Pursuant to Article 3a (2) of the Decision on criteria for declaring scientific, trade, economic, cultural and sports interest of Montenegro for acquiring Montenegrin Citizenship by admission ("Official Gazette of Montenegro" 34/10, 40/16 and 62/18), Government of Montenegro, at the meeting held on __________ 2018, adopted the following

**DECISION**

**ON ELIGIBILITY CRITERIA, METHOD AND PROCEDURE FOR ACQUIRING MONTENEGRIN CITIZENSHIP BY ADMISSION AIMED AT IMPLEMENTING THE SPECIAL INVESTMENT PROGRAM OF PARTICULAR SIGNIFICANCE FOR TRADE AND ECONOMIC INTERESTS OF MONTENEGRO**

**Subject Matter**

**Article 1**

This Decision shall prescribe the eligibility criteria, method and procedure for selecting applicants (hereinafter: applicants) for the purpose of implementing the special investment program of particular significance for trade and economic interests of Montenegro, on the basis of which Montenegrin citizenship may be acquired by admission (hereinafter: special program).

**Use of Gender Sensitive Language**

**Article 2**

The terms used in this Decision in the masculine gender shall be considered as including the feminine gender.

**Special Program**

**Article 3**

Special program shall mean the program contributing to the trade and economic development of Montenegro by transferring funds intended for the development of underdeveloped local self-government units within the meaning of the Law on Regional Development and investing in development projects determined in accordance with this Decision.

Special program shall be implemented by the competent administration authority responsible for development projects (hereinafter: competent authority).

**Mediation Agents and International Eligibility Evaluators**

**Article 4**
Applicants shall apply for implementation of the special program through Mediation Agents, and their eligibility shall be evaluated by International Eligibility Evaluators, licensed in accordance with this Decision.

**Licensing**

**Article 5**

Mediation Agents and International Eligibility Evaluators shall be selected by the competent authority on the basis of a public call.

The Government of Montenegro (hereinafter: Government) shall conclude respective contracts with Mediation Agents and International Eligibility Evaluators who meet the requirements of Article 6 of this Decision, as determined by the competent authority.

Pursuant to the contract referred to in paragraph 2 above, Mediation Agents and International Eligibility Evaluators shall be licensed by the competent authority.

**Terms of License**

**Article 6**

Legal persons may be licensed as Mediation Agents provided that:

1) In Montenegro or in another country, the responsible person of that legal person has not been finally sentenced to unconditional imprisonment for a term of more than one year for a criminal offense prosecuted *ex officio*, or any legal effects of conviction for such criminal offense have ceased to apply; and

2) For at least three years, they have carried out the same or similar activities in at least three countries under the contract or license, including at least in one of the EU Member States.

Legal persons may be licensed as International Eligibility Evaluators provided that:

1) In Montenegro or in another country, the responsible person of that legal person has not been finally sentenced to unconditional imprisonment for a term of more than one year for a criminal offense prosecuted *ex officio*, or any legal effects of conviction for such criminal offense have ceased to apply; and

2) They have performed international eligibility evaluations for at least three years.

Licenses referred to in paragraphs 1 and 2 above shall be issued in forms determined by the competent authority and published on their website.

**License Validity Period and Costs**

**Article 7**
Licenses referred to in Article 6 herein shall be issued for a period of one year and may be extended twice for a period of one year, at the request of the Mediation Agent or International Eligibility Evaluator, without concluding a new contract referred to in Article 5 (2) herein.

The costs of issuing licenses referred to in Article 6 (1) herein and the costs of extending licenses in accordance with paragraph 1 above shall be borne by Mediation Agents.

The costs referred to in paragraph 2 above shall amount to EUR 50,000.00 annually and shall be transferred to the account of the competent authority.

International Eligibility Evaluators shall be licensed free of charge.

**List of Agents and Evaluators**

**Article 8**

Based on the licenses issued under Article 6 (1) herein, a list of Mediation Agents shall be drawn up, and on the basis of licenses issued under Article 6 (2) herein, a list of International Eligibility Evaluators shall be drawn up.

The lists referred to in paragraph 1 above shall be drawn up and updated by the competent authority and published on their website.

**License Termination**

**Article 9**

Licenses referred to in Article 6 herein shall cease to be valid if the Mediation Agent or International Eligibility Evaluator fails to meet the obligations stipulated in the contract referred to in Article 5 (2) herein, and no funds referred to in Article 7 (3) herein shall be refunded.

The decision on license termination referred to in paragraph 1 above shall be made by the competent authority.

**Criteria for Applicants**

**Article 10**

Applicants may acquire Montenegrin citizenship by admission on the basis of the special program if:

1) They have transferred funds to cover the costs of the procedure to the account of the competent authority, in the amount of:

- EUR 15,000.00 for the applicant,
- EUR 10,000.00 for each family member, not exceeding found family members,
- EUR 50,000.00 for each following family member;
2) They have deposited EUR 100,000.00 to the ESCROW account for the development of underdeveloped local self-government units for the purposes referred to in Article 18 of the Law on Regional Development;

3) They have deposited no less than EUR 450,000.00 to the ESCROW account for the purpose of investing in a development project in the Capital City of Podgorica or the Coastal Region of Montenegro, or at least EUR 250,000.00, for the purpose of investing in a development project in the northern or central region of Montenegro, not including the Capital City of Podgorica;

4) In Montenegro or in another country, they have not been sentenced to unconditional imprisonment for a term of more than one year for a criminal offense prosecuted ex officio or any legal effects of conviction for such criminal offense have ceased to apply;

5) Positively evaluated by the International Eligibility Evaluator, including evidence of the origin of funds to be transferred and invested in accordance with this Decision.

**Tourism Development Projects**

**Article 11**

Within the meaning of this Decision, development projects shall be hotel/mixed complex construction projects:

- Covering five-star projects in the coastal region or the Capital City of Podgorica, or at least four-star projects in the northern or central region, not including the Capital City of Podgorica;

- As a minimum, requiring an investment of EUR 15,000,000.00 in the coastal region or the Capital City of Podgorica, or EUR 5,000,000.00 in the northern or central region, not including the Capital City of Podgorica;

- Generating at least 80 new jobs in the coastal region or the Capital City of Podgorica, or at least 25 new jobs in the northern or central region, not including the Capital City of Podgorica;

- With no less than 60 accommodation units in the coastal region or the Capital City of Podgorica, or at least 35 accommodation units in the northern or central region, not including the Capital City of Podgorica.

The list of development projects, within the meaning of paragraph 1 above, shall be drawn up by the Government, on the proposal of the state administration authority responsible for sustainable development and tourism.

The list of development projects referred to in paragraph 2 above shall be published on the website of the competent authority.
The regions referred to in Article 10 paragraph 1 item 2 herein and paragraph 1 above shall be determined in accordance with the Law on Regional Development.

**Agriculture and Processing Industry Development Projects**

**Article 12**

Within the meaning this Decision, development projects shall also include:

1) Agriculture projects that meet the conditions determined by the state administration authority responsible for agriculture and rural development;

2) Processing industry projects that meet the conditions determined by the state administration authority responsible for economic affairs.

The list of development projects referred to in paragraph 1 item 1 above shall be determined by the Government, on the proposal of the state administration authority responsible for agriculture and rural development, and the list of development projects referred to in paragraph 1 item 2 above shall be determined by the Government, on the proposal of the state administration authority responsible for economic affairs and the state administration authority responsible for agriculture and rural development.

The lists referred to in paragraph 2 above shall be published on the website of the competent authority.

**Application for Montenegrin Citizenship**

**Article 13**

In order to acquire Montenegrin citizenship on the basis of the special program, through the Mediation Agent, applicants shall apply to the competent authority as the main applicants and on behalf of their respective family members.

Family members, within the meaning of paragraph 1 above, shall include:

- Spouses;

- Dependent children of applicants under the age of 18;

- Children under the age of 18, who may acquire Montenegrin citizenship as adults.

Family members referred to in paragraph 2 above must meet the criterion of Article 10 paragraph 1 item 5 herein, and the applicants’ spouses and children under the age of 18 must meet the criterion of Article 10 paragraph 1 item 4 herein.

Applications referred to in paragraph 1 above shall be submitted on the form determined by the competent authority and published on their website.
With applications referred to in paragraph 1 above, applicants shall enclose, for themselves and their family members, the following:

- Certified copy of passport and identity card;
- Birth certificate;
- Marriage certificate;
- Insurance policies in force in Montenegro, covering health insurance;
- Certificates proving that they have no contagious diseases, issued in accordance with the regulations of the applicant’s country of nationality.

Criteria for Family Members

Article 14

After the competent authority has determined that the applicant met the criteria referred to in Article 10 herein, and his family members met the criteria referred to in Article 13 (3) herein, and that the applicant has enclosed the evidence referred to in Article 13 (5) herein, this shall be reported to the Prime Minister.

Procedure

Article 15

When the state administration authority responsible for internal affairs notifies the competent authority that, acting on the proposal of the Prime Minister, it has been determined that the conditions for adopting a decision on granting Montenegrin citizenship to the applicant and his family members were fulfilled, the competent authority shall inform the applicant accordingly.

By notification referred to in paragraph 1 above, the competent authority shall inform the applicant of his obligation to transfer funds from the ESCROW account referred to in Article 10 paragraph 1 items 2 and 3 herein to the dedicated account for development of underdeveloped local self-government units, and to the account of the investor implementing the development project, if registered in Montenegro, or to the account of the company implementing the development project, registered in Montenegro.

The transfer of funds referred to in paragraph 2 above shall be verified by an independent auditor appointed by the competent authority on the basis of a public call for monitoring investments in development projects.

On the basis of an independent auditor's report, the competent authority shall notify the state administration authority responsible for internal affairs that the funds referred to in
paragraph 2 above have been transferred for the purpose of issuing a decision on admission to Montenegrin citizenship under a special program.

**Restriction**

**Article 16**

For the duration of the special program, a maximum of 2000 applicants may acquire Montenegrin citizenship by decision issued based on the special program.

**Providing False Information**

**Article 17**

Where subsequently found that a person who acquired Montenegrin citizenship by admission in accordance with this decision has provided false information or intentionally concealed the facts or circumstances relating to the criteria referred to in Article 10 and Article 13 (3) herein, or if the International Eligibility Evaluator has provided incorrect information in his report, the competent authority shall notify the state administration authority responsible for internal affairs accordingly, who shall issue a decision on the loss of Montenegrin citizenship in accordance with the law regulating Montenegrin citizenship.

**Entry into Force and Application**

**Article 18**

This Decision shall enter into force on the eighth day following that of its publication in the "Official Gazette of Montenegro" and shall apply from 1 January 2019 until 31 December 2021.

Number:

Podgorica, _____________ 2018

The Government of Montenegro

Prime Minister

Dusko Markovic