



**Government of Montenegro
Ministry for European Integration**

**INFORMATION ON INTRODUCING
THE STATEMENT ON THE COMPATIBILITY OF MONTENEGRIN
LEGISLATION WITH THE CORRESPONDING LEGISLATION OF THE
EUROPEAN UNION, WITH THE CONFORMITY TABLE**

Podgorica, 26 June 2009

Recognizing the importance of the legislation harmonization process, the Government of Montenegro decided in November 2004 to start the process of voluntary compatibility assessment of the current legislation of Montenegro with the *Acquis Communautaire*, in order to improve further steps in approaching the European Union. That phase is assessed as voluntary binding, having in mind that the **Rules of Procedure of the Government of Montenegro** (Official Gazette of Montenegro, 74/04) establishes the obligation of a law drafter to submit the opinion of the former Ministry for International Economic Relations and European Integration on the assessment of compatibility with the corresponding EU regulations prepared by the drafter, besides the draft law, other regulation or general act.

The Instruction for the assessment of compatibility of Montenegrin regulations with the corresponding EU regulations (Official Gazette of the Republic of Montenegro, 74/04), of the former Ministry for International Economic Relations and European Integration stipulates the **form for the assessment of compatibility** of Montenegrin regulations with the corresponding EU regulations, as well as the methodology for the assessment of compatibility of the proposal for a law, other regulation or general act with a corresponding EU regulations.

Bearing in mind that on 15 October 2007 the **Stabilization and Association Agreement** was signed between the European Communities and their Member States on one side, and the Republic of Montenegro on the other (hereinafter referred to as SAA), that the **Interim Agreement** on trade and related issues between the European Communities and their Member States on one side, and the Republic of Montenegro on the other (hereinafter referred to as the Interim Agreement) is successfully implemented since 1 January 2008, that on 15 December 2008 Montenegro submitted the **Application for EU membership**, as well as that on 23 April 2009 the **Council** decided to process the Montenegrin application for membership and **ordered the European Commission to prepare the opinion** on the application, and that the new **Government** was formed on 10 June 2009, the conditions have been created for entering the next, more demanding phase of assessment of the level of compatibility of our draft laws with the *Acquis Communautaire* (hereinafter referred to as the *Acquis*) with the aim of a detailed presentation of the state of Montenegrin legislation as well as harmonizing the Montenegrin legislation with the EU legislation.

According to provisions of the **Article 72 of SAA**, Montenegro is obliged to ensure the gradual harmonization of all current laws and future legislation with the EU legislation - **Acquis** as well as to ensure the corresponding application and enforcement of the current and future legislation. It was envisaged that the harmonization would start on the day signing the SAA and gradually spread to all elements of the *Acquis* from this Agreement, by the end of the transitional period (five years from the full ratification of SAA by all Member States). In the early phase, the harmonization will be focused on basic elements of the *Acquis* regarding the internal market and other areas of trade, including the legislation in the area of financing, judiciary, liberty and security. In the later phase, Montenegro will focus on other parts of the *Acquis*. The harmonization will be carried out based on the programme that the Commission of European Communities and Montenegro will agree upon. In the agreement with the Commission of European Communities, Montenegro will define the modes of monitoring the harmonization of legislation and actions that should be taken in this harmonization.

Considering that the Report of the European Commission on the progress of Montenegro in 2008 implicates the need of introducing the **conformity table**, in the session of 4 December 2008 the Government adopted the Information on main findings and recommendations from the Report of the European Commission on the progress of Montenegro in 2008 and the Enlargement Strategy for 2008-2009, with the conclusion that the Secretariat for European Integration was assigned to prepare the innovated form on compatibility of Montenegrin legislation with the EU legislation, together with the Conformity Table, which was set out in the Working Programme of the Government of Montenegro for 2009 and discussed in the session of the Government on 29 January 2009.

1. Instruments for the assessment of compatibility of Montenegrin legislation with the EU legislation – the Compatibility Statement and the Conformity Table.

The Conformity Table of draft/proposal of regulation with the *Acquis*, and the Compatibility Statement are the instruments for harmonizing regulations which have a special role in the future procedure of screening, the is the assessment of compatibility of Montenegrin legislation with the EU legislation, carried out by the European Commission and the candidate country before the process of negotiating about the EU membership, that is concluding the agreement on accessing the EU. These instruments are a big help in assessing the fulfilment of the legal criteria for the EU accession, i.e. the ability of the country to take over the obligations from the EU membership. The mentioned instruments do not only facilitate the very process of assessing the compatibility, but also provide a better preparedness of institutions for the negotiation process, and even more important, facilitate the final assessment of compatibility, monitoring of the legislation harmonization process in Montenegro, and create the base for the necessary data base of domestic regulations harmonized with the EU regulations.

Introducing the conformity table will provide a detailed comparison of the level of **compatibility of individual articles of Montenegrin laws with the corresponding articles of secondary sources of EU legislation that the given law is harmonized with**. The Conformity Table also provides monitoring of the level of conformity of Montenegrin laws in the separate phases of the procedure of their adoption.

Such conformity table, with a detailed comparative presentation of conformity and connection of separate articles of Montenegrin laws with the corresponding articles of one or more regulations of the European Union legislation, is often demanded by the representatives of the European Commission, as an efficient instrument for the realistic assessment of progress in the legislation harmonization. The only difference is that **for the needs of the European Commission it is necessary to prepare a modified conformity table**, which gives a presentation on how is one European regulation transferred into our legal system (possibly in several legal acts), whereas for the need of establishing the proposal of a law in our procedure it is necessary to analyse the proposal of our law from the aspect of the level of compatibility with different sources of the EU legislation.

Amendments to the Compatibility Statement form refer to providing detailed information on the authorized body (law drafter), and the body that applies/implements the regulation, which provides a better registration within the Ministry for European Integration, and also, a more efficient coordination. There is also one new provision which stipulates that a legal person with a public authorisation for the preparation and implementation of regulation, that the body or institution outside the public administration¹, also submit their regulations to the Ministry for European Integration for the registration of the harmonized legislation of Montenegro. Keeping of this registration is necessary for the regular monitoring of legislation harmonization, as well as reporting on the realization of planned tasks, which are the authorizations of the Ministry for European Integration stipulated by the Decree on Organization and the Manner of Work of the Public Administration.

Also envisaged is the obligation of the drafter/proposer that beside the filled Statement they have to, in line with their possibilities, submit electronically to the Ministry for European Integration a **translation in English of Montenegrin laws, as well as the used sources of EU legislation**

¹ "Certain tasks of the public administration, aiming at the more efficient performance, are transferred by law to the local self-government, or other legal person, i.e. these are entrusted to the local self-government or other legal person (hereinafter referred to as "body") by the regulation of the Government" (Article 81 of the Law on Public Administration); Other legal person in the sense of Article 81 paragraph 1 of this Law is a legal person to which certain tasks of public administration are transferred by the law with the aim of achieving greater efficiency (different regulatory bodies, such as agencies, councils, commissions, Central Bank of Montenegro, etc.).

translated in Montenegrin, if they have them. That would contribute a timely update of the base of translations of laws in the Ministry, thus avoiding the unnecessary costs and improving the appropriate coordination in this area.

One of the novelties in the Compatibility Statement is the **obligatory signature of the competent minister, or head of the body that prepares the regulation which confirms the correctness of quotations in the Statement**, thus giving a greater importance to the process of harmonizing the Montenegrin legislation with the EU law, which in accordance with the European integration phase in which Montenegro is at present and which is in the near future.

Filled Statement, together with the Conformity Table, is sent to the Ministry for European Integration that **checks the exactness of statements** of the drafter, i.e. proposer. Instead of a separate opinion, according to new rules, it will be sufficient that the Minister for European Integration confirms the exactness of quotations in the Compatibility Statement with his/her signature. In the contrary, the submitted regulation will be sent back to the drafter for a review.

The new form of the Statement on conformity of a draft/proposal of a regulation of Montenegro with the corresponding EU regulations, with the Conformity Table as its constituent, has been prepared based on the needs of Montenegro in this phase of the European integration process, and using the experience of countries that have been going through and still are going through the same phases of integration, most of all Slovenia and Croatia. Together with the form of the Statement and the table, there are also detailed instructions for their filling, which will be published in the Official Gazette of Montenegro, as well as on the Internet address of the Ministry for European Integration. Furthermore, the Ministry will provide the expert support to the ministries and other bodies of the public administration for filling forms and tables of conformity, primarily through seminars which are already scheduled within the **Twinning Harmonization of Legislation Project**.

2. The process of introducing new forms and compatibility assessment procedure

The procedure of introducing the form of Compatibility Statement, the Conformity Table and the compatibility assessment procedure will be stipulated by the **Rules of Procedure of the Government of Montenegro**. The preparation of Draft Amendments to this document is in progress.

Amendments to the Rules of Procedure of the Government of Montenegro will also regard the obligation of law drafter establishes the obligation of a law drafter to submit to **the Ministry for European Integration** the Statement on the assessment of compatibility with the corresponding EU regulations signed by the drafter with the accompanying Conformity Table, besides the draft law, other regulation or general act.

Together with the draft of this act, the drafter will be obliged to submit in electronic form to the Ministry for European Integration regulations of the European Union according to which the level of conformity is assessed, if possible on Montenegrin language as well, as well as the confirmed international conventions with which that act has been harmonized.

Furthermore, the form of the Statement and the Conformity Table are planned to be fully applied from 1 January 2010.

After adopting the Proposal of the Amendments to the Rules of Procedure of the Government of Montenegro, the Ministry for European Integration will **define** the form of the Statement on the compatibility of Montenegrin legislation with the corresponding EU legislation, together with the Conformity Table and the methodology for filling out the form and table.

Annexes:

FORM OF STATEMENT ON COMPATIBILITY OF MONTENEGRIN WITH THE RELEVANT EU REGULATIONS

Statement identification number		
1. Draft/Proposal of regulation		
- In Montenegrin		
- In English		
2. Information on the regulation drafter		
a) State authority drafting the regulation:		
State authority		
- Sector/department		
- Responsible person (name, last name, telephone, e-mail)		
- Contact person(name, last name, telephone, e-mail)		
b) Legal person with public authorisation to draft and implement the regulation:		
- Legal person		
- Responsible person (name, last name, telephone, e-mail)		
- Contact person(name, last name, telephone, e-mail)		
3. State authority implementing/enforcing the regulation:		
- State authority		
4. Harmonisation of the draft/proposal of regulation with the provisions of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part (hereinafter SAA) and the Interim Agreement on Trade and trade-related matters between the European Community, of the one part, and the Republic Of Montenegro, of the other part (hereinafter Interim Agreement)		
a) Provisions of the SAA and the Interim Agreement the regulation is being harmonised with:		
b) The level of fulfilment of commitments arising from the abovementioned provision of the SAA and the Interim Agreement:		
<input type="checkbox"/>	fully fulfils	
<input type="checkbox"/>	partly fulfils	
<input type="checkbox"/>	does not fulfil	
c) Reasons for partial fulfilment or failure to fulfil the commitments arising from the abovementioned provisions of the SAA and the Interim Agreement and the envisaged timeframe for achieving the full harmonisation:		
5. Connection of the draft/proposal of regulation with the National Programme for Integration of Montenegro into the EU (hereinafter NPI)		
- NPI for the period:		
- Chapter, subchapter:		
- Deadline for adoption of the regulation:		
- Note:		
6. Harmonisation of the draft/proposal of regulation with <i>Acquis Communautaire</i>		
a) Harmonisation of the draft/proposal of regulation with the primary sources of the EU law (please provide the original title of the EU law source in English language as well as its translation into Montenegrin):		
b) Harmonisation of the draft/proposal of regulation with the secondary sources of the EU Law (please provide the CELEX, the original title of the EU law source in English language as well as its translation into Montenegrin):		
c) Harmonisation of the draft/proposal of regulation with other sources of the EU Law (please		

provide the CELEX, the original title of the EU law source in English language as well as its translation into Montenegrin):	
6.1. Reasons for partial harmonisation or failure to harmonise and the envisaged timeframe for achieving the full harmonisation:	
7. Please note if there are no relevant EU regulation to provide the harmonisation with	
8. Harmonisation of draft/proposal of regulation with other sources of the international law:	
9. Please note whether the mentioned sources of the EU and the international law are translated into Montenegrin language (translation to be provided in the annex):	
10. Please note whether the draft/proposal of regulation from item 1 hereof is translated into English language (translation in the annex):	
11. Participation of the consultant in preparation of draft/proposal of regulation and their opinion on harmonisation:	
Signature / Authorised person within the regulation drafter	Signature / Minister for European Integration
Date:	Date:

Annexes to the form:

1. Translation of the EU measures (if there are any)
2. English version of the draft/proposal of Montenegrin regulation (if it has been translated)

METHODOLOGY OF COMPLETING THE FORM OF STATEMENT ON COMPATIBILITY OF MONTENEGRIN WITH THE RELEVANT EU REGULATIONS

The completed form of the Statement on Compatibility of Montenegrin with the relevant EU regulations (hereinafter the Statement) and the Table of Conformity are submitted to the Ministry of European Integration in printed and electronic version, addressed to

MINISTARSTVO ZA EVROPSKE INTEGRACIJE

Adresa: Stanka Dragojevića 2, Podgorica

fax: 020 225 591

e-mail: mei@gov.me

I COMPLETING THE FORM OF STATEMENT ON COMPATIBILITY OF MONTENEGRIN REGULATION WITH THE RELEVANT EU MEASURES

Statement identification number consists of the abbreviation for the institution's name and the type of the form/type of legal act/year/number of the legal act of the institution for that year.

For example: **MF-IU/PZ/09/03**.

1. Draft/Proposal of regulation

The full title of the draft or proposal of the regulation is stated in both Montenegrin and English language. In case that the drafter has not translated the title into English language, the Ministry for European Integration is authorised to do so and inform the drafter thereof.

2. Information on the regulation drafter

a) The full name of the state authority preparing the draft/proposal of regulation, other regulation or the general act is stated as well as its internal organisational units in which the draft/proposal of the regulation has been prepared in (sector, department in which the regulation has been prepared in, responsible person and the contact person). It is necessary to note whether the concerned state authority is the sole drafter (exclusive competence) or the draft/proposal of the regulation has been prepared in cooperation of two or more state authorities (joint competence)

b) When the second legal person, with the public authorisation, prepares or/and adopts the regulation, the form of the Statement is completed and sent to the Ministry for European Integration for recording purposes².

3. State authority implementing/enforcing the regulation

The name of one or more state authorities implementing/enforcing the regulation.

4. Harmonisation of the draft/proposal of regulation with the provisions of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part (hereinafter SAA) and the Interim Agreement on Trade and trade-related matters between the European Community, of the one part, and the Republic Of Montenegro, of the other part (hereinafter Interim Agreement)

a) Provisions of the SAA and the Interim Agreement that the regulation is to be complied with:

The SAA and the Interim Agreement provisions, relating to the normative contents of the draft/proposal of the regulation, are stated so that the Title, that is the SAA/Interim Agreement Chapter and the Article are specified. If the SAA/Interim Agreement does not include the provision

² Second legal person, within the meaning of the Article 81 paragraph 1 of the Law on State Administration, is the one to which certain activities of the state administration may be conferred to in view of their more efficient and effective performance (various regulatory bodies, such as agencies, councils, commissions, Central Bank of Montenegro)

relating to the normative contents of the draft/proposal of the regulation, the drafter notes that fact and does not complete point 4) b) c)

Note: The SAA Article is first to be specified followed by the Interim Agreement Article in brackets.

b) Level of fulfilment of commitments arising from each abovementioned provisions of the SAA and the Interim Agreement

It is defined to which extent the draft/proposal of the regulation fulfils the commitments arising from the abovementioned SAA/Interim Agreement provision. Here, the following terms should be used: «fully fulfils», «partly fulfils» or «does not fulfil».

c) Reasons for partial fulfilment or non-fulfilment of the commitments arising from the abovementioned provisions of the SAA and the Interim Agreement

If the commitment is only partly fulfilled or it is not fulfilled at all, the drafter is obliged to state the reasons no matter whether it concerns the legal, economic, financial, social or other reasons. The drafter is also obliged to refer to certain performance analysis, a study or other document not simply state the reason in general and to specify the deadline for the commitment's fulfilment.

5. Connection of the draft/proposal of regulation with the National Programme for Integration of Montenegro into the EU (hereinafter NPI)

It is specified whether the NPI envisages the adoption of the regulation

- NPI for the period:

Note: For the purpose of the NPI annual revision, it is necessary to specify to which NPI the drafter refers to (ex. NPI for the period 2008-2012 or NPI for the period 2009-2012).

- Chapter, subchapter:

Number, title of the chapter and subchapter within which the regulation has been planned are specified.

- Deadline for adoption of the regulation:

Deadline for the regulation adoption envisaged by NPI is stated. If this deadline has not been respected, the drafter is obliged to state the reasons why the commitment hasn't been fulfilled on time.

- Note:

Hereby the explanation is provided in case that there are differences in relation to NPI, for example if the title of the regulation has been changed, if the amendments to the regulation have been planned and in the meantime it is decided that a new regulation should be proposed, if several regulations are being merged and the like.

6. Harmonisation of the draft/proposal of regulation with *Acquis Communautaire*

a) Harmonisation of the draft/proposal of regulation with the primary sources of the EU Law

Hereby the provisions of primary sources of the EU law, relating to the normative contents of the draft/proposal of the regulation and the conformity level of the draft/proposal of the regulation with the abovementioned provisions, are specified. It is necessary to provide the original name of the EU law source in English language as well as its translation into Montenegrin.

Primary sources of the EU law are:

All treaties are available on the internet address <http://www.europa.eu.int/eur-lex/en/treaties/index.html> However, these treaties do not include the amendments conferred by the Treaty of Amsterdam and the Treaty of Nice, so drafters may contact the Ministry for European Integration for all additional explanations.

It is necessary to specify the title of the founding treaty (its abbreviation) as well as its title and the article. For example: TEC, Free Movement of Goods, Title 1. Customs Union, Article 25.

When defining the level of harmonisation, the following expressions should be used:

1. «**fully harmonised**» – draft/proposal of the regulation is in compliance with the provisions of primary sources of the EU law and it has been harmonised with all principles arising from these provisions;
2. «**partly harmonised**» - draft/proposal of the regulation is in compliance with the provisions of primary sources of the EU law but it has not been harmonised with all, but only with certain, most important principles arising from these provisions;

3. «not harmonised» - draft/proposal of the regulation is not in compliance with the provisions of primary sources of the EU law and it has not been harmonised with the most important principles arising from these provisions;

b) Conformity of the draft/proposal of regulation with the secondary sources of EU law

Here, provisions of secondary sources of EU law, referring to normative contents of the draft regulation, are stated, as well as the level of its compatibility with the stated provisions. It is also necessary to cite the CELEX number and titles of the secondary sources of EU law, both in English and translated into Montenegrin.

The secondary sources of EU law represent acts adopted by institutions of the European Union. These acts are divided into binding (regulations, directives, decisions) and non-binding acts (recommendations, opinions). Within the framework of the Common Foreign and Security Policy as well as Police and Judicial Cooperation in Criminal Matters, acts of a different character are adopted (framework decision, decision, common position, joint action, joint statement, common strategy, declaration, conclusion, convention). It is necessary to take into consideration not only the original act, but its amendments as well.

The list of the EU regulations in force and their texts are available on the internet address <http://www.europa.eu.int/eur-lex/en/lif/index.html>. The list of the draft regulations, which have not been classified into EU law areas yet, and their texts are available on the internet address http://www.europa.eu.int/eur-lex/en/com/greffe_index.html. It should be noted that the code of each regulation in the mentioned databases is given above the title of the regulation, as well as that the text of the particular regulation could be viewed by clicking on the code.

The full title of the act should be quoted, both translated into Montenegrin and in original English version, by stating the type of the act, EU institution(s) that adopted the act, its numerical code, the number of the Official Journal of the European Communities and of the Official Journal of the European Union (OJ) in which it was published, as well as its number in the CELEX database³.

Example of a correct quotation of the secondary source of EU law:

31986L0653

Direktiva Savjeta 86/653/EEZ od 18. decembra 1986. godine o usklađivanju zakona država članica o samostalnim trgovačkim agentima

Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents (OJ L 382 31.12.1986)

Titles of acts related to the European Economic Community and the European Union or to the Common Foreign and Security Policy and the Police and Judicial Cooperation in Criminal Matters, in Montenegrin and English, are the following: regulativa - regulation, direktiva - directive, odluka - decision, mišljenje - opinion, preporuka - recommendation, rezolucija - resolution, saopštenje - communication, okvirna odluka - framework decision, zajednički stav - common position, zajednička akcija - joint action, zajednička izjava - joint declaration, zajednička strategija - common strategy, izjava - declaration, zaključak - conclusion, konvencija - convention, međunarodni ugovor - international agreement.

The most often used acronyms – EEZ (Evropska ekonomska zajednica) – EEC (European Economic Community); EZ (Evropska zajednica) – EC (European Community); EZUČ (Evropska zajednica za uglj i čelik) – ECSC (European Coal and Steel Community); EURATOM (Evropska zajednica za atomsku energiju) – EURATOM (European Atomic Energy Community); PUP (pravosuđe i unutrašnji poslovi) – JHA (Justice and Home Affairs); ZSBP (zajednička spoljna i bezbjednosna politika) – CFSP (Common Foreign and Security Policy).

c) Conformity of the draft/proposal of regulation with other sources of EU law

³ Note: The abbreviation EEC could be found in acts adopted prior to 1 November 1993, while the acts adopted after that date have the abbreviation EC. The Montenegrin version must not contain abbreviations in English.

Here, other sources of EU law, referring to normative contents of the draft regulation, are stated, as well as the level of its compatibility with the stated provisions.

Other sources of EU law include judgements of the European Court of Justice and the Court of First Instance, basic principles of the EU law, international treaties that the European Union concluded with other countries and international organisations, as well as international treaties concluded between the EU Member States. The drafter should, first of all, identify whether the European Court of Justice or the Court of First Instance have made a judgement regarding the provisions of primary or secondary sources of EU law that the draft/proposal of regulation is harmonised with. If there are such judgements, the drafter should take due account of both the judgements and their contents when drafting a regulation.

Texts of the judgements are available on the internet address:

<http://curia.eu.int/en/recdoc/indexaz/index.htm>.

Ruling should be cited in a manner to provide: its number in the CELEX database; full numeric identification of the case in which the ruling had been adopted; parties in the case; number of the *European Court Reports* in which the judgement was published, along with the page number.

Example of a correct quotation of a judgement:

61988J0145

Predmet 145/88 Torfaen BC protiv B & Q plc ([1989] *Zbirka sudskih odluka*, str. 3851.)

Case 145/88 Torfaen BC v B & Q plc ([1989] *European Court Reports*, page 3851)

When defining the level of compatibility, the following terms should be used:

1. **“fully harmonised”** – draft/proposal of regulation is compatible with other sources of EU law and harmonised with all principles deriving from these sources
2. **“partly harmonised”** – draft/proposal of regulation is compatible with other sources of EU law, though it is not harmonised with all, but only with certain, the most important principles deriving from these sources
3. **“not harmonised”** – draft/proposal of regulation is not compatible with other sources of EU law, nor it is harmonised with the most important principles deriving from these sources.

6.1. Reasons for partial conformity or non-conformity and the date foreseen for achieving full conformity

If the draft/proposal of regulation is only partly harmonised with sources of EU law or it is not harmonised at all, the drafter is obliged to state the reasons for that, regardless of whether those reasons are of legal, economic, financial, social or some other character. To be precise, the drafter should refer to an effects analysis, study or some other document, rather than state the general reason itself.

Furthermore, the drafter is obliged to precise the deadline within which the full compatibility will be achieved. There, the deadline envisaged by NPI or some other document for achieving full compatibility of the draft/proposal of regulation with *Acquis Communautaire* should be stated. If the harmonisation is not completed within the defined deadline, the drafter should state the reasons for failing the deadline.

7. In case there are no relevant EU provisions to conform with, please state that fact

In such a case, items 4, 5, 6 and 9 of the Statement should not be filled in.

8. Conformity of the draft/proposed regulation with other sources of the international law

Please state the possible sources of the international law, not representing a part of EU law, that the proposed legislative provisions are harmonised with (e.g. UN conventions and other acts).

9. Please indicate whether the stated sources of EU law have been translated into Montenegrin

The drafter should explain whether the sources of EU law (secondary and other), that the draft/proposal of regulation is harmonised with, are translated into Montenegrin; if they are

translated, the drafter is obliged to submit the translation to the Ministry for European Integration in electronic form, along with the Statement form.

10. Please indicate whether the draft/proposal of regulation referred to in item 1 have been translated into English (attach the translation)

The drafter should explain whether the Montenegrin draft/proposal of regulation, referred to in item 1 of this Statement, is translated into English; if it is translated, the drafter is obliged to submit the translation to the Ministry for European Integration in electronic form, along with the Statement form. Translation of the former or working version of the regulation should be submitted as well, with an explanation that the translation is not identical to the final version of the regulation.

11. Participation of consultants in drafting the regulation and their opinion on the level of conformity

Here, it should be stated whether a consultant participated in drafting the regulation or some other expert assistance was provided, and their possible assessments and recommendations provided.

After being filled in, the Statement form should be signed by a person authorised by the drafter, thus confirming the accuracy of data provided in the Statement and in the Table. Following the check in the Ministry for European Integration, the Statement is signed by the Minister for European Integration.

II FILLING OUT THE CONFORMITY TABLE

1. Title of the draft/proposal of regulation is stated both in Montenegrin and English.
2. **Identification number** of the draft/proposal of regulation consists of: an acronym for the institution and for the type of form / type of legal act / year / ordinal number of the institution's legal act for the particular year.

E.g. **MF-TU/PZ/09/03**

(Ministarstvo finansija – Tabela usklađenosti / Zakon / godina 2009 / treci predlog zakona Ministarstva finansija u toj godini)

(Ministry of Finance – Conformity Table / Law / year 2009 / third proposal of the Law by the Ministry of Finance in that year)

Acronym of the Statement and the date of adopting the proposal of regulation by the Government, i.e. date of its adoption should be filled in the column 2.2.

3. Conformity of the draft/proposal of regulation

- a) The article and the text of the relevant article of the Montenegrin regulation are quoted.
- b) The number of the secondary source of EU law is stated.
- c) When stating sources of EU law, articles and the texts thereof, that the Montenegrin draft/proposal of regulation is harmonised with, should be quoted.
- d) When stating the level of compatibility, the drafter should provide the definition of the level of compatibility. The following definitions are used:
 1. **“fully harmonised”** («potpuno usklađen - **P**») – draft/proposal of regulation is compatible with provisions of secondary sources of EU law and harmonised with all principles deriving from these sources; therefore, it takes over all provisions of the stated secondary source of EU law.
 2. **“partly harmonised”** («djelimično usklađen - **D**») – draft/proposal of regulation is compatible with provisions of secondary sources of EU law, though it is not harmonised with all, but only with certain, the most important principles deriving from these sources; therefore, it does not take over all provisions of the stated secondary source of EU law.
 3. **“not harmonised”** («neusklađen - **N**») – draft/proposal of regulation is not compatible with provisions of secondary sources of EU law, nor it is harmonised with the most important principles deriving from these sources.
- e) Ministry or some other drafter gives remarks and/or explanations on the level of conformity and on the deadline for achieving full conformity, if it is necessary for understanding the essence of the Montenegrin regulation.

Acronyms for Ministries – used for identification number in the Compatibility Statement and in the Conformity Table:

1	MP	Ministarstvo pravde	Ministry of Justice
2	MUPJU	Ministarstvo unutrašnjih poslova i javne uprave	Ministry of Interior Affairs and Public Administration
3	MO	Ministarstvo odbrane	Ministry of Defence
4	MF	Ministarstvo finansija	Ministry of Finance
5	MIP	Ministarstvo inostranih poslova	Ministry of Foreign Affairs
6	MPN	Ministarstvo prosvjete i nauke	Ministry of Education and Science
7	MKSM	Ministarstvo kulture, sporta i medija	Ministry of Culture, Sports and Media
8	ME	Ministarstvo ekonomije	Ministry of Economy
9	MSPT	Ministarstvo saobraćaja, pomorstva i telekomunikacija	Ministry of Transport, Maritime Affairs and Telecommunications
10	MPŠV	Ministarstvo poljoprivrede, šumarstva i vodoprivrede	Ministry of Agriculture, Forestry and Water Management
11	MUPZZS	Ministarstvo uređenja prostora i zaštite životne sredine	Ministry of Spatial Planning and Environmental Protection
12	MZ	Ministarstvo zdravlja	Ministry of Health
13	MZLMP	Ministarstvo za ljudska i manjinska prava	Ministry for Human and Minority Rights
14	MRSS	Ministarstvo rada i socijalnog staranja	Ministry of Labour and Social Welfare
15	MEI	Ministarstvo za evropske integracije	Ministry for European Integration
16	MT	Ministarstvo turizma	Ministry of Tourism
17	MID	Ministarstvo za informaciono društvo	Ministry for Information Society

Acronyms for types of legal acts adopted by the Government of Montenegro, being harmonised with the <i>Acquis</i>		
PZ	predlog zakona	proposal for the law
PA	uredbe, odluke i drugi pravni akti	decrees, decisions and other legal acts
Acronym for types of legal acts adopted by a Ministry		
P	pravilnici i drugi pravni akti od značaja za proces usklađivanja sa propisima EU	rulebooks and other legal acts important for the process of harmonisation with the EU law

Note: acronyms for types of legal acts adopted by other legal persons with special authorisations, as well as identification numbers, are defined by the Ministry for European Integration.

Draft Conclusions:

In its session held on _____, the Government of Montenegro considered and adopted the Information on Introducing the Statement on the Compatibility of Montenegrin Legislation with the Corresponding Legislation of the European Union, with the Conformity Table prepared by the Ministry for European integration.

With that regard, the Government adopted the following conclusions:

1. The Ministry for European Integration is charged with preparing an Instruction, which will prescribe the contents of the Statement on the Compatibility of Montenegrin Legislation with the Corresponding Legislation of the European Union and of the Conformity Table, as well as a Methodology for Filling in the Statement on the Compatibility of Montenegrin Legislation with the Corresponding Legislation of the European Union and the Conformity Table. After publication of the Instruction in the Official Gazette of Montenegro, the Ministry is obliged to submit the Instruction to all public authorities, regulatory bodies and other legal persons with public authorisations, as well as to make it available on the Ministry's web address.
2. The Ministry for European Integration is charged with preparing and performing a training programme for all line ministries for implementation of the new Statement on the Compatibility of Montenegrin Legislation with the Corresponding Legislation of the European Union and the Conformity Table, by the end of the fourth quarter of 2009.