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Subject: EUROPEAN UNION COMMON POSITION
- Chapter 19: Social policy and employment

EUROPEAN UNION COMMON POSITION

Negotiating chapter 19: Social policy and employment

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 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;
- as well as to 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 *acquis* and its effective implementation and enforcement, and in general to develop, already before accession, policies and instruments as close as possible to those of the EU.

The EU notes that Montenegro, in its negotiating position AD 7/16 CONF ME 4 and its addendum AD 60/26 CONF-ME 24, accepts the *acquis* under chapter 19 as in force of 29 July 2026 and that Montenegro declares that it will be ready to implement it by the date of its accession to the European Union.

Labour law

The EU takes note of the amendments to the Montenegrin Labour Law in 2019 and 2026 having reached a high level of alignment with the EU *acquis*.

Montenegro aligned its legislation with the EU *acquis*, regarding in particular the protection of young people at work, fixed-term work, part-time work, collective redundancies, protection of employees in the event of insolvency of their employer, temporary agency work, transfers of undertakings, information and consultation of employees, working time and transparent and predictable working conditions. Furthermore, Montenegro ratified the ILO's Fundamental Conventions on core labour standards.

The EU calls on Montenegro to ensure the adoption of further legislative acts in order to align with the remaining labour law *acquis* in the fields of working conditions in platform work, European Works Councils, employee involvement in European companies and European Cooperative Societies, and working time in inland waterway transport, by the date of accession. Additionally, the EU calls on Montenegro to align with Directive 96/71/EC as amended by Directive (EU) 2018/957 and Directive 2014/67/EU concerning the posting of workers in the framework of the provision of services in Q4 2026 as planned for. The EU underlines the importance of ensuring that the application of labour law is accompanied by effective control, awareness-raising as well as effective and accessible remedies for workers.

The EU takes note of Montenegro's efforts to strengthen the institutional, human and technical capacities of its Labour Inspection, including the adoption of the Action Plan for Strengthening the Capacities of the Labour Inspection (2025-2027). The EU calls on further strengthening of enforcement capacity and expects Montenegro to recruit additional labour inspectors in line with the Action Plan. The EU also takes note of Montenegro's commitment to further increase administrative capacity in the Ministry of Labour, Employment and Social Dialogue to implement and enforce the *acquis* in the field of labour legislation, including through trainings on labour relations, labour mobility and the operational framework of the European Labour Authority (ELA) in line with the Action Plan on Strengthening administrative capacities, effective enforcement of legislation, social dialogue and the future management of European Social Fund like measures 2026-2028.

Health and safety at work

The EU takes note that Montenegro has reached a high level of alignment of relevant legislation with the *acquis* in the area of health and safety at work. The EU notes that the Law on Safety and Health at Work is aligned with the EU *acquis*. The EU notes that several rulebooks on health and safety at work have been adopted.

Montenegro aligned with Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers. It will ensure its enforcement by the date of accession, thus implementing the general principles regarding prevention, employers' responsibility, risk assessment, training, consultation and participation of workers as well as the obligation to designate workers regarding the protection and prevention of occupational risks.

The EU recalls that further increasing the enforcement capacity is of particular significance in the field of health and safety at work. In this respect, the EU takes note of the efforts made by Montenegro to strengthen the administrative capacities, especially as regards the foreseen increase of the number of occupational and health inspectors and ensuring their mobility as outlined in the adopted Action Plan for Strengthening the Capacities of the Occupational Safety and Health Inspection (2026-2028) by the date of accession. The EU calls for further efforts in training of occupational and health inspectors by the date of accession. The EU notes that Montenegro adopted the Action Plan for Occupational Safety and Health System's Improvement (2025-2028) to improve coordination between responsible bodies and departments and to ensure control and effective enforcement of the legislation by the date of accession. EU notes that Montenegro will implement a dedicated software system for workplace injury reporting, which will improve data quality, and which will allow direct comparability with indicators based on 100 000 employees.

Social dialogue

The EU acknowledges that Montenegro has established a legal and institutional framework for social dialogue. Social dialogue between the government and social partners through the Social Council is well developed. Underlining the importance of inclusive social dialogue, the EU recalls the need for Montenegro to further improve both tripartite and bipartite (collective bargaining) social dialogue and to pay due attention to collective bargaining at sectoral and local level. The EU takes note that Montenegro plans to adopt the Law on Representativeness, which redefines representative criteria, by Q2 2027. The EU will continue to monitor progress regarding representativeness criteria for social partners and a balanced development of bipartite and tripartite social dialogue by the date of accession.

The EU recalls the importance of an effective cross-industry and sectoral social dialogue to be able to participate fully in EU level social dialogue upon accession. The EU expects that Montenegro undertakes further efforts towards ensuring an enabling environment for social dialogue in line with the Council Recommendation on Social Dialogue including strengthening the capacities of social partners. Moreover, the EU asks Montenegro to submit a list of measures informing about its implementation, in due course before accession.

The EU takes note of the efforts made by Montenegro to strengthen administrative capacity in this field and welcomes the establishment of a dedicated directorate for social dialogue and collective bargaining within the Ministry of Labour, Employment and Social Dialogue. The EU reminds Montenegro that particular attention needs to be given to capacity building of social partner organisations, at all levels, enabling coverage of micro and small enterprises in the processes of social dialogue and collective bargaining, as well as strengthening capacities for conducting negotiations and preparing analyses necessary for quality decision-making in relevant policy areas as foreseen in the Action Plan on Strengthening Administrative Capacities, Effective Enforcement of Legislation, Social Dialogue and the Future Management of the European Social Fund like measures (2026 – 2028).

Employment policy

The EU takes note of the steady decline of the unemployment rate and invites Montenegro to increase its efforts to address structural weaknesses of the labour market such as regional disparities, long-term unemployment and the low labour market participation of youth and women.

The EU notes that the National Employment Strategy 2021–2025 covers measures for the development of active labour market policies, improvement of the education and training system, as well as increasing the employability of vulnerable groups. The EU calls on Montenegro to adopt the new Employment Strategy 2026-2030, aligning with European employment policies and the European Social Fund intervention logic.

The EU notes that Montenegro has achieved a significant scaling up of active labour market policies (ALMP) and adopted the first Catalogue of ALMP measures, establishing a unified, transparent and standardised framework for strategic planning, implementation and monitoring addressing long-term unemployed and other vulnerable groups. The EU notes the recent increase in spending on ALMP's and underlines the need to ensure sufficient budgetary funds for the implementation of the new catalogue of measures.

The EU also notes the operational modernisation of the Employment Agency, the digitalisation of services and preparations for its inclusion in European networks and instruments, such as the European Network of Employment Services (EURES). The EU notes that Montenegro plans to recruit 13 additional staff members in 2027 to ensure sufficient administrative capacities in the network of local employment offices. The EU notes that Montenegro plans to procure functional equipment and refurbishment of office premises in selected local employment offices in line with the Action Plan on Strengthening Administrative Capacities, Effective Enforcement of Legislation, Social Dialogue and the Future Management of the European Social Fund (2026 – 2028) to be well prepared to implement the European employment policy framework. The EU calls on Montenegro to fully implement these measures, particularly those related to the modernisation of the Employment Agency.

The EU takes note of the adoption of the Strategy for the Development of the Social and Solidarity Economy 2025–2029, contributing to the achievement of several objectives of the Economic Reform Programme.

The EU takes note that addressing the misalignment between education and labour market needs is identified as a priority in the new Employment Strategy and that legislative and administrative measures were taken to improve the qualification level of all age groups. Considering the overall low level of adult learning, the EU calls on Montenegro to intensify its workforce qualification efforts.

The EU notes that women's labour market participation was addressed through the provision of new pre-school facilities and the introduction of ALMPs specifically targeting women as well as through removing obstacles to social activation through amendments to the Law on Social and child protection. The EU underlines that further efforts are needed to reduce gender gaps in employment, access to care services and career progression, and to address early exits from the labour market and the existence of disincentives to work.

The EU welcomes the investments in childcare facilities to enable women participate in the labour market and reconcile work with family care obligations and encourages Montenegro to intensify these efforts. The EU encourages Montenegro to ensure equitable territorial coverage and affordability of childcare services, as a prerequisite for sustained female labour market participation.

As regards undeclared work, the EU takes note of the various measures taken in this field, such as annual action plans, including measures of continuous and intensified inspection supervision during the tourist season and holidays. The EU encourages Montenegro to continue actions against undeclared work in a comprehensive approach comprising deterrence and preventive measures. As mentioned above, ensuring a sufficient number of labour inspectors and their training is of particular importance to effectively tackle undeclared work.

The EU expects Montenegro to continue efforts in combating undeclared work, particularly with regard to the effectiveness of labour inspections, the results of formalising employment relationships, and the protection of foreign and seasonal workers, in line with the new programme for tackling the informal economy for the 2027–2029 period and its outcome indicators. The EU encourages Montenegro to cooperate with the European Platform Tackling Undeclared Work, managed by the European Labour Authority.

The EU takes note of Montenegro's efforts to strengthen its capacity to implement active labour market measures. The EU calls on Montenegro to further strengthen cooperation between local employment offices and training institutions. The EU underlines the importance of increasing the outreach and coverage of active labour market policies with the Youth Guarantee in line with the EU Youth Guarantee framework. The EU calls on Montenegro to intensify labour market integration and participation efforts, particularly for vulnerable groups on the labour market and for the less advantaged groups in order to achieve increased integration and participation in the labour market as outlined in the Action Plan on strengthening administrative capacities, effective enforcement of legislation, social dialogue and the future management of European Social Fund like measures (2026-2028).

European Social Fund (ESF) type measures¹

The EU stresses the importance of Montenegro's readiness for the implementation and management of EU cohesion policy, in particular for European Social Fund type of measures by the date of accession.

¹ It should be noted that the administrative structures required for the ESF are not *per se* an issue under Chapter 19 “Social policy and employment”. This capacity will be assessed in its own rights under the specific benchmarks under Chapter 22 “Regional policy and coordination of structural instruments”.

The EU underlines that ESF-type measures should be oriented to support inclusive access to quality employment, skills and lifelong learning, while promoting social inclusion, equal opportunities and access to quality essential services. The EU takes note of the operating structure which was set up for the implementation of the Multiannual Operational Programme for Employment and Social Policy 2024-2027. The EU also takes note of the government decision of February 2026 on the structures for managing cohesion funds. The latter assigns the Ministry of Labour, Employment and Social Dialogue for all preparatory activities related to the functions of the managing authority in view of the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security proposed by the European Commission, which includes the European Social Fund. The EU calls on Montenegro to further define the organisational structure of the managing authority and to intensify capacity building for the implementation of future cohesion funds.

The EU also reminds Montenegro that in addition to strengthening of administrative capacity, due attention needs to be paid to adequate training in this field to ensure sufficient capacities for management of future cohesion funds in line with the Action Plan on Strengthening Administrative Capacities, Effective Enforcement of Legislation, Social Dialogue and the Future Management of European Social Fund like measures (2026-2028).

The EU reminds Montenegro that, in view of the implementation of the partnership principle, the involvement of social partners and local authorities and the strengthening of their capacities is a crucial element in the implementation of future cohesion funds.

Social inclusion

The EU takes note that with the amendments to the Law on Social and Child Protection the progressive transition from a benefit-centred to a service-centred and rights-based social protection system continued.

The EU acknowledges that the amendments to the above law remove disincentives for recipients of material benefits to enter the labour market. Combined with social activation measures implemented by the local employment offices and centres for social work, these amendments provide income support while encouraging labour market participation. The EU welcomes the introduction of new community-based social services and of an integrated approach to service delivery and calls on Montenegro to ensure that this approach is applied by the date of accession and that a sustainable national budget is secured for this purpose. The EU further encourages Montenegro to ensure that such services are accessible to children, older persons and persons with disabilities, including in rural and remote areas.

The EU welcomes measures to strengthen the foster care system and the establishment of an institution for the protection of children, adults and older persons from sexual violence. The EU encourages Montenegro to ensure that the institution operates in a child-sensitive, victim-centred, disability and age-appropriate manner, in line with international standards.

The EU takes note of the successful implementation of past strategies for the social inclusion of Roma and Egyptians in Montenegro and welcomes the adoption of the Strategy for Improving the Quality of Life of Roma and Egyptians in Montenegro 2026-2030. The EU positively notes the launch of the National Platform for the Employment of Roma and Egyptians to strengthen inclusive labour market access.

The EU takes note of the adoption of the Law on Uniform Disability Assessment establishing a single, standardised and rights-based disability assessment system. The EU welcomes this important step towards ensuring equal access to rights, benefits and services for persons with disabilities. The EU also notes the establishment of the Institute for Uniform Disability Assessment and the Deinstitutionalisation Strategy 2025–2028, which sets quantified objectives for preventing institutionalisation, transitioning beneficiaries to community-based care and transforming service providers. The EU encourages Montenegro to ensure the effective implementation of these reforms, including through sufficient community-based services and individualised support.

The EU welcomes that Montenegro has strengthened its administrative capacities across the Ministry of Social Welfare, Family Care and Demography, the Institute for Social and Child Protection, the Institute for Uniform Disability Assessment and the centres for social work. The EU recalls that sufficient administrative capacities for the implementation of social policies, in line with the Action Plan on strengthening administrative capacities, effective enforcement of legislation, social dialogue and the future management of European Social Fund like measures (2026-2028), have to be in place by the date of accession.

Social protection

The EU takes note of the amendments to the Pension and Disability Insurance Law (in October 2025), in an attempt to strengthen the sustainability of the pension system, to equalise the statutory retirement age for women and men and introduce incentives for prolonging working lives. The EU takes note of the adoption of the Law on Voluntary Pension Funds and calls on Montenegro to consider additional options for funding pension schemes to ensure adequacy and sustainability of pensions, reduce and prevent old-age poverty, in view of the demographic developments and an ageing population. The EU also encourages Montenegro to develop appropriate long-term care services (homecare, community-based care and residential care), enabling older persons to live in dignity, improving their personal autonomy and facilitating independent living.

Non-discrimination in employment and social policy

The EU takes note that Montenegro has reached a high level of alignment with the overall legislative framework on non-discrimination with the EU *acquis*. Montenegro adopted the Law on Equality Protection and Prohibition of Discrimination which, after subsequent amendments in July 2026, succeeded in establishing an anti-discrimination framework aligned with EU *acquis*. At the same time, Montenegro reformed the Labour Law as needed to complete alignment. The EU further notes that Montenegro aligned national legislation with the EU *acquis* regarding sanctions for acts of discrimination. The EU expects Montenegro to provide further evidence of consistent application of dissuasive, proportionate and effective sanctions for acts of discrimination. Furthermore, the EU expects that Montenegro acts to effectively implement the legislation in this area, while bringing it to the attention of the public by all appropriate means, including at the workplace, throughout its territory. The EU notes that Montenegro also developed sectoral strategies in the area of employment, social policies and fundamental rights that contributed to the operationalisation of the principles of equality and prohibition of discrimination.

The EU welcomes that Montenegro has a functioning Ombudsperson's office in place, by adopting the Law on the Protector of Human Rights and Freedoms, that is able to carry out independent surveys and reports and to provide independent assistance to victims of discrimination, as required by the *acquis*. The EU takes note that the Ombudsperson institution in Montenegro is also the equality body required by the *acquis*. Chapter 23 sets out further benchmarks for assessing the functioning of the equality body in line with EU and international standards. The EU recalls the need to ensure sufficient financial resources for staffing reinforcement by the date of accession.

Equality between women and men in employment and social policy

The EU takes note of the adoption of the new Gender Equality law in July 2026. The EU notes that further legal alignment was achieved bringing the legislation in line with the *acquis*, notably on the questions of gender equality in employment (Directive 2006/54/EC) and self-employment (Directive 2010/41/EU), and of statutory social security schemes (Council Directive 79/7/EEC). The EU encourages Montenegro to ensure the effective application of these provisions, including equal treatment in access to employment, social protection and social security. Montenegro further advanced with the legislative alignment in the areas of work-life balance and parental leave (Council Directive (EU) 2019/1158 repealing Council Directive 2010/18/EU), gender balance on company boards (Council Directive (EU) 2022/2381) and maternity leave (Council Directive 92/85/EEC). The EU underlines the importance of implementing these measures in practice in order to promote the equal sharing of care responsibilities and women's participation in the labour market. The EU reminds Montenegro to align with the *acquis* on pay transparency (Directive (EU) 2023/970) by the date of accession.

The EU underlines the need to ensure sufficient administrative capacity, human and financial resources for the implementation of the foreseen measures by the date of accession.

The EU concludes that with the actions taken in the area of labour law, health and safety at work, social dialogue, employment policy, European Social Fund-type measures, social inclusion, social protection, non-discrimination in employment and social policy and equality between women and men in employment and social policy, Montenegro fulfils the requirements of the three closing benchmarks as set out in the EU common position (AD 29/16 CONF-ME 14).

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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, its ability to implement and enforce the *acquis* in this chapter and the completion of the legislative alignment. 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* and in the strengthening of its administrative capacity.

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 position AD 7/16 CONF-ME 4 and its addendum AD 60/26 CONF-ME 24, accepts the *acquis* under chapter 19 as in force of 29 July 2026. 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 time of its accession to the European Union.

Furthermore, the EU recalls that there may be new *acquis* between the 29 July 2026 and the conclusion of the negotiations.
