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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

MONTENEGRO

**LAW ON AMENDMENTS TO THE LAW
ON THE PRESIDENT OF MONTENEGRO**

Pursuant to Article 82 paragraph 1 item 2 of the Constitution of Montenegro and Amendment IV paragraph 1 to the Constitution of Montenegro, at its third sitting of the second regular (autumn) session in 2022, on 2 November 2022, the 27th Parliament of Montenegro passed the

LAW
ON AMENDMENTS TO THE LAW ON THE PRESIDENT OF MONTENEGRO

Article 1

In the Law on the President of Montenegro (Official Gazette of Montenegro 42/18), Article 1 shall be amended and shall read as follows:

“The present Law shall regulate the duties and rights of the President of Montenegro (hereinafter: President), the way of providing material and other conditions for performance of the function of the President, as well as the rights of the President upon termination of function, the basis for the organisation of the Office of the President and other matters of importance for performance of the function of the President.”

Article 2

The title of chapter “II. RIGHTS AND DUTIES OF THE PRESIDENT” shall be amended and shall read “II. DUTIES OF THE PRESIDENT”.

Article 3

In Article 7, the words “Parliament of Montenegro” shall be replaced by the words “Parliament of Montenegro (hereinafter: the Parliament)”.

Article 4

After Article 7, seven new Articles shall be added, reading as follows:

“Duty to propose a prime minister-designate to compose the Government

Article 7a

The President shall be obliged to propose to the Parliament a prime minister-designate to compose the Government (hereinafter: Prime Minister-designate) within the deadlines prescribed by the Constitution of Montenegro and the present Law.

The President shall be obliged to propose a Prime Minister-designate within 30 days from the day of no-confidence vote for the Government in the Parliament, or when the Government does not receive confidence in the Parliament, or if the Prime Minister resigns, or if he fails to propose the budget by 31 March of the budget year, or if his mandate ends for any reason pursuant to the law that occurred during the term of the Parliament.

The President shall be obliged to propose a new Prime Minister-designate no later than seven days within the 90-day deadline from the proposal of the first Prime Minister-designate if the mandate was returned once or two or more times.

Mandatory consultations

Article 7b

The President shall propose a Prime Minister-designate after consultations with representatives of all political parties, groups of voters and independent MPs represented in the Parliament.

The President shall get informed about support to the Prime Minister-designate through consultations referred to in paragraph 1 of this Article, or submission of a written notice by the representatives of political parties represented in the Parliament, or submission of a petition with signatures showing support of the MPs.

The call for consultations referred to in paragraph 1 of this Article shall be sent in writing, and an official record shall be made about the outcome of the consultations.

The consultations implemented pursuant to this Article shall be completed no later than three days before expiry of the deadline for proposing a Prime Minister-designate to the Parliament.

Determining a Prime Minister-designate

Article 7c

Once the proposed candidate has accepted the nomination, the President shall be obliged to propose the candidate who has received support of majority of the total number of MPs as a Prime Minister-designate to compose the Government of Montenegro (hereinafter: the Government).

Notwithstanding paragraph 1 of this Article, if the parliamentary majority has not been achieved for a single Prime Minister-designate, the President may, after repeat consultations pursuant to Article 7d of the present Law, propose the designate who has received the largest support in the Parliament.

The President shall determine the availability of a Prime Minister-designate on the basis of consultations with him, held pursuant to Article 7b paragraph 3 of the present Law.

Repeat consultations on a Prime Minister-designate

Article 7d

If the proposal for a Prime Minister-designate could not be determined through consultations, the President shall be obliged to propose to the Parliament to pass a decision on term shortening, a day after expiry of the deadlines for determining a Prime Minister-designate.

The parliamentary sitting on proposal of the President referred to in paragraph 1 of this Article shall be held within five days from the day of its receipt.

If the Parliament does not adopt President's proposed decision to shorten its term, the procedure of proposing a Prime Minister-designate shall be repeated.

The deadlines for a new round of consultations shall start to run from the day when the Parliament decided not to adopt proposed decision to shorten its term.

The consultations referred to in paragraph 3 of this Article shall be held within 15 days.

The President shall be obliged to propose a Prime Minister-designate within three days after completion of the consultations pursuant to this Article.

Decree dismissing the Parliament

Article 7e

The President shall be obliged to issue a decree dismissing the Parliament if the Parliament fails to appoint the Government within 90 days from the day when the President nominated a Prime Minister-designate for the first time pursuant to Article 7a of the present Law.

Protection of public interest in proposing a Prime Minister-designate

Article 7f

If the President does not perform his duties with regard to the procedure of determining the Prime Minister-designate pursuant to the present Law, for the sake of protecting the public interest, the candidate who has received support of majority of the total number of MPs, as established by a petition with signatures, shall be considered a Prime Minister-designate, with all the rights and duties of a Prime Minister-designate proposed by the President.

The petition referred to in paragraph 1 of this Article shall be submitted to the President no later than seven days from the day when the President failed to fulfil his duties.

The deadlines for the Prime Minister-designate determined pursuant to paragraph 1 of this Article to compose the Government shall run from the day of submission of the petition pursuant to paragraph 2 of this Article.

Appointment and recall of ambassadors

Article 7h

The President shall appoint and recall ambassadors and heads of other diplomatic missions of Montenegro abroad (hereinafter: Ambassador) at proposal of the Government and with opinion of the parliamentary committee responsible for international relations (hereinafter: Committee).

The President shall be obliged to appoint the candidate for Ambassador nominated by the Government, provided that the Committee passed an opinion supporting the appointment of that candidate.

The President shall be obliged to ask for new declaration of the Government on the proposed candidate if the Committee passed an opinion refusing to support his appointment.

The President shall be obliged to appoint the candidate proposed for Ambassador if the Government keeps supporting the same proposal after new decision-making pursuant to paragraph 3 of this Article.

The provisions of this Article which regulate the procedure of appointing the Ambassadors shall equally apply to the procedure of recalling the Ambassadors.”

Article 5

In Article 8 paragraph 2, the words “of Montenegro (hereinafter: the Government)” shall be deleted.

Article 6

After Article 8, a new chapter title shall be added, reading as follows: “IIa. RIGHTS OF THE PRESIDENT”.

Article 7

After Article 24, a new Article shall be added, reading as follows:

“Exception in the application of Article 7f

Article 24a

Exceptionally, with regard to the Prime Minister-designate who received the support of majority of MPs in the 27th Parliament to compose the 44th Government, the deadlines referred to in Article 7f of the present Law shall start to run from the day of entry into force of the present Law.”

Article 8

The present Law shall enter into force on the day of its publication in the Official Gazette of Montenegro.

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Podgorica, 2 November 2022

27th Parliament of Montenegro
Speaker,
Danijela Đurović, sgd.