

AD 28/25

LIMITE

CONF-ME 12

ACCESSION DOCUMENT

Subject: EUROPEAN UNION COMMON POSITION
- Chapter 3: Right of Establishment and Freedom to Provide Service

EUROPEAN UNION COMMON POSITION

Negotiating Chapter 3: Right of Establishment and Freedom to Provide Service

This position of the European Union is based on its general position for the Accession Conference with Montenegro (AD 23/12 CONF-ME 2) 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 prejudge 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;
- as well as 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*, noting that additional *acquis* may enter into force before accession, to ensure its effective implementation and enforcement, and develop already before accession, policies and instruments as close as possible to those of the EU.

The EU notes that Montenegro, in its negotiating positions AD 27/14 CONF-ME 21 and AD 24/25 CONF-ME 11, accepts the *acquis* under chapter 3 as in force on 14 October 2025, and that it declares that it will be ready to implement it by the date of its accession to the European Union.

Mutual recognition of professional qualifications

The EU welcomes the progress of Montenegro in broadly aligning its legislation with the *acquis* in this area.

The EU notes the adoption of the **horizontal Law on the recognition of professional qualifications for the pursuit of regulated professions** (Official Gazette of Montenegro, No. 56/18) aiming to align with Directive 2005/36/EC on the recognition of professional qualifications (PQD) as amended. The EU urges Montenegro to continue its work and adopt the necessary amendments to complete alignment with Directive 2005/36/EC by accession, beyond alignment with the minimum training requirements provisions.

The EU takes note that in May 2025, Montenegro modified, adopted and submitted to the Commission a **new list of Regulated Professions** (Official Gazette of Montenegro, No. 50/25), which indicates that 129 professions are currently regulated in the country. The EU notes that Montenegro provided sufficient responses to the transparency, screening and proportionality criteria thereby completing the transparency and evaluation exercise required under Article 59 of the PQD.

The EU notes that the adoption of the list of regulated professions fulfils the requirements of the first closing benchmark as set out in the document AD 20/17 CONF-ME 7.

The EU notes that the Law on obligations (Official Gazette of Montenegro, No. 47/08, 4/11, 22/17 and 123/24) is aligned with Directive 86/653/EEC **on the coordination of the laws of the Member States relating to self-employed commercial agents**, thus facilitating contracting and provision of services in the internal market.

The EU calls on Montenegro to complete alignment with the **proportionality test Directive 2018/958**. This will ensure the proper functioning of the internal market, by preventing the adoption of disproportionate rules on regulated services, while allowing individuals and businesses to fully benefit from the EU's fundamental freedoms.

The EU recalls that the **automatic recognition of qualifications** procedure is limited to seven professions (doctors with basic training, nurses responsible for general care, midwives, dental practitioners, architects, veterinary surgeons, and pharmacists). To this end, the EU welcomes the adoption in July 2025, of a number of sectorial laws namely, the Law on healthcare (Official Gazette of Montenegro, No. 91/25, 121/25), the amendments to the veterinary Law (Official Gazette of Montenegro, No. 92/25), and the amendments to the Law on construction of structure (Official Gazette of Montenegro, No. 92/25), and related rulebooks, with a special focus on aligning with the **minimum training requirements (MTR) *acquis*** concerning the seven professions benefiting from the automatic recognition in line with Directive 2005/36/EC as amended. The EU invites Montenegro to increase its efforts to ensure harmonisation with the minimum training requirements of all professions benefitting from automatic recognition. The EU underlines that such alignment is essential to enable the fair and effective mobility of professionals within the EU, whether for the provision of services, access to employment, or establishment in another Member State by ensuring that qualifications are recognised on the basis of comparable education and training standards. The EU recalls that fulfilling minimum training requirements concerning health-related professions is also necessary to safeguard patient safety and is indispensable to maintain mutual trust among Member States in the automatic recognition system. The EU will closely monitor the efforts undertaken by Montenegro in this regard.

The EU notes that Montenegro's **study programs** are broadly aligned with the MTR requirements of the PQD. The EU appreciates the intense work ongoing by the Montenegrin authorities to fully align the study programs for five regulated professions (doctor with basic training, nurses, dental practitioners, pharmacists, and architects). The EU notes the commitment made by Montenegro in its negotiating positions AD 27/14 CONF-ME 21 and AD 24/25 CONF-ME 11, and calls on Montenegro to complete the alignment of the study programmes with the minimum training requirements of Directive 2005/36/EC as a matter of priority. The EU will closely monitor this work.

The EU takes note that given that there are no higher education institutions for training veterinary surgeons and midwives, Montenegro committed to establish a training model curriculum to facilitate the recognition of these qualifications for veterinarians and midwives by end of 2026. The EU urges Montenegro to finalise its work and develop these two remaining training models by end of 2026. This will ensure that the necessary verification is made when assessing applications for recognition of midwives and veterinary surgeons from EU countries.

The EU notes that Montenegro declares that it will be ready to fully implement the acquis on Mutual recognition of professional qualifications by the time of its accession. The EU and its Members states reserve the right to adopt transitional measures prior to the date of accession, if necessary.

The EU notes that these developments meet the requirements of the second closing benchmark as set out in document AD 20/17 CONF-ME 7.

The EU commends Montenegro for having ratified the Agreement on the recognition of professional qualifications for medical doctors, dental practitioners, and architects (Official Gazette of Montenegro, International Agreements No. 11/23) and the Agreement on the recognition of professional qualifications for general care nurses, doctors of veterinary medicine, pharmacists, and midwives (Official Gazette of Montenegro, International Agreements No. 12/23), in the context of the **Central European Free Trade Agreement (CEFTA 2006)**. These are important steps for economic integration, encouraging the mobility of professionals, better matching of skills with labour market needs and increased productivity.

The EU notes that the legal provisions for the setup of the **Internal Market Information (IMI)** system and the **appointment of national coordinators** to facilitate the recognition of professional qualifications are inscribed in the Montenegrin Law on services and the Montenegrin Law on the recognition of professional qualifications for regulated professions. The EU encourages Montenegro to accelerate its work to ensure the establishment of the IMI and to appoint the national coordinators so that the IMI can be operational as of the date of Montenegro's accession to the EU. The EU calls on Montenegro to strengthen its institutional capacity including through training of the competent authorities handling the recognition of professional qualifications.

The EU takes note of Montenegro's request concerning the recognition of **acquired rights** for holders of formal qualifications in the following fields: doctor with basic training, specialised doctors, general practitioners (family doctors), dental practitioners, specialised dental practitioners, pharmacists, nurses responsible for general care, midwives, veterinary surgeons and architects obtained within the educational system during the Socialist Federal Republic of Yugoslavia until 27 April 1992, the Federal Republic of Yugoslavia until 4 February 2003, the State Union of Serbia and Montenegro until 5 June 2006 and as from the independence of Montenegro in 5 June 2006 until the day of Montenegro's accession to the European Union.

The EU notes that granting such a request is contingent upon the outcome of an assessment by the Commission of the training programmes applicable during the indicated periods. The EU invites Montenegro to submit to the Commission detailed information on the training programmes applicable at the time of the mentioned periods. The outcome of this assessment will inform the Council's decision on the request. In case of acceptance, Directive 2005/36/EC will have to be technically adapted accordingly as done in previous enlargements.

Right of establishment and freedom to provide services

The EU welcomes the adoption of the Law on services in 2017 (Official Gazette of Montenegro, No. 71/17) and its further amendments adopted in July 2025 (Official Gazette of Montenegro, No. 77/25) aligning with the requirements of **Directive 2006/123/EC on services**, thus providing for a stable and a predictable business environment for EU service providers and promoting Montenegro's integration into the EU single market.

The EU takes note of the **progress made by Montenegro to align its sectorial legislation** with the services Directive. The EU calls on Montenegro to continue with the necessary amendments of the remaining Laws, as identified in the negotiating positions AD 27/14 CONF-ME 21 and AD 24/25 CONF-ME 11, to ensure that all the remaining Laws are aligned with the services Directive and implemented by accession. This will facilitate the smooth integration of Montenegro into the EU's single market and provide EU Member States with a level playing field for service providers.

The EU expects Montenegro to continue **strengthening its administrative capacities** to implement and effectively enforce the services Directive.

The EU notes that this meets the requirements of the third closing benchmark as set out in document AD 20/17 CONF-ME 7.

The EU welcomes the establishment of the **Point of Single Contact** portal in June 2024. The EU notes that this portal is operational for information purposes only. The EU expects Montenegro to continue improving the functionality of the portal to facilitate the establishment of businesses and the access to the services market in Montenegro, to allow for the online submission of applications, and to provide regular updates on regulated professions. The EU calls on Montenegro to continue strengthening its administrative capacities and to provide IT infrastructure to support cooperation with the competent authorities of other Member States.

The EU commends Montenegro's efforts in aligning with the EU principle of non-discrimination by removing **nationality requirements for access to and the exercise of service activities**. The EU welcomes the amendments, applicable as from the date of EU accession, to the Montenegrin Law on tax advisors (Official Gazette of Montenegro, No. 26/07, 34/07, and 47/19) eliminating the discriminatory citizenship requirement to perform the duties of tax advisor and the Law on tourism and hospitality (Official Gazette of Montenegro, No. 2/18, 4/18, 13/18, 25/19, 67/19, 76/20, 130/21) allowing tour guides from Member States to operate in Montenegro. The EU also notes that the Montenegrin Law on advocacy (Official Gazette of Montenegro No. 79/06, 22/17) allows for the registration of lawyers' nationals from EU Member States in the Montenegrin register of lawyers, as from the date of Montenegro's accession to the EU.

The EU takes note of the introduction of amendments to a number of different Montenegrin legal Acts which **revoke the nationality requirement** that was contrary to the right of establishment and the freedom to provide services. In particular, the EU notes that in July 2025, Montenegro has adopted amendments to repeal nationality requirements in the following national laws: the Law on court experts (Official Gazette of Montenegro, No. 69/25), the general Law on education (Official Gazette of Montenegro, No. 89/25), the Law on the protection of persons and property (Official Gazette of Montenegro, No. 89/25), the Law on spatial planning and construction of buildings (Official Gazette of Montenegro, No. 92/25). The revocation of all these nationality requirements will be applicable as from the date of Montenegro's accession to the EU.

The EU notes that this meets the requirements of the fourth closing benchmark as set out in document AD 20/17 CONF-ME 7.

Postal services

The EU notes that Montenegro has largely **aligned its national legislation with the Postal *acquis***. The EU welcomes that Montenegro through the Law on Postal Services (Official Gazette of Montenegro, No. 57/11, 55/16, and 55/18) is aligned with the EU's postal services Directive 97/67/EC, as amended by Directive 2002/39/EC and Directive 2008/6/EC, regarding the full realisation of the internal market for postal services in the Union. The EU encourages Montenegro to complete alignment with the Regulation (EU) 2018/644 on cross-border parcel delivery services.

The EU notes that since 2013, Montenegro's postal market is fully open to competition. The EU notes that the national postal operator in Montenegro is 'Pošta Crne Gore,' is registered as a joint-stock company.

The EU welcomes the adoption of Montenegro's postal services development Strategy for 2024-2028 to improve the quality of postal services and at developing new e-services. The EU encourages Montenegro to continue implementing this Strategy, contributing to the development of a modern and efficient postal sector.

The EU expects Montenegro to continue its efforts to implement the postal *acquis* and effectively regulate the postal market to enhance sector competitiveness and provide better services to EU citizens and businesses.

The EU takes note of the adoption of the Law on electronic communications in October 2024. Through this Law, Montenegro has proceeded with legislative amendments to underpin the independence of its National Regulatory Authority (NRA), the Agency for **Electronic Communications and Postal Services (EKIP)**. The EU notes that EKIP is responsible, *inter alia*, for regulating the postal sector, including issuing licenses and monitoring compliance with regulatory requirements.

Furthermore, the EU welcomes the additional safeguards provided by the Law on electronic communications to preserve the independence of the regulator. The Law sets out clear procedures for the appointment and dismissal of Council Members and the Executive Director. The EU welcomes that through this Law, EKIP was granted full autonomy in managing its budget establishing clear procedures for financial planning and reporting.

The EU expects Montenegro to continue strengthening the administrative capacity of the EKIP to efficiently regulate the postal market, ensure a level playing field for all operators, and provide better services to EU citizens and businesses.

The EU invites Montenegro to keep it regularly informed of the developments and steps undertaken as regards further alignment of its legislation in all the areas under the right of establishment and freedom to provide services related to the EU *acquis* and as regards the strengthening of administrative capacities in these areas.

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

Monitoring of progress in the alignment with and implementation of the EU *acquis* will continue throughout the negotiations. The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above with a view to ensuring Montenegro's administrative capacity to enforce the *acquis* in this chapter. 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, and which is to be provided to the Conference, the EU invites Montenegro to provide regularly detailed written information to the Stabilisation and Association Council on progress in implementing 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 27/14 CONF-ME 21 and AD 24/25 CONF-ME 11 accepts the *acquis* under chapter 3 as in force on 14 October 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.

Furthermore, the EU recalls that there may be new *acquis* between 14 October 2025 and the conclusion of the negotiations.
