PUBLIC ADMINISTRATION REFORM STRATEGY IN MONTENEGRO

2002-2009

Podgorica, March 2003
Public Administration Reform Strategy in Montenegro

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Publisher: THE MINISTRY OF JUSTICE
Editor: Dr. Slobodan Dujiæ
Editorial Board: Željko Šturanoviæ, Branislav Raduloviæ, Stana Pajoviæ, Indira Vujoviæ
Translated by: Dr. Slobodan Dujiæ and Indira Vujoviæ
Language editing: Igor Lakijæ
Printed by: Obod Cetinje
Copies printed: 1.500

Podgorica, May 2003

Publishing of this Strategy is sponsored by the European Union - European Agency for Reconstruction within the framework of the PARiM Project - Public Administration Reform in Montenegro, which is under the responsibility of the Ministry of Justice of the Republic of Montenegro.
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Introduction speech by the Prime Minister

Ladies and Gentlemen*,

It was a great pleasure for me to accept the invitation by Mr. Šturanović, Minister of Justice, to give an opening speech for this Conference. Moreover, I did it with a particular feeling of responsibility. Understandingly, because the preparation and approval of the Strategy of Public Administration Reform is one of the central tasks of my Government at the beginning of its mandate. The implementation of this Strategy will substantially mark the work and overall functioning of this Government in the forthcoming period.

Modernization of the State Administration, as well as of the entire Public Administration, represents one of the basic pillars and starting points of the 'reform package'. Therefore, the strategic document, by which we will determine the directions, objectives and reach of the Administrative Reform, is of paramount importance. There are three basic reasons for this:

Firstly, a well organized and competent Administration is a prerequisite for building up new institutions of a market-oriented democracy, which represents a must for successful economic and overall reforms;

Secondly, this is a postulate for the enforcement of the rule of law and protection of human rights and freedoms in accordance with the standards of a developed democracy;

Thirdly, a modern, efficient, professional and responsible Administration, alongside with the division of competencies and transparent work of all State Administration's Agencies and Public Services, at all levels, is the basis for the overall democratization of Montenegrin society. This is of particular significance in the current phase of resolute commitment of Montenegro to integrate into the Regional and Euro-Atlantic Integrations.

A modern and efficient Administration is one of the key levers in the fight against organized crime, corruption and any other abuse in our society, which is another most important priority of this Government.

The present establishment is, unfortunately, inappropriately organized, to a certain extent not properly professionally capable, and too massive. Montenegro has a realistic ambition to be a European Country in a modern sense. The Public Administration must respond to this modern concept of democratic State, and facilitate an active involvement of individuals and

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* Introduction speech given by the Prime Minister of the Montenegrin Government at the First Inter-Ministerial Conference aimed at the presentation of the Draft Strategy for Public Administration Reform in Montenegro
institutions in the satisfaction of needs of all citizens and economic entities. Modernization and reform call for an organized introduction of European standards and changes that systematically and permanently raise the level of efficiency, effectiveness and lawfulness in the operation of the Administration. At central level, as well at the level of local government. It is very important to ensure the understanding and support of the general public for the reform exercises that will be taken by this Government. The reform of Public Administration is not a punitive measure, yet it is a mechanism for introduction of discipline, above all in the conduct and work of civil servants. The same refers to the question of lawfulness of operation of State Administration agencies, as well as to the introduction of mechanisms for independent assessment of performance and work of each individual and of the Administration as a whole. This is a process, which, in the long run, leads towards the development of a Public Administration System that will facilitate good governance within the new processes. Likewise, it is to become an effective service for a rational satisfaction of the needs of our citizens. Such an Administration can optimally support a more efficient role of the State in the realization of strategic objectives of democratic and European development of Montenegro. This is especially important in the current circumstances of a more rational interest arrangement of both member countries that are about to make union of states. The same refers to our need for cooperation with the European Union in the Association and Stabilization Process, as well as to Montenegrin regional and international relations. A country, in order to be democratic, must have an efficient, financially acceptable and professional Administration. Such an Administration represents a guarantee for the creation of institutional conditions conducive to improving citizens’ quality of life in all segments of the society.

Those who are the direct agents of the reform processes in this domain must be aware and the general public has to understand that the results will neither be achieved in a painless, nor in a quick and easy way. The Government I am presiding over is ready to respond to all the mentioned challenges. The Government is responsible for the entire reform process. But, I would say, the most difficult test that it is going to take lies in the set of issues i.e. the Reform Strategy, which is on the agenda today. This is why the whole reform process will be under the special scrutiny of the Government, as well as of my personal attention. The Government will take on and fulfill its part of responsibilities in that process in full. The same will be expected from all the other participants in this process, who will have to take on their parts of obligations and responsibilities.

I am fully convinced that we will lead this process of Public Administration Reform successfully. After all, the same conviction goes for other fields of political and economic system; I am sure that the final, successful result is already certain. To this end we will have to invest hard work and introduce order into our work, and a lot of sacrifice. With such an engagement of ours,
support of the European Union and the international community as a whole will not fail to come. With their support we already successfully passed the previous stage of the reform process. I will take this opportunity to express my gratitude to the local and international institutions and experts who have been engaged in this very responsible task.

I wish you every success in your further work. Thank you very much for your attention.

Podgorica, February 4, 2003

Milo Đukanović
Prime Minister
Introduction speech by the Minister of Justice

Ladies and Gentlemen*,

I have extraordinary pleasure and honor to welcome and address this eminent meeting on behalf of the Ministry of Justice and of myself, and I am particularly pleased that we have the opportunity to jointly determine the fundamental bases and directions of policy for the future reform processes in the field of Public Administration as an operative part of the Executive, and a vital segment of State authority as a whole.

I share with you the particular pleasure because of the fact that the Prime Minister of the Republic of Montenegro, Mr. Milo Đukanović, is here with us today.

The First Inter-Ministerial Conference, organized in the framework of a special project of the Government of the Republic of Montenegro on Public Administration Reform in Montenegro, has multiple significance and objectives, and on this occasion I will only point out to its most important dimensions.

Let me first inform you in short about our recent activities in creating conditions for a modern, contemporary and democratically organized, which means service-oriented, State and Public Administration that our country aspires to make. In the course of previous public administration reform process, we had identified two key issues that certainly represent central pillars of public administration reform, and these are: transformation of the role of State Administration from regulatory to service and client-oriented, that will imply market economy-led concept of relinquishing the overall attitude and relation of the State towards the citizen as an object of intervention, compulsion and coercion in favor of perceiving them as customers who order services, beneficiaries of services and employers in their own right. These are the bases on which adequate normative projects in this field are built and drafted upon, above all, regulations on State administration, the institution of the Ombudsman, on inspection control, on Administrative procedure charges, which are defined as priority tasks.

A successful realization of the official policy of Montenegro, which rests, above all, upon the development strategy of a market-oriented and civil society, the rule of law and an open and productive cooperation with the international community, requires an appropriate institutional capacity to

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* Introduction speech given by Mr. Željko Šturanović, Minister of Justice in the Government of Montenegro, at the First Inter-Ministerial Conference aimed at the presentation of the Draft Strategy for Public Administration Reform in Montenegro
maintain and accelerate it. The prerequisite thereof is, among others, a well organized and conducted reform in the field of State Administration and in other segments of the Public Administration, which means an organized introduction of changes, which systematically and permanently are to improve and ensure more profound legality, efficiency, effectiveness, cost-efficiency and ethical dimension and content in the operation of State and Public Administration in general. In that sense, it was deemed necessary to define the Strategy for Public Administration Reform in Montenegro, and in that framework to define the objectives and framework of its scope, and subsequently, by way of appropriate projects, sub-projects and in other ways, determine activities, their agents and the deadlines for the realization and implementation of individual parts and segments of the Strategy and its overall implementation.

All this necessarily requires broadest cooperation with corresponding entities within the State Administration System, Public Administration, State Agencies, Local Self-government, Civil Sector, professional and scientific public and other relevant stakeholders, as well as cooperation with international professional organizations, associations, agencies and, particularly, bilateral cooperation with neighboring countries.

The process of determination of the Strategy of Public Administration Reform was preceded by activities on the establishment of the state of affairs in the field of Public Administration on the macro and micro plan, through interviews, analyses of studies, development plans for specific sectors, appropriate statistical material, opinion polls and questionnaires, which gave, among other, a basic overview of the situation and potentials of Public Administration, as well as a list of needs for reform in certain domains of the Public Administration.

Experiences in the consideration of the organization and operation of the overall public and, particularly, State Administration in countries with more extensive democratic practice and countries in transition show that there are no ready-made and standardized solutions in this field, particularly in the part relating to the development of a strategy of Public Administration, political decision-making, coordination and regulation, budget and allocation of resources, public service management, as well as auditing and financial control. Yet there are set principles and standards of administrative law and public services, which were conceptualized through the system of “best practice”. This is, generally, how public services of democratic states are organized, and they function according to the same or similar standards or conditions, but in very different models.

However, there are some unchangeable principles to endorse, such as: professional, responsible, transparent and competent operation of Public Administration, which is based on permanent improvement of administrative
efficiency, protection and promotion of human rights and basic freedoms, 
promotion of employees’ allegiance to democratic values, ethics and 
observance of the rule of law.

A significant dimension therein is the necessity and possibility of the overall 
Public Administration to transform and support overall social, economic and 
cultural development of the State in order to be able to respond to the 
challenges it yields, which can only be accomplished by a highly qualified, 
professional and flexible Public Administration.

The project of reform in all domains of social, political and economic system 
basically represents a set of ideas, activities and results and relies on three 
vital elements, which are norms, institutions and creative human resources.

The reform project in the field of State Administration has determined the 
strategic framework and the objectives we aspire to achieve, offered 
methods, ways, means and procedure of changes, as well as the very 
institutional frameworks for the realization of the process on the basis of 
generalized comparative experience, general theoretical and practical 
knowledge, realistic situation and pronounced needs of Montenegro as the 
state in transition and pending integration.

A particularly important question is that of objectives that we desire. In 
short, the Project sees them as an obligation to create a modern, highly 
professional, efficient, prompt and cost-efficient Public Administration that 
will be capable to ensure and promote continuation of overall democratic 
socio-political and market-economical trends and processes, and provide an 
active role of the citizens in its operation. All this requires long-term, 
targeted and well planned, coordinated measures and activities, both in the 
very State Administration and wider, especially in relation to citizens, 
scientific institutions, NGO sector, media, local self-government and the 
overall Public Administration.

Of particular significance in this process is certainly the role of people from 
the aspect of organization, normative activity and immediate implementation 
of new solutions. An idea that does not come to effect is not a good idea. 
Anatolle François said “People live on actions and not on ideas”.

The Strategy, whose presentation is in the focus of attention and interest 
today, to our mutual satisfaction, I believe, enlivens these ideas, real and 
turns them into action and process, in which all of us have and need to find 
our real place.

However, the preparation of strategies, regulations and standards is only the 
first step on the long path to their efficient implementation in the real social 
practice. Neither the best strategies nor the best regulations mean much, if
their provisions and decisions are not implemented. We are aware of the fact that we must not overestimate the scope of legislation, nor underestimate the importance of organizational measures and changes, which are essential prerequisites for the regulations to come into effect in practice. Therefore, these issues will permanently and significantly determine the work and be one of the central commitment of the Ministry of Justice and the Government of the Republic of Montenegro in the forthcoming period, which makes up the basis of the agenda of this Government.

In this process, the State Administration bodies in Montenegro are to be assigned new tasks in the course of their own emancipation, whereby particular attention should be dedicated to more profound protection of citizens’ rights in the procedures conducted by state administration bodies and the entire public sector, as well as to an adequate relationship with the NGO sector. New objectives of the operation of the State Administration and the Public Sector undoubtedly require transformation of the style and method of work, considerably more profound knowledge and monitoring of the conditions and the overall political and social background, and independent, highly qualified, creative and competent personnel.

An appropriate information system should reduce incidence of mistakes in selection of alternatives in the decision-making process and the development of a modern and contemporary State Administration. Thereby I would like to emphasize that the Strategy must provide an adequate synergy of the public administration reform process and the general determination of the Stability Pact for South-Eastern Europe and, among others, synergy of the anti-corruption initiative and other projects of the Pact, as well as with other appropriate international documents, which signify the realization of the integration process of Montenegro in the framework of the European Union. Particularly significant aspect and scope of strategic goals lies in the fact that the Strategy should be conducive to further and more complete harmonization of the internal law with the law of the European Union, specially in the field of Public Administration, in the process of which it is necessary to engage the corpus of institutes, instruments and procedures in the field of administrative law, which certainly implies streamlining of material and process legislation in this field.

Namely, among the requirements for accession to the European Union, a profoundly reformed administration and administrative legislation are gaining more and more significant position, and more and more frequently emphasized is the development of national public administrations that would be capable to adopt the “achievements of the Community” after the accession to the EU, which means that they should be organized and function and operate in a manner that enables them to participate in all decision-making processes, and in all processes of application of European legislation. Undoubtedly, a complex procedure is expecting us on our way to membership to the European Union,
whereby the established concept of cooperation that the Union offers to the potential member states, which are financial, human resource and technical assistance, is encouraging.

Finally, and not only for the sake of the protocol, I wish to point out greatness of contribution and value of support in the process of public administration reform that the Government of the Republic of Montenegro and the Ministry of Justice enjoy from the side of local and international experts, and local and international non-governmental organizations that deal with issues of organization and functioning of Public Administration and issues of protection and promotion of human rights and basic freedoms, as well as other issues of significance to the reforms that we are conducting in Montenegro.

The Government of Montenegro and the Ministry of Justice remain open for constructive cooperation in all reform projects in the field of judiciary, State Administration and Local Self-government reform, which the Ministry of Justice covers within its competence.

I would also like to express our gratitude and acknowledgment to the European Agency for Reconstruction and the PARIM Project for the invested efforts and to date organized, professional and competently provided support to the Public Administration Reform processes in Montenegro.

I wish every success to the work of the First Inter-Ministerial Conference and to all of us in the realization of strategic objectives and the achievement of goals we aspire in the reform of the State Administration and Public Administration of Montenegro as a whole.

On that behalf I would to reiterate my warmest welcome and invite you to a full and open cooperation.

Željko Šturanoviæ
Minister of Justice
**Introduction**

Administrative reform is a way, and not a final destination. The Government of the Republic Montenegro will execute this reform in the so-called “selective-radical” way. This means that the strategy for changes will not be too broad and radical, due to the fact that such a strategy would not be successful. However, the reform strategy will not be merely a cosmetic and superficial intervention in the framework of the existing system. In fact, an optimal strategy represents a selection of specific precisely determined changes, which can be realized in the existing circumstances. Therefore, the administrative reform in Montenegro, during the mandate of this Government, will have two priorities or two basic global reform goals:

- institutional and legal consolidation of the administrative system, as well as consistent implementation of laws and other legal regulations, and
- stimulation and training of civil servants for better and legally based work within the administrative system.

The administrative system of the Republic of Montenegro is currently at a relatively high level of development. From that point of view, future normative activities will be directed mostly towards improvement of the current institutional and legal framework, as well as towards the harmonization of the existing legislation with widely recognized standards and principles of the most important international institutions (such as EU, CoE, UN, OSCE, etc.). To a significantly lesser degree, the aim of the foreseen activities will be the building of certain systems from the very beginning, whereby it has to be emphasized that the existing legislation in this field, which is currently applied
- e.g. the Law on Civil Servants, Law on Inspection Control, Law on Salaries and other types of income of Members of Parliament and Republic Officials, General Administrative Procedure Act (federal law), Law on Administrative Disputes (federal law), are mainly harmonized with modern standards. However, there is a need for further harmonization of those laws with regulations and standards of the European Union and other international institutions. With regard to all this, one has to bear in mind the obligations arising from the change of character and functioning of the new Union of States, which relate to normative activities and institutional organization.

On the other hand, the Government will give a high priority to the question whether the existing, but also the new laws and regulations, are consistently implemented in practice. Regulations of the highest quality do not mean much, if they do not come into effect in practice. In that context, the Government aspires to provide consistent implementation of laws and other regulations, i.e. their unconditional implementation.

This means, above all, to prepare quality and clear subordinate legislation and measures, adequately develop necessary institutional mechanisms, and pay particular attention to qualification and training of civil servants concerning the work within the Administration, as well as proper and consistent implementation of adopted regulations.

The necessity of improving the capacity of the administrative system is an imperative of the process of integration on the European, Euro-Atlantic and regional level. Namely, the administrative institutions of the administrative system must be developed to the level that ensures effective implementation of EU legislation (so-called Acquis Communautaire) and other levels of integration. This also refers to the capacity of complete and unreserved
application of the own regulations. The process of legislative harmonization is just the first, and not the final step on this way. The necessary next step is the establishment of institutions, which will be able to consistently execute the responsibilities of membership in certain international institutions and associations. This is why the Government of Montenegro is adopting this broad and comprehensive Strategy for the Reform of the Administrative system in Montenegro.
1. Reasons for Public Administration Reform

From the global point of view, there are two basic reasons for the Public Administration Reform:

- to improve the internal efficiency of functioning of the administrative system of the State,

- the second reason is an external stimulation i.e. pressure for changing the administrative system for the reason of its inclusion into broader social systems.

Regarding the contents of the term “administrative reform”, there are three important remarks. Firstly, reform of an administrative system is not an aim in itself. The aim of the implementation of the reform is to advance life and working conditions of citizens and business entities. They will be facilitated to easily realize their rights in contacts with the Administration. Secondly, the term “Administration” is here used in a broad and comprehensive sense and it is not limited only to the system of the Public Administration, but it comprises also other relevant sub-systems in that field, namely: the system of local self-government, the system of public services, as well as other relevant public legal subsystems. And finally, the term “reform” of an Administrative system means, above all, an organized introduction of changes and a directed reorganization of the functioning of the abovementioned subsystems, and the appropriate change of the legal and administrative culture of those who work in the Administration, but also of those who the Administration works for. Only when this is taken into consideration, the expression “reform” can mean introduction of new working methods and techniques, computerization of the administrative work, introduction of new standards, measurement of efficiency and effectiveness of work within the Administration, along with simultaneous introduction of new ethic
rules for the civil servants at all levels. All measures together are expected to contribute to the change of the approach, the work and functioning of the administrative system, as well as to the change in the attitude of civil servants towards citizens, legal entities and clients in general. The principally regulatory and repressive role of the state has to be replaced by a new one - a service and partnership oriented Administration, which serves the efficient meeting of needs of citizens and legal entities. The State, in that new role as an equal partner, along with other subsystems, cares for the successful development of the overall social system. In that regard, the democratization of the administrative system is the main pillar and facilitator of democratization of the society, since the majority of human rights and freedoms are realized through the operation of administrative bodies.

On the other hand, transition is a unique and unrepeatable process in all its elements and dimensions, from the starting point and environment in which it is carried out to the set goals and ways of their realization. This is why the Republic of Montenegro (as well as all other countries in similar position), has its own way of transition. The immediate success of the reform process directly depends on: initial level of development of the State, the capability for proper analysis of the relevant system environment, as well as on the capability to understand the ways of social development in all relevant areas. The understanding of the abovementioned ways and their proper direction is an immediate task of this Government and Public Administration Bodies.

It should be stressed that the Administrative reform is an integral part of an overall reform process in the Republic of Montenegro and must not be treated as an isolated process separate from other social transformation processes. But, on the other hand, it is important to stress that an effective institutional framework has to be developed simultaneously with development of the economic
system. Otherwise, expected economic and social developments will disappear in entropy that can only increase in such a way. Inadequate development of the administrative system and its institutions, or its unsuccessful functioning, represents an overwhelming obstacle for further development of the State and the society as a whole. Therefore, the Government will put great efforts in the consolidation of the existing and creation of new public institutions. Efficiency of the Administrative system is an important factor, which enables the rise of efficiency of the national economy, as well as the entire society. The price for functioning of an ineffective administrative system has to be paid with higher taxes, which represents a huge expense that results from poor quality public service. At the end, all taxpayers have to pay the bill. Effective administration is an important factor which raises the level of international competitiveness of the national economy.

A particular reason for the improvement and restructuring of the Montenegrin administrative system, as well as all other subsystems, comes from unreserved and clear determination, i.e. devotion of this Government to access to the European Union and to become a part of other international integration processes.

The Government considers this Strategy as its long-term determination. The Strategy includes a great number of project tasks and activities, which will be coordinated by way of a special ministerial coordination. Uniform coordination and direction of the reform activities in the field of Public Administration Reform is of key significance for the success of this Project. By using well-planned coordination, it is possible to reach a synergy effect and prevent separation of efforts, and the results will be much better, due to compatibility and prevention of unnecessary waste of energy.
2. Key Objectives of the Public Administration Reform

Experiences of reform processes in the majority of European countries can be summarized into several basic trends or statements that are common in the majority of these countries. They should also be treated as goals of the process of gradual transformation of the Montenegrin Public Administration. These goals are:

1) Significant delegation of competences to lower levels of the Administrative system, resulting in a higher level of flexibility of the entire administrative system
2) Ensuring a higher level of quality in the process of the execution of tasks and introduction of certain control mechanisms, as well as insistence on more effective determination of responsibilities at all levels
3) Development of competition and the possibility to choose services from various providers of administrative services
4) Development of public services, which have to function for the benefit of clients - citizens and business entities
5) Ensuring better Human Resources Management in State Administration, as well as improvement of the position of key civil servants
6) Optimal utilization of possibilities that are offered by using modern information technology (IT)
7) Increase of the quality level of legal regulations and deregulation in certain over-regulated areas
8) Reinforcement of the steering and monitoring functions of the operation of an Administrative system
2.1 Delegation of competencies and improvement of flexibility of the Public Administration System

Delegation of competencies enables an increase of flexibility in the functioning of an administrative system. This represents a sound starting point for reform of the Public Administration in Montenegro. The aim of such a delegation is to increase the level of efficiency of the Administrative system and to ensure its appropriate response to changes within the relevant system environment. Through the process of delegation of competencies, senior civil servants achieve a higher level of freedom in executing operative decisions. And this is how delegation of competencies increases the direct responsibility of senior personnel of an Administrative system - the responsibility for legality and results of work at all levels of the Administrative structure, ensuring the introduction of appropriate measures for incentive, motivation and assessment of final work results at all levels of the Administrative system.

Thereby one has to bear in mind that delegation does not mean abdication, and that a part of responsibility for the exaction of certain tasks remains at the level of the one who brings the decisions. Moreover, delegation of competences leads to discrepancies between the quality of the central coordination system on one hand, and the operative execution of tasks on the other. In this domain it will be necessary above all to make a sound assessment of the current status and to determine more precisely the pace and the substance of restructuring.

2.2 Control mechanisms and implementation of the principle of responsibility

The decentralization of administrative systems in all dimensions requires the introduction of new control mechanisms and a response to the
problem of ensuring a well-established interaction between the central and the peripheral elements of the system. Besides, it is important to solve the question of consistent implementation of the principle of responsibility for the results of work. This particularly refers to senior civil servants within the administrative system. In relation to this, a contractual model at an individual, but also at an organizational level, has been developed in many European countries. In this field, the emphasis is not on precisely defined, regulated and in detail determined actions concerning the functioning of the Administration. Instead, within an “administrative contract” objectives and tasks of administrative agencies are determined, financial resources necessary for the performance of activities are allocated, expected outcomes defined, and finally, criteria and standards for assessment of success respectively determined (control i.e. monitoring and evaluation). Briefly, efforts to introduce control mechanisms are mostly directed towards objective-determined processes and methods of their quality and quantity assessment. This, of course, requires development of quality and quantity standards of administrative work, certain reporting methodologies, and finally evaluation of proposed programs and projects.

However, one has to call for caution here regarding some weak points of such an approach. Application of the contractual model in all areas could cause a decrease of ministerial responsibility to the Parliament. Besides, the contractual approach itself bears certain risks, since particularly in the case of absence of clear standards and methodologies, i.e. in the case of steering towards wrong objectives; it can result in major dysfunctions in the operation of the Administrative system.
2.3 Competition and the possibility to select suppliers of administrative services

This refers above all to the introduction of competition mechanisms and the possibility to choose between different suppliers - even within the administrative system of the State. The principal objective of this orientation is to increase the efficiency of administrative work, whereby it is necessary to enable the competition regardless of the private or public status of an individual supplier of administrative services. The forms of competition and possible choice of different suppliers extends even to the level of substantially broad inclusion of private entities in the performance of administrative functions through contractual remission of services, partnership between the State and these entities, and privatization of individual administrative functions etc.

2.4 Client-orientation of public services

A significant factor is better access to public services, which must meet the real needs of citizens and business entities. Thereby, it is necessary to secure diversity of services, carry out a simplification of the procedure to exercise rights, eliminate administrative obstacles for a more efficient operation of the public sector, systematically gather clients’ opinions on the type and quality of administrative services, secure participation of clients in the mechanisms of public service management, etc. An effective means to achieve these objectives is the establishment of precise quality standards for services. There is also the need for development of criteria for assessment of the work of suppliers, as well as the establishment of an awards and penalty system for good vis-a-vis poor performance of public services.
2.5 Human Resources Management

In the field of Human Resources Management it is necessary to increase the level of decentralization in the decision-making - which refers as well to decision-making on employment and subsequent development of human resources, higher level of individual responsibility of senior civil servants, while the entire process should be placed within the framework of a uniform central employment and financial policy. Particularly, the financial policy must set the standards for employment and appraisal of civil servants. Concrete measures in this domain are the following:

- predominant use of contracts that determine the tasks, according to which senior civil servants are able to evaluate the performance of such tasks,
- establishment of an evaluation system for the work of all other civil servants,
- development of a strategic approach to Human Resources Management at the single organizational unit level, and
- delegation of competencies to lower levels of an organization.

Beside the abovementioned measures, it is important to ensure central coordination and supervision, increase the mobility within the administrative system, adopt a flexible salary and classification system, and, finally, provide various forms of education and training of civil servants. The administrative system is not a dispensable socio-parasite mechanism; on the contrary, it is a very productive social segment when it performs its functions legally, rationally and efficiently. Therefore, it is necessary to attract and keep the most capable staff in the administrative system, award them and encourage their inventiveness and successfulness, but on the
other hand also to resolutely eliminate negligence, average performance and lack of discipline.

**In relation to the functioning of the Human Resources Management system, it is necessary to ensure the following:**

- to allocate, as precisely as possible, tasks and responsibilities to civil servants at all levels;
- to ensure the measurement of results, i.e. the quality of work in Administration in relation to the assigned tasks and expected results;
- to ensure an appropriate organization of work and control of the utilization of resources;
- to introduce rational supervision and reporting systems;
- to introduce a system of rewarding the quality work results and to sanction negligence and lack of discipline.

It is therefore necessary to attract and keep the most qualified personnel in the Administration since its functioning depends on them. The working conditions in place for such personnel should be competitive with conditions offered by the private sector. Only in this way is it possible to ensure efficient, lawful and rational functioning of the administrative system.

### 2.6 Modern information technology

Information technology (IT) is an important supportive factor in the Public Administration Reform processes. Many aspects of reform are not possible without modern information technology, which is an important change agent that offers vast advantages in terms of increasing the productivity and ensuring quality of the services in the Administration. If one wants to ensure its successful utilization, there is a need to relate the introduction of IT to appropriate organizational changes and common
objectives of an organization. Here, again, one should take a decision concerning the question of cost-effectiveness of the introduction of information technology and then continuously follow the developments in this field. General objectives that should be achieved here are the following:

- to directly link the information technology with the administrative processes - in particular, to develop IT professionals who are familiar with the subject matter of the administrative process, i.e. administrative procedures;
- to use IT for the transformation and rationalization of administrative procedures
- to ensure a better access to and utilization of quality information and databases in the Administration
- to develop, maintain and consistently use administrative work standards;
- to initiate and support research activities concerning the impact of IT on the economic, social, legal and political systems.

In the near future it is necessary to enable citizens and legal entities to obtain more and more administrative licenses and other documents electronically. This, among other things, requires the introduction of the so-called “electronic signature”, whose validity should be equalized with the validity of the classical signature in administrative procedures. There is also a need to prepare a number of other prerequisites for the modernization of the administrative system.

2.7 Raising the level of quality legislation

The proposed legislation must be necessary, balanced, effective, and enjoy as broad support as possible - particularly by those whose activities are performed in accordance with these laws and regulations. The increase of quality of regulatory mechanisms is one of the major priorities in the administrative reform process,
since legislation is, and will remain, a significant, or better to say, the most important instrument of execution of the governmental policy. However, the traditional approach often leads to disappointment regarding the possibility of subsequent successful implementation of legislation, i.e. achievement of objectives of public policies. Besides, it is a mechanism that is often highly inflexible. On the other hand, excessive legal regulation represents a real burden in the other parts of the social system, which requires a necessary orientation towards greater deregulation in areas where it is essential and possible. Regarding the aforementioned, the reform processes should be oriented towards decreasing the scope and expenses of legal regulation on one hand, and towards increasing the quality level of legislation on the other. A new approach in terms of better discipline and control in the field of regulation is based on certain new measures, e.g. regulatory “check-lists”, introduction of ‘Regulatory Impact Analysis’ methodology, setting of clear quality standards for legislation. Particularly important in this field is the introduction of alternative approaches in the process of regulation of social relationships, which significantly reduces the need for traditional forms of legal regulation. Alternatives are, above all, economic incentives, contractual mechanisms and self-regulation.
3. Domains of the reform activities

3.1 State Administration

3.1.1 Current situation in the field

The basic system function and task of the Administration is to raise the level of quality of life of all citizens and business entities. In that sense, citizens, business entities and other legal persons and clients need the Administration which can satisfy their needs and which is easily accessible, or, to put it short, an efficient and effective Administration.

As already stated, the current regulations in the field of State Administration have a good quality in principle. However, without any doubt it is possible to notice a need for even further changes, which relates above all to issues concerning the harmonization of our legislation with international standards and to ensuring the best possible implementation of regulations.

3.1.2 Scope of the necessary activities

The necessary activities in the field of State Administration can be divided into two large groups, the first one comprising the external, and the second comprising the internal system relations. Within the first group of relations, the relevant environment of the administrative system should be analyzed from the aspect of the intention of the Republic of Montenegro to become a member

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1 Reform activities comprise the following fields: Public Administration, Local Self-Government and Public Services, as well as the functional element of the administrative system - Protection of rights of individuals in relation with the Administration. The methodological approach of the Strategy in certain areas provides a review of the current state of affairs, scope of necessary activities (A. External Affairs and B. Internal Affairs) and priority activities by phases.

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of different international institutions. On the other hand, necessary changes of the internal structure and functions of the Administrative system should be analyzed within the second group of relations. According to the above-mentioned, the administrative system of the European Union, as well as the administrative systems of EU Member States represent the relevant system environment for the Republic of Montenegro. In this context, experiences of the countries that are already at the threshold of the European Union are also very important.
A. External relations

It is necessary to prepare and carry out the following activities:

a) to become familiar with the European Union administrative system as well as administrative systems of some other relevant international institutions and their Member States, and to prepare a comparative analysis of those systems vis-a-vis the current administrative system of the Republic of Montenegro;

b) to determine relations and set up functional relationships between the central administrative system of the Republic of Montenegro and the administrative systems abroad;

c) to determine relations and set up functional relationships between the central administrative system of the Republic of Montenegro and the administrative systems of the countries which are now in the late stage of the process of accession to the EU;

d) to adapt the structure of the central administrative system of the Republic of Montenegro and thus provide its connection with the mentioned administrative systems, which should secure exchange of information and deepen the integration into the “European Administrative Space”.

According to the above-mentioned, one can say that those are the necessary activities which are on the one hand determined regionally and functionally, and on the other hand, these activities are clearly target-determined. The aim of all these activities is better understanding of the functioning of the administrative systems of the EU and other international integrations. Therefore, the focus is directed not only to the question of the existing structures and actions, but also to the question of determination of further developments in this field.
B. Internal relations

The current administrative system as a whole will have to be further precisely analyzed. Simultaneously, the conditions will have to be prepared to relieve the administrative system from non-administrative functions. To achieve this goal it will be necessary to develop appropriate new legal forms and prepare an overview of all the existing functions and activities within the administrative system, particularly:

- suspend all functions and activities which are not necessary, followed by specific internal restructuring of organizational units competent for the performance of relevant functions of the authorized governmental bodies;
- all functions and activities that are needed, but do not possess an administrative character - do not belong to the framework of administrative competence - should be transferred to the para-governmental and non-governmental organizations through different mechanisms, such as contracts, concessions, privatization, etc. In this context, a “market test” should be performed. Such a test should provide an answer to the question whether it would be more rational and cheaper to place some particular activities, currently performed by an administrative body, but which do not possess an administrative character, outside the administrative system.

This strategic document envisages the following activities:

a. Organization of relations within the administrative system:

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2 Within the previous activities, the competent ministry has prepared appropriate informational-analytical-documetal material, as a basis for the preparation of projects (Bases for the Preparation of Projects and Bases of Public Administration Reform in Montenegro).
- determine the status of the function, composition and competences of the Government of the Republic of Montenegro in conformity with the solutions of the constitutional revision.
- ensure the realization of the concept of the Public Administration system stipulated by the Draft Law on State Administration (organization of the State Administration at the macro and micro level, organization of State Administration affairs, performance of all affairs and realization of functions of State Administration bodies, particularly inspection control and administrative decision making, the relations among the Government, ministries and other administrative bodies, as well as relations between ministries with other administrative bodies).

b. Modernization of the State Administration:

- adaptation of the State Administration functions to the needs of a modern society
- adaptation of the State Administration structure to its new functions and new role, as well as to the needs of the accession process for entering the European Union and other international institutions.

c. Relation between State Administration and the NGO sector to be provided on the bases and principles set forth by the Draft Law on State Administration.

d. Relation between State Administration and the Local Self-Government to be provided on the bases and principles set forth by the Draft Law on State Administration.

e. IT modernization of the State Administration:

- ensure further upgrading of the IT system and modern work resources.
3.1.3 Priority Activities

The first concrete steps that have to be taken within the process of the reform of the State Administration are as follows:

- preparation of the constitutional revision in the domain which concerns the functioning of the State Administration system
- adoption and implementation of the Draft Law on State Administration
- preparation of the Draft Law on Inspection Supervision
- preparation of the Draft of Law on Civil Servants
- preparation of a new salary system in the State Administration
- preparation of appropriate secondary legislation foreseen by the said laws
- introduction of control mechanisms for prevention of illegality and corruption in the Administration
- training and education of civil servants for successful and effective implementation of adopted legislation
- information campaigns and intensive involvement of the expert and general public into the processes of drafting the legislation and education processes
3.2 Local Self-Government

3.2.1 Current situation in the field

Reform activities in this field started at the end of 1998 and were performed through several stages: analytical, programming, project, scientific-research, and legislative stage. At the moment, the local self-government reform process is in the final legislative stage and at the beginning of the stage of its implementation.

Significant changes in the Local Self-Government system are directed above all towards the adoption of standards of the European Charter on Local Self-Government and their adjustment to the best practice in this domain of the democratic world. Besides, the new set of laws provides that in a municipality, which is the basic territorial unit, local self-government is performed with the principal aim to satisfy needs that are of direct and common interests to the citizens, i.e. to the local population.

Due to the character of Local Self-Government affairs, the legal status of employees therein should be reconsidered towards adequate regulation of their status, competencies and authority, with a view to a more complete equalization with the legal status of civil servants working at the central administrative level.

3.2.2 Scope of the necessary activities

The Local Self-government has to become an equal partner in the efforts that are put into the modernization of the Administration. Therefore, it is necessary to achieve an appropriate connection

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3 Within the previous activities, the competent ministry has prepared appropriate informational-analytical-documental material, as a basis for the preparation of projects (special brochure “Documents of Local Self-Government Reform in Montenegro”).

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between the State Administration system and the system of the Local Self-government. Those two systems are the two sides of the same coin: both manage public matters - only at different levels and by different public bodies.

**A. External relations**

In analyzing the relevant system environment in the field of the Local Self-government, the following activities will have to be prepared and carried out:

a) **analyze regional organizations of the European Union** and self-government systems within its Member States;

b) **facilitate direct relations and communication links** between the Montenegrin self-governing systems and some local self-governing units of the European Union Member States and states which are in the EU-accession process, as well as some neighboring countries;

c) **create conditions for inclusion** of the Montenegrin self-governing units into European and other regional institutions and associations.

**B. Internal relations**

Taking into account the necessary functional and structural changes of the administrative systems at the local level, it is necessary to continue the analysis of the current situation and simultaneously provide for the further development of the Local Self-Government system, particularly:

a. **continue with the development of the Local Self-government system**, which involves:
- further improvement of the Local Self-government system;
- introduction and transfer of new functions to the Local Self-government;
- further improvement of the system aimed at funding Local Self-government.

b. arrange the relations between the State and the Local Self-government, which means:

- define a model of rational division of tasks;
- improve the monitoring system of legality and quality of execution of entrusted and delegated tasks;
- improve the system of legal protection of rights of the Local Self-government in relation to the State.

c. modernize the management at the local level, which comprises:

- setting-up team networks, as well as an appropriate training system for employees at the local level
- gradual introduction of principles of the New Public Management.

d. provide IT modernization of the functioning of the Local Self-government system.

3.2.3 Priority Activities

First concrete steps that have to be taken in the process of the reform of the Local Self-government system, are:

- preparation of the constitutional revision in the domain that refers to the Local Self-government system
- adoption and implementation of the Law on Local Self-Government
- adoption and implementation of the Law on Election of Mayor/Law on Local Elections
- adoption and implementation of the Law on Financing the Local Self-Government
- Law on the Capital City
- Law on the Cultural and Historical Capital
- drafting the secondary legislation foreseen by the said laws
- training of civil servants for successful and effective implementation of adopted laws
- information and involving the expert and general public into the processes of drafting the legislation and educational processes
3.3 Public Services

3.3.1 Current situation in the field

The legal status of the public services - public enterprises and public institutions - which render services to the citizens, is regulated by the Law on Public Enterprises and the Law on Public Activities from 1991, as well as by appropriate substantive laws from particular subject areas. The strategy for privatization of public utilities services represents only an initial strategic document that has not been operationally implemented yet, and the Law on Participation of the Private Sector in Providing Public Services has not been implemented either. The mentioned facts represent the obstacles in improving the level of services for citizens and other clients.

3.3.2 Scope of the necessary activities

At the moment, the operation of the public services does not meet - either in the organizational or in the functional sense - the needs and requests of the customers of the services they provide for. This refers above all to the requests for documents they already possess in their databases and the lack of coordination with other public services within certain domains; also, the work and operation is often significantly rigid. Taking into account all the mentioned facts, the third area of the necessary structural and functional changes of the administrative system comprises a wide area of public services and the entire public sector.

In the field of public services the following project activities will be performed:

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4 In the domain of public services, the incumbents of reform activities are the competent ministries and administrative bodies, each within their own competencies.

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a) determination of the scope of the public sector and public services, as well as regulation of ownership issues in this field;

b) regulation of the position and legal status of public enterprises - particularly of social services, as well as solving the problem of ownership and management relations in these organizations;

c) improvement of the concession regulations and other forms of performing public services;

d) regulation of the status of infrastructure objects and devices in all fields of the public services system, particularly of using the public goods;

e) continuation of the process of deregulation, liberalization and privatization of the public services;

f) introduction of competition into the process of execution of tasks within the framework of the system of public services.

### 3.3.3 Priority Activities

The first next steps, which have to be taken within the reform process of public services, are:

- analysis of the current situation in this field
- preparation of a plan of necessary activities
- elaboration of appropriate regulations
- promotion of new forms and possibilities for participation of the private sector in the process of performing public services

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3.4 Other functional elements of Public Administration Reform

3.4.1 Protection of individual rights in relation to the Administration

3.4.1.1 Current situation in the field

The issue of enforcement of rights and freedoms of citizens should be in the focus of all activities within the Public Administration Reform in Montenegro. In that regard it is necessary to provide appropriate forms of education of citizens on rights, freedoms and procedures through which they are realized, as well as a higher degree of involvement of the civil society in the preparation of regulations and the practical execution thereof.

3.4.1.2 Scope of the necessary activities

One of the most sensitive areas within the process of setting-up systems that intend to access international integration processes is certainly the field of protection of individual rights in relation to the Administration. At the normative level this question is regulated in quite a good way, so that greater attention has to be paid to the question of consistent implementation of regulations and to the appropriate information of the citizens about their rights in relation to the State and the Administration.

Activities in this area can be classified as follows:

a. Administrative procedures:

- further improvement of the presently valid general administrative procedure
- further improvement of specific administrative procedures.

b. Judicial supervision of the work of the Administration:
- further improvement of the administrative procedure
- creation of an adequate role of the Constitutional Court in procedures referring to the protection of individual rights and freedoms.

c. Development of informal forms of protection of individual rights:

- regulation and establishment of the institution of the Ombudsman/Protector of Human Rights and Freedoms

d. Involvement of the Republic of Montenegro into the European and other international mechanisms for the protection of human rights and freedoms.

3.4.1.3 Priority Activities

The first steps, which have to be taken within the reform process of this part of the system, are:

- adoption and implementation of the Law on Ombudsman/ Protector of Human Rights and Freedoms
- preparation of the draft General Administrative Procedure Act
- preparation of the draft Law on Administrative Dispute
- preparation of appropriate subordinate legislation foreseen by the said laws
- establishment and start of the operation of the Ombudsman/ Protector of Human Rights and Freedoms Office
- training of the civil servants for successful and effective implementation of adopted legislation
- information and involving the expert and general public into the processes of drafting the regulations and education processes

Ministry of Justice of the Republic of Montenegro
**R E S U M E**

Assumptions,
main aims and contents of measures
during the Administration reform process
in the Republic of Montenegro

Within the expected four-year terms of office, 2002-2006, the Government intends to perform necessary reform activities to execute the planned projects determined within this Strategy, according to scheduled stages.

**Assumptions**

- Unambiguous and broad political support to the administrative reform process;
- Necessary material means for the realization of the reform;
- Necessary time for the execution of reforms and prompt execution of the most important steps, as well as overcoming of expected resistance to the reform;
- A quality strategy for realization of the reform, especially during the stage of implementation of the most important changes, when the greatest resistance to the reform proposals could be expected;
- Need for changing some existing structures and replacement of certain performers of administrative functions (with consistent application of the principle of responsibility for work results in administrative bodies);
- Support of citizens to the overall process of the administrative reform.
Main aims and contents of measures

1) The Government will start with the reform activities immediately and in accordance with strategic principles, but without hesitation and postponement of necessary steps, whereby it will insist on the development of Montenegro as a modern legal and social state;

2) By reducing i.e. merging of some administrative functions, the Government will provide institutional prerequisites for performing the reform, especially through:

   a) establishment of a forum for coordination of the administrative reform process at governmental level, with the aim to assure a clear and permanent political support to the reform process (head of this forum should be the Prime Minister, Minister of Justice as his deputy, and members - ministers and heads of the most important sectors in this field);

   b) All projects within this field on the so-called “general level” will be prepared by the Inter-ministerial working group, chaired by the competent Deputy Minister of Justice;

   c) The Council for the State Administration Reform, which has been established by the Ministry of Justice, will act as an external Strategic-advisory body;

   d) At the operational level, the Government will establish an Institution for Human Resources Management in the Administration, which involves the following:

      - setting up an internal labor market within the Administration
      - an uniform management and development of the most important
human resources within the Administration
- providing a systematic and permanent training for civil servants
- the development of work methods and techniques within the Administration, and
- coordination of the administrative work at the central and local level of the administrative system.

e) The Government will provide mechanisms for coordination of all forms of foreign technical assistance to the administrative reform process by EU, CoE, UN, OSCE, USAID, as well as by other governmental and non-governmental institutions, multilateral and bilateral programs of Foreign Technical Assistance;

f) The Government will provide specific funds within the budget for the realization of the Public Administration Reform process, with simultaneous adaptation of the budget structure to the needs of new functioning of the Public Administration.

3) The Government will strengthen relations with the international community in a functional as well as in an institutional sense, and try to include the Republic of Montenegro into contemporary international integration processes. In this sense, the Government will immediately start with preparations in order to meet all necessary requirements for accession of the Republic of Montenegro to the European Union and other international organizations;

4) The Government will continue with the improvement of the capacities of the Administrative system - particularly through additional training and stimulations for successful work of civil servants;
5) The Government will insist on rationalization of the current public expenses - through reorganization, cancellation of unnecessary jobs and functions, delegation of non-administrative tasks to other legal entities, raising the level of capability of the administrative staff, as well as through the introduction of new working methods and techniques into the Administration; The Government will use budgetary savings for the establishment of a stimulating environment for work within the Administration in order to employ and keep the most capable staff. The scope of the Administration will correspond to the financial and general material potentials of the Republic of Montenegro;

6) For institutions performing reform activities, the Government will provide all necessary conditions for successful realization of their work, including an order to all administrative bodies to assure full support to the work of those institutions;

7) The Government will connect administrative reform process with the economic reform process, as well as with the reform processes in the other fields of the social system, particularly through the establishment of inter-ministerial coordination and introduction of implementation procedures for various forms of cooperation in the mentioned fields;

8) The Government will take full responsibility for ensuring a permanent information flow towards the general and professional public about the state and development of the administrative reform process - through mass-media and open and transparent work of the administrative system; this will ensure general acceptance by the citizens and other legal entities, and also enable the Government to reach the aims of the administrative reform process. In this way the mentioned segments of social life will be
stimulated to participate in the expected reform processes to the highest possible extent.
Annex I

Role of the Government and the State Administration in the Public Administration Reform Process in Montenegro
Role of the Government and the State Administration in the Public Administration Reform process in Montenegro

The Government is the key promoter and incumbent of the administrative reform process. Without a clear and resolute political support it is not possible and makes no sense to even start the reform of this system. In this sense, the Government is adopting this Strategy for Public Administration Reform in Montenegro and within this framework it is setting objectives and criteria for assessment of success of performed steps during the reform process. Thereby the system should remain flexible and encompass mechanisms that ensure constant feedback and appropriate flow of information on the success and achieved results. Such feedback information enables the correction of possible mistakes and omissions. Within the entire process, the Government has different roles in different situations, which can be classified into the following general categories:

The Government as an actor of policy making has the following task:

- to create harmonized and efficient public policies in all domains, what can be achieved by better decision-making processes, good coordination and quality regulation; in that sense, it is particularly important to maintain the control over information flows, which are of crucial significance for fast and efficient decision-making, as well as for the control of the assessment of the substance of individual public policies and their effects;

- to involve a wider circle of interest groups into the processes of the preparation of public policies and legislation.
Immediate activities of the Government:

- further development of strategies, structures and sub-systems that enable efficient management; it is equally important to eliminate unnecessary obstacles and introduce various mechanisms for the stimulation of efficient operation of all elements of the administrative system;

- introduction of efficient methods of assessment and monitoring of the quality of administrative work, particularly by means of increase of individual responsibility and orientation towards quality performance of assigned tasks;

- introduction of motivation mechanisms and better training of civil servants, along with a developed professional ethics.

Development of strategic capabilities of the Public Administration System, which involves:

- development of the capability of the Public Administration to quickly respond to expected changes in its relevant system environment;

- development of the capability of the Public Administration to act strategically and to be capable to react to all challenges and obstacles;

- forming of a strategic approach in the Human Resources Management processes.

The Government and the Administration as promoters of development, which involves:

- creating conditions for offering a higher level of quality of public services in all
acceptable institutional and ownership forms; this implies defining of ownership forms under public law, private law and the their combination, possibility to choose between service-providers in the Administration, which enables an increase of quality of such services and an increase of the level of efficient utilization of resources;

- prevention of unnecessary burdens to citizens and business entities (this also implies deregulation in over-regulated areas, and within this process ensuring as simple as possible procedures for the realization of rights and freedoms of citizens, business entities, other legal persons and clients);

- and, last but not least, this also includes introduction of mechanisms for improvement of cooperation between the public and private sector.
The Government and the Administration as incumbents of reform will ensure the following:

- openness of the administrative system towards changes and influences from the relevant system environment, **adaptability** of the system and its proactive approach, and, in the broadest sense, **stimulation of inventiveness and reduction of resistance towards the acceptance of risks in the administrative system**;
- ability to learn from one’s own experience and from experiences of others;
- implementation of strategies, and subsequent systematic monitoring and evaluation of successfullness of implemented measures; what is also particularly important is comparison of achieved results with the expected results, as well as correction of adopted and implemented measures;
- creation of **working links among the administrative bodies on the sectoral interest principle**;
- speeding up the implementation of the reform, which means that it is necessary to **shift from classical bureaucratic methods to modern methods of team and project work in all administrative domains**, where the system of hierarchical subordination and management is not necessary. This implies a subsequent **quality evaluation of achieved results**.
Annex II

Methodological and organizational aspects and conclusions
Methodological and organizational aspects and conclusions

I.

It is necessary to take into account the extremely wide scope of planned activities and the coordination of the entire process of administrative reform that has to be performed from one focal point. It is also important to have in mind the need to regulate and coordinate general issues of the administrative system, administrative law and procedures at an appropriately high level of the administrative hierarchy on one hand, and to ensure coordination of issues that belong to particular ministries within the ‘sector approach’ on the other hand. All this imposes a need to create an appropriate functional and structural harmonization of all activities and measures. This particularly refers to accession of Montenegro to the European Union and other international institutions and to the process of increase the quality level in the functioning of the administrative system.

During this reform process, the fact that has to be taken into consideration is that there are a number of key issues on which the success of the whole transformation process depends. Those issues and questions are primarily:

1. **Permanent and consistent continuation of the reform process has to be secured.** The center of the administrative system has to develop and keep its strategic position within this process, in order to ensure the execution of the necessary changes during the reform process.

2. **The administrative organizations will have to be provided with sufficient capacities for the sake of the execution of the reform process.** The central segment of the administrative system will have to
set up the general frameworks for the execution of particular planned activities. The center will also have to keep its leading role during this process.

3. Balanced, constant, broad and apparent political support at the highest level of the system will have to be provided for the successful implementation of the process of administrative reform. Besides, clear methods of performance measurement of the administrative reform process will be created. The political establishment as well as the general public will be in the position to constantly follow and evaluate the achievements of the entire reform process. In addition to the political support, other preconditions, such as sufficient time for performing the reform - an appropriate “timing”, and finally a public promotion of the significance of its performance should be provided for a successful execution of the reform process. The lack of any of the mentioned preconditions would disable or at least significantly limit the possibility for a successful execution of the administrative reform process.

4. During the process of creating strategies and projects, the Government of the Republic of Montenegro will include as many representatives of different interest groups as possible in order to ensure appropriate goals and secure the success of the realization of strategic and project documents. This particularly refers to the incorporation of the citizens into the processes of decision-making in the broadest possible extent.

5. Finally, the Government of Montenegro will provide the necessary material and financial means for the execution of the reform process. Even though it is possible to expect some support from foreign technical assistance, the administrative reform will have to be reflected within the budgetary lines as well. On the other side, the budget itself represents a mechanism for the execution of the administrative reform process. It is possible to estimate that for the administrative
reform process in the period from mid 2004 to the end of 2006, it will be necessary to provide approximately about 2 million €, which does not comprise the funds needed for equipment of the Public Administration and the Local Self-government with information technology. Similarly, there will be a need for finding the financial means for the continuation of the reform process during the period from 2007 to 2009. This means that the “normative part of the reform process” should cost approximately 3 million €.

II.

Objective evaluation of the success and real outcomes of the reform process is possible only if there is a possibility for critical estimation of previously carried out activities and an estimation of feasibility of the planned program and project tasks; it is also necessary to provide the possibility of constant follow up of the effects of undertaken activities.

Adoption of appropriate constitutional and legal system solutions and the process of reasonable decentralization and de-concentration of competencies and tasks of the Central Administration represent, without any doubt, important steps within the process of gradual reorganization of the administrative system. However, all this is just a starting point i.e. an initial stage of the reform process, which must be followed by a whole set of further concrete steps and activities, which will have to be structurally and organizationally well-measured, while they are mutually interconnected and very often condition each other.

The most important question regarding the possibility to carry a successful administrative reform is the question of sufficient absorption capacity of the administrative system. In this sense, the main problem is the question of capability
of the system to carry out the transformation and reform process. An additional question is how to raise the absorption capacity, if it is insufficient. The straight answer to the above questions is the development of appropriate training programs for civil servants, the development of a performance measurement system, as well as a system of appropriate stimulation and the punishment of negligence. Finally, there will be also a need for raising the intensity of the international expert and scientific cooperation.

According to the above-mentioned, the following will have to be ensured in the administrative system:

- training of a certain number of civil servants in the field of system development of the State administration (organization, methods and techniques of work); All this will be executed with the aim to introduce and maintain a modern approach of administrative work (project work, Human Resources Management, introduction of the mechanisms for performance measurement, etc.).

- an organizational basis for the establishment and operation of a national Agency for Human Resources Management has to be provided; Such an institution should also have a Unit for preparation and performing of a program of professional and functional training for civil servants, and a Unit for the development of methods, techniques and procedures of work in the Administration.
III.

In an operational sense, some concrete mechanisms for the realization of the mentioned strategic aims of the Government of the Republic of Montenegro will have to be provided. Only in such a way is it possible to reach the stated strategic aims of the administrative system reform. In this respect, first of all, some specific mechanisms for the co-ordination and decision-making should be created:

- a political co-ordination and management of the administrative reform process will be placed at the highest level in the administrative system, i.e. it will be allocated to the Prime Minister. Such a level of co-ordination will provide permanent political and strategic support and steering of the reform process, and also secure the control of the process of implementation and realization of the reform goals;

- at a lower level, a function of co-ordination of work of key ministries and other administrative bodies should be set up within the special Inter-ministerial Council (members will be the Secretaries General of ministries and Deputy Ministers responsible for some key areas in the administrative reform process);

- Within the structure of the Government of Montenegro, an Agency for Human Resources Management in the Administration will be established, which will have a key role in the process of reforming the administrative system. This institution will have three internal units: a) for Human Resources Management in the Administration; b) for Providing Permanent Training of Civil Servants; and c) for the Development and
Introduction of New Methods and Techniques of Work in the Administration;

- The realization of this strategy represents further personnel and technical capacity building of the Ministry of Justice as the reform agent within its competency.
Annex III

Time frames and financial consequences of the implementation of the reform process

(2002 - 2004)
(2004 - 2006)
(2007 - 2009)
I.

Period from 2002 - 2004
**FIELD: STATE ADMINISTRATION REFORM**

<table>
<thead>
<tr>
<th>TASKS</th>
<th>DEADLINES</th>
<th>PLANNED BUDGET</th>
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<tbody>
<tr>
<td>1. Preparation of constitutional revision - functioning of the administrative system in Montenegro</td>
<td>by 30.6.03</td>
<td>*</td>
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<tr>
<td>2. Adoption of the Law on State Administration</td>
<td>by 30.6.03</td>
<td>*</td>
</tr>
<tr>
<td>3. Preparation of the Law on Inspection Control</td>
<td>by 30.6.03</td>
<td>*</td>
</tr>
<tr>
<td>4. Preparation of the Law on State Civil Servants</td>
<td>by 30.11.03</td>
<td>*</td>
</tr>
<tr>
<td>5. Preparation of the Law on Salaries in State Administration</td>
<td>by 30.11.03</td>
<td>*</td>
</tr>
<tr>
<td>6. Implementation of the Law on State Administration (normative regulation of the structure of the State Administration System on the level of secondary regulations and training of civil servants for implementation of laws)</td>
<td>1 year after adoption</td>
<td>*</td>
</tr>
<tr>
<td>7. Preparation of secondary legislation from pts. 2, 3, 4 and 5.</td>
<td>6 months after adoption</td>
<td>*</td>
</tr>
<tr>
<td>8. Introduction and implementation of mechanisms (laws, secondary legislation and administrative measures) for prevention of illegality and corruption; task of the Agency for Anti-Corruption Initiative in cooperation with the Ministry of Justice</td>
<td>In accordance with specific projects</td>
<td>*</td>
</tr>
<tr>
<td>9. Training of civil servants in successful and efficient implementation of adopted regulations</td>
<td>Immediately after adoption of regulations</td>
<td>*</td>
</tr>
<tr>
<td>10. Information and involvement of the expert and general public in the processes of drafting the regulations and specific training</td>
<td>permanently</td>
<td>*</td>
</tr>
</tbody>
</table>

TOTAL 1-10

* - resources for the realization of these tasks are provided in the framework of the PARiM Project - Public Administration Reform in Montenegro, an EU-funded project, managed by the European Agency for Reconstruction (1.8 mil. € until the beginning of 2004).

Ministry of Justice of the Republic of Montenegro
<table>
<thead>
<tr>
<th>TASKS</th>
<th>DEADLINES</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Preparation of constitutional revision - functioning of the Local Self-Government system in Montenegro</td>
<td>by 30.6.03</td>
<td>*</td>
</tr>
<tr>
<td>12. Adoption of the Law on Local Self-Government</td>
<td>by 31.12.03</td>
<td>/</td>
</tr>
<tr>
<td>13. Adoption of the Law on Election of the President of the Municipality/Law on Local Elections</td>
<td>by 31.12.03</td>
<td>/</td>
</tr>
<tr>
<td>15. Adoption of the Law on the Capital City</td>
<td>by 31.12.03</td>
<td></td>
</tr>
<tr>
<td>16. Adoption of the Law on the Cultural Capital</td>
<td>by 31.12.03</td>
<td></td>
</tr>
<tr>
<td>17. Preparation of secondary legislation from pts 12, 13, 14, 15 and 16</td>
<td>6 months after adoption</td>
<td>-</td>
</tr>
<tr>
<td>18. Training of civil servants in successful and efficient implementation of adopted regulations</td>
<td>Immediately after adoption of regulations</td>
<td>-</td>
</tr>
<tr>
<td>19. Information and involvement of the expert and general public in the processes of drafting the regulations and specific training</td>
<td>permanently</td>
<td>-</td>
</tr>
</tbody>
</table>

**TOTAL 11-19**

* - resources for the realization of these tasks are provided in the framework of the PARiM Project - Public Administration Reform in Montenegro, an EU-funded project, managed by the European Agency for Reconstruction (1.8 mil. € until the beginning of 2004).
/ - already completed task - only adoption of regulations remaining
- - no financial consequences

Ministry of Justice of the Republic of Montenegro
### FIELD: REFORM OF PUBLIC SERVICES

<table>
<thead>
<tr>
<th>TASK</th>
<th>DEAD LINES</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>20. Analysis of the situation in the field</td>
<td>by 30.6.04</td>
<td>35.000 €</td>
</tr>
<tr>
<td>21. Preparation of Action Plan in this field</td>
<td>by 30.6.04</td>
<td>35.000 €</td>
</tr>
<tr>
<td>22. Promotion of new forms and possibilities of participation of the private sector in performing public services (awareness raising, information campaigns, etc.)</td>
<td>permanently</td>
<td>10.000 €</td>
</tr>
</tbody>
</table>

**TOTAL 20-22** | | **80.000 €**
### FIELD: PROTECTION OF INDIVIDUAL RIGHTS IN RELATION WITH THE ADMINISTRATION

<table>
<thead>
<tr>
<th>TASKS</th>
<th>DEADLINES</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>23. Adoption of the Law on Ombudsman/Protector of Human Rights and Fundamental Freedoms</td>
<td>by 31.7.03</td>
<td>/</td>
</tr>
<tr>
<td>24. Implementation of the Law on the Protector of Human Rights and Fundamental Freedoms</td>
<td>6 months after adoption</td>
<td>160.000 €</td>
</tr>
<tr>
<td></td>
<td></td>
<td>40.000 € * (EAR)</td>
</tr>
<tr>
<td>25. Preparation of the General Administrative Procedure Act</td>
<td>by 30.7.03</td>
<td>*</td>
</tr>
<tr>
<td>26. Preparation of the Law on Administrative Dispute</td>
<td>by 30.7.03</td>
<td>*</td>
</tr>
<tr>
<td>27. Preparation of secondary legislation from points 23 and 25.</td>
<td>6 months after adoption</td>
<td>-</td>
</tr>
<tr>
<td>28. Training of civil servants in successful and efficient implementation of adopted regulations</td>
<td>Immediately after adoption of regulations</td>
<td>*</td>
</tr>
<tr>
<td>29. Information and involvement of the expert and general public in the processes of drafting the regulations and education processes</td>
<td>permanently</td>
<td>20.000 €</td>
</tr>
</tbody>
</table>

TOTAL 23-29: 180.000 €

* - resources for the realization of these tasks are provided in the framework of the PARiM Project - Public Administration Reform in Montenegro, an EU-funded project, managed by the European Agency for Reconstruction (1.8 mil. € until the beginning of 2004).

- - no financial consequences
II.

*Period from 2004 - 2006*
### FIELD: STATE ADMINISTRATION REFORM

<table>
<thead>
<tr>
<th>TASKS</th>
<th>DEADLINES</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Analysis of the current status of informatization of Public Administration (situation analysis, overview of procedures, IT equipment, interconnection and networking, etc.)</td>
<td>by 31.12.04</td>
<td>35,000 €</td>
</tr>
<tr>
<td>Establishment of communication links between the administrative system in Montenegro and administrative systems of EU Member States (identification of institutions, establishment of links, cooperation in exchange of experiences and documents, etc.)</td>
<td>by 30.06.05</td>
<td>35,000 €</td>
</tr>
<tr>
<td>Arrangement of IT and administrative links and procedures between the administrative system of the State on the central level and administrative systems on the local level (situation analysis, interconnection, standardization of administrative procedures, etc.)</td>
<td>by 31.12.06</td>
<td>40,000 €</td>
</tr>
</tbody>
</table>

**TOTAL 30-32** | 110,000 €

* - resources for the realization of these tasks are provided in the framework of the PARiM Project - Public Administration Reform in Montenegro, an EU-funded project, managed by the European Agency for Reconstruction (1.8 mil. € until the beginning of 2004).

** - these resources do not include the purchase of IT equipment.
### FIELD: LOCAL SELF-GOVERNMENT REFORM

<table>
<thead>
<tr>
<th>TASKS</th>
<th>DEADLINES</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>33. Implementation of the Law on Local Self-Government</td>
<td>by 30.9.05</td>
<td>35.000 €</td>
</tr>
<tr>
<td>34. Implementation of the Law on Election of the President of the Municipality/Law on Local Elections</td>
<td>by 30.9.05</td>
<td>35.000 €</td>
</tr>
<tr>
<td>35. Implementation of the Law on Financing of Local Self-Government</td>
<td>by 30.9.05</td>
<td>35.000 €</td>
</tr>
<tr>
<td>36. Implementation of the Law on the Capital City</td>
<td>by 30.9.05</td>
<td>35.000 €</td>
</tr>
<tr>
<td>37. Implementation of the Law on the Cultural Capital</td>
<td>by 30.9.05</td>
<td>35.000 €</td>
</tr>
<tr>
<td>38. Development and further modernization of the local self-government system</td>
<td>by 31.12.06</td>
<td>60.000 €</td>
</tr>
<tr>
<td>39. Analysis of the state of informatization of local self-government (situation analysis, overview of procedures, IT equipment, interconnection and networking, etc.)</td>
<td>by 31.12.06</td>
<td>35.000 €</td>
</tr>
</tbody>
</table>

**TOTAL 33-39**                                                          |             | 270.000 €      

** - these resources do not include the purchase of IT equipment.
### FIELD: REFORM OF PUBLIC SERVICES

<table>
<thead>
<tr>
<th>TASKS</th>
<th>DEADLINES</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>40. Preparation of the Law on the Position, Affairs and Manner of Execution of Public Services (e.g. agencies)</td>
<td>by 31.12.04</td>
<td>40,000 €</td>
</tr>
<tr>
<td>41. Preparation of the Law on Public Funds</td>
<td>by 31.12.04</td>
<td>40,000 €</td>
</tr>
<tr>
<td>42. Ownership issues within the system of public services (legal organization analysis, preparation of a study, preparation of recommendations, preparation of timing and financial action plan, etc.)</td>
<td>by 30.6.06</td>
<td>35,000 €</td>
</tr>
<tr>
<td>43. Deregulation, liberalization and further privatization of some public services.</td>
<td>by 30.6.06</td>
<td>40,000 €</td>
</tr>
</tbody>
</table>

**TOTAL 40-43** 155,000 €

### FIELD: PROTECTION OF INDIVIDUAL RIGHTS IN RELATION WITH THE ADMINISTRATION

<table>
<thead>
<tr>
<th>TASKS</th>
<th>DEADLINES</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>44. Further development of forms of protection of individual rights in relation with the administration (analysis of current forms of protection, analysis of functioning of the Ombudsman institution in Montenegro and abroad, preparation of reports and recommendations for this domain, etc.)</td>
<td>by 31.12.05</td>
<td>35,000 €</td>
</tr>
<tr>
<td>45. Inclusion of Montenegro in the existing international mechanisms of protection of individual rights.</td>
<td>by 30.6.06</td>
<td>35,000 €</td>
</tr>
</tbody>
</table>

**TOTAL 44-45** 70,000 €

Ministry of Justice of the Republic of Montenegro
### FIELD: DEVELOPMENT AND FURTHER IMPROVEMENT OF THE OPERATION OF THE ADMINISTRATIVE SYSTEM

<table>
<thead>
<tr>
<th>TASKS</th>
<th>DEADLINES</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training of officials and civil servants related to EU standards,</td>
<td>by 31.12.06</td>
<td>50,000 €</td>
</tr>
<tr>
<td>organization and operation of administrative systems - state level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training of officials and civil servants related to EU standards,</td>
<td>by 31.12.06</td>
<td>50,000 €</td>
</tr>
<tr>
<td>organization and operation of administrative systems - local level</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Further development of the system of permanent training of civil</td>
<td>by 31.12.06</td>
<td>100,000 €</td>
</tr>
<tr>
<td>servants in Montenegro</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL 46-48</strong></td>
<td></td>
<td><strong>200,000 €</strong></td>
</tr>
</tbody>
</table>

Ministry of Justice of the Republic of Montenegro
III.

Period from 2007 - 2009
### FIELD: STATE ADMINISTRATION REFORM

<table>
<thead>
<tr>
<th>TASKS</th>
<th>DEADLINES</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>49. Continuation of establishing communication and cooperation between the administrative system in Montenegro and administrative systems of EU Member States and the European Union.</td>
<td>by 31.12.07</td>
<td>40.000 €</td>
</tr>
</tbody>
</table>

**TOTAL 49** 40.000 €

### FIELD: LOCAL SELF-GOVERNMENT REFORM

<table>
<thead>
<tr>
<th>TASKS</th>
<th>DEADLINES</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>50. Further modernization of the local self-government system (analysis and elimination of deficiencies in the operation of the system, further improvement of the system, training of civil servants).</td>
<td>by 31.12.08</td>
<td>100.000 €</td>
</tr>
</tbody>
</table>

**TOTAL 50** 100.000 €

### FIELD: PROTECTION OF INDIVIDUAL RIGHTS IN RELATION WITH THE ADMINISTRATION

<table>
<thead>
<tr>
<th>TASKS</th>
<th>DEADLINES</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>51. Inclusion of Montenegro in the existing supra-national mechanisms of protection of individual rights in relation with the administration.</td>
<td>by 31.12.09</td>
<td>50.000 €</td>
</tr>
</tbody>
</table>

**TOTAL 51** 50.000 €
FIELD: DEVELOPMENT AND FURTHER IMPROVEMENT OF THE OPERATION OF THE ADMINISTRATIVE SYSTEM:

<table>
<thead>
<tr>
<th>TASKS</th>
<th>DEADLINES</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>52. Introduction of the regulatory analysis system in the administrative system (Regulatory Impact Analysis).</td>
<td>by 31.12.09</td>
<td>50.000 €</td>
</tr>
<tr>
<td>53. Introduction of modern working methods of administration (One-stop-shops, i sl.).</td>
<td>by 31.12.09</td>
<td>50.000 €</td>
</tr>
<tr>
<td>54. Introduction of quality standards of administrative institutions (ISO standards, CAF methodology, business excellence and alike).</td>
<td>by 31.12.09</td>
<td>300.000 €</td>
</tr>
<tr>
<td>TOTAL 52-54</td>
<td></td>
<td>400.000 €</td>
</tr>
</tbody>
</table>
**SUMMARY OF NECESSARY FINANCIAL RESOURCES: 2002 - end of 2009 FOR ALL FIELDS:**

<table>
<thead>
<tr>
<th>TASKS</th>
<th>PLANNED BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL 1-10</td>
<td>2002-2004</td>
</tr>
<tr>
<td>TOTAL 11-19</td>
<td>2002-2004</td>
</tr>
<tr>
<td>TOTAL 20-22</td>
<td>2002-2004</td>
</tr>
<tr>
<td>TOTAL 23-29</td>
<td>2002-2004</td>
</tr>
<tr>
<td>TOTAL 30-32</td>
<td>2004-2006</td>
</tr>
<tr>
<td>TOTAL 33-39</td>
<td>2004-2006</td>
</tr>
<tr>
<td>TOTAL 40-43</td>
<td>2004-2006</td>
</tr>
<tr>
<td>TOTAL 44-45</td>
<td>2004-2006</td>
</tr>
<tr>
<td>TOTAL 46-48</td>
<td>2004-2006</td>
</tr>
<tr>
<td>TOTAL 49</td>
<td>2007-2009</td>
</tr>
<tr>
<td>TOTAL 50</td>
<td>2007-2009</td>
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<tr>
<td>TOTAL 51</td>
<td>2007-2009</td>
</tr>
<tr>
<td>TOTAL 52-54</td>
<td>2007-2009</td>
</tr>
<tr>
<td>TOTAL - ALL</td>
<td>2002-2009</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>80.000 €</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>180.000 €</td>
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<tr>
<td></td>
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<td>50.000 €</td>
</tr>
<tr>
<td></td>
<td>400.000 €</td>
</tr>
<tr>
<td></td>
<td>1.655.000 €</td>
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