

EUROPEAN PARLIAMENT

2004



2009

Session document

4.12.2007

B6-0494/2007

MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Marcello Vernola

on behalf of the Committee on Foreign Affairs

on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Montenegro, of the other part

European Parliament resolution on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Montenegro, of the other part

The European Parliament,

- having regard to the Council decision of 3 October 2005 to open negotiations with Serbia and Montenegro with a view to a Stabilisation and Association Agreement (SAA),
 - having regard to the adoption by the Council on 24 July 2006, following the Montenegrin Parliament's declaration of independence, of a new negotiating brief specifically for Montenegro,
 - having regard to the conclusion of the negotiations on the SAA on 1 December 2006 and the signing of the agreement on 15 March 2007,
 - having regard to the proposal for a Council decision on the signing of the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Montenegro on behalf of the European Community (COM(2007)350-1),
 - having regard to the proposal for a Council and Commission decision on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part (COM(2007)350-2),
 - having regard to the signature on 18 October 2007 of the EU-Montenegro agreements on the simplification of short-stay visas and readmission,
 - having regard to the Commission's 2007 progress report on Montenegro (SEC(2007)1434),
 - having regard to the indicative multiannual financial programming document for Montenegro under the Pre-Accession Instrument (2007-2009),
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas Montenegro is a co-signatory of the Energy Community Treaty,
- B. whereas Montenegro confirmed the ratification of the Rome Statute of the International Criminal Court on 23 October 2006,
- C. whereas the future of Montenegro lies in the European Union,
- D. whereas Montenegro is a signatory of the Central European Free Trade Association (CEFTA); whereas Montenegro's accession to the WTO may be concluded in 2008,

- E. whereas at its meeting of 19 and 20 June 2003 in Thessaloniki the European Council recognised that Montenegro's future lay in the European Union, and this has been confirmed on several occasions by the Council and Parliament,
 - F. having regard to the scope of the SAA, which establishes a contractual relationship between the European Community and Montenegro in vital areas of the country's institutional, social and economic life,
 - G. having regard to the environmental dimension's importance in the economic and social life of the Republic of Montenegro, something which is acknowledged by the country's Constitution, which declares Montenegro to be an ecological state, and stressing that such declarations of intent need to be backed up by practical measures and effective structures,
 - H. having regard to the essential role that an independent, competent and accountable judiciary which is free of corruption plays in the life of a democratic country,
 - I. having regard to the need for Community assistance to Montenegro to be commensurate with the contractual commitments stemming from the above agreement,
 - J. whereas, following an agreement between the governing coalition and important sections of the opposition, the Montenegrin Parliament adopted on 19 October 2007, by the required two-thirds majority, a new Constitution of Montenegro,
 - K. whereas in 2007 the Montenegrin economy is experiencing strong growth (nearly 8%) and a growing volume of foreign direct investment (€ 707 m); whereas the unemployment rate is currently at a low level and for the first time has fallen below 12%; whereas, however, concerns remain regarding the deficit on the current account of the balance of payments,
 - L. whereas corruption remains a serious problem in Montenegro, and whereas on Transparency International's 2007 Corruption Perceptions Index, Montenegro has an average score of 3.3 (on a scale from 0 'highly corrupt' to 10 'completely clean'),
1. Congratulates the Montenegrin Government on the speedy conclusion of the negotiations on the conclusion of an SAA and on the recent signature of this important document;
 2. Considers the SAA to be a first, but important step by Montenegro towards accession to the European Union and believes that the agreement provides a further example of the positive changes in the Western Balkans which prospects of EU membership can achieve; points out however to the Montenegrin authorities that the prospects for accession need to be assessed in a realistic manner, on the basis not merely of the transposition into national law of Community rules and standards but also of the country's real administrative and judicial capacities and the allocation of sufficient resources, which are essential for the development of a sound legislative framework in Montenegro and its effective implementation and are a fundamental precondition for the country's democratic and economic development;
 3. Suggests that the Commission take account of the unique transition-related reform experiences of the Member States which have joined the EU in the 21 century so as to elaborate on the new mechanisms at work which may be beneficial to Montenegro;

4. Recommends strengthening the role of Parliament, as the centrepiece of parliamentary democracy, and observes that it should thus particularly act as a scrutinising body, for example in the field of public finance;
5. Calls on the Parliament of Montenegro, in accordance with its conception of its own role, to contribute actively to the process of rapprochement with the EU; reminds the Government that it must involve Parliament actively in opinion-forming processes;
6. Urges the Montenegrin Government and Parliament to give practical effect to the objectives listed in Article 80 of the SAA by introducing the laws and regulations required in order to guarantee the full independence and accountability of the judiciary; considers, in this connection, that the new constitutional provisions regarding responsibility for appointing judges reduce Parliament's discretionary powers and increase the autonomy of the judicial self-regulatory body; recalls that it is essential that an independent, efficient and corruption-free judiciary be in place to manage the full and irreversible implementation of the rule of law;
7. Urges the Montenegrin Government and the judicial authorities to provide all the necessary assistance and cooperation to the Italian judicial authorities as regards the conclusion of the inquiry into organised crime and the smuggling of cigarettes which involves prominent Montenegrin politicians and could be followed up with an international arrest warrant;
8. Is pleased to record Montenegro's continued cooperation with the ICTY and emphasises that this is closely linked with Montenegro's progress towards EU membership; urges the Montenegrin authorities to complete their investigation of Sreten Glendza, commander of the Ulcinj police district, and of five other former police officers accused of committing war crimes in 1992; calls on the same authorities to bear in mind the Tribunal's completion strategy and make the necessary arrangements in view of the 2008 deadline for completion of all trials at the ICTY;
9. Welcomes the arrest earlier this year on the territory of Montenegro of fugitive war crimes indictee Vlastimir Djordjevic and calls on the Montenegrin authorities further to cooperate with Serbia and other neighbouring countries in locating and arresting the remaining war crimes suspects, in particular Ratko Mladic and Radovan Karadzic;
10. Urges the Montenegrin authorities to adopt and implement proactive policies against corruption, with a view to improving the efficiency of public administration, the fight against organised crime and the fight against trafficking in human beings, arms, cigarettes and drugs, since these are preconditions for further integration into the European Union; recalls the importance of establishing a climate of security for Montenegrin citizens, tourists and foreign investors and calls in this context for the independent bodies which monitor corruption to be strengthened;
11. Welcomes the signing of the Visa Facilitation Agreement and Readmission Agreement with Montenegro on 18 September 2007 as a first step towards a completely 'visa-free' regime and calls on the Council and the Commission to establish a concrete roadmap in this respect and to adopt measures designed to increase travel opportunities for a larger proportion of citizens, particularly young people and students;

12. Welcomes in this context the opening of the EU Common Application Centre in Podgorica in order to facilitate the procedures for short-term visa issuance and calls on the Member States to take part in this Common Application Centre project in order for the citizens of Montenegro to benefit fully from the Agreement which has been signed;
13. Calls on the Montenegrin authorities to seize the signing of the agreement as an opportunity to pursue vigorously reforms in areas such as the rule of law, fighting organised crime and corruption, strengthening border controls, and increasing Montenegro's administrative capacity;
14. Emphasises the importance of Article 114 of the SAA, which contains a commitment to 'the development of an efficient and accountable public administration in Montenegro', and urges the Government to adopt the provisions required to ensure transparent recruitment and career management within the public administration and to make full use, with the Commission's support, of the Community assistance and twinning instruments for public bodies;
15. Regrets the signature of an agreement between the United States and Montenegro, under which the Montenegrins pledge not to hand over US personnel to the International Criminal Court (ICC), in return for which the US will provide military aid to Montenegro (the so-called Article 98 agreement); recalls that the EU opposes such accords as they undermine the ICC's authority; expects Montenegro to take into account the EU stance on this matter and adopt appropriate measures;
16. Stresses that the development of environmentally sustainable tourism is of capital importance to Montenegro's economic future; insists on the need to adopt a coherent environmental legislative framework and a master plan for coastal protection and urges the Government to make operational the independent bodies responsible for ensuring respect for the delicate ecological balance in coastal areas in particular, but also in the national parks in the interior of the country, and deplores the fact that Article 96 of the SAA does not contain any clear undertakings in this connection;
17. Regrets ongoing speculation in property and real estate and its negative impact on the sustainable development of the country, mainly due to weak or insufficient control by state and local authorities;
18. Notes that Montenegro de facto uses the euro as an official currency; points out that the present use of the euro, decided by the Montenegrin authorities in exceptional circumstances, is entirely distinct from euro zone membership; recalls that in order to join the euro zone all the criteria defined in the Treaty must be fulfilled and that these comprise the achievement of a high degree of sustainable convergence;
19. Urges the Montenegrin Government and Parliament therefore to implement at the earliest opportunity the national law for the protection of the countryside – particularly in coastal areas – and of waters and the marine environment, and to implement the master plans for integrated waste management and the treatment of waste water, focusing in particular on promoting differentiated waste collection in coastal tourist resorts and providing for the construction of heat recovery plants; draws attention in particular to the delicate ecological balance in Kotor Bay and the urgent need for concerted action to preserve this

exceptionally beautiful natural and architectural heritage;

20. Recommends that the Montenegrin authorities give practical effect to the objectives set out in Article 109 by constructing at the earliest opportunity plants using renewable energy sources; urges the Commission to assist the Montenegrin Government in finding the public or public/private funding required to build such plants; notes that the draft Energy Strategy 2025 provides the opportunity to make Montenegro's energy sector more environmentally friendly and stresses its importance for the country's development;
21. Notes that foreign direct investment in Montenegro is dominated by investment in immovable property; is concerned about the speculation in land and immovable property, which can hardly be curbed and is liable to result in the whole coast's becoming built up; observes, at the same time, that building inspections play an important part in this and that, in sensitive areas, moratoriums on building should be considered;
22. Is concerned about the lack of transparency and the culture of monopolies within both political and economic structures which are hindering Montenegro's development as a democratic free market society;
23. Takes the view that the lack of short- and long-term economic development planning as well as the failure to address Montenegro's sizeable 'shadow economy' can be damaging to the successful implementation of the SAA; calls therefore on the Montenegrin authorities to make a firmer commitment to employment, one of the most severe economic and social problems facing Montenegrin society, and to pursue economic policies to create an openly competitive and transparent business climate;
24. Points to the importance of developing an intermodal transport network that is not geared solely to road transport; considers that this objective may be pursued by means of partnerships with the private sector and through the issue of government bonds; recommends continuing the renewal of railways and reconstructing the partially disused tracks from Podgorica to the town of Nikšić and to the Albanian border town of Shkoder;
25. Calls on the Government of Montenegro to find long-term solutions for the housing and the nationality of refugees from neighbouring Kosovo, on the basis of the 1997 European Convention on Nationality and the newly adopted Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession;
26. Urges the Montenegrin authorities to coordinate even more efficiently Montenegro's involvement in Community programmes, particularly in the education and training field; points out that such programmes may be an effective means of enhancing the quality of the education and training on offer and of providing new study opportunities, including periods abroad, to young people in Montenegro; considers that thought should be given, in conjunction with the Commission, to how best to promote twinning and partnership arrangements between Montenegrin establishments and their counterparts in EU Member States; considers that visa liberalisation would make the involvement of Montenegrins in Community programmes easier;
27. Calls on the Montenegrin Government to implement reforms in the media laws, in particular the Law on Media Transparency and Prevention of Media Concentration, in

order to allow for greater transparency and prevent media monopolies in both the printed and electronic media; calls on Parliament to ensure the independence of the Broadcasting Council from Radio Television of Montenegro (RTCG), including genuine representation of all sections of society, thereby facilitating the full transformation of the RTCG into a professional public broadcasting service;

28. Observes that it is essential to strengthen and maintain independent media with balanced reporting;
29. Strongly regrets that there has been no resolution to the case involving the murdered journalist Dusko Jovanovic, who at the time of his murder was in the process of publishing a series of articles on cigarette smuggling and other forms of organised crime in Montenegro;
30. Urges the Montenegrin Government to guarantee press freedom and requests an investigation of the aggression suffered in Podgorica on 1 September 2007 by Zeljko Ivanovic, editor of the independent daily newspaper 'Vijesti';
31. Highlights the important role which civil society can play in developing democracy and the rule of law by drawing attention to social problems and to sensitive political issues; calls in this context for stronger safeguards and better conditions for civil society actors;
32. Notes the Montenegrin Government's undertaking to promote cultural cooperation, and calls for civil society to be more involved in the cultural sector, inter alia through the provision of incentives for various forms of association and by promoting contact among people;
33. Welcomes the initiatives to provide Montenegrin students with study opportunities in the EU countries; calls on EU Member States to seek new forms of interaction with Montenegrin people;
34. Deplores the delays in the opening of the Commission delegation office in Montenegro; draws attention to the importance of a visible EU presence in Montenegro, particularly with a view to the entry into force of the SAA; welcomes the fact that the Commission has launched the procedures for the recruitment of staff for the Podgorica office and trusts that these will be completed as soon as possible;
35. Welcomes the inauguration of the new border crossing in Scepan Polje on 1 October 2007 and in relation to this the announcement of the construction of further new border crossings; welcomes in regard to this the development of good-neighbourly relations;
36. Notes that a permanent agreement on the Croatian-Montenegrin border will have to replace the interim agreement concluded between Croatia and the then State Union of Serbia and Montenegro; takes the view that the current interim arrangement put in place on the Prevlaka Peninsula has proved to be an excellent basis for the new permanent agreement;
37. Welcomes the adoption by the Parliament of Montenegro of a new constitutional text; believes that the new Constitution introduces a clearer separation of powers between the

legislature, the executive and the judiciary and establishes sufficient safeguards for national minorities;

38. Takes the view that the new constitutional text is a step in the right direction which provides further evidence of Montenegro's willingness to integrate fully into the EU; is however of the opinion that, once appropriate steps have been taken to improve the accountability of judges and eradicate the endemic corruption which tarnishes the image of the Montenegrin judiciary, the provisions concerning the appointment and dismissal of judicial authorities should be improved with a view to better safeguarding the independence of the judiciary;
39. Considers that regional cooperation among Western Balkan countries may be an effective instrument for solving their political, economic and social problems; welcomes Montenegro's accession to the CEFTA agreement, which will significantly contribute to the economic development of the country; urges the Commission to assist the Montenegrin authorities in strengthening cooperation with neighbouring countries in the field of energy, the environment and transport; stress the importance of regional cooperation for the integration of Montenegro into the European Union;
40. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and the Government of Montenegro.