

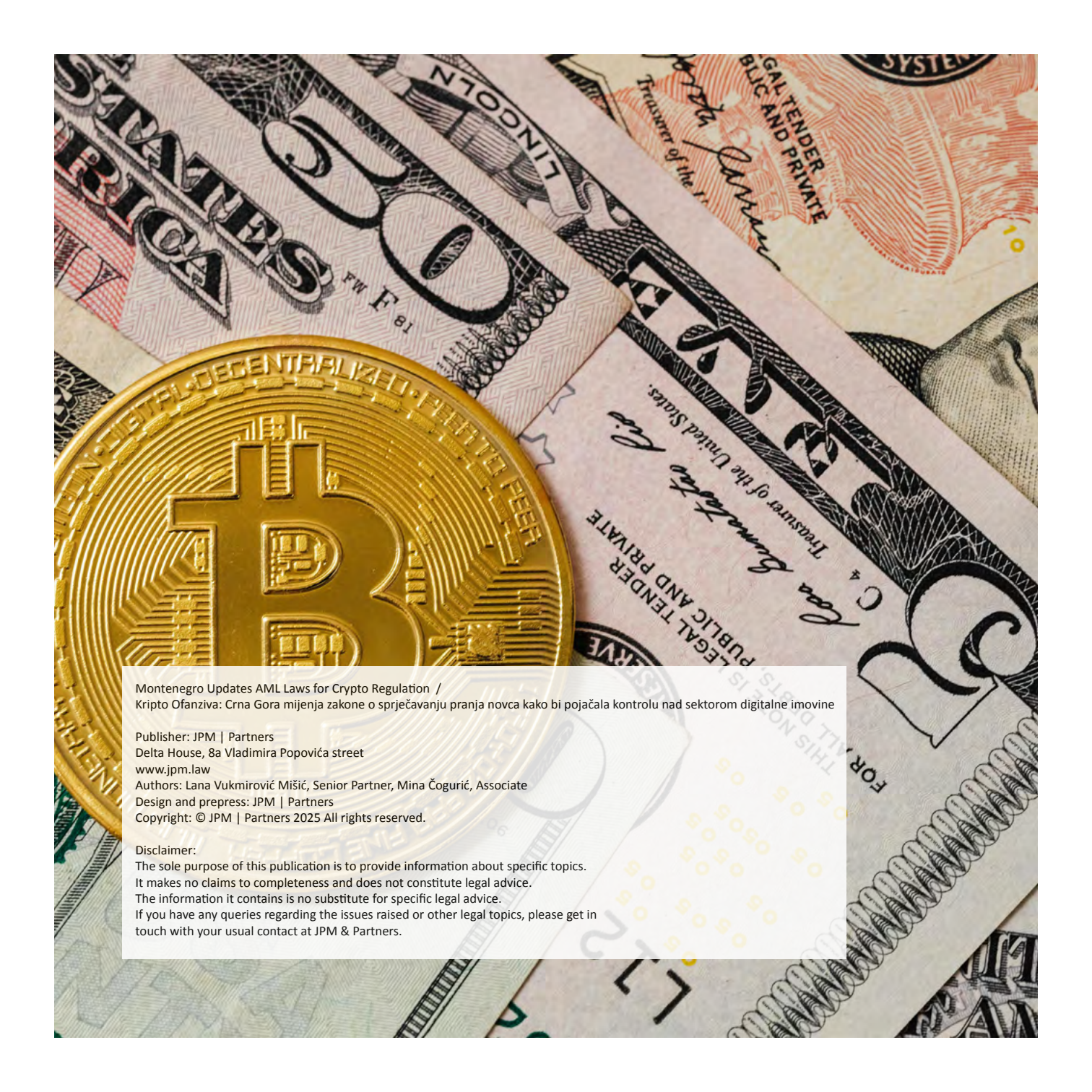


**Crna Gora mijenja zakone o sprječavanju pranja novca
radi regulacije kripto imovine**

Montenegro Updates AML Laws for Crypto Regulation

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A collage of US dollar bills and a gold Bitcoin coin. The bills are scattered, showing various denominations and parts of the design, including the words 'AMERICA', 'TREASURER OF THE UNITED STATES', and 'LEGAL TENDER PUBLIC AND PRIVATE'. The Bitcoin coin is prominent in the foreground, featuring the Bitcoin symbol and the text 'BITCOIN DECENTRALIZED PEER-TO-PEER'.

Montenegro Updates AML Laws for Crypto Regulation /
Kripto Ofanziva: Crna Gora mijenja zakone o sprječavanju pranja novca kako bi pojačala kontrolu nad sektorom digitalne imovine

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Usvojen je Zakon o izmjenama i dopunama Zakona o sprečavanju pranja novca i finansiranja terorizma („Zakon“) i donijet ukaz o njegovom proglašenju. Zakon je objavljen u „Službenom listu Crne Gore“ 12.03.2025. godine i stupa na snagu 20.03.2025. godine.

U nastavku teksta sumirali smo neke od najvažnijih izmjena i dopuna koje su predstavljene Zakonom.

The Law on Amendments to the Law on Prevention of Money Laundering and Terrorist Financing (“Law”) has been adopted, and a decree on its promulgation has been issued. The Law was published in the “Official Gazette of Montenegro” on 12th March 2025, and it enters into force on 20th March 2025.

Below, we have summarized some of the most important amendments introduced by the Law.

Regulisanje poslovanja u vezi sa kriptoinovinom

Iako je regulisanje kriptoinovine trebalo biti uređeno posebnim zakonom, zakonodavac je kroz izmjene i dopune postojećeg Zakona o sprečavanju pranja novca i finansiranja terorizma uveo posebno poglavlje koje reguliše ovu oblast. Novi propisi uključuju i obavezu registracije pružalaca usluga povezanih sa kriptoinovinom u Crnoj Gori, što znači da svako pravno lice, privredno društvo, preduzetnik ili fizičko lice sa sjedištem, prebivalištem ili odobrenim stalnim boravkom u Crnoj Gori koje želi da pruža usluge povezane sa kriptoinovinom, mora biti upisano u Registar prije početka poslovanja. Isto važi i za pružaoce usluga iz država članica EU koje nijesu na listi visokorizičnih trećih zemalja, pod uslovom da imaju odgovarajuće odobrenje ili registraciju u matičnoj državi.

Regulation of business operations related to crypto assets

Although the regulation of crypto assets should have been addressed through a separate law, the legislator has introduced a dedicated chapter on this matter through amendments to the existing Law on Prevention of Money Laundering and Terrorist Financing. The new provisions include an obligation for providers of services related to crypto assets in Montenegro to register before commencing operations. This means that any legal entity, business company, entrepreneur, or natural person with a registered office, residence, or approved permanent residence in Montenegro wishing to provide services related to crypto assets must be established in the Register before starting business operations. The same applies to service providers from EU member states not on the list of high-risk third countries, provided they hold the appropriate authorization or registration in their home country.

Članom 145c Zakona predviđeno je da je nadzorni organ dužan da uspostavi Registar u roku od devet mjeseci od dana stupanja na snagu izmjena i dopuna Zakona.

Posebno ukazujemo na problematičnost nedostatka prelaznih odredbi kada je u pitanju pružanje usluga povezanih sa kriptoinovinom. Uslijed nedostatka prelaznih odredbi dovodi se u pitanje zakonitost poslovanja u vezi sa kriptoinovinom u periodu od dana stupanja na snagu izmjena pa sve do uspostavljanja Registra pružalaca usluga povezanih sa kriptoinovinom („Registar“) čije se osnivanje očekuje u roku od 9 mjeseci od dana stupanja na snagu Zakona.

Article 145c of the Law stipulates that the supervisory authority must establish the Register within nine months from the date of entry into force of the amendments.

A significant issue is the lack of transitional provisions regarding the provision of services related to crypto assets. Due to this omission, the legality of business operations related to crypto assets remains uncertain from the date the amendments enter into force until the establishment of the Register of Crypto Asset Service Providers (“Register”), which is expected to be created within nine months from the Law’s entry into force.



Nove obaveze priređivača igara na sreću

Član 18, stav 1, tačka 7 važećeg Zakona o sprečavanju pranja novca i finansiranja korupcije mijenja se na način što će priređivači igara na sreću biti obavezni da sprovedu mjere poznavanja i praćenja poslovanja klijenta prilikom uplate uloga u iznosu od 20,00 EUR ili više, kod izvršenja jedne ili više povezanih transakcija, umjesto dosadašnjeg minimalnog iznosa od 2.000,00 EUR.

New obligations for gambling operators

Article 18, paragraph 1, point 7 of the current Law on Prevention of Money Laundering and Terrorist Financing is amended so that gambling operators will be required to conduct customer due diligence and transaction monitoring when processing deposits of EUR 20,00 or more, whether as a single transaction or multiple linked transactions, instead of the previous minimum amount of EUR 2.000,00.

Unaprjeđenje sistema identifikacije klijenata

Zakonom se uvodi mogućnost da obveznici, koji su sproveli video-elektronsku identifikaciju klijenta, svaku narednu provjeru identiteta vrše korišćenjem pouzdanih algoritama. Ova provjera se zasniva na upoređivanju fotografije iz video zapisa klijenta sa fotografijom iz njegove elektronske lične isprave preuzete prilikom inicijalne identifikacije. Ova provjera je moguća samo ako elektronska lična isprava nije istekla u trenutku sprovođenja provjere. Takođe, obveznici mogu dodatno provjeriti podatke kroz Centralni registar stanovništva, evidenciju izdatih ličnih isprava i međunarodne baze ukradenih, izgubljenih i nevažećih dokumenata. Ova mjera doprinosi efikasnosti i sigurnosti procesa identifikacije, uz osiguranje visokog nivoa zaštite podataka klijenata.

Enhancement of the client identification system

The Law introduces the possibility for obligatories that have conducted video-electronic client identification to perform subsequent identity verification using reliable algorithms. This verification process is based on comparing the client's video-recorded image with the photograph from their electronic identification document, obtained during the initial identification process. This verification is only possible if the electronic identification document has not expired at the time of verification. Additionally, obligatories may cross-check data through the Central Population Register, records of issued identification documents, and international databases of stolen, lost, and invalid documents. This measure enhances the efficiency and security of the identification process while ensuring a high level of data protection for clients.

Preciznije definisanje stvarnih vlasnika

Izmjene i dopune Zakona donose preciznije definisanje stvarnih vlasnika. Sada je dodat i novi kriterijum za određivanje ko se smatra stvarnim vlasnikom – pored vlasničkog udjela i odlučujućeg uticaja, stvarnim vlasnikom će se smatrati i lice koje kontroliše pravno lice ili privredno društvo „drugim sredstvima“.

Ova izmjena donosi jasnija pravila o tome šta se podrazumijeva pod „drugim sredstvima kontrole“ – to mogu biti većina prava glasa, pravo imenovanja ili razrješenja većine članova uprave, pravo veta, donošenje odluka o raspodjeli dobiti ili promjeni imovine.

More precise definition of beneficial owners

The amendments to the Law provide a more precise definition of beneficial owners. A new criterion has been added to determine who qualifies as a beneficial owner – besides ownership interest and decisive influence, a beneficial owner is now also considered to be a person who controls a legal entity or business company “by other means.”

This amendment establishes clearer rules on what constitutes “other means of control,” which may include a majority of voting rights, the right to appoint or dismiss most board members, veto rights, decision-making over profit distribution, or changes in assets.

Takođe, kontrola može prosteći iz formalnih ili neformalnih sporazuma sa vlasnicima, odredbi statuta, ugovora o partnerstvu, pa čak i porodičnih veza ili aranžmana sa imenovanim predstavnicima.

Pored toga, Zakon sada eksplicitno definiše ko se smatra stvarnim vlasnikom u fondacijama sličnim trustu. To su osnivač, članovi upravnog i nadzornog odbora, korisnici ili kategorija korisnika fondacije, kao i lica koja je direktno ili indirektno kontrolišu.

Furthermore, the Law explicitly defines who qualifies as a beneficial owner in foundations similar to trusts. These include the founder, members of the management and supervisory board, beneficiaries or categories of beneficiaries of the foundation, and people who directly or indirectly control it.

Additionally, control may stem from formal or informal agreements with owners, provisions in statutes, partnership agreements, and even family ties or arrangements with appointed representatives.

Povećanje novčanih kazni i dopuna prekršajnih odredbi

Naposlijetku, Zakonom je povećan minimum predviđenog raspona novčane kazne za nepostupanje pravnih lica po odredbama Zakona sa 3.000,00 EUR na 5.000,00 EUR.

Uvodi se novi stav u članu 137 Zakona kojim se predviđa strožija novčana kazna u rasponu od 10.000,00 EUR do 40.000,00 EUR ukoliko prekršaj učine kreditne institucije i filijale stranih kreditnih institucija, subjekti koji vrše poslove otkupa potraživanja, finansijskog lizinga, iznajmljivanja sefova, faktoringa, izdavanja garancija i drugih jemstava, odobravanja kredita i kreditnog posredovanja ili mjenjačke poslova i platne institucije i institucije za elektronski novac.

Increase in financial penalties and amendments to misdemeanor provisions

Finally, the Law increases the minimum range of financial penalties for legal entities failing to comply with its provisions from EUR 3.000,00 to EUR 5.000,00.

A new provision has been introduced in Article 137, stipulating stricter fines ranging from EUR 10.000,00 to EUR 40.000,00 if the violation is committed by credit institutions and branches of foreign credit institutions, entities engaged in receivables purchasing, financial leasing, safe deposit box rental, factoring, issuance of guarantees and other sureties, credit granting and brokerage, foreign exchange operations, payment institutions, and electronic money institutions.

Dopunama Zakona, prekršajne odredbe sada obuhvataju i situaciju u kojoj obveznik ne dostavi podatke za vođenje Registra stvarnih vlasnika u roku od 8 dana od registracije u Centralnom registru privrednih subjekata, odn. u roku od 8 dana od dana promjene podatka o stvarnom vlasniku, u skladu sa članom 43, stav 3 Zakona. U tom slučaju, može biti izrečena novčana kazna u iznosu od 500 do 2.000 EUR.

Additionally, the amendments to the Law expand misdemeanor provisions to include cases where an obliged entity fails to submit data for maintaining the Register of Beneficial Owners within eight days of registration in the Central Register of Business Entities or within eight days of any change to the beneficial ownership information, in accordance with Article 43, paragraph 3 of the Law. In such cases, a fine ranging from EUR 500,00 to EUR 2.000,00 may be imposed.



Izmjene i dopune Zakona donose strožiju regulativu, veću transparentnost i usklađenost sa međunarodnim standardima. Preciznije definisanje stvarnih vlasnika, regulisanje kriptoomovine i unaprjeđenje identifikacije klijenata ključni su koraci ka efikasnijoj kontroli finansijskih tokova.

Povećane kazne i strožije prekršajne odredbe dodatno jačaju pravnu sigurnost i odgovornost obveznika. Ipak, ostaje otvoreno pitanje nedostatka prelaznih odredbi u dijelu pružanja usluga povezanih sa kriptoomovinom do uspostavljanja Registra odn. dana upisa u Registar pružalaca usluga povezanih sa kriptoomovinom.

The amendments to the Law introduce stricter regulations, increased transparency, and alignment with international standards. More precise definitions of beneficial owners, regulation of crypto assets, and enhancements to client identification are key steps toward more effective financial flow control.

Increased fines and stricter misdemeanor provisions further strengthen legal security and accountability for obliged entities. However, the lack of transitional provisions regarding the provision of services related to crypto assets until the Register is established, as well as the fact that crypto asset regulation should have been addressed through a separate law, remain open issues.

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