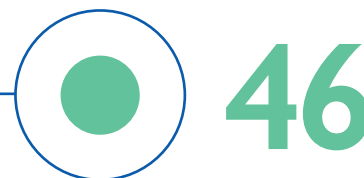


Montenegro



Summary of Findings

I. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The Law on Limiting Use of Tobacco Products has no explicit provisions on limiting government interaction with the tobacco industry (TI), nor explicit provisions ensuring transparency if there is interaction between the TI and government officials.

The government has a legal obligation to organize discussions with various stakeholders, including business associations in which tobacco companies are members, during the drafting of legislation. Some proposed amendments by tobacco companies were accepted in the Law on Limiting Use of Tobacco Products in 2019.

No evidence was found of the government inviting or allowing the TI to participate in official inter-agency committees or advisory groups that shape health policy. However, representatives of business associations, including the Chamber of Economy and Union of Employers, hold memberships in government advisory bodies related to different sectors.

The government does not nominate representatives from the TI to delegations attending the Conference of the Parties (COP) or subsidiary bodies. TI representatives were not part of the delegation to the ninth session of COP in 2021.

2. INDUSTRY CSR ACTIVITIES

There is no comprehensive ban on tobacco sponsorship or corporate social responsibility (CSR) activities in Montenegro. There are no cases of government agencies or officials participating in such CSR activities.

There have been several recorded donations from the tobacco sector to the national hospital, the Clinical Center

of Montenegro, which is the country's biggest national public clinical center. The donations include medical equipment and financial support.

3. BENEFITS TO THE INDUSTRY

The government has implemented changes in excise taxes on tobacco products, but there were no special conditions or longer timeframes granted to the TI. The government has partial ownership in the tobacco factory NDKP, and there have been changes in ownership and investments in the company.

The government provides subsidies to agricultural producers of tobacco as part of its agricultural policy and budget.

Duty-free import allowances for tobacco products exist for international travellers.

4. UNNECESSARY INTERACTION

Top-level government officials have been interacting with tobacco companies by attending their events. This includes the Prime Minister participating in an event organized by the American Chamber, where discussions were led by an executive from Philip Morris Montenegro. Additionally, traditional summits have taken place where TI representatives and high state officials discussed tax policies; potentially influencing decisions related to tobacco taxation.

There is no evidence of the government accepting assistance or offers of assistance from the TI for enforcement activities or policies related to tobacco control.

The government implemented a ban on the storage of tobacco products in the Port of Bar Free Zone to combat tobacco smuggling in 2021. There were discussions about the possibility of selling confiscated cigarettes to increase



public revenues, but the proposal was not adopted, and the decision was made to destroy the confiscated goods. High-level criminal cases have been opened, including the arrest of a Head of Customs Administration allegedly involved in the theft of confiscated cigarettes.

5. TRANSPARENCY

The government of Montenegro is not explicitly required to publicly disclose meetings or interactions with the TI. The Law on Free Access to Information states that information with an overriding public interest should be provided upon request, but it does not specifically address TI interactions.

The government requires registration of tobacco manufacturers, producers, wholesale distributors, and importers/exporters. The Directorate for Issuing Approvals for Production, Processing, and Trade of Tobacco Products maintains public registers of these entities on its official website. However, there is no specific requirement for the disclosure or registration of TI affiliated organizations or lobbyists.

Tobacco products and electronic cigarettes must be registered with the Ministry of Health, and these registers are publicly accessible on the Ministry's website. Reporting is required by the Law on Limiting Use of Tobacco Products and should be published on the Ministry of Finance Tobacco Agency's website; no available reports were found.

6. CONFLICT OF INTEREST

Montenegro does not prohibit contributions from the TI or entities working in its favour to political parties, candidates, or campaigns - though it does restrict sponsorship of certain activities.

There is no available data indicating that current government officials or their relatives hold positions in the TI or work as consultants. The Law on the Prevention of Corruption prohibits public officials from occupying specific positions in companies.

7. PREVENTIVE MEASURES

Montenegro does not have a specific procedure in place for disclosing records of interactions with the TI, including agendas, attendees, minutes, and outcomes. However, the Law on Free Access to Information is applicable to all government interactions with companies, including those from the TI.

While there are codes of conduct for MPs, higher executive branch officials, and civil servants and employees, these codes define general rules and do not have specific articles addressing the TI.

The code of conduct for MPs includes provisions related to conflict of interest and gifts, while the Code of Ethics for Civil Servants and Employees sets ethical standards and rules of conduct but does not specifically address the TI.



Recommendations

1. Establish explicit provisions in the law to limit government interaction with the TI and ensure transparency in all interactions.
2. Prohibit accepting or endorsing offers for assistance from the TI in setting or implementing public health policies related to tobacco control.
3. Implement a comprehensive ban on tobacco sponsorship and corporate social responsibility activities to prevent tobacco companies from influencing public opinion or promoting their products through social initiatives. Prohibit government agencies and officials from participating in activities described as socially responsible by the TI to maintain public health objectives.
4. Strengthen regulations to prevent unnecessary interaction between government officials and tobacco companies, including attending events organized by the TI.
5. Strictly prohibit government officials from accepting or seeking assistance from the TI for enforcement activities or tobacco control policies.
6. Continue efforts to combat tobacco smuggling, enhance monitoring and enforcement mechanisms, and ensure the proper disposal and destruction of confiscated tobacco products.
7. Introduce legal requirements for the public disclosure of meetings, interactions, and records of government officials with the TI, including agendas, attendees, minutes, and outcomes.
8. Enhance legal framework to explicitly address interactions with the TI and ensure transparency and public accountability.
9. Establish specific regulations for the disclosure and registration of TI entities, affiliated organizations, and lobbyists, enhancing transparency and preventing undue influence.
10. Incorporate in the Law articles specifically addressing the dealings of public officials with the TI, outlining ethical standards, conflicts of interest, and measures to prevent undue influence.