

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

**7th Meeting
11-12 December 2013
Strasbourg**

DECLARATION and RECOMMENDATIONS

The European Union - Montenegro Stabilisation and Association Parliamentary Committee (SAPC) held its 7th meeting on 11-12 December 2013 in Strasbourg, under the co-chairmanship of Mr Ranko KRIVOKAPIĆ, President of the Parliament of Montenegro, for the Montenegrin Parliament Delegation and Mr Eduard KUKAN for the European Parliament Delegation.

It held an exchange of views with:

- Mr Duško MARKOVIĆ, Deputy Prime Minister and Minister of Justice on behalf of Government of Montenegro,
- Mr Vytautas LEŠKEVIČIUS, Vice-Minister for Foreign Affairs of Lithuania, on behalf of the Rotating Presidency of the Council of the European Union,
- Mr Dirk LANGE, Head of Unit for Montenegro, on behalf of the European Commission,

The Committee addressed the following subjects:

- State of play of the accession negotiations and EU-Montenegro relations;
- Implementation of legislation for fighting organised crime;
and judicial practice in this field;
- Anti-corruption instruments, including policies and practice concerning:
public procurement, protection of investigative journalists and of whistle blowers;
- Protection of human rights and fundamental freedoms.

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 Montenegro's further progress towards the EU membership, which has been recognised in the latest European Commission's report; recognised the usefulness of the new negotiating approach applied for the first time in the case of Montenegro and focusing on fundamental freedoms, judiciary, fight against corruption and organized crime, issues covered by chapter 23 and 24; expressed satisfaction that chapter 25 and 26 were negotiated and provisionally closed and expected additional negotiation chapters to be opened and would progress smoothly;
2. Welcomed the strengthening of the Parliament's oversight role, including through control and consultative hearings; called for further strengthening of the oversight role, through reinforced follow-up of hearing conclusions, in particular regarding EU negotiations process; called the Parliament and its competent working body, in cooperation with the Government, to legally define this issue; called the Parliament to consider the need to revise the Law on Parliamentary Inquiry aimed at further strengthening of this institution;
3. Welcomed the efficient work of the Skupština's Constitutional Committee and the subsequent adoption in plenary of the constitutional amendments aimed at strengthening the independence of the justice system by reducing political influence over the appointment of prosecutors and high-level judicial officials, through which important requirements for the opening of Chapters 23 and 24 have been met; encouraged the speedy implementation of the new provisions and additional measures to diminish the politicisation of the judiciary in practice, including by recruiting new judges and court officials; welcomed the adoption of the legislation giving the possibility to achieve proportional representation of national minorities and ethnic groups in courts, State Prosecutor's Office and Constitutional Court;
4. Expressed concern over extremely low confidence of political players in the election process in Montenegro, more frequent mistrust and complaints about misuse of state resources for party purposes; encouraged work of the working group dealing with the revision of the election legislation aimed at higher transparency of the election process;
5. Called for a greater role to be played by women in the political life of the country and, in this regard, welcomed the on-going reform process conducted by the parliamentary working group on electoral legislation, as an important chance to provide a legislative framework for gender balance in the parliament; encouraged the enforcement of gender equality legislation, the implementation of the gender equality plan and the introduction of the principle of equal pay; insisted on effective implementation of the Laws on Gender Equality and on Protection from Family Violence and the raising of public awareness in this regard;
6. Noted that corruption remains common in Montenegro and expressed concern over the absence of verdicts in high-level corruption cases; considering the importance for the EU integration process indicated the need for normative defining of the use of competences of the Anti-Corruption Committee; noted that education, healthcare and public procurement continued to be extremely

- vulnerable to corruption; urged the authorities to enhance the capacity of supervisory institutions and to increase the transparency of political party funding;
7. Called for measures to be taken to improve coordination between law enforcement agencies and the judiciary in combating organised crime; expressed serious concern about multiple annulments of first-instance verdicts in organised crime cases;
 8. Noted that a committee of inquiry set up to investigate alleged misuse of public funds for party political purposes regrettably had failed to draw political conclusions in its final report, and that judicial follow-up remained incomplete in this regard; reiterated its call for the judicial authorities to investigate promptly and in full the 'audio recording' case and to prosecute the persons involved; called on Montenegrin political parties and their members to support this process and refrain from political obstruction, and thus to contribute to the enhancement of political integrity and the strengthening of Montenegro's democratic system; called also on the authorities to ensure adequate follow-up of the long-standing OSCE/ODIHR recommendations on the electoral legislation and supported the call of the European Commission for establishing a clear, broadly-accepted delineation between public and party interests;
 9. Continued to be concerned about verbal and physical intimidation of journalists; recalled the importance of fostering responsible media and editorial independence; considered it essential to help protect journalists and press freedom, including by duly investigating and prosecuting all threats and attacks against journalists; welcomed the decision to set up a special body to monitor official efforts to solve cases of murder and assaults on journalists;
 10. Called for measures to improve the situation of socially vulnerable groups, including easier access for disabled persons to all public facilities; expressed concern about the slow progress in developing family and community-based services and the low rate of education coverage among Roma, and urged further facilitation of education and employment for this minority group; expressed concern over slow process of achieving effective participation of minorities in state and local institutions of the executive as stipulated in the law, including the Constitution;
 11. Commended the inclusion of civil society representatives in the negotiation structures and welcomed the government's action plans on chapters 23 and 24, which set out a comprehensive reform agenda and constituted the benchmark for opening these chapters;
 12. Welcomed the first Pride Parades in the country which took place in Budva and Podgorica; strongly condemned the violence which occurred during the parades and indicated high risk of endangering public peace and order during such manifestations; called on all social players to ensure the rule of law through adhering to all legal acts regulating this matter and put additional effort into promoting tolerance to vulnerable groups; considered that political leaders should continue to foster climate of genuine inclusion and tolerance, in close cooperation with civil society organizations;

13. Called for the guaranteeing of labour and trade union rights and underlined the important role of social dialogue, and called for the strengthening of the Social Council;
14. Called for efforts to be made to tackle the problem of the large informal sector, to improve the legal system and take on corruption with a view to improving the business environment, and to implement structural reforms aimed at attracting more foreign direct investment, since this is a crucial factor in diversifying the economy; pointed to the inviolability of private property, in light of the disputable use of property rights in the maritime area;
15. Expressed serious concern about the operation of the KAP aluminium factory, which continued to cause serious harm to Montenegro's finances and breaching EU rules on state aid; called on the authorities to find an economically sound solution to this long-lasting problem, taking due account of the Commission's recommendations; aware of the serious consequences of the existing situation, called for broad national and political support to be given to a potential solution to the KAP issue;
16. Expressed concern over the unsuccessful process of privatisation of a certain number of companies; expressed concern that the privatization cases did not result in increase of business efficiency and number of employees; urged authorities to continue with the revision of these privatization cases and thereby influence better and more efficient use of state resources;
17. Invited the authorities, cooperating with civic organisations and academia, to prepare and implement a strategy combining the development of agricultural and maritime policies with environmental protection, bringing sustainable economic growth to the 'first ecological state';
18. Commended Montenegro for maintaining good bilateral relations with all its neighbours, but stressed the need to delimit state borders and tackle property issues of all religious communities; welcomed the progress made on the Sarajevo Declaration Process, including the implementation of the Regional Housing Programme;
19. Urged the Government and the Parliament to put additional efforts into implementation of these and previous SAPC recommendations.
