



Service of the Parliament of Montenegro

Research paper:
Role of Parliament in the accession negotiations with the EU

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The contents of this document do not reflect the official views of the Parliament of Montenegro.

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Foreword

Full integration of Montenegro into the European Union is a strategic goal of Montenegro, on which the Parliament of Montenegro has reached full consensus. The EU integration, as a synthetic expression of activities of the Parliament in the context of its legislative and oversight functions, as well as at regional and international level, sets before Parliament of Montenegro numerous tasks. Decision of the European Council of 17 December 2010, by which Montenegro was granted candidate status for membership in the European Union, opens up substantial new phases in the process of integration of Montenegro into the EU, which require extensive and timely preparation.

The Stabilisation and Association Agreement between the European Communities and Montenegro, which represents the first contractual relationship with the European Union, entered into force on 1 May this year, and marked the commencement of the deadline term for meeting the obligations specified in the Agreement, involving both parties. In accordance with Article 125 of the Agreement, the Stabilisation and Association Parliamentary Committee has been established, which represents the first joint body of Montenegro and the European Parliament. The first meeting of the Joint Parliamentary Committee was held on 27 and 28 September in Brussels, while two meetings are to be held next year, of which the first one will take place in Montenegro.

Submission of application for EU membership on 15 December 2008 was a crucial step for Montenegro in the process of European integration. The Council of the European Union in a relatively short period of time, on 23 April 2009, requested from the European Commission to prepare an Opinion on Montenegro's application for membership, which was issued on November 9 this year. The European Commission positively assessed the capacity of Montenegro to become a full-fledged member of the European Union, gave a positive opinion and recommended to the European Council to grant Montenegro the candidate status.

As stated in the Opinion, the Commission deems that accession negotiations with Montenegro for EU membership should start when the state reaches the required level of compliance with the membership criteria, in particular the Copenhagen political criteria, which require stability of institutions guaranteeing the rule of law in particular. After a positive opinion from the European Commission, the European Council, on 17 December 2010, reached the decision on granting Montenegro the candidate status, which meant a step prior to the opening of accession negotiations.

Accession negotiations involve negotiations taking place between EU member states and the state that has applied for EU membership. During the negotiations, EU member states negotiate on behalf of the EU. A country presiding over the Council of Ministers presents the negotiating positions agreed by the Council and presides over the negotiating sessions. Montenegro, as a country that has applied for membership, presents its own position on each chapter of the acquis. The country is represented by the Chief Negotiator and the team of experts. The negotiations determine the conditions under which a country will join the EU. Speed completion of negotiations depends on the degree of preparedness of the country which has applied for membership.

The first phase of accession negotiations consists in the so-called "screening", which is, essentially, the first level of analysis of harmonization of national legislation and regulations with the Community acquis, which will be jointly conducted by Montenegro, as a candidate country, and the European Commission. Analysis by sector will enable Montenegro to get an overview of the legal instruments to be adopted or added to the already

existing, in order to achieve harmonization of national legislation with the *acquis communautaire*. Screening serves as a basis for bilateral negotiations between the EU and a candidate country.

It should be borne in mind that, although the basic principles of accession negotiations with the EU remain the same, obligations of the country entering into negotiations become all the more extensive and detailed with every wave of enlargement, and posed in much earlier stages of the process. It is likely that Montenegro will be expected to define the transitional periods within the first phase of negotiations, which imposes the need for all actors in Montenegro, which will more or less be directly involved in this process, to prepare as well as possible in advance, respectively to better acquaint themselves with individual European legal regulations and the possible effects of their application on the political, financial and economic system of Montenegro, and, ultimately, the citizens of Montenegro and their standard.

In addition, the accession negotiations are two parallel processes which are based on different legal grounds, but are intertwined and essentially involve the systematic involvement of all actors, primarily the Parliament and Government of Montenegro, on the harmonization of legislation, strengthening of institutions and the implementation of new regulations.

In order to prepare the Parliament of Montenegro for the next phase of the EU integration process in the best possible way, particularly for the accession negotiations, and also in order to meet the priorities identified in the European Commission's Opinion on Montenegro's application for membership of the European Union, which also represent the conditions for the opening of accession negotiations, the Collegium of the Parliament of Montenegro, on 6 December 2010, adopted the Action Plan for Strengthening Legislative and Oversight Role of the Parliament of Montenegro December 2010 - November 2011.

One of the activities listed in this Action Plan is defining the roles and responsibilities of the Parliament in the following stages of the process of integration into the European Union, considering that the Parliament has an important role in the European integration process of each candidate or potential candidate for membership in the European Union, which is also confirmed by the experience of countries that have already become EU member states. Since there isn't any unique model for the participation of Parliament in the accession negotiations, the Action Plan envisaged that the Parliamentary Service, i.e. the Section for Research, Analysis, Library and Documentation, by the end of December 2010, prepare a comparative research involving the experiences of countries which have recently become EU member states or candidates for membership. This research aims to contribute to and assist decision makers in the process of defining the roles and responsibilities of the Parliament of Montenegro in the next stages of integration into the EU, in accordance with the Constitution of Montenegro and the Rules of Procedure of the Parliament of Montenegro.

The complete document in Montenegrin language can be found at:

<http://www.skupstina.me/images/dokumenti/biblioteka-i-istrazivanje/2%20%20%202010.pdf>