



EUROPEAN COMMISSION
NEIGHBOURHOOD AND ENLARGEMENT NEGOTIATIONS

D - Western Balkans
D.2 - Montenegro, Serbia

Brussels,

Dear Mr Sessa,

Thank you for your communication of 18 December 2022 concerning the Montenegrin Law on Pension and Disability Insurance and its implementation. Commission President von der Leyen has asked me to reply on her behalf. I apologise for the delay in doing so.

The EU follows closely the implementation of judicial reforms in Montenegro.

To progress on its EU accession, which is the wish of an overwhelming majority of Montenegro's citizens, the authorities must speed up the implementation of outstanding judicial reforms in line with the EU acquis and European standards. Furthermore, all political actors must support the functionality of democratic institutions, in particular the Constitutional Court following the appointment of three out of four missing judges and the reinstatement of its quorum.

These messages are being passed to the authorities of Montenegro through established diplomatic channels.

It is for the Constitutional Court of Montenegro to assess the constitutionality of Montenegro's legislation including the current application of the Law on Pension and Disability Insurance to which you make reference. I understand there is a pending complaint regarding the interpretation of the legal conditions for the retirement of judges and prosecutors following the entry into force in 2020 of the afore-mentioned law. From the EU accession perspective, any final decision would need to be in accordance with the EU acquis and European standards to ensure judicial independence and accountability, and equality before the law.

I would like to draw your attention to the EU support provided for the revision of the Law on Judicial Council and Judges. The Venice Commission issued an opinion on the draft amendments to this law in December 2022, which the relevant authorities must consider in the process of improving the law.

Mr Duro Sessa

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The European Commission will continue to monitor developments in Montenegro in the context of EU-accession negotiations. Our most recent overall assessment was published as part of the Enlargement Package, in October 2022.

Yours sincerely,

(E-signed)
Michael MILLER
Head of Unit