

Believing that the adoption of the Code of Ethics for MPs will create the necessary conditions for building trust between elected representatives in the Parliament of Montenegro and citizens;

Assessing that the adoption of the Code of Ethics for elected representatives will provide necessary harmony between the general and individual interests;

Acknowledging the fact that legal norms are all the more supplemented by ethical rules of conduct in different fields of social life;

Following the process of European integration and the application of European standards;

Believing that, in performing their duties, elected representatives are obliged to accept standards by which they commit themselves;

Considering that the adoption of the Code of Ethics for elected representatives will strengthen their role and responsibility;

In an effort to ensure that this Code of Ethics for MPs covers all segments of work of elected representatives to the fullest extent possible;

Stressing that the rules of conduct containing ethical norms should be observed;

Pursuant to Article 82 paragraph 1 item 3 of the Constitution of Montenegro, and Article 91 paragraph 1 of the Constitution of Montenegro, the 26<sup>th</sup> Parliament of Montenegro, at its Tenth Sitting of the First Ordinary (Spring) Session in 2019, of 31 July 2019, adopted the following

## **CODE OF ETHICS FOR MPS**

**(Official Gazette of Montenegro 046/19 of 7 August 2019)**

### **I BASIC PROVISIONS**

#### **Subject matter**

##### **Article 1**

Code of Ethics for MPs (hereinafter referred to as "the Code") establishes ethical principles and standards of conduct that should be observed by all MPs in undertaking their duties.

#### **Aim of the Code**

##### **Article 2**

The aim of the Code is preservation, affirmation, and improvement of dignity and reputation of Members of the Parliament of Montenegro (hereinafter referred to as "the Parliament") and strengthening public confidence in the Parliament.

#### **Use of Gender Sensitive Language**

##### **Article 3**

All references in this Code to natural persons in the masculine gender shall be deemed to include the feminine gender.

### **II ETHICAL PRINCIPLES AND RULES**

#### **General Ethical Principles**

##### **Article 4**

In undertaking their duties, MPs shall be called to act in accordance with general ethical principles and rules of conduct, such as: objectivity, responsibility, mutual respect and appreciation and respect for the reputation of the Parliament.

#### **Objectivity**

##### **Article 5**

MPs shall perform their duties impartially, without prejudices and discrimination on the basis of race, religion, sex, nationality, age, marital status, sexual orientation, social and financial status or any other diversity, respecting and preserving human rights and freedoms.

## **Accountability**

### **Article 6**

MPs shall perform their duties in accordance with basic moral principles and standards of professional behaviour.

In undertaking their duties, MPs shall act exclusively in public i.e. general interest, and not in personal or interest of individuals or groups of individuals with the aim of deriving direct or indirect personal benefit therefrom.

MPs shall perform their duties conscientiously and responsibly, with openness and willingness to account for their decisions, actions and behaviour.

## **Mutual Respect and Courtesy**

### **Article 7**

In undertaking their duties, MPs shall, with utmost diligence and sense of personal accountability, respect personality of all individuals and the Parliament, avoiding any action which may undermine their integrity and dignity.

In mutual communication, as well as in communication with other persons and public, MPs shall act in all situations with respect and courtesy, avoiding terms which might insult or disparage another person or a group, respecting in that manner equal rights for everyone in respect of political determination, nation, sex, etc.

In undertaking their duties, MPs shall have a right to be protected from conduct which represents, or is aimed to, violation of their personality or dignity.

## **Respect of the Reputation of the Parliament**

### **Article 8**

MPs shall not, in any occasion, degrade the function they perform, not damage the reputation of other MPs and reputation of the Parliament, through conduct, written and spoken word.

A person who has a right to participate in the discussion, representatives of the Government, civil sector and each person who has a right to attend Parliament's sittings and working bodies' meetings shall behave in the manner which does not damage the reputation of the Parliament.

## **III RULES OF CONDUCT IN CARRYING OUT PARLIAMENTARY DUTIES**

### **Conduct of MPs**

#### **Article 9**

MPs shall respect the rules of conduct, and particularly:

- respect the rules of conduct from the Code;
- treat everybody with respect and equally in any occasion, while carrying out parliamentary duties;
- take care of principles of professional ethics and general culture with dignity of an MP, thus giving a positive example to the public;
- maintain good and collegial relations with Parliamentary staff and persons hired by the MP groups;
- observe the rules of business dress code.

### **Conflicts of Interest**

#### **Article 10**

MPs shall comply with regulations relating to prevention of conflict of public and private interests.

An MP who takes part in the discussion where he or a person related to him has a private interest shall give a statement to the Committee on Human Rights and Freedoms (hereinafter: the Committee) on the existence of the private interest. He will do so before taking part in the discussion and no later than prior to voting.

### **Prohibition of Corruption**

## **Article 11**

In undertaking their duties, MPs shall comply with regulations relating to the prohibition of corruption and avoid any behaviour that - according to the current or international law - could be characterised as acts of corruption or breaching the rules of the Code.

MPs shall not seek, ask or allow other person on their behalf to receive or give a gift, provide a service, hospitality or any other kind of benefit related to the performance of their duties, except for appropriate and protocol gifts of minimal value.

## **IV PUBLIC RELATIONS**

### **Relations with Citizens**

#### **Article 12**

MPs shall responsibly treat all citizens during their term of office.

### **Relations with Media**

#### **Article 13**

MPs are called to diligently reply to the questions of the media regarding performance of their duties, but they shall not provide information relating to their private lives.

MPs shall not have the right to disclose information regarding the private lives of other MPs or other persons, as well as information regarding the keeping of official, professional or other secrets, whose confidentiality was determined in accordance with the law on data confidentiality.

MPs shall stimulate and promote each measure that increases openness to the public.

## **V OVERSIGHT OVER IMPLEMENTATION AND MONITORING OF COMPLIANCE WITH THE CODE**

### **Manner of Work**

#### **Article 14**

Oversight over implementation and monitoring of compliance with the Code shall be under the competence of the Committee on Human Rights and Freedoms.

Deputy Chairperson of the Committee shall call for the Committee meeting and proposes the agenda with the acts relating to breaches of the Code.

If the Deputy Chairperson does not call for Committee meeting, the President of the Parliament will do so.

#### **Article 15**

The Committee shall adopt an annual plan for the training of MPs regarding the observance and appliance of the Code no later than 31 March of the current year.

In line with parliamentary Rules of Procedure, Rulebook on Organisation and Job Scheme of the Parliamentary Service and Integrity Plan, the parliamentary service in charge of human resources shall draft annual plan for the training of MPs regarding the observance and appliance of the Code in cooperation with the Secretariat of the Anti-corruption Committee.

The proposal for the annual plan for the training of MPs referred to in paragraph 2 of this Article shall be submitted to the Committee in January of the current year.

The Committee shall keep records on all its activities and make the annual Performance Report (hereinafter referred to as: the Report).

The Parliament shall consider the Report once a year.

The Committee shall draft a form of the Solemn Statement on accepting the Code by an MP and shall keep records on the signed statements.

## **VI REPORT ON VIOLATIONS OF THE CODE AND PROCEEDINGS UPON COMPLAINT**

### **Submitting a complaint and initiating the proceedings**

#### **Article 16**

Proceedings due to violation of the Code shall be initiated by a complaint which must contain first name and family name of the person submitting the report, contact address and personal signature.

Complaint on violation of provisions of the Code may be submitted by the person presiding over the Parliament, any member of the Parliament, Collegium of the President of the Parliament, Head of MP Group or an MP authorised by the Head of MP Group.

The complaint shall be submitted to the Committee, in writing, with an explanation pointing out the possible violation of the Code.

The complainant shall submit, along with the explained report, written and other evidence as well, based on which the Committee will determine basis for statements from the explanation.

An anonymous complaint shall not be considered.

If the Committee concludes that the complaint is incomplete or not clear enough, it may request additional information from the complainant, before proceeding.

Disordered, untimely, and incomplete complaints will be dismissed by the Committee.

If the Committee determines, through statements in the report, that there is no evidence of violation of the Code provisions, the complaint shall be dismissed as unfounded.

The complainant shall be notified in writing about this.

## **Proceedings**

### **Article 17**

Within proceedings, a discussion must be held where an MP against whom the complaint is filed, has the right to express his view of the facts and circumstances indicated in the complaint.

The Committee may also invite to a discussion possible witnesses, if that is in the interest of determining facts.

If the Committee determines that there are no grounds for proceeding further, it will terminate the proceedings for determining the responsibility of MPs, against whom the complaint is filed.

If the Committee determines that the statements of the person who filed the complaint are unfounded, and they are made in order to politically discredit an MP, the proceeding will be initiated against the complainant, due to the breach of the Code.

## **Deciding**

### **Article 18**

The Committee shall decide on a violation of the Code if a violation of the provisions of the Code is established and it shall impose a prescribed measure.

The Committee shall decide within 30 days following the day of filing a complaint.

Against the decision imposing measures for violation of the Code, an MP may file an appeal to the Collegium of the President of the Parliament, within eight days following the day of receiving the report.

The deadline for deciding upon the appeal shall be 30 days following the filing of the appeal.

The decision upon appeal shall be final.

## **Measures for Violation of the Code**

### **Article 19**

Non-compliance with the Code may result in imposing reprimand and public reprimand.

Public reprimand shall be published on the parliamentary site, lasting 30 days.

## **VII OPENNESS OF THE CODE**

### **Article 20**

The Code shall be published on the parliamentary website.

## **VIII TRANSITIONAL AND FINAL PROVISIONS**

### **Statement**

### **Article 21**

After assuming the office, MPs shall sign the Solemn Statement expressing their willingness to act in accordance with the provisions of the Code while in office.

#### **Article 22**

MPs whose terms of office are ongoing shall sign the Solemn Statement following the entry into effect of this Code.

#### **Initiated proceedings**

#### **Article 23**

The procedure initiated prior to the entry into force of this Code shall be completed in accordance with the provisions that were effective prior to the entry into force of this Code.

#### **Termination of regulations validity**

#### **Article 24**

The Code of Ethics for MPs No 00-71/14-3/9 of 9 December 2014 shall cease to have effect from the day of entering into force of this Code.

#### **Entering into Force**

#### **Article 25**

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

No: 00-71/19-7/4

EPA 740 XXVI

Podgorica, 31 July 2019

26<sup>TH</sup> PARLIAMENT OF MONTENEGRO

PRESIDENT

Ivan Brajović, sgd.