

6th meeting, Brussels, 24June 2015

JOINT DECLARATION

The EU-Montenegro Civil Society Joint Consultative Committee (JCC) is one of the bodies set up within the framework of the Stabilisation and Association Agreement between the European Union and Montenegro.

The JCC enables civil society organisations from both sides to monitor Montenegro's progress towards the European Union, and to adopt recommendations for the attention of the Government of Montenegro and the EU institutions.

The JCC is made up of twelve members, six from each side, representing the EESC and Montenegrin civil society. During its current term (2013–2015), the JCC is co-chaired by **Andrej Zorko**, member of the EESC and of the Governing board of the Slovenian Association of Free Trade Unions,and**Suzana Radulović**, member of the Social Council of Montenegro and Secretary General of the Montenegrin Employers' Federation.

The sixth meeting of the JCC was attended by**Dirk Lange**, Head of Unit for Montenegro at the European Commission's Directorate-General for Neighbourhood and Enlargement Negotiations, and **Ambassador Aleksandar Andrija Pejović**, Chief Negotiator for Montenegro's EU accession and State Secretary for European Integration, Ministry of Foreign Affairs and European Integration of Montenegro.

The members of the JCC discussed the state of play in Montenegro's EU accession negotiations, with a debate on the transparency and inclusiveness of its EU accession process and on the current state of social dialogue in Montenegro, focusing on the review of the Law on Trade Union representativeness. They also adopted reports on the disability policies in Montenegro and their implementation in practice.

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 eight new chapters since the last meeting of the JCC – Chapter 9 on Financial services, Chapter 16 on Taxation, Chapter 18 on Statistics, Chapter 21 on Trans-European networks, Chapter 28

on Consumer and health protection, Chapter 29 on Customs unions, Chapter 30 on External Relations and Chapter 33 on Financial and budgetary provisions. They call on the Government to continue the work towards fulfilling the benchmarks of all opened chapters and to adopt legislation in the remaining areas requiring further alignment.

1.2 With regard to Chapters 23 and 24, JCC members are pleased that the rule of law reform is considered as the strategic priority of the Montenegrin government; the JCC welcomes the adoption by the Government in February 2015 of the amended action plans for these chapters with a view of a more efficient implementation of the set interim benchmarks. JCC members note, however, that the implementation and enforcement of the laws on the ground remains weak. They, therefore, encourage the Montenegrin institutions to continue their efforts towards implementing the adopted legislation, especially bearing in mind that the implementation of the action plans and the fulfillment of the interim benchmarks for Chapters 23 and 24 is of crucial importance for further progressin theEU accession negotiation process.

1.3 The JCC regrets to note that in Transparency International's 2014 Corruption Perceptions Index Montenegro's performance has worsened compared to 2013 (42 points in 2014; 44 points in 2013 out of 100) and recalls that tackling corruption remains one of the key challenges in the process towards further democratization and rule of law in the country. Likewise, the JCC reiterates its call to the Government to ensure the timely establishment of a fully-operational Anti-Corruption Agency by January 2016 as an independent and professional body.

1.4 JCC members welcome the strengthening of the transparency of the courts, as foreseen in the Report on the Work of the Supreme Court presented in April, by posting audio recordings of closing statements by the parties to the court proceedings as well as the rationales of court decisions online. They note, however, that the recruitment, promotion and disciplinary systems for judges and prosecutors are still not transparent and affect the independence of the judiciary. The JCC urges the Government to implement the pending reforms in the judiciary.

1.5 The JCC notes with regret the unchanged ranking of Montenegro in the 2015 Reporters Without Borders Press Freedom Index (114th out of 180 countries) pointing out that weak professional and ethical standards of media professionals remain a serious barrier to achieving freedom of expression in Montenegro. JCC members call on the competent authorities to continue efforts in investigating cases of violence against journalists and to take measures to protect media professionals and other civil activists from such attacks. They commend the work of the Media Self-Regulatory Council in monitoring and reporting the breaches of the Journalists' Code of Ethics.

1.6 JCC members note with satisfaction that the economic freedom in Montenegro has improved during the past five years and has reached its highest level ever in the 2015 Index of Economic Freedom of the Heritage Foundation. Even though the business freedom has regressed and the perceived level of corruption remains high, progress can be noted in the area of labor freedom, monetary freedom, investment freedom and trade freedom. The JCC

encourages the Government to continue taking measures, especially in the area of judiciary and the rule of law, towards ensuring the fundamental freedoms which are important for the economic performance.

2. Debate on the transparency and inclusiveness of the EU accession process

2.1 JCC members welcome the participation of civil society representatives in 22 out of 33 working groups for the preparation of negotiations, however, they stress that greater consistency is needed to ensure that both the EU institutions and the Montenegrin government adopt a transparent and inclusive approach throughout the accession process and across all policy areas.

2.2 The JCC commends the 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, and calls on the Montenegrin government to ensure that the views of the civil society organizations and of this JCC are effectively taken onboard in the working groups on the EU accession negotiation chapters.

2.3 JCC members welcome the creation of a dedicated website on the Montenegro EU accession process, however, theyurge Montenegro to adopt a special legal act with regard to the negotiation structures,precisely defining which documents should be made available to the public and at which stage of the negotiations. They also call on the European Commission and the Council of the European Union to timely disclose key accession documents, including opening benchmarks in full, once they have been unanimously approved.

2.4 The JCC highlights the importance of establishing a constant mechanism of cooperation between the media and the Montenegrin negotiation structure with a view of informing the media in advance about upcoming important events, so as to enable quality preparation of journalists and, subsequently, the channeling of good quality and objective information to the citizens.

2.5 JCC members welcome the establishment of the Council for Development of Non-governmental Organizations in July 2014. Nevertheless, they call on the Montenegrin government to continue the work on fostering an enabling environment for civil society organizations, especially since a strong civil society enhances political accountability and promotes deeper understanding and ownership of accession related reforms, and to create a tolerant environment in which civil society organizations can operate without the fear of reprisal. In this regard, JCC members point out the need to increase the state funding for civil society organizations and render it more transparent.

2.6 The JCC asks the Montenegrin government to involve and support on an equal footing civil society organizations in its national strategies, policies and funding towards EU accession and negotiation structures, as well as in the programming and implementation of EU-funded

projects, particularly involving social partners in economic and labour market reforms and in calculating the social and economic costs of harmonisation.

2.7 JCC members invite the European Commission to provide for a substantial increase in financial support, including from projects under the Civil Society Facility, aiming at strengthening the capacities of civil society organizations as well as supporting professionalism and independence of the media.

2.8 JCC members note that it is essential for Member States, together with the EU institutions, to lead an informed debate on the political, economic and social impact of the enlargement policy, properly informing EU citizens about its vital importance for the political stability and prosperity of the entire continent. The JCC calls on the European Commission, the European Parliament and the Council of the European Union to increase their communication efforts to explain the benefits and challenges of enlargement policy to EU citizens, in cooperation with civil society organizations. At the same time, the JCC welcomes the implementation of the Government Strategy for informing the public on Montenegro's EU accession process 2014-2018.

3. The JCC's view on disability policies and the situation in practice in Montenegro

3.1 JCC members welcome the two reports presented by EESC member Meelis Joostand JCC member Milan Šaranović, on the side of Montenegro.

3.2 The JCC is pleased that Montenegro has signed and ratified the United Nations Convention on the Rights of Persons with Disabilities; it especially welcomes the fact that Montenegro has also signed and ratified the optional protocol of this Convention. However, ratification of the Convention is the first step on a long road to changing society's attitude to people with disabilities and their living environment. The JCC calls on the Montenegrin government to ensure that the social and economic situation of people with disabilitiesand the regulation regarding their legal capacities comply with the requirements of the Convention.

3.3 JCC members welcome the adoption of 2014-2015 action plan of the Strategy for the integration of people with disabilities. JCC members welcome as well the fact that a new council for the care of persons with disabilities was set up in 2014, including also NGO representatives. However, the JCC regrets that this Council has been lowered to the level of ministries, especially considering that the Government has adopted many documents without prior information and consultation of the members of the Council.

3.4 The JCC expresses its satisfaction with the fact that the proposed new Law on the Prohibition of Discrimination against Persons with Disabilities is now in the Parliament and expected to be adopted soon, as well as with the fact that the final version of this Law had been shaped in consultation with civil society representatives. The JCC calls on the Government and the relevant authorities to ensure efficient practical implementation of all legislation with regard

to people with disabilities, and especially to ensure a proper functioning of the Council for the care of persons with disabilities.

3.5 The JCC is deeply concerned that the majority of state and local institutions – schools, universities, hospitals, social welfare centers, cultural and sports facilities, including the Parliament and courts, – are not accessible to people with disabilities, and urges the Government to accelerate works towards ensuring such access. JCC members also point to the fact that the means of public transportation mostly remain inaccessible to people with disabilities. Likewise, people with visual and hearing impairments still encounter serious difficulties in accessing information. The JCC calls on the Government to take measures to improve the situation in this regard as soon as possible.

3.6 JCC members note the importance of employment in ensuring the quality of life of people with disabilities. They urgethe Government to promote a barrier-free working environment in Montenegro, which is also in accordance with the UN CRPD requirements, and declare their supportto the Montenegrin quota system of employment of people with disabilities. Furthermore, the JCC calls on the Government to address the shortcomings in the area of employment of people with disabilities, e.g. the small number of employees with disabilities, the misuse of the Fund for Vocational Rehabilitation and Employment of Persons with Disabilities, etc. The JCC also encourages all stakeholders, in particular the social partners, to implement the Framework Agreement on Inclusive Labour Markets, signed by European social partners on 25 March 2010.

3.7 The JCC invites the civil society organisations representing people with disabilities in Montenegro to consolidate their interests in order to be able to speak with one voice; this can be done by establishing umbrella organisations which bring together the various bodies working for people with disabilities. The existence of such umbrella organisations helps the various groups of disabled people to understand each other's needs better and to speak with one voice when shaping policy.

3.8 The JCC stresses the importance of the issues on rights of people with disabilitiesin the context of the EU accession negotiations within chapter 23 on Judiciary and fundamental rights, and encourages Montenegrin civil society to keep drawing the attention of Montenegrin government to these issues.

3.9 JCC members encourage the relevant Montenegrin authorities to promote the Design for All approach in shaping the environment in which people live, since a barrier-free and user-friendly environment contributes in particular to the development of the potential for tourism and is in full accordance with the implementation of UN CRPD.

3.10 The JCC calls on the Montenegrin government and the European Commission to ensure funding for Montenegrin civil society to build up a transparent, rights-based approach to disability, also advocating for support instruments for civil society organisations in the field of disability.

3.11 The JCC encourages the relevant Montenegrin authorities to gather statistics on people with disabilities and participate in EU initiatives for improving survey-based gathering of statistics.

3.12 The JCC commends the Montenegrin commitment to inclusive education. However, it calls on the Montenegrin government to find systemic solutions for financing of teaching assistants from the budget related to education, as well as to improve the accessibility of schools and universities. Furthermore, JCC members are pleased about the adoption of a new Law on higher education which provides better treatment of students with disabilities.

3.13 JCC members call on the Government to proceed with the preparation of bylaws in the area of social and child protection in order to enable the provision and the development of support services for persons with disabilities.

4. Discussion on the current state of social dialogue in Montenegro, with particular review on the Law on Trade Union representativeness

4.1 The JCC considers that the tripartite and bipartite social dialogue in Montenegro still have a considerable space for improvement, which particularly affects the workers in the private sector. They urge all sides to respect the freedom of association, and call on the Government to abstain from direct or indirect interventions in internal trade union affairs.

4.2 JCC members encourage all social partners to adhere to the principles of internal democracy and transparency. They also note the need for the social partners to strengthen their position and influence in the society.

4.3 The JCC isconcerned about the state of implementation of the Law on Trade Union representativeness and anti-trade union discrimination, raised by trade union representatives, as this threatens to deteriorate the social dialogue in Montenegro. The JCC therefore calls on the Government to ensure that the Law is efficiently implemented,in order to eliminate any barriers in the procedure of establishing trade union representativeness with the employer.Furthermore, the JCC calls on all responsible institutions to protect trade union representatives from anti-trade union discrimination and to take measures in order to prevent such situations.

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The next JCC meeting will be held in Brusselsin the second half of 2015.