



## **Weekly Briefing**

**Montenegro political briefing:  
“Montenegro 2023 Report” points to the bad internal policy that  
threatens EU integration  
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# **“Montenegro 2023 Report” points to the bad internal policy that threatens EU integration**

## **Summary**

*The recently presented report of the European Commission (EC) for Montenegro – “Montenegro 2023 Report” can be considered as one of the worst reports so far. Bad ratings for numerous areas additionally confirm only the formal and rhetorical, and not the substantive and active commitment of the Montenegrin government to EU integration. Moreover, the analysis of the results of the report leads to the suspicion that the interests of Montenegro and its membership in the EU were not priority goals at all for the previous government led by the Citizens' Movement URA. Evidently, that government made a significant contribution to turning Montenegro from a leader in EU integration into one of the most unstable countries in the Western Balkans.*

## **Introduction**

The EC's report on the progress of Montenegro for 2023 was presented at the beginning of November in Brussels. Also, a day later, the EU Ambassador in Montenegro handed over this Report to the Prime Minister of the new Government<sup>1</sup> with the hope that the election of the new government will be a turning point for Montenegro on its way to the EU.<sup>2</sup> The report was not delivered to the President of the Montenegrin Parliament, although this was the practice until now.<sup>3</sup> Bad results in the area of judicial reform are especially emphasized, and the evaluations in other areas are not encouraging either.

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<sup>1</sup> Popa presented Spajić with the Progress Report: The starting point for reform processes (<https://www.gov.me/clanak/popa-urucila-spajicu-izvjestaj-o-napretku-polazna-osnova-za-reformske-procese> )

<sup>2</sup> Popa: The election of the new government will be a turning point for Montenegro on its way to the EU (<https://www.glasamerike.net/a/crna-gora-eu-napredak-izvjestaj-popa/7346994.html>)

<sup>3</sup> Uljarević: The fact that the European Commission Report was not delivered to Mandić speaks of the attitude towards him (<https://www.cdm.me/politika/uljarevic-to-sto-izvjestaj-evropske-komisije-nije-urucen-mandicu-govori-o-odnosu-prema-njemu/>)

## **What did the "Montenegro 2023 Report" show?**

In the latest EC's report Montenegro is once again faced with harsh criticism. The bad ratings of the European Commission point to (un)intentionally bad internal policy aimed at destabilizing Montenegro on its way to the EU. In this year's EC annual report for Montenegro, it is stated that Montenegro has not progressed in the reform of the judiciary, and that the Montenegrin judicial system continues to face a deep institutional crisis.<sup>4</sup> Numerous civil society organizations believe that this bad rating is not only a reflection of the current situation in the judiciary, but also a signal that there are serious problems in domestic politics. This further points to the suspicion that these problems are intentional, aimed at destabilizing the country on its way to membership in the European Union.

Therefore, the judiciary stands out as a critical point. The judiciary faces serious challenges, including weak governance, a lack of strategic vision and the presence of corruption. It was also emphasized that there were no results in the implementation of the Justice Reform Strategy for 2019-2022. and its Action Plan for 2021-2022. year, as well as that the Government failed to adopt a strategy for the next period. Key functions in the justice system are currently in the acting situation which is not new information, but the fact that nothing has changed over the years indicates inefficiency and lack of political will to solve the problem. The EC, in its reports in recent years, persistently pointed out that the Montenegrin judiciary was subject to political influence. This is a serious signal that indicates the possibility of deliberately maintaining such a state, which is used consciously to destabilize the country. The lack of progress in judicial reform, the failure to implement strategies and plans, and ignoring the recommendations of international bodies such as the Venice Commission and the European Commission, all together create a picture of lack of concern for the rule of law.

Certain civil society organizations insist on the urgent introduction of the necessary guarantees against political influence on the judiciary and appeals to the new government to seriously consider the introduction of vetting, speed up changes in the law and provide material conditions for the work of judicial institutions.<sup>5</sup> This is not only a matter of compliance with European standards, but also a key step towards ensuring the rule of law in the country.

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<sup>4</sup> European Commission (2023) Montenegro 2023 Report, p.5 (available at: [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_694%20Montenegro%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_694%20Montenegro%20report.pdf))

<sup>5</sup> The EC report objectively presented the situation in the judiciary (<https://mina.news/vijesti-iz-crne-gore/izvjestaj-ek-objektivno-predstavio-stanje-u-pravosuđu/>)

The European Commission also criticized the Judicial Council and the Prosecutorial Council, emphasizing the lack of proactivity and commitment to the performance of their duties. Criticisms are particularly related to the lack of transparency in the work of these councils, stressing the need to publish reasoned decisions on the selection, promotion and determination of the responsibility of judges and state prosecutors. Also, the inability of the Parliament of Montenegro to elect new members of the Judicial Council contributed to the poor ratings. As for the Prosecutorial Council, the proposed extension of the mandate of the Acting Supreme State Prosecutor contrary to European standards was criticized, as well as the political influence of decisions related to certain appointments. Nevertheless, there was still room for criticism of the judiciary - for example, the report insufficiently recognizes the problems that actually exist - reluctance to apply instructions for collecting statistical data, trials with an inadequate number of judges in basic courts, delays in decision-making, etc. The only noticed progress refers to the election of three judges of the Constitutional Court, but it is emphasized that this did not ensure the full functionality of the court. The current bad assessment of the European Commission indicates the need for the new government to urgently take concrete steps in order to solve these problems and to ensure stability and progress on the way to membership in the European Union. This will probably be the key requirements of the EC in the coming period.

In addition to the poor evaluation of the reform of the judiciary, it can be concluded that the EC is particularly concerned about the fact that the previous year was marked by political tension in Montenegro, an institutional crisis, constant changes in public administration, as well as the slowness of other reforms, which all together led to the blockage of the political system and slowing down the country's path to the EU. Numerous political actors contributed to the instability. It is clear that the boycott of a large part of the parliament affected its work, as well as that there was no effective political dialogue and constructive engagement of political parties, with the aim of strengthening parliamentary responsibility and government oversight.

It can be stated that the EC report paints a worrisome picture because it is noticeable the expressed concern due to the triumph of the interests of different political parties over the essential requirements of European integration. Montenegro is facing serious problems in the fight against corruption. Although corruption, including a high level corruption, is present in many areas, the state has failed to significantly improve its anti-corruption legal framework and harmonize it with EU standards. The lack of substantial changes and reforms is particularly noticeable in the last three years. The European Commission's report confirms the need to work

on key laws such as the Law on Prevention of Corruption, the Law on Financing Political Parties, the Law on Confiscation of Criminal Assets and the Law on Free Access to Information. The triumph of party interests is evident not only in the previously mentioned lack of key judicial reforms, but also in the persistence of the government and parliament in adopting laws that oppose the recommendations of the EU and eminent international bodies. This kind of behaviour of the Montenegrin government often went against the Montenegrin Constitution as the highest legal act, which indicates a serious divergence between the opinions of certain political parties and the essential commitment to European integration. The credibility and professionalism of numerous institutions is also being questioned. Progress was assessed for a very small number of institutions, which is a consequence of the clear capture of those institutions by the interests of political parties. As for the fight against organized crime, the report indicates that this problem is only partially addressed.

Also, the report talks about electoral laws and changes in public administration. The expectation of passing the Law on the Assembly is mentioned in order to regulate the relations between the Assembly and the executive power. It also points out that three election cycles were held from October 2022 to June 2023, whereby the presidential and parliamentary elections, according to OSCE observers, were peaceful and competitive, despite some procedural flaws. The EC points out that the legal framework for electoral reform needs to be thoroughly reformed, including the electoral law, right to vote, candidacy, transparency, dispute resolution and oversight of campaign and media financing. It is emphasized that some of these issues are still unresolved. The lack of a functional Constitutional Court from September 2022 to February 2023 seriously affected the election processes. During that period, the government performed duties in a technical capacity with limited responsibility due to the political inability of the system to form a new government or call early elections.

If it is known that that government very irresponsibly increased the number of employees in the state administration, the appointment of incompetent persons to important state positions, despite numerous warnings, clearly indicates that party interests came before national and state interests. Such an irresponsible attitude was recognized by the European Commission, which in its report expresses concern about the relaxed employment conditions that represent a problem for employment based on merit, competence and independence of civil servants. The report states that "against the background of unclear rules governing the competencies of a caretaker government, the government continued to adopt important decisions, and to dismiss

and appoint key officials. Key positions continued to be filled on an acting basis. The lack of ministerial coordination remains a cause for concern... Overall, transparency of governance remained an issue and the government frequently resorted to the procedural option of adopting decisions without formally holding a government session."<sup>6</sup> This is not only problematic from the aspect of uncontrolled employment, but from due to the fact that constant changes of personnel in key positions lead to a loss of knowledge on issues related to the EU accession process and slow down the reform process. This behavior of the previous government clearly indicates a complete absence of concern for the European path of Montenegro, despite the rhetorical and declarative commitment to European integration.

On the basis of the report, it can also be concluded that Montenegro is facing one of the worst ratings so far when it comes to chapter 27 - "Environment and Climate Change". The report emphasizes that "very limited progress"<sup>7</sup> has been achieved, and Montenegro is faced with serious challenges in meeting EU standards. One of the key problems that the report points to is the lack of focus on EU integration in the field of environment. The insufficient progress of Montenegro in this area, i.e. in the chapter which is considered both the most complex and the most expensive, indicates serious consequences and requires urgent action. One of the key challenges that Montenegro needs to solve urgently is waste management. Although the need to adopt the Law on Waste Management and the Air Quality Management Strategy for 2021-2029 has been recognized, only limited progress has been made in this area. Organizing campaigns on recycling and waste separation, as well as the necessary implementation for citizens and local authorities, remain challenges that need to be urgently overcome. In addition, the harmonization of national legislation with the EU acquis is a serious problem. The government's latest semi-annual Report on the implementation of the Action Plan for the fulfilment of the final benchmarks shows that a total of 102 measures were planned in the semiannual period, of which 39, or 38.2%, were successfully implemented. The total degree of realization since the beginning of the implementation of the Action Plan is just above 50%.<sup>8</sup> This indicates a serious lack of administrative capacity at the central and local level and in inspection bodies. In the area of air quality and industrial pollution, the report highlights the

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<sup>6</sup> European Commission (2023) Montenegro 2023 Report, p.4 (available at: [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_694%20Montenegro%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_694%20Montenegro%20report.pdf))

<sup>7</sup> European Commission (2023) Montenegro 2023 Report, p.114 (available at: [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_694%20Montenegro%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_694%20Montenegro%20report.pdf))

<sup>8</sup> Report on the implementation of the Action Plan for the fulfilment of the final benchmarks in Chapter 27 - Environment and Climate Change, for the reporting period September 2022 - February 2023. <https://www.gov.me/dokumenta/db13e37e-c41c-401f-9c07-ea888e87f0e0>

lack of significant progress. The increase in air pollution due to wood heating and problems with infrastructure for waste collection and recycling further emphasize the urgency of the problem. Therefore, the lack of focus on EU integration in the field of environment and climate change has become a serious challenge for Montenegro. Urgent measures are needed in order to achieve progress and fulfill obligations towards the EU. Otherwise, there is a risk of further falling behind, which could have serious consequences for the future of the country.

In the field of foreign policy, security and defense, report concludes that Montenegro has a good level of preparedness, according to the EC. The country boasts full alignment with the EU's common foreign and security policy. However, this conclusion of the report can be questioned, bearing in mind the fact that the report does not emphasize to a large extent that the Montenegrin government during the previous period was more concerned about the national interests of another state, which it confirmed by insisting on maintaining a population census even though there was no official institutional preparedness for that activity. Precisely in the part related to the population census, the EC considers that Montenegro is moderately prepared, but warns of the need for careful management of sensitive issues of ethnicity, religion and language.<sup>9</sup> In addition, EC recommends that Montenegro should carry out the national population and housing census in line with EU requirements and recommendations and allocate sufficient resources to it.<sup>10</sup> The undisguised desire of Serbian officials is to influence the results of the census and through a potentially increased percentage of Serbs in Montenegro, to spread their national interest, but also to destabilize Montenegro. It seems that the previous government did everything to accommodate such interests.

The Montenegrin public should certainly be seriously concerned about issues of human and minority rights, especially media freedom, media pluralism, self-regulation, and attacks on journalists. The political decisions of the previous Government further reduced Montenegro's chances for EU integration and damaged its international reputation in these matters as well. Regarding media freedoms, although there is media pluralism, the European Commission noted limited progress and political polarization in the media environment. There is an obvious need to establish clear mechanisms of self-regulation in order to strengthen the integrity and professionalism of the media. In the field of digital transformation, Montenegro's progress has slowed down, partly due to political instability and cyber attacks, so it is necessary to strengthen

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<sup>9</sup> European Commission (2023) Montenegro 2023 Report, p.80 (available at: [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_694%20Montenegro%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_694%20Montenegro%20report.pdf))

<sup>10</sup> Ibid.

cyber security and harmonize with European regulations in order to achieve progress in this area. Reports also states that the Regulatory Agency for Electronic Media (AEM) "suspended the broadcasting of the morning TV show of the Belgrade-based Pink M in Montenegro for a period of 6 months, for inciting hatred, intolerance and discrimination against ethnic Montenegrins".<sup>11</sup> However, it also stated that "the AEM still lacks the authority and measures to effectively monitor and penalize broadcasters and rules, and its operational capacity has yet to be strengthened"<sup>12</sup>

The European Commission also points out its concern about the disparagement of the work of civil society organizations by high-ranking politicians, calling for more understanding of the role of NGOs in society. The challenges that the report identifies clearly indicate serious threats to the European integration of Montenegro, emphasizing the need for urgent action in order to overcome obstacles and achieve progress towards EU membership.

### **Realistic assessment of the European Commission on the situation in Montenegro**

It can be concluded that the European Commission's Report on Montenegro for this year provides a realistic assessment of the situation in various areas of negotiations, emphasizing justified criticism and pointing to the path to progress in negotiations as a challenging mission for Montenegro. However, it is clearly pointed out that the key achievement of progress is related to the new Government's commitment to implementing reforms from the European agenda. Still, the report was not delivered to the newly elected President of the Parliament who belongs to radical pro-Serbian party who belittles the Montenegrin nation, denies the Montenegrin language and often opposes Montenegrin integration into the EU.

The existence of social division and polarization, political instability and a standstill in judicial reform seriously jeopardized Montenegro's progress towards membership in the European Union. The very fact that the Government and Parliament repeatedly ignored the recommendations of the European Commission indicates a democratic deficit in the country. The lack of action in the public interest points to the irresponsibility of Montenegrin politicians who are inclined to pursue personal or party interests even if they consider the escalation of the

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<sup>11</sup> European Commission (2023) Montenegro 2023 Report, p.103 (available at: [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_694%20Montenegro%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_694%20Montenegro%20report.pdf))

<sup>12</sup> Ibid.



constitutional crisis. Therefore, EC implicitly indicates that action of political actors in Montenegro often undermines democratic processes and institutions.

The lack of a legislative framework that would regulate the government's powers in the technical mandate, which caused great damage to Montenegro in the previous year, is evident. Also, there is a lack of legislation that would regulate numerous relationships in the conditions of a dissolved parliament so that the responsibility of the political system would not be undermined in the future.

In the context of readiness to join the EU, no progress was recorded, so the average rating remained unchanged. The lack of focus on progress in EU integration is also reflected in the repetition of old recommendations, along with a call for a more direct approach in areas where decisive steps have not been taken. However, the reactions of some official representatives of Montenegro do not contribute to the better position of Montenegro. Namely, public statements that attempt to relativize the bad situation and impose different interpretations of the report represent a serious problem because the goal is obviously to mislead the public with a populist and/or ignorant interpretation of the conclusions. Thus, the President of Montenegro tried to inappropriately suggest to the EC what should have been found in a very objective report.<sup>13</sup>

The report of the European Commission clearly sets expectations on the path of European integration and indicates the need for serious engagement of the new executive and legislative authorities. This report represents a road map, but at the same time the first test of political will to subordinate party interests to the common interest of the citizens of Montenegro to become part of the European family. Otherwise, the threat to Montenegro on its way to the EU will continue, calling into question its European path and stability in the region.

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"Montenegro 2023 Report" by the European Commission offers a stark and concerning portrayal of the country's progress towards EU integration. The report highlights a multitude of issues, with a focus on the alarming state of the judiciary, political instability, and the disregard for essential reforms. Particularly worrying is the assessment of Montenegro's internal policies,

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<sup>13</sup> Milatović: The EC report does not sufficiently focus on the essentially big things that happened in the previous period (<https://dnevno.me/Politika/-/milatovic-izvjestaj-ek-nedovoljno-stavlja-fokus-na-sustinski-velike-stvari-koje-su-se-desile-u-prethodnom-periodu-08-11-2023-12-34-36>)

suggesting a deliberate undermining of EU integration efforts. The lack of progress in key areas, such as judicial reform, anti-corruption measures, and environmental standards, raises serious doubts about the government's commitment to European values. The report underscores the detrimental impact of political tensions, institutional crises, and a lack of cooperation among political parties on Montenegro's path to the EU. The judiciary's vulnerability to political influence, coupled with insufficient efforts to combat corruption, further erode confidence in the rule of law. The European Commission's meticulous evaluation of Montenegro's performance serves as a wake-up call, emphasizing the urgent need for comprehensive reforms to ensure stability and adherence to EU standards.

Moreover, the report critiques Montenegro's approach to media freedom, digital transformation, and human rights, identifying areas where progress has been limited. The lack of responsiveness to past recommendations and the persistence of party interests over national ones raise concerns about the democratic deficit in the country. Ultimately, the "Montenegro 2023 Report" serves as a clear roadmap for the government and parliament to address pressing issues and demonstrates that genuine commitment to European integration is imperative for the country's future stability and success on the international stage. Failure to heed these warnings could jeopardize Montenegro's European path and regional stability. The report, while posing challenges, presents an opportunity for Montenegro to reevaluate its priorities, strengthen democratic processes, and actively pursue reforms essential for EU membership.