



**16th meeting, Podgorica, 2 March 2023**

### **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 12 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 in Podgorica. The JCC discussed the state of play of EU-Montenegro relations and of the accession negotiations with the EU, in particular Cluster 1: The Fundamentals of the Accession Process, with particular focus on Judiciary and fundamental rights, Justice, freedom and security and the Functioning of democratic institutions, and the situation of civil society in Montenegro.

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

- 1.1 The JCC regrets that a great majority of the recommendations from the Joint Declaration adopted at the last JCC meeting held in April 2022 in Brussels remain unanswered and that Montenegro's progress in the EU accession negotiations during the past year was very limited. The JCC welcomes the findings of the European Commission's 2022 Montenegro Report<sup>1</sup> that confirm this assessment. They regret the fact that this continuous lack of progress threatens to move Montenegro away from being the most advanced EU candidate country.
- 1.2 The JCC once again calls on all parliamentary parties and all political actors in Montenegro to overcome the persistent polarised climate and engage in dialogue in order to exit the current

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<sup>1</sup> European Neighbourhood Policy and Enlargement Negotiations (DG NEAR): [Montenegro Report 2022](#), published on 12 October 2022.

political deadlock. It reminds them that citizens expect them to work together and to overcome their differences so that Montenegro can undertake and implement vital reforms and earn its place in the EU. Members of the JCC stress that in order for Montenegro to progress on the road to EU accession, all political actors must support stability and functionality of democratic institutions and proper functioning of the rule of law. It is necessary for decision makers at all levels of government to take a serious and responsible approach and to show responsibility towards the citizens. The EU institutions and Montenegrin authorities should pursue an open and clear communication with Montenegrin citizens concerning the EU accession process.

- 1.3 Members of the JCC are pleased that, despite the political turmoil in the country, the support of Montenegrin citizens for the country's membership in the EU is still exemplarily high (75% in favour and if a referendum on the membership of Montenegro were to be called, 85% of citizens would vote "yes"<sup>2</sup>). The JCC would like to point out that any political party or actor in a position to exercise power should keep this overwhelming support in mind when creating internal and external policies.
- 1.4 The JCC welcomes the fact that the country, as an EU candidate country, continues to fully align itself with the EU Common Foreign and Security Policy (CFSP), including with regard to the EU's sanctions against Russia due to the Russian invasion of Ukraine. The JCC encourages Montenegro to take the necessary steps to fully implement the restrictive measures it has already adopted and to keep aligning itself with the EU CFSP in the future. It also commends Montenegro and its citizens for hosting on its territory a substantial number of Ukrainian nationals who fled the war, exceeding 1% of its population<sup>3</sup>.
- 1.5 Members of the JCC note that Montenegro's economy has been steadily recovering after being hit hard by the COVID-19 pandemic, with GDP growth in 2022 of 7.7%<sup>4</sup> thanks mainly to increased household consumption and growth of tourism, which bounced back nearly to pre-pandemic levels. However, they express serious concern over the highest inflation Montenegro experienced in the last 20 years, averaging 13% in 2022 (annual rate of 17.2% in December 2022), caused mostly by the global rise in energy prices. Again, they pointed to the persistently high level of unemployment (Labour Force Survey (LFS) amounts to 15%, while the registered unemployment rate in January 2023 was 19.3%) and the significant rise of the fiscal imbalances in Montenegro in 2022 (budget deficit of 5% of GDP, debt repayment 5% of GDP and public debt of 76.15% of GDP). They agreed with the assessment of the World Bank that "the complexity and fragility of the political landscape intensify already high uncertainties, slow reform process, and divert focus from imminent economic challenges"<sup>5</sup>.
- 1.6 The JCC reiterated its call on the European Commission and the Council of the EU to continue extending measures and mechanisms in response to the consequences of Russia's aggression in Ukraine on EU Member States, to include Montenegro and other EU candidates, as well as to

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<sup>2</sup> [Conducted in December 2022 by the Centre for Democracy and Human Rights \(CEDEM\), a Montenegrin NGO.](#)

<sup>3</sup> [ON 20/02/2023](#) – 33 954 refugees from Ukraine recorded in Montenegro, of whom 8 047 are registered for temporary protection.

<sup>4</sup> Economic Reform Programme 2023-2025, 31 January 2023.

<sup>5</sup> [World Bank Document](#), Western Balkans Regular Economic Report, Fall 2022.

provide adequate financial assistance to Montenegro in order to tackle the extraordinary economic and social challenges it is facing.

- 1.7 The JCC affirms the key role of the Berlin process as a driver of regional cooperation and accelerator of the EU integration process. Its important inclusive format treats all Western Balkan countries as equals, which serves as a catalyst for economic integration, investment and connectivity projects aimed at fostering reconciliation, security, growth, employment and prosperity. It invites the government to fully participate in all areas of the Berlin process cooperation format, including the Green Agenda for the Western Balkans and projects in transport, energy, private sector support, environment and climate actions.
- 1.8 The JCC welcomes the signing of three mobility agreements under the Common Regional Market (CRM) Action Plan's mobility agendas – on Freedom of Movement with Identity Cards, on Recognition of Higher Education Qualifications and on Recognition of Professional Qualifications for Doctors of Medicine, Dentists and Architects – at the Berlin Process Summit held on 3 November 2022. The JCC invites the Parliament of Montenegro to swiftly adopt the proposed laws on ratification of these agreements.
- 1.9 The JCC demands that the Montenegrin authorities take all necessary steps to meet the interim benchmarks for chapters 23 and 24, which determine the overall pace of negotiations, and to advance on the provisional closure of all other chapters or clusters.
2. **Cluster 1: The Fundamentals of the Accession Process, with particular focus on Judiciary and fundamental rights, Justice, freedom and security and the Functioning of democratic institutions**
- 2.1 The JCC reiterates its support for the central role of the Fundamentals cluster<sup>6</sup>, the progress of which impacts all other criteria and defines the dynamics of EU accession negotiations. Nonetheless, it is clear that the new accession methodology will struggle to achieve its full effect without unequivocal political determination and good will by major political stakeholders in Montenegro and the EU Member States.
- 2.2 Members of the JCC stress that the ongoing electoral reform, as well as the reforms of the judiciary, police and prosecution and intelligence services intended to enable the country to tackle corruption and organised crime efficiently, need to be in line with commitments taken within the EU accession negotiations and with recommendations by international organisations such as the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe's Group of States against Corruption (GRECO)<sup>7</sup> and the Venice Commission, as well as those following various relevant peer review missions. They encourage the Montenegrin authorities to clearly demonstrate their strong political will to accelerate reforms and to include CSOs in this process.

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<sup>6</sup> [https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-10/eu\\_accession\\_process\\_clusters.pdf](https://ec.europa.eu/neighbourhood-enlargement/system/files/2021-10/eu_accession_process_clusters.pdf).

<sup>7</sup> <https://www.coe.int/en/web/greco/evaluations/montenegro>.

- 2.3 The JCC welcomes the recent appointment of three judges of the Constitutional Court. It stresses that a fully functioning Constitutional Court is key to ensuring access to justice and respect of the fundamental rights of all citizens. Members of the JCC equally stress the importance of completing all remaining pending appointments in the key judicial institutions, especially the position of state supreme prosecutor, as well as the need for professionalism and training of new and existing magistrates. They point out that the Montenegrin judiciary can move forward only if the public interest comes before the political – if political differences are overcome, political dialogue established and strengthened and experts are appointed to key positions.
- 2.4 The JCC expects the upcoming presidential elections on 19 March to be held in an orderly fashion and the election campaign to be conducted in a democratic and tolerant atmosphere, free from intimidation, fear of retribution and pressure on voters, including employees in the public sector. Members of the JCC point out that elections by themselves do not solve the problem if their results are still perceived as the key to appointments rather than representing the interests of society and bringing institutions to the service of citizens.
- 2.5 The JCC points out once again that politics should not take precedence over the rule of law and that all appointments in the public administration need to be de-politicised, transparent, conducted according to well-established criteria and subject to public competition. The continued practice of close entwinement of political parties and the administration, which leads to nepotism and clientelism, and the loss of experienced staff in matters relating to the EU accession process need to stop.
- 2.6 The JCC is aware of the importance of the "functioning of democratic institutions" pillar of the "Fundamentals" cluster, as one of the main new features of the 2020 revised methodology. It invites the Parliament and the Government of Montenegro to jointly develop a roadmap for the functioning of democratic institutions, in line with the European Democracy Action Plan that empowers citizens and civil society<sup>8</sup>.
- 2.7 Members of the JCC are pleased that according to the Reporters Without Borders (RSF) 2022 World Press Freedom Index<sup>9</sup>, Montenegro jumped up 41 places since 2021 and is now ranked 63rd globally out of 180 countries surveyed on freedom of the press. They welcome the continued strengthening of the framework for the effective protection of journalists and other media workers and certain breakthroughs in investigating attacks against journalists, although some of the most prominent old cases are still unresolved. They encourage the public broadcaster RTCG to pursue a more pluralistic editorial policy and higher standards of independence and professionalism. It once again encourages the Montenegrin authorities to finalise the revision of the legal and policy framework in the area of media, including the adoption of draft media laws and strategy.
- 2.8 The JCC welcomes the efforts of the Montenegrin authorities to develop cybersecurity capacities and fight disinformation and third-country interference in national media, in close cooperation with the partners from the EU. It expresses great concern about the cyberattack that hit the digital

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<sup>8</sup> [Communication on the European democracy action plan, COM\(2020\) 790 final.](#)

<sup>9</sup> <https://rsf.org/en/index?year=2022>.

infrastructure of the Montenegrin public administration hard in the second half of 2022, partially paralysing its work, and expresses hope that this kind of attack will be successfully prevented in the future. In that context, it asks for swift implementation of Montenegro's 2022-2026 cybersecurity strategy.

- 2.9 The JCC invites the Montenegrin authorities to accelerate the drafting of new human rights legislation, strategies and policies, including the new law on prohibition of discrimination, which would meet European anti-discrimination standards and provide quality protection against discrimination of all citizens, as well as to improve implementation and monitoring of existing ones. It commended the work of the Ombudsperson's Office and encouraged the Montenegrin authorities to continue to follow up on its recommendations.
- 2.10 The JCC is pleased that "Montenegrin citizenship by investment" to non-EU citizens ended with the beginning of 2023, since it is a potential source of corruption, tax evasion and money laundering, and asks the Montenegrin authority to monitor the process of phasing it out. The JCC asks the Montenegrin authorities to ensure further aligning of the country's visa policy with the EU's list of visa-required third countries, in particular those presenting irregular migration or security risks to the EU, and it believes that any further deviation from this list should be avoided. It commends Montenegro's cooperation with the European Border and Coast Guard Agency (Frontex) in the area of border management.
- 2.11 Members of the JCC congratulate the Montenegrin authorities for initial progress in investigations and prosecution in high-level corruption cases, as well as in fighting organised crime and seizing record quantities of drugs, although the situation in the country in these areas still remains serious. They encourage the Montenegrin authorities to continue its good cooperation with Europol and Eurojust in the fight against organised crime and terrorism, as well as to adopt and implement an appropriate legal approach to financial investigations and confiscation of assets for criminal offences of high-level corruption and organised crime (such as drug and tobacco smuggling and money laundering).

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

- 3.1 Members of the JCC believe that the degree to which the government cooperates with CSOs can be considered one of the indicators of the degree of democratic achievement of a society. They believe that CSOs should be genuinely seen as strategic partners in the development of reforms and the implementation of public policies. In this context, they welcome the adoption in July 2022 of the *Strategy for cooperation of State Administration Bodies and Non-Governmental Organisations for the period 2022-2026* and invite the Council for Cooperation between Government Institutions and NGOs to finally nominate its members and resume with its work interrupted in October 2021. The JCC believes that this Council, as well as the Social Council, should meet on a more regular and structural basis and be more functional and visible.
- 3.2 Members of the JCC invite the European Commission to provide even more substantial financial support to the CSOs and social partners in Montenegro in order to empower them to be independent, effective and professional actors in society and in order to best represent the interests of citizens, participate in reforms, contribute to Europeanisation of society and accelerate

Montenegro's accession process. The JCC once again urges the Montenegrin government to keep budget grants for CSOs as separate budget lines and to provide access to co-financing not only to NGOs, but also to the social partners and other types of CSOs.

- 3.3 The JCC stresses that a genuine effort by civil society and the government is needed to ensure meaningful inclusion of CSOs and social partners in decision-making processes, as are cooperation between CSOs and social partners themselves and their unity around key issues for citizens and society. Once again it strongly emphasises the importance of independent CSOs being effectively involved in all aspects of policy-making and in EU accession negotiations and highlights the role of CSOs in improving the overall democratic environment in Montenegro through their watchdog activities and advocacy. In this sense, the opinion of the Agency for the Prevention of Corruption that representatives of NGOs who are members of the working groups and bodies are public officials remains questionable and may harm the cooperation between the government and NGOs as well as reduce the influence of NGOs. The JCC emphasises that representatives of civil society that are members of government bodies should not be treated as public officials, since that this is in contradiction with their mission as non-governmental and non-profit organizations.
- 3.4 The JCC regrets that the delay in announcing public calls for the financing of NGO projects in priority areas of public activity, in accordance with the Law on Non-Governmental Organisations, has continued and that more than 1.1 million euro foreseen for this purpose in the 2022 budget have not been distributed.
- 3.5 The JCC regrets that important laws for civil society such as the revised framework allowing free access to information without unnecessary restrictions and the new legislation on volunteering have still not been adopted. It stresses that the problem of non-compliance of Montenegrin authorities with clear legal obligations related to the support of CSOs such as the obligation of ministries to launch calls to award grants to CSOs, as well as access to information, has put many CSOs in a challenging situation.
- 3.6 The JCC welcomes recent efforts of the Montenegrin authorities to involve civil society representatives more effectively in the negotiating structure for the accession talks with the EU, but it emphasises once again that these consultations should be genuine and not limited to *pro forma* participation of CSOs in working groups.
- 3.7 The JCC welcomes the signing in December 2022 of the General Collective Agreement in Montenegro and invites all parties to implement it properly. It recalls the vital importance of recognising the principle of decent work, based on written contracts, safety and decent and timely pay, and of properly addressing labour market issues such as the regulation of teleworking and the informal economy.
- 3.8 The JCC stresses the importance of youth for the future of Montenegro and therefore the importance of taking concrete measures to create prospects and opportunities for young people, enabling them to stay and prosper. Timely involvement of young people and youth CSOs in the co-design and co-implementation of social and political changes is extremely important. In line with the EESC's opinion *Youth Policy in the Western Balkans, as part of the Innovation Agenda*

*for the Western Balkans*<sup>10</sup>, the JCC fully supports all initiatives supporting and consolidating youth policies at all levels and unlocking their full potential, including the ongoing IPA support to establish the Youth Guarantee for the Western Balkans<sup>11</sup>.

- 3.9 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 will be held in the second half of 2023 in Brussels.

The assessment of the enabling environment for civil society is on the agenda of every JCC meeting.

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<sup>10</sup> [Youth Policy in the Western Balkans, as part of the Innovation Agenda for the Western Balkans | European Economic and Social Committee \(europa.eu\)](#)

<sup>11</sup> [Regional Cooperation Council | Leaflet: Youth Guarantee in Western Balkans \(rcc.int\)](#)