



*European Economic and Social Committee*

**REX/298**

**The role of civil society in  
EU-Montenegro relations**

Brussels, 28 April 2010

**OPINION**

of the

European Economic and Social Committee

on

**The role of civil society in EU-Montenegro relations**

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Rapporteur: **Ms Drbalová**

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In a letter dated 14 July 2009, Commissioner Margot Wallström and Commissioner Olli Rehn asked the European Economic and Social Committee to draw up an exploratory opinion on

*The role of civil society in EU-Montenegro relations.*

The Section for External Relations, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 12 April 2010.

At its 462nd plenary session, held on 28 and 29 of April 2010 (meeting of 28 April), the European Economic and Social Committee adopted the following opinion by 101 votes with six abstentions.

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**1. Recommendations enhancing the validity of this opinion both for Montenegro and for the European Institutions:**

To the Montenegrin Parliament:

1.1 The procedure for appointing NGO representatives to the National Council for EU integration<sup>1</sup> 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.

1.2 The Law on Volunteers which is still to be passed should incorporate NGO standpoints.

To the Montenegrin Government:

1.3 To intensify the fight against corruption in line with the recommendation made in the EC Progress Report. Corruption remains prevalent in many areas and continues to be a particularly serious problem.

1.4 The implementation of the adopted National strategy for cooperation between the Government of Montenegro and non-governmental organisations should be intensified. Clear mechanisms should be established in order to provide genuine NGO representation within diverse bodies as stipulated by the spirit of the existing regulation, and especially within the planned Council for cooperation with NGOs, where the NGO representatives should not be elected by the Government but only verified on the basis of eligibility criteria.

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<sup>1</sup> The National Council for EU integration is operating within the Parliament but in addition of the MPs it includes representatives of judiciary, NGOs, University of Montenegro, Montenegrin Academy of Science, Social Council and President's Office.

- 1.5 The existing Office for cooperation with NGOs has very limited human and technical resources to assist NGOs appropriately and to ensure the further development of NGOs in Montenegro. The plan to establish a Governmental Council for NGOs, with genuine NGO representatives, has to be a high priority.
- 1.6 Tax regulations should be clearly specified for NGOs and accompanying laws introduced where applicable. Also, NGOs should be more effectively included in public debates on draft laws in order to contribute to the process of aligning Montenegrin legislation with EU standards and best practices. The same applies to the updates to the National Plan for Integration and IPA programming.
- 1.7 The register of NGOs should be updated and made public on the website of the competent body to provide precise details of the number of NGOs, thus stopping the manipulation concerning this issue. All NGOs should publish their narrative and financial reports on a regular basis, in order to contribute to the overall process of transparency in society and to increase their own credibility. An appropriate legal basis needs to be adopted, i.e. legislation on business activities in farming, fishing and other self-employed professions, and the right to join a trade union needs to be extended to everyone, not just employees.
- 1.8 The draft Law on Trade Union representativeness that is still pending must create a legislative framework establishing transparent and non-discriminatory criteria for the representativeness of trade union organisations and enable a plurality of trade unions in the country. Detailed criteria for representativity of employers' associations should be also enshrined in the Law, as it is defined for trade unions.
- 1.9 To realise the potential of the Social Council and use it as an effective tool for consulting and informing the Social Partners, in order to address all relevant economic and social concerns.
- 1.10 To open the governmental Commission for European Integration up to representatives of the social partners and involve them gradually in the process of integrating the country into the EU.

To the European Commission:

- 1.11 To apply new indicators in the monitoring process, – one for the development of civil society and the second one for social dialogue – in order to help ensure that civil society is better and more effectively involved in the pre-accession process.
- 1.12 To continue to support civil society partnerships and capacity development, and also to include civil society in IPA programming and to promote the establishment of an EU-Montenegro Joint Consultative Committee as soon as Montenegro has been granted the status of candidate country.

The EESC:

1.13 will continue in cooperation with Montenegrin organised civil society, to assist it in the pre-accession process and to make concrete steps towards establishing an EU-Montenegro Joint Consultative Committee.

## 2. Main facts and figures about Montenegro

2.1 The break-up of the Yugoslav Federation after 1989 left Montenegro in a precarious position. Between 1991 and 1992, Slovenia, Croatia, Bosnia and Herzegovina, and the former Yugoslav Republic of Macedonia all seceded from Yugoslavia. On April 27 1992, Serbia and Montenegro joined together to adopt the Constitution of the Federal Republic of Yugoslavia in Belgrade. Though Montenegro reaffirmed its political attachment to Serbia, a sense of a distinct Montenegrin identity continued to thrive. On February 4 2003, the Constitutional Charter of the State Union of Serbia and Montenegro was adopted.

2.2 The Republic of Montenegro held a successful referendum on independence on 21 May 2006, and declared independence on 3 June.

2.3 It is the smallest state in the Western Balkans, with a size of 13,812 sq km and population of 620 145, which also influences its position within the wider regional geo-strategic and political context.

2.4 The multiethnic composition of the society has always been considered one of its main assets. The majority is represented by Montenegrins (43.16%), followed by Serbs (31.99%), then by Bosniaks (7.77%), Albanians (5.03%), Muslims<sup>2</sup> (3.97%) and Croats (1.10%).

2.5 In 2008<sup>3</sup>, per capita GDP was EUR 4908 (43% of EU average) and the unemployment rate was 16.8%.. The average net salary was EUR 416<sup>4</sup>, but 12.2% of citizens lived on less than EUR 116 per month and 4.7% were living in extreme poverty. Retail price inflation was 9% in 2008. In 2009, public debt was EUR 1 071.1 million, or 34.7% of GDP<sup>5</sup>, whereas domestic debt was EUR 426million (13,8%) and external debt was EUR 645.2 million (20.9%). The adult literacy rate was 97.5%.

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2 Official census data. Muslims are in Montenegro treated as an ethnic group in this census in line with practice in the former Yugoslavia.

3 Eurostat.

4 Monstat, <http://www.monstat.org/Mjesecna%20saopstenja.htm>.

5 Economic and Fiscal Programme 2009-12, January 21, 2010.

### 3. **EU and Montenegro relations**

- 3.1 Nowadays, the key challenge facing Montenegro is state and institution building, fulfilment of standards and criteria set by the EU and consequently establishment of a functional rule of law system with full inclusion of all societal groups. These challenges are part of the same process, heavily influencing each other, and therefore have to be understood within the framework of that interaction.
- 3.2 Relations between the EU and Montenegro are based on **the Stabilisation and Association Agreement (SAA)** between the European Communities and their Member States and Montenegro and the **Interim Agreement on trade and trade-related matters signed in October 2007**. Montenegro is making progress in implementing the **European Partnership**.
- 3.3 Since 2007, Montenegro has been receiving pre-accession financial assistance under the **Instrument for Pre-Accession Assistance (IPA)**, which is being administered by the new EU Delegation in Podgorica. For IPA Components I and II, Montenegro has received: in 2007 – EUR 31.4 million, in 2008 – EUR 32.6 million, in 2009 – EUR 33.3 million.
- 3.4 Regional cooperation and good neighbourly relations form an essential part of the process of **moving towards the European Union**. Montenegro is participating in the work on regional initiatives, including work with the **South-East European Cooperation Process (SEECP), of which it will take over the chairmanship in 2010-2011**, and the **Regional Cooperation Council (RCC), which replaced the Stability Pact for South-East Europe** and aims at a more regionally owned framework. Montenegro held the chairmanship of the Central European Free Trade Agreement (CEFTA) in 2009 and also participates in the Energy Community Treaty and the European Common Aviation Area Agreement (ECAAA).
- 3.5 Montenegro has continued to foster good bilateral relations with neighbouring countries and EU Member States. Cooperation with neighbouring countries intensified particularly in the area of cross-border cooperation (four Cross Border Cooperation programmes with: Bosnia and Herzegovina, Albania, Serbia and Croatia), science and technology (Albania), protection of minorities (Croatia) and dual citizenship (the former Yugoslav Republic of Macedonia). Relations with Serbia continue to be affected by the Montenegrin decision to recognise independence of Kosovo<sup>6</sup>. Relations with Turkey have remained good. Agreements were signed on free trade and on bilateral defence cooperation. Bilateral relations with Italy, Montenegro's main trading partner from the EU, have further developed. Montenegro's main trading partner in the region remains Serbia with 1/3 of total Montenegro trade.
- 3.6 In terms of its positioning on the international scene, Montenegro is making constant progress. It has become a member of the United Nations, OSCE, IMF, CoE and a number of

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<sup>6</sup> Under UNSCR 1244/1999.

other regional and international organisations. Accession to the EU is proclaimed by the Government to be the ultimate goal and there is overwhelming public support for this<sup>7</sup>.

- 3.7 **The Montenegro 2009 Progress Report**<sup>8</sup> describes relations between Montenegro and the European Union, examines the progress made by Montenegro towards achieving the **Copenhagen political criteria**, analyses the economic situation in Montenegro and reviews Montenegro's ability to implement European standards, i.e. to gradually bring its legislation and policies in line with the *acquis*. It also covers all the measures taken by the country to cope with the financial and economic crisis.
- 3.8 Although the report notes significant progress in many areas, **the Montenegrin public administration, the judiciary and policies for combating corruption will** remain a major challenge in the future.
- 3.9 The Government has further streamlined its European integration activities by maintaining a particularly strong pace in adopting new legislation. However, one has to make a clear distinction between drafting and adoption of new legislation, which is mainly done within a reasonable timeframe and in most cases is of good quality, and its implementation for which there is often a lack of resources or political will.
- 3.10 Visa liberalisation has been the key issue that marked 2009: the EC proposed on 15 July to liberalise the system if Montenegro fulfilled the conditions from the Road Map. On 30 November 2009, the interior ministers of the European Union formally agreed to remove the visa obligation upon citizens of the former Yugoslav Republic of Macedonia, Serbia and Montenegro entering the Schengen zone, as of 19 December 2009.
- 3.11 As regards **economic criteria**, the domestic **consensus on economic policy essentials has been maintained**. The functioning of the market mechanism was challenged by the magnitude of adjustments occurring in the external accounts and the financial sector. Public finances came under increased pressure in 2009. **Macroeconomic policy has to a large extent been driven by the financial crisis**. The focus has been on implementing a more prudent fiscal policy and accelerating structural reforms.

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<sup>7</sup> According to polls conducted over the last several years, between 75 % and almost 80 % of Montenegrin citizens are in favour of accession to the EU.

<sup>8</sup> Montenegro 2009 Progress Report SEC(2009) 1336 accompanying the EC communication COM(2009)533 *Enlargement Strategy and Main Challenges 2009-2010*.

#### 4. **Civil society<sup>9</sup> in a new socio-economic context**

##### 4.1 Preliminary remarks

##### 4.1.1 **Montenegrin civil society in general does not have strong historical roots or traditions<sup>10</sup>.**

The first voluntary association only came into being in the mid 19th century and focused mainly on charitable activities. The first trade unions and workers' associations were founded at the beginning of the 20th century. With the beginning of the communist regime in 1945, independent civic organisations were not allowed to function and the work of non-profit organisations was severely limited.

4.1.2 *Civil society and non-governmental organisations are, in the Montenegrin context, synonymous* - NGOs are a part of civil society which, according to the methodology developed by CIVICUS<sup>11</sup>, contains another 19 elements. Even if we try to apply broader categories, we still need to acknowledge that civil society is also represented *through* religious communities, trade unions, the media, professional associations, foundations, social movements, etc. However, in the perception of Montenegrin citizens NGOs are identified with civil society; to a great extent this corresponds to the NGOs' real contribution to the establishment of principles of an open civic society and a healthy balance of powers, but it also points to worryingly low levels of social activism, potential and initiative in other categories of civil society.

##### 4.2 Various interests group in Montenegro

4.2.1 *The legal framework for the operation of NGOs is solid* – The establishment of NGOs is rooted in the Constitutional right to assembly<sup>12</sup> and set out in more detail through the Law on NGOs<sup>13</sup> as well as number of other pieces of legislation. Still, certain aspects of NGOs' work are not clearly defined, especially as regards the tax system, and there is still room for improvement. In addition to this, the draft Law on Volunteers passed by the Government on January 14, 2010 did not acknowledge the position of NGO representatives and thus made the whole spirit of this law questionable.

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9 Civil society in the broader context of this opinion means non-governmental organisations, including professional organisations, social partners' organisations, consumers, farmers, craftsmen, religious communities, foundations, social movements, media etc.

10 TRIALOG, Montenegrin Civil Society, Maša Lekić.

11 CIVICUS – World Alliance for Citizen Participation, [www.civicus.org](http://www.civicus.org).

12 The Constitution was passed in October 2006, but this was outlined in the previous one as well.

13 Passed in 1999, amended in 2002 and 2007.

4.2.2 *Registration of NGOs* –The procedure is easy, which has at certain points led to the registration of a large number of NGOs. The Register used to be kept in the Ministry of Justice until 2006 when it was, in line with the change of mandates in the Government, shifted to the Ministry of Interior and Public Administration. The figure of approximately 4 500 registered NGOs often quoted in public is not reliable since the Register is not kept well, meaning that new organisations are added but those which have ceased to exist are not deleted from the overall quoted figure. The Government has announced that it will soon launch software which will resolve these controversial issues. Furthermore, professional organisations such as farmers' or fishermen's associations are also registered as NGOs, as there is no other legal basis or form for their business activity.

4.2.3 *Public funding* – The efforts made over many years by NGOs to obtain public funding have resulted in a rather considerable amount of funds being formally available to NGOs at local level (within the budgets of the local self-governments, approximately EUR 883 900<sup>14</sup>) and at national level (through the Parliamentary Commission for the allocation of funds to NGOs with an estimated fund of EUR 200 000<sup>15</sup> and via the Commission for the allocation of a portion of lottery income with a fund of EUR 3 440 000<sup>16</sup>). Also, certain ministries have special funds for organisations in respective fields<sup>17</sup>. In total, these funds could assist the development of civil society to a great extent. However, due to the fact that a limited number of fields of NGO work receive most of the funding, especially through the biggest fund from lottery income<sup>18</sup>, and due to the overall lack of transparency in the work of the Commission and serious misconduct in the allocation of the funds<sup>19</sup>, these funds do not actually reach most of the active and genuine NGOs or support the programmes aiming at democratisation of the society. The Regulation on the allocation of these means was drafted by a task force composed of government officials and NGO representatives and passed by the Government in 2008 and forms a solid framework, but its application remains a matter of widespread manipulation and serious concern<sup>20</sup>. A new inter-sectoral group will be formed in 2010 to work on new regulations in an attempt to resolve these issues.

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14 Data from CRNVO research for 2008 noting that 883, 900 EUR was planned and 860,764.66 was actually distributed.  
15 2009 data.

16 In line with the Regulation on the allocation of a portion of lottery income 75% of this amount should be allocated to NGOs and the rest to other organisations and institutions. Also, the fees of the members of the Commission and the overall administration process are financed from the same budget. The figure relates to 2009, whereas in 2010 this is decreased.

17 Ministry of Tourism, Ministry of Culture, Media and Sports, Ministry of Human Rights and Minority Rights.

18 The following fields are covered: 1) social welfare and humanitarian activities, 2) needs of persons with disabilities, 3) development of sports, 4) culture and technical culture, 5) non-institutional education and 6) the fight against drugs and all forms of addiction.

19 Monitoring Report of the Centre for Civic Education on the allocation of funds by the Commission for the allocation of a portion of lottery income in 2009.

20 Monitoring Report of the Centre for Civic Education on the allocation of funds by the Commission for the allocation of a portion of lottery income in 2009.



- 4.2.4 *Funding from international sources* – The NGO community in Montenegro has mainly been functioning with the support of international donors. Recently, this funding has become problematic due to the fact that a lot of bilateral donors have withdrawn in line with their own priorities and that US assistance has been scaled down enormously, leaving the NGO sector reliant on EU funds, for which procedures are rather complicated. This is already leading to a situation where only the biggest organisations will survive and develop whereas the others will be limited in their actions and growth.
- 4.2.5 *Capacity building of NGOs* – There is a high staff turnover rate in NGOs and lack of available institutional grants, which is a limiting factor even for developed NGOs. CRNVO<sup>21</sup> used to have a variety of capacity building programmes but the withdrawal of the donors supporting these activities has seriously affected what it can offer in terms of quantity. New EU-funded technical assistance to CSOs from the Western Balkans<sup>22</sup> is in the process of being set up. In general, there is a need for continuous capacity building programmes and development of specific knowledge and skills in various fields, as well as for institutional grants aiming to foster individual capacity building. In addition to this, NGOs should act more on topic-oriented issues through the ad hoc or long-term platforms and networks in order to make their actions efficient and more influential towards stakeholders.
- 4.2.6 *Self-regulation of NGOs* – within the Coalition of NGOs "Through Cooperation to the Aim", which is the largest of its kind, bringing together approximately 200 NGOs in Montenegro<sup>23</sup>, a self-regulatory body has been established and a Code of Conduct produced and accepted by most of the major NGOs, as well as number of others, who have made public their narrative and financial records in line with that Code of Conduct. This is crucial for improving the transparency of NGOs and consequently public confidence.
- 4.2.7 *Representation in the councils that encompass diverse societal interests* – in line with the adoption of new legislation requiring the participation of all stakeholders, NGOs were given legally guaranteed positions in the Council of RTCG<sup>24</sup>, the Council for Civic Control of the Police<sup>25</sup>, the National Council for European Integration<sup>26</sup>, the National Commission for the Fight Against Corruption and Organised Crime, the Council for care for the disabled, the Council for care for children, etc. as well as in certain bodies at local level. Improvements have been made after many years of persistent effort on the part of NGOs in most of these cases but the National Council for European Integration remains a body of serious concern in relation to the legitimacy and legality of the NGO representatives.

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21 CRNVO – Centre for Development of Montenegrin NGOs.

22 Civil society facility programme.

23 More at [www.saradnjomdocilja.me](http://www.saradnjomdocilja.me).

24 Law on Public Broadcasting Services RTCG, adopted in 2002, as well as the Law on Public Broadcasting Services of Montenegro adopted in 2008 (replacing the first one).

25 Law on Police adopted in 2005.

26 Decision on establishment of the National Council for European integration, adopted in 2008.

- 4.2.8 *Sustainability of the NGO sector in Montenegro* – the Montenegrin NGO sector has a weak tradition and uncertain future<sup>27</sup> due to the generally undeveloped political culture and culture of human rights. It is heavily dependent on foreign aid as well on its own key leaders which makes it fragile in the event of changes of the personalities or the withdrawal of donors. Some steps have been made within the largest organisation in terms of internal reorganisation and strategic planning as well as the introduction of services that contribute to the budget but this is still not a solid guarantee for the overall sustainability of the sector.
- 4.3 Social dialogue and social partners' organisations
- 4.3.1 The Labour Law adopted in 2008<sup>28</sup> regulates the provisions of collective agreements, the procedure for amending mutual relations between the parties to collective bargaining and other issues of importance for employers and employees. A general collective agreement is to be concluded by the competent authority of the relevant trade union, the employers' association and the government.
- 4.3.2 **The Labour Law also includes provisions governing employees' and employers' organisations.** Employees and employers are free to choose to establish their organisations and become members, without prior approval and subject to the conditions set out in the statutes and rules of those organisations.
- 4.3.3 **Freedom to organise a trade union.** Employees are guaranteed the freedom to organise a trade union and engage in union activities, without prior approval. Trade union organisations are recorded in the register of trade union organisations kept by the Ministry of Labour and Social Welfare. Under the terms of the Law, a representative trade union organisation is understood to mean a trade union organisation that has the largest number of members and is registered as such with the Ministry. This means, in effect, that only one trade union organisation can be representative at national level, irrespective of the number or actual representativeness of other trade union organisations. On the agenda of the Social Council there is a proposal for a law on trade union representativeness.
- 4.3.4 The trade unions are represented by the **Confederation of Trade Unions of Montenegro (CTUM)** and **the Union of Free Trade Unions of Montenegro (UFTUM)**. CTUM is a member of ITUC<sup>29</sup> and in the process of affiliation with ETUC<sup>30</sup> as an observer member.. The UFTUM is a newly created organisation which broke away from the CTUM and officially established in November 2008; it is therefore not yet part of the international

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27 CIVICUS Assessment on Montenegrin Civil Society “Weak Tradition, Uncertain Future”, 2006, ed. S. Muk, D. Uljarevic and S. Brajovic.

28 Labour Law, Official Gazette of Montenegro, No 49/08.

29 ITUC – International Trade Union Confederation.

30 ETUC – European Trade Union Confederation.

(ITUC) and European (ETUC) trade union organisations, although it is in contact with both of them. The CTUM has been granted the status of social partner although in practice no trade union organisations have undergone any legal procedure to be recognised as being representative under the new Labour Law."

- 4.3.5 **Employers' Association.** Under the Law, an employers' association is considered representative if its members employ a minimum of 25% of the employees in the Montenegrin economy and contribute a minimum of 25% to the Montenegrin GDP. The employers' association is obliged to register with the Ministry of Labour and Social Welfare, for the purpose of keeping records. The Ministry stipulates how records on employers' associations are to be kept, as well as more detailed criteria for determining how representative employers' associations are.
- 4.3.6 The employers in Montenegro are represented by **the Montenegrin Employers' Federation (MEF)** in Podgorica. MEF is a very active member of the International Organisation of Employers (**IOE**) in Geneva and is involved in many projects. It is also an observer of **BUSINESSEUROPE**<sup>31</sup>.
- 4.3.7 Montenegro also has a Chamber of Commerce, a mandatory organisation established in 1928, which, at European level, is an observer member of Eurochambers and Eurocommerce. The Chamber of Commerce does not have social partner status. At national level it is a member of the National council for removing business barriers and improving competitiveness and of the governmental Commission for European Integration.
- 4.3.8 **The Social Council** is the highest tripartite body and was established in June 2008 based on the law adopted in 2007 (The Law on the Social Council). The Council comprises 11 representatives of the government, 11 representatives of the authorised trade union organisations and 11 representatives of the employers' association. Under the umbrella of the Social Council there are various working committees addressing different economic and social issues.
- 4.3.9 The Memorandum on Social Partnership in the context of global economic crisis was signed on April 2009 and the social partners are open and take various opportunities for formal and informal types of consultations in the current context of the global economic crisis.
- 4.3.10 Despite some progress made in the tripartite dialogue, the bilateral social dialogue is still very weak, focusing mainly on negotiation of the sectoral collective agreements. Although at national level the aim is to produce one General Collective Agreement (GCA) signed by Trade Unions, Employers and the Government, the possibility is being discussed of introducing two GCAs – for economy and public administration. Any decision in this respect

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<sup>31</sup> BUSINESSEUROPE – The European confederation of business.

should be based on more in-depth analyses. The establishment of a bipartite Resource Centre for Social Dialogue could be of great importance to overall social dialogue and joint analyses of the social partners.

## 5. Specific remarks

- 5.1 The fourth EC progress report on Montenegro indicates **no restrictions regarding freedom of assembly and association**. Some progress has been made on the role of civil society organisations. Several NGOs continue to have a high public and political profile. At national level **there is a Governmental Strategy on cooperation with NGOs but its implementation is lagging behind and the real impact of NGOs** on policy drafting is very limited despite the expertise and resources available in the NGO sector. NGOs are welcomed by the Government when they are politically acceptable or when they are providing various services but the problems in this regard occur within watchdog and monitoring programmes, as well as in effective consultation and inclusion into policy and decision making processes.
- 5.2 The role of the existing **Office for cooperation with NGOs**, operating as part of the General Secretariat of the Montenegrin Government, should be to assist NGOs and to ensure their sound development in the country. The reality is that the recent capacity and equipment of this Office is very limited. Despite the efforts of the staff its activity is not visible vis-à-vis the NGOs' representatives. The establishment of the Government Council for Cooperation with NGOs is in the preparatory stages and the Office should fulfil the role of the Council's secretariat. This could be a good step towards improving the situation.
- 5.3 Civil society also has two representatives in the **National Council for EU integration**. However the legality and legitimacy of the appointment of the current members has been seriously challenged by credible NGOs. Clear criteria should be defined by Parliamentary decree and designed to ensure the transparency, representativeness and quality of the respective delegates. The National Council for EU integration could be a promising tool for deeper and more effective involvement of civil society in the EU integration process. Its potential should be unlocked.
- 5.4 Despite the declaration of the government and relevant ministries about consultations with civil society as part of the process for creating the legislative framework, **the involvement of civil society organisations is still unsatisfactory**.
- 5.5 The conditions (particularly the financial conditions) for civil society organisations to function properly have to be improved and their capacity must be enhanced through **the diversification and sustainability of their financial sources**.
- 5.6 The involvement of civil society organisations in the preparations for EU accession is also limited. The appropriate structures and mechanisms have already been established, but are

still not sufficiently used. **The active contribution of civil society can help to smooth the EU negotiation process** and make a real bridge between civil society and the EU institutions.

- 5.7 The tripartite dialogue within the Social Council is ongoing. Nevertheless **the role and potential of the social partners' organisations are still underestimated**. The Social Council could be a very powerful body in the EU accession process, helping to overcome the economic and social consequences.
- 5.8 The provisions of the existing Labour Law defining the conditions for recognition of the representativeness of trade union organisations at national level are discriminatory vis-à-vis the small ones and prevent the proper development of trade union pluralism. Although UFTUM is participating in the Government working group negotiating the new legislative proposal on the representativeness of trade unions, it has not succeeded in influencing this work. The Government has unilaterally decided on a census 20%, which means that 20% of all Montenegrin employees must be organised in the unions to fulfil the criteria for representativeness at national level. Nevertheless the criteria should also reflect other components like territorial and branch structure and ability to defend the rights of workers effectively.
- 5.9 The social partners were not involved as much as they should have been when it came to the EU questionnaire. Only the Montenegrin Employers' Federation and Chamber of Commerce cooperated as part of governmental working bodies to answer the questionnaire. According to the EU instructions all the social partners should have been consulted in the relevant part of the questionnaire.
- 5.10 The governmental Commission for European Integration, working under the aegis of the Ministry for European Integration, is coordinating the state administration during the process of integrating the country into the EU. Only the Chamber of Commerce is represented in this body. The social partners are not involved.
- 5.11 **The capacity of the social partners needs to be further developed**. All forms of assistance at all levels are welcomed. In this respect, the EESC can appreciate the role of the IOE and ITUC at the international level and of BUSINESSEUROPE and the ETUC at the European level. Many integrated programmes and projects are being launched to strengthen the capacity of the social partners' organisations and to enhance social dialogue.
- 5.12 **The EESC also welcomes the financial and technical assistance provided by the European Commission** in the framework of its enlargement strategy and available resources. Increased involvement of civil society organisations strengthens the quality of democracy and helps with reconciliation. By implementing the civil society facility under the IPA, the EC financed the setting up of technical support offices in each beneficiary state, together with an increasing number of short-term visits to EU institutions, as well as funding some 800 people to attend workshops in the Western Balkans and Turkey.

## 6. **The Role of the European Economic and Social Committee**

- 6.1 EU enlargement and the progress made by the Western Balkans countries in moving closer to European Union membership is one of the EESC's external relations priorities. The External Relations Section has developed efficient tools for meeting its main objectives to support civil society in the Western Balkans and to enhance its capacity to be a partner for governments on the road to EU accession.
- 6.2 The Western Balkans Contact Group started work in October 2004. Its geographical scope covers Albania, Bosnia-Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia, and Kosovo under UNSCR 1244/1999. It is the EESC's permanent and specific body dealing with this particular region.
- 6.3 **Two Western Balkans Civil Society Forums were held** in Brussels (2006) and in Ljubljana (2008) which demonstrated the willingness of civil society players to meet on a cross-border basis to discuss a better future together. The 3rd Western Balkans Civil Society Forum will be held in Brussels on 18 and 19 May 2010.
- 6.4 The other most important tools for building the bridge between EU civil society and civil society in the Western Balkans countries are the **Joint consultative committees (JCCs)**. The **EESC exploratory opinion dating from 2006 on the situation of civil society in the Western Balkans**<sup>32</sup> stressed the position of the EESC and its substantial know-how and considerable human resources and highlighted the role of the JCCs in the whole enlargement process.
- 6.5 **For this reason, the EESC recommends the establishment of an EU-Montenegro Joint Consultative Committee as soon as Montenegro has been granted the status of candidate country for EU accession. This JCC** can allow civil society organisations from both sides to pursue a more in-depth dialogue and monitor the country's progress towards the EU.

Brussels, 28 April 2010

The President  
of the  
European Economic and Social Committee

Mario Sepi

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<sup>32</sup>

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