

5th meeting, Podgorica, 2December 2014

JOINT DECLARATION

1. Negotiations of Montenegro's accession to the European Union

1.1 JCC members welcome the progress of the accession negotiations, with the opening of three new chapters. They call on continued and firm political commitment of the Montenegrin Government and state institutions to the effective implementation of the Action Plans for Chapters 23 and 24, as well as working towards further progress in other areas of alignment with the EU *acquis*.

1.2 JCC members also call for the continuation of involvement of the civil society organizations in the implementation of the Action Plans for Chapters 23 and 24, and in the overall monitoring of accession negotiations to ensure transparency and ownership of the enlargement process.

1.3 The JCC commends the fact that the Government appointed the new Council for development of non-governmental organizations in July 2014. JCC members stress that the development of the Montenegrin civil society needs to be further promoted, in particular by creating a sustainable system of public funding and by strengthening the consultative institutional framework. They also urge the Government to be more transparent in its cooperation and consultations with the civil society.

1.4 JCC members point out to the importance of public administration reform as one of the key elements in the enlargement process, and encourage the government to take the necessary steps towards rationalizing the administrative capacity of the country and improving its transparency, accountability and effectiveness, in particular bearing in mind the needs of the citizens. In this regard, the JCC welcomes the adoption of the 2014-2015 Action Plan for the implementation of the public administration reform strategy.

1.5 JCC members take note of the adoption of amendments to the labour law in July 2014 regarding the rights of employees in the event of bankruptcy and call on the responsible authorities to ensure the enforcement of this legislation. They also note the adoption of the law on occupational health and safety at work, which further aligns the Montenegrin

legislation in this field to the EU *acquis*, with a recommendationto additionallyregulatethe institution of "employee representative for the protectionof thehealthand safety".

1.6 The JCC notes the weak bipartite and autonomous social dialogue in the country and calls on the EU to foresee measures to boost the capacity of the social partners to act as fully-fledged partners in the consultation process. On the other hand, the JCC members also note that the Montenegrin Government shouldensure measures forthe right to organize and freedom of association for trade unions.

1.7 Regarding trade unions, JCC members emphasize the worrying fact that the draft law on strike has not yet been adopted and remains in the Parliament procedure since May 2013; they note that its text was significantly improved and the social partners participated in thedraftingprocess. The JCC also notes that there are problems in application of thelaw on trade unions'representativeness regarding the efficiency of the procedure for determining the representativeness of trade unions on the company level. In this sense, the JCC suggests to the Government and the social partners to address this issue in order to make the mentioned procedure shorter.

1.8 JCC members note with regret that violence against journalists remains a serious concern in the country; older cases in particular need to be addressed as a matter of urgency to avoid them being time-barred. On a different angle, they also note that some civil society activists have been attacked on a personal basis by local media. JCC members urge the relevant authorities to take continuous efforts to ensure full respect of media freedom, and promote the professional and ethical standards of the media professionals.

1.9 JCC members note with pleasure that the support for EU membership in Montenegro stands at 61%. They call on the Montenegrin Government to sustain its efforts to ensure compliance with the EU *acquis*in all areas, and the new EU Commissioner to facilitate all measures aimed at disseminating information on the benefits of the accession process in order to promote further awareness and ownership among citizens.

2. Debate on Chapter 23 (*Judiciary and fundamental rights*) and Chapter 24 (*Justice, freedom and security)*

2.1 JCC members welcome the continued work in implementing the Action Plans for Chapter 23 and Chapter 24. At the same time, they point out that equal commitment has to be made also to the work on preparations for the opening of other chapters of negotiations.

2.2 JCC members welcome the election of the President of the Supreme Court in July 2014 and the appointment of the new Supreme State Prosecutor in October 2014. However, they reiterate that the reforms regarding the recruitment, promotion and disciplinary system of judges and prosecutors need to be completed, and that continued efforts to further strengthen the efficiency of the judiciary system are necessary.

2.3 JCC members stress the importance of fight against corruption and organized crime and note with regret that several important anti-corruption measures in the action plan, notably legislative measures, are behind schedule. They stress the need to adopt them as soon as possible.

2.4 JCC members reiterate their call on the Government to establish the new Anti-Corruption Agency as an independent and professional body. They also stress the need to set up the new Special Prosecutor's Office and to improve the track record of investigation, prosecution and final convictions in high-profile corruption cases.

2.5 The JCC welcomes the additional amendments to the law on political party and electoral campaign financing and calls for effective implementation of political party financing rules, so as to restore the much needed citizens' trust in the electoral system and bring the legislative framework in this area fully in line with European standards. The JCC underlines that the administrative capacity of the State Electoral Commission will need to be significantly increased in order to allow it to perform its tasks effectively.

2.6 JCC members welcome the work on amending the law on prohibition of discrimination against persons with disabilities, and note that the anti-discrimination legislation is now almost fully compliant with the EU *acquis*. However, they are concerned by the limited capacity of the Ombudsman to fulfil its mandate and effectively deal with cases of discrimination and human rights abuses. They call on the Government to strengthen the capacities of all institutions in charge of protection and enforcement of human rights.

2.7 With regard to gender equality, JCC members welcome that work on amendments to the law on gender equality is in process. However, they indicate that the representation of women in decision-making is still poor, and call on the Government to enhance women’s representation accordingly.

2.8 With regard to women’s rights, the JCC notes with regret the large presence of domestic violence in the Montenegrin society, and calls on the Government and other relevant stakeholders to take the necessary steps to remedy this situation.

On anti-discrimination policies especially regarding LGBTI & Roma rights

2.9 The JCC commends the peaceful process of the Podgorica Pride Rally which took place on 2 November and the fact that the Government and the police supported the event. It calls on the Government to continue ensuring the right to peaceful assembly as well as adequately protecting LGBTI persons.

2.10 The JCC notes that the Strategy and action plan for improving the quality of life of LGBT persons 2013-2018 was adopted in May 2013, and welcome authorities' political will to protect the rights of LGBTI persons. As regards its full implementation, JCC members call on the Government to continue decisively taking steps to carry out the relevant measures, as

homophobia, discrimination and hate crimes, including violence on the basis of sexual orientation and gender identity, are still present in the country, whilea very small numberof such casesare treatedandprosecutedas a criminal act.

2.11 With regard to the implementation of the strategy for LGBT persons the JCC points out that not all of the civil society organizations dealing with LGBTI matters have had the chance to participate in the consultation process foreseen by the strategy or in activities stemming from it. JCC members call on the Government to ensure transparency and inclusiveness of all interested relevant civil society organizations in the implementation of the strategy.

2.12 JCC members highlight the importance of building a society free of prejudice towards LGBTI people, and call on the Government to organize raising awareness campaigns to decrease homophobia and promote the acceptance in the society of different sexual identities. They also strongly encourage to continue anti-discrimination campaigns in schools and to conduct trainings for social workers, police and other relevant authorities on sexual orientation and gender identity.

2.13 With regard to Roma, the JCC notes that a Strategy for improvement of position of Roma and Egyptians in Montenegro 2012-2016 has been developed, and in April 2014 a new action plan for its implementation was adopted. JCC members draw the attention of the Government to the necessity of progress in this area, as Roma and Egyptians are the most disadvantaged and marginalized minority national communities in Montenegro, and their status is very alarming, since a large part of their population lives in conditions that are below Montenegrin standards.

2.14 JCC members note with regret that there is no political representation of Roma in the Parliament or on the local level; the Action Plan for Chapter 23 does not contain any specific measures in this regard either. JCC members call on the EU and the Montenegrin Government and local authorities to seek ways how to remedy this situation.

2.15 The JCC welcomes the progress achieved regarding school attendance by Roma children; it is nevertheless concerned by the still high drop-out rates of Roma students and the low rate of female Roma students in the educational system. JCC members call on the Government to look for systemic solutions to ensure attendance of compulsory primary education and to foster higher education attendance of Roma students.

2.16 The JCC points out that more efforts need to be taken to reduce the poverty and improve the inclusion of the Roma and Egyptian population on the labour market. JCC members regret that Roma, along people with disabilities, form the most vulnerable population group on the labour market. They urge the Government, with the support of civil society organizations and local communities, to take measures to fight the discrimination that exists in the Montenegrin society which prevents access of Roma population to employment, as well as social care and health care.

2.17 JCC members note with concern that forced marriages of Roma girls and abuse of Roma children for begging are still very present in Montenegro, and in this regard call on the authorities to take appropriate action to eliminate this negative social phenomenon.

2.18 The JCC notes the estimation that about 1500 internally displaced persons (mainly Roma) will not register by the end of 2014, and calls on the Government to ensure provisions for the remaining internally displaced persons so as to prevent their statelessness.

3. The JCC's view on Chapter 20 (*Enterprise and industrial policy*)

3.1 JCC members welcome the two reports presented by JCC members Vincent Farrugia, on the EESC side, and Dragan Kujović, on the side of Montenegro. They also welcome the advances that have been made in Montenegro in this area.

3.2 The JCC is pleased to note that a substantial number of strategies have been produced addressing the competitiveness of the Montenegrin economy, as well as enterprise and industrial development in the country. It notes that the responsibility for the design and implementation of this policy is shared among various institutions. The JCC therefore calls on the Government to ensure the coordination of the policy strategies and institutions, so as to achieve a comprehensive industrial strategy, and improve the overall implementation of the separate sector strategies.

3.3 JCC members note that the Montenegrin economy remains fragile and not sufficiently attractive to enterprise growth mainly due to weak domestic demand, narrow production base and high dependence on the external environment. They therefore recommend the Government to foresee stronger specific action within the new enterprise and industrial strategy to address these issues with appropriate effective measures.

3.4 The JCC welcomes the adoption in January 2014 of the 2014-2018 strategy for the development of the manufacturing industry, but is of the opinion that the contribution of manufacturing to GDP remains small and below the economic contribution potential of this sector. Therefore, the JCC calls on the Government to encourage the growth of clusters and the spread of manufacturing to other regions, currently poor in manufacturing, through schemes that facilitate financing, skills training and infrastructural investment, as well as through entrepreneurial support schemes specially focused on the deprives regions and localities.

3.5 JCC members note the large concentration of businesses and investment in tourism and real estate sectors and stress the importance of diversification of the sectoral structure of the economy. They call on the Government to devise stable stimuli for entrepreneurship in other sectors, as well as to provide clear information, within the industrial strategy, on the intended support to industrial sectors of the economy.

3.6 The JCC stresses the importance of improving business environment through the implementation of rule of law and decisive actions in the fight against corruption. It therefore calls on the Government to simplify the regulatory environment, reduce red tape, improve the clarity of the related legislation and, in particular, the enforcement of contracts. The JCC also calls for higher predictability of Government fiscal action which is very important for enterprise stability and growth.

3.7 JCC members point out to the importance of ensuring adequate administrative capacity at national, regional and local level, including efficient consultation processes and cooperation mechanisms. They call on the Government to ensure that private sector representatives and other stakeholders are regularly invited to present comments on new legislative and policy proposals and that their suggestions are taken into account.

3.8 The JCC stresses that labour market conditions remain precarious and not attractive for enterprise and industrial growth in view of the great imbalance between education output and enterprise employment needs even in a situation of high youth unemployment. The JCC calls on the Government to take measures to address the skills mismatch and to encourage greater mobility of labour, as well as to strengthen effective labour market policies and enhance the quality of education including vocational education and training.

3.9 The JCC points out to the need for the members of the economic sector to continue striving towards producers' mentality, which is based on competitiveness, and away from a mentality of protectionism. They call on Montenegro to take measures to strengthen the business operators' trust in the market economy, competition and foster entrepreneurial spirit.

3.10 JCC members point out that in order to ensure the growth of industry better access to energy is needed. They also note that investments in renewable energies like hydropower, solar energy and wind-power present opportunities to create new jobs (the so-called green jobs), and urge the Government to take more action in this field.

The next JCC meeting will be held in Brussels in the first half of 2015.