



TEXTS ADOPTED

Provisional edition

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2015 Report on Montenegro

European Parliament resolution of 10 March 2016 on the 2015 report on Montenegro (2015/2894(RSP))

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 seventh meeting of the EU-Montenegro Accession Conference at ministerial level of 21 December 2015,
- having regard to the Declaration and Recommendations of the 11th Meeting of the EU-Montenegro Stabilisation and Association Parliamentary Committee (SAPC) held in Strasbourg on 16-17 December 2015,
- 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 Commission communication of 10 November 2015 entitled ‘EU Enlargement Strategy’ (COM(2015)0611), accompanied by the Commission Staff Working Document entitled ‘Montenegro 2015 Report’ (SWD(2015)0210),
- having regard to the Final Declaration by the Chair of the Vienna Western Balkans Summit of 27 August 2015,
- having regard to the conclusions of the General Affairs Council of 15 December 2015 on the enlargement and stabilisation and association process,

¹ OJ L 108, 29.4.2010, p. 1.

- having regard to the decision taken at the NATO Foreign Ministers meeting of 2 December 2015,
 - having regard to its previous resolutions on Montenegro,
 - having regard to the work of Charles Tannock as the standing rapporteur on Montenegro of the Committee on Foreign Affairs,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas further progress has been made in the accession negotiations with Montenegro, and at the Intergovernmental Conference in Brussels on 21 December 2015 another two negotiation chapters were opened, concerning transport and energy; whereas Montenegro is the most advanced enlargement country in the negotiation process;
 - B. whereas sustainable dialogue and constructive cooperation between the ruling coalition and the opposition are crucial in order to maintain progress in the accession process;
 - C. whereas free, fair and transparent parliamentary elections are crucial for the democratic future of Montenegro;
 - D. whereas Montenegro should further develop a solid track record on the rule of law, which is a fundamental prerequisite for EU accession;
 - E. whereas a strong civil society enhances political accountability, strengthens solidarity within the country and promotes better understanding and ownership of EU-related reforms;
 - F. whereas corruption continues to be a serious problem, and whereas organised crime and threats to freedom of expression remain a concern;
 - G. whereas further steps should be taken towards combating unemployment, social discrimination and poverty and strengthening labour and trade union rights in line with EU standards;
1. Welcomes the steady progress in the accession negotiations with Montenegro, noting that 22 negotiation chapters, including chapters 23 and 24, have been opened so far, two of which have been provisionally closed; encourages tangible progress in meeting the benchmarks for the closing of chapters already under negotiation and for the opening of new chapters; stresses that progress in the negotiations must be accompanied by the strict implementation of relevant action plans and strategies; reiterates that overall progress in the negotiations depends on the progress in the implementation of the rule of law and the visible track record thereof;
 2. Urges more parliamentary scrutiny over the accession process; welcomes the adoption of the 2015 action plan for strengthening parliamentary oversight, but emphasises the need to reinforce the capacities of the Montenegrin parliament and to improve its access to accession-related information; welcomes the newly adopted Code of Ethics, and calls for further measures to improve public trust in the Montenegrin parliament;
 3. Is deeply concerned about the polarised domestic climate and the boycott of parliamentary activities by part of the opposition; urges all political forces, in government and opposition alike, to re-engage in sustainable dialogue and constructive cooperation within

the Montenegrin parliament; takes note of the failed vote of no-confidence in the Montenegrin parliament on 27 January 2016 and of the following parliamentary dialogue on creating conditions for free and fair elections ; recalls that dialogue and compromise are cornerstones of any democratic decision-making process; welcomes in this respect the plan presented to overcome the political crisis; calls on all opposition parties to consider the invitation to enter the government until the elections in October 2016 in order to ensure, without any further delay, that the conditions for free and fair elections are guaranteed, including completing the modification of the electoral laws and ensuring that no public resources are used for party purposes; considers it essential for a well-functioning democracy that any form of protest be conducted peacefully and in line with the relevant laws; expects the competent authorities to investigate thoroughly and in a timely manner all incidents of violence that occurred during the protests, including any allegations on the excessive use of force by some members of the police force; takes note of the modifications adopted in December 2015 to the law on public gathering;

4. Calls on the government to fully implement the new electoral legislation prior to any new elections and to further strengthen the State Election Commission, which needs to effectively fulfil its mandate; insists once again on the need for a due political follow-up on the ‘audio-recording affair’, while acknowledging the progress made on the judicial follow-up;
5. Notes some progress in the government’s 2011-2016 public administration reform, and calls for the timely adoption of a strategy covering the period 2016-2020; encourages further depoliticisation of the public administration; considers it essential to adhere to the principles of merit, depoliticisation, accountability and transparency in public administration and to ensure the citizens’ right to good administration free of corruption; welcomes the amendments to the Law on the Ombudsman; is concerned that the capacity of the Ombudsman’s Office to effectively handle complaints remains limited; stresses the need for a greater number of specialised independent state agencies;
6. Welcomes the good progress on strengthening the legislative framework to enhance the independence, accountability and professionalism of the judiciary, and looks forward to the full implementation of the relevant rules in practice; notes with satisfaction that the backlog of certain types of cases has further decreased; calls for ensuring the independence of the judiciary and welcomes its increased efficiency; remains concerned about undue influence on judicial independence, especially with regard to the appointment of judges; stresses the need to reinforce the capacity of the Judicial and Prosecutorial Councils, to further improve the efficiency of the Constitutional Court, to strengthen the enforcement of civil and administrative decisions and to implement fully the new recruitment and professional appraisal and promotion systems;
7. Calls for the improvement of legislative and administrative capacity in the field of asylum and migration, and urges the Commission to provide support to this end; commends the government of Montenegro for the steps it has taken to help stateless people on its territory resolve their status; encourages Montenegro to continue its efforts in this field, especially with regard to children, including by further facilitating birth registration and subsequent or re-registration in civil registers;
8. Invites the government and prosecution service to intensify their efforts to fight impunity in war crimes and to demonstrate a more proactive approach in following up on outstanding allegations of war crimes, particularly with regard to the responsible officials at the top of the command chain, in order to ensure, in line with international standards,

that court rulings are enforced, with a guarantee of fair and just indemnification, and that victims have access to justice and obtain reparations for damage sustained; calls for the full protection of witnesses; reiterates the need to resolve any issues that are not in line with the EU common position on the integrity of the Rome Statute or with the related EU guiding principles on bilateral immunity agreements;

9. Welcomes the recent EU peer review on child rights, and calls for full implementation and monitoring of child-related policies and laws at all levels; stresses the need to adequately resource child-related policies and services at national and local level and to enhance capacities to produce and use quality, disaggregated, child-focused data for evidence-based policy-making and programming;
10. Commends the government's commitment to expanding good quality early childhood education, and welcomes the increases in pre-school enrolments following a targeted campaign; welcomes the efforts to improve the quality of education in general and of early education in particular through standard-setting, enhancing the capacities of education providers and establishing oversight and quality-assurance mechanisms; welcomes the pioneering work to develop socio-emotional and other soft skills among pupils in primary schools;
11. Acknowledges the government's commitment and results achieved in the social and child care system reform, and stresses the need for these reforms to be implemented effectively by centres for social welfare through individual case management and coordination of services; points out that the recent legal amendment that allows adults to use the services of day-care centres together with children with disabilities is not in line with international standards; welcomes the government's commitment to ensuring that no children under three years of age are placed in residential state institutions by 2017; commends the proposed amendments to the Family Law of Montenegro to prohibit corporal punishment in a family setting; calls for further efforts to include the principle of best interests of the child in all civil and administrative proceedings while promoting broader access to justice;
12. Notes that, despite positive legislative changes, corruption remains a serious concern, particularly in public procurement, health care, education, spatial planning, privatisation and construction; reiterates the need to eliminate corruption at all levels, since it undermines democratic principles and negatively affects social and economic development; calls on the government to make combating corruption one of its priorities by allocating sufficient human and budgetary resources to it; welcomes the establishment of the Special Prosecutor's Office, whose tasks include combating corruption offences, and urges that it be made fully operational as soon as possible; welcomes the establishment of the Anti-Corruption Agency launched on 1 January 2016; calls for its independence and capacity to conduct administrative investigations to be ensured; recalls the importance of protecting whistle-blowers; calls on the authorities to facilitate and widen access to information about ownership of companies, real estate, and details about public expenditure, in particular in the case of public procurement and privatisation processes;
13. Calls on the government to further strengthen the legislative and institutional framework in the fight against corruption and to ensure the effective protection of whistle-blowers; calls for more active participation and effective cooperation from the government, all sectors of public life and civil society in the prevention of corruption; reiterates the need to reinforce anti-corruption track records in investigations, prosecutions and convictions at all levels, to strengthen the institutional and operational capacity of prosecutors, judges

and police, and to systematically use financial investigations and the power to seize and confiscate assets; calls for criminalising illicit enrichment;

14. Notes the bringing of criminal charges by the Montenegrin State Prosecutor's Office in certain Montenegrin municipalities against several officials in relation to high-level corruption; welcomes this as a positive sign in establishing a track record in rooting out high-level corruption, and encourages Montenegro to continue with this practice; reiterates the need to further increase the track record of investigating and bringing to justice high-level corruption cases; commends the good performance of the Podgorica High Court in delivering convictions for corruption-related offences;
15. Is concerned that the reported number of final convictions in organised crime cases and the number of seizures and confiscations of criminal assets have remained very low; encourages stronger and better cooperation between judicial and law enforcement authorities; welcomes the good cooperation between Montenegro and its neighbouring countries across a broad range of issues; welcomes the Agreement on Cooperation between Eurojust and Montenegro; while noting that the legal framework on money laundering is largely at place, calls for the relevant supervisory framework to be significantly enhanced and for a higher number of investigations, prosecutions and convictions in money laundering cases;
16. Encourages further measures against trafficking in human beings to complement the relevant legal and institutional aspects, including the setting up of a multi-disciplinary coordination team; calls on the competent authorities to increase the number of financial investigations and the seizure and confiscation of assets, and to more efficiently identify and protect victims and prosecute cases;
17. Notes that the Montenegrin police have intensified checks throughout the country with a view to preventing possible terrorist attacks and recruitment of Montenegrin nationals to jihadist organisations; welcomes the adoption of the 2016-2018 anti-terrorism strategy and the setting up of an interministerial group to monitor the situation and to assess terrorist threats; calls on the competent authorities to properly implement relevant legal provisions in order to prevent and monitor any potential threat to the security of its citizens; encourages the competent authorities to strengthen regional and international cooperation, including by exchanging information and best practices in a move to prevent radicalisation and respond to terrorist activities; is of the opinion that all measures taken in this direction should ensure respect for human rights and fundamental freedoms in accordance with international standards and instruments; considers that political stability in the region, the promotion of interethnic and interreligious tolerance and dialogue, and further progress towards the EU are essential in order to strengthen cohesion and security in the Western Balkans;
18. Welcomes recent efforts by the government of Montenegro to step up the fight against illegal trafficking in weapons and explosives; calls for close coordination and sharing of best practices to take place between initiatives in Montenegro, and the wider region, and the Commission on this matter;
19. Welcomes efforts to improve consultation mechanisms with civil society organisations (CSOs) and to achieve more transparency in policy- and law-making, including by involving them in the process of rule of law reforms and in monitoring the electoral process and the implementation of reforms; appreciates the motivation and efforts of the CSO sector, which has proved to be vocal and effective in many fields; stresses the need

to further improve CSOs' access to accession-related information and to further improve cooperation between local self-governments and CSOs; invites the competent authorities to further develop a sustainable system of public funding for CSOs and to create conditions that are conducive to voluntary work and social entrepreneurship;

20. Reiterates the importance of media freedom and pluralism, as well as freedom of expression in the broader sense, as one of the core EU values and a cornerstone of any democracy; remains concerned about the freedom of the media in Montenegro, which is ranked 114th in terms of press freedom by the annual ranking of Reporters Without Borders; encourages progress to be made in freedom of expression and decisions to be aligned with European Court of Human Rights case law on freedom of expression; urges measures to ensure the independence of the public service broadcaster RTCG; calls for fair and equal access to media for all parties involved in elections; highlights the importance of self-regulation of media outlets; welcomes the efforts made in the information society and technology sector;
21. Welcomes the fact that no new attacks against journalists took place in the reporting period; expresses concern, however, at the shortcomings in the investigation of previous cases of violence and intimidation against journalists; urges the competent authorities to resolve the pending cases of violence and threats against journalists, including the murder of Duško Jovanović in 2004, by improving investigations, by identifying and bringing to justice not only the perpetrators but also those behind the attacks and by implementing the recommendations issued by the ad hoc commission set up for monitoring the investigations into cases of violence against journalists; questions the current composition of the commission, of which members of the security services constitute more than 50 %, enabling them to block progress and the adoption of reports if they act together; calls on the government to prolong the mandate of this commission and to provide it with much more information and more competences; is concerned that incidences of intimidation of journalists and media outlets can considerably encourage self-censorship and limit the scope for investigative journalism; condemns the ongoing personal smear campaigns, mostly by one tabloid newspaper, targeting prominent civil society activists and some politicians on a personal basis; recalls that all media outlets must fully respect the established rules of professional reporting; points out that the media community is highly politicised and divided, that professional and ethical standards are weak and that journalists are poorly paid and their jobs insecure; considers it essential for journalists to have full independence, away from any interventions, including by media owners; welcomes the agreement among media practitioners to improve the existing Code of Ethics in order to enhance qualitative journalism; calls for continuing the dialogue facilitated by the Organisation for Security and Cooperation in Europe on improving ethical and professional standards in the media;
22. Welcomes improvements in the legal framework with regard to the rights of people with disabilities; expresses concern, however, that most public buildings are still not accessible to people with disabilities, including all 13 priority public buildings, such as the parliament, schools, hospitals, social welfare centres and courts, despite the government's commitment to changing the situation by 31 August 2013; calls for the full utilisation of the Fund for Professional Rehabilitation and Employment of Persons with Disabilities;
23. Calls on the competent authorities to encourage better representation of ethnic minorities in public sector employment, including in the police and the judiciary; urges them also to adopt a new law on minorities and a law on the legal status of religious communities in line with European standards and after due consultations with all stakeholders, to make

further efforts to protect the multi-ethnic identity of Boka Kotorska (Bay of Kotor) and to address the issue of lack of transparency in funds for minority issues; welcomes Montenegro's policies aimed at creating a climate of tolerance and inclusion for all national minorities;

24. Notes the improving participation of Roma students in all levels of education, but calls once again for additional measures to facilitate the access of Roma, Egyptian minorities and Ashkali to health care, housing and employment; urges both political and civil society actors to fight hostility, discrimination and hate crime against the LGBTI community, in particular with efforts to educate and inform the public with a view to changing attitudes, and by providing training to the police, prosecutors and judges; calls for the perpetrators of such discrimination and violence to be brought to justice; encourages the authorities to continue and enhance efforts to safeguard the rights of LGBTI people and ensure freedom of assembly; welcomes the fact that the third Montenegro pride parade was well protected and held without any major incidents on 13 December 2015; regrets, however, the ban of the pride march in Nikšić;
25. Remains concerned about domestic and sexual violence against women and girls, its underreporting, the lack of prosecutions and inefficient support and protection to victims as well as the lenient sentences imposed on perpetrators or outright impunity; urges the competent authorities to take domestic violence seriously, by establishing protection services, enhancing coordination between state institutions and by effectively implementing the convention on preventing and combating violence against women and domestic violence; urges the competent authorities to educate employees in state institutions (social workers, police officers, etc.) for working with victims; stresses the importance of increasing women's representation in politics during the next elections, as well as access to the labour market for women;
26. Calls on the government to further reinforce human rights institutions, such as the Ombudsman and the Ministry of Human Rights and Minorities, and to allocate the adequate resources for the enforcement of human rights;
27. Commends the macroeconomic stability and favourable developments in the economy; notes also that, according to the World Bank's Doing Business report for 2016, which measures the ease of doing business in a country, Montenegro ranks 46th worldwide, putting it in second place in the Western Balkans; notes, however, that Montenegro ranks 136th among 188 countries in enforcing contracts, which leads to legal uncertainty; notes the efforts to improve the competitiveness of industrial and agricultural products; urges the government to launch further structural reforms, to ensure a business-friendly regulatory environment while protecting consumer and social rights, to pursue efforts to reduce corruption in the economy, to implement economic reforms that will create jobs and growth, to address the country's large current-account and general budget deficits and the sustainability of public finances, and to implement policies that will help diversify the economy;
28. Stresses the importance of strengthening the SME sector and of providing support through better legislation, financing, implementation of industrial policy and reducing the informal economy, as well as speeding up electronic registration of companies nation-wide;
29. Notes with concern that Montenegro is not in alignment with the Third Energy Package and that there has been no progress in the development of the gas market; points out the

need to dedicate sufficient resources in the interest of achieving the targets and the need to establish a specialised energy-efficiency agency;

30. Notes that state aid remains an issue of concern, particularly as regards the independence of the State Aid Control Commission and the State Aid Control Unit, the notification and compatibility of new legislation, and state aid to large investment projects and the KAP aluminium plant; remains concerned about the delay in the resolution of the KAP bankruptcy proceedings as it is in breach of the country's obligations under the SAA; reiterates its call on the government and involved parties to reach a sustainable and negotiated solution for the KAP bankruptcy proceedings in compliance with state aid rules and the SAA, based on transparency and the rule of law; encourages the commissioning of a full and independent audit of KAP's finances, from its acquisition by CEAC in 2005 to the present day; calls for special attention to be paid to the plans to build a new highway, which will become the largest ever public project and expenditure in Montenegrin history; calls on the authorities to ensure the appropriate use of public funds and compliance with the relevant law;
31. Reiterates its concern that in some parts of the country many people are living in relative poverty and that youth and long-term unemployment are at persistently high levels; stresses the importance of including the CSOs and the Social Council in the formulation of labour policies; calls for improvements in social dialogue; notes the skills mismatch between the educational system and the labour market and the widening socio-economic gap between the north and south of the country; calls for more active labour market measures to increase employment, in particular for young people; notes the need to fight tax evasion more effectively and for the establishment of more socially just taxation; encourages the government to accelerate its work in addressing Montenegro's key challenges regarding social inclusion, poverty reduction and the grey economy; welcomes the adoption of the 2016 action plan on social inclusion; welcomes the memorandum of understanding with the International Labour Organisation;
32. Calls for further efforts to preserve the biodiversity of the Saline in Ulcinj, in particular, as the most important breeding and wintering site for birds on the eastern Adriatic coast; calls on the government to continue and enhance efforts for the sustainable national and international protection of this unique ecosystem, recognising the functioning of the salt flats as one of the best examples of economic development and environmental protection synergy, since only if they are functional can these salt flats provide a natural service to millions of birds every year; encourages the sustainable development of the coastline, and the protection of the natural environment and biodiversity in line with European standards; reiterates that further efforts should be made towards the adoption of a new law on the environment in conjunction with the need to assess environmental impact and to strengthen relevant administrative and coordination capacities; welcomes the adoption of the Climate Strategy in September 2015; notes the intention of the Montenegrin government to build new hydropower plants; recalls the need for a sound environmental impact assessment in line with the EU acquis and international standards;
33. Commends Montenegro's proactive participation and constructive role in regional and international cooperation, including in regional reconciliation and in contributing to crisis management operations under the Common Security and Defence Policy (CSDP); highlights Montenegro's constructive role in the framework of the 'Berlin Process' and the Western Balkan Six initiative; congratulates Montenegro on fully aligning itself with the EU's Common Foreign and Security Policy (CFSP), and encourages the government to continue the current 100 % alignment; welcomes the adoption of the law on the

implementation of international restrictive measures, including in the context of Russia's illegal annexation of Crimea and events in Eastern Ukraine; encourages other countries in the region to work together with the EU on foreign policy alignment and to follow Montenegro's example; calls on the Montenegrin authorities to swiftly implement the 'soft measures' agreed at the 2015 Western Balkans Summit in Vienna (e.g. simplifying/aligning border-crossing procedures, railway reforms, information systems) before the next Western Balkans Summit in 2016 in France;

34. Welcomes NATO's decision to invite Montenegro to join the alliance, and encourages a quick and efficient process of accession negotiations; encourages, in this context, continuing the reform of the security sector; welcomes Montenegro's participation in EU-led CSDP missions; recalls that the EU accession negotiations are independent from the NATO accession process;
35. Welcomes the border agreements with Bosnia and Herzegovina and Kosovo, and urges Montenegro to build on this and speed up work to deal with unresolved border issues with Croatia and Serbia, and, should it prove impossible to reach a solution by mutual agreement, calls for disputes to be settled in the Hague International Court of Justice, in accordance with the rules and principles of international law; renews its call on the authorities to help resolve the succession issues related to the legacy of the former Socialist Federal Republic of Yugoslavia (SFRY), including the military and naval legacy; encourages Montenegro to continue to address, in a constructive and neighbourly spirit, outstanding bilateral issues with its neighbours as early as possible in the accession process; calls also on the Montenegrin authorities to broaden cooperation with neighbouring countries by sharing information about the experience of pre-accession negotiations; calls on the Montenegrin authorities to comply fully with the provisions on succession of the former SFRY, especially as regards military assets;
36. 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.