

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

18th Meeting

25th-26th February 2020

Podgorica

DECLARATION and RECOMMENDATIONS

The European Union - Montenegro Stabilisation and Association Parliamentary Committee (SAPC) held its 18th meeting in Podgorica on 25th-26th February 2020, under the co-chairmanship of Mr Ivan BRAJOVIĆ, President of the Parliament of Montenegro and Mr Vladimír BILČÍK, Chairman of the European Parliament's Delegation to the EU-Montenegro SAPC. It held an exchange of views with:

- Mr Aleksandar Drljević, Chief Negotiator for Montenegro's Accession to the European Union, on behalf of Government of Montenegro;
- Ms Zdravka Bušić, State Secretary for Political Affairs of the Ministry of Foreign and European Affairs of the Republic of Croatia,, on behalf of the Presidency-in-Office-of the Council of the European Union;
- H.E. Aivo Orav, EU Ambassador, on behalf of the European Commission;

The Committee addressed the following subjects:

- State of play of accession negotiations and EU-Montenegro relations;
- Progress in rule of law, including fundamental rights and freedoms, judiciary reform and the fight against organised crime and corruption;

- Results in and tasks for improving the legislative framework ahead of and following the 2020 parliamentary elections;
- Environmental and climate change challenges;
- The situation of youth in Montenegro with a focus on education skills, unemployment and brain-drain;

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 unwavering commitment of the European Parliament and the European Commission to maintaining the momentum of the enlargement process; welcomed and reiterated the unambiguous and positive messages in the Joint Declaration adopted at the EP-Western Balkans Speakers Summit in Brussels on 28 January 2020; hailed that the Commission's new proposal of 5 February on revised enlargement methodology had reconfirmed a merit-based prospect of full EU-membership and the fact that the negotiating framework for Montenegro would not be amended without its agreement; welcomed the announcement that the enlargement process would be subject to stronger political steering; advocated that the Western Balkan partner Parliaments would be duly involved in the proceedings of the Conference on the future of Europe;
2. Noted with satisfaction that Montenegro, with 32 of 33 negotiating chapters opened and three provisionally closed, was the most advanced country in the negotiation process; regretted that the only remaining negotiating chapter was not opened during 2019 and stressed the need to progress towards closing the opened chapters; urged the authorities to step up their efforts to meet the interim benchmarks for rule of law chapters 23 and 24 and the closing

benchmarks for other chapters; reiterated that each candidate country must be judged on its own merits and particularly emphasised the importance of effective implementation of reform measures; recalled that progress on the rule of law would continue to determine the overall pace of negotiations therefore called on Montenegro to be more proactive in pursuing further tangible results; expressed expectation that chapter 8 would be opened by the end of the Croatian Presidency of the Council of the EU;

3. Emphasised the importance of the role of the Montenegrin Parliament in the EU integration process in line with the Speakers' Summit joint declaration of 28 January 2020; welcomed that the Commission's revised methodology proposed that all bodies under the Stabilisation and Association Agreement, including the SAPCs, focus much more on key political issues and reforms; regretted the protracted parliamentary boycott by some MPs and called on all political forces to take a responsible attitude and to engage in a constructive, meaningful and much-needed inclusive political dialogue in Parliament in order to fulfil their parliamentary duties to the benefit of all citizens of Montenegro and to strengthen the legislative and the oversight role of Parliament throughout the accession process; reiterated that the functioning of parliamentary democracy is based on the participation of both, government and opposition factions, in the parliamentary decision-making process; called on the MPs to act in a way that is in line with the objective of preserving the dignity of the Parliament;
4. Regretted that the temporary Parliamentary Committee for Comprehensive Reform of Electoral and Other Legislation was not able to successfully complete its work before the end of its mandate on 18 December 2019; stressed the importance of improving the existing electoral framework, which, since the 2016 elections was already amended by implementing a number of the OSCE/ODIHR recommendations and reaching a certain level of cross-party consensus between all stakeholders on EU reform and election related legislation; recalled the responsibility of all political forces represented in the Parliament to address fully the outstanding

OSCE/ODIHR and electoral observation missions' recommendations, in order to additionally reinforce the transparency and professionalism of the electoral administration; noted the adoption of the Law on Financing of Political Entities and Election Campaigns, amendments to the Law on Voters' Register, amendments to the Law on Territorial Organisation and amendments to the Criminal Code which aim at improving the electoral process; urged all political parties to take part in the process of further improvement of electoral legislation and stressed the importance of meaningful cooperation with civil society;

5. Noted the adoption of the Law on the Freedom of Religion or Beliefs and the Legal Status of Religious Communities on 27 December 2019 and condemned the behaviour of those MPs who attempted to disturb the debate and to obstruct the voting process; noted the ongoing peaceful gatherings of those citizens opposing the adoption of the Law; encouraged all initiatives with relevant stakeholders to overcome differences through genuine dialogue in line with relevant international and European human rights standards, in particular the Venice Commission's opinion of 24 June 2019; agreed that regulating religious communities was a national competence and pointed out the importance of dialogue necessary for the implementation of the Law;
6. Stressed that the implementation of rule of law related reforms remained fundamental to Montenegro's progress in accession negotiations, as set out in the Negotiating Framework; regretted that the temporary Parliamentary Committee for Comprehensive Reform of Electoral and Other Legislation failed to reach a cross-party agreement on a number of reforms related to the rule of law; called on all MPs to act responsibly and engage in political dialogue; noted that further and sustained efforts were needed to increase the independence, transparency, accountability and efficiency of all judicial institutions and build a track record on handling and solving of war crime cases before domestic courts; stressed the importance of respecting all European standards on the independence of the judiciary, including senior appointments and recruitment of new judges;

7. Acknowledged that some progress was made in fighting corruption and organised crime and insisted on the need to build up a track record in fighting corruption and organised crime on all levels, including effective financial investigations, confiscation of assets, prosecutions and final convictions, in particular in areas such as money laundering and trafficking in human beings; recalled the need for an effective response to the alleged abuse of state resources for political parties and illegal financing of political parties; called on the Agency for Prevention of Corruption to act independently of any political influence and to implement consistently the Anti-Corruption Law; expressed concern about the low number of final convictions in organised crime cases and the wide-spread use of plea bargain agreements in organised and serious crime cases and relevant penal policy;
8. Noted that freedom of expression and freedom of media constitute the European Union's fundamental values and are therefore a crucial element of Montenegro's EU accession process; expressed concern about the limited progress in the field of media freedom and freedom of expression as stated in the European Commission's 2019 country report and its three preceding reports; pointed to the need of strengthening the professionalism of the media and improve working conditions for journalists and media organisations, who should be free from political, editorial and every other pressure and interference; noted that the Government submitted to the Parliament the Draft Media Law which, amongst the other issues, regulates transparency of public funding of media on various grounds; strongly condemned all types of attacks against and intimidation of journalists that should be effectively investigated and prosecuted as a matter of priority, especially when prosecution risks becoming time-barred; stressed that public broadcasters should always remain independent, professional and shielded from undue influence and pressure from any side, which is a key pre-requisite for a democratic environment for free elections; therefore encouraged Montenegro to implement the Regional Common Principles on public service media funding and governance, which were adopted by representatives of parliaments, regulatory authorities, top management from public service media, their

governing bodies and civil sector from the Western Balkans in Sarajevo (2019) and Belgrade (2020);

9. Welcomed the further legislative alignment and the improving overall awareness of the institutions on fundamental rights; encouraged Montenegro to continue to improve the effective implementation of fundamental rights policies on gender equality, disability rights, rights of the child, rights of minorities, rights of LGBTI people and Roma rights by securing sufficient budget allocation to implement these policies, improve the capacity of responsible institutions and further enhance adequate mechanisms to protect these vulnerable groups and other minorities from discrimination; emphasised the need to further promote the climate of societal inclusion and tolerance and step up efforts to eliminate sex-selective abortions, gender-based domestic and sexual violence and violence against children; encouraged Montenegro to integrate the targets of the Declaration of the Western Balkans Partners on Roma integration within the EU Enlargement Process to which it committed at the Western Balkans Summit in Poznań in July 2019; expected all political stakeholders to show responsibility for policies on the protection and promotion of human rights, and in this context voiced conviction that the Law on Lifelong Partnership of Same Sex Partners would be adopted;
10. Acknowledged that private ownership was a fundamental right which shall be protected; urged the state authorities, when implementing the existing national legal framework, including on property rights and restitution of property, to provide for fair proceedings within a reasonable time;
11. Welcomed that the country's economy continued to expand in 2019; noted however the currently high budget deficit and growing public debt; encouraged Montenegro to maintain fiscal consolidation efforts to ensure the long-term sustainability of public finances, to strengthen the competitiveness of its economy, develop export capacities and reduce its dependence on imports and to improve the business and investment environment; reminded that economic growth should reflect positively on the living-standard of citizens; welcomed the

gradual improvement of the labour market situation and the adoption of the new Labour Law; expressed concern over the low participation of women in the labour market and the high long-term and youth unemployment rates; encouraged Montenegro to intensify work on better synchronizing the education system with the labour market in order to more effectively tackle the phenomena of skills mismatch and brain-drain among youth;

12. Stressed the importance of the youth for the future of any country and the need for clever and creative minds for mastering the transformation process that accompanies the accession procedure in the case of Montenegro; therefore encouraged Montenegro to step up its efforts in the fields of education, youth work, leisure and social as well as political participation with the aim to prevent a brain-drain among youth and to make young Montenegrin people the motor of change;
13. Recalled that the European Pillar of Social Rights is a core component of the EU's strategic agenda and that its twenty principles should thus also play a central role in the enlargement process; noted, however, that social affairs continue to play a secondary role, although the European Commission announced in its Western Balkans Strategy 2018 "a new, reinforced social dimension" of the enlargement process; therefore encouraged Montenegro to pursue further reforms in the areas of education, employment, social protection and health care;
14. Noted that some progress was made following the opening of chapter 27 on environment and climate change in December 2018; urged Montenegro to speed up the implementation of the measures included in the National Strategy and Action Plan; highlighted the importance of implementation of the waste and water acquis; welcomed the national protection of Ulcinj Salina as a Nature park and its international protection as a site under the Ramsar convention in July 2019; noted that the development of additional hydropower and tourism capacities, particularly those in protected areas, should take into account EU environmental protection standards;

15. Called for utmost caution in UNESCO-protected areas, including the Tara river and the Sinjajevina mountain area, where in September 2019 a military training and weapons testing area was established within the UNESCO Biosphere Reserve; pointed to the importance of preserving the cultural and pastoral traditions of local communities; underscored the need for strengthening the administrative capacity in the area of climate change;
16. Commended Montenegro for its commitment to inclusive regional cooperation, and the constructive role it plays in the Western Balkans region; welcomed its active participation in numerous regional initiatives in South Eastern Europe; insisted that all bilateral disputes should be resolved through inclusive and non-confrontational dialogue, with full respect for the independence and sovereignty of each country, and the principle of non-interference with the country's competence to independently regulate its legislative framework in all areas; welcomed the signing in October 2019 of a Status Agreement with the EU that will allow for the deployment of European Border and Coast Guard teams along its border with the EU; welcomed the signing of the Protocol on the Determination of the Border Point between Bosnia and Herzegovina, Montenegro and the Republic of Serbia in May 2019 and called for a speedy conclusion of similar agreements with other neighbouring countries;
17. Commended the consistent full alignment of Montenegro's foreign policy with all EU CFSP positions and declarations;
18. Emphasised the importance of the "Berlin Process" as a major platform for regional co-operation; recalled the EU's determination to increase its assistance to Montenegro and other Western Balkan countries subject to tangible progress in the area of rule of law, as well as socio-economic reforms.