



Dragana Jaćimović and Bojana Pravilović

The Endless Cycle of Amending the Law on Free Access to Information

The Law on Free Access to Information is one of the main tools used by research centers, non-governmental organisations, and the media. In Montenegro, the current Law was adopted in 2012 with the aim of establishing a legal framework aligned with European standards in the field of free access to information. The amendments introduced five years later further narrowed the scope of access to information held by public authorities.

Over the past 13 years, since its adoption in 2012 until 2025, the Law has undergone only one set of amendments, adopted in 2017. In the meantime, there have been several attempts over the past five years to adopt amendments to the Law; however, these proposals never reached consideration in Parliament, as they were either archived or withdrawn. In July 2024, the Government formed a working group to draft a new Law, which further delayed the improvement of the legal framework for free access to information. The draft of the new Law on Free Access to Information has been in parliamentary procedure for nine months, since February 2025.

The aim of this report is to provide an overview of the chronology of amendments to the Law on Free Access to Information, as well as the unsuccessful attempts to adopt changes that would address the problematic provisions of the current law.

Chronology of the Failures to Improve the Law on Access to Information

The current Law on Free Access to Information (hereinafter: the Law) was adopted in 2012, while the only amendments were passed in 2017. Instead of improving the situation in this area, they introduced additional restrictions on access (tax and business secrecy).¹ A new attempt by the Government in 2019 to introduce further limitations and discretionary powers for state authorities to restrict access to information faced strong public criticism² and warnings from the European Commission.³

At the end of 2020, civil society organizations proposed a Draft Law on Amendments to the Law as the first anti-corruption law for the newly formed 42nd Government.⁴ Six months later, the Government presented its own draft, when the latest public consultation on amendments to the Law was held. With the formation of the 43rd Government of Montenegro in 2022, the proposal for amendments was withdrawn from parliamentary procedure, together with all draft laws submitted by the previous Government.

In 2023, the Government submitted a second version of the Law to the Parliament of Montenegro. In the meantime, the 27th convocation of Parliament was dissolved, and upon the formation of the new, 44th Government, this Law was again withdrawn from procedure. This draft contained numerous negative setbacks from the earlier version that had undergone public consultation, introducing new unjustified exceptions, excluding the security sector from its scope, and introducing the concept of abuse of the right to free access to information.

The most recent amendments submitted by the Government in January 2024 were not included on the Parliament's agenda due to technical deficiencies identified by the Legislative Committee. This version of the Law was not accompanied by a public consultation, and discussion of its provisions occurred only during a control hearing before the parliamentary Committee on Political System, Judiciary and Administration.⁵ The Legislative Committee also rejected this proposal, on the grounds that it proposed changes to more than 50% of the Law.⁶

1 Some of these problems were outlined in the publication "Trade Secrets of Public Enterprises: Paradoxes of Practice in Montenegro", 2019, available at:

<https://institut-alternativa.org/en/trade-secrets-of-public-enterprises-paradoxes-of-practice-in-montenegro/>

2 Open letter from 44 NGOs ahead of the International Day for Universal Access to Information, September 27, 2019, available at: <https://institut-alternativa.org/en/open-letter-from-44-ngos-ahead-of-the-international-day-for-universal-access-to-information/>

3 In the Conclusion of the Special Working Group on Public Administration Reform, established between the European Union and Montenegro, whose 7th meeting was held on October 10-11, 2019, it is stated that „Montenegro will take into account the inputs received following the public consultations on the amendments to the Law on Free Access to Information, and in cooperation with SIGMA and the European Commission, will ensure compliance with european standars and principles of full and transparent access to information held by public administration, with limited restriction (such as issues of national security).“ Available at:

<https://www.gov.me/dokumenta/b3790827-f40d-468f-8a60-4b4380c8bb27>

4 First Anti-Corruption Law Proposed to the New Government, December 9, 2020, available at:

<https://institut-alternativa.org/en/first-anti-corruption-law-proposed-to-the-new-government/>

5 The consultative hearing (discussion) on the Draft Law on Amendments to the Law on Free Access to Information, submitted by the Government of Montenegro, was held on March 16, 2024, before the Committee on Political System, Judiciary and Administration. The hearing is available at the following link:

<https://www.youtube.com/watch?v=oWwxfoCbNS0>

6 The Report on the consideration of the Draft Law on Amendments to the Law on Free Access to Information, reviewed by the Legislative Committee at its session held on February 29, 2024. The Report is available at:

<https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/143/3301-19086-23-3-24-1-3.pdf>

The current Law on Free Access to Information		Submitted to parliamentary procedure →	 2012	Adopted ✓
Amendments to the Law on Free Access to Information		Submitted to parliamentary procedure →	 2019	Adopted ✓
Amendments to the Law on Free Access to Information		Submitted to parliamentary procedure →	 January 2022	Withdrawn from parliamentary procedure ✗
Amendments to the Law on Free Access to Information		Submitted to parliamentary procedure →	 April 2023	Withdrawn from parliamentary procedure ✗
Amendments to the Law on Free Access to Information		Submitted to parliamentary procedure →	 January 2024	Withdrawn from parliamentary procedure ✗

Instead of Amendments, a New Draft Law

After withdrawing the previous legislative text, instead of addressing the technical shortcomings identified by the Legislative Committee, the Ministry of Public Administration initiated the process of preparing an entirely new Law on Free Access to Information.⁷ At the end of June, a public call for “early consultations”⁸ on the preparation of the new Law was published. In July, a Working Group for drafting the Law on Free Access to Information was formed, including a representative of civil society.⁹ The Ministry announced that a special analysis would be prepared with the support of SIGMA, which would help align the Law with international regulations and directives, and that work on drafting the new Law would begin only after this analysis was completed.¹⁰ According to the explanation attached to the Proposed Law (in further text: Bill) submitted to parliamentary procedure, the working team held two meetings, after which the Draft was forwarded to the Government for consideration and adoption. Although the Ministry conducted early-stage consultations with the interested public, the legally required public consultations on the draft of the new Law did not take place. The Government adopted the Bill of the new Law on January 23, 2025. The Law was then sent to Parliament almost a month later.

Nearly three months after submitting the Bill to the Parliament, the Government of Montenegro adopted 20 amendments to the Law adopted earlier that year.¹¹ The announcement stated that the amendments aligned the legislative text with EU standards.¹² The previously submitted Law was placed on the agenda of the Legislative Committee on April 16¹³, while the Government forwarded the adopted amendments to parliamentary procedure the following day. Members of the Committee on Political System, Judiciary and Administration, as well as the Committee on Finance, Economy and Budget, supported the adoption of the Bill on April 23 and May 7.

7 Dukaj: We are actively preparing a new Law on Free Access to Information because it is a guarantee of improving democratic processes, Ministry of Public Administration, July 19, 2024, available at:

<https://www.gov.me/clanak/dukaj-aktivno-pripremamo-novi-zakon-o-spi-er-je-to-garant-unapredenja-demokratskih-procesa>

8 The public call for consultation with the interested public regarding the preparation of the Draft Law on Free Access to Information was published on June 28, 2026 and lasted 15 days, in accordance with the Regulation governing public participation in the drafting of laws. At this stage, consultations are conducted without an existing draft or any written document; instead, interested parties submit their proposals. The report on the consultation process with the interested public is available at:

<https://wapi.gov.me/download-preview/526b52e5-add1-46d2-bf2c-da01ca96dea3?version=1.0>

9 List of representatives of NGOs for membership in the Working Group for drafting the Proposal of the Law on Free Access to Information, Ministry of Public Administration, July 18, 2024, available at:

<https://www.gov.me/clanak/lista-predstavnika-ca-nevladinih-organizacija-za-clana-icu-u-radnom-tijelu-za-izradu-predloga-zakona-o-slobododnom-pristupu-informacijama>

10 Dukaj: We are actively preparing a new Law on Access to Information because it is a guarantee of improving democratic processes, Ministry of Public Administration, July 19, 2024, available at:

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11 Press release from the 76th session of the Government held on April 11, 2025, available at:

<https://www.gov.me/clanak/saopstenje-sa-76-sjednice-vlade>

12 The Directive on the re-use of public sector information from 2003 (Directive 2003/98/EC) and its amendments from 2013 (Directive 2013/37/EU), the Aarhus Convention, and the Tromsø Convention, i.e. the Council of Europe Convention on Access to Official Documents.

13 Information from the 72nd session of the Legislative Committee held on April 16, 2025, available at:

<https://www.skupstina.me/me/clanci/zapoceta-72-sjednica-zakonodavnog-odbora-2>

After MP Anđela Vojinović submitted amendments to the Bill on May 12, these, along with the Government's amendments, were considered by the Legislative Committee on May 30 and by the Committee on Political System, Judiciary and Administration on June 23. The amendments received committee support and, with the consent of the proposer — the Ministry of Public Administration — became an integral part of the Bill.

Half a year after being sent to Parliament for adoption under the urgent procedure, the Bill was placed on the Parliament's agenda on July 24, when the plenary debate was held.¹⁴ On the same day, MP Zoran Mikić submitted one amendment to the Law¹⁵, which was withdrawn six days later.¹⁶ However, despite MPs completing the discussion, the spring session of Parliament concluded without the Law being put to a vote.

Within the autumn session of Parliament, the Bill was again placed on the agenda of the fourth session, which began on November 7, 2025.¹⁷ In the meantime, six amendments to the Draft Law were submitted by two groups of MPs. Five amendments were submitted on November 27 by MPs Anđela Vojinović, Duško Stjepović and Momčilo Leković¹⁸, while one amendment was submitted by MPs Miloš Konatar, Milena Vuković, Dritan Abazović and Zoran Mikić.¹⁹

The importance of the final adoption of the new Law on Free Access to Information was also emphasised during the most recent meeting of the Public Administration Reform Special Group (PAR SG), held on November 19. One of the operational conclusions provides that "Montenegro will adopt a new Law on Free Access to Information and relevant by-laws, in line with the EU acquis, and begin its implementation." These conclusions are to be fulfilled by the end of the third quarter of 2026, as part of the criteria for closing Chapter 23 in the area of public administration reform²⁰ It is a fact that all users of the free access to information mechanism will have to wait some more time for an improved legislative framework, as the Bill provides that its application will begin only after the expiry of six months from its entry into force.

14 The Draft Law on Free Access to Information was considered in plenary during the Third Sitting of the Parliament of Montenegro – continuation of the spring session, held on July 24, 2025. The debate on this Draft Law is available starting from 10:45 of the recording at: https://www.youtube.com/watch?v=_FdLuGaewaM

15 The amendment proposed by MP Zoran Mikić is available at: <https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/484/3647-21736-23-3-25-8-14.pdf>

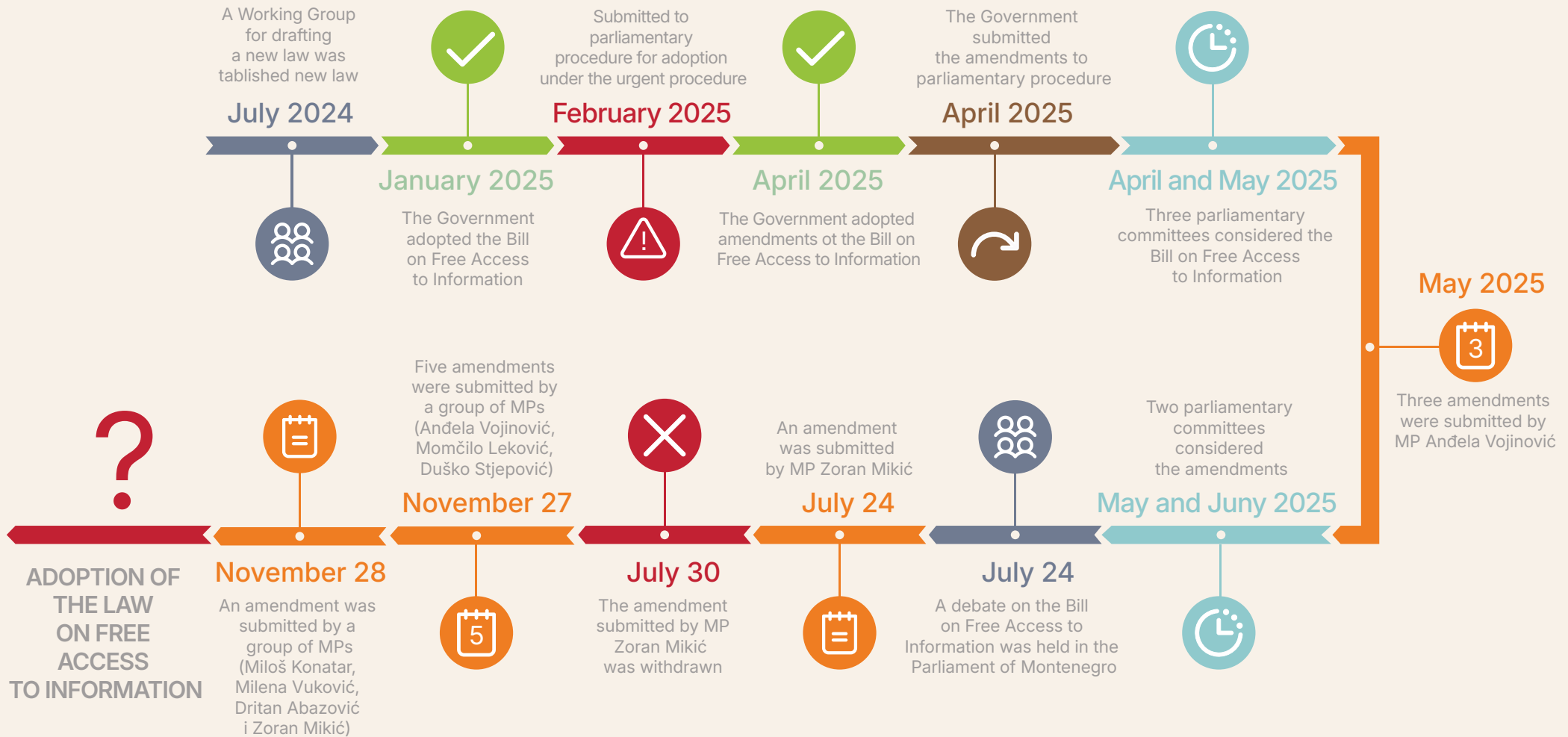
16 The letter withdrawing the amendment by MP Zoran Mikić, available at: <https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/484/3647-21902-23-3-25-8-16.pdf>

17 Agenda of the Fourth Sitting of the Second Regular (Autumn) Session in 2025, available at: <https://www.skupstina.me/me/sjednice/sjednice-skupstine>

18 The proposed amendment is available at: <https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/484/3647-22559-23-3-28-8-17.pdf>

19 The proposed amendment is available at: <https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/484/3647-22570-23-3-25-8-19.pdf>

20 Report of the 13th meeting of the Public Administration Reform Special Group (PAR SG) with the proposed agreed Operational Conclusions, available at: <https://www.gov.me/dokumenta/14003408-346b-4b0a-9c82-95a0f5fbc5fc>



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Jaglike Adžić 13, 8/30, 81 000 Podgorica
+382 (0) 20 268 686
info@institut-alternativa.org

EDITOR:

Stevo Muk

AUTHORS:

Dragana Jaćimović i Bojana Pravilović

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