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**Third meeting of the Accession Conference with Montenegro at  
Ministerial level -  
key rule of law chapters opened among others**

The third meeting of the Accession Conference with Montenegro at Ministerial level was held today in Brussels to open negotiations on Chapters 5 - Public Procurement; 6 - Company Law; 20 - Enterprise and Industrial Policy; 23 - Judiciary and Fundamental Rights and 24 - Justice, Freedom and Security.

In addition, the Conference confirmed at Ministerial level the opening and provisional closure of Chapter 26 - Education and Culture, which was considered at the Accession Conference with Montenegro at Deputy Level, held in Brussels on 15 April 2013.

The European Union delegation was led by Linas Linkevičius, Lithuania's Minister of Foreign Affairs. The Montenegrin delegation was led by Igor Lukšić, Deputy Prime Minister and Minister for Foreign Affairs and European Integration, Duško Marković, Deputy Prime Minister and Minister of Justice, and Raško Konjević, Minister of Interior. The European Commission was represented by Štefan Füle, Commissioner for Enlargement and European Neighbourhood Policy.

The opening of Chapters 23 - Judiciary and Fundamental Rights and 24 - Justice, Freedom and Security is an important landmark in the accession negotiations with Montenegro. Under the new approach, both chapters are required to be tackled early in the enlargement process in order to allow Montenegro to start developing the required solid track records of reform implementation, with the aim of ensuring sustainable and lasting reforms in the area of the rule of law.

With today's Conference, out of a total of 35 negotiation chapters, 7 chapters have now been opened for negotiations of which 2 chapters have already been provisionally closed. Further Accession Conferences will be planned, as appropriate, in order to take the process forward in the first half of 2014. The accession negotiations were launched in June 2012.

**P R E S S**

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## **Chapters opened**

Regarding the opening of negotiations on Chapter 5 - Public Procurement; Chapter 6 - Company Law; Chapter 20 - Enterprise and Industrial Policy; Chapter 23 - Judiciary and Fundamental Rights and Chapter 24 - Justice, Freedom and Security, the Union has closely examined Montenegro's present state of preparations. On the understanding that Montenegro has to continue to make progress in the alignment with and implementation of the *acquis* in these chapters, the EU noted that there are benchmarks that need to be met for provisional closure of these chapters and, for chapters Judiciary and Fundamental Rights and Justice, Freedom and Security, interim benchmarks that need to be met before the next steps in the negotiation process can be taken.

In addition, the EU underlined that it would devote particular attention to monitoring all specific issues mentioned in its common positions. Monitoring of progress in the alignment with and implementation of the *acquis* will continue throughout the negotiations. The EU will, if necessary, return to these chapters at an appropriate moment.

The benchmarks for each chapter opened are as follows:

### **Chapter 5 - Public Procurement**

- Montenegro aligns its national legislative framework covering all areas of public procurement, including in particular concessions, public-private partnerships, and defence procurement, in accordance with EU procurement legislation and in conformity with the Treaty on the Functioning of the EU and other relevant provisions of the *acquis*.
- Montenegro puts in place adequate administrative and institutional capacity at all levels and takes appropriate measures to ensure the proper enforcement and implementation of national legislation in this area in good time before accession. This includes, in particular:
  - (a) the implementation of Montenegro's Strategy for the Development of the Public Procurement System 2011-2015 and the Action Plan for its implementation to improve its administrative capacity, including proper training at all levels for all stakeholders;
  - (b) the preparation of practical implementing and monitoring tools (including administrative rules, instructions, manuals, and standard contract documents);
  - (c) the strengthening of control mechanisms which are necessary to ensure full knowledge and reliability of the system, including close monitoring and enhanced transparency of the execution phase of public contracts based on systematic risk assessments with prioritisation of controls in vulnerable sectors and procedures;
  - (d) effective functioning of the remedies system, including in the area of concessions, public private partnerships and defence procurement;

- (e) measures/actions related to the prevention of and fight against corruption and conflict of interest in the area of public procurement at both, central and local level.
- Montenegro demonstrates a track record of a fair and transparent public procurement system, which provides value for money, competition, and strong safeguards against corruption.

### **Chapter 6 - Company Law**

- Montenegro adopts the Law on Capital Markets and relevant implementing legislation, aligning in particular with the Transparency Directive;
- Montenegro adopts the new Law on Business Organisations and relevant implementing legislation, aligning it with Company Law *acquis*, in particular by introducing provisions on cross-border mergers;
- Montenegro completes alignment with the Directive on Takeover Bids;
- Montenegro fully aligns its accounting and statutory audit legislation, including implementing legislation, with the *acquis*. Montenegro establishes an independent and adequately funded and staffed public oversight body and a quality assurance system so as to comply with the rules on statutory audit.

### **Chapter 20 - Enterprise and Industrial Policy**

- Montenegro puts in place and starts to implement a comprehensive industrial competitiveness strategy, supported by a system of evaluation indicators and benchmarks as suggested by the EU integrated industrial policy.

### **Chapter 23 - Judiciary and Fundamental Rights and Chapter 24 - Justice, Freedom and Security**

The EU developed its common positions on the basis of the Action Plans which Montenegro has elaborated in order to fulfil the opening benchmarks for these two chapters. The Action Plans were considered of high quality and very comprehensive, and will allow the EU to assess the substantial legal reforms Montenegro is planning in the months and years ahead, inter alia in the areas of judiciary, fight against corruption, fundamental rights, migration, asylum, visa policy, external borders and Schengen, judicial and police cooperation, and the fight against organised crime and terrorism.

The comprehensive list of interim benchmarks for Chapters 23 and 24 are included respectively in the following documents [AD 17/13](#) and [AD 18/1/13 REV1](#).