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Parliament of Montenegro  
and the process of European integration

*Just watching or taking part?*

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Just watching or taking part?

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# Contents

Summary .....	5
Introduction.....	7
The role of the Parliament in the process of European Integrations.....	9
The process of accession negotiations .....	9
National Council for European Integrations - The embodiment of social consensus or a failed experiment? ....	10
Membership and president of NCEI .....	11
Capacities .....	12
Examples from comparative practice.....	13
Croatia.....	13
Macedonia .....	13
NCEI's activities to date .....	15
Openness to the public .....	16
Reports on NCEI's work .....	16
NCEI's budget.....	16
The future of NCEI.....	16
Committee for International Relations and European Integrations -A new role for a new phase of integrations? ....	20
Membership.....	22
Harmonisation of Montenegro's legal system with EU acquis.....	23
Complex institutional arrangement.....	24
The fate of the Department for European Integrations.....	24
Two "technical" committees?.....	25
Oversight of the Government in the process of EU integration .....	26
Control and consultative hearings .....	26
Reporting by the executive.....	28
Parliamentary cooperation .....	28
Openness to the public .....	29
Cooperation with civil society organisations.....	30
Capacities of the Committee for IREL.....	30
Human resource development.....	31
Special activities of the Committee .....	32
Committee's role in answering the Questionnaire of the European Commission.....	32
Committee's role in fulfilling the Action Plan of the Parliament.....	33
EU-Montenegro Stabilisation and Association Parliamentary Committee.....	34
The future of the Committee for International Relations and European Integrations .....	35
Amendments to the Rules of procedure.....	36
The question of membership .....	37
Chairmanship of the Committee.....	37
Responsibility for verification of legislative compatibility .....	38
Human resources.....	39
Office space.....	39
Delineation of responsibilities .....	40
Cooperation with civil society organisations.....	40
Recommended responsibilities of the future Committee for European Integrations .....	41
The role of the Parliament and the Committee for European Integrations in EU accession talks ....	43
Other recommendations.....	44
Appendix .....	45
Literature and sources .....	52
About Institute Alternative .....	55



## Summary

The need to define and strengthen the role of the Parliament of Montenegro in the process of European integrations entails the need to transform parliamentary bodies, preparing them for the process of EU membership negotiations.

In order to ensure adequate oversight of the Government's activities in the accession process, it will be necessary to improve administrative capacities of the parliamentary bodies, especially those dealing with issues relevant for European integrations, as well as to ensure more frequent use of the available control mechanisms, as defined by the Book of Regulations.

Any decision on the future configuration of parliamentary bodies ought to incorporate a revision of the role of the National Council for European Integration. With their current setup, membership, competencies and administrative capacities, the NCEI and the Parliamentary Committee for International Relations and European Integrations are incapable of meeting the challenges of the accession process.

Limited expert support which the NCEI shares with the Committee for International Relations and European Integrations, frequent joint sessions of the two bodies, NCEI's inability to shift the discussion from daily politics and formulate concrete recommendations that would contribute to the accession process and justify its role as a strategic consultative body - all these put the reasons for NCEI's existence under a question mark.

Past record of the Committee for International Relations and European Integrations, the scope of the future legislation which will be required in order to achieve full compatibility of the national laws with *acquis*, as well as the demanding role of monitoring of the accession talks all suggest that the Committee should be split into two - a Committee for International Relations and a Committee for European Integrations.

Also for practical and financial reasons, the most effective way to redefine parliamentary institutional infrastructure for the process of negotiations would be to institute a single specialised working body which would focus on the issues pertaining to European integrations. The best solution for Montenegro's purposes would be to abolish the NCEI and channel the financial, administrative and expert support towards a newly established Committee for European Integrations. The new Committee should also take over two roles currently performed by NCEI - its oversight role in the accession process and the task of ensuring high levels of participation of all representatives of the Montenegrin society.



# Introduction

After it acquired the status of a candidate for membership in the European Union on 17 December 2010, Montenegro officially began the process of fulfilling the preconditions for the next phase of integration into this supranational body - the accession negotiations. However, in its Opinion on Montenegro's membership application, the European Commission made the beginning of accession talks conditional upon progress in seven priority areas which require extensive harmonisation with membership criteria<sup>1</sup>. The first concerned the Parliament, and, in addition to the adoption of new electoral legislation, it asked for the strengthening of oversight and legislative roles of the Parliament of Montenegro.<sup>2</sup>

Taking from the thus identified need to strengthen Montenegro's legislative body for the process of European integrations, this study first summarises the general role of the Parliament in the pre-accession phase, as well as in the period after formal accession to European Union. The introductory section also analyses the role and capacities of the Parliament's working body which is currently in charge of European integrations - Committee for International Relations and International Relations,<sup>3</sup> as well as those of the National Council for European Integrations. The analysis provides an overview of their work to date, including membership, capacities, competencies, and cooperation with the civil society. Focusing on these aspects of their work, and offering an account of their activities so far, as well as insights into practice of similar bodies in other countries of the region and in European Union, we will outline the possible solutions and alternative institutional arrangements, bearing in mind the Montenegrin context, demands of the European integration process, as well as the exigencies of financial and administrative effectiveness. The goal of the study is to offer a snapshot of the current capacities and responsibilities of the parliamentary bodies which are to play a role in the accession process, and to outline solutions grounded in comparative practice that could contribute to an improved position of these bodies.

In the course of our research we conducted interviews with the representatives of the Parliament, as well as with the State Secretary for European Integrations in the Government of Montenegro. Their opinions were extremely valuable in helping us to identify the current position and capacities of the Parliament and its bodies in the process of Montenegro's integration into EU. As the study also took into account the future role of the National Council for European Integrations, we also interviewed its members who are not representatives of the Parliament. We also sent a number of requests for access to information to the Office of the Secretary General of the Parliament, which provided the basis for the overview of the functioning of these two bodies. The final section offers recommendations for each of the areas analysed in this report: Parliament of Montenegro in the process of European Integrations - an observer or an active participant?

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1 European Commission's Opinion on Montenegro's membership application (Brussels, 9 November 2010, COM(2010)670), underlines the following seven priorities: 1. Improve the legislative framework for elections, strengthen the Parliament's legislative and oversight role; 2. Complete public administration reform including the necessary legal framework, and the strengthening of the Human Resources Management Authority and the State Audit Institution; 3. Strengthen the rule of law; 4. Improve the anti-corruption legal framework and implementation of existing measures; 5. Strengthen the fight against organised crime; 6. Enhance media freedom; 7. Implement the framework on anti-discrimination in line with European and international standards and adopt and implement a sustainable strategy for the closure of the Konik camp.

2 In the further text: Parliament

3 In the further text: Committee for IREI





# The role of the Parliament in the process of European Integrations

The process of a country's accession to European Union is mostly the task of the executive, i.e. the Government. On the other hand, this does not mean that the Parliament's role is negligible: bearing in mind the importance of the traditional system of checks and balances, as well as the primary role of the legislature in this division of powers - to control the executive - it could be said that the central task of the parliament in this context is to exercise political oversight over the process of accession to European Union.

## *The process of accession negotiations*

Negotiations with EU are the exclusive competency of the Government, while the Parliament's responsibility in this phase is to carefully analyse the procedure, involve a broad spectrum of social and interest groups and thus enhance the entire process. A situation in which the Government would be the only responsible for the coordination of European affairs, development and negotiation of a country's positions, begs the question of the political mandate of the executive (which in this case appears to be too broad) and of the Parliament's role in the entire process.

Parliament's task of overseeing the Government is defined by the highest legal act of the country - the Constitution. However, the relationship between the Government and the Parliament during negotiations, and their respective roles in this process can be more precisely defined by a separate agreement and acts, as was the case in Croatia, which adopted a series of documents regulating this issue.<sup>4</sup>

Of all countries included in this study<sup>5</sup>, the weakest Parliament in the accession process appears to be that of Malta, which let the Government conduct all activities in the course of the negotiations and only ratified the accession agreement at the end. On the other hand, the Parliament of Slovenia was extensively involved in the process, adopting drafts of each negotiating position and thereby assuming ownership of the negotiations process.

It is notable that several countries tried to strengthen the oversight role of the Parliament during the negotiations. One example is Hungary, which set up a special team of expert consultants to provide the Government with suggestions on the development of negotiations.<sup>6</sup> Another way to strengthen oversight of the negotiations process is to involve a broad range of stakeholders in the discussion on important matters within the accession process. An example is the specialised Committee for European Affairs of the Parliament of Estonia which occasionally took on the character of an open forum, bringing together representatives of the civil society, executive and legislature, and other interested parties.

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4 Joint statement of all political parties on the beginning of accession negotiations between Croatia and European Union (2004); Declaration on the basic principles of negotiations for membership of the Republic of Croatia in European Union; Statement of the Parliament of Croatia and the Government of the Republic of Croatia on joint activities in the process of negotiations for membership in European Union; Procedure for preparation and adoption of negotiating positions of the Republic of Croatia for EU membership negotiations. Cited from: The role of the parliament in pre-accession negotiations with European Union, Parliament of Montenegro, Podgorica, December 2010, p. 9

5 The study analysed the role of the parliaments of Slovenia, Czech Republic, Slovakia, Poland, Hungary, Romania, Bulgaria, Cyprus, Estonia, Malta, Latvia and Croatia during membership negotiations.

6 The role of the parliament in pre-accession negotiations with European Union. Parliament of Montenegro, Podgorica, December 2010, p. 7

Parliamentary oversight in the negotiations process can be further strengthened through frequent hearings in the committee responsible for European affairs, and through a greater number of MP's questions addressed to the Prime Minister and responsible members of the executive.

The Parliament also plays an important role in forging the consensus on the process of European integrations (both between the political parties and among all segments of the society), and in fostering consultations between the executive and the legislature during negotiations.

## National Council for European Integrations

### *- The embodiment of social consensus or a failed experiment?*

2008	"The long controversy over the election of its chair prevented, for a number of months, the setting-up of the Council for EU Integration."
2009	"The National Council for EU Integration continued to contribute to EU integration." „The National Council for EU Integration is yet to achieve its full potential. “
2010	"In March 2008, parliament set up a National Council for European Integration (NCEI) as a strategic advisory body with broad participation of civil society, government, the judiciary and the opposition. This body's role is to monitor the European integration process, including implementation of the Stabilisation and Association Agreement (SAA). The NCEI is chaired by an opposition Member of Parliament. It is the body where the country's consensus on EU integration is most often expressed. However, the NCEI does not meet regularly and its administrative capacity remains limited. The NCEI's role needs to be further developed (...) The National Council for European Integration has yet to achieve its full potential. Parliament can play a stronger role in European integration, notably by developing information and communication activities. It plays a key role in the dialogue between the state and civil society. This role can be further developed."
2011	"The National Council for European Integration (NCEI) held a conference on the seven key priority areas identified in the Opinion in May 2011, providing a forum for discussion between parliamentary political forces, the government and other stakeholders. However, the NCEI's work and administrative capacity remain uneven. Its role in Montenegro's EU integration process still needs to be further clarified and developed. (...)The role of the National Council for European Integration in Montenegro's EU integration process remains to be further developed."

#### *Excerpts from the European Commission's Montenegro Progress Reports*

On 19 March 2008 Parliament of Montenegro adopted the Decision to establish National Council for European Integrations (NCEI), as a strategic advisory body, whose role was to contribute to better coordination and monitoring of the Stabilisation and Association Agreement as well as the future negotiations of Montenegro's accession to European Union. The establishment of NCEI is another attempt to institutionalise a body that could facilitate a broad consensus on the process of European integrations. Before that, in March 2004, the Government set up a Council for European Integrations as an advisory body to the Government, but the "experiment" failed and the Council was soon abolished.<sup>7</sup>

<sup>7</sup> Council for European Integrations consisted of representatives of Montenegrin institutions, but did not include representatives of the civil society and opposition, and was as such a frequent target of harsh criticism. Serbia, for instance, has had a similar Council for European Integrations as an advisory body to the Government since 2002. It is chaired by the Prime Minister, and includes all members of the Government, as well as representatives of other institutions, academia and the civil sector.

As the success of NCEI can only be measured by contrasting its activities to date with its original role, it could be said that its (lack of) performance since its establishment in 2008 until the end of 2010 begs the question of its continued existence.

In an attempt to investigate the reasons behind NCEI's under-performance, this chapter analyses its role with regard to the following aspects of its work: membership and presidency; capacities; competencies; activities to date; openness to the public and budget.

Of all the countries in the region, as well as those which joined the European Union in the 2004 and 2007 enlargement waves, we only two have bodies comparable to NCEI - National Committee for monitoring of the accession negotiations in Croatia and the National Council for European Integrations in Macedonia. Both these are, however, parliamentary bodies, and are thus fundamentally quite different. We will nevertheless where relevant point out the differences and similarities between these two bodies and Montenegrin NCEI.

In the conclusion of this chapter we offer our views on the future of NCEI and the structure of parliamentary working bodies that will be in charge of European affairs in the next phase of country's integration into European Union.

### ***Membership and president of NCEI***

According to the founding decision and its role as a body which facilitates broad consensus on the process of country's integration into EU, the National Council for European Integrations includes members of parliament from the government and opposition, representatives of the civil society, academia, judiciary, prosecution...<sup>8</sup>

We can roughly group NCEI's membership into three categories: Members of Parliament, who constitute the dominant majority, two representatives of the non-governmental sector, and representatives of other institutions and bodies delegated without clear appointment criteria. Moreover, it should be underlined that the appointment of members from the non-governmental sector takes place in a fairly non-transparent manner: the civil sector selected ten candidates for two available seats, and even then the criterion for representativeness was rather unclear. The same problem was already identified by the European Commission which warned that "the mechanism by which civil society members are elected to the National Council for European Integration has to be clarified",<sup>9</sup> as well as by the European Economic and Social Committee ("The procedure for appointing NGO representatives to the National Council for EU integration should be defined by Parliamentary decree and based on clear criteria of the credibility and legitimacy of NGOs with a track record in EU affairs."<sup>10</sup>

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8 NCEI's members are elected based on the following distribution of seats: president and deputy president of the National Council from among the Members of Parliament of Montenegro; six members from the ranks of opposition MPs, president and the deputy president of the parliament's Committee for International Relations and European Integrations; presidents of the permanent committees of the Parliament of Montenegro; one member appointed by the President of Montenegro, and representative of the University of Montenegro; one of the Montenegrin Academy of Arts and Sciences; one each from the Judiciary Council and the Prosecutor's Council; two members from the ranks of NGOs active in the field of European Integrations and monitoring of the Stabilisation and Association Agreement; and two from the Social Council (see Decision to establish NCEI, Article 6). The President of NCEI is elected from the ranks of the opposition parties, while his deputy comes from the parliamentary majority. (Ibid, Article 3).

9 Montenegro Progress Report 2009, accompanied by the Communication from the Commission to the European Parliament and Council, "Enlargement strategy and main challenges 2009-2010", COM(2009) 53, p. 15

10 Opinion of the European Economic and Social Committee on The role of civil society in EU-Montenegro relations, REX/298, Brussels, 28 April 2010, p. 1

The fact that two thirds of NCEI's members are at the same time Members of Parliament makes this body more of a parliamentary committee than a strategic advisory council.

The first President of the National Council for European Integrations was Mr. Srđan Milić, president of the Socialist People's Party, who was elected to this post in July 2008.<sup>11</sup> His appointment was confirmed in a plenary session after the Administrative Committee decided on the election procedure. The second vote came in 2009, with the election of Mr. Nebojša Medojević, president of the Movement for Changes. Currently the Council consists of the president, his deputy, and twenty-eight members.<sup>12</sup>

## *Capacities*

NCEI rules of procedure envisage an expert support team consisting of a secretary, administrative secretary and three to five advisors.<sup>13</sup> However, in the three years of its existence NCEI's entire support team consisted of an acting secretary. In the words of the European Commission: "NCEI does not meet regularly and its administrative capacity remains limited".<sup>14</sup>

The problem of administrative capacities of the Montenegrin "strategic advisory body" is partly institutional. The Decision to establish NCEI stipulates that "administrative and expert support for the functioning of the National Council will be provided by Secretary General of the Parliament, in accordance with his competencies, through the Administration of the Parliament of Montenegro".<sup>15</sup>

Given that its founding document does not define the National Council as a parliamentary body, Human Resource Development Strategy of the Parliament of Montenegro for the period between January 2011 and January 2014 does not deal with the capacities of this body<sup>16</sup>. Nevertheless, as of June 2011 the capacities and expert support of the Committee for International Relations and European Integrations can also be used by NCEI.<sup>17</sup>

"Four employees of the Parliament's administration have been appointed to follow the work of the National Council. Also, depending on the need, in accordance with Article 10 of the Decision to establish NCEI, a greater number of employees with specific expertise can be made available for its purposes".<sup>18</sup>

"All members of the NCEI, but especially the president, are to blame for the fact that the National Council for European Integrations never acquired full expert support, as prescribed by the regulations, and that it never produced concrete proposals and recommendations." -

IA's interview with Nada Drobnjak, member of the Committee for International Relations and European Integrations and the National Council for European Integrations, 03.06.2011

11 See: Decision on the election of president, deputy president and members of the National Committee for European Integrations. SU-SK No. 01-806/3, Podgorica, 31 July 2008

12 Decision on the election of president, deputy president and members of the National Committee for European Integrations. SU-SK No. 01-637/2 Podgorica, 29 July 2009

13 NCEI's Procedural regulations, Article 20

14 Excerpts from the Analytical Report accompanying the European Commission's Opinion on Montenegro's application for membership in European Union. (COM (2010) 670), p. 10

15 Decision to establish National Council for European Integrations, Article 10

16 See: Human Resources Development Strategy of the Parliament of Montenegro for the period January 2011 - January 2014. Administration of the Parliament of Montenegro, 00-57/11-49. Available at: [http://www.skupstina.me/cms/site\\_data/strategija-strategija-razvoja-ljudskih-resursa.pdf](http://www.skupstina.me/cms/site_data/strategija-strategija-razvoja-ljudskih-resursa.pdf)

17 Interview with Damir Davidović, Secretary General of the Parliament of Montenegro, 08. 07. 2011.

18 Response of the Secretary General of the Parliament of Montenegro to the request for free access to information no. 00-41/11-150/2 of 19.10.2011

## Examples from comparative practice

### Croatia

NCEI se is fundamentally different from the Croatian National Committee for monitoring of the accession negotiations, not only because of the much broader membership base,<sup>19</sup> but also because the Croatian National Committee is a specialised working body of the Parliament, which means that its external members do not have voting rights.<sup>20</sup> This is not the case in Montenegro, where NCEI decides by consensus and all members have voting rights.<sup>21</sup> However, since NCEI's establishment they have never had a chance to use this right, as there was never an item on the agenda that would require a decision by vote.

### Macedonia

A similar institution exists in the Republic of Macedonia since 2007 - National Council for European Integrations. Like its Croatian counterpart, it is also a parliamentary body, but there are no representatives of the non-governmental sector among its members. Just like in Croatia, its external members<sup>22</sup> do not have voting rights.

Comparing these three bodies, we can see that the Montenegrin Council has the greatest number of members (30), all of which have the right to vote.<sup>23</sup>

	Established	Members			Voting rights for external members
		MPs	external	Total	
<b>Croatia</b>	2005	15	4	<b>19</b>	No
<b>Macedonia</b>	2007	9	6	<b>15</b>	No
<b>Montenegro</b>	2008	21	9	<b>30</b>	Yes

Croatia's National Committee and the Montenegrin and Macedonian National Councils have all been constituted in different phases of these countries' accession to EU and their competencies differ accordingly. Thus the Macedonian NCEI is involved in the preparatory phase of negotiations, while the Montenegrin one should be in charge of monitoring implementation of the Stabilisation and Association Agreement. All three bodies have the task of overseeing the accession talks, which means providing suggestions, opinions and recommendations during negotiations; analysing and formulating opinions on negotiating positions, as well as on other issues that come up during negotiations; and issuing opinions on the extent of compatibility of the national legislation with *acquis*. Also, all three bodies have the duty to report to the Parliament on their work.

19 External members of the Croatian National Committee are: representative of the Office of the President of the Republic of Croatia; representative of the academic community; representative of the employers' association and a representative of trade unions.

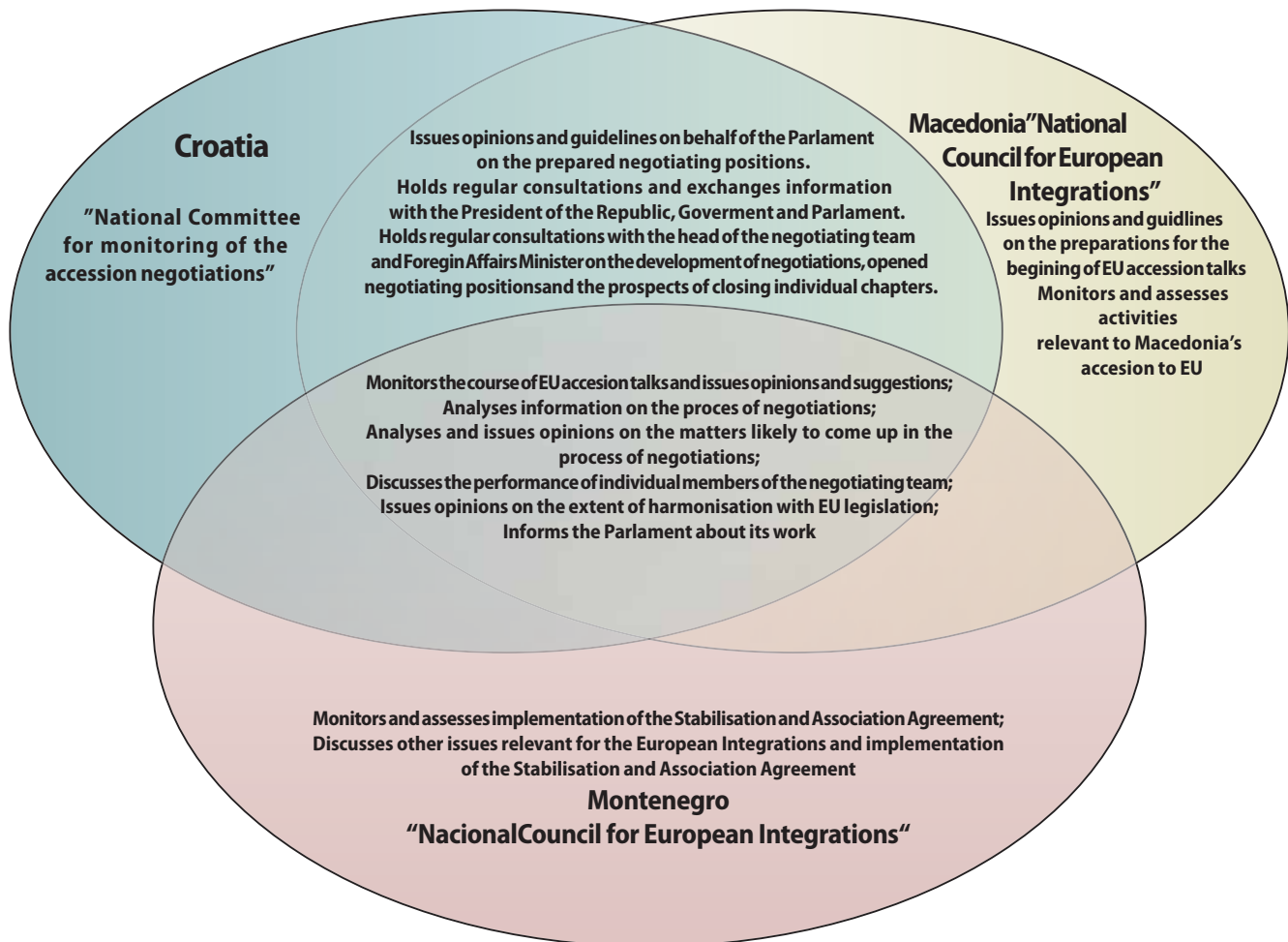
20 Decision to establish National Committee, 19 January 2005, Article 3

21 Procedural regulations of the National Council for European Integrations, 17 February 2010.

22 External members of the Macedonian National Council are: Deputy Prime Minister for European Integrations; representative of the Office of the President of the Republic; representative of Prime Minister's Cabinet; representatives of the Macedonian Academy of Arts and Sciences, of the Union of Local Self-Governments and the Journalists' Association.

23 As an advisory body, NCEI can adopt decisions which are not binding but are formulated as opinions and recommendations.

*The competencies of the three bodies can be illustrated by the following chart*



Bearing in mind that ever since it acquired the candidate status Macedonia did not have the chance to begin accession negotiations, it is impossible to assess the effectiveness of a wider selection of specialised institutions in the field of European integrations.

Nevertheless, the position of the National Committee in Croatia can be described as strong: it was responsible for approving the negotiating position, it played an important role in forging the consensus in Croatia, and engaged in important international activities. Among the institutional advantages of the Croatian National Committee<sup>24</sup> are especially its frequent and regular meetings with the President and Prime Minister, as well as with the chief negotiator and Minister of Foreign Affairs. This provides for regular consultations on the highest level, and enables direct exchange of information on the course of the integration process. The list of competencies of the Montenegrin NCEI does not include similar consultations.

State Secretary for European Integrations, Ms. Slavica Milačić, said the main problem lies in the very broad definition of NCEI's responsibilities.<sup>25</sup> According to her, the National Council immediately received responsibilities in the negotiations process, while the preliminary phase was completely left out - from the formation of the inter-governmental conference to the screening phase and the definition of negotiating positions.<sup>26</sup>

<sup>24</sup> Macedonian NCEI has similar responsibilities.

<sup>25</sup> Decision to establish NCEI, Article 6

<sup>26</sup> Interview with Slavica Milačić, State Secretary for European Integrations, 24.06.2011

## ***NCEI's activities to date***

Since Montenegro acquired the status of membership candidate, the National Council met very rarely, as also noted in the Analytical Report which accompanied European Commission's Opinion on Montenegro's application for membership of European Union.<sup>27</sup>

This conclusion is not simply based on the number of meetings held by NCEI, but also on the fact that it never produced agendas for 2009 and 2010,<sup>28</sup> and procedural regulations governing the work of this body were only adopted two years after it was established, on 19 February 2010.

The situation improved somewhat in the course of 2011. For the first time, the National Council formulated an agenda which envisages regular meetings on more or less monthly basis,<sup>29</sup> and it also organised an international conference dedicated to the efforts to fulfil the seven priorities outlined in the Opinion of the European Commission.<sup>30</sup>

Nevertheless, there is a noticeable failure on the part of NCEI to produce any concrete recommendation for the improvement of the overall process of European integrations. Together with the Committee for International Relations and European Integrations, after a very superficial discussion, NCEI adopted the Action plan for the implementation of European Commission's recommendations without formulating a single proposal for its improvement. It is difficult to gauge the exact contribution of NCEI to the development of its document, as the Council never offered any conclusions, recommendation, opinions or joint statements on this matter, neither on its own website nor in the media.

During discussions of the Government's monthly reports on the progress of the Action plan for the implementation of European Commission's recommendations, there was hardly any debate about the details of the report, and these discussions maintained the same general tone as the plenary sessions. Members of the Parliament typically avoided mentioning specific

"So far NCEI's sessions were largely informative in character, and were focused on the political aspects of the issues at hand, rather than on the content of the proposed measures. There was hardly any interest in discussing specific legal formulations or in detailed analysis and discussion of concrete solutions."

"We debate whether the EC's assessment of our progress is correct or not, but we never go back to the Action Plan and monthly reports and ask: which measures were taken to advance in this or that area? So, a discussion without much attention to the content or the purpose. Nobody even came with the intention to engage in this type of argument" -

IA's interview with Slavica Milačić, State Secretary for European integrations, 24. 06. 2011.

aspects of the Action Plan, and did not engage with any issue that is not already strongly present in the public debates (Constitution, independence of the judiciary, libel). The discussions were largely dominated by issues unrelated to the topic of the session or even to the Action Plan. Much of the discussion centred on the Action Plan for the Parliament, which could not be adequately addressed by the attending representatives of the executive. Both MPs and members of NCEI complained on several occasions that the reports they receive are too long, detailed, and difficult to follow.<sup>31</sup>

<sup>27</sup> Analytical report accompanying Commission's Opinion on Montenegro's application for membership in of European Union (COM (2010) 670)

<sup>28</sup> On 24 May 2010 Institute Alternative approached the acting secretary of the National Council for European Integrations, Mr. Andrej Orlandić, with a request to access the following documents: NCEI's agendas for 2009-2011, as well as all reports on its work to date which have been submitted to the Parliament of Montenegro. In response to this request, Mr. Orlandić wrote that NCEI did not produce an agenda for the years 2009 and 2010 and that so far it only submitted one report on its work.

<sup>29</sup> Plan of activities of the National Council for European Integrations for 2011 can be found in the Appendix.

<sup>30</sup> Plan of activities of the National Council for European Integrations for 2011 can be found in the Appendix.

<sup>31</sup> Representatives of Institute Alternative attended all meetings of NCEI in 2011.

## ***Openness to the public***

In order to increase NCEI's visibility, the Parliament added a separate page to its website dedicated to the activities of this body. Unfortunately, apart from the meeting schedule and minutes,<sup>32</sup> the page does not contain any additional information nor does it serve to communicate opinion, views and recommendations. Although most of our interviewees stressed that if NCEI's should be called to perform a stronger role, the Council should also open its own website, in order to communicate its recommendations for the improvement of European integrations process, it should be that said up until now the members of NCEI failed to make sufficient use of the possibilities they already have.<sup>33</sup>

The same goes for NCEI's statements for the public. Its members are nearly unanimous in asserting that the National Council should only publish previously agreed opinions, but there were no initiatives to date to produce such statements.

## ***Reports on NCEI's work***

Although Article 9 of the Decision to establish NCEI stipulates that the National Council should submit a report of its activities twice a year to the Parliament of Montenegro, since its establishment this body only submitted one report, for the period September 2009 to March 2010.<sup>34</sup>

## ***NCEI's budget***

As a consequence of the lack of initiative on the part of its members to improve the performance of the National Council for European integrations, NCEI failed to utilise most of the money it received from the public budget in 2009 and 2010. Namely, in 2009 and 2010 NCEI was entitled to an annual fund of 109.861,65 euros,<sup>35</sup> but in 2009 it returned the entire sum, whereas in 2010 it spent 35.477 euros, out of which 20 000 was donated to the flood-afflicted areas.

NCEI did not adopt a financial report for the expenditures in 2010.<sup>36</sup>

## ***The future of NCEI***

So far the National Council for European Integration failed to live up to its role as a strategic advisory body in the process of European integrations. There are a number of reasons for this failure: first, the NCEI did not manage to redirect the discussion from daily political issues to a constructive debate that could result in proposals and recommendations relevant to the problems and delays in the implementation of the SAA.

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32 Minutes from the meetings are not regularly updated. See: [www.skupstina.me](http://www.skupstina.me)

33 List of interviewed members of NCEI can be found in bibliography.

34 The report mentions two separate and two joint sessions of NCEI with the Committee for International Relations and European Integrations. Together with the constitutive meeting and the working meeting with a representative of the Westminster Foundation, these were all activities undertaken by the National Council for European Integration in the period September 2009 to March 2010.

35 Final budget of the Republic of Montenegro for 2009. SU-SK no. 01-678/7, Podgorica, 9 December 2010 and Final budget of the Republic of Montenegro for 2010, SU-SK no. 01-976/59, Podgorica, 17 December 2009.

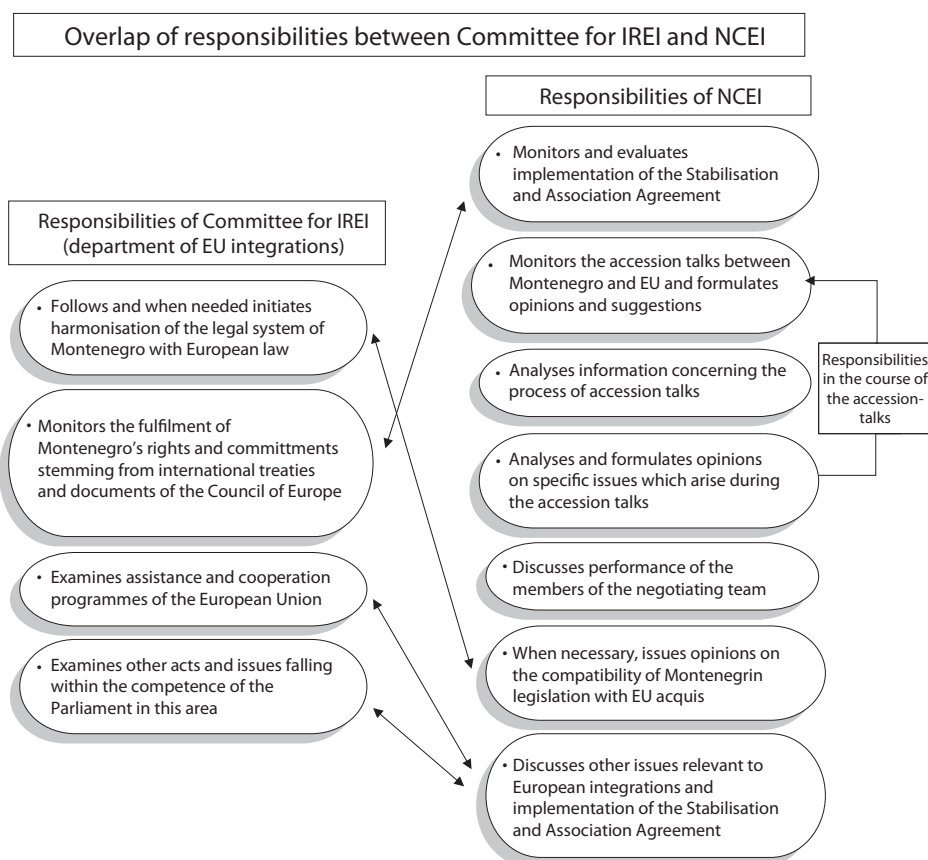
36 Reaction of the President of NCEI to a communication by NGO Centre for Civic Education, available at: <http://www.skupstina.me/index.php?strana=saopstenja&id=3160>



It is also clear that in its first three years of existence the National Council did not develop as expected, nor did it find its place in the process of European integrations.

A number of its members simply do not attend the meetings.<sup>37</sup> Others defend their absence by saying that they cannot see any purpose to the work of the National Council for European Integrations, on top of which, according to them, the sessions simply take too long.<sup>38</sup> Finally, the National Council has been without some members for quite a while<sup>39</sup>, but neither the president nor other members took the initiative to replace them with other representatives.<sup>40</sup>

NCEI's weak position is to a large extent due to the lack of initiative and constructive engagement on the part of its members that would result in guidelines for the advancement of the overall process of European integrations. Part of the problem, however, lies in the very founding act of this body, i.e. in the formulation of its composition, functioning, competencies and other elements of its performance. According to Džavid Šabović, president of the Committee for Constitutional Affairs and Legislation, already in the course of establishment of NCEI a lot of effort was made to deprive this body of any real power.



37 Mr. Džavid Šabović, President of the parliamentary Committee for Constitution and Judiciary, did not attend a single session of NCEI. He blamed his absence on the overload of commitments in his own Committee - *Interview of IA's researchers with Džavid Šabović, 24. 06. 2011*

38 Opinion of Ms. Vesna Medenica, President of the Supreme Court of Montenegro and a member of NCEI. *Interview of IA's researchers with Vesna Medenica, 14. 06. 2011*

39 As some of its members were sent abroad as ambassadors. One example is Srđa Darmanović, representative of the University of Montenegro who was appointed Montenegro's Ambassador to USA.

40 The only exception is the decision of the President of Montenegro to appoint Branko Barjaktarović as representative of the President in NCEI, after the previous representative, Ivan Leković, was appointed Montenegro's ambassador to Poland. *Official Journal of Montenegro, no. 53/11, 11. 11. 2011.*

The main reason is that most of its responsibilities are already covered by the Committee for International Relations and European Integrations, which is led by a representative of the ruling party. In this way, the initiative to appoint a representative of the opposition as a president of NCEI merely constitutes a formal gesture towards the opposition and an illusion of a democratic concession by the parliamentary majority.<sup>41</sup>

President of the Committee for International Relations and European Integrations says the responsibilities, membership and capacities of the Committee for IREI and NCEI are anyway overlapping to the extent that one has to ask whether NCEI's existence is at all necessary, beneficial or financially prudent.<sup>42</sup>

Due to the overlap of responsibilities and activities so far, the question is indeed whether there is any need for NCEI to continue as a separate body. To date, there were seven joint sessions of the Committee for IREI and NCEI (in addition to which NCEI only had nine sessions of its own in the three years of its existence).<sup>43</sup> Out of 21 Members of Parliament in NCEI, 6 are simultaneously members of the Committee for IREI (including the president and the deputy president of the Committee). The two bodies also rely on the same administrative support - the same person serves as a secretary to both bodies, and the administrator of the Committee also works for NCEI.<sup>44</sup>

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Bearing in mind the above, there are three possibilities to redefine NCEI's role in the process of European integrations:

1. *Keep NCEI in its present form, with the existing responsibilities, membership and role.*
2. *Redefine NCEI's structure and position, in one of the following ways:*
  - a) *Change the composition of NCEI's membership to include more representatives of the civil society and other non-parliamentary institutions in Montenegro, based on a clear set of criteria (primarily expertise)*

It is clear that in its present form the National Council for European Integration isn't performing and that in order to make it functional it is necessary to redefine its composition. By incorporating more members outside the parliament, the body would strengthen its role as a strategic advisory body. This option is preferable to the solutions adopted in Croatia and Macedonia, i.e. to include non-parliamentary members without voting rights, which would make the National Council a de facto parliamentary body.

- b) *National Council for European Integrations should be transformed into a parliamentary Committee for European Integrations, with Members of Parliament as the only voting members.*

Out of the current thirty members of NCEI, more than two thirds (21) are Members of Parliament. Therefore, a transformation of NCEI into a parliamentary working body would only formalize its status. There is, however, no sense in turning NCEI into an additional parliamentary committee, not only from the point of view of the finances, but also in view of the need to expand and concentrate the capacities to monitor the accession process. Instead of creating another parliamentary body for European integrations, it would be necessary to divide the Committee for IREI and create a separate, specialized body for the field of European integrations.

Investing in administrative and expert capacities of both bodies does not appear to be a rational or effective solution.

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41 Interview with Džavid Šabović, 24. 06. 2011.

42 Interview with Miodrag Vuković, president of the Committee for International Relations and European Integrations, 18. 06. 2011.

43 NCEI's responsibilities as listed in the Decision to establish NCEI, Article 6.

44 Response of the Secretary General of the Parliament of Montenegro to the request for access to information no. 00-41/11-150/2 of 19.10.2011.

*3. Abolish the NCEI in its present form, and transfer part of its capacities and responsibilities to the newly established Committee for European Integrations.*

Such a Committee should combine the competences of the present Committee for IREI in the domain of European integrations with two additional responsibilities of NCEI (in addition to coordination and monitoring of the implementation of the Stabilisation and Association Agreement, which already falls under Committee's responsibility): a role in the upcoming negotiations and the task to ensure broad participation of other representatives of the Montenegrin society. Frequent joint meetings of the NCEI and the Committee for International Relations and European Integrations only confirm the rationale for a merger between the two bodies. This means that the future Committee for EI would have the task to oversee the process of negotiations, while at the same time it would play a prominent role in informing the citizens about the process of integrations, and gathering representatives of the civil society and interest groups, as well as representatives of different public institutions through various forms of consultations, discussions, expert assessments of the various issues on the European agenda, public debates and conferences.

A commitment to organise quarterly thematic forums with representatives of the civil society and public institutions would constitute a satisfactory way of integrating NCEI's competencies into the responsibilities of the Committee for European Integrations. The Committee's role could be further strengthened by a commitment to adopt joint conclusions in these sessions, as well as to allow participation of all interested civil society organisations as long as they submit a report on the topic of the forum.

The fact that NCEI had been siphoning of administrative support of the Committee for IREI, together other problems in the functioning of this body to date (e.g. the need to hold joint sessions with the Committee in order to rationalise the time of the members who are in both bodies etc.) suggest that the best solution would be to abolish NCEI and re-channel all financial and administrative support to the new Committee for European Integrations.

*Institute Alternative considers option no. 3 to be the best solution.*

## **Committee for International Relations and European Integrations - A new role for a new phase of integrations?**

<b>2006</b>	<i>"The Committee for European Integration has continued to be affected by insufficient resources and expertise, including the lack of specialised staff. No compatibility checks of new legislation with the acquis have been performed at the level of Parliament. (...) The process of transposition of the acquis needs to be enhanced and the role of the Committee for European Integration strengthened."</i>
<b>2007</b>	<i>"The committee for European integration (which also covers international relations and foreign affairs) has been reinforced. However, it still does not have a clear focus and lacks effectiveness. There has been some improvement in the climate between the government and the opposition, resulting in greater readiness to work towards consensus on major issues. (...) The lack of sufficient administrative and other resources continues to affect parliament's work. Parliament is not yet adequately supervising the defence and security structures. Also, parliament lacks capacity to scrutinise the compatibility of new legislation with EU legislation adequately."</i>
<b>2008</b>	<i>"The committee for international relations and European integration remains unfocused and its efficiency is limited. Contacts with the European Parliament and Council of Europe Parliamentary Assembly bodies remain limited. (...)Parliament still lacks the capacity to scrutinise adequately the compatibility of new legislation with EU legislation."</i>
<b>2009</b>	<i>"The government reported on progress with EU integration at every session of the Committee for International Relations and European Integration. This further raised the level of involvement of this committee in the integration process. As regards control mechanisms, this committee called ministers to hearings on several occasions. (...) In December 2008 a new set of rules on organisation of the parliamentary administration were adopted. The rulebook provides for establishment of six more 'bureaus' within the Parliament's Administration Service, including a Bureau for EU Integration. One of its tasks is to give an independent assessment of alignment of draft legislation with the acquis. The new rules provide for increasing the parliamentary administration's human resources. A part of these resources has already been made available. Further efforts have been made to provide for staff training. (...)The Committee for International Relations and EU Integration has upgraded its contacts with the European Parliament. It holds the chairmanship of the conference of the parliamentary committees for EU integration of Western Balkan countries for 2008-2009. In this context, Montenegro successfully hosted a well-attended regional parliamentary conference in Cetinje in March 2009. (...)Neither the newly established Bureau for EU integration nor the Committee for International Relations and EU Integration yet have sufficient capacity to scrutinise independently alignment of draft legislation with the EU acquis."</i>
<b>2010</b>	<i>"Parliament's capacity to ensure high quality legislation compatible with EU acquis has generally remained limited and needs to be enhanced (...) Parliament is assigned with ensuring the compatibility of new legislation with the EU acquis. These checks fall under the responsibility of the Committee for International Relations and European Integration, which also has overall responsibility for relations with the EU. A Department for European Integration has been set up in parliament's administration to support the committee in this role. However, the department has not yet been appropriately staffed and does not yet fulfil its tasks. Parliament therefore follows the statements of compatibility of new legislation with the EU acquis provided by the government. (...)A Rulebook on Internal Organisation and Systematisation of the Parliament Administration was adopted in July 2010 with the aim to reduce overlapping and streamline parliament's work, notably on EU-related matters. (...)Parliament's capacity to scrutinise draft legislation against the EU acquis and the means available to implement it need to be further developed. Parliament can play a stronger role in European integration, notably by developing information and communication activities."</i>
<b>2011</b>	<i>"(...)Its administrative capacity to support parliamentary committees has been strengthened, in particular the International Relations and European Integration Committee, which is in charge of coordinating relations with the EU and making sure that new legislation is compatible with the EU acquis (...)The role of the Parliamentary Committee for International Relations and European Integration is often limited to formal checks of the statement of compatibility of new legislation with the EU acquis provided by the government. No further compatibility checks take place. The administrative capacity of parliament - albeit strengthened - remains weak and needs to be further consolidated. Parliament's capacity to ensure high-quality legislation in general remains limited and needs to be enhanced. (...)Parliament's capacity and means to scrutinise draft legislation against the EU acquis need to be upgraded."</i>

*Excerpts from the European Commission's Montenegro Progress Reports*

In October 2003 the Parliament adopted a decision to set up the Committee for European Integrations, a permanent working body in charge of initiating and harmonizing Montenegrin legislation with EU *acquis*, monitoring commitments to the international agreements and the Council of Europe, scrutinizing international treaties, cooperating with working bodies in other parliaments and international organisations.<sup>45</sup>

With the adoption of the new Rules of Procedure, this decision became void, and the Committee for European Integrations was renamed into Committee for International Relations and European Integrations (in the further text: Committee for IREI). Its membership and responsibilities were also extended, and according to the new Rules of Procedure they consist of the following:<sup>46</sup>

- Follow and when needed initiate harmonisation of the legal system of Montenegro with European law;
- Monitor fulfilment of Montenegro's rights and commitments stemming from international treaties and documents of the Council of Europe;
- Examines assistance and cooperation programmes of the European Union;
- Examines other acts and issues falling within the competence of the Parliament in this area;
- Examines proposals ratification of international agreements;
- Proposes platforms for talks with foreign delegations and examines reports on completed visits, participation in international conferences and study visits in its field of competency;
- Gives opinions on candidates for ambassadors and heads of other diplomatic missions abroad;
- Approves annual programmes and quarterly detailed programmes of international cooperation;
- Cooperates and exchanges opinions with the relevant working bodies in other parliaments and international organisations, founds joint bodies, friendship groups, undertakes joint activities and harmonizes views on issues of common interest.

The 24<sup>th</sup> assembly of the Parliament marked a significant improvement in the functioning of the Committee for IREI, like in most other parliamentary working bodies, from the point of view of regularity of its meetings, number and length of sessions, number of agenda items and, partly, exercise of its oversight role.

Committee for IREI performs largely normative tasks, focusing on the harmonisation of the Montenegrin legal system with EU *acquis*. Within the 24<sup>th</sup> assembly, the Committee for International Relations and European Integrations discussed to date a total of 327 draft laws, which is more than any other committee, with the exception of the Committee for Constitutional Affairs and Legislation, which is responsible for scrutinizing all proposals.

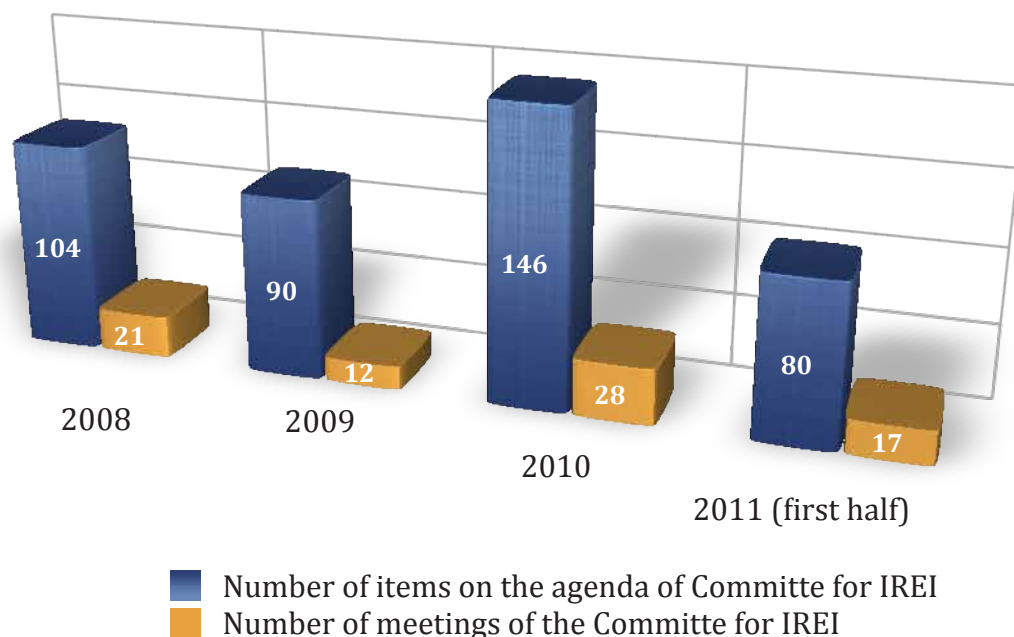
From one year to the next, Progress Reports of the European Commission keep warning about the weak capacities of this working body of the Parliament, indirectly criticising the ability of the Parliament itself to ensure high quality legislation compatible with EU *acquis*. The latest Progress Report notes some progress in this regard, but warns that the efforts to date have been insufficient and ought to be enhanced.

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45 Decision to establish Committee for European Integrations of the Parliament of Montenegro, Official Gazette no. 60/03, 28.10.2003.

46 Article 42 of the Rulebook of Internal Organisation of the Parliament of Montenegro.

### *Performance of the Committee for IREI to date*



### **Membership**

The number of members of the Committee for IREI was increased from 13 to 15, making it the largest working body in the Parliament.<sup>47</sup>

On average, other working bodies number up to 12 members.

President of the Committee comes from the parliamentary majority, and the deputy from the largest opposition party. The current (and the former) president of the Committee is Miodrag Vuković (DPS). The Committee consists of nine members from the ruling coalition and six from the opposition benches.

All members of the Committee for IREI are also members of the Parliamentary Committee for Stabilisation and Association with EU, and six of them are also members of NCEI (out of a total of 21 MPs in NCEI)<sup>48</sup>. It should also be noted that its members already have multiple commitments in other parliamentary bodies. With the exception of MP Željko Avramović, all others are members of one or several other committees.<sup>49</sup> Parliamentary Rules of Procedure allow MPs to be members of up to three parliamentary committees.<sup>50</sup>

47 Members of the Committee for International Relations and European Integrations in the 24th assembly are: President, Dr Miodrag Vuković (DPS), deputy president Vasilije Lalošević (SNP), Genci Nimanbegu (FORCA), Predrag Bulatović (SNP), Mevludin Nuhodžić (DPS), Prof. Dr Branko Radulović (PZP), Suljo Mustafić (BS), Nada Drobnjak (DPS), Aleksandar Bogdanović (DPS), Goran Danilović (NOVA), Slaven Radunović (NOVA), Damir Šehović (SDP), Obrad Mišo Stanišić (DPS), mr Raško Konjević (SDP), Željko Avramović (DPS).

48 Also members of NCEI: Mevludin Nuhodžić, Branko Radulović, Goran Danilović, Miodrag Vuković, Nada Drobnjak, Vasilije Lalošević.

49 Miodrag Vuković – Committee for Constitutional Affairs and Legislation, NCEI; Vasilije Lalošević – Administrative Committee, Security and Defence Committee, NCEI; Genci Nimanbegu – Committee for Tourism, Agriculture, Environment and Spatial Planning; Predrag Bulatović - Security and Defence Committee; Mevludin Nuhodžić - Security and Defence Committee (president), NCEI; Branko Radulović – Commission for oversight and control of the privatization process, NCEI; Suljo Mustafić – Committee for Education, Culture and Sports; Nada Drobnjak – Committee for Gender Equality (president), NCEI; Aleksandar Bogdanović - Security and Defence Committee; Goran Danilović - Security and Defence Committee, NCEI; Slaven Radunović - Committee for Tourism, Agriculture, Environment and Spatial Planning (deputy); Damir Šehović – Committee for Economy, Finance and Budget; Obrad Mišo Stanišić – Security and Defence Committee; Raško Konjević - Security and Defence Committee, Committee for Economy, Finance and Budget.

50 Article 34 of the Rulebook on Interior Organisation of the Parliament of Montenegro.

The latest amendments to the Law on the prevention of the conflict of interests have finally resolved the matters of the conflict of interests and professionalization of the MP's office.<sup>51</sup> It should nevertheless be noted that before this law came into force many members of the Committee for IREI had significant duties and engagements outside of the Parliament.<sup>52</sup> Given all of the above, it is small wonder that the members of the Committee are often absent from meetings and, as prescribed by the Rules of Procedure,<sup>53</sup> another member of their party steps in to vote.<sup>54</sup>

## ***Harmonisation of Montenegro's legal system with EU acquis***

According to the Copenhagen criteria, a country aspiring to become part of EU ought to fulfil, among other, the legal condition which requires it to adopt the entire body of EU laws, also known as *acquis communautaire*.<sup>55</sup> The Committee for International Relations and European Integrations is responsible for ensuring, on behalf of the Parliament, that the new legislation is harmonised with the EU *acquis*.

The concept of legal harmonisation consists of three elements:

**1. Transposition** - adoption of new or amendments to the existing legislation in order to ensure that the new legislation is entirely in line with *acquis*.

**2. Implementation** - creating new or adapting existing institutions and providing the necessary budget to implement the new legislation.

**3. Enforcement** - performing necessary oversight and adopting sanctions to ensure that the new legislation is entirely and properly implemented in practice.

The Committee is responsible for verifying the compatibility of the new legislation with *acquis*. In practice, this means that the Committee, or rather its administration, analyses the accompanying documents submitted to the Parliament by the party which proposed the legislation in question. In other words, the Committee does not evaluate specific aspects of the proposed legislation, but merely confirms the validity of the *Statement on compatibility of Montenegrin legislation with the relevant EU acts* and of the *Compatibility table*<sup>56</sup> which accompany the proposal.

51 "Official Gazette", no. 01/09 of 09.01.2009, 41/11 of 10.08.2011, 47/11 of 23.09.2011.

52 President of the Committee Dr Miodrag Vuković is also president of the Council of the Agency for Civilian Aviation; deputy president of the Committee Mevludin Nuhodžić is director of the Property Authority; Damir Šehović is at the same time member of the board of the local parliament of Podgorica; Raško Konjević was until recently president of the Parliament of the Capital City; Aleksandar Bogdanović is simultaneously member of the Board of Managers of the Agency for Civilian Aviation and mayor of Cetinje; Željko Avramović is also deputy president of the Municipality of Kotor. Of the opposition MPs, Genci Nimanbegu is simultaneously member of the board of the local parliament of Ulcinj.

53 "If the committee does not have the necessary majority due to the absence of certain members, a missing member can be replaced, in full capacity, by the president of the party's group or another member of the group appointed by the president". Rulebook on Internal Organisation of the Parliament of Montenegro, Article 65, point 2.

54 "One problem, for instance, is that the members from certain parties do not come to all meetings of the Committee, which makes their contribution even more problematic: at the next session, they will again raise the issues we already discussed at the meeting which they missed". *IA's interview with the President of the Committee for International Relations and European Integrations Miodrag Vuković and secretary of the Committee Andrej Orlandić, 18.06.2011.*

55 In 1993, at the summit in Copenhagen, European Council specified the conditions to be fulfilled by the countries aspiring to membership in EU. The three conditions became known as the "membership criteria" or "Copenhagen criteria". According to them, the countries aspiring to EU membership must have achieved

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union;
- the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

The third criterion, also known as the legal or *acquis* criterion was extended at the European Council summit in Madrid in 1995 to emphasise implementation of EU laws, as opposed to their mere transposition.

56 Statement of harmonisation and Harmonisation table are instruments for evaluation of the harmonisation of Montenegrin legislation with EU regulations, introduced in 2009 by the Amendments to the Rulebook of the Government of Montenegro as mandatory annexes to the proposals of new legislation.

In the first six months of 2011, out of a total of 87 law proposals, Committee's administration asked for 24 content-related changes and 12 technical changes to the documents confirming compatibility of the legislation with *acquis* and international agreements.<sup>57</sup>

### ***Complex institutional arrangement***

With regard to the process of legal harmonisation, there is a marked lack of coordination in the division of labour and institutional arrangements within the Parliament.

According to the new Rulebook on systematisation and organisation of the Parliament's administration, the department in charge of administrative support to the legislative and oversight functions of the parliament is also responsible for monitoring legal developments in European Union. In addition to this, the Parliament also acquired a Secretariat whose role is to provide expert and technical support to the Montenegrin members of the EU-Montenegro Parliamentary Committee, and to maintain communication with the European Parliament.

The department in charge of administrative support to the legislative and oversight functions of the parliament has two administrators dedicated to the Committee for IREI, and another two positions for employees who are exclusively responsible for matters of legal harmonisation with EU *acquis*. As of early 2011, the secretaries of all parliamentary committees are also expected to deal with compatibility tables<sup>58</sup>, i.e. each working body should have one or more employees responsible for analysis of legislation and its harmonisation with EU laws.

With so many persons responsible for similar tasks in different committees and sectors, the Parliament will likely encounter numerous coordination problems.<sup>59</sup>

### ***The fate of the Department for European Integrations***

For a short while, the Committee could rely on the Department for European Integrations, an administrative body which assisted the Committee in analyses of compatibility of the new legislation with EU *acquis*. This was one of the many initiatives by the Parliament to improve its position in the process of Montenegro's integration into EU by assuming an active role in the process.<sup>60</sup>

The Department for European Integration was established by the Rulebook on Internal Organisation and Systematisation of the Parliament Administration of the Parliament of Montenegro of 23

57 Data presented by the President of the Committee are a bit more encouraging: "30 to 50% of all laws submitted to the Committee were returned for revision, due to mistakes or inconsistencies. This shows that the Committee is working. If a law is not in line with a certain directive, it is removed from the website and analysed in detail. It happened that the title of law itself was not in line with an EU directive, and the Committee acted and asked the Government to change it". *IA's interview with the President of the Committee for International Relations and European Integrations Miodrag Vuković and secretary of the Committee Andrej Orlandić, 18.06.2011.*

58 In order to strengthen the legislative function, from this year all committee secretaries need to prepare expert opinions, in the form of briefs, for each draft law. The briefing guidelines prescribe that the document should contain a clear, concise overview of the key expert assessments of the said law, from the point of view of the committee. It should also include problematic aspects and/or dilemmas regarding the draft proposal. In case the draft is a law, it should also contain assessments related to the table of compliance with EU law submitted by the Government, as well as of fiscal repercussions. Between February and June 2011, the new practice resulted in a total of 88 briefs compiled by committee secretaries.

59 In addition to this, there is a special structure within the Government dealing with the same task, as well as in all Ministries, in the Directorate for legal harmonisation of the Ministry of Foreign Affairs and European Integrations, and in the Secretariat for Legislation. This makes the conglomerate of institutions responsible for the process of legal harmonisation extremely extensive, and poses the question of efficiency and effectiveness of coordination and the division of labour.

60 Similar initiatives existed in other countries. In Slovenia, for instance, in spite of the fact that during the accession talks the negotiating positions were approved by the Committee for Foreign Affairs, already in 1996 there was a need to form a specialised body that would be in charge of monitoring legal harmonisation with EU laws. The result was Commission for European Affairs, but due to difficulties in coordinating activities of the Committee and the Commission, it was decided that responsibility for European integration should be concentrated in one body.



December 2008, and was put in charge of monitoring the process of EU integrations.<sup>61</sup>

The Department never fully lived up to its ambitious agenda, due to the lack of human resources. Its tasks were thus taken over by the administrators of the Committee for Foreign Affairs and European Integrations, and the Department of European Integrations was abolished by the new Rulebook of July 2010.

### *Two “technical” committees?*

In addition to the questionable capacities for high-quality assessment of legal harmonisation, a problem frequently emphasised by the European Commission, another weakness of the Parliament is the lack of efficiency of the legislative process, due to the requirement of double technical evaluation of the legal proposals, by two different committees. Within the present institutional arrangement of the Parliament there are two working bodies, none of which is expected to engage with the content of the laws, and both conduct a “technical check” of the submitted draft legislation: Committee for Constitutional Affairs and Legislation and Committee for International Relations and European Integrations. The first evaluates compatibility with the legal system and the Constitution of Montenegro, while the other checks for alignment with the EU *acquis*.

In fact this means that a draft legal proposal has to pass on average through four committees: Committee for Constitutional Affairs and Legislation (mandatory), Committee for International Relations and European Integrations (additional technical evaluation), the committee in charge of that particular area of interest, and Committee for Economy, Finance and Budget (in case it has repercussions on public finances). The effect is that the regular legislative procedure is very long, which might act as an incentive for frequent recourse to urgent procedures.

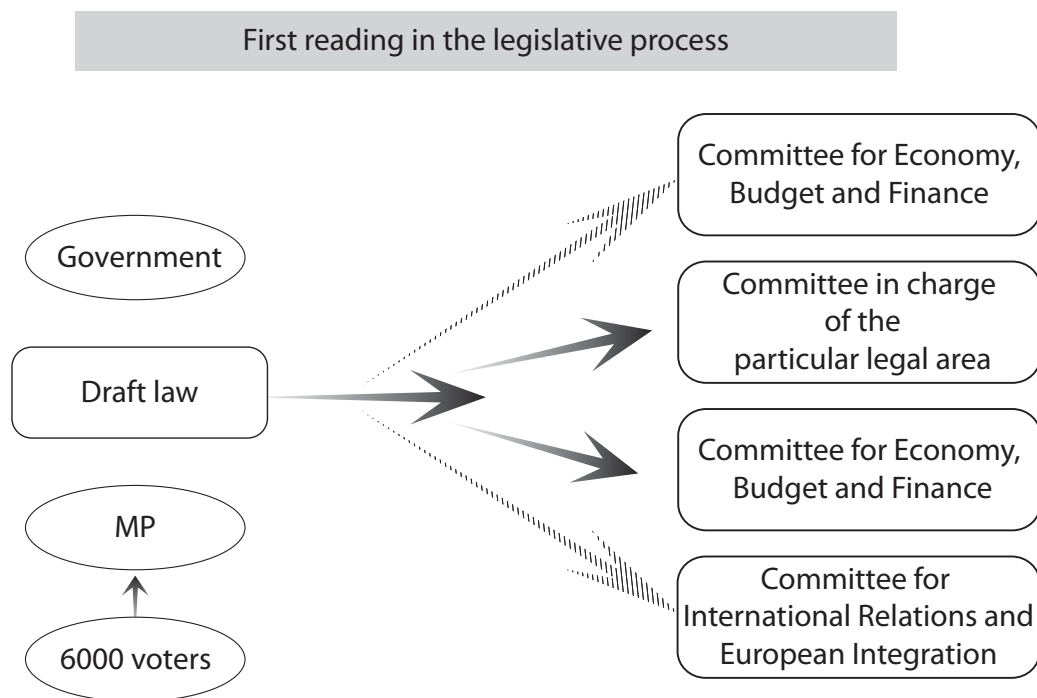
It is a standard practice for the countries in the process of negotiations is to use shorter procedures to push the laws necessary for harmonisation with EU through the Parliament. Parliamentary Rules of Procedure also provide for a similar mechanism<sup>62</sup>. Urgent procedure means that a draft law can be submitted directly for discussion at the plenary, without going through the usual committees, or even without a report of the committee directly responsible for that piece of legislation.<sup>63</sup>

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61 The Department had a long list of responsibilities: to follow the comparative practice of EU integration, develop cooperation and exchange experience with institutions and organisations in the country and abroad involved in this process, to cooperate with the working bodies of the Parliament into the process of legal harmonisation and alignment of the proposed laws and other acts with EU *acquis*, to coordinate tasks related to European integration process among the parliamentary bodies, to provide expert opinion on conformity of legislation with EU law on request of other parliamentary bodies, to contribute to the strengthening of the role of Parliament in EU integration process, to provide expert support to the National Council for European Integration and maintain cooperation and communication with the Ministry for European Integration, to perform normative tasks such as issuing expert opinions and guidelines on the proposed drafts and other acts, provide expert opinion on the precedents and procedural conditions for the initiation of vote on the draft laws and other acts, to provide expert support for the most complex tasks in preparing the work of the committees and the plenary sessions, to prepare memos for the committee and plenary sessions, provide expert opinion on the conformity of the proposed laws and other acts with the EU *acquis*, cooperates with the proposing parties, other state bodies, oversees the legal and technical revision of the draft laws and other acts, directly monitors the course of parliamentary sessions and offers timely proposals and opinions to resolve particular issues, drafts press releases from the parliamentary sessions, prepares and compiles expert opinions and reports in its field of competency. (from Answers to the European Commission Questionnaire)

62 Article 151 of the Rules of Procedure of the Parliament of Montenegro: Exceptionally, a law can be adopted through urgent procedure. This concerns: laws which regulate issues and relations arising from unforeseeable circumstances, where delays in adoption of the law could have detrimental effects; laws which need to be aligned with EU *acquis* and international treaties and conventions. The proposing party ought to provide written justification for the request of urgent procedure.”

63 Article 153 of the Rules of Procedure of the Parliament of Montenegro: “(...) Should the committee in charge fail to produce a report within the given deadline, the law can proceed to plenary discussion without committee’s report (...)”



The rate of recourse to urgent procedures in the Parliament of Montenegro is on the rise. In 2010 ten laws were adopted through such procedures, compared to 168 adopted in the regular procedure. In the first half of 2011 the ratio was 7 to 66.<sup>64</sup> During the accession negotiations the scope and amount of new legislation will increase further, and the Parliament will come under additional pressure to step up the legislative process for the legislation concerning legal harmonisation with EU. The use of urgent procedures was already subject of criticism by the European Commission, which advocates a strong Parliament, capable of adopting high-quality legislation, fully harmonised with *acquis*. The recourse to urgent procedures can be averted by streamlining the regular legislation process.

## ***Oversight of the Government in the process of EU integration***

### ***Control and consultative hearings***

In the course of the present assembly of the Parliament, Committee for IREI did not organise a single control hearing so far. However, it did call 29 consultative hearings, which is three times more than all other parliamentary working bodies put together.<sup>65</sup>

Both figures are misleading - they suggest that there was little control, but much consultation. Heads of departments in charge of international relations and European integrations often appeared before the Committee for IREI to answer MP's questions or defend their reports or documents. However, such meetings are rarely listed as control hearings, even though they correspond to the procedural definition. This is partly because the parliamentary majority tends to become defensive over the term "control hearing", and such proposals end up in discussions within the committees where the majority insists that instead of a "control hearing" there should be a "discussion" or a "consultative

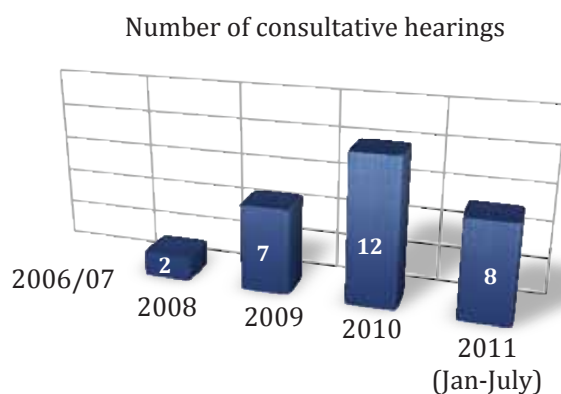
<sup>64</sup> Reports on activities of the Parliament of Montenegro for 2010 and first half of 2011.

<sup>65</sup> Data from the reports on activities of the Parliament of Montenegro for 2006-2011. During this period, Committee for IREI had 29 consultative hearings, against 9 for all other working bodies.

hearing". Thus the Committee convened Government representatives to examine the report on the work of the Ministry for Foreign Affairs, reports on the fulfilment of commitments from the Action plan for implementation of the recommendations of European Commission, to discuss the pace of implementation of the Stabilisation and Association Agreement etc, none of which corresponds to the purpose of a consultative hearing as defined by the Rules of Procedure.<sup>66</sup>

Data on consultative hearings is misleading for another reason: in 2009 the Committee adopted *Rules of opinion-making on the appointment or recall of ambassadors and heads of other diplomatic Missions of Montenegro abroad*,<sup>67</sup> which provides for a more detailed definition of this procedure. Although the Rules do not explicitly define such meetings as consultative hearings, it has become a practice to list any such session which discusses the appointment or recall of diplomatic representatives as a consultative hearing.<sup>68</sup>

*Rules* prescribe that after these meetings the Committee should submit a report to the President of Montenegro.<sup>69</sup> This clause alone should prevent the Committee from classifying such meetings as consultative hearings, because the Parliament's definition of this mechanism does not include reports to extra-parliamentary entities. Moreover, one of the shortcomings of the formal definition of the consultative hearing is the unclear relationship between the Committee and the plenary Assembly. It is entirely unclear what kind of document should follow the consultative hearing, what is the mechanism for informing the Parliament about it, and what are its rights and duties in relation to the Committee. Such mechanisms are spelled out only in relation to the control hearings.<sup>70</sup>



66 Rules of Procedure of the Parliament of Montenegro, Article 73: "In order to accomplish the tasks within its competency (examination of draft legislation, preparation of draft legislation or study of particular issues), for the purpose of acquiring necessary information and expert opinions, especially on the proposed legislation and other issues which are of special interest to the citizens and the wider public, the Committee can, when necessary or in regular intervals, invite participation of scientists and experts in certain areas, representatives of public institutions and non-governmental organisations, without decision-making rights".

67 Adopted on 20 July 2009.

68 The same practice exists in the Security and Defence Committee, which conducts "consultative hearings" of persons shortlisted for leading positions in the Police Directorate and the Agency for National Security.

69 Article 8 of the Rules for the issuing of opinions on the appointment or recall of ambassadors and heads of other diplomatic Missions of Montenegro abroad.

70 Article 77, point 2 of the Rules of Procedure: "The Committee compiles and submits to the Parliament a Report on the conducted control hearing, which contains a summary of the presentation, and may also propose adoption of the relevant conclusions or of another act."

## ***Reporting by the executive***

In addition to control and consultative hearings, Committee for IREI can also exercise oversight of the executive via examination of various progress reports in the process of European integrations.

*At its 47<sup>th</sup> meeting, under the same agenda item, the Committee discussed two consecutive quarterly reports on the fulfilment of Montenegro's commitments in the Stabilisation and Association Process. At the same meeting it also approved a report on activities of the Ministry for Foreign Affairs, as well as a report on the fulfilment of the Government's Action Plan to address key priorities from EC's Opinion.*

In the 2005 Declaration on Association<sup>71</sup> the Parliament called on the Government "to submit, at least once every three months, a report on the implementation of activities and commitments

of Montenegro related to the process of stabilisation and association with European Union"<sup>72</sup>. On 27 December 2007 the Parliament adopted a Resolution on fulfilment of Montenegro's SAA obligations, including the requirement of quarterly monitoring reports on the implementation of the Agreement, to be submitted by the Government to the Parliament.

The Government is also expected to submit quarterly reports on the implementation of the National Programme for Integration of Montenegro into EU (NPI). In the course of 2011 the Government did not prepare a new NPI to replace the current one which is in place since 2008 and expires in 2012.

Ministry for European Integrations used to submit monthly reports on the fulfilment of SAA commitments and other matters in the relations between European Community in Montenegro.<sup>73</sup> These reports were forwarded to the Parliament, as well as to other public institutions and some international organisations.

In the course of 2011, in cooperation with NCEI, the Committee examined monthly report on the fulfilment of the Action plan to address key priorities from the Opinion of the European Commission.<sup>74</sup> The Committee also examines reports on activities of the Ministry for Foreign Affairs and European Integrations.

All parliamentary committees discuss the proposal of the Budget for the following year, in the area related to their sphere of competency. Thus the Committee for IREI examines the elements of the Budget relevant to the foreign policy of the Parliament of Montenegro, as well as the funds allocated to the Ministry of Foreign Affairs and European Integrations. The Committee's opinion is then forwarded to the Committee for Economy, Budget and Finance.

## ***Parliamentary cooperation***

In its work to date, the Committee for IREI did not adopt annual programmes or quarterly detailed programmes of international cooperation.<sup>75</sup> This is quite important if we bear in mind that, according to the Rules of Procedure,<sup>76</sup> parliamentary cooperation (cooperation with parliaments of other countries and parliamentary assemblies of international organisations and other international structures) ought to be based precisely on these programmes.

71 Declaration on association with EU, (Official Gazette no. 36/05, 16.06.2005)

72 At its 47<sup>th</sup> meeting the Committee discussed two consecutive reports. There are no minutes from this meeting.

73 See 2009 Report on activities of the Ministry for European Integrations, available at: <http://www.gov.me/files/1264752900.doc>

74 At the meeting of 17 February 2011 the Government of Montenegro adopted the Action plan for monitoring of fulfilment of European Commission's recommendations.

75 From the Parliament's response to the request for free Access to information, document no. 00-41/11-112/2

76 Article 209 of the Rules of Procedure of the Parliament of Montenegro.

The task of coordinating and planning of the Parliament's involvement in international cooperation is divided between the President's Collegium and the Committee for IREI, but the division of labour is quite unclear, with substantial overlaps of responsibilities. Such overlaps arise from the general formulation of the responsibilities of the Collegium ("it manages" and "it discusses" (...) parliamentary cooperation with the parliaments of other countries and parliamentary assemblies of international organisations)<sup>77</sup> but also concern a number of specific tasks. For instance, according to the Rules of Procedure, the responsibility to formulate platforms for talks with foreign delegations lies with both the Collegium<sup>78</sup> and the Committee for IREI.<sup>79</sup>

Committee for IREI was not the committee in charge of discussing the draft Law on Foreign Affairs.<sup>80</sup> Instead, the task was given to the Committee for the Political System, Judiciary and Administration, with the justification that the matter of hand concerns institutions, not relations. Committee for IREI gave its opinion on the draft as "interested committee".

During the discussion of the draft Budget for 2011, members of the Committee for IREI unanimously adopted the conclusion that activities concerning the international cooperation of the Parliament of Montenegro should be included under the relevant heading of the Budget, instead of being financed, as until now, from the funds dedicated to "Payments for materials and services".<sup>81</sup> In spite of MP's insistence, the same distribution of headings reappeared in the 2012 Budget.

## ***Openness to the public***

According to Rules of Procedure, the work of the parliament is public, same as that of its committees, but can be exceptionally closed to the public when discussing a document or materials which are designated "state secrets", or upon request of the Government or 10 MPs, given due justification.<sup>82</sup>

A number past of meetings of the Committee for IREI had been closed to the public.<sup>83</sup> According to the *Rules of opinion-making on the appointment or recall of ambassadors and heads of other diplomatic Missions of Montenegro abroad*,<sup>84</sup> sessions in which the Committee discusses candidates for ambassadors and heads of other diplomatic missions are closed to the public.<sup>85</sup> The sessions are completely sealed if the hearing of candidates is the only item on the agenda. Otherwise, only that part of the discussion remains closed.

Parliament's Rules of Procedure do not provide any formal justification for this practice. According to the law on data protection<sup>86</sup>, unlike their colleagues in the Security and Defence Committee, the MPs in the Committee for IREI do not have access to secret information without prior permission. Therefore, in these sessions they cannot discuss any data or information with the character of state secret, and there is accordingly no reason that the sessions in which they assess candidates for ambassadors or heads of other diplomatic missions abroad should be closed to the public.

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77 Article 28, points 6 and 7 of the Rules of Procedure of the Parliament of Montenegro.

78 Article 210, point 2 of the Rules of Procedure of the Parliament of Montenegro.

79 Article 42 of the Rules of Procedure of the Parliament of Montenegro.

80 Official Gazette, no. 46, 6 August 2010.

81 Opinion of the Committee for International Relations and European Integrations on the Draft Budget of the Republic of Montenegro for 2012. Available at: [http://www.skupstina.me/cms/site\\_data/SKUPSTINA\\_CRNE\\_GORE/IZVJESTAJI/Odbor%20za%20medjunarodne%20odnose%20i%20evropske%20integracije/33-Predlog%20zakona%20o%20budzetu%20Crne%20Gore%20za%202011%20%20godinu.pdf](http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/IZVJESTAJI/Odbor%20za%20medjunarodne%20odnose%20i%20evropske%20integracije/33-Predlog%20zakona%20o%20budzetu%20Crne%20Gore%20za%202011%20%20godinu.pdf)

82 Article 211 of the Rules of Procedure.

83 Meetings no. 4, 5, 6, 20, 21, 22, 24, 25 (...)

84 Adopted on 20 July 2009 meeting of the Committee for IREI.

85 Article 4 of the Rules of opinion-making on the appointment or recall of ambassadors and heads of other diplomatic Missions of Montenegro abroad.

86 Article 26 of the Law on data protection

## *Cooperation with civil society organisations*

In its work to date, the Committee for International Relations and European Integrations did not establish significant cooperation with civil society organisations (CSOs). There were no consultative sessions with the representatives of CSOs, nor were they invited to the regular meetings of the Committee. In the description of competencies of the Committee for IREI there are no provisions acknowledging the importance of the Committee's cooperation with CSOs, or prescribing specific mechanisms of cooperation.<sup>87</sup>

## *Capacities of the Committee for IREI*

Although much has been done to strengthen the administrative capacities and expertise of the Parliament, administrative and other resources necessary to ensure professional, effective and transparent performance of the Parliament, including expert support, generally remain very limited.

Committee for IREI lacks sufficient human resources and some places reserved for its support staff have remained empty. The Rulebook on Internal Organisation and Systematisation of the Parliament Administration allocates 6 members of administrative staff to the Committee for IREI.<sup>88</sup> According to the systematisation, they belong to the Department for Support to the Legislative and Oversight Roles of the Parliament. In practice, Committee for IREI relies on only 3 support staff (secretary and two independent consultants) and one intern.<sup>89</sup> Bearing in mind that in principle the entire administrative support of IREI is also expected to support NCEI (including the same secretary), it would appear that an enormous body of complex tasks is supposed to be carried out by very few people.

The situation is similar in other parliamentary committees.<sup>90</sup> Out of the envisaged 43 members of administrative support, the entire Parliament currently relies on the services of 30 staff members (11 secretaries, 18 associates, 1 advisor) and 6 interns.<sup>91</sup> Although in terms of sheer numbers the situation is a little better than last year, the Parliament is yet to undertake the task of appointing administrators to the remaining positions.<sup>92</sup>

"(...) also, we have a problem with the number of people doing this work. They are too few, they cannot physically manage to cover everything. Office space is another serious problem. Politically, this is the most important Committee, but we only have one office where the president of the Committee sits together with all administrators, which is not the case in other Committees. Another problem is the lack of funds for parliamentary diplomacy."

*Interview with the president and secretary of the Committee for IREI Miodrag Vuković and Andrej Orlandić, 18.06.2011.*

87 Although it is necessary to amend the Rules of Procedure to include such provisions, in the meantime the basis for cooperation could be found in the recently signed Memorandum of Cooperation between the Parliament and CSOs. On 30 March 2011, the Parliament of Montenegro signed the memorandum of cooperation with the Network of civil society organisations for democracy and human rights. The memorandum constitutes the key element of the project "Strengthening the cooperation between CSOs and the Parliament of Montenegro", conducted by the Centre for Development of Non-Governmental Organisations. The document contains the key principles (partnership, transparency, accountability and exchange of information) and prescribes mechanisms of cooperation. A form for the submission of opinions of civil society representatives can already be found on the Parliament's website: [http://www.skupstina.me/cms/site\\_data/SKUPSTINA/Obrazac-za-davanje-misljenja-predstavnika-civilnog-drustva.pdf](http://www.skupstina.me/cms/site_data/SKUPSTINA/Obrazac-za-davanje-misljenja-predstavnika-civilnog-drustva.pdf)

88 Administrative support of the committee currently consists of a secretary (independent consultant I), two independent consultants II and three independent consultants III (classification according to the Law on Civil Servants and State Employees).

89 From the response to the request on free access to information no. 00-41/11-114/2

90 Detailed information on the composition of administrative support in the Parliament's working bodies can be found in the Appendix, Table 2.

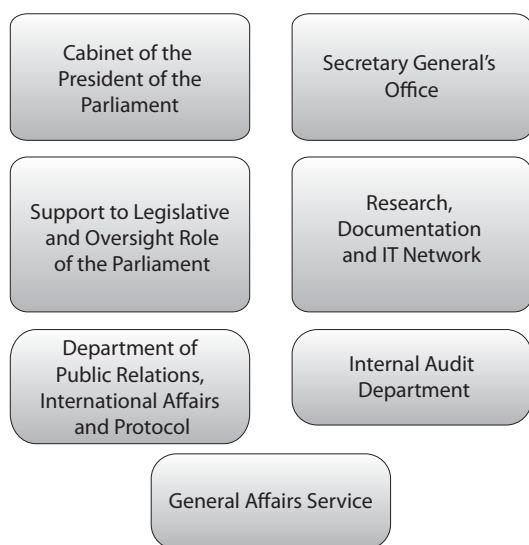
91 Data on the number and structure of employment in administrative support from the Secretary General of the Parliament of Montenegro, Response to the request for free access to information, no. 00-41/11-150/2.

92 "On 31 August 2011, Parliament's Administration had 89 employees (and 10 interns), against 154 employees envisaged by the Rulebook on Internal Organisation and Systematisation. On 31 December 2010, the number of employees was 73 (and 12 interns)." *Information from the Report on fulfilment of the Action Plan for Strengthening of the Legislative and Oversight Role of The Parliament of Montenegro.*

It should be said that the Committee for IREI is also constrained by limited office space.<sup>93</sup> Even meeting rooms are often not big enough to cater to the existing structure and size of the Parliament's working bodies. Also, with the growing intensity of activities of all working bodies, it has become more difficult to book and arrange the meetings, solve overlaps in membership between different working bodies, and manage overlaps between plenary sessions and meetings of the working bodies.

## Human resource development

Parliament's Administration prepared a three-year Strategy of human resource development with the Action Plan for the period January 2011-January 2014, and a Training Plan for this year.<sup>94</sup>



### Seven main organizational units of the Parliamentary Service

of Montenegro, which is currently under way. The general goal of the project is to strengthen Parliament's capacity to carry its legislative and oversight role. The specific aims are to strengthen the capacity of Parliament's Administration to assist the MPs in analysing the draft laws, verifying their compliance with EU *acquis*, and monitoring their implementation.

According to the Parliament's reports on the fulfilment of the Action Plan, the Training Plan and the Strategy for human resource development are taking place according to the plan, and so far the Administration implemented more than 90% of the programme for this period.<sup>95</sup> The Administration plans to do regular annual evaluations of past achievements every January and provide recommendations for further improvements.<sup>96</sup>

93 "In order to fulfil the activities envisaged by the Action Plan, the Parliament decided to hire additional office space. It is currently in the process of preparing tender documentation for additional space. As for long-term solutions to this problem, on 28 July the Government adopted a study on possible solutions in providing additional office space to the Parliament and the Ministry of Foreign Affairs and European Integrations, and asked the General Secretariat of the Government to cooperate with the Secretary General of the Parliament to produce the final version of the proposal." *Information from the Report on fulfilment of the Action Plan for Strengthening of the Legislative and Oversight Role of the Parliament of Montenegro*

94 Parliament of Montenegro, Parliament's Administration, 00-57/11-49, Strategy of human resource development January 2011-January 2014, available at: [http://www.skupstina.me/cms/site\\_data/strategija-strategija-razvoja-ljudskih-resursa.pdf](http://www.skupstina.me/cms/site_data/strategija-strategija-razvoja-ljudskih-resursa.pdf) The Training Plan for 2011 can be found at: [http://www.skupstina.me/cms/site\\_data/plan-strategija-razvoja-ljudskih-resursa.pdf](http://www.skupstina.me/cms/site_data/plan-strategija-razvoja-ljudskih-resursa.pdf)

95 The Training Plan envisaged 12 trainings for the Parliament's employees in addition to the regular programme of the Human Resource Management Authority, out of which 11 were implemented. Since the beginning of the year, the employees attended a total of 57 trainings, out of which 11 based on the Training Plan, 27 organised by the Human Resource Management Authority and 19 miscellaneous. Since the beginning of the year, a total of 176 employees attended the trainings.

96 IA's interview with Damir Davidović, Secretary General of the Parliament of Montenegro, 08.06.2011.

## ***Special activities of the Committee***

In the course of the existence of the Committee for IREI, there were two phases of integration, or two steps towards EU, which demanded special attention and differed from the usual tasks of the Committee. These were the process of answering the *Questionnaire* of the European Commission, and the implementation of the Parliament's Action Plan for the strengthening of legislative and oversight functions. The next similar phase, which will also be the most demanding, will be the process of accession negotiations, which is bound to confront the Committee for IREI with new challenges.

### ***Committee's role in answering the Questionnaire of the European Commission***

After Montenegro submitted its application for membership in the European Union and after the application was accepted by the Council of Ministers, the next important step was to answer the Questionnaire which the European Commission sent to the Montenegrin government in late July 2009. The role of the Parliament in this process of assessment of Montenegro's compliance with the political and economic criteria for EU membership and its ability to assume membership obligation remained negligible.

The MPs were not ever allowed to see the Government's answers to the Questionnaire. Former Minister for European Integration Gordana Đurović offered the following justification:

„Most of these answers were simple, technical descriptions of policies, number of people employed, laws adopted etc, there are very few strategic or, so to say, political issues. I think the answers will be published, that's the best practice from the countries in the region. As for me, I will vote for the Questionnaire with all answers to be made public as soon as possible. There's nothing there we would need to hide. I also think that out of some ethical considerations we should wait at least until we submit them to the Commission. This is the earliest possible date for their publication, the latest would be to wait for the Commission to prepare its opinion.”<sup>97</sup>

In November 2009, at the 10<sup>th</sup> session of the Committee, opposition MPs expressed their dissatisfaction with the degree of involvement of the Parliament and especially the Committee in answering the Questionnaire. They especially stressed the fact that the members of the Committee had no access to the Answers, which were protected by a seal of secrecy. Consequently, they asked for the Minister of European Integration to attend a meeting of the Committee in order to discuss the answers to the Questionnaire of the European Commission.<sup>98</sup> In spite of that, in March 2010 they were put in a position to discuss with Minister Đurović additional questions submitted by the European Commission, although they never had a chance to see these questions before, or the answers to the earlier Questionnaire, nor the Questionnaire itself.<sup>99</sup>

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97 Statement of the Minister for European Integrations Gordana Đurović at the conference “The role of the Parliament in the process of European Integrations”, organised by the weekly Monitor in cooperation with the Government of Germany and German Embassy in Montenegro. 20.11.2009. <http://www.monitor.co.me/~monitorc/images/stories/dodaci/dodatak5.pdf>

98 10<sup>th</sup> session of the Committee of 30 November 2009.

99 19<sup>th</sup> meeting of the Committee, 19.03.2010.



## *Committee's role in fulfilling the Action Plan of the Parliament*

After the Commission's Opinion was published and the Parliament adopted the Action Plan for the strengthening of legislative and oversight roles of the Parliament, the Committee received instructions from the Collegium of the President of the Parliament to undertake a whole new set of activities. These confer on the Committee the task of coordinating and monitoring other working bodies of the Parliament. The Action Plan designates the Committee for IREI as the body responsible for coordination of parliamentary monitoring and control of the fulfilment of European Commission's recommendations, as specified in its Opinion on Montenegro's application for membership of EU and the accompanying Analytical Report.<sup>100</sup>

In December 2010 the Committee prepared a report containing European Commission's findings and recommendations for each area, together with the proposals by the relevant committee of the Parliament for each of these issues. The report was discussed by in a Committee meeting<sup>101</sup> attended by all presidents, deputy presidents and secretaries of all parliamentary committees.

Based on the discussion during this meeting and a number of additional consultations, administration of the Committee for IREI prepared two documents: a draft plan of activities of the Committee for IREI based on the Action Plan and a table containing the division of responsibilities for other committees of the Parliament. During the discussion of these documents at the 43<sup>rd</sup> session of the Committee, the MPs agreed to organise another meeting where the members of the Committee could offer their suggestions and recommendations as "they had no chance to analyse in greater detail the documents which were to be the subject of discussion".<sup>102</sup> However, at the next, 44<sup>th</sup>, session, the MPs offered no additional comments or proposals.

The draft plan of activities for the period November 2010 to November 2011 stipulated that the members of administration of the Committee for IREI should meet regularly with secretaries of other parliamentary working bodies in order to collect information on the implementation of EC's recommendations and of obligations stemming from the Action Plan. It also obliged the secretaries of all parliamentary committee to submit to the administration of the Committee for IREI short summaries of the conclusions of all meetings of the working bodies. The document created a similar requirement for regular meetings between the Committee for IREI and presidents and deputies of other committees, but this was largely ignored.

In November, the Committee discussed implemented activities of the working bodies, benchmarking them against the findings and recommendations of the European Commission.<sup>103</sup> Analysing the period January-September 2011, the Committee found that the "parliamentary working bodies made significant efforts towards implementation of activities required by the findings and recommendations from the Opinion of European Commission." According to the members of the Committee, progress was also made in the strengthening of legislative and oversight functions, as well as in capacity-building of the Parliament's administration.

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100 In relation to point 6 of the Action Plan which specifies the following goals:

- ensure monitoring and control of implementation of recommendations from the Opinion of the European Commission through preparation of reports on the findings and recommendations from the Opinion of the European Commission in specific chapters and areas
- ensure monitoring and control of implementation of recommendations from the Opinion of the European Commission through meetings with presidents of all committees in order to discuss their obligations in relation to the monitoring process
- ensure monitoring and control of implementation of recommendations from the Opinion of the European Commission through plans of activities aimed at overseeing implementation of EC's recommendations and the Action Plan of the Government.

101 40<sup>th</sup> meeting of the Committee, 28.12.2010.

102 Minutes of the 43<sup>rd</sup> meeting of the Committee for International Relations and European Integrations of the Parliament of Montenegro, 14 February 2011, [http://www.skupstina.me/cms/site\\_data/SKUPSTINA\\_CRNE\\_GORE/ZAPISNICI/Odbor%20za%20medjunarodne%20odnose%20i%20evropske%20integracije/ZAPISNIK%2043.pdf](http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/ZAPISNICI/Odbor%20za%20medjunarodne%20odnose%20i%20evropske%20integracije/ZAPISNIK%2043.pdf)

103 71<sup>th</sup> meeting of the Committee for International Relations and European Integrations, 02.11.2011.

Finally, the Committee issued a number of very general recommendations for future work.<sup>104</sup> These recommendations do not focus on the tasks from the Action Plan that have been only partly implemented or not implemented at all, and do not call responsibility for these delays. Also, they lack any specific mention of failures or of actors who should change or improve their work. The meeting ended with the Committee adopting *Conclusions*, which were then forwarded to the Collegium of the President of Parliament.<sup>105</sup>

### ***EU-Montenegro Stabilisation and Association Parliamentary Committee***<sup>106</sup>

As stipulated by the Stabilisation and Association Agreement, European Parliament and the Parliament of Montenegro established a Joint Stabilisation and Association Parliamentary Committee (SAPC), consisting of MPs from both parliaments. SAPC was created soon after the SAA came into force, and the Collegium of the President of the Parliament appointed 14 MPs to this body in early June 2010.<sup>107</sup> All members of the Committee for IREI were appointed to the Joint Committee, under the chairmanship of the President of Parliament.

SAPC was created as a forum to facilitate exchange of opinions between the members of the Parliament of Montenegro and the European Parliament. Its meetings are supposed to take place twice a year. The Parliament also established a Secretariat to provide technical and expert support to this Committee, and to ensure communication with the European Parliament.

SAPC examines all aspects of the relationship between EU and Montenegro, especially implementation of the Stabilisation and Association Agreement. To date, SAPC met three times, and each time it adopted separate resolutions and recommendations<sup>108</sup> which were then submitted to the European Parliament, Parliament and Government of Montenegro, Council of EU and European Commission.

The recommendations are often quite concrete and go beyond general political statements and assessments. The examples are recommendation to the European Commission to assist the Parliament of Montenegro to build capacities for verification of legislative compatibility, encouraging the Parliament to tackle the conflict of interests, urging the Government to publish consultations with civil society organisations without adopting the decision to construct hydro power plants on

104 The recommendations are the following: "It is necessary to make further efforts towards cooperation with the relevant ministries and other institutions regarding activities related to implementation of the adopted legislation; working bodies of the Parliament should in the future focus on full realisation of the findings and recommendations of the European Commission's Progress Reports; it is necessary to further strengthen internal communication between different working bodies, which, together with coordination of their activities, will contribute to more systematic common work; it is necessary to encourage working bodies to produce more initiatives in their future work, moving beyond consultative hearings".

105 The conclusions can be found at: [http://www.skupstina.me/cms/site\\_data/SKUPSTINA\\_CRNE\\_GORE/ZAKLU%20C4%8CCIsaODBORA%5B1%5D.pdf](http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/ZAKLU%20C4%8CCIsaODBORA%5B1%5D.pdf)

106 This overview of the work of SAPC is part of the chapter on the Committee on IREI as all members of the Committee of IREI are also members of SAPC.

107 The Committee was established pursuant Article 125 of the Stabilisation and Association Agreement; Decision to appoint Members of Montenegrin Parliament to the EU-Montenegro Stabilisation and Association Parliamentary Committee, SU – SK no. 01-390/2, Podgorica, 1 June 2010.

108 The first meeting of the Parliamentary Committee took place on 27<sup>th</sup> and 28<sup>th</sup> September 2010 in Brussels. On this occasion, it adopted a Declaration and recommendations emphasising, among other, the importance of strengthening administrative capacities of the Parliament and of the support staff available to the MPs, in order to ensure effective exercise of their oversight and legislative roles. The document is available at [http://www.skupstina.me/cms/site\\_data/SKUPSTINA\\_CRNE\\_GORE/OSTALO/engl.pdf](http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/OSTALO/engl.pdf)

The second meeting of the Stabilisation and Association Parliamentary Committee took place on 17<sup>th</sup> and 18<sup>th</sup> May 2011 in Podgorica. The result was the second declaration accompanied by recommendations, available at: [http://www.skupstina.me/cms/site\\_data/Deklaracija\\_final\\_MN2.pdf](http://www.skupstina.me/cms/site_data/Deklaracija_final_MN2.pdf)

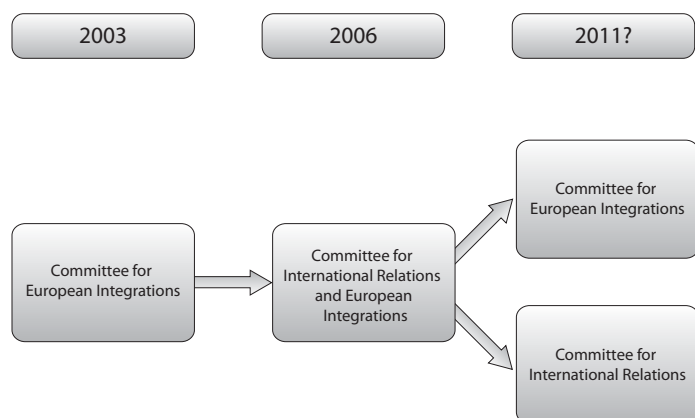
The third meeting was organised in Brussels, on 3<sup>rd</sup> and 4<sup>th</sup> October 2011. The document containing the last set of recommendations is available at: [http://www.skupstina.me/cms/site\\_data/SKUPSTINA\\_CRNE\\_GORE/DEKLARACIJA\\_I\\_PREPORUKE.pdf](http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/DEKLARACIJA_I_PREPORUKE.pdf)

Morača, noting difficulties in implementation of the Law on free access to information etc.

However, there is no agreement on mechanisms through which to monitor implementation of these recommendations. Also, although the recommendations emphasise the importance of cooperation with the civil society and of openness of institutions, SAPC itself never had any contacts with the representatives of non-governmental organisations, nor did it ever hold an open session that would be open to outside participation.

## The future of the Committee for International Relations and European Integrations

The decision now facing the Parliament - to define its role in the process of accession negotiations with European Union, is closely tied with the fate of the Committee for International Relations and European Integrations. The question then becomes whether this Committee, with its current competencies, membership and capacities, is capable of being the umbrella body in the process of



European integrations. One of the key issues in this context is whether the Committee for IREI should be split into two committees - a Committee for Foreign Affairs and a Committee for European Integrations. The answer to this question is at the same time a statement on the presumed role of the Parliament of Montenegro in the process of integrations, of the ways in which it can best contribute to the quality and speed of this process and, consequently, on the appropriate division of labour within the parliament's infrastructure.

The experience of countries which joined the EU in 2004 and 2007, as well as of those which are currently at different stages of the accession process, suggests that there could be potential benefits from the establishment of a separate Committee of European Integrations. Out of 17 countries analysed for this report,<sup>109</sup> during the accession process sixteen of them had an independent working body dedicated to European integrations.<sup>110</sup> This would suggest that the specificity of issues stemming from the process of EU accession demand a special parliamentary body that could wholly focus on such matters.<sup>111</sup>

109 Slovenia, Czech Republic, Slovakia, Poland, Hungary, Romania, Bulgaria, Cyprus, Estonia, Malta, Latvia, Lithuania, Turkey, Serbia, Croatia, Macedonia and Albania.

110 One exception is Malta. The Maltese parliament gave the Government a free hand in the process of accession negotiations and only ratified the Accession Agreement at the end of the process. Some responsibilities for European affairs were taken over by the Committee for Foreign Affairs in October 2003, only six months before Malta formally became a member of European Union. The Committee was renamed into Committee for Foreign and European Affairs. Slovenia also had no special Committee for European integrations during the accession process, and the responsibility to approve negotiating positions lied with the Committee for International Relations. A separate Committee for European Affairs was only created after accession.

111 Overview of the composition, responsibilities and frequency of meetings of the committees for European integrations (or European affairs) in Central and Eastern European countries (before their accession to EU) can be found in the Appendix, Table 4.

The division of the Committee for IREI shouldn't be done by simply separating its current competencies into two: it is necessary to fundamentally rethink the current and future role of these bodies, bearing in mind a number of aspects - openness to the public, membership, presidency, human resources, responsibilities in the process of legal harmonisation, division of labour and concrete tasks for the accession negotiations.

## ***Amendments to the Rules of procedure***

In May 2011 the Collegium of the President of the Parliament adopted a Conclusion establishing a Working Group whose task is to draft amendments to the Parliament's Rules of Procedure. The Working Group is made up of representatives from all MPs' clubs.<sup>112</sup> Its task consists of identifying common positions on the division of current and establishment of new committees and subcommittees, openness to opposition's proposals, control hearings, Prime Minister's hour and MPs' questions.

Among the important issues on the agenda of the Working Group is the future of the Committee for IREI, i.e. its division and establishment of Committee for International Relations and Committee for European Integrations. MP's opinions on this matter differ: some are in favour of the separation while others believe it should also include a revision of other committees. Some MPs clubs are asking instead for a clear set of guidelines for the division of existing and establishment of new committees, and some are in favour of preserving the existing structure of working bodies in the Parliament.<sup>113</sup>

After ten meetings, well past the original deadline,<sup>114</sup> the Working Group finally managed to harmonise the opinions on most controversial issues<sup>115</sup> and in early December it submitted the proposal on amendments to the Collegium of the President of the Parliament, which will continue working on the document.

No compromise was found with regard to the division of existing and establishment of new committees. Give the lack of agreement, as well as discouraging messages coming from some EU members in respect of the date for the beginning of negotiations,<sup>116</sup> the

*Parliament's Research Centre, established in 2011, already started to provide the MPs with information and analyses, and it submitted four research reports to the Working Group in charge of amending the Rules of Procedure (on MP's questions and other control mechanisms, working bodies, and the Parliament's role in the process of negotiation with EU).*

Working Group dropped the issue of division of the Committee for IREI. Proposal for amendments to the Rules of Procedure offered instead to add to the responsibilities of the Committee for IREI the task of examining cooperation with diaspora. It also proposed similar solutions for other committees which were scheduled for restructuring.<sup>117</sup>

112 Conclusion on establishment of the Working Group was adopted on the 125<sup>th</sup> meeting of the Collegiums, on 8 May 2011. President of the Working Group was Miodrag Vuković, head of the MPs' club of DPS and president of the Committee for IREI.

113 Starting position of different clubs on the future of the Committee for IREI can be found in the Appendix, Table 3.

114 The deadline for the Working Group to submit the proposals for amendments to the Rules of Procedure of the Parliament of Montenegro to the President's Collegium was 15 June 2011.

115 The members of the Working Group managed to agree on changes to the Prime Minister's hour, MPs' questions, control hearings and openness to the initiatives of the opposition.

116 In the period between the publication of the European Commission's latest Progress Report and recommendations to begin negotiations (12 October 2011) and the meeting of the European Council (9 December 2011), a number of sources suggested that in view of EU's economic problems the enlargement will not even make it to the agenda of the European Council. Some also warned that Montenegro cannot start negotiations because certain EU members insist that it first implements reforms and demonstrates significant progress in the field of the rule of law and fundamental rights, especially fight against corruption and organised crime. Nevertheless, the European Council approved the beginning of negotiations in June 2012, provided that Montenegro continues to demonstrate progress in fighting corruption and organised crime.

117 Committee for Security and Defence and Committee for Human Rights and Freedoms also acquired additional responsibilities - the former was given the task to oversee the work of the executive in fighting against corruption and organised crime, while the latter is now in charge of acting upon complaints and recommendations of citizens and legal persons.

## *The question of membership*

In the event of a division of the Committee of IREI, the largest working body of the Parliament, there will be a question of membership of the two committees and their relations. In view of the fact that most members of the Committee for IREI are already members of many other working bodies, the two new committees should probably be smaller than the Parliament's average (12 members per working body). Any degree of overlap in membership between the two new bodies should be avoided, otherwise the division of the Committee for IREI will remain only on paper.

However, members of the future Committee for European Integrations should also participate in the EU-Montenegro Stabilisation and Association Parliamentary Committee (SAPC), which would ensure informed analysis of implementation of the SAA. SAPC's recommendations would indirectly follow from the discussions and work of the Committee for EI, and their implementation could be closely monitored by this Committee.<sup>118</sup>

## *Chairmanship of the Committee*

Should the Committee be divided, the Committee for EI should be chaired by a representative of the opposition. As the Committee's main task is to oversee the integration process, this distribution of roles seems optimal, and would be in line with the Council of Europe's recommendations:

"The presidency of standing/permanent committees shall be allocated among parliamentary groups on the basis of proportional representation; at least one permanent committee shall be chaired by a member of the opposition; the chairmanship of committees responsible for monitoring government action (...) should be granted to a member of the opposition; <sup>119</sup>

The ruling coalition will anyway have the majority in this committee, as in all others, so the presidency has no potential to alter the "electoral will of the citizens", but can raise the political relations and activities of the Parliament to a new level, leading to a more dynamic functioning of the Committee and more constructive involvement of the opposition. Granting the chairmanship to the opposition would strengthen the sense of common responsibility and oblige the opposition to participate more actively in the process of European integration, thereby enabling more effective use of the Parliament's oversight role.

The political reality of Montenegro does not, however, allow for too much optimism in this direction. It is possible that a chairman from the opposition would be opposed by the parliamentary majority, but it is also possible that the opposition parties would disagree on the choice of the representative for the chairmanship of the Committee for European Integration, as has happened during the first appointment of the president of NCEI. Currently there is only one parliamentary committee with a chairman from the opposition - Committee for Economy, Budget and Finance.

A compromise solution would be to institute rotating presidency: during one assembly of the Parliament the president could come from the ruling majority, while in the next he or she would be appointed from the ranks of the strongest opposition party. This arrangement would require very good cooperation between the president and deputies, rotating presidency of meetings, and joint preparation of the sessions.

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118 Collegium of the President of the Parliament adopted a decision for appointment of members to the Montenegro-EU Stabilisation and Association Committee, which stipulates that all members of the Committee for International Relations and European Integrations are automatically members of the SAPC, under the chairmanship of the President of the Parliament.

119 Point 2.5.1, CoE PACE Resolution 1601 (2008), Procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament, <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta08/eres1601.htm>

## ***Responsibility for verification of legislative compatibility***

There are three possible options to improve the current procedures for verification of legislative compatibility:

1) Responsibility for verification of legislative compatibility with EU *acquis* should be delegated to the Committee for Constitutional Affairs and Legislation, which examines all legal proposals. In that case, the administrative support of this committee should be significantly improved, both in terms of the number of staff and their competence to verify compatibility.<sup>120</sup> Concentration of the technical verification process in a single committee would improve the efficiency of the legislative process, and contribute to the formation of specific expertise of the Committee staff. In the meantime, Committee for IREI (or Committee for EI) would be free of the responsibility to verify formal requirements and could focus on the substantial aspects of new laws. The weakness of this solution would be to place additional burden onto the already overstretched capacities of the Committee for Constitutional Affairs and Legislation. This problem could partly be alleviated by more intensive recruitment and capacity-building of its support service.

2) Redefine the process of verification in the future Committee for European Integrations, in order to enhance its support administration and enable it to verify compatibility of the content of the new laws, not only of the accompanying documents. The Committee would discuss only those laws where compatibility issues were identified. This would only partly solve the problem of the normative vs. technical character of the Committee for EI, as its support administration would have to spend most of its time verifying legal compatibility, and it would not affect legislative efficiency, as the issue of double technical verification of draft laws would remain.

3) Administrative service of every working body should be trained in the aspects of *acquis* related to the areas within the sphere of competence of that particular committee. In this way, verification of legal compatibility could be competently conducted on the level of the concerned committee. Moreover, it would mean that the large body of *acquis* could be divided between the working bodies, verification of compatibility could gradually evolve into genuine monitoring of legal harmonisation, going beyond the accompanying documents submitted by the Government. Under this scenario, Committee for IREI (or Committee for EI) could reserve the task of overseeing the verification process, monitoring trainings of the administrative staff and their performance, cooperating with the Government in these matters, and examining reports and recommendations by each committee on the accomplishments in their particular sphere. This arrangement would partly solve

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120 The role of the Committee for Constitutional Affairs and Legislation in the verification of legal compatibility would not be a complete novelty - among other, in 2007 and 2008 the Parliament, in cooperation with UNDP, conducted a project "Strengthening capacities of the parliamentary Committee for International Relations and European Integration and Committee for Constitutional Affairs". The aim of the project was to strengthen the capacities of the two committees for the process of implementation of the Stabilisation and Association Agreement, in order to ensure an active role of the Parliament in overseeing the work of the Government and participating in the process of harmonisation of Montenegro's legislation with EU *acquis*.

"This is not our whim, it is our obligation under the Stabilisation and Association Agreement. We must harmonise the norms with the compatibility tables, this is something that needs to be done by our Committee. It's not up to me and you to notice this, the Committee for Constitutional Affairs and Legislation should have included this new obligation into its procedure for legislative assessments and submit to us a report - is the law formally compatible with *acquis* or not". Ranko Krivokapić, president of the Parliament of Montenegro, reminds that the proposing party is supposed to submit, in addition to the draft law, the supporting documents on compatibility with EU *acquis*. Transcript of the Parliament session of 15.06.2010. [http://www.skupstina.me/cms/site\\_data/AKTI%202010-3/fono%20zapis%208\\_%20sjednica%201\\_%20dio.pdf](http://www.skupstina.me/cms/site_data/AKTI%202010-3/fono%20zapis%208_%20sjednica%201_%20dio.pdf)

the problem of over-centralisation of EU affairs in a single committee.<sup>121</sup> One potential weakness would be the need to train the entire staff of all support administrations as well as to increase the number of employees.

All three scenarios call for capacity-building in the Parliament's administration, assistance to the committees' legislative function and trainings for the administrative staff of the committees.

Also, it should be added that so far the Committee did not deal with the other two components of legal harmonisation (implementation and enforcement). In the future, it is necessary to build capacities for Committee's oversight of implementation of enforcement as part of its overall task to oversee the process of legal harmonisation.

## ***Human resources***

Since the Committee for International Relations and European Integration itself has empty workplaces in its support service, it is not clear in what timeframe could two committees become functional and adequately equipped with administrative staff. Another question is which members of the current staff would remain with which committee: in order to build specialised expertise and avoid excessive burden on administrative staff, the same employees should not be working for more than one parliamentary committee.

A new Committee for European Integrations would not necessarily require additional workplaces in Parliament's Administration. In addition to the six administrative employees allocated to the Committee for IREI, the Rulebook envisages another two positions for employees which would be solely responsible for the tasks related to legal harmonisation with EU *acquis*, and which do not belong to any specific committee. If these were to be attached to the newly formed Committee for European Integration, together with another two employees redirected from the current (unfilled) capacities of the Committee for IREI, both new committees could end up with a four-member support team, without an increase in the number of available workplaces.

## ***Office space***

The problem with office space of the Committee for IREI will only become worse with the establishment of another committee, and it will create additional pressures on the Parliament's administration to provide adequate working space to both committees. The Parliament should consider renting new offices in the short term, eventually finding a long-term solution to its problems with office space.

Annual working plans which were already being prepared by most committees in late 2011, compilation of the Parliament-wide Meetings Calendar<sup>122</sup>, institution of regular meetings for the most active working bodies (e.g. weekly or twice a month in a particular time-slot), as well as additional attempts to coordinate detailed monthly plans of meetings to accommodate new developments, could be some temporary solutions to the lack of sufficient meeting rooms to accommodate sessions of all working bodies, overlaps among committees and between committees and the plenary sessions.

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121 It should be noted that one institutional solution that was used by some Central and East European countries was to establish a sub-committee for EU affairs in every permanent body of the Parliament.

122 Among the activities scheduled by the Action Plan to improve the work of the Parliament, in February 2011 for the first time the Parliament adopted an official Calendar. The calendar reserves certain days every month for plenary sessions, sessions of the working bodies and days dedicated to the MP's work within their party groups and with citizens. The calendar is publicly available online, and offers general guidelines for the scheduling of meetings and other activities of the working bodies.

## ***Delineation of responsibilities***

When dividing the Committee for IREI, it will be necessary to define the areas and issues which require cooperation of the two new committees. According to the Rules of Procedure, two committees can hold joint sessions when there are issues of common interest or shared responsibility.<sup>123</sup> At this stage of integrations, when Montenegro is still only a candidate for membership, European integrations remain part of a larger sphere of international relations, entailing a greater number of activities and responsibilities that would be common to both new committees.

For instance, joint sessions will be necessary in order to examine reports on the work and budget of the Ministry for Foreign Affairs and European Integrations. Also, the two committees should cooperate on giving opinions on the candidates for certain ambassadors, such as the permanent representative or the head of the permanent mission of Montenegro in Brussels.

## ***Cooperation with civil society organisations***

Raising awareness of and support for the process of European integrations should be another important task of the Committee. The Parliament should be the citizens' window to EU, answering their questions, offering information on the integration process, gathering representatives of the civil sector, civil society organisations and interest groups, as well as representatives of various institutions for joint consultations, discussions and expert talks on the specific issues on the European agenda. The Parliament should also broaden the front by organising public discussions, conferences and round tables of EU integrations, initiating joint projects by the Parliament and non-governmental organisations, and monitoring implementation of the Government's communication strategy. During the process of negotiations, the Parliament and the Committee for EI should strive to ensure a broad social consensus on accession to European Union, in preparation of the future referendum on membership in EU.

There are several reasons why the Committee should make sure to engage in close cooperation with the NGOs working in the area of European integrations. Such cooperation could help the Committee conduct a much more comprehensive oversight of the Government's activities in the process of European integrations (similar to the European Commission, which, in preparation of its progress reports, always consults the CSOs as well as the Government and the official sources, to make sure it gets an objective impression of the situation in the country<sup>124</sup>). Partnership with CSOs would gain the Committee an important ally in the monitoring of Government's policies and practices, as well as a source of expertise and information on various issues on the Committee's agenda.

The Committee could serve as a forum for coordination between numerous NGO projects in the area of EU integrations, which often receive EU support. Among other, this would be in line with its task of examining EU's assistance and cooperation programmes.<sup>125</sup>

Cooperation with CSOs is also important because of their knowledge of, and motivation to advocate issues which they consider important, but which may not be too familiar for the MPs. Cooperation

123 Article 66 of the Rules of Procedure of Parliament of Montenegro

124 In its document "Dialogue of Civil Society Organizations between the EU and Candidate Countries", European Commission reiterates that CSOs play a major role in the reform processes in the candidates and potential candidates for EU membership. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, of 29 June 2005, on civil society dialogue between the European Union and candidate countries [COM(2005) 290 final - Not published in the Official Journal], [http://europa.eu/legislation\\_summaries/enlargement/ongoing\\_enlargement/e50022\\_en.htm](http://europa.eu/legislation_summaries/enlargement/ongoing_enlargement/e50022_en.htm)

125 Article 42 of the Rules of Procedure of Parliament of Montenegro



with CSOs would ensure that the needs and interests of different social groups are represented and taken into account during Committee's discussion of different legal acts. It would also contribute to the speed and quality of the EU integration process, as well as to the wider public support of membership in EU.

By taking over NCEI's responsibilities (see subchapter "*The future of NCEI*"), Committee for European Integrations should commit to quarterly thematic forums with representatives of the civil sector and public institutions. Committee for EI could be further strengthened by undertaking to adopt joint conclusions from these meetings and allow all interested CSOs to participate, if they submit a report on the relevant topic ahead of the forum. This way, the Committee could serve as a bridge between the decision makers and social actors who can contribute to the integration process.

## ***Recommended responsibilities of the future Committee for European Integrations***

Since the European integrations encompass a series of issues ranging from human rights, gender equality, economy and finance to agriculture and defence and security, it is difficult to establish the boundaries of responsibility of a committee dealing with "European Integrations". Committee's role in the accession process which is led by the Government should be designed in a way that would contribute to this process, warn about shortcomings, and contribute to quality and comprehensiveness of reforms. The role of the Committee for European Integrations can be summed up in the following notions: oversight, coordination, consultation, cooperation and approval of negotiating positions.

The following is a recommended list of responsibilities for the future Committee for European Integrations, compiled based on the analysis of the current tasks of the Committee for IREI and comparison of experiences of the new central and east European EU member states (from 2004 and 2007 waves of enlargement), in the years before they joined the EU.

### **Committee for European Integrations:**

#### ***1. Monitors and issues opinions on Government's activities aimed at acquiring membership in EU***

The Committee for EI should: monitor and assess implementation of the Stabilisation and Association Agreement; follow implementation of obligations ensuing from the agreements between Montenegro and EU, according to the Government's plan of activities; monitor Government's activities in the field of EU integration as well as implementation of the National Programme of Integrations, invite officials to hearings about activities in the integration process, discuss reports it receives from the Government, cooperate with different bodies and institutions in the country which are involved in the process of EU integrations and holds regular meetings with the Minister in charge of EU integrations.

#### ***2. Coordinates and oversees activities of other parliamentary working bodies in relation to specific issues of interest for European integrations***

It can be ascertained that the Committee for IREI recognised the importance of oversight and coordination in its own field regarding activities aimed at fulfilling the recommendations of the European Commission and the Parliament's Action Plan (see the example in the subchapter "*Committee's role in fulfilling the Action Plan of the Parliament*")

***3. Issues opinions on the compatibility of Montenegro's legislation with European Union acquis and suggests measures for improvement of the harmonisation process***

For a list of concrete activities this would entail, see subchapter “*Responsibility for verification of legislative compatibility*”

***4. Develops cooperation with corresponding working bodies of other countries and the European Parliament***

The Committee should cooperate with the parliaments of other states and their corresponding working bodies on bilateral and multilateral grounds, by exchanging visits of delegations of individual MPs, participating in the international conferences, by exchanging information, and through other forms of cooperation meant to enhance Parliament’s role in the process of EU integration. The most important aspect of these activities would be cooperation with the European Parliament, by overseeing the work of EU-Montenegro Stabilisation and Association Parliamentary Committee, and monitoring implementation of its recommendations. Other important forums for cooperation are COSAC, *Conference of Community and European Affairs Committees*, where MPs from Montenegro, as a country candidate for EU membership, can attend the meetings with three representatives in the capacity of observers.

***5. Develops cooperation with the citizens, interest groups, civil society organisations active in the field of European integrations and civil society in general***

For a list of concrete activities this would entail, see subchapter “*Cooperation with civil society organisations*”.

***6. Examines assistance and cooperation programmes of European Union and their implementation***

MPs in the Committee for EI must be acquainted with the ways of accessing the money from the IPA fund and its five components. Through this Committee, the Parliament should get involved with solving the problem of absorption capacity, which is linked to the issue of administrative resources, ability to prepare a project according to EU rules, and the financial capacities (the co-financing requirement) in the state and local administration. In cooperation with the relevant ministry, the Committee can target its monitoring, consultations and consultations to contribute to programmatic planning of the absorption of pre-accession funds and development of capacities and effective institutions to manage EU assistance on all levels.

## ***The role of the Parliament and the Committee for European Integrations in EU accession talks***<sup>126</sup>

The main pillars of cooperation between the Government and the Parliament during negotiations with EU should be defined by a separate declaration, decision or another formal act.<sup>127</sup> The task of this act would be primarily to define the role of the Parliament, its designated Committee and working bodies in this process. The main issues to be clarified are the manner and frequency of reports to the Parliament by the Government and its negotiating team.

The following could be a sample of responsibilities of the Committee for EI during the process of negotiations:<sup>128</sup>

- Oversees the course of negotiations on Montenegro's accession to EU and issues opinions and suggestions on this matter;
- Approves, or issues opinions on the negotiating positions before they are endorsed by the Government;
- Discusses negotiating positions for each chapter in dialogue with the Government;
- Issues recommendations on various matters that arise in the course of negotiations on Montenegro's accession to European Union;
- Examines regular (quarterly) reports by the chief negotiator, i.e. head of the negotiating team, on the course of negotiations;
- Examines the performance of members of the negotiating team and holds regular meetings with the chief negotiator;
- Issues opinions of six-monthly reports submitted to the Parliament by the head of the negotiating team;

In late 2010 Committee for IREI prepared for the Collegium of the Parliament an overview of findings from the EC's Analytical Report accompanying the Opinion on Montenegro's application for membership in EU. Among other, the review divides the negotiations chapters according to the responsibilities of the existing working bodies for the Parliament, so that each chapter is assigned a *core* and *interested* committees. Also, the Government is planning to create working groups for almost all chapters of *acquis* for the negotiations process. These working groups should be obliged to report to the responsible committees of the Parliament on the progress of screening, and opening and closing of individual chapters. This would be an important step towards genuine, expertise-based monitoring and a venue for involvement of the parliamentary committees in the working groups. It would also partly avoid over-centralisation of the integration-related matters in a single committee.

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126 Note the recommendations from the subchapter on the future of NCEI.

127 Just before the start of the accession talks, Croatia adopted a "Statement of the Croatian Parliament and the Government of Croatia on joint activities in the process of negotiations for membership in European Union", which defined the respective roles of the two branches in this process.

128 The overview of responsibilities is based on responsibilities of the parliaments of other countries that underwent the process of negotiations with EU.

## ***Other recommendations***

- The current division of responsibilities for the management of parliamentary cooperation between the Collegium of the President of the Parliament and the Committee for IREI should be abolished and entirely transferred to the Committee. Since the Committee is the sole responsible body for examining the reports on visits and participations in international activities, it should also be solely responsible for defining the platform for discussion with foreign delegations.
- The Budget of the Parliament of Montenegro should include a special programme related to international cooperation, including the costs of the so-called “parliamentary diplomacy”;
- In order to enhance the Parliament’s openness to the public, the *Rules of opinion-making on the appointment or recall of ambassadors and heads of other diplomatic Missions of Montenegro abroad* should be amended, and the sessions where the Committee discusses candidates for ambassadors and heads of other diplomatic mission abroad should be made public. Also, the practice of classifying these meetings as consultative hearings should be abolished, since these events do not correspond to the official definition of this control mechanism.
- Meetings of the Committee for IREI where the ministers in charge of foreign affairs and European integrations answer MP’s questions or defend certain reports or documents should be classified as control hearings, as they correspond to the official definition of this control mechanism.
- Scheduling discussions of several different reports of the executive in the same Committee meetings should be avoided, in order to raise the quality and thoroughness of examination of the Government’s actions, i.e. to enhance the level of oversight of activities in the domain of European integrations.

## Appendix

**Table 1. Membership of the parliamentary working bodies**

<i>Working body</i>	<i>Number of MPs</i>
Committee for Constitutional Affairs and Legislation	13
Committee for Economy, Budget and Finance	13
Security and Defence Committee	13
<b>Committee for International Relations and European Integration</b>	<b>15</b>
Committee for Political System, Justice, and Administration	13
Committee for Human Rights and Freedoms	12
Gender Equality Committee	11
Committee for tourism, agriculture, environment and spatial planning	13
Committee for Education, Science, Culture and Sports	10
Committee for Health, Labour and Social Welfare	11
Administrative Committee	13
Commission for Monitoring and Control of Privatisation Procedures	8

**Table 2. Overview of envisaged and existing workplaces in the parliamentary support service**

<b>Working body</b>	<b>Number of support staff</b>	
	<b>According to the Rulebook</b>	<b>In practice</b>
Committee for Constitutional Affairs and Legislation	7	5
Committee for Economy, Budget and Finance	5	3 (+2 interns)
Security and Defence Committee	4	3 (+1 intern)
<b>Committee for International Relations and European Integration</b>	<b>6</b>	<b>3 (+1 intern)</b>
Committee for Political System Justica and Administration	3	1 (+2 interns)
Committee for Human Rights and Freedoms	2	2
Gender Equality Committee	2	2
Committee for tourism, agriculture, environment and spatial planning	4	3
Committee for Education, Science, Culture and Sports	3	2
Committee for Health, Labour and Social Welfare	3	3
Administrative Committee	2	2
Commission for Monitoring and Control of Privatisation Procedures	2	1 (+1 intern)

**Table 3. Initial positions of party groups in the Parliament of Montenegro on the future of the Committee for International Relations and European Integrations<sup>129</sup>**

<b>DPS</b>	<b>Democratic Party of Socialists</b> advocates division of the Committee into Committee for International Relations and Committee for European Integrations. DPS also suggested that the Rules of Procedure should be amended to make this division operational from the start of accession negotiations with EU.
<b>SNP</b>	MPs of the <b>Socialist People's Party</b> overall find the division of the Committee for International Relations and European Integrations acceptable. However, they insist on the question of formal criteria for deciding whether responsibilities of a certain committee are too broad, and ask whether establishment of sub-committees wouldn't be a better solution than the creation of two full-blown committees given the costs of new administrative arrangements and the burden of additional meeting schedules.
<b>SDP</b>	<b>Social-Democratic Party</b> does not think there should be new committees, as this would only reduce efficiency and expand administration.
<b>NOVA</b>	MPs of the <b>New Serbian Democracy</b> think there should be separate committees for International Relations and for European Integrations. They propose to solve the problem of MP's over-commitment and limit administrative expansion by establishing the new Committee for European Integrations as a merger of the National Council for European Integrations and parts of the current Committee for International Relations and European Integrations.
<b>PZP</b>	<b>Movement for Changes</b> argues for establishment of a Committee for International Relations, which would also encompass European integrations issues. At the same time, they advocate establishment of two new committees, for citizen's complaints and petitions, and for monitoring Government's initiatives against corruption and organised crime.
<b>BS</b>	<b>Bosniak Party</b> believes there is a genuine need for dividing the Committee for International Relations and European Integrations, given the large scope of responsibilities. According to them, there should be a single working body in charge of the process of European integrations, whose task would be to attend to legal harmonisation and all other obligations of the Parliament in the accession process, especially in the course of negotiations. Another working body would attend to the issues of inter-parliamentary cooperation, foreign affairs and the Parliament's role in international matters. They suggest that this committee should also contain a sub-committee for diaspora and emigrants. Bosniak Party notes that all parliamentary parties ought to have their representatives in these committees.

129 Excerpts from initial positions of parliamentary groups submitted to the Working Group for amendments of the Rules of Procedure of the Parliament of Montenegro (active May-December 2011).

***Institute Alternative's Proposal of competencies to be assigned to Committee for European Integrations, including responsibilities in the negotiations process***

***"Committee for European Integrations***

***Article 42a***

- Monitors and issues opinions on Government's activities aimed at acquiring membership in EU;
- Coordinates and oversees activities of other parliamentary working bodies in relation to specific issues of interest for European integrations;
- Issues opinions on the compatibility of Montenegro's legislation with European Union acquis and suggests measures for improvement of the harmonisation process;
- Develops cooperation with corresponding working bodies of other countries and the European Parliament;
- Develops cooperation with the citizens, interest groups, civil society organisations active in the field of European integrations and civil society in general;
- Examines assistance and cooperation programmes of European Union and their implementation;
- Oversees the course of negotiations on Montenegro's accession to EU and issues opinions and suggestions on this matter;
- Approves, or issues opinions on the negotiating positions before they are endorsed by the Government;
- Discusses negotiating positions for each chapter in dialogue with the Government;
- Issues recommendations on various matters that arise in the course of negotiations on Montenegro's accession to European Union;
- Examines regular (quarterly) reports by the chief negotiator, i.e. head of the negotiating team, on the course of negotiations;
- Examines the performance of members of the negotiating team and holds regular meetings with the chief negotiator;
- Issues opinions of six-monthly reports submitted to the Parliament by the head of the negotiating team;

**Table 4. Overview of membership, competencies and frequency of meetings of parliamentary committees for European Integration (European Affairs) in Central and East European Countries (before their accession to EU)<sup>130</sup>**

Number of MPs	Responsibilities	Frequency of meetings
<b>Bulgaria</b>		
<b>24</b>	<p>Monitors and evaluates Government's integration strategy;</p> <p>Calls hearings on EU's common policies;</p> <p>Discusses Government's reports on the integration process;</p> <p>Monitors Government's participation in the Council of Ministers;</p> <p>Issues opinions and makes decisions on draft legislation concerning NPAA and all relevant drafts of resolutions and declarations;</p> <p>Provides the National Council with necessary information on Bulgaria's accession to EU, including Parliament's activities in the field of EU affairs;</p> <p>Conducts preliminary control of the relevant legislation in the parliamentary procedure</p>	Weekly; Extraordinary meetings can be called by the president of the parliament, president of the committee or one third of members
<b>Cyprus</b>		
<b>14</b>	<p>Main body in charge of EU affairs, especially after the start of negotiations;</p> <p>The Committee can, if deemed necessary for reasons of efficiency, transfer the responsibility for a law harmonising national legislation with EU acquis to another committee which is normally in charge of that area;</p> <p>Regular meetings with the chief negotiator in order to communicate Committee's opinions;</p> <p>Analysis and suggestions for adoption of legislation necessary for harmonisation;</p> <p>The committee can forward the proposal for a certain legal act to the core committee for that area for discussion according to the regular adoption procedure;</p> <p>Reports to the plenary with suggestions for adoption, refusal or amendment of the proposed acts.</p>	Depending on the amount of work
<b>Czech Republic (House of Representatives and Senate)</b>		
<b>19</b>	<p>Discusses public policies and draft laws;</p> <p>Monitors all aspects of integration of the Czech Republic into EU structures (e.g. legal harmonisation, socio-economic aspects of integration, accession negotiations, pre-accession funds, foreign policy elements of integrations, pre-accession communication strategy ...);</p> <p>Adopts non-binding resolutions</p>	Regular weekly meetings, ad hoc meetings
<b>8</b>	<p>General issues related to public policy and legislation;</p> <p>Centralises of EU-related work;</p> <p>Monitors of implementation of the Strategy for integration into EU;</p> <p>Adopts non-binding resolutions</p>	Weekly

<sup>130</sup> See findings of the European Centre for Policy Research and Documentation (ECPRD), *European Affairs Committees: An Overview*, 2002.



<b>Number of MPs</b>	<b>Responsibilities</b>	<b>Frequency of meetings</b>
<b>Estonia</b>		
<b>13</b>	<p>Oversees fulfilment of targets from Estonia's Europe Agreement;  Informs the public about the enlargement process;  Contributes to fulfilment of the accession targets as regards the Parliament;  Informs the Parliament about its activities in the framework of the joint EU-Estonia Parliamentary Committee;  Approves negotiating positions before their adoption by the Government;</p>	Weekly; Additional meetings as necessary
<b>Hungary</b>		
<b>21</b>	<p>Monitors legislative harmonisation;  Oversees preparations for EU membership;  Discusses matters relevant to EU-Hungary relations,  Formulates draft laws;  Coordinates with sub-committees in charge of EU affairs;  Holds monthly meetings with the Minister of Foreign Affairs on matters relevant to EU enlargement;  Organises hearings of experts, Government members and officials</p>	Weekly (whole-day meetings); Additional meetings as necessary
<b>Latvia</b>		
<b>21</b>	<p>Reviews public policies and legislation related to EU affairs;  Organises training programmes for MPs and parliament staff in EU-related areas;  Prepares tables detailing progress on the most important EU-related acts in the Parliament;  Participates in accession negotiations and monitors negotiating chapters prepared by the Government;  Coordinates the work of the joint EU-Latvia Parliamentary Committee</p>	Weekly
<b>Lithuania</b>		
<b>24</b>	<p>Examines main issues within the Parliament's responsibility relevant for EU policy;  Submits conclusions and recommendations of the Parliament;  Coordinates Committee's activities relevant to integration matters;  Submits recommendations to the Government</p>	Weekly
<b>Malta</b>		
	<p>Examines main issues within the Parliament's responsibility relevant for EU policy;  Coordinates Committee's activities relevant to integration matters;  Submits recommendations to the Government</p>	Weekly

Number of MPs	Responsibilities	Frequency of meetings
<b>Poland (Sejm and Senate)</b>		
<b>50</b>	<p>Examines implementation of the National Programme of Preparations for EU membership</p> <p>Oversees all government activities related to preparations for accession to EU, including PHARE, ISPA and SAPARD;</p> <p>Organises debates of the laws intended to harmonise Polish legislation with EU acquis;</p> <p>Issues opinions on compatibility of a given law with EU acquis</p>	As necessary, at least twice a week
<b>17</b>	<p>Inter-parliamentary relations, international trade relations, proposals for Senate's decisions on the legislative process, meetings with other committees, expert hearings, preparation of Senate's meetings</p>	
<b>Romania</b>		
<b>23 - 16 MPs and 7 Senators</b>	<p>Prepares protocol;</p> <p>Approves final documents of the Joint EU-Romania Parliamentary Committee, oversees implementation of its recommendations;</p> <p>Discusses public policies and legislation;</p> <p>Examines legal proposals passing both houses of the parliament;</p> <p>Consults with experts, academics and members of the non-governmental sector</p>	Weekly
<b>Slovakia</b>		
<b>17</b>	<p>Monitors agreements and strategies;</p> <p>Adopts non-binding resolutions on draft laws;</p> <p>Consults with experts;</p> <p>President of the Committee participates in the meetings of the Government's advisory committee for European Integrations and reports on its conclusions</p>	Monthly
<b>Slovenia</b>		
<b>10</b>	<p>Discusses general matters related to the process of EU integrations;</p> <p>Coordinates the work of EU-related working bodies and offers opinions, recommendations and warnings;</p> <p>Analyses consequences of the integration strategy and prepares reports;</p> <p>Follows the integration strategy and its implementation;</p> <p>Monitors harmonisation of the national legislation with EU acquis;</p> <p>Cooperates with public institutions in Slovenia, EU and other countries on matters related to integration;</p> <p>Organises presentations of public opinion polls on integration-related issues;</p> <p>Collects and archives EU-related information;</p> <p>Monitors the use of EU funds;</p> <p>Conducts other activities related to EU integration not covered by other working bodies</p>	Meetings held during the first two weeks of every month

***Planned activities of the National Council of European Integrations in 2011***

	<b>Activity</b>	<b>Month</b>	<b>Comment</b>
1.	Analysis of the Final Version of the Action Plan	February	
2.	Analysis of the Report on the implementation of measures and activities from the Action Plan	March	
3.	Visit to the European Commission and European Parliament	March	
4.	Analysis of the Report on the implementation of measures and activities from the Action Plan	April	
5.	Visit to the Government and Parliament of Hungary	April	
6.	International Conference on the fulfilment of European Commission's 7 recommendations	May	
7.	NCEI's celebratory meeting to commemorate the Day of Europe	May	
8.	Visit to the Government and Parliament of Germany	June	
9.	Analysis of the Report on the implementation of measures and activities from the Action Plan	June	
10.	Visit to the Government and Parliament of Netherlands	July	
11.	Analysis of the Report on the implementation of measures and activities from the Action Plan	July	
12.	Discussion of the mid-year Report on the work of NCEI	July	
13.	Analysis of the Report on the implementation of measures and activities from the Action Plan	September	
14.	Visit to the Government and Parliament of Poland	September	
15.	International Conference on the fulfilment of European Commission's 7 recommendations	October	
16.	Analysis of the European Commission Progress Report	October	
17.	Analysis of the process of European Integrations and achievements to date	November	
18.	Visit to the European Commission and European Parliament	November	
19.	Analysis of the process of European Integrations and achievements to date	December	

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Minutes of the 3<sup>rd</sup> meeting of the second regular session in 2010;

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Minutes of the 5<sup>th</sup> meeting of the first regular session in 2010;

Minutes of the 3<sup>rd</sup> meeting of the first regular session in 2010

Minutes of the 7<sup>th</sup> meeting of the second regular session in 2009;

Minutes of the 4<sup>th</sup> meeting of the second regular session in 2009;

Minutes of the 4<sup>th</sup> meeting of the first regular session in 2009;

Minutes of the 3<sup>rd</sup> meeting of the second regular session in 2008;

Minutes of the 5<sup>th</sup> meeting of the first regular session in 2008;

Minutes of the 5<sup>th</sup> meeting of the second regular session in 2007;

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## About Institute Alternative

Institute Alternative is a non-governmental organization, established in September 2007 by a group of young, educated citizens, with experience in the civil society, public administration and business sectors.

*The mission of Institute Alternative* is to strengthen the democratic processes in Montenegro by identifying and analyzing public policy options.

*The strategic Aims of Institute Alternative* are to: increase the quality of development of public policy, contribute to the development of democracy and the rule of law, and to the protection of human rights in Montenegro.

*The values we follow in our work* are dedication to our mission, independence, constant learning, networking, cooperation and teamwork.

The Board of Managers of Institute Alternative consists of six members: Daliborka Uljarević, Vera Šćepanović, Maja Vujašković, Stevo Muk, Aleksandar Saša Zeković and Vladimir Vučinić, with Stevo Muk as the President of the Board.

Institute alternative acts as a *think tank* and a research centre, and its activities focus on the domains of good governance, transparency and accountability. IA is concerned with and exercises influence by providing own recommendations on the following research topics: parliamentary oversight of security and defence services, oversight role of the Parliament and its impact on the process of European integrations, reform of public administration, public procurement, public-private partnerships, state audit and control of the budget of local authorities.

To date, Institute Alternative published the following reports/studies:

- Control of the local self-governments' budget
- The State Audit Institution in Montenegro - strengthening its influence
- Report on democratic oversight of security services
- Think Tank - The role of Independent Research institutes in Public Policy Development
- Public-Private Partnerships in Montenegro - Accountability and Transparency
- Public Procurements in Montenegro - Transparency and liability
- Assessment of the Legal Framework and Practice in the Implementation of Certain Control Mechanisms of the Parliament of Montenegro: Consultative hearing, control hearing and parliamentary inquiry
- Parliamentary oversight of the defence and security sector: What next?
- The Lipci Case: How not to repeat it
- The Case of the First Bank - Lessons for the supervisor and other decision makers
- Public Administration in Montenegro: Salary schemes, reward system and opportunities for professional advancement in law and in practice

IA is the co-publisher of "Political Criteria for the Accession to the European Union" by Aleksandar Saša Zeković. It also published a number of comments on draft laws or proposals, as well as a short brief containing recommendations for greater financial transparency of the Parliament of Montenegro (June 2008).

All publications and materials are available on the Institute Alternative website: [www.institute-alternativa.org](http://www.institute-alternativa.org)

Activities of Institute Alternative have been supported by the Foundation Institute for an Open Society - Representative Office Montenegro (FOSI ROM) and Think Tank Fund, Friedrich Ebert Foundation, Commission for the distribution of funds for NGO projects of the Parliament of Montenegro, Canada Fund, European Fund for the Balkans and the European Commission. Institute Alternative has ongoing cooperation with the Berlin-based European Stability Initiative (ESI), which conducted a capacity-building program for IA's associates.

IA also cooperates with a great number of organisations in Montenegro, as well as with numerous institutions and administrative bodies, such as the State Audit Institution, Directorate for Public Procurement, Parliament of Montenegro (especially its work committees, Committee for Economy, Finance and Budget and Committee for Security and Defence), Ministry of Finance, Commission for Concessions etc.

Institute Alternative is a member of the self-regulatory body of NGOs, and has disclosed full details on its financial affairs in line with the Activity Code for NGOs, to which Institute Alternative is a party.









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