

EUROPEAN UNION - MONTENEGRO STABILISATION and ASSOCIATION PARLIAMENTARY COMMITTEE (SAPC)

**4th Meeting
2-3 April 2012
Podgorica**

DECLARATION and RECOMMENDATIONS

Adopted on 3 April 2012

The European Union - Montenegro Stabilisation and Association Parliamentary Committee (SAPC) held its 4th meeting on 2-3 April 2012 in Podgorica, under the co-chairmanship of Mr Ranko Krivokapić, President of the Parliament of Montenegro, for the Montenegrin Parliament Delegation and Mr Eduard Kukan for the European Parliament Delegation.

It held an exchange of views with:

Mr Duško MARKOVIĆ, Deputy Prime Minister and Minister of Justice and Human Rights
Mr Milan ROĆEN, Minister for Foreign Affairs and European Integration
- on behalf of the Government of Montenegro

Mr Stefano SANNINO, Director General for Enlargement
- on behalf of the European Commission

H.E. Leopold MAURER, Head of Delegation of the European Union to Montenegro
- on behalf of High Representative of the Union for Foreign Affairs and Security Policy.

The Committee addressed the following subjects:

- State of play of EU-Montenegro relations - remaining requirements for opening membership negotiations
- Follow up to recommendations adopted during the third SAPC meeting in Brussels
- Capacity building in absorption of EU funds on level of central and local administration
- Reducing discrimination in practice - implementation of existing legal framework
- Progress in fight against organised crime and corruption
- Economic developments.

The Stabilisation and Association Parliamentary Committee, in accordance with Rule 3 of its Rules of Procedure and Article 125 of the EU-Montenegro Stabilisation and Association Agreement, addressed the following Declaration and Recommendations to the Stabilisation and Association Council and to the institutions of Montenegro and of the European Union:

1. Welcomed the European Council's decision aimed at starting accession negotiations with Montenegro in June 2012; called on EU Member States not to unduly and unreasonably delay the launch of talks given that Montenegro has achieved significant progress to date in fulfilling the required benchmarks; noted that this position was fully backed by the European Parliament's resolution on Montenegro, adopted on 29 March 2012;
2. Underlined the importance of pursuing further comprehensive and qualitative efforts in implementing reforms, with particular focus on the area of rule of law and fundamental rights; emphasised that the most important target for such efforts is that of measures to combat corruption and organised crime, which will remain essential throughout Montenegro's accession process; underlined that the swift opening of chapter 23 and 24 will assist Montenegro to pursue further reforms;
3. While welcoming the fact that the political consensus on EU integration remains high, encouraged Montenegro to continue to conduct constructive dialogue between political forces with the aim of safeguarding this broad consensus which implies a strong political will and full commitment to face upcoming challenges in the accession process; encouraged the Parliament of Montenegro to amend its Rules of Procedure in order to establish a special committee to monitor the EU membership negotiations;
4. Reiterated its recommendations adopted in previous SAPC meetings, especially concerning the additional mechanisms for protection of rights of persons belonging to ethnic minorities and called on Montenegrin authorities to implement them without delay;
5. Welcomed the adoption of the new public administration reform strategy for 2011-2016 and called on the Montenegrin government to continue addressing the remaining weak key aspects of the administrative system, including creating a de-politicised and professional civil service acting effectively and impartially; called on the authorities to take further steps in order to ensure good governance and optimal size of the administrative structures, capable to perform efficiently during the EU accession process;
6. Noted the progress in the reform of the judiciary, notably a set of laws adopted in order to strengthen judicial independence and guarantee a de-politicised judiciary and welcomed the initial results in the implementation of the existing provisions; invited the Montenegrin Parliament to speed up the work of its Working Group established in order to adopt constitutional provisions which would reinforce the legal independence and accountability of the judiciary; due to the highest importance of that reform, called upon all political parties to stop conditioning the pre-agreed reform with other, unrelated political demands, to renew the dialogue and reach a compromise;
7. Invited the Government and the Parliament of Montenegro to invest additional efforts and remove suspicion that there is a discriminatory implementation of certain legal regulations, especially regarding the implementation of the Law on Coastal Zone;

8. Encouraged the Montenegrin Parliament to continue to take efforts to strengthen its legislative and oversight role in particular in the view of accession negotiation; noted its latest activities concerning oversight of the anti-corruption authorities and encouraged to further steps in this regard; invited the Parliament to urgently establish an adequate working body, which will supervise the fight against corruption and organised crime, providing in it for a substantial role of the opposition; called for urgent adoption of new Rules of Procedure;

9. Welcomed further good progress in adopting the anti-corruption legislation and initial results in its implementation; observing the lack of track record in this field, including high-level corruption cases, invited the competent law enforcement agencies to comprehensively pursue their activities including through prosecuting the high-level corruption cases up to convictions; recalled the need to reconsider the implementation of the law on financing of political parties; called on the Government to implement in a consistent manner the anti-corruption legislation and to shed more light on allegations of corruption, especially concerning cases of privatization and political corruption, and to ensure enforcement of decisions of the judiciary in cases at a municipality level; called the Government to respond adequately to recent protests in Podgorica; welcomed the decision of the Parliament to launch a parliamentary inquiry and form the Inquiry Committee for investigating corruption during the privatisation of the Telecom, expected full cooperation of all institutions and individuals with the Inquiry Committee; emphasised the importance of transparent procedures both in processes of privatisation and in public procurements;

10. Underlined the need to intensify the fight against organised crime, in particular with regard of strengthening the administrative and investigative capacities of police and prosecution, in order to improve the efficiency of these bodies, increasing the independence of the Commission for Prevention of Conflict of Interest, and allowing for verification of assets declared by the state officials; is concerned that Law on Internal Affairs has not been adopted yet, which in practice slowed down the process of police reform, including full training for an effective fight against organized crime and corruption;

11. Acknowledging the legislative progress in ensuring freedom of expression in the media, noted alleged cases of intimidation and physical violence against journalists and a reported limitation of media freedom; stressed the importance of media free of political interference and pressure for self censorship of journalists, also for resolving the pending defamation and libel cases against media and journalists in accordance with the practise of ECHR; called on the media to report professionally, objectively and with higher editorial independence, regardless of ownership structures, and highlighted a special responsibility of the public broadcaster to improve professional standards in the media; stressed that a media self-regulatory body must represent all the relevant media;

12. Recognising initial steps to fight the discrimination of the Roma, Ashkali and Egyptian communities, noted that additional measures should be taken to improve their living conditions, access to social security, health, education, housing and employment services; noted the good work of the office of Ombudsman; expressed its concern about a largely unequal position of women in the Montenegrin society and urged for more efforts to safeguard their rights and freedoms, in particular through combating the domestic violence and trafficking;

13. Welcomed the efforts that Montenegro carried in order to adopt anti-discrimination legislative framework, but call to fully implement the legal provisions and eliminate all forms of discrimination be it based on religious, national, political, gender or any other ground; called upon the authorities to do their utmost to prevent attacks on the LGBT community; welcomed the recent Government's initiative to organise a regional conference 'Together Against Discrimination', with the participation of ministers from Croatia, Kosovo and Serbia, as an important step to enhance awareness and action on LGBT rights in the South Eastern Europe; called on the political leaders to actively speak against discrimination and promote equality in a consistent and continuous manner;

14. Welcomed the adoption of important structural reforms, such as the reform of public pension system, the streamlining of public employment, or a new financing scheme for local self-governments; encouraged Montenegro to continue structural reforms, especially in the area of budgetary, tax, balanced regional development and social policies; continued to be concerned about significant level of informal employment and informal economy, which poses serious challenges to the economy and society; with regard to the current reform and accession processes, stressed the importance of strengthening social dialogue as well as dialogue with trade unions and civil society organizations;

15. Invited the Government to substantially enhance institutional and administrative capacities as well as the accession-related cooperation and coordination between the relevant state institutions; called on the authorities, in this respect, to reinforce the administrative capacity of ministries dealing with key areas of the *acquis*;

16. Invited the Government to intensify its activities in order to establish the national structures necessary for managing the EU funds and controlling their use; called for progress to advance with agriculture and rural development policy, also by pursuing efforts on policy formulation and on using the available financial assistance in a much more efficient manner; called for the implementation of policies that will lead to balanced regional development;

17. Recalled the need to draft a national energy strategy, which should take into account the different renewable energy sources including hydropower at small scale; underlined that the *acquis* standards should apply in particular in the energy and industry sectors; reiterated the importance to conduct regularly and in line with EU and international standards extensive and transparent public consultation processes as well as environmental and social impact assessments, prior to any decision on the construction of new plants and to make relevant decisions, expert opinions and other documentation public.