may as well decide to implement the procedure of public debate when preparing other laws.

### **Article 98**

When organizing consultations or other forms of professional treatment of issues from their competence, ministries and administration bodies shall announce it in public means of information and enable the media to follow the work, consultation or other form of professional treatment of an issue.

## **XIIa OFFICE MANAGEMENT**

### **Article 98a**

Office management of a state administration body comprises receiving, recording, administrative – technical processing and forwarding acts, keeping of objects, acts and other material and archiving and keeping of archived objects, as well as other processing of official material.

Office management is regulated by a regulation of the Government.

### **Article 98b**

The regulation from the Article 98a paragraph 2 of this Law shall be applied by state bodies, local self-government, as well as other legal persons when performing delegated and entrusted state administration affairs, unless otherwise proscribed by the law.

## **XIII EXCEPTION AND CONFLICT OF JURISDICTION IN ADMINISTRATIVE MATTERS**

### **Article 99**

The exception of an official shall be decided on by the minister, respectively the head of an administration body.

The Government shall decide on the exception of a minister or a head of an administration body.

### **Article 100**

The Government shall decide on the conflict of jurisdiction among:

## 8. LAW ON STATE ADMINISTRATION

---

- ministries,
- administration bodies,
- between ministries and administration bodies, and
- between ministries and administration bodies and authorities performing affairs of the state administration.

### **XIV TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 101**

Secondary legislation based on this Law shall be passed within one year from the day of entry into force of this Law.

#### **Article 101a**

Secondary legislation adopted based on the Law on State Administration shall be harmonized with this Law within six months from the day of entry into force of this Law.

The regulation from the Article 98a paragraph 2 of this Law shall also be adopted within the deadline specified in paragraph 1 of this Article.

#### **Article 102**

The organization of state administration, in accordance with this Law, shall be established within one year from the day of entry into force of this Law.

#### **Article 103**

The performance of delegated and entrusted affairs shall be harmonized with the provisions of this Law within 6 months from the day of establishing the new organization of performance of the affairs of state administration.

#### **Article 104**

With the entering into force of this law, the Law on Principles of Organization of the State Administration (Official Gazette of the Republic of Montenegro 56/93) shall cease to be in effect.

#### **Article 105**

This law shall enter into force on the eighth day following that of its publication in the Official Gazette of the Republic of Montenegro.