



**14th meeting, 1 March 2021**

### **JOINT DECLARATION**

The EU-Montenegro Civil Society Joint Consultative Committee (JCC) is one of the bodies set up under the Stabilisation and Association Agreement between the European Union and Montenegro. It enables civil society organisations from both sides to monitor Montenegro's progress towards joining the European Union and to adopt recommendations for the attention of the Montenegrin government and the EU institutions.

The JCC is made up of twelve members, six from each side, representing the EESC and Montenegrin civil society. It is co-chaired during its current term (2020–2023) by **Andrej Zorko**, member of the EESC and Executive Secretary to the Governing Board of the Slovenian Association of Free Trade Unions, and **Pavle D. Radovanović**, Vice-President of the Chamber of Economy of Montenegro.

The meeting was held virtually. The JCC discussed the current state of play in EU-Montenegro relations and the process of accession negotiations with the EU, the COVID-19 pandemic response and its consequences and the situation of civil society in Montenegro.

#### **1. State of play in EU-Montenegro relations and the accession process**

- 1.1 Members of the JCC are pleased with the significant jump in the support of Montenegrin citizens for the country's membership in the EU (74.8% compared to 66% a year earlier) according to the results of a recent public opinion poll<sup>1</sup>, while a better future and improved standard of living are the first association when the EU is mentioned. Citizens recognise the EU as the biggest foreign financial donor in Montenegro, but also as the community with which Montenegro should have the strongest political, economic and trade connections, sending a strong message to all relevant national stakeholders that citizens expect them to work together and bridge their differences so that Montenegro may implement the vital reforms and earn its place in the EU. According to the mentioned survey, widespread corruption, the economic situation in the country and widespread organised crime are perceived by citizens as the biggest

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<sup>1</sup> Conducted in November and December 2020 by the DeFacto Agency on behalf of the Delegation of the European Union to Montenegro.

obstacle to Montenegro's membership in the EU. Another political opinion public poll<sup>2</sup> shows that the majority of Montenegrin citizens support EU membership (54 % in favour, 24 % against and 22 % without opinion), although there is an evident trend of decreasing support.

- 1.2 The JCC welcomes the formal opening of negotiations on chapter 8 – competition policy, the last screened chapter of Montenegro's EU accession process. Once more, it points to the considerable remaining challenges in the rule of law chapters (23 and 24) and the fact that Montenegro's authorities should prioritise and produce tangible results in areas of the rule of law, media freedom, and the fight against organised crime and corruption, by advancing reforms that are already on track, and not reversing them. It encourages the new Montenegrin government to make all the necessary efforts towards meeting the benchmarks set for closing the chapters, especially the interim benchmarks for the rule of law chapters.
- 1.3 The JCC expresses satisfaction that the parliamentary and local elections held on 30 August 2020 were held overall transparently and efficiently, with a particularly high electoral turnout of 76%. It invites the Montenegrin authorities to carefully study the OSCE/ODIHR's findings, address all outstanding electoral issues such as prevention of various forms of misuse of state resources and pressure to influence the will of voters, and to accelerate efforts to meet all ODIHR recommendations to further enhance the conduct of elections in Montenegro<sup>3</sup>. Members of the JCC consider that these elections, including peaceful transition of power and some challenges of cohabitation between the Government and the President of State, were an important and encouraging step towards the maturity of Montenegro's system of government. They also welcome the establishment of the Council for the control of the electoral roll, which was formed by the Government of Montenegro as a cross-sector body, as well as the Council for Transparency, which was formed by the Ministry of Interior. These two bodies include representatives of CSOs and will in the coming months work on the analysis of legislation and suggestions for its' improvement, as well as check the voter list.
- 1.4 Members of the JCC welcome the fact that the newly formed government has committed to preserving the foreign policy commitments of Montenegro as a member of NATO and as an EU candidate country and pledged its strong commitment to the fight against corruption and organised crime. It welcomes the proclaimed aim of the government to increase transparency, make decisive steps in fighting corruption and organised crime and to support the parliament in electoral reforms. The JCC stresses that the ongoing reform of judiciary, prosecution, police and intelligence service needs to be in line with commitments taken within the EU accession negotiations and with GRECO recommendations<sup>4</sup>.
- 1.5 The JCC reiterates the importance of effective and inclusive dialogue within functioning democratic institutions and between state institutions, so as to create a more collaborative governance. It stresses the key role the Parliament should play in preserving the rule of law at institutional level by also overseeing the government. The JCC invites the Montenegrin

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<sup>2</sup> [Conducted in August 2020 by NGO CEDEM](#)

<sup>3</sup> "Montenegro Parliamentary Elections 30 August 2020, Limited Election Observation Mission", Final Report, OSCE, ODIHR, Warsaw, 11 December 2020, <https://www.osce.org/files/f/documents/5/2/473532.pdf>.

<sup>4</sup> <https://www.coe.int/en/web/greco/evaluations/montenegro>

authorities to engage with citizens in a productive and constructive public debate in order to increase their knowledge, interest and trust in the application of the rule of law principles on a daily basis. The JCC looks forward to the results of the ongoing assessment by the European Court of Auditors on the effectiveness of EU measures to support the rule of law in the Western Balkans.

- 1.6 The JCC welcomes the European Commission's 2020 Montenegro report and calls on the Montenegrin authorities to carefully analyse the content of the report and establish a clear roadmap for their future action. The JCC agrees with the analyses of Montenegro's progress on its pre-accession path and notes with concern that only limited or some progress was recorded in tackling rule of law issues, judicial and public administration reforms, fighting corruption and organised crime, economic criteria and its general ability to assume membership obligations, while no progress was observed in the area of freedom of expression.
- 1.7 The JCC calls on the European institutions and the Member States to continue to be supportive of the EU enlargement policy. In that respect, members of the JCC welcome three important 2020 Commission Communications (on revised enlargement methodology, EU enlargement policy and a comprehensive Economic and Investment Plan for the Western Balkans)<sup>5</sup>. Moreover, it invites the current Portuguese Presidency and the upcoming Slovenian Presidency of the Council of the EU to continue to inject stronger impetus into the enlargement process and to host dialogue meetings with Montenegro as soon as possible, to discuss the way forward in line with the revised enlargement methodology. The JCC hopes to see a similar approach and initiatives from all future EU presidencies, as it is crucial for the credibility of the EU to prove its dedication to the enlargement process.
- 1.8 The JCC welcomes the fact that the Montenegrin authorities accepted the revised enlargement methodology and encourages them to pursue their efforts and commitments to Montenegro's European future and clearly demonstrate their strong political will to accelerate reforms, particularly as regards the Fundamentals cluster. The rule of law and respect for human rights are central values on which the EU is founded, at the heart of both the enlargement process and the Stabilisation and Association process, and therefore the JCC expresses satisfaction that special emphasis is put on the Fundamentals cluster in the revised enlargement methodology. The JCC recalls that progress on Fundamentals will determine the overall pace of negotiations and stresses the vital role of civil society in its implementation.
- 1.9 The JCC supports the proposed Economic and Investment Plan, including the creation of a Common Regional Market and the accompanying Green Agenda, as economic restructuring efforts and investments in sustainable development, connectivity, energy and digital transformation are extremely important for the region. It points out, however, that the process needs to ensure green economic growth and prosperity and social security for Montenegrin citizens, and must genuinely benefit the people.

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<sup>5</sup> *Enhancing the accession process – A credible EU perspective for the Western Balkans* COM(2020) 57 final; *An Economic and Investment Plan for the Western Balkans* COM(2020) 641 final; *2020 Communication on EU enlargement policy* COM(2020) 660 final.

- 1.10 Members of the JCC point out once again that an improved business environment and sustainable economic growth can be achieved only by ensuring a stable regulatory framework, effective implementation of the rule of law and decisively addressing corruption (both at local and national level), the informal economy and selective actions of state bodies and institutions.
- 1.11 The JCC welcomes initiatives aimed at regional cooperation and the creation of a regional economic area in the Western Balkans, such as the Common Regional Market Action Plan. The JCC welcomes the Green Lanes initiative during the COVID-19 pandemic as a successful example of cooperation, motivating the region to embark on new regional initiatives aimed at bringing the Western Balkans closer to the EU's Internal Market. It also encourages WB6 CIF<sup>6</sup> to continue working on expanding the Green Lanes to the major EU-WB6 border crossings, enabling faster movement of goods, which is in the mutual interest of both regional and EU companies.
- 1.12 The JCC urges the Montenegrin authorities to take concrete action to tackle organised crime and corruption, as well as all cases of discrimination. It stresses the need for judicial institutions and independent bodies (such as the Agency for the Prevention of Corruption, State Audit Institution, Agency for Electronic Media, Ombudsperson's office, Agency for Personal Data Protection and free access to information, etc.) to be fully functional and professional and free from any form of political pressure and calls on the Montenegrin authorities to create the conditions for them to function powerfully autonomously and fairly. Appointments to these bodies and the action they take must be transparent and entirely unbiased, with clear criteria agreed with civil society and professionals during a consultation process.
- 1.13 The JCC stresses that where politics takes precedence over regulations, there is no rule of law in place. It points out that all the nominations need to be de-politicised, transparent and according to well-established criteria and public competition so that the best candidates are recruited for the posts. The close entwinement of political parties and the administration that leads to nepotism and clientelism needs to be avoided.
- 1.14 The Chapter 23 (Judiciary and Fundamental Rights) Action Plan, which also includes anti-corruption measures as the only framework that exists at the national level, is out-dated, only having been updated once (in 2015) since the beginning of the accession negotiations in 2012. As key mechanisms for monitoring progress in this area, these plans need to be revised. The JCC notes that Montenegro has made limited progress in the fight against corruption and the track record needs to be further improved. At the local level, there are a number of anti-corruption plans, but no satisfactory monitoring and evaluation tools or efforts. Members of the JCC invite the government to continue to fight against high-level corruption and organised crime by securing the impartiality, dedication, professionalism and independence of the judicial system. The JCC welcomes the recent nomination of relevant civil society representatives in the newly-created National Council for the fight Against High-Level Corruption, but reiterates the request to the Montenegrin authorities to revise the legal framework in order to enable free access to information, without unnecessary restrictions.

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6 Western Balkans 6 Chamber Investment Forum - chambers of commerce and industry from Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro and Serbia.

- 1.15 The JCC notes with concern that in the latest States in Transition report prepared by Freedom House, which deals with human rights and the promotion of democracy in the world, Montenegro has lost its position as a "partially consolidated democracy". Instead the country has taken a step backwards and is now in the group of transitional or "hybrid regimes". This term implies that in Montenegro the democratic institutions are fragile and that there are also significant challenges in defending political rights and civil liberties. The JCC calls upon the new Montenegrin government to reverse this trend.
- 1.16 The JCC reiterates its demand on the Montenegrin authorities and the European Commission to ensure that all relevant information on the accession process, including the revised enlargement methodology, external evaluation reports and expert analyses, as well as the use of the EU funds, are publicly available in good time, hence enabling Montenegrin citizens, journalists, independent experts and human rights defenders to take part in democratic observation of the government-led reform processes.
- 1.17 The JCC welcomes the fact that the Government of Montenegro adopted the Action plan for fulfilment of the final benchmarks in Chapter 27 - Environment and Climate Change. The JCC underlines the importance of the proper implementation of the *acquis communautaire* in this area, not least regarding the air quality and the need for green energy sources as opposed to solid fossil fuels.

## **2. COVID-19 pandemic and its consequences**

- 2.1 Members of the JCC note with regret that Montenegro has been hit hard by the COVID-19 pandemic and that it registers one of the highest rates of active cases per 100 000 people in Europe. The JCC also stresses the devastating economic consequences of the pandemic, where the GDP of Montenegro is predicted to shrink in 2020 by as much as 14%, largely driven by losses in the tourism sector. Already high public debt will rise even more, since the projections suggest a record high deficit of up to 10% of GDP. Surveys<sup>7</sup> show that 90% of enterprises predict loss of profit in 2020 with respect to 2019, with more than 30% of them predicting the loss will be more than 60%. The sharpest decrease is recorded in the service industry and among companies in the southern region, which is quite understandable given the developments in tourism. Unemployment at the end of 2020 was 30% higher than in the previous year.
- 2.2 The JCC reiterates the importance of the EU support provided to Montenegro so far in the context of the global COVID-19 pandemic, including EUR 40.5 million in the budget support resilience contract, part of the EUR 53 million in non-repayable assistance, which the EU granted to Montenegro for the procurement of urgent medical equipment and for assisting socially underprivileged individuals, entrepreneurs, companies, the health sector and other sectors that have been most seriously affected by the COVID-19 crisis. It complements the EUR 30 million macro-financial assistance that the EU made available to Montenegro in October 2020. The JCC calls the Government of Montenegro to distribute these funds in a fair and transparent, criteria-based manner.

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Such as the one from the [Employers Association of Montenegro from April 2020, in cooperation with the ILO and the EBRD](#)

- 2.3 Members of the JCC welcome that the vaccination finally recently started in Montenegro and invites the EU and its Member States to assist the country, as its privileged partner, so that the critical staff and most vulnerable groups of the population could get vaccinated urgently. The JCC welcomes the adoption by the European Commission of a package of EUR 70 million under IPA II, as part of the COVAX initiative, to help fund the access of Western Balkans partners to COVID-19 vaccines procured by EU Member States and enable Montenegro to carry out vaccinations.
- 2.4 The JCC stresses that important lessons should be learned from the unprecedented circumstances arising from the COVID-19 pandemic as regards their management by the Montenegrin authorities. It equally commends the fact that in the beginning of the crisis the majority of political actors showed a high level of maturity and sense of responsibility, setting aside political divisions in order to confront the challenges in harmony and unity, and were united in the stance not to use the pandemic for political, party or any private and group interests. In a deeply divided Montenegrin society, public health should be a cohesion factor and a precondition for consolidating trust in the executive and the health system, which should be depoliticized.
- 2.5 The JCC welcomes the way in which Montenegro responded to the impact of COVID-19 on the economy, as the government needed to respond quickly and effectively to protect the health of the population and mitigate the economic consequences. It welcomes the latest measures of support to citizens and the economy adopted by the new government for the 1st Quarter of 2021, comprising measures worth EUR 163 million intended for the vulnerable groups of the population, for economic subjects in maintaining and increasing their level of employment and liquidity, for tourism and the agricultural sector. Members of the JCC express satisfaction that these measures were adopted taking into account proposals from the social partners, such as the Montenegro Employers' Federation's renewed (fourth) proposal of measures for the support of the economy. To manage with serious economic crisis, the new Government issued a EUR 750 million Eurobond on 11 December 2020 (16 % of estimated country's GDP). However, process of new borrowing (no matter how necessary) was not transparent and was not carried out in accordance with the usual procedure of issuing bonds on the international market. There is a need to strengthen transparency, stakeholders' participation, and the government's capacity to implement necessary economic reforms.
- 2.6 The JCC stresses that economic recovery should be one of the government's primary concerns. It also points out that the recovery needs to be based on green and digital transition. Montenegro created a set of support measures that involved fiscal facilities and direct payments, and measures for preserving liquidity in the private sector<sup>8</sup>. The immediate measures will help maintain economic relationships throughout the shutdown and are essential to enable activity to gradually normalise. Members of the JCC believe that to address the economic and social consequences, the Montenegrin government should support SMEs in particular. Micro and small enterprises in Montenegro face the greatest difficulties in keeping their operations afloat. More

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According to the Employers' Union of Montenegro, the top three challenges faced by enterprises due to the pandemic are: working capital deficit, incapacity of business partners to operate normally and low demand for products/services or restrictions to operate.

than half of micro enterprises and almost one-third of small enterprises were not in operation during the pandemic.

- 2.7 Members of the JCC invite the government to focus the resources on improving the quality of hospital equipment, ensuring adequate supplies of medication, and reducing overcrowding in acute hospital wards, along with a boost in pay for hospital staff to assist retention. They point out that the social and economic consequences of the COVID-19 pandemic are particularly hard for vulnerable groups and the announced amendments to the social protection system (payments of EUR 50 to 100 for different categories) seem inadequate to meet the loss of livelihoods due to home confinement, curfews, job losses or other regular incomes and the rise in the cost of living. The JCC is of the opinion that special measures to protect specific minorities, in particular Roma and Egyptians and persons with disabilities, need to be taken, as they are disproportionately effected by the pandemic, the lack of access to even basic health care, discrimination, neglect and negative stereotypes. A recent survey shows that almost half (45.6 %) of persons with disabilities experienced negative economic impact of the COVID-19 pandemic, meaning a decrease in income or an increase in the cost of living, or both, while 36.7 % reported that their expenses had already risen in the first months after the outbreak<sup>9</sup>.
- 2.8 The JCC stresses that the emergency measures taken by governments against COVID-19 must be temporary and time-bound and in line with democracy and rule of law principles. A careful mixture of short- and long-term measures is needed and these should be measures which the people can live with, without it leading to undue economic, social and psychological strains. The JCC points out that particular attention needs to be paid to the swift and complete removal of any unduly expansive executive powers, restrictions of civil rights and any systematic collection of personal data once the immediate crisis has come to an end<sup>10</sup>.
- 2.9 Members of the JCC believe that the restrictions to democratic rules and civil liberties have to be proportional, communicated openly and transparently with the inclusion of as many political actors as possible. They also have to be temporary with clear terms of their expiration. Freedom of speech and the work of institutions, including parliament and courts with due process, have to be safeguarded. The JCC stresses that additional resources should be provided to civil society actors in order to ensure continued monitoring of the state of democracy and continued scrutiny of government actions and undue abuse of emergency powers.
- 2.10 Members of the JCC recommend that the European Commission issue guidelines in cooperation with the Council of Europe, on a) which restrictions of democracy and civil liberties are acceptable and b) how these should be managed in terms of their duration. The Commission should actively monitor the measures taken and identify problematic restrictions and notify governments and the public.

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<sup>9</sup> Conducted in December 2020 by the NGO Association of Youth with Disabilities of Montenegro.

<sup>10</sup> In that regard, the JCC expresses concern that the Government's National Coordination Body for the Suppression of Infectious Disease in Montenegro published the identities of persons ordered into obligatory 14-day self-isolation on the government's website, just days after it began implementing the suppression measures, violating the Constitution and the Law on Personal Data Protection.

- 2.11 The JCC believes that the Montenegrin authorities should be more transparent and better inform the public with regards the COVID-19 pandemic, in order to avoid any false information reaching the public. It is convinced that disinformation can be combatted through open and clear communication by the state institutions, driven by experts, and not arrests. Repressive measures do not risk targeting the fake media, but rather the independent and critical media. Members of the JCC believe that securitisation and restrictions should be used with care and in combination with education and communication, rather than instead of them.
- 2.12 The JCC congratulates Montenegro on the adoption of the new Labour Law, in good cooperation with the social partners, and its entry into force on 7 January 2020. It takes note that the Labour Law was recently amended to prolong the deadline for reaching the general collective agreement until 31 December 2021<sup>11</sup>. The JCC reminds the Government that any further amendments to the Labour Law need to be discussed in the Social Council and with other interested stakeholders, in accordance with well-established practice. Members of the JCC ask the government to concentrate on the implementation and monitoring of the Labour Law.
- 2.13 The JCC is worried that, according to MONSTAT, the number of employees at the end of 2020 dropped almost 19% compared to the same period last year, the biggest reduction being in the sector of retail trade. Data show that 10% of enterprises surveyed dismissed their workers due to COVID-19, while 90% were able to retain them. When examining enterprise size, SMEs were at the forefront of dismissing workers (12%). The sectors that indicate having dismissed a larger share of workers are restaurants (15%), hotel and tourism sectors (13%), and retail and sales (13%)<sup>12</sup>. Members of the JCC are concerned about a possible increase of the grey economy during the COVID-19 pandemic and invite the Montenegrin authorities to double their efforts to fight this phenomenon.

### 3. **Overview of the situation of civil society in Montenegro**

- 3.1 Members of the JCC regret that in the wake of the COVID-19 crisis there was no coordination between CSOs and the government, which is reflected in the fact that CSO representatives were not included in any of the established crisis bodies. Furthermore, CSOs were not included in the economic incentives that the government made available to businesses during the pandemic. Due to this, many CSOs are dealing with high uncertainty and there is a possibility that they will not be able to continue conducting their activities due to the COVID-19 crisis.
- 3.2 Members of the JCC note with dissatisfaction that the environment for civil society action remains not favourable enough, due to lack of implementation of the legislative framework governing participation in decision-making, but also delays in the distribution of funds for NGOs in 2020 from the state budget in accordance with the Law, which significantly complicates their regular work, but it also significantly reduced the percentage of public policy implementation. They stress the crucial role played by CSOs through their watchdog activities

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<sup>11</sup> Deadline stipulated in the Labour Law for reaching the general collective agreement was one year since the entry in force of the Labour Law, that is 7 January 2021. Due to the COVID-19 pandemic, the work of the tripartite working group on the general collective agreement was cumbersome and negotiations were slowed down.

<sup>12</sup> Source: International Labour Organization.



and advocacy and condemn the recent explosion in extremist, misogynistic, hate-filled rhetoric targeting journalists, activists, public figures and even ordinary citizens, particularly on social media.

- 3.3 The JCC commends the establishment of a functioning mechanism of co-financing of EU-funded projects. Members of the JCC welcome that the EU has recently allocated a total amount of EUR 4 250 000 from the Civil Society Facility (CSF) and Media Programme to support different actions to empower CSOs in Montenegro and their participation in the EU integration process, the aim being to reinforce inclusive civic participation in public policy processes, as well as to improve cooperation and dialogue between civil society and the government. They also invite the Montenegrin government to enable access to co-financing not only to NGOs, but also to social partners and other types of CSOs. The JCC stresses that sufficient financial resources should be allocated to the local CSOs in order to improve necessary knowledge and skills compared to the capacities of the CSOs operating nationally. Their systemic empowerment can be achieved by continuous re-granting and a fair distribution of funds, but also networking and transfer of know-how. At the same time, the JCC calls on the European Commission to provide a special grant for the strengthening of the overall capacities of the representative social partners and other types of workers' and business' organisation.
- 3.4 The JCC once again strongly emphasises the importance of independent CSOs being effectively involved in all aspects of policymaking and in EU accession negotiations, and it highlights the role of CSOs when it comes to improving the overall democratic environment in Montenegro. They should be adequately represented in key institutions and bodies such as the RTCG Council, the Council of the Anti-Corruption Agency, the Agency for Electronic Media and the Council of the Agency for Personal Data Protection and Free Access to Information. The new Rule of Law Council should also include representatives of CSOs. The JCC calls upon the Government to set up other advisory bodies with CSO representatives as soon as possible, in particular the Council for the Rights of Persons with Disabilities and the Council for the Rights of Children.
- 3.5 The JCC reiterates its concerns relating to freedom of expression and the environment in which Montenegrin media operate, with particular regard to the investigations of attacks against journalists and political interference and pressure on the public broadcaster RTCG. Holders of public offices should lead by example in creating a social environment conducive to free and professional reporting. The JCC once again urges the Montenegrin authorities to swiftly and thoroughly investigate both old and recent cases of violence against journalists (most notably against Olivera Lakić) so as to identify and prosecute the material perpetrators and those who are ultimately responsible for ordering the attacks, and to facilitate the work of the ad hoc Commission for monitoring investigations of attacks on journalists.
- 3.6 Members of the JCC note with regret that according to the Reporters Without Borders (RSF) 2020 World Press Freedom Index<sup>13</sup>, Montenegro press freedom is in decline and it is the worst rated county in the Western Balkans. The JCC calls on the government to conduct necessary reforms and take decisive action for building and maintaining a free and pluralistic media

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<sup>13</sup> <https://rsf.org/en/ranking>

landscape and to ensure a free and fair playing field for every media outlet and actor to work safely. It stresses the need to strengthen the freedom of media and freedom of speech by supporting a free and independent media and the teaching of media literacy, so that citizens can have access to facts and news and make informed decisions about matters that affect their lives.

- 3.7 The JCC is pleased to note that the Law on NGOs continues to be implemented. It is also pleased that the newly established council for cooperation between government institutions and NGOs was meeting regularly before the COVID-19 pandemic. It urges the new Montenegrin government to further increase the council's visibility, given its importance. The JCC once again calls on the council to support adoption of the decision on the criteria and procedure for allocating public facilities and property to CSOs, which will regulate models of non-financial support for these at both national and local level. Also, the JCC calls for a more adequate application of the criteria for the election of NGO representatives in the working groups and bodies formed by the state institutions, especially as far as the importance of the relevant experience of elected representatives is concerned, so that the only criterion would not be the number of NGOs supporting a candidate.
- 3.8 Members of the JCC ask for swift adoption of the *National Strategy for the creation of an enabling environment for CSOs in the period 2021-2023* expressing hope that it will include important measures and proposals submitted by CSOs, making the strategy a true reflection of the needs of civil society. They also ask for the new legislation in the area of volunteering to be adopted as soon as possible.
- 3.9 The JCC once again welcomes the efforts of the office of the Chief Negotiator to open consultations with civil society representatives, bearing in mind the complexity of the negotiation process. It emphasises that these consultations should be genuine and not limited to *pro forma* participation of CSOs in working groups.
- 3.10 The JCC stresses once again that one of the most important obligations of a candidate country concerns an enabling environment for CSOs to genuinely participate in the necessary reforms, not only in processes related to negotiations but also in all policy-making processes at all levels of government. The JCC reiterates its call for longer periods for public consultations, and better consideration and follow-up of comments on draft laws. After adoption, the implementation has to be suitably monitored and evaluated, with strong participation of civil society. Members of the JCC express their regret that some important laws were recently adopted, without prior consultations with the interested parties or public hearings.
- 3.11 The JCC invites the Montenegrin policymakers to invest more effort in designing a better policy-making system when it comes to legislation affecting businesses. Montenegrin companies are most dependant on public funds (22%) and almost one in ten companies from Montenegro depend on public procurements for the vast majority of their sales. Members of the JCC express concern that the share of businesses that would report wrongdoing to the relevant public authorities in Montenegro has shrunk by 14 points (down to 41% from 55% in 2018), accompanied by a near-commensurate rise in the number of respondents favouring releasing the information to the general public (up to 31% from 17% in 2018). The JCC believes that

digitalisation of public services represents an opportunity to curb corruption through greater transparency and accountability.

- 3.12 The JCC calls for the recognition of the principle of decent work, based on written contracts, safety, as well as decent and timely pay, and adequate addressing of labour market issues such as regulation of teleworking (that would include the right to disconnect and overtime) and the informal economy. The JCC calls on the Montenegrin authorities to take the necessary measures and actively involve social partners to ensure decent working conditions for their citizens in a healthy corruption-free business environment and a higher employment protection level (EPL) in order to address the key challenges of the Montenegrin labour market, the biggest one being the ongoing trend of brain drain and labour emigration.
- 3.13 The JCC notes the high level of undeclared work in the country and thus calls on the Government of Montenegro to, in cooperation with the social partners and other business associations, and through the competent authorities, launch a comprehensive campaign to combat this negative phenomenon.
- 3.14 The members of the JCC reiterate the need for the Montenegrin authorities to conduct genuine, and not only formal, tripartite social dialogue within the Social Council, and to consult the CSOs in a more comprehensive and systematic way at all stages and in all relevant chapters of the EU accession negotiations. The JCC points out to other government ministries the importance of a timely and more systematic involvement of the Social Council in the preparation of legislation and measures related to the economic and social status of employees and employers, including Economic Reform Programmes and strategies and action plans for their implementation.
- 3.15 The JCC notes that there has been limited progress in terms of bipartite social dialogue. The JCC calls on the Government of Montenegro to introduce special mechanisms to provide incentives for employers who cherish a culture of social dialogue and have concluded collective agreements. It is necessary for the Government, through its competent authorities, to find mechanisms to discourage anti-union discrimination and provide protection to employees in exercising the right to trade union association guaranteed by the Constitution of Montenegro and international legal acts.
- 3.16 The JCC stresses the importance to initiate the process of transforming the Erasmus+ Office in Montenegro into the Agency and to upgrade Montenegro's status to the status of a partner country, which will allow CSOs to participate in numerous additional opportunities for the EU support, especially in the area of employment and social policy.
- 3.17 The JCC instructs its co-chairs to forward this joint declaration to the EU-Montenegro Stabilisation and Association Council, the EU-Montenegro Stabilisation and Association Parliamentary Committee (SAPC), the European External Action Service (EEAS), the European Commission, and the government of Montenegro.

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This joint declaration was adopted by consensus.

The next JCC meeting is to be held in the second half of 2021. As agreed, the assessment of enabling an environment for civil society and fulfilment of the Copenhagen political criteria for accession are a permanent part of the JCC's meeting agenda. Other topics are to be determined at a later stage.

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