



## **Weekly Briefing**

**Montenegro external relations briefing:  
Montenegro and EU: application of the revised methodology  
Milika Mirkovic**

### **China-CEE Institute**

Kiadó: Kína-KKE Intézet Nonprofit Kft.  
Szerkesztésért felelős személy: Chen Xin  
Kiadásért felelős személy: Huang Ping

 1052 Budapest Petőfi Sándor utca 11.  
 +36 1 5858 690  
 [office@china-cee.eu](mailto:office@china-cee.eu)  
 [china-cee.eu](http://china-cee.eu)

# **Montenegro and EU: application of the revised methodology**

## **Summary**

*An issue that marked the external relations of Montenegro during the previous period is the adoption of guidelines for the application of the revised enlargement methodology of EU. The focus of this document is strengthening the rule of law. The novelty of the revised methodology is that the negotiation chapters will be regrouped into six clusters and no negotiation chapters can be closed until the interim benchmarks related to negotiation chapters 23 and 24 are met. Therefore, according to the new guidelines, the closure of negotiation chapters, i.e. clusters, will depend on the progress in the rule of law and the interim benchmarks. It is expected that the negotiation according to the new model will contribute to the dynamization and intensification of the EU integration process, but also bring new conditions that need to be met.*

## **Introduction**

In February 2020, the new revised EU enlargement methodology was adopted. New methodology defines the opening of negotiation chapters by cluster. The aim of the new methodology is to strengthen the EU accession process, specifically the countries of the Western Balkans region. As the EU integration process stagnated during the 2020 pandemic, the discussion and application of the revised methodology came to the fore again. Although the process of Montenegro's accession to the EU was at an advanced stage at the time of the adoption of the new methodology (all negotiation chapters were opened during the previous year), Montenegro accepted the new rules of the game brought by the new methodology. In this regard, the revised methodology provides certain conditions and rules for countries that are in an advanced stage of EU accession, such as Montenegro and Serbia.

## **A non-paper for the application of the revised methodology has been adopted**

In the previous period, the European Commission prepared a document related to the application of the revised enlargement methodology to the accession negotiations for

Montenegro and Serbia. These guidelines seek to improve the negotiation process and its adaptation to the new methodology.

First of all, according to the adopted non-paper, no negotiating chapter in the coming period can be closed if the interim benchmarks related to Judiciary and fundamental rights and Justice, freedom, and security (Chapter 23 and Chapter 24) are not met. In this case, after fulfilling these interim benchmarks, it is necessary to adjust the rule of law action plans. The updating of the action plans will thus include specific issues related to the functioning of democratic institutions, which arose during the process, which will ultimately affect the focus and direction of the reforms. In addition, these two chapters are the last to be closed before EU accession.

The revised methodology envisages the opening of negotiation chapters by cluster. As Montenegro has all negotiation chapters open, it will be thematically grouped into six clusters (i) Fundamentals, (ii) Internal market, (iii) Competitiveness and inclusive growth, (iv) Green agenda and sustainable connectivity (v) Resources, agriculture, and cohesion (vii) External relations). It is expected that this approach of clustering should accelerate the integration process.

As stated in the “non-paper”, the process of EU integration of Montenegro will refer to a significant emphasis on the fundamental reforms and “stronger political steer, an increased dynamism, and the predictability of the process”.<sup>1</sup> Namely, fundamental reforms are one of the key reforms that should be conducted in order to achieve the goal: become a member of EU. Enhancement political dialogue is another important element that will be strengthened through Intergovernmental Conferences. It’s are one of the novelties of the guidelines arising from the revised methodology. The conferences will discuss various issues relevant to the integration process (such as the rule of law, public administration, functioning of democratic institutions, economic issues, etc.). These conferences are expected to contribute to the strengthening of the political dialogue regarding reforms, but it is also a convenient way to analyse the overall accession process, progress and constraints that stand on the EU path and to contribute to the country focusing its resources and efforts on reforms to make progress. In this regard, the Intergovernmental Conference is expected to be held at least once a year and the first conference for Montenegro is expected to be held in June of this year. Also, if Montenegro does not make some progress, this document provides for corrective measures. Namely, these corrective

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<sup>1</sup> Council of the European Union (2021) Application of the revised enlargement methodology to the accession negotiations with Montenegro and Serbia, available on: <https://data.consilium.europa.eu/doc/document/ST-8536-2021-INIT/en/pdf>

measures in the negotiation process are envisaged and can be applied in case of problems or limitations that may occur during the negotiations. Role of EU member states is also an important issues.- EU member states will “continue to be able to contribute more systematically to the accession process”<sup>2</sup> and they can monitor the progress of the negotiation and accession process and thus make certain suggestions or point to potential constraints and slowdowns in negotiation process.

The principle that exists is that if there is no progress in the areas related to Chapters 23 and 24, there is no progress in the field of EU integration either. Therefore, the question arises, what is the current situation in relation to Chapters 23 and 24? During the previous period, the situation in the area of rule of law and fundamental rights, judiciary and justice has recorded limited or moderate progress. According to the Report for Montenegro prepared by European Commission<sup>3</sup> Montenegro achieved limited progress related to the chapters 23 and 24. Namely, Montenegro did not apply all recommendations regarding to the judiciary and fundamental rights and as it stated in the document there are challenges in relation to “independence, professionalism, efficiency and accountability of the judiciary”. In addition, the problem of corruption is still present, which indicates the need for additional activities to address this problem.

Regarding the fundamental rights, there is a need for additional actions and efforts in order to protect human rights, although progress has been made towards adapting the legislative and institutional framework. The area of justice, freedom and security was similarly assessed. Some progress had been achieved during the previous year, and the institutional and legislative framework has been significantly improved. However, in the forthcoming period, an improvement is recommended regarding “financial investigations, money laundering, asset recovery, to align it with EU and international standards and practices”, but also taking steps to reduce or limit the use of plea bargains to exceptional cases and strengthening capacities in relation to migrants and refugees.

### **What does this mean for Montenegro?**

Adoption of the new methodology and definition of guidelines for the negotiation process and application of the revised methodology can be seen as a process that will intensify and

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<sup>2</sup> Ibid.

<sup>3</sup> European Commission (2020) Commission Staff working document - Montenegro 2020 Report, available on: [https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/montenegro\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/montenegro_report_2020.pdf)

accelerate the accession process, but also impose the fulfilment of additional conditions and requirements that will require additional engagement.

By applying the revised methodology, one can expect the acceleration of the process of Montenegro's accession to the EU, i.e. the acceleration of the reform process and the improvement of certain thematic areas. Certainly the revised methodology should be viewed in a positive context, as the path to the EU could be improved. Because the revised methodology is expected “contribute to making the process more dynamic, predictable and credible”<sup>4</sup> acceptance of new conditions is of interest to Montenegro. Innovating the methodology in any case can bring new energy and a new organization of work in the negotiation process.

On the other hand, the guidelines arising from the revised methodology introduce new conditions that need to be met which will require additional effort for the reform process. These conditions actually make the negotiation process more demanding. Fulfilling interim benchmarks for the rule of law is an important segment of the negotiation process, so that until the same benchmarks are met, they could lead to fatigue in the negotiation process. Also, despite the positive aspects of bringing innovation to the whole process, new conditions and rules could make the negotiation process more complex, since it is necessary to move from one established model of negotiation to a new model.

However, regardless of the fact that the new methodology may lead to strengthened and enhancement of the EU integration process and that there are positive expectations, on the other hand there must be commitment, work and results in meeting the criteria. Therefore, the continuation of the reform process is of great importance.

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The revised methodology requires and points to a stronger focus on the reform process. Therefore, Montenegro should continue with reforms, in order to join the EU community as soon as possible. First of all, the focus should be on improving the situation in the area of rule of law and fundamental rights, as well as the reform of public administration and the functioning of democratic institutions. As Montenegro has all chapters open, thus all six clusters created by grouping chapters are open, the next step in the EU integration process must be aimed at meeting the interim benchmarks in the field of rule of law. This is, in fact, the first condition that must be met in order to make progress on the path to the EU.

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<sup>4</sup> European Commission (2020) Revised enlargement methodology: Questions and Answers, February 2020