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Enlargement report for Montenegro

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► European Parliament resolution of 29 March 2012 on the 2011 progress report on Montenegro (2011/2890(RSP))

The European Parliament ,

- having regard to the Stabilisation and Association Agreement of 29 March 2010 between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part⁽¹⁾ ,
- having regard to the conclusions of the European Council of 19 and 20 June 2003 and to the annex entitled ‘The Thessaloniki Agenda for the Western Balkans – Moving towards European integration’,
- having regard to the European Council's decision of 9 December 2011 on the progress made by Montenegro in the accession process⁽²⁾ ,
- having regard to the European Council's decision of 17 December 2010 to grant Montenegro the status of candidate country for accession to the European Union⁽³⁾ ,
- having regard to the Commission Staff Working Paper of 12 October 2011 on the 2011 Progress Report on Montenegro (SEC(2011)1204),
- having regard to the Communication from the Commission to the European Parliament and the Council of 12 October 2011 entitled ‘Enlargement Strategy and Main Challenges 2011-2012’ (**COM(2011)0666**),
- having regard to the Communication from the Commission to the European Parliament and the Council of 9 November 2010 on the Commission's opinion on Montenegro's application for membership of the European Union (**COM(2010)0670**),
- having regard to the declaration and recommendations of the Third Meeting of the European Union-Montenegro Stabilisation and Association Parliamentary Committee of 3 and 4 October 2011,
- having regard to Rule 110(2) of its Rules of Procedure,

A. whereas the Member States are aiming to open accession negotiations with Montenegro in June 2012 and whereas the Commission has been invited by the European Council to propose a framework for negotiations with Montenegro;

B. whereas the European Council has tasked the Council with examining Montenegro's progress on the basis of a Commission report;

C. whereas political consensus on EU-related matters remains high in Montenegro and the goal of making progress towards membership of the EU and NATO is a cornerstone of its foreign policy; whereas reform efforts require a strong political will and an overriding commitment to facing upcoming challenges in the accession process;

D. whereas significant progress has been achieved by Montenegro in meeting the seven key priorities identified by the Commission in 2010, notably improvements in the work of parliament and the electoral framework, the professionalism of the public administration, the independence of the judiciary, combating corruption, combating organised crime, ensuring media freedom and strengthening cooperation with civil society;

E. whereas Montenegro has seen a modest economic recovery, along with low inflation, a significant inflow of foreign direct investment and a slight decrease in the unemployment rate; whereas Montenegro has implemented the trade-related provisions of the Stabilisation and Association Agreement with the EU;

F. whereas Montenegro needs to pursue further reform efforts in efficiently implementing the government's action plan on the key priorities and in accelerating the recovery from the economic crisis whilst simultaneously ensuring proper control of public spending and foreign debt, which,

according to 2011 data, is higher than the previous year; and whereas Montenegro needs to maintain fiscal stability, for instance, as well as strengthening and building up the administrative and institutional capacities necessary to assume the obligations of EU membership in the future;

General remarks

1. Welcomes the European Council's decision to aim to start accession negotiations with Montenegro in June 2012; calls on the 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;
2. Underlines the need to send a positive signal to Montenegro and other countries working hard on meeting the membership criteria; strongly believes that candidate and potential candidate countries should be judged solely on their own merits and progress in meeting these criteria and that their accession process should by no means be linked to the progress in other neighbouring or candidate countries in order to maintain the credibility of the enlargement process;
3. Notes with satisfaction that Instrument for Pre-Accession Assistance (IPA) works well in Montenegro; encourages both the Montenegrin Government and the Commission to simplify the administrative procedure for IPA funding, with the aim of making it more accessible to smaller and non-governmental organisations, trade unions and other beneficiaries;
4. Commends Montenegro for achieving a high degree of compliance with the membership criteria by accomplishing satisfactory overall results in the key priorities;
5. Underlines the necessity and importance of pursuing comprehensive and qualitative efforts in implementing reforms, with a particular focus on the area of the rule of law and fundamental rights; emphasises that the most important target for such efforts is that of measures to combat corruption and organised crime – these measures will remain essential throughout Montenegro's accession process; calls on the Montenegrin authorities to continue to implement their obligations smoothly under the Stabilisation and Association Agreement; is of the opinion that the EU institutions will be in the best position to monitor and facilitate the reform of the judiciary once Chapter 23 of the accession negotiations is opened;
6. Welcomes the Commission's new accession negotiations strategy to open Chapters 23 and 24 at the start of negotiations and hopes that these two chapters will be opened as soon as possible to further accelerate judicial reforms in Montenegro;
7. Recalls that the EU is founded on the values of tolerance and equal rights for all in society; encourages Montenegro to continue to conduct constructive dialogue between political forces with the aim of safeguarding the cohesion of the multiethnic character of the country and in order to overcome the remaining cultural and national divisions, as well as to prevent discrimination;

Political criteria

8. Welcomes the legislative action taken to improve the working of the national parliament; recommends, however, that further efforts should be made to make the law-making process more transparent, that public participation in developing new legislation should be enhanced by even closer consultation with civil society, that the parliament's administrative capacities should be strengthened with a view to improving parliamentary performance both in producing legislation and in the political oversight and democratic scrutiny of the executive, that the instrument of consultative and control hearings should be used more frequently and efficiently, and that parliamentary questions and requests addressed to the government should be followed up systematically; more specifically, recommends that the functions and powers of the relevant committee be increased so that the parliament has adequate and effective oversight of the European integration process;
9. Welcomes the adoption of amendments to the law on the election of municipal councillors and members of parliament as one of the remaining conditions from the seven key priorities; calls on the Montenegrin authorities, however, to complement such legislative achievements with new actions on strengthening gender equality, since this is not yet guaranteed in practice;
10. Stresses the problem that women continue to be severely under-represented in the parliament, in top government posts and in decision-making positions in the public and private sector; therefore welcomes the new provisions that provide for 30 % of female candidates on the candidate list, but is in this regard concerned that gender equality is not guaranteed in practice; is also concerned about the widespread violations of women's employment rights, including the right to equal pay; encourages the Montenegrin authorities to step up the work of mainstreaming gender equality policies and introduce the principle of equal pay;
11. Commends the adoption of amendments to the Law on Education, which puts an end to a long political controversy over the status of the Serbian language in Montenegro's education system; is of the view that this positive compromise highlights the broad consensus of all political forces on the country's cohesive but also multi-ethnic and multi-religious character;
12. Considers the new public administration reform strategy for 2011-2016 to be a positive step aimed at introducing European standards on recruitment and promotion and measures to increase the efficiency of the State administration; urges the Montenegrin Government to address the existing key poorly performing aspects of the administrative system in decision-making and the organisation of government work, including the system of delegation and deconcentration of power, in order to create a de-politicised and professional civil service acting effectively and impartially; calls on the authorities to give priority to good governance, to contribute to the gradual evolution of a legal-administrative culture and to tackle overloaded and overstretched administrative structures;
13. Notes the progress in the reform of the judiciary, including in reducing the backlog of cases in the courts, in adopting measures to reinforce the independence, accountability, impartiality and efficiency of judges and prosecutors, one of the key priorities, and in the more systematic application by the Judicial and Prosecution Council of the disciplinary proceedings against suspected judges and prosecutors; invites the Montenegrin Parliament to adopt constitutional provisions which would reinforce the legal independence and accountability of the judiciary, enhance judicial independence and the professional autonomy of the Judicial and Prosecution Council; underlines the need to more efficiently monitor corruption and conflict-of-interest rules; calls for the streamlining of the court system to enhance judicial efficiency, given that Montenegro continues to be one of the countries with the highest number per capita of basic courts, magistrates, prosecutors and administrative staff in Europe;
14. Calls on the Montenegrin authorities to focus on the selection of judges and prosecutors, their financial independence and the strict implementation of disciplinary rules against both judges and prosecutors in the event of non-compliance; further calls on the authorities to increase the transparency of the judiciary; reiterates its call to ensure a predictable judicial system and public trust; requests that the judicial budget be allocated adequate funding for infrastructure, equipment and training in order to enhance the efficiency of the judiciary; considers it important to establish common criteria for judicial training to be applied by the Judicial Training Centre;

15. Welcomes further good progress in adopting anti-corruption legislation, in particular the new public procurement law, the law on the financing of political parties and the amendments to the law on conflict of interest; notes, however, that the new public procurement law may be more restrictive than previous legislation and might therefore discourage reporting on corruption; is concerned about the strong role of representatives of political parties in the Commission for the Prevention of Conflict of Interest, which is responsible for implementing the new amendments to the law on conflict of interest; is of the view that the current draft law on the free access to information may restrict access to information and, by doing so, may reduce the ability of civil society organisations and the media to reveal corruption cases; notes that corruption is still prevalent in many areas, continues to be an issue of particular concern and can also cause significant costs to public finances;

16. Encourages the government to implement in a consistent manner anti-corruption legislation as well as laws on the financing of political parties and election campaigns; invites the competent law enforcement agencies to comprehensively pursue anti-corruption efforts and more corruption cases leading to convictions, including high-level corruption cases; calls on the Montenegrin authorities to introduce more precise mechanisms for the sound implementation and monitoring of anti-corruption initiatives and projects as well as to enhance inter-agency cooperation and information exchange, particularly between the police and prosecutors; encourages the Montenegrin Parliament to strengthen its oversight of the anti-corruption authorities; calls on the authorities to shed more light on allegations of corruption, especially concerning cases of privatisation; invites the Commission to assess the impact and results achieved through the allocation of EU funds in the reform of the judiciary and the fight against corruption;

17. Underlines the need to intensify the fight against organised crime, in particular with regard to the strengthening of the administrative and investigative capacities of police and prosecution authorities in order to improve the efficiency of these bodies; considers it important to step up efforts on the efficient processing of criminal intelligence and to further extend international and regional cooperation in combating organised crime, above all money laundering and smuggling;

18. Whilst acknowledging the legislative progress made in ensuring freedom of expression in the media, nevertheless notes alleged cases of intimidation and physical violence against journalists and a reported limitation of media freedom; is concerned about the backlog of defamation and libel cases against the media and journalists in the courts;

19. Calls on the Montenegrin authorities to investigate thoroughly cases of physical violence and intimidation against journalists and to demonstrate their commitment to a media free of political interference; urges the authorities to seriously investigate and prosecute the cases of murder and attacks against journalists, as well as the arson attacks on vehicles belonging to the *Vijesti* newspaper, and prosecute those responsible for the attack on the TV Vijesti crew in November 2011 in Humci near Nikšić; invites the authorities to ensure the independence of regulatory bodies and provide all necessary conditions for the self-regulatory media body to start functioning based on the best European standards; invites the Montenegrin Government to propose amending existing legislation on freedom of information in such a way that would not restrict access to information and limit transparency; calls on journalists to comply with professional ethics and standards regarding respect for privacy and dignity in the media;

20. Welcomes the government's efforts to improve cooperation with non-governmental organisations and calls for continued consultations with civil society in policy-making and law-making; considers it positive that state institutions have appointed NGO contact persons and that many of these institutions set the criteria and procedure for the selection of civil society representatives to the relevant working groups established by the government; underlines, however, the importance of also strengthening dialogue with trade unions as well as civil society organisations representing or dealing with the most vulnerable groups and gender equality issues;

21. Welcomes the generally good situation as regards inter-ethnic relations, including the management of sensitive issues like ethnicity and language in the population census; notes with satisfaction that the legislative framework concerning anti-discrimination policies and the protection of minorities is largely in place, including the Adviser to the Prime Minister on Human Rights and Protection from Discrimination; stresses that further efforts are still needed for its implementation; calls on the Montenegrin authorities to take additional measures to ensure better representation of minorities in public institutions at national and local level, given that persons belonging to minorities remain under-represented in public institutions; calls on the authorities to combat discrimination against the Roma, Ashkali and Egyptian communities and improve their living conditions, access to social security, health, education, housing and employment services; furthermore urges the government and local authorities to sign up to the European Framework for National Roma Inclusion Strategies by launching and submitting a 10-year national inclusion strategy after the expiry of the current 2008-2012 strategy to improve the status of the Roma, Ashkali and Egyptian population;

22. Welcomes the recent adoption of the Law Against Discrimination, which explicitly mentions sexual orientation and gender identity, and calls for proper implementation of the existing anti-discrimination legislative framework; invites the Montenegrin authorities to strengthen measures to implement the country's legal and institutional framework on LGBT rights; encourages the authorities to take measures aimed at refraining from any intimidation against LGBT organisations and persons and to do its utmost to prevent attacks on the LGBT community;

23. Underlines that Montenegro has ratified the eight core labour rights conventions of the International Labour Organisation 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 union rights; points out the important role of social dialogue and encourages the Montenegrin Government to step up its ambitions in the Social Council and further strengthen it; underlines the importance of improving the transparency and effectiveness of the Social Council;

24. Underlines that all political parties, regardless of the community that they represent, should strive to maintain a constructive and mature political climate and refrain from taking political instructions from third countries;

25. Encourages Montenegro to enhance the legal framework governing the rights of persons with disabilities and improve their access to employment, including in public institutions; calls on the authorities to adapt public places to their needs and continue to mount awareness campaigns addressing the social inclusion of people with disabilities;

26. Noting that there are currently approximately 15 000 refugees, internally displaced and displaced persons originating from Croatia, Bosnia and Herzegovina and Kosovo in Montenegro, invites the Montenegrin Government to find a lasting and sustainable solution to the issue by fully implementing its relevant strategy and by pursuing further efforts to provide a legal status for displaced persons; considers important their return to their countries of origin as well as the need to remove remaining obstacles between the countries of the region and facilitate return; in this regard, notes with satisfaction Montenegro's proactive role in the 'Belgrade Initiative' regional programme and the adoption of an action plan to implement the Strategy for a Permanent Solution to the Issue of Displaced and Internally Displaced Persons in Montenegro;

Economic criteria

27. Commends Montenegro for maintaining its macroeconomic stability, but also notes the forecasted slowing of economic growth and the continued high unemployment; encourages the government to accelerate the recovery from the severe economic downturn of 2009 while maintaining fiscal stability with the pursuit of more prudent fiscal policies and reducing public debt in order to create sound economic progress with the aim of improving the standard of living;

28. Welcomes the adoption of important structural reforms such as those relating to the public pension system, the streamlining of public employment and a new financing scheme for local government; encourages Montenegro to continue structural reforms, in particular strengthening the rule of law, physical infrastructure and human resources, and to pursue further measures to remove business barriers and improve the business environment as well as to increase labour market flexibility and boost export competitiveness; continues to be concerned about the significant level of informal employment and the extent of the informal economy, which poses significant challenges to the Montenegrin economy and society;

29. Welcomes the adoption of the development strategy for small and medium-sized enterprises for 2011-2015 and the Strategy for the Promotion of Competitiveness at the Micro-Level for 2011-2015; encourages the government to improve coordination of various institutions working in the area, to collect better data on SMEs and to strengthen the system of unified registration of enterprises in order to ensure the effective implementation of these strategies;

Abilities to assume the obligations of membership

30. Invites the Montenegrin government to substantially enhance institutional and administrative capacities, as well as accession-related cooperation and coordination between the relevant State institutions; calls on the authorities, in this respect, to reinforce the administrative capacity of the Ministry of Foreign Affairs and European Integration and strengthen the capacities of ministries dealing with key areas of the *acquis*; calls on the authorities to tackle the fragmentation of the administrative system and overlapping competences as well as to develop policy-making capacities in line ministries with the aim of improving the quality of legislation and ultimately strengthening the rule of law;

31. Welcomes the adoption of the government plan outlining Montenegro's energy policy until 2030 and notes that energy sector reform is a particularly vital challenge facing the country; urges the authorities to accelerate progress in the area of security of energy supply and energy efficiency, as well as to pursue further efforts towards the setting-up of a regulatory environment that would foster the increased use of renewable energy sources in all sectors, as required by the relevant EU *acquis* on renewable energy;

32. Calls on Montenegro to achieve progress on aligning national legislation with the *acquis* as regards access to environmental information, access to justice, environmental liability and strategic environmental assessment provisions on trans-boundary aspects; urges the authorities to integrate more systematically environment-related and climate change issues into other sectoral policies; considers it particularly important to address problems of solid waste, waste water and the poorly regulated waste management system, as well as to introduce more stringent penalties for all those who violate the relevant regulations and to establish an efficient inspection monitoring system; furthermore, in general, reiterates the need to resolve the unclear division of responsibilities between the authorities and the lack of coherence in their actions, as this is seriously hampering progress in the area of environmental protection;

33. Recalls that more than 25 % of Europe's biodiversity is located in the Western Balkans region; also recalls that the many small and large rivers and lakes – the largest being the Morača river and Lake Skadar – host many rare species; calls on the Montenegrin authorities to reconsider plans to build large-scale hydropower plants and to mainly rely on energy provided by such sources; recalls the need to draft a national energy strategy, which takes into account the many different renewable energy sources, including hydropower on a small scale; recalls the need to also respect the natural heritage enshrined in the constitution, which refers to Montenegro as an ecological state and the fact that natural heritage and tourism are two important pillars of the Montenegrin economy; urges the Montenegrin authorities to always conduct environmental and social impact assessments prior to any decision on the construction of new plants, in line with EU and international standards such as the Aarhus and Espoo conventions; urges the Montenegrin authorities further to engage in extensive and transparent public consultation processes, involving relevant civil society organisations when it comes to the planning of future hydropower plant projects, and to make relevant decisions, expert opinions and other documentation public;

34. Commends Montenegro on becoming a worldwide tourism destination with high potential for further development; notes, however, the potential risks to the environment stemming from tourism and calls on the government to take further steps to protect nature, including along the Adriatic coast;

35. Invites the Montenegrin Government to accelerate progress on the establishment of the structures necessary for managing the common agricultural policy, such as a paying agency and an integrated administrative and control system; calls for progress in taking agriculture and rural development policy forwards, including by pursuing efforts on policy development and on using the financial assistance that is available;

36. Commends Montenegro on joining the World Trade Organisation at the WTO Ministerial Conference on 17 December 2011; is of the view that WTO membership will provide a more transparent, predictable and attractive environment for trade and foreign investment;

37. Calls on the Montenegrin authorities to implement relevant legislation on central bank independence, monetary financing, privileged access to public-sector financial institutions and the protection of the euro; notes that the implications for Montenegro's monetary system will have to be defined in detail and addressed in future accession negotiations;

38. Commends Montenegro on the hitherto smooth implementation of the visa-free regime with the Schengen area, which entered into force on 19 December 2009; urges the authorities, however, to upgrade the administrative capacities of the Ministry of Foreign Affairs and European Integration, as well as its diplomatic and consular network, by creating, for instance, an online link between the Ministry's national visa system and the diplomatic and consular missions and by introducing a visa sticker with security features;

Regional cooperation

39. Commends Montenegro for its commitment and constructive role in contributing to regional stability and strengthening good neighbourly relations with other Western Balkan countries; notes with satisfaction Montenegro's proactive participation in various regional initiatives in South-Eastern Europe; underlines in particular Montenegro's dedication to the signing of extradition agreements with Croatia, the former Yugoslav Republic of Macedonia and Serbia, by concluding cooperation agreements with financial intelligence services of other countries and by joining, on 7 November 2011, the declaration of the foreign ministers of Serbia, Montenegro, Croatia and Bosnia and Herzegovina aimed at finding solutions to the refugee issue in the region;

40. Welcomes the commitment of both Montenegro and Serbia to placing bilateral relations on a sounder footing; encourages political and religious leaders in both countries to continue to improve the climate of inter-ethnic and inter-religious dialogue with a view to reaching an

agreement regulating the position of the Serbian Orthodox Church in Montenegro; calls on the Commission to pay attention, in parallel with the accession negotiations, to the relations between the Montenegrin Orthodox Church and the Serbian Orthodox Church, as improved relations between the two churches and communities active in the country would positively affect the political climate in Montenegro;

41. Notes with satisfaction the good neighbourly relations between Montenegro and Croatia; welcomes the agreement on cooperation between Montenegrin and Croatian law enforcement agencies, which provides a framework for joint activities in different areas of police work such as crime prevention, border policing and combating complex forms of regional and international organised crime; welcomes the setting-up of a joint commission between Montenegro and Croatia and notes with satisfaction that the two sides have agreed to abide by the International Court of Justice's decision on the as yet unresolved question of the ownership of the territory of the Prevlaka peninsula;

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42. Instructs its President to forward this resolution to the Council, the Commission and the government and parliament of Montenegro.

(1) OJ L 108, 29.4.2010, p. 3.
(2) See Conclusions of the European Council (139/1/11) of 9 December 2011.
(3) See Conclusions of the European Council (30/1/10) of 16-17 December 2010.