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2014 Progress Report on Montenegro

European Parliament resolution of 11 March 2015 on the 2014 Progress Report on Montenegro (2014/2947(RSP))

(2016/C 316/05)

The European Parliament,

- having regard to the European Council conclusions of 19-20 June 2003 and to the annex thereto entitled 'The Thessaloniki Agenda for the Western Balkans: moving towards European integration',
 - having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part⁽¹⁾, of 29 March 2010,
 - having regard to the outcome of the EU-Montenegro Accession Conference of 16 December 2014,
 - having regard to the report from the Commission to the European Parliament and the Council of 22 May 2012 on Montenegro's progress in the implementation of reforms (COM(2012)0222), and to the Council conclusions of 26 June 2012 deciding to open accession negotiations with Montenegro on 29 June 2012,
 - having regard to the Commission communication entitled 'Enlargement Strategy and Main Challenges 2014-2015' of 8 October 2014 (COM(2014)0700), accompanied by Commission Staff Working Document SWD(2014)0301 entitled 'Montenegro 2014 Progress Report', and the Indicative Strategy Paper (2014-2020) adopted on 19 August 2014,
 - having regard to the General Affairs Council conclusions of 16 December 2014 on the enlargement and stabilisation and association process,
 - having regard to the declaration and recommendations of the 9th Meeting of the EU-Montenegro Stabilisation and Association Parliamentary Committee (SAPC) of 1-2 December 2014,
 - having regard to its previous resolutions concerning Montenegro,
 - having regard to the work of Charles Tannock as the standing rapporteur on Montenegro of the Committee on Foreign Affairs,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas Montenegro is currently the only country in the region opening and provisionally closing negotiating chapters with the EU, which is a welcome development; whereas this leading role is considered to constitute increased responsibility, both in a regional context and as far as the enlargement process as a whole is concerned;
- B. whereas each candidate country is judged on its own merits, and further progress will hinge on the efficient implementation of the country's reform strategies and action plans;
- C. whereas sustainable dialogue and constructive cooperation between government and opposition are important in order to achieve progress in the accession preparations and to ensure citizens' trust in the electoral process and in state institutions; whereas all political forces should remain focused on the country's EU accession process;
- D. whereas Montenegro should further develop a solid track record as regards the rule of law, which is a fundamental prerequisite for EU accession and taking on the obligations of EU membership; whereas corruption remains a very serious concern;

⁽¹⁾ OJ L 108, 29.4.2010, p. 3.

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- E. whereas civil society plays an important role in the process of reform and EU accession;
- F. whereas the issue of freedom of expression and the media remains of concern; whereas there were new cases, albeit reported to have decreased, of violence against the media during the reporting period; whereas the competent authorities need to improve the investigation and prosecution of old and new incidents and to create a positive atmosphere for the free and independent functioning of the media;
1. Welcomes the progress made in the accession negotiations, noting that so far sixteen chapters, including chapters 23, 24 and 31, have been opened and two (science and research, and education and culture) provisionally closed;
 2. Encourages the continuation of the accession negotiations on the basis of implemented reforms and concrete results, delivered in particular with regard to the rule of law, the media environment and the fight against corruption; welcomes the adoption on 16 December 2014 of a number of laws in line with the Action Plan for Chapter 23; is of the view that progress in the negotiations and the improving strategic, normative and institutional framework need to be accompanied by real progress on the ground, with focus on the implementation of relevant action plans and strategies;
 3. Welcomes the further strengthening of negotiation structures, including the establishment of the Rule of Law Council; calls on the government to reinforce intra-institutional coordination and broaden interministerial consultations;
 4. Reiterates that rule-of-law-related reforms constitute the core of the European integration process and are an essential condition for progress in overall accession talks; considers that political will remains crucial for achieving and maintaining substantial progress in the fight against corruption and organised crime, which constitutes the litmus test for the independence, efficiency and professionalism of the judicial system;
 5. Notes the importance of ensuring the inclusiveness of the reform process with the active participation of civil society, in order to achieve the necessary progress in the negotiations; urges more active parliamentary oversight in this regard;
 6. Welcomes the adoption of the 2014 action plan to strengthen parliamentary oversight and of the Parliamentary Code of Ethics in December 2014; stresses the need to reinforce the capacities of the Montenegrin Parliament and to follow up on the technical report it adopted in July 2013 on the alleged misuse of public funds for party political purposes, and that judicial follow-up remains incomplete; invites the government to consider the relevant recommendations of the Montenegrin Parliament and to improve parliamentary access to the relevant information;
 7. Is concerned that the deeply polarised domestic climate has resulted in the main opposition party boycotting certain parliamentary sessions, namely Prime Minister's Questions, and that this undermines the democratic functioning of institutions; urges, therefore, all political forces, in government and opposition alike, to focus on the country's EU accession process and to engage in sustainable dialogue and constructive cooperation, especially within the parliament; underlines that strong political will is necessary for successful implementation and institutional strength;
 8. Invites the government to effectively implement the recommendations of the OSCE/ODIHR, the Venice Commission and GRECO on electoral rules in line with European standards and best practices, including those on the right to stand as an independent candidate, on proportional public funding to promote a level playing field for all candidates and on auditing of political parties; notes that local elections were marred by allegations of electoral wrongdoing; stresses that these should be investigated and, where necessary, prosecuted by the competent authorities;
 9. Stresses the importance of a clear separation between state and party lines; welcomes the new law adopted in December 2014 on political party financing and urges all political parties to establish a track record of its effective implementation, which should aim to significantly reduce the opportunities to misuse public funds; regrets the fact that important pieces of relevant legislation were adopted without cross-party consensus;

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10. Welcomes the Commission's stronger focus on public administration reform in the accession process; welcomes the fact that progress is on track in this regard, but notes that further steps can be taken to improve the quality of legislation and local administration; shares concerns over the politicisation of public administration; calls for progress in enhancing the transparency, efficiency and accountability of central and local government administration and for their coordination to be improved, along with coordination among local self-governments, notably in the areas of investment, project planning and implementation; considers it essential to address shortcomings in the fields of recruitment, dismissal and evaluation criteria, the non-implementation of performance appraisals, and weak administrative, oversight and inspection capacities;

11. Encourages further efforts to strengthen the capacities of the Ombudsman's office concerning anti-discrimination cases;

12. Welcomes the new judicial reform strategy for 2014-2018, noting with satisfaction that the relevant action plan has generally been implemented on time and that the new Supreme State Prosecutor has been elected; welcomes new legal measures to enhance transparency in the election of state prosecutors; notes that the progress registered in the judicial reform area facilitated the opening of four additional chapters in the Intergovernmental Conference of December 2014; encourages further efforts to monitor and further decrease the backlog of cases and the length of court proceedings, and to improve the efficiency of the constitutional court;

13. Welcomes the progress made by Montenegro with regard to the implementation of reforms aiming to ensure the independence and increased efficiency of the judiciary; remains seriously concerned about undue influence on judicial independence, particularly in the recruitment and career development of judges and prosecutors; underlines the urgent need to improve the selection criteria for appointments and promotions and to comply with the principles of legality and proportionality in disciplinary proceedings; calls for key reform measures on the recruitment, promotion and disciplinary systems for judges and prosecutors; notes that some of these concerns are to be addressed in a package of organisational laws on the judiciary;

14. Is concerned about the backlog of cases pending before the Constitutional Court, in particular those relating to the possible systematic violation of human rights, such as the initiative to examine the constitutionality of the Law on Misdemeanours;

15. Is concerned that no serious efforts have been made to tackle impunity in war crime cases; encourages the competent authorities to prosecute war crime cases in a timely manner, including at the highest level; urges the competent authorities to effectively investigate, prosecute, try and punish war crimes in line with international standards, and to ensure that court rulings are implemented and that victims have swift access to justice and fair compensation;

16. Is concerned that, despite the substantial financial resources channelled from international donors to the authorities, only limited progress has been made in combating corruption, which remains a threat to the proper functioning and stability of democratic institutions, the rule of law and economic development; calls for a more proactive role for the National Commission for the Implementation of the Strategy for the Fight Against Corruption and Organised Crime, as the key anti-corruption coordination unit; underlines the urgent need for more active participation and effective cooperation of the government, all sectors of public life and civil society in preventing corruption, and in strengthening the legislative framework and protecting whistle-blowers;

17. Urges the authorities to enhance the capacity of prosecutors, judges, the police and other law enforcement agencies, and to develop a solid track record of investigations, prosecutions and convictions at all levels, including high-level corruption cases; welcomes the adoption of anticorruption laws, particularly on lobbying, general administrative procedure, public procurement and amendments to the laws on the prevention of conflicts of interest; calls for their effective implementation to allow for more cooperation between law enforcement agencies and to enhance the system of checks for conflicts of interest and asset declaration; calls on the Commission to closely monitor the implementation of those laws; considers it important to strengthen institutions to enable them to take a more proactive approach against corruption, and to fully involve the new parliamentary committee for overseeing the work of the Agency for Anti-Corruption, which should receive sufficient resources; stresses that shortcomings with regard to the independence and accountability of the judicial system remain a matter of serious concern and hamper the fight against corruption;

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18. Calls also on the judiciary to work in a more transparent manner in the field of corruption and organised crime cases, in particular when it comes to publishing in verdicts the names of companies, individuals and civil servants involved in such crimes;

19. Notes that frequent legal changes may hinder the effectiveness of fighting organised crime; calls for the capacities of competent authorities to be enhanced, particularly as regards conducting complex investigations and dealing with difficult cases; welcomes amendments to the Criminal Code to prevent and monitor radicalisation and religious extremism; welcomes the new criminal law which criminalises 'foreign fighters', including jihadists; calls on the competent authorities to effectively implement relevant legal provisions in order to prevent and monitor any potential threat to the security of Montenegrin citizens; stresses the importance of combating all forms of extremism;

20. Welcomes the signing of the Agreement on Strategic and Operational Cooperation between Montenegro and Europol, the progress made in the negotiations on the conclusion of the agreement with Eurojust, and Montenegrin institutions' achievement of observer status in the relevant European judicial networks; encourages close operational cooperation with relevant European judicial bodies, including on the issue of trafficking in human beings;

21. Notes the recent efforts to improve consultation mechanisms with civil society organisations (CSOs) in order to achieve more transparency in policy and law-making in an inclusive process; welcomes public discussions on the revision of action plans for Chapters 23 and 24; invites the competent authorities to further develop sustainable public funding for CSOs and an appropriate institutional framework; welcomes the fact that a new council for the development of non-governmental organisations has been appointed by the government; calls on the competent authorities to adjust the legal framework and practices in order to protect civil society activists against attacks and hatred reportedly propagated in certain newspapers, and build a climate in which they can work without fear or reprisal;

22. Reiterates the importance of freedom of expression as one of the core values of the European Union; considers it essential for journalists to have full independence; is greatly concerned about the deteriorating state of media freedom and the weak professional and ethical standards among media practitioners in Montenegro; strongly deplors the fact that targeted incidents against journalists and media property continue; notes that the Government of Montenegro has set up a commission to investigate attacks against journalists; urges the competent authorities to implement the recommendations of this commission and to achieve a consistent track record of prosecutions and final convictions of perpetrators; considers it essential to have independent public service media with editorial independence and stable and sustainable financing in order to deepen democratic standards; stresses the responsibility of all those in politics and the media to nurture a climate of tolerance for different opinions; underlines that public statements in support of media freedom help create a climate conducive to respect for and protection of journalists; welcomes the agreement between media representatives to review the professional code of ethics as a first step towards improving media self-regulation; considers it necessary to adopt a clear legislative framework, which will establish rules related to media ownership and financing;

23. Is of the view that transparent handling of the totalitarian past, including the opening up of the archives of the secret services, is a step towards further democratisation, accountability and institutional strength;

24. Welcomes the fact that the anti-discrimination law has been almost fully aligned with the acquis; invites the authorities to address the remaining shortcomings concerning racial discrimination and the provisions on sanctions; calls on the authorities to provide all necessary financial and administrative resources to the Anti-Discrimination Council; while acknowledging some progress in the social inclusion and education of the Roma population, is concerned about high drop-out rates and the low proportion of Roma students among the total student population; calls for the fostering of initiatives which support the housing, health, education and employment of the Roma population, and the empowerment of Roma women and the education of female Roma students; welcomes the efforts of the competent authorities to protect LGBTI rights during the second Pride event, which was held without any incidents; is concerned, however, that attacks on LGBTI community members and activists are continuing; urges both political and civil society actors to fight widespread hostility and violence against sexual minorities, in particular by efforts to educate and inform the public in order to help change attitudes, and by providing training to the police, prosecutors and judges;

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25. Welcomes improvements in the legal framework with regard to the rights of persons with disabilities; notes that further actions are needed to comply with the EU acquis; urges the government to accelerate progress regarding the accessibility of buildings for people with disabilities, and considers it regrettable that the majority of state and local institutions, including the selected priority buildings (such as the parliament and courts), are still not accessible to people with disabilities; remains concerned about the high drop-out rate of students with disabilities from the education system after elementary school and after high school; notes the importance of ensuring sufficient transparency with regard to the fund for professional rehabilitation and employment for people with disabilities and its expenditure;

26. Stresses the need to further strengthen the implementation and follow-up of child-related laws and policies, and to provide adequate capacities; calls for the quality of education for all children to be improved and for further efforts in support of vulnerable children to be pursued; highlights the importance of expanding the reform in the area of juvenile justice also to children in administrative, civil and criminal proceedings in order to promote broader access to justice;

27. Is concerned that progress regarding women's rights, gender equality, women's representation in politics and on the labour market and the fight against domestic violence remains limited; underlines the urgent need, in this regard, to accelerate progress regarding women's rights, gender equality, women's representation in politics and on the labour market and the fight against domestic violence; calls, in this regard, for better involvement of the parliament, more structured cooperation with civil society, and the enhancing of institutional capacities, including improving cooperation between social services and law enforcement authorities; urges that the rights of victims be placed at the centre of all measures and that due diligence be exercised in preventing, investigating, punishing and providing reparation for acts of domestic violence;

28. Welcomes Montenegro's policies aimed at creating a climate of tolerance and inclusion for all national minorities; strongly encourages the Montenegrin authorities to further protect the multinational identity of the Boka Kotorska region and enhance its cultural and economic cooperation with neighbouring EU Member States;

29. Welcomes the fact that freedom of thought, conscience and religion continues to be guaranteed and enforced; notes that tensions persist between the Serbian and the Montenegrin Orthodox Churches, especially on property issues; calls for the adoption of a new law on the legal status of religious communities;

30. Encourages the government to implement sustainable economic reforms, including legal provisions on anti-competition mechanisms, to boost competitiveness and overcome structural weaknesses, to tackle the large informal sector and to improve the business environment overall; calls for the strengthening of social dialogue among the various partners; calls, furthermore, for the strengthening of capacities, including engagement in public consultations, and for economic policy formulation and coordination, also in order to reduce regional disparity; insists on the need to effectively fight tax evasion; is concerned that legal and judicial uncertainties, including licensing, tax administration procedures and contract enforcement, may entail risks for economic actors and undermine the capacity of Montenegro to attract foreign investments; underlines the urgent need to resolve commercial disputes with foreign investors that are critical to the economy of Montenegro; shares concerns about the lack of tangible improvement in the labour market situation and persistently high levels of youth and long-term unemployment, and therefore calls for active labour market measures;

31. Notes that there is still insufficient dialogue between the two sides of industry and calls for further strengthening of the rights of those who set up new trade unions; welcomes amendments to labour law to regulate the rights of employees in the event of bankruptcy; encourages the government to accelerate the work on its first employment and social reform programme with a view to identifying and addressing Montenegro's key challenges in employment policy, social inclusion and poverty reduction;

32. Commends the implementation of the Small Business Act, and the fact that Montenegro has joined the EU's Competitiveness of Enterprises and Small and Medium-Sized Enterprises Programme (COSME); calls for the public-sector support schemes for SMEs to be speeded up, as SMEs are one of the leading forces driving economic development;

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33. Continues to be seriously concerned about the delay in the resolution of the bankruptcy procedure of Montenegro's biggest industrial manufacturer, the aluminium plant KAP, which is in breach of the country's obligations under the Stabilisation and Association Agreement (SAA); urges the government and the parties involved to reach a sustainable solution for KAP, in compliance with SAA state aid rules and based on transparency and the rule of law;
34. Regrets that Montenegro has ignored the injunction of the Cypriot court regarding the KAP sale, and calls on Montenegro to fully recognise relevant decisions by the judicial authorities of EU Member States;
35. Encourages Montenegro to continue progressing in the field of environment protection and climate change by strengthening administrative capacity, developing sustainable energy policies and promoting an eco-friendly economic model that stimulates investments, in order to ensure alignment with the environmental and climate acquis; recalls the need to draft a national energy strategy which takes into account the many different renewable energy sources, and the need to respect the natural heritage and the areas under protection and international recognition; calls urgently for consultations on transboundary projects;
36. Calls for long-term planning with regard to tourism along the coastline, and for the creation of strong mechanisms to prevent the destruction of the environment and corruption in the field of spatial planning and construction;
37. Commends Montenegro's proactive participation and constructive role in regional and international cooperation, and in the process of regional reconciliation; congratulates the government on having achieved full alignment with the EU's Common Foreign and Security Policy and encourages the authorities to continue to align the country's foreign policy position with that of the EU, particularly given the current situation of the international terrorist threat; congratulates the government on being the only EU candidate in the Western Balkans, together with Albania, to fully align with the EU's positions and decisions on the situation in Ukraine; calls on the Montenegrin authorities to step up cooperation with international political and economic partners in order to strengthen the country's resilience against external pressures and attempts to destabilise the country and the region; welcomes the country's participation in EU, NATO and UN civilian and military missions;
38. Calls on all NATO members, in particular those EU Member States which belong to NATO, to actively support Montenegro's accession to the NATO alliance in order to provide greater security in the Adriatic, where all the other countries are already NATO members, and hence enhance regional security;
39. Encourages Montenegro to address the outstanding bilateral issues with its neighbours as early as possible in the accession process, in a constructive and neighbourly spirit; reiterates the need to swiftly settle the still pending border demarcation and succession issues with Croatia, Bosnia and Herzegovina, Serbia and Kosovo; encourages further cooperation with neighbouring countries by sharing experiences of the accession negotiations; welcomes Montenegro's observer status in the Energy Charter Treaty;
40. Urges that the border issue with Croatia be resolved by mutual agreement without delay and, should a mutually agreed solution prove impossible to find, calls for the dispute to be settled in the International Court of Justice in The Hague, in accordance with the rules and principles of international law;
41. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the government and parliament of Montenegro.
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