



TEXTS ADOPTED

P8_TA(2017)0094

2016 Report on Montenegro

European Parliament resolution of 16 March 2017 on the 2016 Commission Report on Montenegro (2016/2309(INI))

The European Parliament,

- having regard to the European Council conclusions of 19-20 June 2003 and to the annex thereto entitled ‘The Thessaloniki Agenda for the Western Balkans: moving towards European integration’,
- having regard to the Stabilisation and Association Agreement (SAA) 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 outcome of the meetings of the EU-Montenegro Accession Conference at deputy level of 30 June 2016 and on ministerial level of 13 December 2016,
- having regard to the Council conclusions of 26 June 2012 deciding to open accession negotiations with Montenegro on 29 June 2012, and to the conclusions of 13 December 2016, which latter received the support of the overwhelming majority of delegations,
- having regard to the seventh meeting of the Stabilisation and Association Council between Montenegro and the EU, held in Brussels on 20 June 2016,
- having regard to the Commission Communication of 9 November 2016 entitled ‘2016 Communication on EU Enlargement Policy’ (COM(2016)0715), accompanied by the Commission Staff Working Document entitled ‘Montenegro 2016 Report’ (SWD(2016)0360),
- having regard to the Final Declaration by the Chair of the Paris Western Balkans Summit of 4 July 2016 as well as the Recommendations of the Civil Society Organisations for the Paris Summit 2016,
- having regard to the decision of the Foreign Ministers of the NATO Member States of 2 December 2015 and the signature of the NATO Accession Protocol for Montenegro on

¹ OJ L 108, 29.4.2010, p. 1.

19 May 2016,

- having regard to the Final Report of the OSCE/ODIHR Election Observation Mission on the parliamentary elections of 16 October 2016,
 - having regard to the Joint Declaration of the 8th meeting of the EU-Montenegro Civil Society Joint Consultative Committee (JCC), held in Budva on 8 November 2016,
 - having regard to the Declaration and Recommendations of the 12th Meeting of the EU-Montenegro Stabilisation and Association Parliamentary Committee (SAPC), held in Podgorica on 19-20 May 2016,
 - having regard to its previous resolutions on Montenegro,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A8-0050/2017),
- A. whereas Euro-Atlantic integration is Montenegro's key foreign policy priority;
- B. whereas further progress has been made in the accession negotiations; whereas Montenegro is currently considered to be the most advanced in its accession process; whereas the legal framework in the area of the rule of law is largely complete and the institutional set-up is in place;
- C. whereas concerns remain about the polarised domestic climate and the boycott of the opposition in Parliament; whereas sustainable dialogue and constructive cooperation between ruling coalition and opposition are critical to maintaining progress in the accession process;
- D. whereas corruption and organised crime remain serious concerns;
- E. whereas civil society organisations (CSOs) are able to participate in working groups, including for accession negotiations, but have expressed dissatisfaction with their levels of involvement in policy-making and their ability to access information; whereas it is extremely worrying that some civil society activists have been personally targeted by the media through smear campaigns;
- F. whereas Montenegro's progress under rule of law chapters 23 and 24 remains essential for the overall pace of the negotiating process;
- G. whereas freedom of expression and media freedom are core EU values and the cornerstones of any democracy; whereas the Montenegrin media community is highly politicised, censorship and self-censorship persist, and economic and political pressures on journalists occur;
1. Welcomes the continued progress in Montenegro's EU integration; welcomes the fact that Montenegro has achieved steady progress in the accession negotiations, noting that so far 26 chapters have been opened for negotiations and 2 chapters have been provisionally closed; calls on the Council to speed up negotiations with Montenegro; encourages the opening and closing of further chapters in the accession negotiations in 2017; commends the adoption by the Montenegrin Government of the 2017-2018

Programme of Accession of Montenegro to the EU; encourages Montenegro to accelerate the pace of reforms, to increase its efforts towards meeting all benchmarks and to continue focusing on the fundamentals of the accession process; recalls that it is essential to deliver concrete results with a strong and sustainable implementation record, especially in the fields of the rule of law, justice and the fight against corruption and organised crime;

2. Commends the competent authorities for holding parliamentary elections on 16 October 2016 in an orderly manner in which fundamental freedoms were generally respected; encourages further alignment with international standards; welcomes the fact that the turnout was the highest since 2002; welcomes the revised legal framework under which the elections took place, but notes the persistence of some administrative deficiencies, including on the part of the State Election Commission (SEC), as well as concerns about the accuracy of the electoral register and politicisation;
3. Regrets the need for the temporary shutdown of internet communication platforms on election day as well as the hacking of the website of the Centre for Democratic Transition (CDT) a few days before the elections, which hindered the work of civil society organisations (CSOs) in monitoring the elections; calls on the competent authorities to address shortcomings and investigate the alleged procedural irregularities, including alleged abuses of state funds and abuse of office, and any other reported shortcomings, in a swift and transparent manner, and in line with the OSCE/ODIHR recommendations; expects that the independence of the SEC be sustained; takes the view that an improvement of the electoral process is required in order to build full confidence in the electoral process; notes with regret that the opposition has not recognised the results of the elections; recognises the attempts by external actors to discredit the electoral process and the difficulties this has caused; expects the new government to maintain the political commitment to the reform process and invites all political parties to re-engage in a constructive dialogue;
4. Notes that a Government of Electoral Trust was formed in the run-up to these elections; welcomes the fact that this was a Montenegrin-led process and one that was achieved on a cross-party basis;
5. Notes with concern the alleged attempts by Russia to influence developments in Montenegro, as this pattern of behaviour in the region could imply further destabilisation of the Western Balkans; is concerned about the serious incidents, including an alleged coup d'état, that occurred on 16 October 2016, and calls on the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), and on the Commission, to follow closely ongoing investigations by the competent authorities; commends the willingness of Serbia to cooperate in these investigations; considers it important that relevant services of the Member States share information pertaining to these incidents among themselves and with the VP/HR and the Commission;
6. Continues to be deeply concerned about the polarised domestic climate and the boycott of parliamentary activities by members of the opposition; invites the opposition to take advantage of the Montenegrin Prime Minister's offer of participation in the government in exchange for ending the boycott; reiterates the need for all political forces to re-engage in constructive dialogue and cooperation within the Montenegrin parliament; calls for further reinforcement of the parliament's scrutiny of the accession process and

capacity for budget oversight; commends the parliament for continuing to demonstrate a high level of transparency; expresses concern about the use of disproportionate force during anti-government protests; insists repeatedly on the need for a due follow-up on the 'audio-recording affair'; calls for improvements to parliamentary oversight of the implementation of measures to combat organised crime and corruption;

7. Invites the Government to improve access to public information, especially in relation to large infrastructure projects such as the construction of highways, privatisation, public procurement and judicial operations;
8. Welcomes the new public administration reform strategy (PAR) 2016-2020, the public financial management reform programme, the entry into force of the new law on salaries and the simplification of administrative procedures; calls for measures to allocate the appropriate budgetary resources for PAR's implementation, as well as for consistent political will to rationalise public administration, also in view of accession preparations; notes the limited progress that has been made in strengthening administrative capacity; encourages the full de-politicisation of the public administration; considers it essential that the principles of merit, professionalism, accountability, transparency and timely regulatory impact assessment are adhered to and that citizens' rights to good, corruption-free administration and to information are safeguarded;
9. Notes progress in judiciary reform, including improved institutional capacities; remains concerned about undue influence on judicial independence, especially with regard to the appointment of judges; emphasises the need to strengthen the accountability of the judiciary by developing a track record of implementation of codes of ethics and of the new disciplinary systems for judges and prosecutors; stresses the need to rationalise the judicial network, and to further improve capacities to monitor backlogs at courts and to reduce further the number of pending cases; calls for more effective institutional and individual accountability when it comes to the processing of indictments for corruption, money laundering and organised crime; highlights the need to effectively implement court decisions regarding access to information and to counter the prevalent practice of declaring documents as confidential in order to restrict access; stresses the importance of raising public awareness about the existing complaint mechanisms;
10. While noting some progress in the follow-up of war crimes, calls on the competent authorities to effectively investigate, prosecute, try and punish war crimes as well as to fight impunity in line with international standards, particularly with regard to the responsible officials at the top of the command chain; welcomes the adoption of a prosecution strategy with a view to opening new cases and yielding concrete results; stresses the need to ensure unhindered access to justice and fair compensation for the victims of war crimes as well as to fully protect witnesses during war crime proceedings;
11. Notes with concern that corruption remains prevalent in many areas, but welcomes the further strengthening of the anti-corruption framework, inter alia by making the Anti-Corruption Agency (ACA) fully operational and by appointing special anti-corruption prosecutors, as well as addressing the need for specialised long-term training; considers it essential to ensure their independence in investigations; emphasises the importance of politically impartial, professional and transparent ACA activities, especially with regard to high-level corruption cases and political party financing; stresses repeatedly the need

to establish a track record on successful investigations and convictions, in particular in high-level corruption cases, and on measures to prevent corruption, including applying legal sanctions more effectively; calls on the new government to make combating corruption one of its priorities by allocating sufficient human and budgetary resources to the task;

12. Calls for the effective implementation of sectoral action plans for areas particularly vulnerable to corruption, such as public procurement, privatisation, urban planning, education, healthcare, local government and the police; calls for an effective investigation into potential whistle-blowing cases and their adequate protection; calls for incorporating the criminal offence of illicit enrichment within the Montenegrin criminal code; calls for the effective implementation of the Cooperation Agreement between Eurojust and Montenegro in order to improve judicial cooperation in the fight against serious crime; calls for measures to improve the protection of whistle-blowers;
13. Notes the adoption of an action plan for fighting money laundering and terrorism financing, and the signing of the Additional Protocol to the Council of Europe's Convention on the Prevention of Terrorism; stresses the need to continue to develop the track record in organised crime cases, especially as regards trafficking in human beings, drugs and money laundering, to ensure stronger inter-agency cooperation and to further intensify regional and international cooperation in the fight against organised crime; highlights the need for specialist forensic accountancy advisers to assist with regular investigations;
14. Welcomes the improved legal framework for combating trafficking in human beings; stresses, however, the need for the better identification of the victims of trafficking and to improve their access to assistance, compensation and protection;
15. Welcomes the new strategy to combat violent extremism in 2016-2018, which complements the national strategy for preventing and combating terrorism, money laundering and the financing of terrorism; notes the setting up of a new intelligence unit tasked with identifying and monitoring potential members of violent extremist groups; considers it fundamental to identify people in the early stages of radicalisation in order to prevent them from being recruited by violent extremist groups and to successfully reintegrate them into society; considers it important that measures taken in this regard should ensure the respect for human rights and fundamental freedoms in accordance with international obligations; highlights the importance of raising awareness to monitor possible terrorist threats;
16. While acknowledging CSOs' involvement in the accession preparations, calls on the competent authorities to further improve CSOs' access to EU-related information and to ensure that consultations with CSOs are held in a meaningful way, where possible; calls on the competent authorities to develop a more supportive and inclusive approach to facilitate grassroots activities by CSOs and to encourage their active participation in the overview of the whole electoral process; urges competent authorities to develop public funding for CSOs, both at national and local level, in a more sustainable, transparent and efficient way; calls on the relevant authorities to create conditions conducive to voluntary work and a greater degree of civic engagement; is deeply concerned that smear campaigns and intimidation attempts have continued against certain CSO activists; calls on the competent authorities to investigate and clarify the cause of these attempts and to strengthen efforts in order to protect CSO activists;

17. Notes some progress in improving the situation of minorities, including the completion of several legislative reforms to ensure greater alignment with EU and international human rights standards; welcomes the adoption of a 2016-2020 strategy and action plan for the social inclusion of the Roma and Egyptian communities; calls for an appropriate budget to be allocated so that the action plan may be implemented properly; expresses concern about the double discrimination faced by women and girls in the Roma community and about the access of the Roma community, Egyptian minorities and Ashkali people to healthcare, education, housing and employment; encourages the competent authorities to continue to strengthen efforts to safeguard the rights of LGBTI people; calls on the competent authorities to make further efforts to raise awareness about anti-discrimination among the general public; remains concerned that most public buildings, including medical centres and university faculties, are still not accessible to people with disabilities and that the number of employed people with disabilities is still very limited; calls for further measures to protect the multi-ethnic identity of the Boka Kotorska region;
18. Calls for a further strengthening of human rights institutions, including the Ombudsperson and the Ministry of Human Rights and Minorities, and takes the view that their knowledge of international and European human rights law and standards should be increased; expresses concern about the lack of a uniform approach and the low levels of penalties for human rights violations;
19. Remains concerned about continued gender-based domestic and sexual violence, the lack of prosecutions and the proper sentencing of perpetrators in line with international standards, and the inefficient support to, and protection of, victims; calls for measures to establish adequate protection services, enhance relevant inter-institutional coordination, make effective use of the new unified database of cases of domestic violence, and implement the 2016-2020 strategy on combating domestic violence; underlines the importance of educating and training employees in state institutions to work with victims; calls on the competent authorities to ensure proper protection, long term accommodation, financial support and educational programmes for the victims of forced marriages, as well as the efficient prosecution and sentencing of perpetrators; stresses the importance of encouraging women's representation in politics, including in key decision-making positions, as well as their access and better representation on the labour market; calls for the development of public policy which helps to balance work and family relations; notes the continued implementation of the 2013-2017 action plan on gender equality; urges the competent authorities to make sufficient budget allocations for its implementation; notes that there are challenges in coordinating policies concerning children and that violence against children remains a concern;
20. Calls on the Montenegrin authorities to take the necessary measures in order to prevent violence against children, human trafficking and forced child marriages that continue to be reported by NGOs;
21. Emphasises the need to work constantly and seriously on the harmonisation of the Montenegrin legal system with international legal standards of human rights and freedoms of persons with disabilities, in order to ensure that the principles of the rule of law, constitutionality and legality are respected;
22. Remains concerned about the state of freedom of expression and media freedom in Montenegro and the lack of effective investigations by the government into attacks on

journalists; urges again the competent authorities to resolve the long-pending cases of violence against, intimidation of and threats made to journalists, to take measures to protect media professionals and to create a safe environment for free and investigative journalism; expresses concerns about attacks perpetrated by police forces and about recent cases of pressure and intimidation against journalists, including smear campaigns, physical attacks and threats, as well as cases of interference with media during anti-government demonstrations, including arbitrary arrests and the seizure of equipment; expresses concerns about the continued lack of proper investigations into these attacks and about the non-resolution of these cases; notes that the number of defamation cases remains high; insists on transparent state advertising in private media, on the amendment of the Montenegrin criminal code and on the introduction of new criminal offences aimed at preventing and punishing attacks on journalists discharging their professional duties; acknowledges the legal measures taken to provide greater financial independence and sustainability for the public service broadcaster RTCG, and calls for further steps to be taken to ensure its independence, including editorial independence; stresses the need to support and strengthen existing self-regulatory mechanisms; stresses that the revised Code of Ethics for Journalists must be effectively and uniformly applied across the media community; calls, when appropriate, for observers of the EU Delegation and Member State embassies to more regularly attend trials against journalists and media professionals;

23. Notes that the SEC limited media access during the 2016 elections; calls for the implementation of the recommendations concerning the media put forward by the Final Report of the OSCE/ODIHR Election Observation Mission on Parliamentary Elections 2016;
24. While noting favourable economic developments, urges the new government to take measures to ensure fiscal sustainability while enhancing social rights and consumer protection, to launch further structural reforms with a view to improving the business and investment climate that will create jobs and growth and build a more diverse economy, including measures designed to scale back the informal sector, and to insist on the need to fight tax evasion effectively; welcomes the opening of Chapter 19 and strongly believes that it is the best incentive for the government to accelerate its work on social inclusion and poverty reduction and on scaling back the informal sector; calls for the rationalisation of public spending, as well as for intensified efforts to strengthen the rule of law and contract enforcement; calls for the need to tackle high external imbalances and to re-evaluate public infrastructure investment projects which challenge fiscal sustainability; calls for further measures of a financial and non-financial nature to be made available to support SMEs and for further investments to be made in innovation and sustainable projects in order to stimulate the economy; calls for improvements in social dialogue;
25. Notes that while some progress was made in developing transport infrastructure, including through the South East Europe Transport Observatory, a lack of cross-border roads is hampering trade and tourism; welcomes efforts that have been made hitherto to liberalise the railway sector in Montenegro; stresses the need to coordinate with neighbouring countries on connectivity issues and to allow them to become part of the planning process for infrastructure projects;
26. Stresses the importance of strengthening the SME sector and providing support through better legislation, financing and the implementation of industrial policy, as well as by

scaling back the informal economy and speeding up the electronic registration of companies nationwide;

27. Notes that the shadow economy of Montenegro still accounts for a large share of total GDP; recalls that the large informal economy constitutes a major bottleneck for entrepreneurship and economic growth and encourages Montenegro to take steps to reduce the size of the shadow economy;
28. Notes with concern that some IPA-funded capacity-building outputs were not fully used or followed up by the authorities; stresses that, for positive outcomes to be achieved, authorities need to ensure adequate staff availability, adopt the necessary legislation to allow the outputs to be used and grant the necessary independence to newly created institutions;
29. Notes the modest decline in unemployment; welcomes the new 2016-2020 national strategy for employment and human resources development and the accompanying 2016 action plan; continues to express concern about high youth unemployment and poor labour mobility; calls for proactive labour market measures to increase quality employment and to support women, vulnerable people, people with disabilities and young people through education, careers guidance, training, employment and labour rights; reiterates the importance of active participation in regional youth initiatives, such as the Regional Youth Cooperation Office of the Western Balkans, including by taking advantage of existing programmes designed to boost connectivity in the region and tackle youth unemployment;
30. Notes that public spending on education remains well below the EU average; emphasises the need to introduce the necessary measures, particularly with regard to early childcare and pre-schooling, where enrolment is disappointingly low and well below the EU's target of 95 % by 2020; takes the view that special attention should be paid to the lack of access to several public universities for persons with disabilities;
31. Welcomes the new law on the environment, as well as the national strategy for the transposition and implementation of the EU *acquis* on the environment and climate change and its 2016-2020 action plan; stresses the need to reinforce implementation efforts, in particular in water quality, nature protection and waste management, as well as related administrative capacities at all levels; is concerned about the significant delay in establishing protection over the potential Natura 2000 site of Ulcinj Salina; calls for further efforts to preserve the biodiversity of the Salina and the sustainable development of the coastline;
32. Calls on the competent authorities to undertake the necessary protection and conservation measures in relation to Lake Skadar in order to maintain its ecological characteristics including its ecological integrity; calls on the government to ensure that the transformation of national parks into a state-owned limited company will have no adverse effects on their protection; recognises, in this context, the concerns expressed in the framework of the Ramsar and Bern conventions regarding the special-purpose spatial plan for the Skadar Lake National Park, including the Porto Skadar Lake project; expresses concern about significant delays in establishing protection for areas which are identified as potential Natura 2000 network areas such as the Skadar Lake National Park; recalls the need for sound and strategic environmental impact assessments in line with the EU *acquis* and international standards;

33. Stresses the need to implement international commitments in the field of climate change mitigation; is deeply concerned about the Government's plan to develop the Pljevlja II coal-fired power plant, which is incompatible with the commitments made under the Paris Agreement;
34. Acknowledges the good progress made in the area of energy, including in the area of interconnections with partner countries; calls on Montenegro to introduce legislation implementing the Third Energy Package, particularly the Renewable Energy Directive; continues to express concern about unsustainable hydropower development and that many of these plants are being planned without sound environmental impact assessment, in particular with regard to the protection of biodiversity and their impact on protected areas as required by EU legislation; calls on the competent authorities to maintain vigilant oversight of offshore oil and gas exploration and to implement all protective measures in accordance with adopted legislation, regulations and the EU *acquis*;
35. In light of the preparations for the Western Balkans summit in Italy 2017, calls on the Montenegrin authorities to step up efforts to implement legal and regulatory measures in the field of transport and the energy sector (soft measures), in order to fulfil the Connectivity Agenda of the European Union;
36. Welcomes Montenegro's proactive participation and continued constructive role in good-neighbourly, regional and international cooperation; encourages further cooperation in this regard; strongly commends Montenegro for continuing to fully align its foreign policy with the EU's Common Foreign and Security Policy, including with Council Decision (CFSP) 2016/1671 which reasserted EU restrictive measures against Russia; welcomes Montenegro's participation in the EU's CSDP missions; encourages it to continue to address, in a constructive and neighbourly spirit, outstanding bilateral issues with its neighbours, including the unresolved border demarcation issues with Serbia and Croatia, as early as possible in the accession process; reiterates its call for authorities to help resolve the succession issues relating to the legacy of the former Socialist Federal Republic of Yugoslavia (SFRY); welcomes the border demarcation agreement with Bosnia and Herzegovina and the ratification of the border demarcation agreement with Kosovo; underlines the need to continue negotiating the adjustment of the border crossing and border traffic agreements; commends cooperation with neighbouring countries under the Sarajevo Declaration Process; urges Montenegro to comply with the EU common positions on the integrity of the Rome Statute and related EU guiding principles on bilateral immunity agreements;
37. Notes that Montenegro, while not on the 'Western Balkan route', remains a transit country for refugees and migrants, the majority of which come from Syria; calls on Montenegrin authorities to ensure that migrants and refugees applying for asylum in Montenegro or travelling through Montenegrin territory are treated in accordance with international and EU law, including the 1951 Refugee Conventions and the EU Charter of Fundamental Rights; welcomes the adoption of the Schengen Action Plan and the 2017-2020 Strategy for Integrated Migration Management;
38. Calls on the Commission to continue the work on migration-related issues with all the countries of the Western Balkans in order to make sure that EU and international norms and standards are adhered to; welcomes the work done so far in this regard;

39. Welcomes the active participation of Montenegro in the 2016 Paris summit on the Western Balkans, notably on the connectivity agenda; calls on the authorities to implement the newly signed border crossing agreement with Albania and to implement the Trans-European Network Regulation with regard to licensing and permitting open access to the railway market; notes that although the railway market in Montenegro has been open to competition since 2014, so far no private operators have shown an interest in entering the market; calls on the new government to provide an open railway market, with transparent track access charges and capacity allocation that are fully aligned with the *acquis*;
40. Welcomes the fact that Montenegro's NATO Accession Protocol was signed in May 2016, in recognition of Montenegro's efforts to implement reforms, and that the Protocol is currently being ratified by NATO members, as NATO is an important factor in ensuring stability and peace in the Western Balkans; encourages NATO members within the EU to prioritise the ratification process and to recognise that NATO membership for Montenegro is an important symbolic and strategic part of the country's Euro-Atlantic integration process; recalls that the EU accession negotiations are independent from the NATO accession process;
41. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the government and parliament of Montenegro.