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– MONTENEGRO –**

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Subject: EUROPEAN UNION COMMON POSITION  
- Chapter 11: Agriculture and rural development

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## EUROPEAN UNION COMMON POSITION

### **Negotiating Chapter 11: Agriculture and Rural Development**

This position of the European Union is based on its general position for the Accession Conference with Montenegro (AD 23/12 CONF-ME 2/12) and is subject to the negotiating principles endorsed therein, in particular:

- any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements - even partial agreements - reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established.
- the requirements set out in points 24, 28, 41 and 44 of the Negotiating Framework.

The EU encourages Montenegro to continue the process of alignment with the EU acquis and to ensure its effective implementation and enforcement by the time of accession, in particular as regards the operationalisation of the paying agency and the Integrated Administration and Control System (IACS), and develop before accession, policies and instruments as close as possible to those of the EU, noting that additional acquis may enter into force before accession.

The EU notes that Montenegro, in its negotiating positions AD 2/16 CONF-ME 2, and AD 19/25 CONF-ME 6 accepts the *acquis* under chapter 11 as in force on 1 September 2025 and that it declares that it will be ready to implement it by the date of accession to the EU, while putting forward a number of requests for transitional measures and derogations.

The EU underlines that the correct use, control, monitoring and evaluation of EU assistance during the pre-accession period will constitute a key indicator of Montenegro's ability to implement the financial control *acquis* in relation to this negotiating chapter.

As an overall response to Montenegro's requests for transitional periods, the EU recalls its general negotiating position that transitional measures are exceptional, limited in time and scope and accompanied by a plan with clearly defined stages for the application of the *acquis*. They must not involve amendments to the rules or policies of the EU, disrupt their proper functioning, or lead to significant distortion of competition.

The EU considers that it should be stipulated in the Act of Accession that the Council, acting by qualified majority on a proposal from the Commission and after consulting the European Parliament may make the adaptations to the provisions of the Act of Accession relating to the Common Agricultural Policy which may prove necessary as a result of a modification in Union's rules. Such adaptations may be made already before the date of accession.

The EU considers that the Act of Accession should provide for the necessary legal bases to adopt transitional measures under the conditions below.

Where transitional measures are necessary to facilitate the transition from the existing regime in Montenegro to that resulting from the application of the Common Agricultural Policy under the conditions set out in the agricultural sections of the Act of Accession, such measures shall be adopted by the Commission in accordance with the relevant committee procedure. It should be possible to take such measures during a period of three years following the date of accession and the application thereof shall be limited to that period. However, it should be provided that the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may extend the said period.

Where the transitional measures relate to implementation of the instruments concerning the Common Agricultural Policy not specified in the Act of Accession, which are required as a result of accession, they shall be adopted prior to the date of accession by the Council, acting by qualified majority on a proposal from the Commission or, where they affect instruments initially adopted by the Commission, they shall be adopted by the Commission in accordance with the procedures required for adopting the instruments in question.

Most of the *acquis* in the field of agriculture and rural development applies directly from accession and does not therefore call for transposition. The EU underlines, however, that Montenegro's ability to implement and enforce the *acquis* is of paramount importance. In order to ensure the smooth implementation of the CAP upon accession, Montenegro has to demonstrate, sufficiently ahead of accession, that it possesses the administrative capacity for effective implementation and enforcement of the *acquis*. The EU calls on Montenegro to continue its efforts to fully implement and enforce the *acquis* under chapter 11 in a way that ensures its effective and efficient application with strong safeguards against corruption. In this light, the EU will closely monitor progress in carrying out, in particular the Implementation plan for the setting up of the Paying Agency and the establishment of an integrated administration and control system (IACS), in line with the accompanying timetable provided by Montenegro.

## Horizontal Issues

The EU takes note that Montenegro continued to align its legislation with the EU *acquis* including by adopting the Law on the Implementation of Measures of the Agricultural Policy, Rural Development Policy, and Fisheries Policy on 31 July 2025 defining the legal status, mandate, and organisational structure of the paying agency.

The law on agriculture and rural development is the legal basis of Montenegro's agricultural policy. It regulates all issues related to the development and goals of the agricultural policy, including support to sector and its conditions, registers and records. The EU takes note that amendments to the law further aligning with EU *acquis* are scheduled to be adopted by the end of 2025.

The EU takes notes that Montenegro will have one paying agency for agriculture, rural development and fisheries and has adopted an ordinance on its internal structure and job classifications. Six regional offices are planned, with one of these offices already operational.

The EU further notes that Montenegro has adopted an Implementation plan for the setting up of the paying agency and the establishment of an Integrated Administration and Control System (IACS), in accordance with the closing benchmarks set out in the EU common position (AD 27/16 CONF-ME 13).

The EU notes that Montenegro plans to have a fully functioning paying agency and an IACS ready as of the day of accession. In the implementation plan, Montenegro has developed a detailed strategy clearly outlining all tasks and activities to be undertaken and finalised in the period leading up to accession. This plan is backed by a solid commitment to continually strengthen its administrative capacity, with the budgetary needs clearly defined. The EU will monitor the actions undertaken by Montenegro to follow the implementation plan and respect its timeline.

The EU notes that elements of an Integrated Administration and Control System (IACS) have been established. The system requires further upgrades and new elements to achieve full alignment with Regulation (EU) 2021/2116 of the European Parliament and of the Council. Montenegro's Land Parcel Identification System which began development in 2018, is being further elaborated with an upgrade in the pipeline and the acquisition of new digital ortho-photo maps for the entire territory. The EU recalls, that an Area Monitoring System will be established by the time of accession in accordance with the Implementation plan.

The EU commends Montenegro's achievements in implementing the EU instrument for pre-accession assistance to agriculture and rural development (IPARD), which has been running in the country since 2018 and encourages Montenegro to build on this to ensure the necessary administrative capacity for implementing the EU rural development policy upon accession. The EU underlines that full implementation of EU requirements in this area and the capacity to control is a precondition for applying the rural development measures that are eligible for EU support upon accession.

The EU also notes that Montenegro has demonstrated sufficient progress towards the setting up of the paying agency and the IACS, including LPIS, and that Montenegro is fully engaged in meeting all steps to ensuring a fully functioning paying agency and IACS by the day of accession. The EU expects Montenegro to continue its efforts to ensure that the management and control systems for expenditure under the Common Agricultural Policy (CAP) are fully functioning as of the date of Montenegro's accession to the EU, at the latest, ensuring that payments reach only legitimate beneficiaries.

The EU notes that it will closely monitor Montenegro's progress in this respect in the period ahead and that it may propose appropriate safeguard provisions to be included in the Accession Treaty in order to protect the EU financial interests.

The EU notes that Montenegro confirms that it does not foresee problems in applying the system of shared management nor in complying with EU requirements as regard public storage and budgetary discipline.

The EU takes note of the information provided by Montenegro regarding the **Farm Sustainability Data Network (FSDN)**. Further updating of the legislation to align with Regulation (EU) 2023/2674 and Commission Implementing Regulation (EU) 2024/2746 will continue. The EU notes that the Ministry of Agriculture, Forestry, and Water Management (MAFWM), through its Department for Economic Analysis and Market, is responsible for the FSDN system with data collection conducted by the extension services. The EU notes that the further development of the system will continue, including its extension to encompass environmental and social data in line with the EU *acquis*.

The EU takes note of the information provided by Montenegro regarding the implementation of **trade mechanisms and market management measures** as set out in Regulation (EU) No 1308/2013 of the European Parliament and of the Council. The EU notes that the *acquis* for these measures will apply to Montenegro as of the date of its accession to the EU and underlines the importance for Montenegro to ensure it has the administrative structures necessary for the implementation and enforcement of the *acquis* in this field.

The EU underlines that Montenegro is expected to align with the EU *acquis* on the agri-food supply chain so that, by the date of accession at the latest, it has fully transposed Directive (EU) 2019/633 on unfair trading practices into national law. This requires adopting legislation that ensures at least the Directive's minimum level of protection for suppliers, and designating a competent enforcement authority (or authorities) with the powers set out in the Directive, namely, to receive and investigate complaints (including allowing confidentiality), act *ex officio*, require information, carry out inspections, order cessation of infringements, and impose effective, proportionate and dissuasive sanctions. Montenegro should also ensure cooperation with the relevant other EU authorities in the EU Member States enforcing the unfair trading practices directive, run awareness-raising activities for suppliers and buyers, and put in place arrangements for monitoring and reporting so the framework is fully operational on day one of membership.

The EU takes note of Montenegro's request to have the right to apply **protective measures** in the event of serious market distortions that could occur after accession to the EU. The EU considers that this issue should be addressed in a similar way as applied in the 2013 enlargement (Article 37 of the Act of Accession with Croatia).

The EU takes notes that Montenegro will establish the legal basis for the application of the rules on **State aid** in agriculture and the State aid reporting system to the European Commission, in line with EU *acquis* by the date of accession. The EU underlines that all State aid measures in the field of agriculture must be brought into line with the *acquis* upon accession.

The EU notes that Montenegro requests the possibility to continue to grant aid, which has been put into effect before accession, during a transitional period for three years from the date of accession under the status of existing aid within the meaning of 108(1) of the TFEU. Montenegro has identified two State aid schemes for the production of raw milk and for on-farm milk processing.

The EU considers that in order to classify upon accession aid as existing aid in the sense of Article 1(b) of Council Regulation (EU) 2015/1589 and to have an overview of all State aid applicable in Montenegro, it should be provided for in the Act of Accession that Montenegro shall hand over, before the date of accession, detailed information concerning all the State aid measures that are to be considered existing aid. The EU also considers that the following specific clause should be introduced in the agricultural chapter of the Act of Accession concerning the aids covered by Articles 107 and 108 of the TFEU.

Without prejudice to the procedures concerning existing aid provided for in Article 108 of the TFEU, aid schemes and individual aid granted to activities linked to the production, processing or marketing of products listed in Annex I to the TFEU, with the exception of fisheries products and products derived therefrom, put into effect in a new Member State before the date of accession and still applicable after that date, shall be regarded as existing aid within the meaning of Article 108(1) of the TFEU subject to the following conditions:

- The aid measures shall be communicated to the Commission before the date of accession. This communication shall include information on the legal basis for each measure.
- Existing aid measures and plans to grant or alter aids communicated to the Commission prior to the date of accession shall be deemed to have been communicated on the date of accession. The Commission shall publish a list of such aid.
- These aid measures shall be regarded as ‘existing’ aid within the meaning of Article 108(1) of the TFEU until the end of the third year from the date of accession.

Montenegro shall, where necessary, amend these aid measures in order to comply with the guidelines applied by the Commission by the end of the third year from the date of accession at the latest. After that date, any aid found to be incompatible with those guidelines shall be considered as new aid.

The EU notes that, on the basis of Article 108 of the TFEU, the Commission keeps under constant review all systems of existing aid in the Member States, and it can propose, at any moment, appropriate measures required by the progressive development or the functioning of the internal market. In case the Commission finds, after giving notice and submission of the comments, that an existing aid is not compatible with the internal market or it is being misused, it shall decide that the State concerned shall abolish or alter aid within a prescribed time. Non-compliance with such decision of the Commission will result in direct referral of the matter to the Court of Justice of the EU.

The EU notes that the issue of **stocks of agricultural products** held in Montenegro at the date of accession needs to be addressed under two different aspects:

- the taking over of public stocks by the EU and
- the treatment of stocks in free circulation, in particular where these stocks exceed the level of normal carry-over stocks.

The EU also notes that, as in past accessions, national security stocks should be disregarded for this exercise, taking into consideration the fact that they may be maintained after accession.

The EU considers that public stocks held at the date of accession and resulting from Montenegro's market-support policy should be taken over by the EU at a value resulting from the application of Article 3(1)(e) of Commission Delegated Regulation (EU) No 906/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to public intervention expenditure. Montenegro's public stocks should only be eligible on the condition that public intervention is operated in the EU for the product concerned at the time of accession and those stocks meet the relevant EU intervention requirements.

The EU considers that for any stocks (private as well as public) in free circulation at the date of accession in Montenegro exceeding the level of what can be considered as normal carry-over of stock, Montenegro should be charged with a payment to the EU budget. The amount of the payment shall be fixed at a level that reflects the cost related to the effects of the surplus stock on the markets of agricultural products. The EU considers furthermore that the level of the surplus stock should be determined for each product taking into account the characteristics of each product and the relevant markets as well as the EU legislation applicable to it. The EU considers that the Commission should be authorised to implement and apply the arrangements outlined above.

With regard to **speculative transactions**, the EU underlines that possible market disturbances due to trade deflection resulting from abusive operations exploiting differing trade conditions before and after accession should be dealt with in a precautionary manner, by taking appropriate measures preferably before accession.

The EU considers that this issue should be dealt with by including specific provisions on transitional measures notably providing rules for import and export transactions ongoing at the moment of accession, and for taxation of the holders of surplus stocks or, if appropriate, similar transitional measures adopted in respect of certain sectors.

#### **CAP – types of interventions (direct payments, sectoral interventions, rural development)**

The EU takes note of Montenegro's request in relation to the financial envelope for direct payments.

The EU underlines that Montenegro's allocations **for direct payments**, as well as for **sectoral interventions and rural development**, will form part of the overall budgetary elements for Montenegro and will be addressed under Chapter 33 of the EU *acquis*, with further transitional arrangements to be envisaged, if considered necessary.

The EU takes note that Montenegro expects that the annual EU financial assistance for certain types of interventions to be allocated in accordance with Article 88(1) and Annex VII of Regulation (EU) 2021/2115 of the European Parliament and of the Council, be calculated on the basis of the data between 2014-2024 of:

- (a) the area registered as vineyards in the LIPS system on the day of accession of Montenegro to the EU.
- (b) data from the Agriculture Census 2024 concerning the vineyards area under wine grape varieties.
- (c) the wine production per marketing year.

The EU underlines that Montenegro's allocations **for sectoral interventions in the wine sector** will form part of the overall budgetary elements for Montenegro and will be addressed under Chapter 33 of the EU *acquis*.

The EU takes note of Montenegro requests a transitional period for achieving the minimum share of the total European Agricultural Guarantee Fund (EAGF) contribution allocated to schemes for climate, the environment, and animal welfare under Article 31 of Regulation (EU) 2021/2115 with a proposed schedule for the gradual increase as follows:

- 10% on the year of accession,
- 15% one year after accession,
- 20% two years after accession,
- 25% three years after accession,

The EU considers this request acceptable, but underlines that the final implementing modality, upon Montenegro's accession, may be reviewed on the basis of the outcome of the discussion on the post-2027 CAP.

The EU takes note of Montenegro's requests for transitional period for the implementation of Article 96 of Regulation (EU) 2021/2115 related to the maximum limit of 13% for coupled income support, allowing the allocation of up to 30% of the total amount for three years from the date of accession.

The EU considers this request acceptable, but underlines that the final implementing modality, upon Montenegro's accession, may be reviewed on the basis of the outcome of the discussion on the post-2027 CAP.

The EU takes note that Montenegro requests that the minimal participation of the total EAFRD contribution to be reserved for **LEADER** shall be 3% instead 5% as defined by Article 92 of Regulation (EU) 2021/2115 of the European Parliament and of the Council.

The EU considers this request acceptable, but underlines that the final implementing modality, upon Montenegro's accession, may be reviewed on the basis of the outcome of the discussion on the post-2027 CAP.

The EU takes note of Montenegro's requests for transitional periods to gradually introduce of the rules on conditionality pursuant to Article 12 and 13 of Regulation (EU) 2021/2115 regarding the Statutory Management Requirements (SMR 1, 2, 3 and 4) and "Good Agricultural and Environmental Conditions" (GAEC 2 and 8) as listed in Annex III, with regard to the requirements that farmers must fulfil for the purpose of acquiring a right to receive direct payments in line with the conditionality rules, under the following schedule:

- Requirements under GAEC 2 (protection of wetland and peatland), one year from the date of accession.
- Requirements under GAEC 8 (minimum share of agricultural area devoted to non-productive areas or features), one year from the date of accession.
- Requirements under SMRs 1, 2, 3 and 4 (environment and climate change related to water, biodiversity and landscape), three years from the date of accession. This is notwithstanding the alignment to the EU *acquis* obligations pertaining to the concerned regulations.

The EU considers the principle of this phasing-in acceptable since it would ease the setting up of the conditionality in Montenegro and the requested transitional period does not exceed three years. The EU underlines that the final implementing modalities, upon Montenegro's accession, may be reviewed on the basis of the outcome of the discussion on the post-2027 CAP.

The EU takes note that Montenegro requests to designate **areas facing natural (and other specific) constraints**, on its territory based on a 2017 "Study of areas with natural constraints in agriculture and calculation design (Preparation of Calculation)".

The EU considers this request acceptable.

### **Common Market Organisation**

The EU notes that Montenegro demonstrates continued progress in aligning its legislation with the *acquis* on the common market organisation, across all sectors, including on wine, olive oil, honey and marketing standards. In the wine sector, an electronic vineyard register in compliance with Article 145 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council is nearing completion, advances have been made in the certification of wines under the PDO/PGI system. Progress has been made in improving price reporting and trade mechanisms and the EU notes that Montenegro continues to further align its legislation in other areas, such as producer organisations and interbranch organisations, the school scheme and carcass classification. The EU underlines the importance of achieving full alignment with Regulation (EU) No 1308/2013 by the date of accession and ensuring the administrative capacity for its implementation and enforcement.

The EU notes that Montenegro will have the possibility to avail of EU funding for the school scheme, from the date of accession, which is aimed at improving the distribution of agricultural products and children's eating habits.

The EU takes note of Montenegro's request for the inclusion of a product called '**kajmak**' in Annex VII, Part III of Regulation (EU) No 1308/2013 of the European Parliament and of the Council. The EU considers the request acceptable.

The EU takes note of Montenegro's request to be allowed to include its **wine-growing areas** in Appendix I to Annex VII of Regulation (EU) No 1308/2013 of the European Parliament and of the Council. The EU underlines that the classification in the EU wine-growing regions should be determined on the basis of objective data and criteria before accession in order to give legal certainty to the wine producers in Montenegro regarding the operations of enrichment and de-acidification.

The EU acknowledges that Montenegro has provided for each of its main wine-growing areas cartographic details (detailed map) with complete climatological data, average monthly temperatures, possible bio-climatic indices, altitude of the vineyards, latitude, sugar and acidity content of the must and natural minimum alcoholic strength for a period of at least ten years. The request is based on objective, scientifically well-established assessment of zoning of viticultural geographical production areas taking into account soil, climate and other factors associated with the notion of 'terroir' such as soil, climate, landscape, biodiversity and their interaction with applied vineyard and oenological practices.

The EU notes that, on the basis of the information provided by Montenegro, the request to be allowed to include Montenegro's wine-growing areas in Appendix I to Annex VII of Regulation (EU) No 1308/2013 of the European Parliament and of the Council can be considered acceptable as follows:

in wine-growing zone B:

- In Montenegro, the areas planted with vines in the Nudo region.

in wine-growing zone CII:

- In Montenegro, the areas planted with vines in the following sub-regions:

in the Crnogorski basen Skadarskog jezera region: Crmnica, Podgorički, Bjelopavlići, Riječka nahija, Katunska nahija, Kuči, Piperi.

in the Crnogorsko primorje region: Ulcinj, Boka Kotorska, Bar-Budva.

The EU underlines that Appendix 1 to Annex VII to Regulation (EU) No 1308/2013 of the European Parliament and of the Council only lists wine-growing zones of Member States where commercial wine production takes place.

The EU takes note of the list of **wine grape varieties** classified by Montenegro for the purpose of application of Article 81 and Article 120(2)(b) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council. According to Article 50(1)(g) of Commission Delegated Regulation (EU) 2018/273, Member States shall notify the Commission of the wine grape varieties concerned by the application of Article 81 and Article 120(2)(b) of Regulation (EU) No 1308/2013. In accordance with Article 51(2) of Regulation (EU) 2018/273, the Commission shall publish the list of wine grape varieties classified by Montenegro.

The EU takes note of Montenegro's intention to seek protection of the following **traditional terms for wines** with protected designation of origin or protected geographical indication, in accordance with Commission Delegated Regulation (EU) 2019/33 and Commission Implementing Regulation (EU) 2019/34.

- “arhivsko vino” (vintage wine)
- “rezervisano” (reserve)
- “probirna berba” (selective harvest)

The EU invites Montenegro to submit to the Commission an application for protection of the traditional terms that meet the conditions laid down in Chapter III of Commission Delegated Regulation (EU) 2019/33, in accordance with Article 21 of Commission Implementing Regulation (EU) 2019/34.

The EU takes note that Montenegro expects changes to be made in Annex IV of Commission Delegated Regulation (EU) 2019/33 as regards the name of the state in line with the change of the state status of Montenegro of 21 May 2006.

### **Quality policy**

The EU takes note that Montenegro continues to further align its legislation with the *acquis* in this field. The EU also notes that Montenegro has adopted national rules for the registration of names as designation of origin, geographical indication or traditional speciality guaranteed or optional quality terms for agricultural products. Currently 12 agricultural names are protected at the national level. The national certification body Monteorganica was accredited in May 2024 in accordance with standard MEST EN ISO/IEC 17065:2020. Montenegro will continue its activities aimed at full alignment and further strengthening its enforcement and controls for the protection of geographical indication.

The EU takes note that Montenegro requests to be allowed to include the **designations of origin and geographical indications** protected in the wine sector according to the national procedure of Montenegro, as well as to be recorded in the electronic Register of the European Commission (e-Ambrosia) in accordance with Article 22 of Regulation (EU) 2024/1143 of the European Parliament and of the Council as follows: PGI “Crnogorski basen Skadarskog jezera”; PDO “Crmnica”; PDO “Podgorički subregion”; PDO “Bjelopavlići”; PDO “Riječka nahija”; PDO “Katunska nahija”; PDO “Kući”; PDO “Piperi”; PGI “Crnogorsko primorje”; PDO “Ulcinj”; PDO “Boka Kotorska”; PDO “Bar-Budva” and PDO “Nudo”.

The EU requests the completion of the registration process under Regulation (EU) 2024/1143 of the European Parliament and of the Council.

The EU invites Montenegro to submit the applications for the registration of the abovementioned names of wine designations of origin and geographical indications already protected in Montenegro, as protected designations of origin and protected geographical indications under Regulation (EU) 2024/1143 of the European Parliament and of the Council. Montenegro may submit applications in accordance with Article 14(2) no later than the date of accession.

The EU takes note that Montenegro will clarify before accession which are the traditional terms to be used for each protected designation of origin.

The EU underlines that, in accordance with the procedure set out in Article 92 of Regulation (EU) 2024/1143, the national protection of geographical indications and designations of origin existing on the date of Montenegro's accession to the EU may continue for twelve months from that date. No later than 12 months after the day of accession to the EU, Montenegro may submit, for registration at EU level, those nationally protected geographical indications and designations of origin. Where an application for registration is forwarded to the Commission by the end of the abovementioned period, such national protection shall cease on the date on which the decision on registration is taken (or, in case of rejection of the application, until all judicial remedies are exhausted). The consequence of such national protection, where a name is not registered at Union level shall be the sole responsibility of Montenegro. The EU underlines that the protection of geographical indications, designations of origin and traditional specialities guaranteed registered at EU level must be ensured by Montenegro from the date of its accession to the EU.

### **Organic farming**

The EU notes that Montenegro has further aligned its legislation with the *acquis* in the field of organic farming, aligning with Regulation (EU) 2018/848 of the European Parliament and of the Council. Monteorganica conducts control and certification in organic agriculture in accordance with the requirements of standard MEST EN ISO/IEC 17065: 2020. Additionally, two laboratories have been accredited to carry out analyses for organic production. The EU underlines the importance of ensuing that organic farming has an efficient control system including the supervision by a competent authority in place as of Montenegro's accession to the EU.

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In view of the above considerations, the EU notes that, at this stage, this chapter does not require further negotiations.

The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above with a view to ensuring the further strengthening of Montenegro's administrative capacity, its ability to implement and enforce the *acquis* in this chapter, in particular with regard to the paying agency, the IACS, the Common Market Organisation and all CAP interventions. The EU underlines the importance of a continuous and sustainable effort, which must be made in order to be fully compliant by the time of accession. Particular consideration needs to be given to the links between the present chapter and other negotiation chapters. A final assessment of the conformity of Montenegro's legislation with the *acquis* and of its implementation capacity can only be made at a later stage of the negotiations. In addition to all the information the EU may require for the negotiations in this chapter, and which is to be provided to the Conference, the EU invites Montenegro to regularly provide detailed written information to the Stabilisation and Association Council on progress in the implementation of the *acquis*.

In view of all the above considerations, the EU will, if necessary, return to this chapter at an appropriate moment.

The EU notes that Montenegro, in its negotiating positions AD 2/16 CONF-ME 2 and AD 19/25 CONF-ME 6 accepts the *acquis* under chapter 11 as in force on 1 September 2025. The EU furthermore notes that Montenegro declares that it will continue the alignment process with the *acquis* and that it will be ready to implement it by the date of its accession to the European Union, while putting forward a number of requests for transitional measures and derogations.

Furthermore, the EU recalls that there may be new *acquis* in this chapter between 1 September 2025 and the date of accession.

## DRAFT - LEGAL AMENDMENTS ARISING FROM THE EUCP

### Act concerning the conditions of accession of the Republic of Montenegro and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community

#### ARTICLE [XX]

The Council, acting by qualified majority on a proposal from the Commission and after consulting the European Parliament, may make the adaptations to the provisions of this Act relating to the common agricultural policy which may prove necessary as a result of an amendment in Union rules, including the adoption of new rules. Such adaptations may be made before the date of accession.

#### ARTICLE [XX]

If transitional measures are necessary to facilitate the transition from the existing regime in Montenegro to that resulting from the application of the common agricultural policy under the conditions set out in this Act, such measures shall be adopted by the Commission in accordance with the procedure referred to in Article 229(2) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007<sup>1</sup> in conjunction with Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>2</sup> or the relevant procedure as determined in the applicable legislation. The transitional measures referred to in this Article may be adopted within a period of three years from the date of accession and their application shall be limited to that period. The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may extend this period.

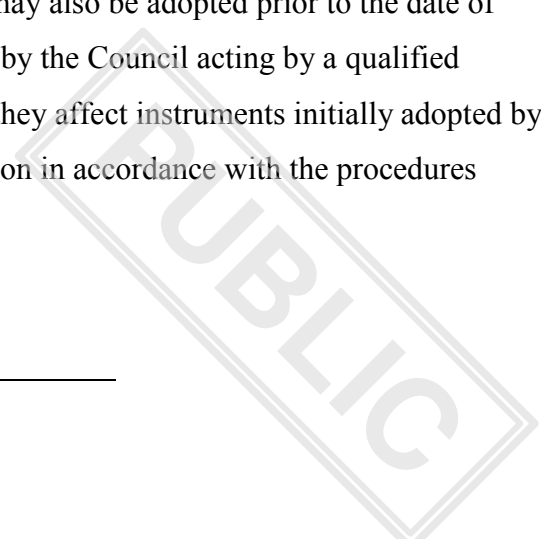
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<sup>1</sup> OJ L 347, 20.12.2013, p. 671

<sup>2</sup> OJ L 55, 28.2.2011, p. 13

Transitional measures referred to in the first paragraph may also be adopted prior to the date of accession, if necessary. Such measures shall be adopted by the Council acting by a qualified majority on a proposal from the Commission or, where they affect instruments initially adopted by the Commission, they shall be adopted by the Commission in accordance with the procedures required for adopting the instruments in question.

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**List referred to in Article [xx] of the Act of Accession: adaptations to acts adopted by the institutions**

**[X.] AGRICULTURE**

32013R1308: **Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, pp. 671-854)**

(a) Annex VII is amended as follows:

a. In Part III, point 2, the following is added:

‘(xvii) kajmak;’

b. Appendix I is amended as follows:

i. In point (2), the following is added:

‘(i) in Montenegro, the areas planted with vines in the Nudo region’

ii. In point (4), the following is added:

‘(h) in Montenegro, areas planted with vines in the following sub-regions:

- in the Crnogorski basen Skadarskog jezera region: Crmnica, Podgorički, Bjelopavlići, Riječka nahija, Katunska nahija, Kuči, Piperi;
- in the Crnogorsko primorje region: Ulcinj, Boka Kotorska, Bar-Budva.’

32021R2115: **Regulation (EU) 2021/2115 of the European Parliament and of the Council** of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No. 1305/2013 and (EU) No.1307/2013 (OJ L 435, 6.12.2021, pp. 1–186):

(a) In Article 92, the following paragraph is added:

‘3. For Montenegro, at least 3% of the total EAFRD contribution to the CAP Strategic Plan set out in Annex XI shall be reserved for LEADER.

For the entire period of the CAP Strategic Plan of Montenegro, the total EAFRD expenditure for rural development other than for LEADER as established in the financial plan in accordance with Article 112(2), point (a), shall not exceed 97 % of the total EAFRD contribution to the CAP Strategic Plan set out in Annex XI. Once approved by the Commission in accordance with Article 118 or Article 119, that financial ceiling shall constitute a financial ceiling set by Union law.’

(b) In Article 96(2), the following subparagraph is added:

‘For Montenegro and for the first three claim years upon accession, \* it shall be limited to a maximum of 30% of the amount set out for Montenegro in Annex IX.’

*\*depending on the precise date of accession, claim years will need to be defined in the final text.*

(c) In Article 97, the following paragraph is added:

‘1a. By way of derogation from paragraph 1, the following percentage of the allocations set out in Annex IX for Montenegro shall be reserved for eco-schemes referred to in Title III, Chapter II, Section 2, Subsection 4:

- at least 10 % of the allocation for the calendar year of the accession of Montenegro
- at least 15 % of the allocation for the first calendar year following the calendar year of the accession of Montenegro
- at least 20 % of the allocation for the second calendar year following the calendar year of the accession of Montenegro’

(d) In Article 118(1), the following subparagraph is added:

‘Montenegro shall submit to the Commission a proposal for a CAP Strategic Plan, with the content referred to in Article 107, no later than [dd mm yy].’

(e) Annex III is amended as follows:

a. In the entry for ‘GAEC 2’, the following footnote is added:

‘1bis Montenegro may provide in its CAP Strategic Plan that this GAEC will only be applicable as from the claim year\* following the year of accession. In that case, Montenegro shall demonstrate that the delay is necessary for the establishment of the management system in accordance with a detailed planning.’

- b. In the entries for ‘SMR 1’, ‘SMR 2’, ‘SMR 3’ and SMR 4’, the following footnote is added:

‘1bis Montenegro may provide in its CAP Strategic Plan that this SMR will only be applicable as from the third claim year\* following the year of accession. In that case, Montenegro shall demonstrate that the delay is necessary for the establishment of the management system in accordance with a detailed planning.’

- c. In the entry for ‘GAEC 8’, the following footnote is added:

‘1bis Montenegro may provide in its CAP Strategic Plan that this GAEC will only be applicable as from the claim year\* following the year of accession. In that case, Montenegro shall demonstrate that the delay is necessary for the establishment of the management system in accordance with a detailed planning.’

*\*depending on the precise date of accession, claim year will need to be defined in the final text.*

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**List referred to in Article [XX] of the Act of Accession: other permanent provisions**

**[X.] AGRICULTURE**

**(a) Treaty on the Functioning of the European Union, Part Three, Title III, Agriculture and Fisheries**

1. Public stocks held at the date of accession by Montenegro and resulting from its market-support policy shall be taken over by the Union at the value resulting from the application of Article 3(1)(e) of Commission Delegated Regulation (EU) No 906/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to public intervention expenditure <sup>3</sup>. The said stocks shall be taken over only on condition that public intervention for the products in question is operated in the Union at the date of accession and that the stocks meet the Union intervention requirements.
2. For any stocks, whether private or public, in free circulation at the date of accession in Montenegro exceeding the level of what can be considered as normal carry-over of stock, Montenegro shall be charged with a payment to the EU budget.

The amount of the payment shall be fixed at a level which reflects the cost related to the effects of the surplus stock on the markets of agricultural products.

The level of the surplus stock should be determined for each product taking into account the characteristics of each product and the relevant markets as well as the EU legislation applicable to it.

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<sup>3</sup> OJ L 255, 28.8.2014, pp. 1–17 and OJ L 347, 20.12.2013, pp. 549–607

3. The stocks referred to in paragraph 1 shall be deducted from the quantity exceeding the normal carry-over of stocks.
4. The Commission shall implement and apply the arrangements outlined in paragraphs 1 to 3 in accordance with the procedure laid down in Article 103 of Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy<sup>4</sup> or, as appropriate, in accordance with the procedures referred to in Article(s) 19 and 20 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007<sup>5</sup> or the relevant committee procedure as determined in the applicable legislation.

(b) **Treaty on the functioning of the European Union, Part Three, Title VII, Chapter 1, Rules on competition**

Without prejudice to the procedures concerning existing aid provided for in Article 108 of the TFEU, aid schemes and individual aid granted to activities linked to the production of and trade in products listed in Annex I to TFEU with the exception of fisheries products and products derived therefrom, put into effect in the new Member State before the date of accession and still applicable after that date, shall be regarded as existing aid within the meaning of Article 108(1) of the TFEU subject to the following condition:

- the aid measures shall be communicated to the Commission before the date of accession. This communication shall include information on the legal basis for each measure. Existing aid measures and plans to grant or alter aids communicated to the Commission prior to the date of accession shall be deemed to have been communicated on the date of accession. The Commission shall publish a list of such aids.

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<sup>4</sup> OJ L 435, 6.12.2021, p.187-261

<sup>5</sup> OJ L 347, 20.12.2013, p. 671

These aid measures shall be regarded as ‘existing’ aid within the meaning of Article 108(1) of the TFEU for three years from the date of accession.

Montenegro shall, where necessary, amend these aid measures in order to comply with the guidelines applied by the Commission by the end of the third year from the date of accession at the latest. After that date, any aid found to be incompatible with those guidelines shall be considered as new aid.

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ANNEX []

**List referred to in Article [] of the Act of Accession: Transitional measures**

**[X.] AGRICULTURE**

32024R1143: **Regulation (EU) 2024/1143 of the European Parliament and of the Council** of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012 (OJ L, 2024/1143, 23.4.2024, p. 66).

In Article 92, the following paragraph is added:

- ‘3. In the case of a new acceding Member State, the national protection of geographical indications existing on the date of its accession shall cease on [one year after the entry into force of the Act of Accession].

Until the date referred in the first subparagraph, the new acceding Member State is allowed to submit to the Commission, without applying Article 10 of this Regulation, applications for registration of all the geographical indications already protected under the national law.

Where an application as referred to in the second subparagraph is submitted to the Commission, the national protection shall cease on the date on which a decision on registration under Article 21 of this Regulation is taken. In the event of rejection of the application for registration, the national protection shall continue until all judicial remedies have been exhausted, if relevant.

Where, at the end of the process referred to in this paragraph, a name is not registered under this Regulation, the consequences of such national protection shall be the sole responsibility of the Member State concerned. Where appropriate, after the national protection has ceased, the Member State concerned shall, without delay, request the cancellation of the registration of the corresponding geographical indication in the International Register of the International Bureau.’

32019R1753: **Regulation (EU) 2019/1753 of the European Parliament and of the Council** of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, pp. 1–11)

The following Article is added:

#### **Article 11a**

##### **Transitional provisions for appellations of origin and geographical indications originating in new acceding Member States which are Members of the Geneva Act**

- ‘1. Member States that have acceded to the Union after acceding to the Geneva Act shall designate the Commission or the European Union Intellectual Property Office, in their respective capacity, as the sole competent authority referred to in Article 3 of the Geneva Act.
2. In respect of each appellation of origin or geographical indication originating in a Member State as referred to in paragraph 1 and registered in the International Register, for a product falling within the scope of Regulation (EU) 2024/1143 or Regulation (EU) 2023/2411, but not protected under any of those Regulations, the Member State concerned shall, on the basis of a request by a natural person or legal entity referred to in point (ii) of Article 5(2) of the Geneva Act or a beneficiary as defined in point (xvii) of Article 1 of the Geneva Act, or on its own initiative, choose to request either:

(a) the registration of that appellation of origin or geographical indication under the Regulation concerned; or

(b) the cancellation of the registration of that appellation of origin or geographical indication in the International Register.

The Member State concerned shall notify the Commission of the choice referred to in the first subparagraph, and lodge the respective request, by [one year after the entry into force of the Act of accession].

In the situations referred to in point (a) of the first subparagraph, the application for registration shall concern a protected designation of origin or protected geographical indication which is identical to the appellation of origin or geographical indication registered in the International Register.

If no application for registration is submitted within the deadline or if the application for registration under the applicable Regulation is refused and the related administrative and judicial remedies have been exhausted, the Member State concerned shall, without delay, request the cancellation of the registration of that appellation of origin or geographical indication in the International Register.’