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ACCELERATION OF THE PROCESS OF ACCESSION OF MONTENEGRO TO THE EU – CLOSING OF CHAPTER 24

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Sustainable Development Goal 17: Partnership for Goals

Significance of Chapter 24

- The main goal of implementation of all activities recognized within Chapter 24 – Justice, Freedom and Security is to enable the free movement of people, while guaranteeing their security. Such a broad framework includes a wide range of issues – starting from the European Union external borders' management, through judicial cooperation in civil and criminal matters, to the issues and areas within the fight against organized crime, to visa, migration and asylum issues.

Organizational approach

Chapter 24 – Justice, Freedom and Security was officially opened on **18 December 2013** at the Intergovernmental Conference in Brussels.

On **26 July 2018**, the Government adopted the Decision Establishing a Working Group for Preparation and Conduct of Negotiations on the Accession of Montenegro to the European Union for the Acquis within the Chapter 24 – Justice, Freedom and Security.

Currently, the Working Group consists of 32 members. The Working Group involves 28 members from the public sector and four representatives from the civil sector.

What is the benefit for Montenegro from Chapter 24

- The main objective of implementation of all activities within this chapter is to enable the free movement of people, while guaranteeing their security. The fulfilment of obligations arising from Chapter 24 contributes to the reduction of the cross-border crime rate, as well as the trafficking in human beings, drugs and weapons, which will effectively increase the security of Montenegrin citizens.

Areas of Chapter 24

- **Fight against organized crime**
- **Fight against terrorism**
- **International police cooperation**
- **Fight against trafficking in human beings**
- **Migrations**
- **Asylum**
- **Visa policy**
- **Schengen and External borders**
- **Judicial cooperation system in civil and commercial matters**

Montenegro's accession to Chapter 24

In the coming year, Montenegro should in particular:

- ☐ limit the use of plea bargains to exceptional cases, in order to enhance the transparency and the credibility of the judicial response to organised crime through a more deterrent and consistent sanctioning policy;
- ☐ review the legal and operational approach towards financial investigations, money laundering, asset recovery, to align it with EU and international standards and practices, establish an integrated approach between all the bodies involved and provide them with the necessary legal and operational tools to create the conditions for establishing a convincing track record in this area;
- ☐ further strengthen the capacities in border management, by addressing the critical gaps in human resources and equipment; take the necessary steps to establish an Advance Passenger Information System, and a biometric registration system that follows the Eurodac model.

Fight against organised crime

Montenegro has some level of preparation/is moderately prepared in the fight against organised crime. Some progress was made in addressing last year's recommendations, in particular as regards improving the access of law-enforcement agencies to key databases and increasing the number of investigators and experts in key areas.

The number of organised crime cases investigated and prosecuted continued to grow, and the number of cases adjudicated at courts nearly tripled. A well established international police cooperation continued to yield results, with unprecedented drug seizures in the country and abroad. However, the capacity to address tobacco smuggling and money laundering is not yet at the expected level. Montenegro still needs to address some systemic deficiencies in its criminal justice system, including the way organised crime cases are handled in the courts.

Fight against terrorism and human trafficking

The threats of terrorism and violent extremism remained relatively low in the country. There were no new departures or returns of Montenegrin citizens to and from foreign battlefields in 2020 and the first three months of 2021. Standard operational procedures for early detection of manifestations of violent extremism were drafted and numerous trainings held. Montenegro does not have any convicted for terrorism detained in prison.

The Team in charge of identification, referral and initial assistance to victims, which includes representatives of the police, health, social professionals and one NGO, identified 52 victims in 2021. Among them were 21 women and 10 children. All the children were from the Roma and Egyptian communities, and were victims of forced beggary or forced marriage. The identified victims were sheltered in specialised shelters and the children are integrated to the school system.

International police cooperation

International police cooperation continued to play a strategic role in the fight against criminality despite COVID-19 constraints. Ten Montenegrin crime group members were arrested abroad in 2020. In April 2021, two high-ranking members of one of Montenegro's main crime groups were arrested in Portugal and eventually extradited to Montenegro. Eight tons of cocaine were seized abroad in relation to Montenegrin crime groups (39 kg in 2019) in cooperation with foreign police services. Eight members of organised crime groups were also arrested in Montenegro based on arrest warrants from foreign Interpol offices.

In the area of police cooperation, significant support for the development and functioning is reflected in the work of the European Police College – CEPOL. The Schengen Convention is particularly prominent in this segment, which sets out the obligation of police authorities to assist one another with the aim of prevention and detection of crime. Also, for Montenegro, the so-called Treaty of Prüm is important, concerning the intensification of cross-border cooperation, especially in the fight against terrorism, cross-border crime and illegal migrations, and not less important is the Vienna Convention, as well as a number of bilateral international treaties recognizing and affirming the various forms of police cooperation (e.g. joint patrols, joint border crossings, joint operations, work in joint centres, etc.).

Asylum

Montenegro's legal framework is largely aligned with the EU acquis. It was further strengthened with the adoption of two by-laws to the asylum law. Since February 2021, the whole asylum and migration policy is centralised in the directorate for Administrative Affairs, Citizenship and Foreigners of the Ministry of Interior.

The Ministry of Interior coordinates the delivery of assistance to people under an international protection status.

Montenegro continues to receive international support for strengthening the capacities of the staff of the Asylum Directorate. The Directorate cooperates with the European Asylum Support Office (EASO). An enhanced cooperation within a roadmap, tailor-made for Montenegro and implemented by EASO, is under preparation.

Migrations

Montenegro's legal framework in the area of legal and irregular migration is largely aligned with the EU acquis. A draft strategy on migration and reintegration of returnees for the period 2021-2025 is finalised.

The EU-Montenegro readmission agreement is facilitated by implementing protocols concluded with 15 EU Member States. Montenegro has 11 readmission agreements with non EU-countries, including all Western Balkan partners and Turkey. The requests sent in July 2019 to Pakistan, Iran, Iraq, Morocco and Algeria, to start readmission negotiations with them, remain unanswered so far.

Both legal and irregular migration sharply decreased in 2020 against the backdrop of the COVID-19 pandemic. Travel restrictions and the slowdown of tourism have reduced the demand for seasonal workers.

In January-March 2021 Montenegro received 33 requests for readmission concerning 43 persons and gave 17 positive answers concerning 27 people. The return rate dropped from 50% in 2019 to 42% in 2020 reflecting the overall trend over the past years.

Visa policy, Schengen and external borders

Montenegro's visa policy is still not fully aligned with the EU's list of countries whose nationals require a visa to the EU. The impact of the exemptions is closely monitored, and no impact on migratory flows into the country has been observed so far. Montenegro should nevertheless ensure further alignment of its visa policy with the EU list of visa-required third countries before accession to the EU.

The implementation of Montenegro's Status Agreement with the European Union intensified the cooperation between Montenegro and the European Border and Coast Guard Agency (Frontex) and created new opportunities for the transfer of EU good practices. Montenegro's situational awareness and reaction capacity have substantially improved since the establishment of its National Coordination Centre (NCC) in 2019. The NCC, which is Frontex' main cooperation partner within the Status Agreement, follows in real-time live pictures delivered from one observation aircraft and one helicopter, provided under the Status Agreement, and from nine BCPs.

Bilateral cooperation with neighbouring countries on border management continued to be good, despite the drastic reduction of joint border patrolling in the context of the pandemic. Montenegro continued to cooperate actively with Europol and Interpol on countering crossborder criminal activities, and to participate in Frontex' Western Balkans Risk Analysis Network.

Judicial cooperation in civil and criminal matters

Montenegro continued to align its legal framework in the area of judicial cooperation in criminal matters. The agreement on extradition between Montenegro and the United Kingdom and Northern Ireland and the protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons were ratified and entered into force in July 2020. In the area of judicial cooperation in civil matters, Montenegro has taken initial steps to become a party to the 2007 Protocol to the Hague Convention on International recovery of child support and other forms of family maintenance, and to the 2000 Hague Convention on the International protection of adults.

Montenegro's cooperation with Eurojust continued to increase. Twenty-four cases involving Montenegro were opened in Eurojust in 2020 (a 57% increase compared with 2019), including 12 cases launched by Montenegro, mainly relating to organised crime, money laundering and drug trafficking.

Activities in the coming period

- Accordingly, Montenegro will continue to conduct a comprehensive assessment of its legal, institutional, technical and training needs in the area of legal migrations, to continuously improve human and material resources devoted to border management and the system for registering migrants. Montenegro should also enhance the transparency and credibility of the judicial system's response to organized crime cases through a consistent punishment policy that has a particularly deterrent effect. Also, one of the key commitments in order to close Chapter 24 is to improve the track record, especially with regard to final judgements. Following the fulfilment of interim benchmarks, the European Commission will create the **Report on fulfilment of interim benchmarks**, which will create conditions for Montenegro to obtain the closing benchmarks and therefore enter the final stage of negotiations.

THANK YOU FOR ATTENTION.