985.
Pursuant to Article 95 item 3 of the Constitution of Montenegro, I hereby issue the

DECREE

PROMULGATING THE LAW ON THE ARMED FORCES OF MONTENEGRO

(Official Gazette of Montenegro 88/09 from 31 December 2009, 75/10 from 21 December 2010, 40/11 from 08 August 2011)

I hereby promulgate the Law on the Armed Forces of Montenegro adopted by the 24th Parliament of Montenegro, at its eighth sitting of the second ordinary session in 2009, on 23 December 2009.

No. 01-3206/2
Podgorica, 29 December 2009

The President of Montenegro,
Filip Vujanović, duly signed

Pursuant to Article 82 paragraph 1 item 2 and Article 91 paragraph 2 of the Constitution of Montenegro, the 24th Parliament of Montenegro, at its eighth sitting of the second ordinary session in 2009 held on 23 December 2009, adopted

THE LAW

ON THE ARMED FORCES OF MONTENEGRO

I GENERAL PROVISIONS

Subject of the Law

Article 1

The present Law regulates the organization of the Armed Forces of Montenegro (hereinafter: Armed Forces), service in the Armed Forces, rights, duties and status of persons in the Armed Forces during their service, and other issues relevant to the Armed Forces.

Use of gender-sensitive language

Article 2

All expressions used in this Law for natural persons shall refer equally to both, men and women.

II ORGANIZATION OF THE ARMED FORCES

Armed Forces

Article 3

The Armed Forces present a professional defense force guarding independence, sovereignty and the state territory of Montenegro, in accordance with principles of international law on the use of force, and shall carry out missions and tasks assigned to it.

The Armed Forces are subject to Parliamentary supervision and democratic and civil control, in accordance with the Constitution and the law.

The Armed Forces are organized into commands and units.

Components, branches and services

Article 4

The Armed Forces shall consist of components, branches and services.

Components of the Armed Forces shall be the following: Army, Air Force and the Navy.

The Government of Montenegro (hereinafter: the Government) shall designate branches and services.

Active and reserve forces

Article 5

The Armed Forces shall consist of active and reserve forces.

Active forces shall consist of military personnel and civilians serving in the Armed Forces.

Reserve forces shall consist of active and inactive reserve forces.

Size, structure and manner of engagement of active reserve forces shall be determined by a regulation adopted by the Government.

Military personnel shall consist of professional military personnel, recruits in training, and reserve forces personnel while serving in the Armed Forces.

Personnel serving in the Armed Forces shall include professional military personnel and civilians serving in the Armed Forces.

Professional military personnel

Article 6

Professional military personnel shall include:

1. Contract soldiers;
2. Non-commissioned officers and contract non-commissioned officers;
3. Officers and contract officers.

Civilians

Article 7

Civilians serving in the Armed Forces (hereinafter: civilians) shall be persons serving in the Armed Forces at positions defined by the organizational structure of the Armed Forces.

Reserve forces of the Armed Forces

Article 8

Reserve forces of the Armed Forces shall include:

1. Reserve soldiers;
2. Reserve non-commissioned officers;
3. Reserve officers.

While serving in the Armed Forces, persons referred to in paragraph 1 of this Article shall have the same rights and duties as professional military personnel, unless otherwise provided for by this Law.

The time that persons referred to in paragraph 1 of this Article spend in training, exercise, or within international forces abroad, shall, for the purpose of this Law, be considered as performance of the service in the Armed Forces.

A member of reserve forces of the Armed Forces who is engaged as an active reserve and members of reserve forces personnel while serving in the Armed Forces shall be entitled to financial compensation.

The amount of compensation from paragraph 4 of this Article shall be determined by the ministry in charge of defense (hereinafter: the Ministry).

Cadets

Article 9

Cadets are persons being educated in professional military schools and academies for service in the Armed Forces, either as non-commissioned officers or officers.

Cadets shall have the rights and duties provided for by this Law and regulations adopted by the Ministry.

Superiors and subordinates

Article 10

In terms of relations in the service, persons serving in the Armed Forces may be superiors or subordinates, whereas in terms of their ranks and duties, they may be senior or junior commanding officers.

A superior is a person who issues orders and manages commands and units as well as the personnel serving in them.

A senior commanding officer is, for the purpose of this Law, a person with a higher rank, or in case of persons having same ranks or without ranks – a person performing a higher duty.

Corresponding application of regulations

Article 11

Unless otherwise provided for by this Law, regulations on civil servants and state employees shall correspondingly apply to professional military personnel, persons in reserve forces and civilians.

III PRINCIPLES OF COMMANDING THE ARMED FORCES AND COMPETENCES

Commanding the Armed Forces

Article 12

Commanding in the Armed Forces shall be based on the principles of subordination, unity of command in terms of use of forces and assets, the single-command concept and the duty to implement decisions, instructions, commands and orders of superior commanding officers and relevant authorities.

Defense and Security Council

Article 13

The Defense and Security Council shall:

1. Bring decisions on commanding the Armed Forces of Montenegro;
2. Appoint and dismiss military-diplomatic representatives;
3. Perform other tasks in accordance with the Constitution and the law.

President of Montenegro

Article 14

The President of Montenegro shall:

1. Order the introduction of measures of readiness of the Armed Forces, in accordance with decisions of the Defense and Security Council;
2. Order mobilization of the Armed Forces, in accordance with decisions of the Defense and Security Council;
3. Act as the President of the Defense and Security Council;
4. Promote officers and reserve officers of the Armed Forces to their initial ranks.

Ministry

Article 15

The Ministry shall perform tasks related to the Armed Forces, as follows:

1. Use, development and equipping;
2. Managing human and material resources;
3. Planning, organizing and performing material and financial operations;
4. Primary health care;
5. Housing care;
6. Inspection tasks;
7. Accommodation and food;
8. Other tasks in accordance with the law.

In performing the tasks from paragraph 1 of this Article, the Ministry shall adopt: Plan of measures for organization, development, equipping and modernization of the Armed Forces; Military doctrine; Plan of measures of readiness of the Armed Forces; Armed Forces mobilization plan; Plan for manning the Armed Forces, and the Plan of training and professional development of persons serving in the Armed Forces; Plan of use of the Armed Forces; Organizational structure of the Armed Forces, and shall perform other tasks in accordance with the law.

Organizational structure of the Armed Forces determines positions in the Armed Forces, requirements for these positions, position groups, i.e. groups of jobs for determining salaries and the necessary material assets.

Organizational structure from paragraph 3 of this Article shall separately show those work positions in the Ministry, state authority, company or other organization to which non-commissioned officers and officers are allocated.

The Minister

Article 16

The Minister of Defense (hereinafter: Minister) shall:

1. Ensure that decisions on commanding the Armed Forces are enforced;
2. Decide upon entry into service, termination of service, and other rights and duties of persons serving the Armed Forces, related to the service;
3. Promote, appoint and dismiss non-commissioned officers, at proposal of the Chief of the General Staff;

3a. Assign ranks to cadets;

4. Propose appointment and dismissal of the Chief of the General Staff to the Defense and Security Council;
5. Propose promotion, appointment and dismissal of officers to the Defense and Security Council;
6. Promote non-commissioned officers and reserve non-commissioned officers to their initial ranks;
7. Propose appointment and dismissal of military-diplomatic representatives to the Defense and Security Council;
8. Propose to the President of Montenegro awarding medals and awards to persons serving in the Armed Forces;
9. Perform other tasks in accordance with the law.

Minister's acts from paragraph 1, item 2 of this Article shall be final.

Against the Minister's acts from paragraph 2 of this Article, proceedings before the relevant court may be initiated, within 15 days from the day when the act was received.

General Staff of the Armed Forces

Article 17

General Staff of the Armed Forces (hereinafter: General Staff) shall, as a separate organizational unit within the Ministry, perform tasks related to preparation for use of the Armed Forces.

Tasks from the paragraph 1 of this Article shall be the following:

1. Maintaining the level of readiness and combat readiness of the Armed Forces;
2. Developing command system in the Armed Forces;
3. Drafting proposals of:
   - Military doctrine,
   - Plan of use of the Armed Forces,
   - Mobilization plan of the Armed Forces,
   - Plan for manning the Armed Forces,
   - Plan of training and professional development of persons serving in the Armed Forces,
   - Plan of measures for organization, development, equipping and modernization of the Armed Forces;

4. Preparing personnel or the Armed Forces for participation in international forces;
5. Other tasks determined by the law.

Chief of the General Staff

Article 18

Chief of the General Staff shall organize the work of the General Staff and command the General Staff.

All commands and units of the Armed Forces shall be subordinated to the Chief of the General Staff.

Chief of the General Staff shall be responsible to the Minister for the situation in the Armed Forces.

Chief of the General Staff shall be a professional officer.

Chief of the General Staff shall be appointed and dismissed by the Defense and Security Council.

In performing the acts of commanding the Armed Forces, Chief of the General Staff shall issue commands, orders, instructions, and other acts.

IV RANKS IN THE ARMED FORCES

Ranks

Article 19

Ranks in the Armed Forces shall be:

1. For soldiers:
   - Private;
   - Corporal;
   - Lance Sergeant.
2. For non-commissioned officers:
   - Sergeant;
   - Sergeant 1st Class;
   - Staff Sergeant;
   - Staff Sergeant 1st Class;
   - Sergeant Major;
   - Sergeant Major 1st Class.
3. For officers:
   - 2nd Lieutenant – Ensign;
   - Lieutenant – Lieutenant Junior Grade;
   - Captain – Lieutenant;
   - Major – Lieutenant-Commander;
   - Lieutenant Colonel – Commander;
   - Colonel – Captain (N);
   - Brigadier General – Commodore;
   - Major General – Rear-Admiral;
   - Lieutenant General – Vice-Admiral;

- Colonel General – Admiral.

Ranks for cadets shall be determined by a regulation adopted by the Ministry.

V SERVICE IN THE ARMED FORCES

Service in Active and Reserve Forces of the Armed Forces

Article 20

Service in the Armed Forces shall refer to performance of military and other duties within active and reserve forces of the Armed Forces.

Service in the Armed Forces also shall include tasks performed by professional military personnel in the Ministry, other state administration body, state authority, company, or other organization.

Service in the Armed Forces can only be performed by Montenegrin nationals, and exceptionally, in wartime, also by persons not having Montenegrin nationality, if they apply as volunteers, provided that they have a residence permit in Montenegro.

The rules of service in the Armed Forces, as well as in branches, services and specialties, shall be determined by a regulation adopted by the Ministry.

Manning the Armed Forces

Article 21

Armed Forces shall be manned in accordance with the Plan for manning the Armed Forces.

During a state of war or state of emergency, the Armed Forces may also be manned with volunteers.

Volunteers shall, for the purpose of paragraph 2 of this Article, be persons who have otherwise not been assigned to defense duties.

In terms of their rights and duties, volunteers shall be equal with military personnel.

Mobilization of the Armed Forces

Article 22

Mobilization of the Armed Forces shall be carried out in a state of war and state of emergency.
According to the Mobilization Plan, through mobilization, the Armed Forces shall transform from a peacetime organization to a wartime organization and to state of readiness for defensive actions.

In terms of its scope, mobilization of the Armed Forces can be general or partial, while in terms of the manner in which it is carried out it can be public or secret.

General mobilization of the Armed Forces includes all units and commands, whereas partial mobilization includes only certain units and commands.

Carrying out mobilization of the Armed Forces

Article 23

Mobilization of the Armed Forces shall be carried out in accordance with the mobilization plans harmonized with the mobilization system.

Mobilization of the Armed Forces exercises

Article 24

Mobilization of the Armed Forces exercises may be carried out in peacetime, in order to test the mobilization and combat readiness.

Exercises from paragraph 1 of this Article shall be approved by the Minister, at proposal of the Chief of the General Staff.

Readiness of the Armed Forces

Article 25

Readiness of the Armed Forces includes undertaking measures of increased combat readiness, mobilization, organizational, security, command and other measures and actions necessary to prevent and remove threats to independence, sovereignty and the state territory of Montenegro.

Participation in international forces

Article 26

Participation of the Armed Forces in international forces shall be regulated by a separate law.

Providing material resources to and equipping the Armed Forces

Article 27

Tasks related to providing material resources to and equipping the Armed Forces shall be carried out by the Ministry.

Tasks from paragraph 1 of this Article shall be carried out by:

1. Equipping, modernization and maintenance of weapons and military equipment;
2. Constructing and maintaining infrastructure;
3. Providing material assets;
4. Transport of personnel and assets and performing other services;
5. Health care and veterinary services.

The Ministry shall decide upon the manner of providing material resources to and equipping the Armed Forces.

Providing material resources to and equipping the Armed Forces shall be organized and carried out in accordance with the plans of development and use of the Armed Forces.

Equipping the Armed Forces with weapons and military equipment shall be carried out in accordance with the law and ratified international conventions.

Reserves of material assets for needs of the Armed Forces

Article 28

Necessary reserves of material assets of the Armed Forces shall be provided by the Ministry.

The manner of providing and keeping reserves of material assets for needs of the Armed Forces shall be determined by the Government.

Oath

Article 29

Military personnel shall take an oath when entering the service in the Armed Forces.

Text of the oath shall read: “I swear that I shall defend independence, sovereignty and the state territory of Montenegro with conscience and honor and that I shall perform duties assigned to me in a responsible manner, in accordance with the law”.

Flag of the Armed Forces

Article 30

The Armed Forces shall have its flag.

Armed Forces units, designated by the Ministry in a special regulation, may have their own flags.

The Defense and Security Council, the President of Montenegro, Speaker of the Parliament of Montenegro, Prime Minister, Chief of the General Staff, Commander of a Navy Unit, and Commander of a Navy ship, shall have their rank flags.

Design and manner of use of flags from paragraphs 1, 2 and 3 of this Article shall be determined by the Government.

Insignia of the Armed Forces, ranks and military uniform insignia

Article 31

Insignia of the Armed Forces, General Staff, and Armed Forces Units, as well as design of ranks and military uniforms, insignia of branches, services, duties, i.e. specialties, shall be determined by the Government.

Persons who are not a part of the Armed Forces shall be prohibited from wearing military uniform or parts of military uniform.

Armed Forces Day

Article 32

The Armed Forces Day shall be October 07.

VI ADMISSION TO THE ARMED FORCES SERVICE

General admission conditions

Article 33

In order to be admitted to the service, a person shall satisfy the following general and special conditions:

1. A person must be Montenegrin national and may not have nationality of any other state;
2. A person must be capable for service in terms of his/her health;

3. A person must have appropriate education;
4. Persons who have been convicted to non-suspended imprisonment of more than six months shall not be eligible;
5. Persons against whom there are criminal proceedings instituted for crimes that are prosecuted ex-officio shall not be eligible;
6. Persons who are, by a legally binding decision, prohibited from performing any specific work or duty shall not be eligible;
7. Persons who were, due to serious breach of official position, dismissed from service in a state authority or legal entity in the past three years shall not be eligible.

Special admission conditions and the manner of determining health capability from paragraph 1 item 2 of this Article shall be envisaged by the Ministry.

Admission of persons to service in the Armed Forces

Article 34

Admission of persons to service in the Armed Forces, its active forces, reserve forces and the selection of cadets shall be organized through a public announcement conducted by the Ministry.

The admission procedure for persons from paragraph 1 of this Article shall be envisaged by the Ministry.

Contract on service in the Armed Forces

Article 35

Persons satisfying conditions referred to in Article 33 of this Law may be admitted into service in the Armed Forces to perform specific duties, based on the contract on service in the Armed Forces.

The contract from paragraph 1 of this Article shall determine: the unit, rank, specialty, duty, duration of service, salary, duty of service in the reserve forces laid down by Article 8 of this Law, and other rights in relation to service in the Armed Forces.

The contract from paragraph 2 of this Article may be extended in cases from and to the period defined in Article 173 of this Law.

Contract for admission into reserve forces on the basis of certain specialties

Article 36

Persons who do not have any military experience but have special knowledge and skills may be admitted to reserve forces provided that they fulfill the conditions referred to in Article 33 of this Law.

A person from paragraph 1 of this Article shall be admitted to reserve forces on the basis of a contract.

Education

Article 37

Appropriate education level, for the purpose of Article 33 paragraph 1 item 3 of this Law, shall be:

1. For soldiers: vocational high school education lasting at least three years, or general high school education;
2. For non-commissioned officers: vocational high school education lasting at least four years, or general high school education;
3. For officers: higher education – completed graduate specialist studies after obtaining a diploma for completed applied or academic undergraduate studies, i.e. education equal to graduate specialist studies.

Exceptionally, in accordance with Armed Forces needs, a person with a two-year vocational high school education, i.e. elementary education may be admitted to serve as a soldier.

Admission to service in the Armed Forces

Article 38

A person admitted to service in the Armed Forces for duty of a soldier shall be admitted at the rank of a soldier.

Cadets, i.e. scholarship students, shall be admitted to service in the Armed Forces after graduation without public announcements, at the initial rank of non-commissioned officer, or officer.

Other persons shall be admitted to service in the Armed Forces at the initial rank of officer, or non-commissioned officer.

Exceptionally from paragraph 3 of this Article, a person may be admitted to service in the Armed Forces at a different, higher rank, when this is in accordance with needs of the service.

Persons from paragraphs 3 and 4 of this Article, after their admission to service, shall be trained for independent performance of service duties.

The training programme and the manner of determining competence of persons from paragraph 5 of this Article for independent performance of service duties shall be envisaged by the Ministry.

Transfer to other branches, i.e. services

Article 39

Professional military personnel may be transferred from one branch or service to another, provided that they possess the appropriate education for the branch, i.e. service to which they are transferred and if this is in accordance with manning needs of the Armed Forces.

Providing that they have appropriate education, civilian persons serving in the Armed Forces may be made professional military personnel, if this is in accordance with manning needs of the Armed Forces.

Providing that they have appropriate education, contract soldiers may be made non-commissioned officers or officers, if this is in accordance with manning needs of the Armed Forces.

Non-commissioned officers and contract non-commissioned officers may be made officers under the conditions from paragraph 3 of this Article.

The manner of transferring or making professional military personnel, civilians, contract soldiers, non-commissioned officers and contract non-commissioned officers from paragraphs 1, 2, 3, and 4 of this Article shall be regulated in more details by the Ministry.

VII RIGHTS AND DUTIES OF PERSONS SERVING IN THE ARMED FORCES

Rights and duties

Article 40

Persons serving in the Armed Forces shall have the right and duty:

1. To protect independence, sovereignty and the state territory of Montenegro, in accordance with the law and international law on the use of force;
2. To carry out their duties on the basis of the Constitution, laws, other regulations and general acts;
3. To keep weapons, material, and financial assets entrusted to them during service;
4. To carry out their duties professionally and to obey orders;
5. To develop professionally;
6. To influence others positively through personal discipline, courage and unselfishness;
7. To wear the uniform, insignia of the Armed Forces and appropriate ID.

Professional development of persons referred to in paragraph 1 item 5 of this Article shall be determined through regulations of the Ministry.

Obligatory training of persons in reserve forces of the Armed Forces

Article 41

Persons in reserve forces of the Armed Forces shall attend scheduled trainings.

Time, scope and plan of training of persons from paragraph 1 of this Article shall be determined by the Ministry.

Duty to follow orders

Article 42

Persons serving in the Armed Forces shall be obliged to follow orders of a commanding officer during their service, except where execution of the order would constitute a criminal offence.

If a person serving in the Armed Forces receives an order whose execution would constitute a criminal offence, he/she shall inform the commanding officer superior to the commanding officer from paragraph 1 of this Article and the Minister thereof.

Duty to carry and use weapons

Article 43

Members of the Armed Forces shall carry and use weapons in accordance with the law and service regulations.

Military Police

Article 44

Military Police shall perform the tasks of: prevention and discovery of criminal offences in the Armed Forces, locating, capturing, and bringing to relevant authorities perpetrators of criminal offences in the Armed Forces, controlling and maintaining military discipline, securing certain military facilities and persons, documents and weapons, Armed Forces units when moving and performing tasks, anti-terrorist protection in the Armed Forces, regulating traffic and controlling military vehicles at the Armed Forces premises as well as in public traffic.

Tasks from paragraph 1 of this Article shall be performed by authorized personnel of the Military Police.

Authorized personnel of the Military Police, apart from the authorizations, measures and activities laid down by the Criminal Procedure Code, shall be also authorized to:

1. Gather, process and use personal data;
2. Secure and examine the scene;
3. Give warnings and issue orders;
4. Deprive a person of its liberty;
5. Use force;
6. Apply other authorizations determined by the law.

In performing the tasks from paragraph 1 of this Article, authorized personnel of the Military Police shall implement its authorizations not only against military personnel but also against persons who are not serving in the Armed Forces, provided that they find them in premises of military facilities, or deployment area of military units, or if they catch them in carrying out criminal offences in these areas, or when securing certain military facilities or persons or Armed Forces units when moving or performing tasks.

In implementing authorizations against persons referred to in paragraph 4 of this Article, authorized personnel of the Military Police shall immediately inform the state authority in charge of police affairs thereof, and give them custody over persons and documents.

In performing tasks from paragraphs 1, 3, and 4 of this Article, the Military Police shall accordingly implement provisions of the Law on Police, unless otherwise provided for by this Law, and shall cooperate with the state authority in charge of police affairs.

Military facilities and persons from paragraph 1 of this Article shall be determined by the Government.

Wearing the uniform

Article 45

Persons serving in the Armed Forces shall wear the uniform at all times while performing their duties, unless otherwise provided for by law or other regulations.

The manner of wearing the uniform from paragraph 1 of this Article shall be envisaged by the Ministry.

The right of referral

Article 46

Persons serving in the Armed Forces shall be, for the purpose of protecting their rights, entitled to referral on all issues related to work and functioning of command and unit that they are serving in.

Persons referred to in paragraph 1 of this Article may, for the purpose of protecting their rights, refer to the defense inspector.

Persons referred to in paragraph 1 of this Article shall not be waived from the duty to follow the order, except in the case referred to in Article 42 paragraph 1 of this Law.

Leaving a unit during the state of war or the state of emergency

Article 47

Persons serving in the Armed Forces during the state of war and state of emergency and measures of readiness may leave a unit or place of service only with the permission of the unit commander at the position of battalion commander, or equal or higher position.

Travelling abroad

Article 48

Persons serving in the Armed Forces may travel abroad provided that they report the travel to the superior commander at a position of battalion commander, or equal or higher position.

Possibility of traveling abroad may be limited to persons from paragraph 1 of this Article by the Chief of the General Staff, on the basis of needs of the service.

In a state of war or state of emergency, persons from paragraph 1 of this Article may travel abroad only with the permission of the Minister.

Military ID

Article 49

Professional military personnel shall be issued military ID cards proving their military status.

Authorized persons of the Military Police shall be issued special ID cards.

Authorized persons of the Military Police are determined by a regulation issued by the Ministry.

The form, contents and the procedure of issuing military ID cards and special ID cards from paragraphs 1 and 2 of this Article, as well as the ID cards provided for by the Geneva Conventions for the protection of war victims of 12 August 1949, shall be laid down by the Ministry.

Foreign medals and awards

Article 50

Persons serving in the Armed Forces may receive a foreign medal with a permission of the President of Montenegro.

Persons serving in the Armed Forces may receive a foreign award with a permission of the Minister.

Making public statements

Article 51

Persons serving in the Armed Forces shall be prohibited from making public statements about the situation and relations in the Armed Forces without the Minister's permission.

Equal Rights

Article 52

All candidates applying for admission to service in the Armed Forces shall be guaranteed application of principles of transparency, justice and equal rights, without discrimination on any grounds (gender, race, language, religion, political or other belief, ethnic or social background, economic status or other status).

The Minister ensures that the principles from paragraph 1 of this Article are obeyed.

Prohibition of political organization

Article 53

No political organization shall be allowed in Armed Forces.

Persons serving in the Armed Forces shall not be members of political organizations.

Non-disclosure obligation

Article 54

Persons serving in the Armed Forces shall not disclose secret data.

The non-disclosure obligation continues after termination of service as well.

The Minister can give permission to a person serving in the Armed Forces, and to a person whose service in the Armed Forces terminated, to disclose secret data to a competent state authority or other body, if this is demanded by public interest.

VIII STANDARDS OF CONDUCT

Duty to act in accordance with the Code of Military Ethics

Article 55

In performing their service, persons serving in the Armed Forces shall act in accordance with the Code of Military Ethics (hereinafter: Code).

The Code presents a set of principles on ethical behavior of persons serving in the Armed Forces, based on the principles of international and internal law.

The Code from paragraph 1 of this Article shall be adopted by the Ministry.

Conflict of interest

Article 56

Persons serving in the Armed Forces shall not allow their personal interests to influence the lawful, objective and impartial performance of service in the Armed Forces.

Persons serving in the Armed Forces shall not use any benefits arising from their service to their personal interests and shall avoid any potential or real conflict of interest.

Special duties

Article 57

Persons serving in the Armed Forces shall:

1. Act in the best interests of Montenegro;
2. Take envisaged measures to protect entrusted material and financial assets;
3. Fulfill envisaged duties;
4. Obey ethical principles;
5. Inform superior commanding officers and the Minister about the existence of potential or real conflict of interests and, in written form, state the nature, characteristics and scope of the conflict of interest, i.e. demand to be released from duties which could result in a conflict of interest.

Persons serving in the Armed Forces shall not perform the tasks:

1. That could cause a conflict of public and their private interests;
2. That affect impartiality of performance of tasks;
3. That enable misuse of publicly inaccessible information and that could harm the Armed Forces.

Persons serving in the Armed Forces may, outside their working hours, and upon prior consent of the Minister, perform work, provided that there are no obstacles for such work in terms of paragraph 2 of this Article.

Prohibition on accepting gifts

Article 58

Persons serving in the Armed Forces shall not request or accept gifts, use benefits or any other privileges for themselves, their family, close relatives, friends or other legal or natural persons with whom they have a private or business relationship and cooperation, if these gifts, benefits or other privileges influence, could influence, or appear to influence impartial performance of tasks, or if they are or could be a reward related to performing those tasks.

Membership in associations

Article 59

Persons serving in the Armed Forces may join a foreign professional association or international professional organization, with the Minister’s consent.

Duty to be familiar with the Code

Article 60

Persons admitted to the service in the Armed Forces for the first time shall become familiar with the Code.

Regular training through which persons serving in the Armed Forces become familiar with the Code shall be conducted at least once a year.

IX PROMOTION OF MILITARY PERSONNEL

The plan of promotion

Article 61

Personnel of the Armed Forces shall be promoted to higher ranks in accordance with this Law and service requirements.

Service requirements from paragraph 1 of this Article shall be determined through the plan of promotion, which is adopted by the Ministry.

The plan of promotion shall be adopted for a five-year period.

Conditions for promotion of professional military personnel to a higher rank

Article 62

Professional military personnel may be promoted to a higher rank if they meet the following general requirements:

1. That prior to promotion a person had a positive grade, under a condition that in the last two years prior to promotion the person had no negative grades;
2. That in the last two years prior to promotion a person was not convicted to non-suspended imprisonment of up six months for committing a criminal offence;
3. That in the last two years prior to promotion a person was not punished for disciplinary violation;
4. That no criminal proceedings are conducted against the person for a criminal offence which is prosecuted ex-officio, and that no proceedings for determining disciplinary liability for disciplinary violation are conducted against the person;
5. That a person spent the required period of time in the current rank;
6. That a person has knowledge of foreign languages, in accordance with the Standardization Agreement (STANAG), level 1 for non-commissioned officers (NCO) and level 2 for officers;

Professional non-commissioned officers in the rank of Staff Sergeant 1st Class, who fulfill all the requirements from paragraph 1 of this Article, may be promoted to the rank of Sergeant Major, if they completed the advanced NCO training course.

Professional non-commissioned officers in the rank of Sergeant Major, who fulfill all the requirements from paragraph 1 of this Article, may be promoted to the rank of Sergeant Major 1st Class, if they completed the high NCO school.

Professional non-commissioned officers and professional officers in the rank of 2nd Lieutenant – Ensign and Lieutenant – Lieutenant Junior Grade, who fulfill all the requirements from paragraph 1 of this Article, may be promoted to a higher rank if they have been assigned to a higher rank position.

Professional officers in the rank of Captain – Lieutenant, who fulfill all the requirements from paragraph 1 of this Article, may be promoted to a higher rank, if they are assigned to the position of Major – Lieutenant-Commander and have spent minimum one year at that position.

Professional officers in the rank of Major – Lieutenant-Commander, who fulfill all the requirements from paragraph 1 of this Article, may be promoted to a higher rank, if they are assigned to the position of Lieutenant-Colonel – Commander and have spent minimum one year at that position.

Professional officers in the rank of Lieutenant-Colonel – Commander, who fulfill all the requirements from paragraph 1 of this Article, may be promoted to a higher rank, if they are assigned to the position of Colonel - Captain (N) and have spent minimum one year at that position, and provided they have completed command-staff grade education or that they have a Master of Science degree or that they have completed bar examination.

Professional officers in the rank of Colonel – Captain (N), who fulfill all the requirements from paragraph 1 of this Article, may be promoted to a higher rank, if they are assigned to the position of Brigadier General – Commodore and have spent minimum one year at that position, and provided they have completed operational-strategic level education or that they have a PhD.

Instituted criminal or disciplinary proceedings as an obstacle to promotion

Article 63

No obstacles to promotion to a higher rank shall be seen to exist, within the meaning of Article 62 paragraph 1 items 2 and 4 of this Law, if during the criminal proceedings or upon procedure of filing extraordinary legal remedies:

1. The criminal proceedings are discontinued;
2. The person is acquitted;
3. The court rejects charge, but not on the grounds of lacking jurisdiction;
4. A less severe penalty than the one specified in Article 62 paragraph 1 item 2 of this Law is imposed.

Required time period for promotion

Article 64

Required time period for promotion to a higher rank referred to in Article 62 paragraph 1 item 5 of this Law shall be as follows:

1. For non-commissioned officers:
   - In the rank of Sergeant – three years;
   - In the rank of Sergeant 1st Class – four years;
   - In the rank of Staff Sergeant – five years;
   - In the rank of Staff Sergeant 1st Class – six years;
   - In the rank of Sergeant Major – six years.

2. For officers:
   - In the rank of 2nd Lieutenant – Ensign – three years;
   - In the rank of Lieutenant – Lieutenant Junior Grade – four years;
   - In the rank of Captain – Lieutenant – four years;
   - In the rank of Major – Lieutenant-Commander – four years;
   - In the rank of Lieutenant Colonel – Commander – four years;

- In the rank of Colonel - Captain (N) – four years;
- In the rank of Brigadier General – Commodore – three years;
- In the rank of Major General – Rear-Admiral – three years;
- In the rank of Lieutenant General – Vice-Admiral – three years.

Exceptionally from paragraph 1 item 2 indent 1 of this Article, for 2nd Lieutenant – Ensign who completed the military academy, or higher education lasting 5 or more years, the required time period for promotion shall be two years.

Within the meaning of Article 20 paragraph 2 of this Law, time spent by professional military personnel in the Ministry, other state administration body, state authority, company or other organization, shall be considered as time needed for promotion, i.e. time spent in the rank directly above the current rank.

Regular promotions

Article 65

The procedure for regular promotion of professional military personnel is initiated by the superior commanding officer at the position of battalion commander, or equal or higher position.

The procedure for promotion of personnel from paragraph 1 of this Article is envisaged by the Ministry.

Extraordinary promotions

Article 66

Professional military personnel who achieved extraordinary results or showed exceptional abilities in work may be extraordinarily promoted to higher rank provided that they spent two thirds of the required time period in certain rank in accordance with this Law.

Exceptionally, when service requires so, professional military personnel may be extraordinarily promoted to higher rank even when they do not meet the conditions from paragraph 1 of this Article.

The procedure for promotion of personnel from paragraphs 1 and 2 of this Article is envisaged by the Ministry.

Temporary promotion

Article 66a

While performing duties in the international forces, professional military personnel may be temporarily promoted to the next higher rank.

While performing the duties referred to in paragraph 1 of this Article, professional military personnel shall exercise rights on the basis of the rank to which they have been temporarily promoted.

Professional military person shall cease to enjoy the rights referred to in paragraph 2 of this Article on the day of termination of performing the duties referred to in paragraph 1 of this Article.

Promotions of soldiers at training, members of reserve forces and assigning ranks to cadets

Article 67

The procedure of promotion of soldiers at training, members of reserve forces and assigning ranks to cadets shall be envisaged by the Ministry.

X SPECIALTIES OF MILITARY AND CIVILIAN PERSONNEL

Specialties of military personnel

Article 68

Military personnel shall be assigned a specialty within their branch, i.e. service.

Specialty from paragraph 1 of this Article may be basic, general or complementary.

Subject to their consent, military personnel performing duties within a defined specialty may perform duties within other specialties.

Assigning military personnel to a general specialty position is considered an adequate assignment.

Specialties of civilian personnel

Article 69

Civilian personnel shall be assigned a specialty within their branch, i.e. service.

Specialty from paragraph 1 of this Article may be basic or general.

Adoption of regulations

Article 70

Specialties referred to in Article 68 and Article 69 of this Law and conditions for their establishment shall be more closely defined through a Ministry's act.

XI ARMED FORCES SERVICE STATUS

Categories of service status

Article 71

Professional military personnel serving in the Armed Forces may be:

1. On duty;
2. In training or professional development;
3. Available for assignment;
4. Removed from duty.

Service of professional military personnel

Article 72

Professional military personnel may be serving in the Armed Forces or working in the Ministry, state authority, company or other organization.

Criteria for assignment

Article 73

When this is required by service, professional military personnel shall be assigned to adequate positions, in accordance with their:

1. Education;
2. Rank;
3. Specialty;
4. Special knowledge and abilities planned for the position.

Assignment to position

Article 74

By rule, professional military personnel shall be assigned to positions in the branch, i.e. service to which they belong, in accordance with the type and level of education they have – to positions of their rank or the next higher rank.

If certain positions within service cannot be manned with officers, or non-commissioned officers, exceptionally, civilians may be assigned to such positions, provided that they have appropriate education and with their consent.

Assignment to lower rank positions

Article 75

Professional military personnel may also be assigned to a lower rank position due to the following:

1. Elimination of a position or change of rank in the structure of positions, when there is no possibility for assignment to position of the adequate rank;
2. Reassignment on the basis of personal request;
3. When a person is relieved from duty for the purpose of availability for assignment or removal from duty, and after the reasons cease to exist there is no possibility for assignment to a position of the appropriate rank;
4. When certain positions cannot be manned and this is required by the service;
5. When the military medical committee proposes a change of position and there is no possibility for assignment to other appropriate position.

In cases from paragraph 1 item 1, 3, 4 and 5 of this Article, professional military personnel shall have all the rights that they had at the previous position.

Acting officers

Article 76

When a professional military person is temporarily prevented from performing his duties during a period exceeding one month, an acting officer is appointed.

Officers shall be appointed as acting officers to officers' positions and non-commissioned officers shall be appointed to NCO positions as acting non-commissioned officers.

Acting officer may also be appointed to a vacant position.

The longest period during which a position may be manned with an acting officer is one year.

Time spent on duty from paragraph 2 of this Article counts as time spent in the position, if this is a prerequisite for promotion.

Acting officers shall retain rights from previous position, if this is more favorable for them.

Education and professional development of professional military personnel

Article 77

Professional military personnel sent to education or professional development shall be relieved from duty if that education or professional development lasts for longer than a year.

Professional military personnel sent to education or professional development for the purpose of change of specialty shall be relieved from duty regardless of duration of that education or professional development.

Time spent by professional military personnel on education or professional development shall count as time spent in service in the Armed Forces, with all the rights arising from person's rank and position from which he/she was sent to education or professional development, and shall be promoted in accordance with this Law.

Scholarships

Article 78

The Ministry may, on the basis of a public announcement, conclude a scholarship contract in accordance with the law.

Scholarship recipient from paragraph 1 of this Article who, by his own fault, fails to complete education or does not join the service in the Armed Forces after completing it, shall refund the education costs to the Ministry in accordance with the scholarship contract.

Assignment after completion of education

Article 79

After they complete their education, cadets, professional military personnel and scholarship recipients are assigned to adequate positions.

Adoption of regulations

Article 80

More detailed conditions, procedure and other issues of relevance for selection of scholarship recipients, as well as for selection of professional military personnel and sending them to education or professional development, shall be determined by the Ministry.

Post-educational duties

Article 81

Cadets or scholarship recipients who completed their education shall spend twice as much time as they spent in education or twice the period during which they were receiving scholarship, serving in the Armed Forces.

Professional military personnel sent to education or professional development shall spend twice as much time as they spent in education or professional development serving in the Armed Forces, unless otherwise provided for by a contract.

Exceptionally from paragraph 1 of this Article, a cadet who completed the air force school shall spend, as a pilot, two more years more in the service than persons referred to in paragraph 1 of this Article, unless otherwise provided for by a contract.

Relief from duty due to illness

Article 82

Professional military personnel who are prevented from performing their duties due to illness for a period exceeding six months shall be relieved from duty.

Professional military personnel from paragraph 1 of this Article shall reserve the rights arising from their ranks and shall be promoted based on conditions laid down by this Law until they come back to work, or until their service status is decided upon in accordance with this Law.

Persons from paragraph 1 of this Article shall be sent to evaluation of their health capability for service in the Armed Forces after one year of continuous inability to work, i.e. 12 months with interruptions during two consecutive years.

Assignment to a different command or unit of the Armed Forces

Article 83

If this is required by the service, a professional military person may be assigned to a different command or unit of the Armed Forces.

Assignment to the Ministry, other state administration body, state authority, company or other organization

Article 84

A professional military person may be assigned to the Ministry, other state administration body, state authority, company or other organization.

If this is more beneficial for the professional military person from paragraph 1 of this Article, provisions of regulations dealing with the work of the body to which he/she is transferred shall apply in terms of his/her rights and duties.

Assignment to a different place of service

Article 85

Professional military personnel may, if the service requires so, be assigned to a different place of service, to a duty appropriate for their education.

Assignment from paragraph 1 of this Article does not require consent of the professional military person.

Assignment in special cases

Article 86

A professional military person may be assigned to a different position if a military-medical committee determines that, due to his/her health condition, work on his/her previous position would be harmful to his/her health.

Availability for assignment

Article 87

Professional military personnel shall be considered available for assignment if:

1. After elimination of position to which they are assigned they cannot be assigned to another position;
2. Upon cessation of reasons for which they were removed from duty they cannot be assigned to another position;
3. They are declared permanently incapable for duty they are performing, and they cannot be assigned to another duty;
4. Upon cessation of reasons referred to in Article 82 of this Law they cannot be assigned or transferred to another position.

Professional military personnel considered available for assignment in accordance with paragraph 1 of this Article shall have all the rights arising from their rank, shall be promoted under conditions envisaged by this Law and shall perform tasks assigned to them by their superior commanding officer during this time.

Professional military personnel may be considered available for assignment for a maximum of six consecutive months without interruptions.

During that time, professional military personnel shall be entitled to salary but without a military allowance and a special military allowance.

Professional military personnel whose service expires with expiry of the deadline from paragraph 3 of this Article shall be entitled to a severance pay in the amount of at least 12 gross salaries earned in the month preceding the one in which their service expires.

Removal from duty

Article 88

Persons serving in the Armed Forces shall be removed from duty:

1. During the time in which they are in detention;
2. During imprisonment;
3. If they are caught in committing a criminal offence or disciplinary violation related to service in the Armed Forces;
4. During the disciplinary proceedings due to disciplinary violation committed, or criminal proceeding, if their presence would be harmful to interests of the service.

Time that persons spend being removed from duty shall not count as time required for promotion, unless it is determined that there was no reason for removal from duty.

Right to declare

Article 89

Before a decision on circumstances and termination of service is made, a person serving in the Armed Forces shall be allowed to declare himself/herself about the facts and circumstances of relevance to decision making.

Duration of command duty

Article 90

Professional military personnel may perform the same command duty for a maximum of five years.

Exceptionally, for needs of the service, the duration of duty from paragraph 1 of this Article may be extended by one year.

XII APPRAISALS, REWARDS, MEDALS AND OTHER AWARDS

General principles

Article 91

Persons serving in the Armed Forces shall be appraised with a view to determining their success in service, and to decide upon promotion, incite professional development, and increase motivation for performing tasks.

Awarding medals and other awards

Article 92

Persons serving in the Armed Forces may be awarded medals or other awards.

Medals and other awards from paragraph 1 of this Article may be awarded for extreme courage or remarkable success achieved in the service.

Commendation and awards

Article 93

Persons serving in the Armed Forces receive shall be commended and awarded by the Minister, or commanding officer at the position of battalion commander, or equal or higher position.

Competence for adoption of regulations

Article 94

Appraisals, criteria and appraisal procedure, types of rewards and other awards and the procedure of awarding these to persons serving in the Armed Forces shall be determined by the Ministry.

XIII SALARY AND OTHER COMPENSATION

Right to salary and other compensation

Article 95

Persons serving in the Armed Forces shall be entitled to salary and other compensation in the manner and under conditions determined by this Law.

Persons serving in the Armed Forces shall not be entitled to salary for hours, or days in which they were absent from service unexcused.

Detailed conditions, manner of achieving and amount of salary and other compensation for persons serving in the Armed Forces shall be determined by the Government.

Rights of the persons serving in the Armed Forces from paragraph 3 of this Article shall be determined upon by the Minister by means of a decision, or a contract on service in the Armed Forces, in accordance with the Government's regulations.

Salary

Article 96

Salary of persons serving in the Armed Forces shall consist of a fixed part of the salary and allowances.

The fixed part of the salary of a professional military person shall consist of a part determined according to the rank, duty – position group and the part determined according to years of service.

The fixed part of the salary of civilians serving in the Armed Forces shall consist of the part determined according to the position group and the part determined according to years of service.

Part of the salary from paragraphs 2 and 3 of this Article determined on the basis of years of service shall be established in accordance with regulations envisaging the salary of civil servants and state employees.

Allowances

Article 97

Allowances shall be the following:

1. Military allowance;
2. Special military allowance.

Military allowance shall be approved to persons serving in the Armed Forces on the basis of specific working conditions in which service is performed, as follows: participation in military exercises, camping and alerts, performing duty service and other forms of internal service; sentinel, guard, and reception service and other types of securing persons and facilities; performing duties in all circumstances and situations caused by the need for combat readiness.

Special military allowance shall be approved to those persons serving in the Armed Forces carrying out specific duties, as follows: pilots, aviators, parachutists, divers, diversionists, crew members of military ships or vessels, or members of teams for maintenance or servicing military aircrafts and duties in special forces units, destroying unexploded ordnance and at isolated highland military facilities.

Exercising the right to allowances from paragraph 2 and 3 of this Article shall exclude the right to increase of salary on the basis of prolonged working hours, work at night and work during the days which are determined by law as non-working days.

Salary of acting officers

Article 98

Acting officers shall be entitled to salary and other allowances based on the position to which they are assigned, if this is more favorable for them.

Acting officers who perform this duty in addition to duties arising from their position shall be entitled to allowance in accordance with the Government's regulation referred to in Article 95 paragraph 3 of this Law.

Salary of professional military personnel working in the Ministry, other state administration body, state authority, company or other organization

Article 99

Professional military personnel working in the Ministry, other state administration body, state authority, company or other organization shall be entitled to salaries, without increased military allowance and special military allowance, as well as to other allowances in accordance with this Law, if this is more favorable for them.

Salary and other allowances during performance of duty abroad

Article 100

Salary and other allowances of professional military personnel acting as military-diplomatic representatives or performing other duties within diplomatic or consular representations of Montenegro, or within international organizations, as well as performing other duties abroad, shall be, on the basis of contracts, determined by the Government.

Right to reimbursement of costs and other allowances related to service in the Armed Forces

Article 101

Persons serving in the Armed Forces shall be entitled to reimbursement of costs in relation to the service, as follows:

1. Meals during the work;
2. Per diem for duty trips in the country and abroad;
3. Separation allowance;
4. Part of apartment renting costs;
5. Field work costs;
6. Part of transport costs;
7. Part of costs of moving abroad.

Persons serving in the Armed Forces shall also be entitled to other allowances related to the service, as follows:

1. Vacation allowance;
2. Severance pay in case of retirement.

Details, manner of exercising the right and amount of allowance and other reimbursements from paragraphs 1 and 2 of this Article shall be determined by the Government.

Compensation in case of removal from duty

Article 102

Persons serving in the Armed Forces, while in detention, shall be entitled to compensation in the amount of:

1. 1/3 of the salary paid out for the preceding month;
2. 1/2 of the salary paid out for the preceding month, in case the person is supporting a family.

Persons serving in the Armed Forces who are removed from duty, except for persons from paragraph 1 of this Article, shall be paid out compensation in accordance with the Government's regulation referred to in Article 95 paragraph 3 of this Law.

Persons serving in the Armed Forces shall be paid out the unpaid part of the salary if:

1. The act imposing the disciplinary measure was annulled or the procedure was discontinued;
2. By means of a legally binding decision the criminal procedure was discontinued, or if it was determined in case of a disciplinary procedure that a person serving in the Armed Forces did not commit a disciplinary violation or in case that, by means of a legally binding decision, he/she was acquitted or that criminal charges against the person were rejected.

Scholarships during education and professional development abroad

Article 103

Persons serving in the Armed Forces sent abroad for education or professional development purposes shall be entitled to scholarships, the amount of which is determined by the Ministry.

Financial and other compensation of cadets

Article 104

Cadets shall be entitled to financial and other compensation.

Details, manner of exercising the right to compensations and amount of compensation from paragraph 1 of this Article shall be determined by the Ministry.

Organizational changes or elimination of units

Article 105

Civilians whose service in the Armed Forces is terminated due to organizational changes or termination of units shall be entitled to a severance pay in the amount of at least 12 gross salaries from the month preceding the one in which their service expires.

XIV WORKING HOURS, HOLIDAYS AND LEAVES

Working hours

Article 106

The schedule, beginning and end of working hours during a day or for a longer time period shall be determined by regulations of the Ministry, in accordance with working conditions and the nature of work of the unit.

Prolongation of regular working hours

Article 107

The Minister may, at proposal of the Chief of the General Staff, introduce longer working hours in case of other extraordinary unit's tasks.

Reduced working hours

Article 108

Persons serving in the Armed Forces working in positions with such conditions where adverse effects on health cannot be eliminated completely by precautionary measures shall be entitled to working hours of less than 40 hours per week – reduced working hours.

Positions from paragraph 1 of this Article and the duration of working hours for these positions shall be determined by the Ministry.

Annual vacation

Article 109

Professional military personnel shall be entitled to annual vacation.

The annual vacation from paragraph 1 of this Article shall be determined on the basis of the length of service, as follows:

1. 1 – 10 years of service – 20 working days;
2. 10 - 20 years of service – 25 working days;
3. Over 20 years of service – 30 working days.

Using the annual vacation

Article 110

Persons serving in the Armed Forces shall use their annual vacations during a calendar year in accordance with the plan of using annual vacation.

Exceptionally from paragraph 1 of this Article, annual vacation may be used in two parts, on the basis of a personal request or if needs of the service require it.

If a person from paragraph 1 of this Article is using his/her vacation in parts, he/she shall use the first part without interruptions in the period of at least 10 working days during a calendar year, and the second part not later than the 30 June of the following year.

Interruption or delay in using annual vacation

Article 111

The Minister may, at proposal of the Chief of the General Staff, on the basis of extraordinary needs of the service, interrupt or delay the vacation of persons serving in the Armed Forces.

Persons serving in the Armed Forces who, due to reasons from paragraph 1 of this Article, or other justified reasons, did not use the vacation or a part of it in accordance with Article 110 of this Law are entitled to a compensation in the amount equal to their salaries plus other allowances that they would have been entitled to had they used the vacation, and to

compensation for the real expenses caused by delay, i.e. interruption of vacation, depending on the duration of unused annual vacation, i.e. part of the annual vacation.

Leaves

Article 112

Persons serving in the Armed Forces are entitled to a paid leave up to seven working days per calendar year for private reasons (marriage, child birth, close family member death, taking a professional exam, moving due to reassignment to another position outside place of service).

Upon their return from international forces abroad, persons serving in the Armed Forces shall be entitled to a paid leave of up to five days for every month spent with the international forces abroad.

Military pilots or aviators performing their duty using military aircrafts, as well as military divers, performing their duty on a military ship or other military vessel, shall be entitled to a recovery leave of up to 10 working days during a calendar year.

Details and the manner of exercising the right to a leave from paragraph 3 of this Article are envisaged by the Ministry.

At proposal of the Chief of the General Staff, persons serving in the Armed Forces may be approved an unpaid leave of up to 30 working days during a calendar year.

Leave interruption

Article 113

The Minister may, at proposal of the Chief of the General Staff, interrupt a leave approved to a person serving in the Armed Forces due to extraordinary needs of the service.

Transfer of authorization

Article 114

The Minister may transfer to another person, in accordance with the Law, the tasks of deciding upon rights related to use, interruption, or delay of annual vacation, as well as the rights related to leave and leave interruption.

XV TERMINATION OF MILITARY SERVICE

Termination of service

Article 115

Professional military personnel shall have their service in the Armed Forces terminated in case:

1. Their Montenegrin nationality expires or is lost;
2. Their contract on service in the Armed Forces expires;
3. They are found incapable for service in accordance with the regulations on pension and disability insurance;
4. They refuse assignment to appropriate position, or position of a higher or lower rank, reassignment to another command or unit, Ministry, state authority, state administration body, company, or organization, reassignment to another place of service to a duty adequate to their education, and reassignment in special cases;

5. They refuse assignment in terms of the Article 75 of this Law;
6. The period of availability for assignment referred to in Article 87 paragraph 3 of this Law expires;
7. They are absent from service, unexcused, five days in a row or seven days with interruptions within 12 months;
8. They received two consecutive “unsatisfactory” grades;
9. They were demoted;
10. Disciplinary measure – termination of service in the Armed Forces has been proclaimed;
11. They were sentenced, by a legally binding decision, to non-suspended imprisonment of more than six months;
12. On the basis of a written agreement;
13. On the basis of their written resignation;
14. A real obstacle of importance to service in the Armed Forces or designation of rank or promotion to higher rank existed at the moment of admission to service in the Armed Forces but a professional military person deliberately hid or failed to mention it or gave false data thereof;
15. Conditions referred to in Article 171 of this Law have been met;
16. Conditions for retirement under regulations on pension and disability insurance have been met, when this is in accordance with service needs, at proposal from the Chief of the General Staff, i.e. a managing person in the Ministry.

Termination of service in the Armed Forces for contract professional military personnel

Article 116

Service of contract professional military personnel in the Armed Forces shall be terminated upon the expiry of contract period.

Service of persons from paragraph 1 of this Article in the Armed Forces shall be terminated before the expiry of contract period:

1. They are found incapable for work in accordance with the regulations on pension and disability insurance;
2. In case of organizational changes or elimination of a unit that they served in, i.e. elimination of the position, when their situation in service cannot be resolved in a different manner;
3. In other cases envisaged by the contract on service in the Armed Forces.

Competence of the military-medical commission

Article 117

Assessment of health capability of persons referred to in Article 33 paragraph 1 item 2, Article 75 paragraph 1 item 5, Article 86 and Article 87 paragraph 1 item 3 of this Law shall be performed by the military-medical commission.

Education, procedure and manner of work of the military-medical commission shall be envisaged by the Ministry, with consent of the ministry competent for health affairs.

The procedure for termination of service in the Armed Forces

Article 118

The procedure for termination of service in the Armed Forces in cases referred to in Article 115 paragraph 1 item 1 and 2, item 4 to 11 and item 14 and Article 122 of this Law shall be initiated,

ex officio, by the commanding officer of a unit at a position of battalion commander, or equal or higher position, within three days from the day when the reason for termination of service occurred, i.e. from the day of identifying this reason, and the proposal for termination of service of contract persons, two months prior to expiry of the contract period.

The procedure from paragraph 1 of this Article is the basis for initiating the procedure of relief of professional military personnel from duty.

Relief from duty

Article 119

Professional military personnel shall be relieved from duty at the latest on the day when their service ends.

Honorable and dishonorable discharge

Article 120

The act on termination of service shall indicate whether professional military personnel were discharged honorably or dishonorably from their service.

Service of persons from paragraph 1 of this Article shall be terminated by dishonorable discharge in case of:

1. Unexcused absence from work within the meaning of Article 115 item 7 of this Law;
2. Two consecutive “unsatisfactory” grades;
3. Refusal of assignment or reassignment within the meaning of Article 115 item 4 and 5 of this Law;
4. Disciplinary measure of termination of service or demotion;
5. Legally binding decision sentencing the person to non-suspended imprisonment of more than six months for a criminal offence that is prosecuted ex officio;
6. Concealing data or giving false data which is of importance for admission into service.

Service of the persons from paragraph 1 of this Article shall be terminated by honorable discharge for the reasons stated in Article 115 paragraph 1 item 1 to 3, 12, 13, 15 and 16 of this Law.

Discharge consequences

Article 121

Professional military personnel discharged from service by honorable discharge shall retain the right to official name of the rank and wearing military uniform at formal occasions.

Professional military personnel discharged from duty by dishonorable discharge shall not be entitled to:

1. Rejoining the service in the Armed Forces;
2. Wearing the uniform at formal occasions;
3. Be addressed by their rank.

Termination of service in the reserve forces

Article 122

Service of persons in the reserve forces shall be terminated in accordance with the contract.

Adoption of regulations

Article 123

The procedure of termination of service in the Armed Forces to professional military personnel and persons in the reserve forces shall be determined by the Ministry.

XVI ACTS ON RELATIONS IN THE SERVICE

Nature of acts

Article 124

Acts on promotion, assignment and relief from duty of professional military personnel shall not be explained.

XVII DISCIPLINARY AND MATERIAL LIABILITY

Military discipline

Article 125

Military discipline shall imply correct, complete and timely performance of military and other duties in the Armed Forces, in accordance with this Law, other regulations and the Code.

Violation of military discipline

Article 126

Violation of military discipline shall refer to any behavior contrary to Article 125 of this Law.

Persons serving in the Armed Forces who violate military discipline while carrying out their service or in relation to it shall be held responsible for disciplinary mistake or disciplinary violation.

Disciplinary mistake is considered a less serious breach of military discipline.

Disciplinary violation is considered a severe breach of military discipline.

Members of reserve forces and cadets shall also be held responsible for breach of military discipline while serving in the Armed Forces.

Disciplinary mistake

Article 127

Disciplinary mistake shall refer to:

1. Any action or failure to act presenting untimely performance of tasks in accordance with this Law and the rules of service in the Armed Forces;
2. Disregard for working hours (coming late and leaving early);
3. Unexcused absence from service or duty in duration of one day within a calendar year;
4. Failure to report to the superior about not being able to come to service or duty within 24 hours;
5. Wearing the uniform contrary to regulations on wearing the uniform;
6. Untidy personal appearance;

7. Rude attitude towards subordinate and superior officers;
8. Breach of regulations related to proper saluting, addressing, introducing and answering;
9. Any other actions in service and outside service contrary to military order or breaching the Code or regulations.

Disciplinary violation

Article 128

Disciplinary violation shall refer to:

1. Failure to perform or refusing to follow commands, orders and decisions of superiors or untimely, careless and negligent performance of service or duties in the service;
2. Arbitrary leaving the unit or service;
3. Arbitrary performance of service or duties;
4. Abuse of official position or exceeding the limits of official authorization;
5. Illegal use of force or weapons;
6. Breach of regulations on sentinel, guard, or reception duty, internal and other special services;
7. Coming to work inebriated or consuming alcohol during the service or performance of duties or use of drugs during the service;
8. Unauthorized use of assets assigned or entrusted for the purpose of performance of tasks or duties in the service;
9. Misappropriation, illegal handling or damaging military property or other property in relation to performance of the service;
10. Concealing facts on manner of execution of an official act or use of force;
11. Breach of regulations on confidentiality of data;
12. Any revealing of information related to the situation and relations in the Armed Forces, without approval from the Minister, to the public;
13. Unexcused absence from service or duty in duration longer than one day within a calendar year;
14. Abuse of sick leave;
15. Forgery of reports or submitting false reports;
16. Forgery, destruction or concealing official documents, official records or objects;
17. Failure to undertake or insufficient undertaking envisaged, ordered or other measures for safety of persons, property or entrusted objects;
18. Any behavior insulting dignity of subordinates, and especially sexual harassment or harassment or other discriminating behavior on the basis of gender, race, skin color, religion, or nationality and other personal characteristic;
19. Inappropriate behavior damaging reputation of the Ministry or the Armed Forces, especially disturbing public peace and order through indecent behavior or public confrontation or any other behavior disturbing public peace and order, regardless of location and time of the event;
20. Disrespecting state symbols;
21. Concealing, or failing to report perpetrators of disciplinary violations;
22. Performance of tasks contrary to this Law;
23. Breach of regulations on: prohibition of political activity, organizing strike within the Armed Forces or joining international organizations, as well as breach of regulations on trade unions organizations;
24. Repeating disciplinary mistakes by committing at least two disciplinary mistakes within a calendar year;
25. Any action in service or related to service with elements of a criminal offence prosecuted ex officio;

26. Breach of regulations on the conflict of interest;
27. Any other action contrary to regulations that is harmful to the reputation of the Armed Forces.

Disciplinary sanctions

Article 129

The following disciplinary sanctions shall be imposed for violation of the military discipline:

1. Disciplinary measure;
2. Disciplinary punishment.

For committed disciplinary mistake a disciplinary measure is imposed and for committed disciplinary violation a disciplinary punishment is imposed.

Exceptionally from paragraph 2 of this Article only disciplinary measure may be imposed on cadets and reserve soldiers.

For one or more concurrent violations of military discipline committed, a single disciplinary measure or disciplinary punishment shall be imposed.

General rules for deciding on type and extent of disciplinary sanction

Article 130

When deciding on disciplinary sanctions, special consideration shall be given to:

1. Type of breach of military discipline;
2. Consequences caused by breach of military discipline;
3. Degree of guilt of the person against whom the procedure is conducted;
4. Reason why the military discipline was breached;
5. Circumstances under which the disciplinary mistake or violation was committed;
6. Previous behavior of the person against whom the procedure is conducted;
7. Nature of the person's service and duties;
8. The person's relation towards the injured party;
9. Whether the violation of military discipline caused any damage;
10. Other mitigating and aggravating circumstances.

Disciplinary measures

Article 131

Disciplinary measures shall be:

1. Warning;
2. Reprimand;
3. Salary reduction up to 30% in duration of one to three months.

Disciplinary measure from paragraph 1 item 3 of this Article may not be imposed on cadets and persons in the reserve forces.

Disciplinary punishments

Article 132

Disciplinary punishments shall be:

1. Prohibition from promotion to higher rank for a period of one to four years;
2. Salary reduction of 30% in duration of four to twelve months;
3. Reassignment to the next lower rank position in duration of one to three years;
4. Replacement from command, i.e. managerial position and prohibition of being assigned to such positions in duration of one to five years;
5. Termination of service;
6. Demotion.

Disciplinary punishment from paragraph 1 item 2 of this Article may not be imposed on reserve officers and reserve non-commissioned officers.

Disciplinary punishments from paragraph 1 items 2 and 5 of this Article may also be imposed on civilians.

Obsoleteness of initiating and conducting disciplinary procedures

Article 133

Initiation of a disciplinary procedure on the basis of committed disciplinary mistake shall become obsolete one month after the day when the superior commanding officer was first informed about the disciplinary mistake and the perpetrator, or two months after the breach was committed.

Initiation of a disciplinary procedure on the basis of committed disciplinary violation shall become obsolete three months after the day when the superior commanding officer was first informed about the disciplinary violation and the perpetrator, or six months after the disciplinary violation was committed.

Initiation of a disciplinary procedure due to disciplinary violation referred to in Article 128 item 24 of this Law shall become obsolete six months after the last disciplinary decision became final.

Conducting of a disciplinary procedure from paragraphs 1, 2 and 3 of this Article shall become obsolete when triple period for obsoleteness of initiation of the procedure passes by, and in any case obsoleteness shall become valid one year after the disciplinary mistake or disciplinary violation was discovered.

If the disciplinary violation has elements of a criminal offence, provisions of the law regulating issues of criminal liability shall apply in terms of absolute obsoleteness.

Obsoleteness of execution of disciplinary sanction

Article 134

Execution of disciplinary measure shall become obsolete two months from the day when final disciplinary decision was brought.

Execution of disciplinary punishment shall become obsolete four months from the day when final disciplinary decision was brought.

Exceptionally from paragraph 2 of this Article, execution of disciplinary punishment of termination of service shall become obsolete six months from the day when final disciplinary decision was brought.

Obsoleteness of execution of disciplinary punishment shall be interrupted by any action of the competent body undertaken for the purpose of execution of disciplinary punishment.

Obsoleteness of execution of disciplinary punishment shall become effective in any case when twice the time envisaged in paragraphs 2 and 3 of this Article passes by.

Deletion from the records

Article 135

Disciplinary measure shall be deleted from the records two years after the day when disciplinary measure was executed.

The deadline from paragraph 1 of this Article shall be prolonged for another two years if in the meantime a new breach of military discipline was committed within one year from the day when disciplinary measure was executed.

Disciplinary punishment shall be deleted from the records four years after the day when disciplinary punishment was executed.

The deadline from paragraph 3 of this Article shall be prolonged for another four years if in the meantime a new breach of military discipline was committed within two years from the day when disciplinary punishment was executed.

Deletion of disciplinary measure or disciplinary punishment from the records is performed ex officio and it is considered that it was never imposed.

Application of regulations on general administrative procedure

Article 136

In the procedure of determining liability for breach of military discipline, provisions of the law regulating general administrative procedure shall apply, unless otherwise provided for by this Law.

Competence and the procedure for deciding upon liability for a disciplinary mistake

Article 137

A disciplinary proceeding for disciplinary mistake shall be initiated, conducted, decided upon, and disciplinary measure shall be imposed by:

1. A superior commanding officer at the position of platoon commander, or equal or higher position – for warning;
2. A company commander or officer of an equal position – for reprimand, i.e. salary reduction up to 10% in duration of one month;
3. Battalion commander, or commanding officer of equal or higher position – for salary reduction of 20% in duration up to two months;
4. Chief of the General Staff - for salary reduction of 30% in duration up to three months.

Disciplinary procedure from paragraph 1 of this Article shall be initiated by a conclusion on initiating a disciplinary procedure.

No appeal against the conclusion from paragraph 2 of this Article shall be allowed.

Appeal against a decision on imposed disciplinary measure

Article 138

Persons on whom the measure was imposed shall be entitled to appeal against the decision on imposed disciplinary measure within three days from the day when the decision was submitted.

Appeal from paragraph 1 of this Article shall not withhold execution of a disciplinary measure.

A commanding officer immediately superior to the officer who imposed the disciplinary measure shall decide upon the appeal.

An administrative dispute may be initiated against the decision from paragraph 3 of this Article.

Initiating procedure for deciding upon disciplinary liability for disciplinary violation

Article 139

The procedure for deciding upon disciplinary liability for disciplinary violation shall be initiated by conclusion on initiating disciplinary procedure adopted by a commanding officer at position of battalion commander, or equal or higher position.

No appeal against the conclusion from paragraph 1 of this Article shall be allowed.

Competence and the procedure for deciding upon liability for disciplinary violation

Article 140

The disciplinary proceeding for disciplinary violation shall be conducted by the military-disciplinary commission formed, at proposal of Chief of the General Staff, by the Minister.

The Commission from paragraph 1 of this Article shall propose a decision to Chief of the General Staff.

Appeal against the decision on imposed disciplinary punishment

Article 141

An appeal may be lodged to the Minister against the decision of Chief of the General Staff on imposed disciplinary punishment within eight days from the day when the decision was submitted.

An administrative dispute may be initiated against the decision of the Minister.

Disciplinary liability of persons in the reserve forces

Article 142

Provisions referred to in Article 137 to 141 of this Law shall be accordingly applied with regard to liability of persons in the reserve forces.

Regulations on military discipline

Article 143

The procedure for deciding upon disciplinary liability, imposing disciplinary measures and punishments, their execution and records, as well as the organization and work of the military-disciplinary commission shall be envisaged by the Ministry.

Precautionary measures

Article 144

Precautionary measures envisaged by this Law may be imposed on military pilots or aviators carrying out their duties on aircrafts, aviation-technical staff working on aircrafts, military parachutists, military divers, navy personnel and navy-technical personnel carrying out their duties on ships or other vessels, drivers of military vehicles, as well as on other military personnel working on jobs hazardous to life or property or harmful to health who violate the rules of service and thus endanger safety of people or property.

Types of precautionary measures

Article 145

Precautionary measures shall be:

1. Prohibition of independent performance of certain duties for up to six months period;
2. Prohibition of performance of certain duties for up to six months period;
3. Reassignment to another duty in duration up to one year;
4. Permanent prohibition to fly aircrafts;
5. Temporary prohibition to operate military vehicles.

Duties during the validity of precautionary measures

Article 146

During the validity of precautionary measure – prohibition of independent performance of certain duties, military personnel may perform the duty to which they are assigned only under immediate control of a competent commanding officer.

During the validity of precautionary measure – prohibition of performance of certain duties, military personnel shall perform tasks assigned to them by a superior commanding officer.

During the validity of precautionary measure – reassignment to another duty, military personnel shall carry out duties to which they are assigned.

During the validity of precautionary measure, a military person shall professionally develop for duties that he/she was performing at the time when precautionary measure was imposed.

Rights during the prohibition of performance of certain duties

Article 147

A military person on whom a precautionary measure of prohibition of performance of certain duties or reassignment to another duty was imposed shall be entitled to all the rights related to the tasks, i.e. duty he/she is carrying out.

Competence for imposing precautionary measures

Article 148

Precautionary measures referred to in Article 145 of this Law shall be imposed on military personnel by Chief of the General Staff.

Mitigation, reduction and obsoleteness of precautionary measures

Article 149

Provisions of this Law on liability for disciplinary mistakes shall accordingly apply to imposing precautionary measures, their mitigation and reduction, obsoleteness to initiate such measures and the procedure of deciding upon appeals. However, with regard to second-instance decisions, i.e. first-instance decisions against which no appeals are allowed, and by which precautionary measures are imposed, an administrative dispute may be initiated within 30 days from the day when the decision was submitted.

If he/she concludes that the reasons due to which a precautionary measure referred to in Article 145 item 1 to 3 of this Law was imposed have ceased to exist, Chief of the General Staff shall discontinue execution of the precautionary measure.

Material liability

Article 150

Regulations on civil servants and state employees shall accordingly apply to material liability of persons serving in the Armed Forces.

XVIII DEMOTION

Reasons for demotion

Article 151

Professional military personnel and persons in the reserve forces shall be demoted if:

1. They lose Montenegrin nationality;
2. Disciplinary punishment of demotion was imposed on them;
3. By a legally binding decision, they were sentenced to imprisonment due to a criminal offence against the constitutional order and safety of Montenegro or a criminal offence against the Armed Forces;
4. They were concealing data or giving untrue data which was of importance for admission into service or promotion.

Persons from paragraph 1 of this Article shall lose their rights related to the rank.

Consequences of a repeated procedure

Article 152

If, in case of demotion on the basis of Article 151 paragraph 1 item 2 of this Law, in the repeated procedure or under request for protection of legality, the procedure is discontinued or a person is acquitted, or if the charges are dismissed but not on the grounds of lacking jurisdiction, or if less harsh sentence is brought, it will be considered that the there was no demotion.

XIX HEALTH CARE, PENSION AND DISABILITY INSURANCE AND OTHER RIGHTS

Right to health care and insurance

Article 153

Professional military personnel shall exercise their health care rights and other rights arising from health insurance in accordance with regulations on health care and health insurance.

Primary health care for professional military personnel shall be organized and implemented by the Ministry.

Rights arising from pension and disability insurance

Article 154

Professional military personnel serving in the Armed Forces shall exercise rights arising from pension and disability insurance in accordance with regulations on pension and disability insurance.

Interruption of education

Article 155

Cadets who interrupt their education due to an injury or illness that occurred during their education shall be entitled to financial assistance to continue regular education in another school of the same degree.

The amount of financial assistance shall be determined depending on material capacities of a cadet, as well as the cost of regular education.

The manner of determining assistance from paragraph 1 of this Article and its amount shall be envisaged by the Ministry.

Assistance in case of death

Article 156

In case of death of a person serving in the Armed Forces, his/her family shall be entitled to one-time financial assistance in the amount of 15 minimum wages applied on the day when death of the person serving in the Armed Forces occurred.

In case of death of a person serving in the Armed Forces, his/her family shall gain rights on the list for resolving housing issues, if the housing issue was not resolved in accordance with the Ministry's acts regulating these issues.

In case of death of a close family member, persons serving in the Armed Forces shall be entitled to one-time financial assistance in the amount of 10 minimum wages applied on the day when death of a family member occurred.

One-time financial assistance

Article 157

Persons serving in the Armed Forces shall be entitled to one-time financial assistance if, for no fault of theirs:

1. In peace, during the service or related to the service, they are wounded, hurt or injured suffering at least 20% bodily damage;
2. They suffered at least 60% bodily damage due to an illness that occurred or deteriorated as an immediate consequence of performing the military service.

The degree of bodily damage from paragraph 1 of this Article shall be proven on the basis of a legally binding decision on acknowledgment of a disabled veterans' status.

The right to initiating the procedure from paragraph 1 item 1 of this Article shall not become obsolete.

The procedure for exercising the right from paragraph 1 item 2 of this Article shall be initiated by a request which is submitted not later than five years from the day when bodily damage occurred.

One-time financial assistance to close family

Article 158

Close family members of persons serving in the Armed Forces who died while performing their duties or due to wounds or injuries, or illness referred to in Article 157 paragraph 1 of this Law shall be entitled to a one-time financial assistance in the amount of 24 net salaries of the deceased, which he/she made in the month preceding the one when death occurred, as well as to compensation of a part of funeral costs.

Funeral costs from paragraph 1 of this Article shall be: transportation of the deceased to the place of funeral, transportation costs for two people, and the costs of funeral equipment and a burial plot if the family of the deceased does not have a burial plot.

One-time financial assistance and a compensation of a part of funeral costs from paragraph 2 of this Article shall be granted to close families of persons who died during their arrival to or departure from work in the Armed Forces or during the procedure of admission into service or dismissal from service in the Armed Forces.

Funds from paragraph 1 of this Article shall be provided from the Budget of Montenegro.

The procedure for awarding one-time financial assistance and compensation of a part of funeral costs shall be initiated ex officio.

The procedure of deciding and closer conditions for exercising rights

Article 159

Provisions of the Law regulating general administrative procedure shall apply in the procedure of deciding upon the right to one-time financial assistance referred to in Article 157 and 158 of this Law.

Closer conditions for exercising one-time financial assistance referred to in Article 157 and the compensation of a part of funeral costs referred to in Article 158 paragraph 2 and 3 of this Law and their amount shall be determined by the Ministry.

Competence for decision making

Article 160

Decisions about the right to one-time financial assistance shall be made by the Minister.

Education of spouses and children

Article 161

If they do not meet requirements for right to family pension, spouses of persons serving in the Armed Forces who died from a wound, injury, bodily harm or illness may be educated in order to obtain secondary general or vocational education, if, at the moment of death of the person in the Armed Forces, they do not have adequate education and are not employed. Education may not last longer than four years.

Children of persons from paragraph 1 of this Article attending regular education, except for the children who are employed, and whom the persons serving in the Armed Forces supported until the time of their death, shall be entitled to financial compensation during their education, provided that they do not receive other scholarships on other basis.

The request for exercising rights from paragraphs 1 and 2 of this Article may be submitted within two years from the day of death of persons serving in the Armed Forces.

Closer conditions for exercising rights from paragraphs 1 and 2 of this Article shall be envisaged by the Ministry.

XX. MILITARY CONSCRIPTION

Military conscript

Article 162

All Montenegrin nationals shall be subject to military conscription during a state of war or state of emergency.

In peace time, military conscripts may, on a voluntary basis, be invited for training in order to obtain necessary knowledge and for performing duties in war, in duration of maximum 60 days within a calendar year.

The Ministry shall give a public advertisement for training from paragraph 2 from this Article and shall determine the manner of its implementation.

During the training, military conscripts from paragraph 2 of this Article are shall be entitled to financial compensation.

The amount of compensation from paragraph 4 of this Article shall be determined by the Ministry.

Duration of military conscription

Article 163

Military conscription shall begin at the start of the calendar year in which military conscripts turn 18 years old.

Military conscription for military conscripts shall expire:

1. When a military conscript – man, turns 60 years old, and when military conscript – woman, turns 55 years old;
2. If they are found incapable for military conscription;
3. If they lose Montenegrin nationality.

Military person status

Article 164

A military conscript shall become a military person by joining the unit or command and shall cease being a military person by dismissal from the unit or command.

A military person status of military conscripts shall include the time spent:

1. Travelling, while coming to the unit or command, from the place of permanent or temporary residence to the place where they should contact competent authority, and on the way back, from the place where they completed their military conscription duties to the place of permanent or temporary residence;
2. If they are residing abroad, while coming to the unit or command, from the border crossing where they entered the state to the place where they should contact competent authority, and on the way back, from the place where they completed their military conscription duties to the border crossing.

Criteria and procedure for assessment of psycho-physical and health capabilities of military conscripts

Article 165

The criteria and procedure for assessment of psycho-physical and health capabilities of military conscripts for performance of military conscription shall be envisaged by the Ministry.

Conscientious objection

Article 166

Conscientious objection shall be allowed to persons who, due to their religious or other beliefs, are not ready to perform military duties that include use of weapons.

Military record book

Article 167

Military conscripts registered in the military records shall be issued military record books by the Ministry.

The manner of keeping records of military conscripts and the form of military record books shall be envisaged by the Ministry.

A military record book presents a document serving to military conscripts as a proof:

1. Of identity while in the service;
2. That they completed military training.

Military conscripts shall keep their military record books.

It is prohibited to take military record books outside Montenegro.

Wartime schedule entered into military record books shall be secret.

Decision

Article 168

Decision on carrying out military conscription shall be adopted by the Ministry.

Injury at work as a consequence of performing military conscription

Article 169

An injury or illness that occurred as a result of performing military conscription shall be considered an injury at work.

Injuries at work also include injuries that occurred on the way from apartment or work place to the place of service as well as on the way back after dismissal from the military duty.

Authority that organized the activity at which the military conscript got ill or injured shall, ex officio or at request of the military conscript, determine the time and place of occurrence of illness or injury.

Military conscripts shall submit the request from paragraph 3 of this Article to the authority that recruited them.

XXI MANAGING HUMAN RESOURCES

Managing human resources

Article 170

The system of human resource management, within the meaning of this Law, shall present a group of all measures and activities related to planning, admission into service in the Armed Forces, assignment, education, development and promotion of professional military personnel.

Duration of service in the Armed Forces

Article 171

Duration of service of professional military personnel in the Armed Forces shall be:

1. For non-commissioned officers, contract non-commissioned officers, officers and contract officers – up to 35 years of service in effective duration and 55 years of age;
2. For contract soldiers in a branch – up to 35 years of age, and for contract soldiers in service – up to 40 years of age.

Military service of persons from paragraph 1 of this Article shall not last longer than 40 years of service and 55 years of age.

Exceptionally from paragraphs 1 and 2 of this Article, when service requires so, the Minister may, at proposal of Chief of the General Staff, i.e. managing person in the Ministry, prolong duration of service in the Armed Forces to a professional military person.

Duration of service in the reserve forces

Article 172

Duration of service of persons referred to in Article 8 of this Law in the reserve forces shall be:

1. For reserve officers – 10 years, and maximum up to 55 years of age;
2. For reserve non-commissioned officers – 7 years, maximum up to 50 years of age;
3. For reserve soldiers – 4 years, maximum up to 35 years of age;

4. Within the records specialty – 4 years, maximum up to 55 years of age.

Service within the reserve forces shall begin after a person is recruited and selected for reserve forces.

Exceptionally from paragraph 1 of this Article, when service requires so, the Minister may, at proposal from Chief of the General Staff, prolong duration of service in the reserve forces.

Prolongation of service in a state of war and state of emergency

Article 173

The Minister may prolong service of members of the Armed Forces in a state of war or a state of emergency.

The service from paragraph 1 of this Article shall be prolonged for as long as it is necessary to provide combat efficiency of a unit.

Keeping records of personnel serving in the Armed Forces

Article 174

Units shall keep auxiliary records of persons serving in the Armed Forces within that unit.

Records of human resources

Article 175

Records of human resources shall present records of professional military personnel, civilians, persons in the reserve forces and cadets.

The Ministry shall gather, process and use personal data on professional military personnel, civilians, persons in the reserve forces, cadets and citizens registered in the military records for as long as these data are necessary for defense of the country.

Adoption of regulations on records of human resources

Article 176

Records of human resources referred to in Article 175 of this Law shall be envisaged by the Government.

XXII PARLIAMENTARY SUPERVISION, DEMOCRATIC AND CIVIL CONTROL

Competences

Article 177

The Armed Forces shall be under democratic and civil control.

Democratic and civil control of the Armed Forces shall be carried out by the Parliament of Montenegro, Government of Montenegro, and the Defense and Security Council.

Supervision over the Armed Forces shall be carried out by the Parliament of Montenegro through its competent working body.

The Minister shall submit for consideration the annual report on overall situation in the Armed Forces to the competent working body of the Parliament of Montenegro by the end of the first quarter of the following year.

At request of the competent working body, the Minister shall also submit special reports on situation in the Armed Forces.

The Minister shall, in addition to the annual report on overall situation in the Armed Forces, also submit special reports at request of the Defense and Security Council.

XXIII SUPERVISION OVER THE IMPLEMENTATION OF THE LAW

Performance of supervision

Article 178

Supervision over the implementation of this Law and regulations adopted on the basis of this Law shall be performed by the Ministry.

XXIV FINANCING THE ARMED FORCES

Funds

Article 179

Funds for functioning, programmes and activities of the Armed Forces shall be determined in the Budget of Montenegro.

XXV PENAL PROVISIONS

Offences

Article 180

A fine between EUR 150 and 1,500 shall be imposed for on a natural person for offence if he/she:

1. Is not serving in the Armed Forces but wears military uniform or parts of military uniform (Article 31 paragraph 2);
2. Takes his/her military record book out of Montenegro (Article 167 paragraph 5).

XXVI TRANSITIONAL AND FINAL PROVISIONS

Obtaining Montenegrin nationality as a requirement for service in the Armed Forces

Article 181

Service of the persons serving in the Armed Forces who do not have Montenegrin nationality and have submitted a request for acquiring Montenegrin nationality until 15 August 2008 shall, if they do not obtain Montenegrin nationality within one year from the day of entry into force of this Law, be terminated.

Education as a requirement for staying in the service

Article 182

Professional officers serving in the Armed Forces on the day of entry into force of this Law who have not completed the military academy, or who do not have adequate higher education, may only be promoted up to the rank of Captain.

Adoption of regulations

Article 183

Regulations for implementation of this Law shall be adopted within one year from the day of entry into force of this Law.

Implementation of regulations

Article 184

Until regulations for implementation of this Law are adopted, regulations that were valid until the day of entry into force of this Law shall apply, provided that they are not contrary to this Law.

Expiry of validity of the previous Law

Article 185

When this Law enters into force, the Law on the Armed Forces of Montenegro (Official Gazette of the Republic of Montenegro 47/07) shall cease to have effect.

Entry into force

Article 186

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.

SU-SK No. 01-993/23
Podgorica, 23 December 2009

The 24th Parliament of Montenegro
The Speaker,
Ranko Krivokapić, duly signed