

P7_TA(2014)0104

2013 progress report on Montenegro

European Parliament resolution of 6 February 2014 on the 2013 progress report on Montenegro (2013/2882(RSP))

The European Parliament,

- 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 conclusions of the European Council 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 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 report from the Commission to the European Parliament and the Council of 22 May 2012 on Montenegro’s progress in the implementation of reforms (COM(2012)0222), and to the Council conclusions of 26 June 2012 deciding to open accession negotiations with Montenegro on 29 June 2012,
- having regard to the General Affairs Council conclusions on the enlargement and stabilisation and association process of 11 December 2012,
- having regard to the Commission communication entitled ‘Enlargement Strategy and Main Challenges 2013-2014’ of 16 October 2013 (COM(2013)0700), accompanied by Commission Staff Working Document SWD(2013)0411 entitled ‘Montenegro 2013 Progress Report’,
- having regard to the declaration and recommendations of the 6th Meeting of the European Union – Montenegro Stabilisation and Association Parliamentary Committee (SAPC) of 29-30 April 2013,
- having regard to its previous resolutions on Montenegro and its resolution of 22 November 2012 on Enlargement: policies, criteria and the EU’s strategic interests²,
- having regard to its resolution of 22 October 2013 on budgetary management of European Union pre-accession funds in the areas of judicial systems and the fight against corruption in the candidate and potential candidate countries and its observations on Montenegro³,
- having regard to Rule 110(2) of its Rules of Procedure,

¹ OJ L 108, 29.4.2010, p. 3.

² Texts adopted, P7_TA(2012)0453.

³ Texts adopted, P7_TA(2013)0434.

- A. whereas EU accession should remain a major driving force for continued political, social and economic reforms;
- B. whereas the EU has put the rule of law at the core of its enlargement process;
- C. whereas Montenegro has made progress towards EU integration, with enthusiasm for the European project shared across the political spectrum and in society at large; whereas the country has managed to provisionally close Chapters 25 and 26;
- D. whereas the enforcement of the rule of law, notably through judicial reform, and the fight against corruption and organised crime are top priorities; whereas the screening process on all chapters has been concluded; whereas the negotiations on Chapters 23 and 24 were opened in December 2013 in line with the Commission's 'New Approach' of tackling justice reforms and home affairs early in the accession process;
- E. whereas recent constitutional reforms, once fully enacted, will strengthen the independence and efficiency of the judiciary;
- F. whereas financial corruption and organised crime, including in institutions, as well as electoral malpractice, remain serious concerns; whereas Montenegro needs to tackle them and develop a solid track record in the field of the rule of law;
- G. whereas civil society has an important role in the process of reform and EU accession;
- H. whereas regional cooperation is highly important for political stability and for security and economic development in Montenegro and the entire region;

Accession negotiations

1. Welcomes the opening of five new negotiation chapters in December 2013; encourages swift continuation of the accession negotiations, provided that reforms are pursued and implemented, and concrete results delivered;
2. Welcomes the government's action plans on Chapters 23 and 24, which set out a comprehensive reform agenda and constitute the benchmark for opening these chapters;
3. Commends the inclusion of civil society representatives in the negotiation structures; notes, nevertheless, the call by civil society organisations for the government to demonstrate the maximum possible transparency throughout the negotiating and accession process, including by engaging a broader selection of organisations in the working groups and conducting extensive nationwide consultations;
4. Underlines the responsibility of both the government and the parliament to improve communication with the public and to inform all interested stakeholders, civil society organisations and the general public in a timely and transparent manner about developments in the accession negotiations and to facilitate their broad participation in this process;

Political criteria

5. Urges all political forces, in government and opposition alike, as well as key social and economic actors, to remain focused, through sustainable dialogue and constructive

cooperation, on the country's EU integration agenda;

6. Welcomes the enhancing of the Montenegrin Parliament's oversight role, including through control and consultative hearings; calls, however, for reinforced follow-up of hearing conclusions, stronger oversight of the implementation of adopted legislation, and more active parliamentary involvement in the negotiations; welcomes the resolution on the method, quality and dynamics of the integration process of Montenegro into the EU, adopted by the Parliament of Montenegro on 27 December 2013; believes that the integration process needs to fully involve the Parliament and civil society organisations and to enjoy broad democratic support;
7. Regrets the fact that, following this year's notorious 'Audio Recording Affair', a committee of inquiry formed to investigate alleged misuse of public funds for party-political purposes failed to draw political conclusions in its final report, and that judicial follow-up remains incomplete in this regard; underlines the importance of ensuring that there is a thorough investigation and appropriate action if necessary; encourages the responsible Montenegrin authorities, therefore, to bring a swift, free and fair conclusion to the judicial process, with the cooperation of all relevant parties, addressing any offences carefully, objectively and in full accordance with the law; welcomes, moreover, the recently announced inquiry into the video-recording affair in Cetinje, in which anyone found to have breached electoral law faces appropriate sanctions under due process;
8. Stresses the need to improve public confidence in the electoral system and democratic structures and calls on the Parliament to speed up the electoral reform by amending the set of laws regulating elections and political party financing, including the draft law on a single voter list and the draft amendments to the law on personal identity cards; underlines the need for the single voter registry to be fully transparent and accountable; insists that these reforms need to be undertaken in line with the long-standing OSCE/ODIHR recommendations and in full transparency, involving civil society; supports the Commission's call for a clear, broadly accepted delineation between public and party interests to be established; calls on the Government to publish proactively information on state aid for individuals and companies, employment in the public service sector and other expenditures that might affect voting behaviour; notes that the perception of corruption can be as damaging as corruption itself;
9. Stresses the importance of public administration reform for applying the *acquis*; considers it essential to strengthen the coordination and monitoring mechanism for the implementation of the public administration strategy and to take further measures to create a transparent, professional, effective and merit-based public administration; calls on the authorities to take care, in the recruitment and dismissal of public officials, not to appear to be further politicising the civil service; calls also for the independence and capacities of the Ombudsman's office to be strengthened;
10. Welcomes the constitutional amendments aimed at strengthening the independence of the judiciary by reducing political influence on the appointment of prosecutors and judicial officials at all levels through more transparent and merit-based procedures, and specifically by electing the Supreme State Prosecutor; takes note, however, of the Ombudsman's initiative for assessing the constitutionality of these amendments and of the provisions of the law on the Constitutional Court concerning the election of

Constitutional Court Judges; calls on the competent authorities to establish a solid track record of disciplinary proceedings and to ensure timely justice, together with the unification of jurisprudence; calls for further legislative and other measures to be taken and implemented in order to diminish the politicisation of the judiciary in practice, including through objective evaluation of judicial performance, clear demonstration of judicial accountability in line with the recommendations of the Venice Commission, and the guaranteeing of merit-based promotions; underlines also the need to ensure the independence of misdemeanour courts from the executive branch;

11. Welcomes steps taken to streamline the court system, to promote judicial efficiency and to further decrease the backlog of cases; expresses concern, however, at the length of court procedures, the poor infrastructure at many courts, the weak enforcement of civil and administrative decisions and the insufficient budget for the judiciary and the prosecution; calls for capacities at judicial and prosecutorial councils to be enhanced and for accountability and integrity safeguards in the judicial system to be reinforced; calls, moreover, for measures to ensure access for citizens to civil justice and compensation in line with European standards; urges courts to be more transparent and accountable in fighting corruption and organised crime;
12. Calls for due follow-up of outstanding war crime reports in order to tackle impunity, with more rigorous, efficient and transparent investigation and prosecution of war crimes; stresses the need to take further action in combating not just impunity, but also the appearance of it; to this extent, encourages the authorities to review sentencing guidelines and examine the seemingly disproportionate number of acquittals in the case of the most serious crimes;
13. Commends the government for its 2007-2012 Judicial Reform Strategy, but expresses concern over its slow implementation; notes that the 2013-2018 strategy is at an advanced stage of preparation; calls, therefore, for a general governmental focus in Montenegro on implementing existing strategies, with comprehensive and publicly debated evaluations, rather than simply replacing the strategies without the requisite assessment; encourages monitoring bodies for strategies and action plans to become the norm;
14. Stresses that additional efforts are needed in the fight against corruption, and calls for fulfilment of the GRECO recommendations;
15. Expresses concern that education, healthcare, the election process, land administration, spatial planning and the construction industry, privatisation and public procurement continue to be vulnerable to corruption; expects that the opening of negotiations on Chapter 5 (Public procurement) will speed up the necessary reforms in this area; welcomes the setting up of the new parliamentary Anti-Corruption Committee; urges the authorities to enhance the capacity of supervisory institutions, to improve auditing, to increase the transparency of party funding, and to strengthen capacity at all levels in order to reduce irregularities in the implementation of the laws on public procurement and the other areas mentioned above;
16. Expresses concern about the increasing restrictions on public access to information on companies and land registries; notes that public access to this kind of information is of great importance for journalists and civil society actors with a view to disclosing corruption cases and shedding light on links between organised crime and state institutions; urges the authorities to restore a high degree of transparency with regard to

the relevant registries;

17. Stresses the need to enforce reforms in the fight against corruption and organised crime, and to develop a solid track record of investigations, prosecutions and convictions at all levels; calls for increased cooperation and coordination between law enforcement agencies and the judiciary in combating organised crime and corruption at all levels, and for the performance of the judiciary in high-level cases to be improved; expresses serious concern about the annulment of first-instance verdicts in organised crime cases; insists that impunity for criminals convicted of corruption or organised crime offences is not acceptable; calls on the authorities to ensure that the public authorities and institutions implement all relevant measures and that they are held accountable if they fail to do so;
18. Invites Montenegro to continue engaging in international and regional cooperation when fighting corruption and organised crime; calls for greater efforts towards effective border surveillance with a view to fighting organised crime and smuggling operations on the 'Balkan route'; stresses the need to increase supervision and employ measures to tackle money laundering conducted by local and international criminal groups;
19. Stresses the need for the Montenegrin Government to continue and reinforce consultations, and improve interaction and dialogue with civil society, as well as with the opposition, in order to achieve more transparency in policy and law-making, particularly with regard to the implementation of laws and the fight against corruption and organised crime; this being the case, commends the government's efforts to increase the public transparency of its work, while acknowledging that much remains to be done; welcomes the extensive participation of civil society in the working groups on the EU negotiating chapters, but notes the concerns of some civil society representatives about the nature and quality of that participation; regrets the recent deterioration in the relationship between certain sections of the government and civil society, with fears expressed on both sides that mutual hostility risks trumping the shared desire to advance EU integration; encourages, therefore, a productive and balanced dialogue among all sides, in which the government objectively assists and facilitates the work of civil society, and fully includes representatives in the political process, and civil society organisations critique policy and hold the government to account fairly and constructively;
20. Notes with satisfaction that IPA assistance works well in Montenegro; encourages both the 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;
21. Emphasises that Montenegro has ratified the eight core ILO labour rights conventions and the revised European Social Charter; underscores the fact that, although basic labour and trade union rights are generally respected, they need to be further strengthened; underlines the important role of social dialogue and calls on the government to strengthen the Social Council;
22. Underlines the importance of free, independent and unbiased media in a functioning democracy; expresses grave concern about the increase in verbal and physical intimidation of journalists but also increased pressure through financial shortages and legal proceedings; is deeply shocked by the fact that since August 2013 at least two bomb attacks and around half a dozen physical attacks have been carried out against journalists; deeply deplores the fact that Montenegro is now ranked 113th in the Reporters Without

Borders media freedom index; recalls the importance of fostering responsible media, editorial independence and diversity of media ownership in line with European standards; stresses the responsibility of all those in politics and the media to nurture a climate of tolerance for different opinions; considers it essential to help protect journalists and press freedom; calls for all threats and attacks against journalists to be adequately investigated and prosecuted, including unresolved previous offences; welcomes the decision to set up a special body to monitor official efforts to solve cases of murder and assaults on journalists, which may help to establish deeper confidence between the state and the media;

23. Highlights the special role of independent and sustainable public service media in strengthening media freedom and democracy, and calls on the authorities to fully respect the Law on Radio Television Montenegro (RTCG), including legal safeguards guaranteeing the financial sustainability of public service media, thereby enabling them to fulfil their social remit;
24. Calls for improvements in the area of witness protection and for the adoption of a law on protecting whistleblowers;
25. Stresses the responsibility of all political forces to create a climate of tolerance and inclusion for all minorities; welcomes the government's policy on minorities, which has promoted deeper integration of the country's Albanian community in particular; calls for the situation of socially vulnerable groups to be improved, including access for people with disabilities to education and medical facilities, and physical access to public buildings; welcomes the government's recent Roma Action Plan, but calls for further facilitation of education and employment for Roma and other minorities, who still face discrimination, particularly as regards the limited educational access for Roma, Ashkali and Egyptian children;
26. Notes that women remain underrepresented in many areas of Montenegrin society, including in the parliament, in decision-making positions and on the labour market; calls on the government to strengthen its efforts to enhance gender equality, increase the relevant financial and human resources, ensure implementation of the gender equality action plan, introduce the principle of equal pay for equal work, and to encourage wider participation by women, particularly in the political arena;
27. Expresses concern about the high level of intolerance of homosexuality in Montenegro, with frequent violence and threats of violence, as well as hate speech against gay rights activists; regrets the fact that the most prominent LGBTI activist, following security concerns, sought asylum abroad; welcomes, however, the government's new strategy for enhancing the quality of life of LGBTI people, but stresses the focus on its implementation; underlines, in particular, the need to educate and inform the public in order to help change attitudes; particularly commends the government and the police for their support and facilitation of this year's unprecedented Pride marches in Budva and Podgorica; stresses that the anti-gay violence during the marches should be fully investigated, and the perpetrators brought to justice; encourages the authorities to further promote tolerance towards LGBTI people and to prosecute criminal offences in a timely manner; stresses the need to enhance societal acceptance and end anti-gay discrimination;
28. Expresses concern about the ongoing problems of violence against women and children, with fears that many consider it socially acceptable; regrets the slow progress in

developing family- and community-based services; calls on the government to increase public awareness of family violence and violence against women, and of the right of the child to be protected from any form of abuse, neglect or exploitation; welcomes the government's new measures to tackle domestic violence, improve children's rights and develop professional training, but encourages further measures to implement effectively the Law on Protection from Family Violence, particularly regarding protection and support of, and access to justice for, victims, development and coordination of prevention programmes, and stronger accountability for offenders;

Socio-economic issues

29. Invites the government to focus on increasing economic growth to combat poverty and improve living standards of all citizens, including by examining social welfare reform wherever possible, and to reduce regional disparities; calls for enhanced efforts to tackle the large informal sector, to improve protection of intellectual property rights and the overall legal system in order to systematically fight corruption and improve the business environment, and to implement structural reforms with a view to attracting and sustaining foreign direct investment, which is crucial to diversifying the economy;
30. Emphasises the need for commercial dispute resolution processes to be transparent, free from political interference and based on the rule of law in order to further improve the business climate; encourages a swift resolution of the KAP aluminium plant dispute; stresses that privatisations should take place in a fair, careful, transparent and orderly manner; points to concerns about state aid, and calls for transparency and sustainability where it is applied, in compliance with the *acquis* and the Stabilisation and Association Agreement; welcomes the government's efforts in addressing the issue of rising public debt and large structural fiscal deficits; calls for further activities to ensure future implementation of the IPA rural development programme and to develop water quality legislation in line with the *acquis*;
31. Notes that the new Law on Public Procurement entered into force in January 2012 but that in practice its implementation lacks efficiency, particularly in the health sector; calls on the Montenegrin authorities to introduce greater transparency in all procurement procedures and to establish action plans with clear objectives, procedures and timeframes to effectively enforce its new law on public procurement, and to align its legislation on concessions, utilities and defence procurement with the European *acquis*;
32. Commends the implementation of the Small Business Act; calls for an increase in public sector support for SMEs as one of the drivers of economic growth; calls for unification of fragmented strategies that impede the effectiveness of enterprise- and industry-related instruments;
33. Expresses concerns regarding the unchanged labour market situation and therefore calls for resolute measures to tackle high unemployment, in particular among first-time job seekers, and to improve the poorly performing labour market; calls on the government to ensure that the implementation of labour laws is in line with ILO standards, including by improving inspections; stresses the need to confront the grey economy; calls for tri-partite social dialogue to be strengthened;
34. Encourages Montenegro to undertake further efforts in the areas of environment and climate change by strengthening administrative capacity to implement relevant EU

policies and legislation in order to ensure alignment with the environment and climate change *acquis*;

35. Notes that illegal constructions, especially in tourist areas, are a significant problem in Montenegro; calls for the Montenegrin authorities to decisively promote sustainable development in the country; stresses the importance of tourism development being in line with environmental protection;

Regional cooperation

36. Welcomes Montenegro's proactive participation in initiatives including those on regional reconciliation and the 'Western Balkans Six' project, and its government's desire to take the lead in regional cooperation initiatives; calls on Montenegro to enhance its cultural and economic cooperation with neighbouring EU Member States; commends the government for maintaining good bilateral relations with all its neighbours, including Kosovo, but stresses the need to swiftly settle its dispute with Croatia on land and maritime borders, particularly in the light of preliminary offshore oil exploration; encourages the final delimitation of borders with Serbia, Bosnia and Herzegovina and Kosovo in order to eliminate potential sources of tension; welcomes progress on the Sarajevo Declaration Process, including the implementation of the Regional Housing Programme; encourages further cooperation with neighbouring countries by sharing experiences of the accession negotiations;
37. Welcomes the recent visits of Prime Minister Dačić to Podgorica and Prime Minister Đukanović to Belgrade, the first such visits since Montenegro's independence; commends these events as a strong sign of reconciliation and of increased engagement and openness on both sides, which can only bode well for further regional and European integration;
38. Stresses that the good neighbourhood relations which Montenegro has with the countries in the region form a basis for successful negotiations with the EU, and that the country itself represents an example of cooperation and commitment to the peace and stability of a region of the Western Balkans;
39. Welcomes the government's recent efforts to register internally displaced persons (IDPs) and clarify their status, but appreciates the difficulty of this task, including in the elimination of administrative burdens; calls on the EU, as well as other Balkan partners, to assist the Montenegrin Government to resolve this issue as soon as possible, and help close a painful chapter in the region's history;
40. Welcomes the Montenegrin Government's commitment to joining NATO, but notes the strong divergence of opinion among parliamentarians and in society at large; expresses confidence that Montenegro's efforts to attain NATO membership will benefit its aspirations towards EU membership, as well as improving regional cooperation and security; commends in particular Montenegro's contribution, despite its limited defence resources, to UN and CSDP missions, including in Afghanistan, Liberia and Mali; welcomes this clear signal of Montenegro's commitment to working with international partners in promoting global peace and stability;

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41. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Montenegro.