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POSITION OF MONTENEGRO

INTRODUCTION

Montenegro stands at the threshold of the final phase of its EU accession negotiations.

Since commencing negotiations in 2012, Montenegro has undergone extensive reforms that have strengthened its institutional framework, enhanced governance, and ensured the progressive alignment with EU policies and standards. Throughout changes in political leadership, **Montenegro** has maintained its commitment to the EU as a community of values through 100% alignment with the CFSP. It has played the role of a reliable NATO member, contributing to maintaining regional stability in the geopolitically complex and malign foreign influence-prone Western Balkans. More than a decade into the process, Montenegro has steadily achieved the level of democratic consolidation and political stability expected from a frontrunner of EU accession.

Building on these accomplishments, the incumbent Government and Parliament have successfully **leveraged** the new geopolitical momentum in the EU enlargement policy. As promised at the political IGC held in January 2024, significant efforts have been undertaken in as little as half a year to implement the necessary remaining reforms in Chapters 23 and

24. In this period, the Government has prepared, agreed and adopted twelve critical IBAR- related laws and three strategic documents. Moreover, key parliamentary judicial appointments have been finalized, demonstrating broad cross-party consensus around the EU accession agenda.

This has demonstrated that undisputable political will can produce remarkable results and has led us to a recently adopted positive Interim Benchmarks Assessment Reports (IBAR) on Chapters 23 and 24.

In continuous and intensive communication with, and with the indispensable guidance from the European Commission, Council of Europe and its Venice Commission, the Government has aligned and improved legislative framework crucial for further judicial reforms, fundamental rights, the fight against corruption and organized crime, media freedoms and digital transformation. The capacity of crucial judicial institutions to deliver tangible results has been substantially enhanced. The fight against high-profile corruption and complex organized crime has intensified, and relevant legislation strengthened, ensuring that no top-level officials, judiciary members, or law enforcement agencies remain untouchable. The criminal justice system has responded robustly, achieving tangible results by improving the track record of investigations, prosecutions, final verdicts, and asset confiscations. Notable progress in international police and judicial cooperation, aligning asylum policy and securing borders has been achieved.

Position of Montenegro at the 16th Intergovernmental Conference EU-Montenegro on EU Accession Negotiations - Chapter 23: Judiciary and Fundamental Rights

Montenegro stands at a pivotal moment in its journey towards full EU membership. We are pleased that the recent Interim Benchmark Assessment Report (IBAR) for Chapter 23 has highlighted our substantial progress in aligning our judiciary and fundamental rights legislative and institutional framework with EU standards. We are profoundly grateful to the European Commission, the Venice Commission, and the experts from the Council of Europe for their invaluable guidance and support. The dedication and hard work of our esteemed colleagues from the public administration, to meet these rigorous standards, have been instrumental in achieving our progress.

Throughout the process, the Government has been driven by the belief that **a strong judiciary and robust protection of human rights are the cornerstones of a democratic society**. They ensure that every citizen is treated equally under the law, that justice is administered fairly and promptly, and that fundamental freedoms are protected. For Montenegro, these principles are not merely aspirational; they are the values that underpin the European Union and the bedrock of the European identity we aim to make our own. Our unwavering commitment to comprehensive reforms underscores Montenegro's determination to fulfil its EU accession obligations and reflects the country's readiness to advance to the next stage of negotiations.

To strengthen *judicial impartiality, independence, accountability, efficiency, professionalism and quality, as well as access to justice*, Montenegro has robustly implemented a set of concrete steps: (a) The Parliament of Montenegro appointed Constitutional Court judges, members of the Judicial Council and the Supreme State Prosecutor, thus practically rounded up the task of filling key positions in the judiciary; (b) Recognizing the fundamental importance of the rule of law and centrality of the judiciary for the necessary reforms therein, key pieces of legislation were adopted or amended by the Government and Parliament, whereas key Strategies were adopted by the Government. The adopted Judicial Reform Strategy 2024-2027 and its Action Plan for 2024-2025, as well as the Plan for the Rationalisation of the Judicial Network outline a clear roadmap for continued judicial reforms, enhancing the capacity and integrity of our judiciary, and maintaining public trust in the rule of law. Among the newest key legislative amendments, the Law on the Special State Prosecutor's Office now specialises its focus on organised crime and high-profile corruption involving top public officials, and the Guidelines for the Application of Plea Bargain Agreements in cases of organized crime and high corruption have improved judicial efficiency and effectiveness. The Law on the Judicial Council and Judges foresees, inter alia, a fair and effective unblocking mechanism for the election of the President of the Supreme Court – a much needed enhancement following no less than eight failed attempts to fill this key post in our judiciary thus far. Law on the State Prosecution Service will additionally strengthen the work and independence of the Prosecutorial Council.

It is very important and encouraging for us that the European Commission and member states have recognized Montenegro's significant legislative, institutional, and practical improvements in *combating corruption*. Amendments to the Criminal Code and the Law on the Amendments to the Law on Seizure and Confiscation of Material Benefits Derived from Criminal Activity have strengthened our legal framework aligning it with the highest European standards. The Law on the Prevention of Corruption now provides judicial protection for whistle-blowers, and the Law on Lobbying has enhanced preventive mechanisms.

The establishment of a new Anti-Corruption Agency has bolstered our corruption-preventing efforts, leading to more effective monitoring and enforcement of anti-corruption laws. The newly adopted Law on Prevention of Corruption aims to further strengthen the independence of the Agency. Furthermore, the Anti-Corruption Strategy provides a focused and long-term comprehensive framework after a decade-long vacuum.

In the area of **media and freedom of expression**, Montenegro has adopted the new Media Law, the Law on Audio-visual Media Services, and the Law on the Public Broadcaster RTCG, *aligning with the EU acquis on digital transformation and media freedoms*. With the new laws and amendments to the existing ones, we have strengthened the legal framework governing media operators, ensuring greater transparency and independence. The establishment of the Media Council for Self-Regulation and the improvement of regulatory mechanisms are key steps toward safeguarding freedom of expression.

Finally, Montenegro has continued to strengthen the protection of *fundamental human rights* through legislative and institutional reforms. Since the interim benchmarks were defined in 2013, the establishment of the Office of the Protector of Human Rights and Freedoms has been instrumental in promoting and protecting fundamental rights. Efforts to improve the situation of marginalized and vulnerable groups, including the Roma community, persons with disabilities, and LGBTIQ individuals, have been recognized and remain ongoing priorities through, to mention just a few, Law on Gender Equality, Law on Life Partnership of Same-sex Couples and Law on Prohibition of Discrimination Against Persons with Disabilities, and several waves of aligning the Law on Prohibition of Discrimination with the acquis, the most recent of which now lies with the European Commission awaiting its comments.

In the area of war crimes, Montenegro has had an excellent cooperation with the International Residual Mechanism (IRM). Additionally, the amendments to the Criminal Procedure Code were adopted in order to allow the use of ICC and IRM evidence in criminal proceedings in Montenegro. This will substantially improve track-record of effectively investigating, prosecuting, and trying the remaining cases of war crimes, as well as improve adequate access to justice to victims.

Additional strengthening of the legislative framework regulating political parties' funding is underway in the Parliament. Anticipating amendments to the Constitution, the Government has come with a suitable model for Minister of Justice's recusal from attending Judicial Council's sessions, showcasing the Government's devotion to strengthening the separation of powers and independence of the judiciary as key tenants of democracy.

Our country is strongly committed to **fulfilling the Closing Benchmarks in Chapter 23**, which we are certain will be adopted at the Intergovernmental Conference. Montenegro is pleased that the substantial progress it has made in meeting the interim benchmarks set by the EU for Chapter 23 is highly valued. This progress reflects Montenegro's institutional, political, and societal maturity, positioning it as a reliable partner determined to make a definitive step forward in the direction of EU membership.

Emboldened and revitalised by the recent acceleration and consolidation of reform efforts, our country is poised to maintain the momentum of reforms and meet the closing benchmarks in Chapter 23 efficiently, with continued dedication to reforms and alignment with EU standards. The Government and Parliament, which both went through different stages of political maturation, now demonstrate an unequivocal commitment to the EU integration process. This dedication is evident in the practical and legislative advancements we have made, in the pro- EU rhetoric we encourage, and through the political energies in our public sphere increasingly spent on open debates that revolve around the EU integration agenda.

The Government remains committed to working closely with the European Commission and member states to achieve these goals, ensuring that the rule of law, judicial independence, and fundamental rights are upheld and strengthened. We are committed to ensuring full legislative alignment with the EU acquis, particularly in the areas of judiciary, anti- corruption, and fundamental rights. Public awareness and engagement in the reform processes will be increased to ensure broad-based support and sustainability. The Government will expand public awareness campaigns and engage civil society organizations to foster a culture of transparency and accountability.

Our focus will remain on strengthening judicial independence, enhancing the capacity of anti-corruption bodies, consolidating a robust corruption prevention framework with adequate human and financial resources, and ensuring respect for fundamental rights and media freedoms. Continuous collaboration with EU institutions and member states will guide these efforts. We are committed to ensuring the successful election of the President of the Supreme Court and further reforms to enhance the independence and efficiency of the Judicial Council. We will continue to improve the legal framework and operational capacity to combat corruption, with a specific focus on high-profile cases involving top officials.

To sustain and deepen the reforms initiated under Chapter 23, Montenegro will further advance the legislative framework, strengthen institutions, enhance the operational capacity of judicial and anti-corruption bodies through continued training and resource allocation, and improve the infrastructure and technological capabilities of these institutions to ensure efficient operations.

We hereby pledge that, in all the above-mentioned areas, a **credible, concrete, and irreversible track record across the board** shall be at the forefront of all our manifold efforts.

A strong judiciary and decisive human rights protection in Montenegro are not only essential for the stability and prosperity of Montenegro but also the pillar of values and principles of the European Union we want to be a part of. Our journey towards EU membership is driven by these values, and we are committed to ensuring that they remain at the heart of our reforms. Montenegro is ready to embrace the responsibilities and privileges of EU membership, and we look forward to the continued support and collaboration of the European Union and its member states in this transformative process.

Position of Montenegro on Chapter 24: Justice, Freedom, and Security

Montenegro stands at a pivotal moment in its quest for full membership in the European Union. The principles of justice, freedom, and security are not mere legal requirements for us; we perceive them as the cornerstone of a society where every individual's rights are protected, where the rule of law prevails, and where security ensures the safety and dignity of all citizens.

We appreciate that the European Commission has recognized our achievements in fulfilling Interim Benchmarks in Chapter 24, which now allows us to confidently expect the member states to adopt the closing benchmarks in the areas of Justice, Freedom, and Security.

We recognize that achieving these standards required more than legislative changes; it necessitates a cultural transformation, unwavering political will, and continuous engagement with our European partners. We are profoundly grateful to the European Commission, the Venice Commission, and the experts from the Council of Europe for their invaluable guidance and support in ensuring a robust legal and institutional framework for Chapter 24. The dedication and hard work of our public administration, which has worked tirelessly, often through sleepless nights, to meet these rigorous standards, have been instrumental in achieving our progress.

Montenegro is pleased with the progress achieved and recognized in **fighting irregular migration**. We have conducted a comprehensive assessment of our needs in legal migration, amending laws to align with EU directives. We have established reception centres for irregular migrants and continue to negotiate and implement readmission agreements with third countries. To address irregular migration, we have set up a specialised police unit to combat smuggling and participate actively in international platforms like EMPACT. Montenegro has reinforced its capacity to accommodate and rehabilitate **vulnerable migrants**, ensuring their rights are protected. We have significantly improved the state of our asylum system. Our legal framework on asylum is now largely aligned with the EU acquis, bolstered by the 2018 Law on International and Temporary Protection of Foreigners. We have significantly reduced the backlog of asylum applications and ensured decisions are made within EU-compliant timeframes. The Directorate for Asylum is adequately staffed, and we are expanding and improving reception facilities to handle any asylum requests.

Notable progress in international police and judicial cooperation, particularly with EUROPOL and EUROJUST, has showcased **Montenegro's commitment to collaborative law enforcement with the EU**. The capacity to **prevent and combat money laundering**, according to MONEYVAL's recommendations, was dramatically improved with the new Law on the Prevention of Money Laundering and Terrorism Financing and the Law on Games of Chance. In order to address the FATF recommendations, the Government of Montenegro adopted the **Action Plan for Improving the Effectiveness of Anti-money laundering and counterterrorism financing system 2024-2025**, an exceptionally ambitious and detailed roadmap of measures which are continuously implemented. To ensure a fully operational asset recovery office as well as to effectively investigate and prosecute money laundering, the development of **standard operative procedures for launching parallel financial investigations** is underway. We are proud that the first case of permanent confiscation of criminal assets related to a final court ruling took place in December last year. To further improve this track record, with special attention to seizures related to criminal assets derived from drug-related crime, we are committed to further enhance our legislative, institutional and operational capacities. Montenegro has fulfilled all interim benchmarks related to aligning legislation, increasing capacities, and achieving results in the areas of **illicit trafficking of firearms and the fight against trafficking in human beings, the fight against terrorism, migration, asylum, and border management**. The new Status Agreement with FRONTEX has been successfully implemented. The Government continued **effective cooperation with EUROPOL, FRONTEX, and EU member states in combating migrant smuggling**. We hosted the highest number of Ukrainian nationals displaced by war per capita.

Montenegro continues to **progressively align with the EU visa policy** and to improve the functionality and efficiency of the Visa Information System. Rigorous security checks of third country nationals are being carried out to ensure full compliance with all EU restrictive measures. To ensure effective **Schengen and external borders management**, Montenegro adopted the Schengen Action Plan which is continuously implemented and is aligning its legislation and infrastructure to meet EU standards for effective border control and surveillance through, inter alia, better technical equipment at border crossings. We are closing unauthorized crossings and negotiating local border traffic agreements with neighbouring countries.

The judicial cooperation system, including the European Arrest Warrant, is prepared for implementation upon accession. Montenegro has made significant strides in combating organized crime through legislative reforms, improved law enforcement capacity, and international cooperation. We have established specialized units and ensured they are equipped and trained to handle **complex organized crime cases**, including trafficking, money laundering, and cybercrime. Efforts are ongoing to ensure the effective confiscation of criminal assets and to enhance the witness protection system.

Montenegro's anti-terrorism strategy aligns with EU standards, focusing on prevention, protection, and response. We are committed to implementing the Joint Action Plan on **Counterterrorism** and enhancing law enforcement capacity to tackle extremism and terrorism-related threats. Montenegro is aligning its **drug-related** legislation with the EU acquis and strengthening operational capacity for drug enforcement. A national drug strategy is being developed, having recently been submitted for comments to the EC, and cooperation with the EMCDDA is ongoing to improve data collection and reporting.

Montenegro remains fully committed to meeting the closing benchmarks which today will be set by the EU for Chapter 24. We are committed to delivering sustained, substantial results, with credible, concrete and irreversible track record featuring centrally in all our endeavours.

Our priority is to establish a credible and sustained track record of managing mixed migration flows, controlling borders, and combatting irregular migration, and to ensure effective international cooperation on returns and readmissions. We want to maintain a functioning asylum system in line with the EU acquis, including continuing on the already demonstrated path of securing adequate staffing and ensuring appropriate reception capacity. We remain committed to progressively aligning our visa policy with that of the EU, balancing the existential needs of our economically central tourist industry with our shared care for legal migrant flows. Our next step is also to fully align legislation in the field of external borders with the acquis, and to ensure effective border checks, surveillance, and integrated border management.

We will work tirelessly to fully align legislation with the EU acquis in civil and criminal matters and ensure the capacity to handle requests for mutual legal assistance and participate in EU agreements. Our goal is to establish a robust and comprehensive legal framework for preventing and tackling organized crime, and to demonstrate a credible track record of investigations, prosecutions, and final convictions in organized crime and money laundering, as well as to ensure consistent practice of launching financial investigations and asset confiscation. We are committed to the fight against terrorism and cooperation in the field of drugs, as well as aligning relevant drugs-related legislation with the EU acquis, and establishing a solid and sustained track record of investigations, prosecutions, and final convictions in drug-related crime.

Montenegro is ready to be a proactive and reliable partner within the European Union, contributing to the stability and prosperity of the entire region. The government is driven by a vision of a just society, in which the laws are applied equally, individuals are protected from discrimination, and redress for wrongs is provided. We want our citizens to live and breathe freedom, as freedom is the oxygen of democracy. Montenegro is dedicated to ensuring that every voice can be heard, and every citizen can contribute to the country's progress and be the first beneficiary of it. We are committed to fostering security, as it is the guarantor of peace and stability, allowing societies to thrive without fear and building the trust necessary for economic and social development. We are enhancing our security measures to protect our borders, combat organized crime, and counter terrorism, demonstrating our commitment to both national and regional stability. Montenegro's journey towards EU accession is guided by these enduring values. Together, we will build a Europe that is stronger, more united, and steadfast in upholding the values of democracy, human rights, and the rule of law.

CONCLUSION

The unprecedented acceleration of reforms and coordination of all stakeholders in the past year undeniably demonstrate that Montenegro has reached the institutional, political, and societal maturity and resilience to overcome all internal and external obstacles on its path to the EU. Both the continuous support of approximately 80% of our citizens for full EU membership, and the support from the EU and its member states, have proven to be a crucial guarantee and catalyst of this transformation, compelling all political actors to prioritize the EU agenda.

This is a point of no return. EUMS now have another historic opportunity to reinforce the transformative power the EU holds for young Western Balkan democracies. Domestically, adopting the closing benchmarks in chapters 23 and 24 will prove to be a pivotal step in this direction, decisively galvanizing political leadership across both ruling and opposition parties in the country to make EU membership by 2028 a common objective. Enabling Montenegro to start working on the closure of negotiating Chapters for membership of the EU will ignite the yet untapped potential of our politics and administration directing all political attention away from divisive past and in the direction of a merit-based future in the EU. Internationally, this will attest beyond doubt that the Enlargement Policy can effectively equip a candidate country with rule of law foundations prerequisite for the completion of all other reforms. It will serve as a powerful beacon for other Western Balkan countries and the Eastern Trio, motivating them to align their undivided political efforts with the EU accession process.
