

European integration process of Montenegro

European Parliament resolution of 9 March 2011 on the European integration process of Montenegro

The European Parliament,

- having regard to the European Council decision of 17 December 2010 to grant Montenegro the status of candidate country for accession to the European Union,
 - having regard to the Communication from the Commission to the European Parliament and the Council on the Commission opinion on Montenegro's application for membership of the European Union (COM(2010)0670),
 - having regard to the Communication from the Commission to the European Parliament and the Council on the Enlargement Strategy and Main Challenges 2010-2011 (COM(2010)0660),
 - having regard to 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 of 29 March 2010¹,
 - having regard to the EC-Montenegro readmission agreement of 8 November 2007² and to Council Regulation (EC) No 1244/2009 of 30 November 2009, adopted on 1 December 2009, amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement³,
 - having regard to the recommendations of the EU-Montenegro Stabilisation and Association Parliamentary Committee of 27-28 September 2010,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the Thessaloniki European Council of 19-20 June 2003 reaffirmed that the future of the Western Balkans lies with the European Union; whereas that statement was reiterated by the Brussels European Council of 15-16 June 2006 and at subsequent summits,
1. Welcomes the general consensus and high priority given to the European integration by the government and opposition parties in Montenegro, which has resulted in good progress in the reform process since the independence of the country; welcomes the new political leadership in Podgorica and encourages the new government to continue Montenegro's European integration process and speed up the reforms leading to fulfilment of the Copenhagen criteria;
 2. Welcomes the European Council decision of 17 December 2010 to grant Montenegro the

¹ OJ L 108, 29.4.2010, p. 1.

² OJ L 334, 19.12.2007, p. 25.

³ OJ L 336, 18.12.2009, p. 1.

status of candidate country for accession to the European Union; regrets, however, the decoupling of candidate status from the right to open negotiations and stresses that the decision to start them should not be unduly or unreasonably postponed; expects the negotiations to start at the latest after the publication of the 2011 Commission Progress Report, provided Montenegro makes good progress in fulfilling the benchmarks set by the Commission;

3. Welcomes the Council's decision to grant Montenegrin citizens the possibility to travel without visas (full visa liberalisation) to the EU Schengen area as of 19 December 2009; underlines the importance of such a step for the development of people-to-people contacts, particularly in the field of education, research, tourism, for business contacts and international trade union cooperation; calls on the non-Schengen EU countries also to consider adopting a similar visa liberalised regime for Montenegrin citizens, especially in view of the smooth implementation of the visa liberalisation regime with the Schengen EU countries;
4. Welcomes the fact that the process of establishing the legal and constitutional framework of the country has almost been finalised; draws attention, however, to the fact that the deadline for harmonising the existing legal system with the new constitution has been extended for the fourth time and calls on the authorities to adopt swiftly the outstanding legislation, in particular the amendments to the legal framework on elections; calls on all political parties to reach a consensus on the draft law without further delay in line with the recommendations of the OSCE-ODIHR and the Venice Commission, and to improve the mechanism for verifying election-related complaints before the Electoral Commission or the courts; calls on the Montenegrin Parliament to urgently and significantly strengthen its capacities regarding the task of assessing whether laws proposed by the government are in line with the *acquis* and urges the Commission to provide the necessary technical assistance in this regard within the framework of the Instrument for Pre-Accession; urges the government to make the process of law-making more transparent and publicly accessible;
5. Notes with satisfaction that IPA assistance works well in Montenegro; encourages both the Montenegrin Government and the Commission to simplify the administration procedure for IPA funding, with the aim of making it more accessible to smaller and non-centralised civil organisations, trade unions and other beneficiaries;
6. Reiterates the utmost importance of the rule of law for the development of the country and for the credibility of the state institutions in the eyes of citizens; welcomes, to this end, the increased activity shown by the government and parliament in preparing and adopting the requisite legislation; underlines however the importance of public participation in the development of new legislation and its effective implementation in order for progress to be visible to the citizens;
7. Welcomes the initiative of the Montenegrin Parliament to professionalise the function of the President of the State Electoral Commission, calls however for the professionalisation of the remaining members of this body and an upgrade in its capacities in order to ensure transparent, democratic and effective administering of electoral processes;
8. Notes good progress in adopting important legislation in the field of fighting corruption and welcomes the adoption of a new strategy and an action plan as well as the establishment of the National Commission to implement them; underlines, however, that corruption is still prevalent in many areas, especially in the construction, privatisation and public

procurements sector, and that it constitutes a serious problem; notes, moreover, that the track record of investigations, prosecutions and final convictions in corruption cases remains low; underlines the importance of establishing a clearly stated comprehensive framework to fight corruption, including better implementation of the law on free access to information and coordination between law enforcement agencies as well as a single authority monitoring and enforcing the obligations of government bodies and following up on complaints from the public (Ombudsman); draws attention to the need to effectively implement the adopted legislation in this field, in order to give the law enforcement agencies new tools to fight corruption; urges change in the legislative framework for political parties and electoral campaign financing in order to ensure independent control and transparency of the financing mechanisms;

9. Calls for energetic steps to be taken to eliminate the cases of conflicts of interest in public administration by strengthening the Conflict of Interest Commission and granting it powers to verify declarations of assets by public officials and to sanction irregularities; calls, equally, for the amendment of the law on prevention of conflicts of interest in exercising public functions, which allows Members of Parliament and other elected representatives to take up duties as members of managing or supervisory bodies: in certain cases full transparency and declaration of interests by elected representatives can resolve this conflict;
10. Points out that the freedom of information law is being implemented with difficulty, especially when it comes to the provision of documents that could reveal corruption in the field of privatisation and public procurement; urges the government to facilitate access to relevant data; urges state authorities to refrain from pressuring those non-governmental and non-profit organisations and civil society actors in general which investigate corruption and organised crime cases and perform a watchdog role;
11. Notes the progress in reform of the judiciary, as demonstrated by the adoption of major amendments to criminal procedures and other substantive legislation, increasing the human resources available and reducing the backlog of cases in the courts; stresses, however, the need for ensuring accountability and efficiency of the judiciary and prosecutors as well as their independence from political interference; stresses the need to ensure full implementation of the Code of Ethics; calls urgently for changes in the system for the appointment of judges and prosecutors, and an end to the practice of nomination of prosecutors and the members of the Judicial and Prosecutorial Councils solely by parliament by simple majority and by the government; is concerned, moreover, by the potential for an excessive accumulation of power in the persons of the President of the Supreme Court and of the Supreme Public Prosecutor; calls for the adoption of the law on regulating access to free legal aid; calls for the unification of jurisprudence in order to ensure a predictable judicial system and public trust; emphasises the importance of enhancing international cooperation, especially with neighbouring countries;
12. Calls on Montenegro to further improve common criteria for judicial training, which shall be applied by the Judicial Training Centre, and to allocate the necessary financial resources towards this objective;
13. Calls on the Commission to include in its next progress report an assessment of the impact and results achieved, through the allocation of EU funds, in the reform of the judiciary and the fight against corruption;
14. Underlines the fact that organised crime, and above all money laundering and smuggling,

remains a problem in spite of improvements in the legal framework and its implementation; calls on the authorities to take steps to boost law enforcement capacities, in particular proactive investigative capacities, and improve coordination between different bodies and agencies as well as cooperation with the respective neighbouring and international authorities in order to establish a solid track record in combating organised crime; welcomes the adoption of the Criminal Procedure Code and calls for its swift and proper implementation;

15. Welcomes the improvements in the work of parliament but recommends further efforts to ensure the high quality of adopted legislation and its conformity with the *acquis*; calls for greater internal allocation of budgetary and human resources as well as more EU assistance to the Montenegrin Parliament, such as twinning with Members States' parliaments or with the European Parliament, to increase the capacities of the Members of Parliament and the parliamentary secretariat in enabling oversight and scrutiny of government as stated in the Commission's Opinion;
16. Calls for further reforms of public administration, which still remains under-resourced and overtly politicised, and in particular for a review of the law on civil servants and state employees in order to establish a comprehensive and merit-based employment system, including transparent rules for hiring and laying down procedures for career advancement; underlines, equally, the need to strengthen human resources at the local level of administration and to provide sufficient financing for its functioning, in order to ensure its efficiency and transparency, particularly important in view of the ongoing decentralisation process; draws attention to the need to respect legally binding decisions of the Human Resources Management Authority; underlines the need to improve the legal and institutional framework, so as to strengthen accountability and respect for the rule of law within public administration, in particular in areas such as tax administration, public procurement, urban planning and licensing in local administration and customs; welcomes the opening of the Regional School of Public Administration (ReSPA) in Danilovgrad;
17. Welcomes the adoption of the general law on prohibition of discrimination in employment or provision of public services, banning discrimination on any grounds other than merit, as an important step in establishing the legal framework conducive to fighting discrimination; notes, however, possible remaining shortcomings in the law and calls for their rectification; underlines that vulnerable groups such as Roma, Ashkali and Egyptians and persons with disabilities still allegedly suffer discrimination and that discrimination on the grounds of sexual orientation and gender identity widely persists, including on the part of state authorities; urges the Montenegrin authorities to strengthen the implementation mechanisms for preventing, monitoring, sanctioning and prosecuting discrimination cases; is concerned that the labour rights of disabled persons are not fully respected and welcomes in this regard the Memorandum dealing with the situation on the labour market for disabled persons signed by the Confederation of Trade Unions of Montenegro (CTUM) and NGOs;
18. Is concerned that women continue to be under-represented in decision-making processes and in leading positions both in the public administration, such as parliament, ministries, top government posts, and in the management of public companies; calls for steps to swiftly mainstream gender equality policy, by implementing the action plan, and to introduce the principle of equal pay;
19. Welcomes the adoption of the law on protection from domestic violence and calls on the

government to swiftly implement it, as well as to grant financial support for organisations providing services to victims; calls on the authorities to promote an awareness campaign in order to inform women of their rights and a policy of zero tolerance towards domestic violence;

20. Urges the Montenegrin authorities to ensure that the relevant legal provisions, including the law on minority rights and freedoms, are comprehensively implemented; recalls that all minorities have to be protected by strict implementation of the anti-discrimination law; encourages Montenegro to deploy further efforts in raising awareness of any type of discrimination; encourages the Montenegrin authorities to continue to support fully the implementation of its Action Plan for resolving the status of displaced persons;
21. Welcomes the generally good inter-ethnic relations and good general protection of minority rights in the country, and reiterates that this is a positive basis from which to begin the peace-building process in a region that was, at one time, characterised by inter-ethnic violence and mass population displacement, but calls for further consultation of the opinions of minority groups by the authorities and in the administrative structures in order to help reconciliation in the region; draws attention, to this end, to the need to clarify the constitutional provision on accurate representation of minorities and welcomes the steps taken to produce accurate statistics in this field; calls for the law on citizenship and the law on foreigners to be aligned with European standards; encourages both political and religious leaders on both sides of the Serbo-Montenegrin border to contribute to a positive inter-ethnic and inter-religious climate by finding compromise solutions on controversial issues including contested religious sites;
22. Notes that Roma, Ashkali and Egyptian communities continue to face problems with frequent discrimination; calls on the authorities to improve their living conditions, access to social security, health, education and employment services, as well as to provide them with identification documents which is a pre-condition for access to any public services; stresses the urgency of improving the living conditions in Konik camp and adopting and implementing a sustainable strategy for improving conditions within and eventual closure of the camp;
23. Reiterates the importance of active and independent civil society organisations for democracy; welcomes the improved cooperation of the government with NGOs, particularly in the fight against corruption; calls for further strengthening of these relations and for broader consultation with NGOs in policy-making, including the formulation of policies and legislation, as well as in monitoring the activities of the authorities; stresses the crucial role of civil society actors in contributing to enhanced regional cooperation on social and political aspects; welcomes the work of the National Council for European Integration, including civil society, government, the judiciary and the opposition, but calls for its role in the progress of EU integration to be strengthened;
24. Encourages the Montenegrin Government to engage in close collaboration and regular dialogue with NGOs, trade unions and other civil society organisations; welcomes in this regard the appointment of the Council for Cooperation between the Montenegrin Government and NGOs; underlines the importance of strengthening the institutional framework for cooperation between the government, NGOs, trade unions and other civil society organisations;
25. Welcomes the progress in implementing the Bologna reform process and calls for further

efforts to improve the quality of education, both general and vocational, to supply youth with the necessary skills to successfully compete on the labour market; urges more effective implementation of the strategy for inclusive education, including children from vulnerable groups;

26. Acknowledges the steps taken by the Montenegrin Government to ensure freedom of expression in the media through the adoption of the law on electronic media and amendments to the Criminal Code but calls for further steps to ensure the independence and professionalism of media outlets, including strengthening the capacity and independence of the public broadcaster; calls on the Montenegrin authorities to demonstrate their commitment with a view to ensuring that the media sector operates without political interference and that the independence of regulatory bodies is guaranteed; draws attention to disproportionate fines for defamation, which continue to hamper the freedom and independence of the work of journalists, and calls for the legislation and practice on defamation to be aligned fully with the jurisprudence of the European Court of Human Rights; stresses that reported cases of intimidation and physical violence against journalists as well as against civil society activists must be fully investigated and prosecuted where appropriate; underlines the importance of journalists applying high professional standards and a professional code of ethics;
27. Welcomes the country's good track record in implementing economic reforms but underlines the fact that the financial crisis has revealed potential weaknesses in its economic model and highlighted the urgency of further structural changes; calls in particular for further steps to improve the monitoring and enforcement of privatisation contracts, ensure transparency in the provision of state aid and adopt better and simpler regulation of the business environment and in particular to facilitate the functioning of small and medium enterprises;
28. Notes the improvements in the functioning of the labour market but is concerned by a significant level of informal employment; considers the informal economy as a deeply rooted problem the resolving of which demands in-depth strategies which have to include all aspects of society; draws attention to the fact that the labour market is still characterised by structural unemployment and that at the same time vacancies for highly skilled jobs remain unfilled, showing a mismatch between required and supplied skills; welcomes the adoption of the National Qualification Framework covering the legal preconditions for filling this mismatch, encourages the Montenegrin Government to implement this swiftly;
29. Underlines the importance of improvements in the transport infrastructure and of ensuring the connectivity of the transport system with those of neighbouring countries, for the development of Montenegro; calls for further development of the railway systems and modernisation of the existing one, which is a viable and ecological alternative to the roads and could take over a substantial part of the transport of goods and passengers;
30. Underlines that Montenegro has ratified the eight core labour rights conventions of the International Labour Organisation (ILO) and the revised European Social Charter; underscores that although basic labour and trade union rights are provided for in the Labour Code there are still restrictions; encourages Montenegro to further strengthen labour and trade unions rights; points out the important role of social dialogue and encourages the Montenegrin Government to step up their ambitions in further strengthening the Social Council; underlines the importance of improving the transparency and effectiveness of the

Social Council;

31. Welcomes the fact that the Constitution defines Montenegro as an ecological state; notes a significant role played in the economy by tourism and its potential to contribute to the development of the country; notes, however, the risks to the environment stemming from tourism and calls on the government to take further steps to protect nature, such as swift implementation of the law on the environment and of the outstanding by-laws and further efforts which are needed to prevent possible devastation of the coast on the Adriatic sea; draws particular attention to the need for effective waste management, in particular on the local level, to ensure its safe disposal; welcomes measures to develop a lower carbon economy by developing the country's huge hydroelectric and other renewable energy potential, which will contribute in covering domestic needs and even constitute an export resource and foreign currency earner for the country; warns, however, that large scale dams often have significant negative impacts on the environment and calls for appropriate and transparent environmental assessments, including of 'environmentally better options', public participation and civil society involvement, before their approval or authorisation, in line with the EU acquis;
32. Urges the Montenegrin authorities, notably the Ministry of Economy, to post publicly on its website all annexes and documents related to the recent agreement on the establishment of an underwater energy cable between Montenegro and Italy; calls for the full consequences of the deal, including the environmental impact, to be made public;
33. Notes with satisfaction that Montenegro is strongly committed to regional cooperation and is a constructive regional partner; commends Montenegro on its good relations with its neighbouring countries and its overall stabilising role in the region; notes that the country is an active member of most regional organisations and it has concluded a series of judicial and police agreements with its neighbours; welcomes the recently ratified readmission agreements with Croatia and Serbia as well as the recently concluded extradition agreement with Serbia and Croatia; calls on the country to resolve swiftly its border issue with Croatia through the International Court of Justice;
34. Stresses that the Montenegrin Parliament has been the first one in the region to adopt the resolution on Srebrenica genocide and welcomes this step as an important contribution to regional reconciliation;
35. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Montenegro.