Pursuant to Article 82, Paragraph 1, Item 2 of the Constitution of Montenegro and Amendment IV, Paragraph 1 to the Constitution of Montenegro, on 26 June 2018, the Parliament of Montenegro of the 26th Convocation, at its Ninth meeting of the First regular (spring) session in 2018, adopted the following

**LAW**

**ON THE PRESIDENT OF MONTENEGRO**

**I. BASIC PROVISIONS**

**Scope**

 **Article 1**

This Law shall regulate the manner of ensuring financial and other prerequisites for the exercise of duty of the President of Montenegro (hereinafter: the President), as well as rights of the President upon termination of mandate; the basis for organization of the President's Secretariat, and other issues relevant for the exercise of duty of the President.

**Exercise of duty**

**Article 2**

The President shall exercise the duty within the scope of responsibilities defined by the Constitution and the law.

**Prerequisites for the exercise of duty**

**Article 3**

Prerequisites necessary for the exercise of duty of the President shall be created by the state administration authorities and other authorities in line with the defined competences.

Authorities referred to in Paragraph 1 of this Article shall inform the President about issues relevant for the discharge of duty thereof.

**Security tasks**

**Article 4**

Tasks related to the security of the President and the facilities used by him shall be performed by the administration authority responsible for police affairs.

**Funds for work**

 **Article 5**

Funds for work of the President and funds for exercise of rights upon termination of office of the President shall be secured in the Budget of Montenegro.

**Use of gender sensitive language**

**Article 6**

Terms used in this Law to refer to physical persons in masculine shall also include the same terms in feminine gender.

**II. RIGHTS AND DUTIES OF THE PRESIDENT**

**Text of the Oath**

**Article 7**

Prior to taking the office, the President shall take the oath before the Members of the Parliament in the Parliament of Montenegro, as follows:

“I swear that I will perform the duty of the President in a reasonable, honorable, conscientious, fair and impartial manner, in line with the Constitution and the law”.

**Confidential information**

**Article 8**

The President is obliged to keep all confidential information during the discharge of duty and upon termination of office, in line with the law regulating data confidentiality.

The Government of Montenegro (hereinafter: the Government) may free the President form the duty to keep confidential information, in line with the law.

**Official residence and official facilities**

**Article 9**

During his mandate, the President shall use the official residence, in line with the law.

Tasks of maintenance and provision of services in the official residence shall be secured by the Government.

During his mandate, the President shall also use other official facilities, in line with the Government regulation.

**Personal security service and official vehicle**

**Article 10**

The President shall have personal security service on permanent basis.

The President shall have the right to use an official vehicle, with or without the driver, on permanent basis, and it shall be used in line with the Government regulation.

**Salary and other income**

**Article 11**

The President shall have the right to salary and other rights on the basis of employment in line with the law regulating salaries in the public sector, unless regulated otherwise by this Law.

**Right of the spouse to take a leave**

**Article 12**

The President's spouse, who is employed, shall have the right to a paid leave from work, while participating in the exercise of protocol duties of the President.

**III. RIGHTS OF THE PRESIDENT UPON TERMINATION OF OFFICE**

**Right to honorary title and other rights**

**Article 13**

Upon termination of office, the President shall hold the honorary title “former President of Montenegro”.

Upon termination of office, the President shall have the right to wage compensation, an office and administrative support, as well as other rights stipulated by this Law.

Rights referred to in Paragraphs 1 and 2 of this Article shall be granted to the Presidents of Montenegro who discharged that duty since the renewal of independence of Montenegro (3 June 2006).

**State ceremonies**

**Article 14**

The President referred to in Article 13 of this Law shall be invited to state ceremonies in line with the state protocol rules.

**Salary compensation**

**Article 15**

Upon termination of office and until the legally prescribed conditions are met for retirement, the President shall have the right to a salary compensation amounting to 70% of the salary he received in the last month prior to termination of office of the President, with adequate adjustment.

If the former President of Montenegro acquires the right to a pension, and his pension is less than the compensation referred to in Paragraph 1 of this Article, he is entitled to a special monthly allowance in the amount of the difference between 70% of the wage and the pension he receives.

If, during the exercise of the right to salary compensation referred to in Paragraph 1 of this Article, the former President enters into employment relationship, the payment of compensation shall be suspended during that time.

**Office**

**Article 16**

Upon termination of office, the President shall have the right to use an office, have one advisor and one officer for administrative and technical affairs, as well as the right to use official vehicle, with or without a driver.

 The rights referred to in Paragraph 1 of this Article may be exercised for maximum five years upon termination of office of the President.

Funds for the purposes referred to in Paragraph 1 of this Article shall be secured in the Budget of Montenegro.

**Access to archive**

**Article 17**

Upon termination of office, the President shall have the right of access to archive materials created during his office as the President.

 Upon his request, the authority holding archive materials referred to in Paragraph 1 of this Article shall allow the President whose office has terminated the insight into the archive materials.

**Personal security service upon termination of office**

**Article 18**

Upon termination of office, the President shall have the right to personal security service on permanent basis, in line with the security assessment by the competent authority, in line with the law.

**Cancellation of rights**

**Article 19**

Rights of the President upon termination of office stipulated by this Law shall not be granted to the President whose duty was terminated based on removal from office in line with the Constitution.

**Personal request**

**Article 20**

Upon termination of office, the President shall inform the competent working body of the Parliament of Montenegro, i.e. the Secretariat of the President, if he wishes to exercise the rights upon termination of office, as stipulated by this Law.

**Exercise of rights**

**Article 21**

Secretariat of the President shall take care of the exercise of rights held by the President upon termination of office.

**IV. SECRETARIAT OF THE PRESIDENT**

**Establishment and management of the Secretariat**

**Article 22**

The President shall establish a secretariat for the performance of expert, administrative and other tasks.

 Secretariat of the President shall be managed by the Secretary General, appointed by the President.

 Secretary General shall be appointed for the period of five years.

**Secretary General**

 **Article 23**

Secretary General shall be responsible to the President for his work and the work of the secretariat.

 Secretary General shall define the Act on internal organization and systematization of the secretariat, with the consent of the President.

**Working bodies**

**Article 24**

The President may form councils, commissions and working groups, as permanent and ad hoc bodies, for the performance of duties within his competence.

 Composition, number and scope of work of the permanent and ad hoc working bodies referred to in Paragraph 1 of this Article shall be determined in the act on their establishment.

**V. FINAL PROVISION**

**Coming into effect**

**Article 25**

This Law shall come into effect on the eighth day from the date of being published in the Official Journal of Montenegro.

Ref. No.: 00-34/18-1/12

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Podgorica, 26 June 2018

26th CONVOCATION OF THE PARLIAMENT OF MONTENEGRO

 P R E S I D E N T

 Ivan Brajović