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The rule of law situation in the European Union

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ABSTRACT

In Montenegro, work on the implementation of the 2024-2027 Judicial Reform Strategy is ongoing and a new Action Plan was adopted. The constitutional amendments aimed at strengthening the independence of the Judicial and Prosecutorial Councils have been adopted by the Government. A temporary increase of judges' and prosecutors' salaries has been adopted for 2025 and 2026 while a dedicated law on labour rights is being prepared. The regulatory framework to promote and enforce ethics and professional standards among judges and prosecutors was further improved and continues to be implemented. The Judicial and Prosecutorial Councils are effectively implementing the improved rules for the evaluation of judges and prosecutors, while the quality of the evaluation of judges can be further improved. While the Councils have an established reporting mechanism for instances of undue influence, criticisms and attacks against prosecutorial authorities and their decisions have continued, thereby raising concerns. While there have been some improvements on infrastructure of specialised prosecution services and the attractiveness of the judicial profession, the human resources situation and infrastructure remains a challenge. Some improvements have been achieved on efficiency, while challenges with civil and commercial cases remain.

The implementation of the 2024-2028 strategy for the fight against corruption and its 2026-2027 action plan is ongoing in addition to a quarter of previously planned activities that remain to be fully implemented. The effectiveness and coordination of law enforcement institutions in the area of corruption and the number of final rulings and convictions in cases of high-level corruption has increased. The human resources and capacities in the fight against corruption have increased but further resources are needed for the Special State Prosecution Office. A new full-term Director of the Agency for the Prevention of Corruption was appointed, ensuring the improved functioning of the Agency and strengthening its independence, while its administrative capacities remain to be improved further. The legal framework regulating political parties' funding remains to be aligned with OSCE/ODIHR and GRECO recommendations. Measures addressing risk areas in public procurement have been enhanced through the introduction of e-procurement tools, while the monitoring of measures addressing corruption in high-risk areas is hampered by lack of relevant data.

With new appointments the Councils of the Agency for Audiovisual Media Services and the Radio Television of Montenegro were restored to full composition. The appointment of the Director-General of the Council of the Radio Television of Montenegro continues to face legal challenges. Transparency of media ownership for audiovisual media services has improved but gaps remain for online media alongside increasing concerns about the influence of Serbian-owned media outlets. Transparency in the allocation of public funding for media has also improved, but the enforcement of obligations remains an issue. New amendments to the Law on Free Access to Information were adopted in December 2025, however challenges persist in its enforcement. The authorities continue to apply a zero-tolerance policy to violence against journalists, while isolated incidents of attacks occur.

While acknowledging the authorities' commitment to align national legislation with the EU *acquis* within the established framework for inclusive legislative processes, challenges persist in terms of legislative planning and effectiveness of public consultations. Two judges were appointed to the Constitutional Court, improving its functioning and efficiency, while full composition remains to be achieved. The Government is finalising a new law on the Ombudsperson's Office aiming to fully align with the Paris Principles and ultimately achieve 'A' status accreditation. Civil society organisations continue to function within a largely enabling environment, while stakeholders report inadequate transparency and lack of meaningful, inclusive consultation in legislative processes.

I. JUSTICE SYSTEM¹

Independence

The level of perceived judicial independence in Montenegro continues to be very low among the general public and is now average among companies. Overall, 26% of the general population and 52% of companies perceive the level of independence of courts and judges to be ‘fairly or very good’ in 2026². The perceived judicial independence among the general public has remained the same as in 2025 (26%), while among companies it has significantly increased in comparison with 2025 (35%). The main reason cited by the general public for the perceived lack of independence of courts and judges is the perception of interference or pressure from the Government and politicians³.

Work on the implementation of the 2024-2027 Judicial Reform Strategy is ongoing and a new Action Plan was adopted. The implementation of the 2024-2027 Justice Reform Strategy and its bi-annual action plan is ongoing. According to the Annual Report on the implementation of the Strategy for 2025, out of a total of 81 activities planned, 55 (67.90%) were fully implemented, 22 (27.16%) partially, and four (4.94%) not implemented under the action plan for 2024-2025. In March, the Government adopted a new Action Plan for 2026-2027.

The constitutional amendments aimed at strengthening the independence of the Judicial and Prosecutorial Councils have been adopted by the Government. On 19 February 2026, the Government adopted a proposal fully addressing previous European Commission and Venice Commission recommendations, aligning both Councils’ compositions with European standards. As regards the Judicial Council, the proposal addresses the need to abolish the Minister of Justice’s existing role as an *ex officio* member⁴ and to ensure that at least half of the Judicial Council members are judges elected by their peers⁵. Regarding the Prosecutorial Council, the proposal enshrines in the Constitution the existing legal provisions on its composition and method of election of its members, reinforcing its independence and autonomy in line with Venice Commission recommendations⁶. The next steps of the Constitutional Amendment process include a vote in the Parliament on the proposal, the drafting of the Constitutional Amendments by the respective Committee, a public consultation process and the final adoption of the Constitutional Amendments with two-thirds majority of all members of Parliament. The Conference of Judges appointed on 1 June four judge members to the Judicial Council six weeks ahead the expiration of mandates of

¹ An overview of the institutional framework for all pillars can be found [here](#).

² Flash Eurobarometers 581 and 582 (2026). The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

³ Flash Eurobarometers 581 and 582 (2026); Flash Eurobarometers 554 and 555 (2025).

⁴ Constitution of Montenegro, Article 128(3). See also Venice Commission (2022). GRECO (2020), p. 4, recommended taking additional measures to strengthen the Judicial Council’s independence – both real and perceived – against undue political influence, including by abolishing the *ex officio* participation of the Minister of Justice in the Council, by providing for no less than half of the Council’s membership to be composed of judges who are elected by their peers and by ensuring that the presiding function is given to one of those judicial members.

⁵ Since *ex-officio* judge members (President of the Supreme Court) do not count as judges chosen by their peers, currently 4 out of 10 judges of the Judicial Council are selected by their peers. According to the recommendation of the Council of Europe, no less than half the members of such councils should be judges chosen by their peers from all levels of the judiciary and with respect for pluralism inside the judiciary. Committee of Ministers (2010), para. 27.

⁶ Venice Commission (2024), para. 23.

previous judge members. The Law on Judicial Council and Judges, the Law on the State Prosecution Service and Law on Special State Prosecution Service, are being revised in order to further align them with the recommendations of the Venice Commission and the European Commission.

A temporary increase of judges' and prosecutors' salaries has been adopted for 2025 and 2026 while a dedicated law on labour rights is being prepared. In July 2025, the Parliament adopted a temporary increase of the salaries of judges, Presidents of Courts, State Prosecutors, heads of State Prosecutor's Office, as well as the judges and the President of the Constitutional Court by 30% effective from 1 August until 31 December 2025, through amendments to the Law on Judicial Council and Judges, the Law on the State Prosecutor's office and the Law on the Constitutional Court. In March 2026, the Parliament adopted a proposal to extend these provisions until December 2026. The aim is to provide for an interim solution, pending the adoption of a dedicated law on labour rights which is currently prepared by the Minister of Justice covering the prosecutorial, judicial and Constitutional Court functions, including retirement criteria. Stakeholders stress that extending transitional measures should not replace a permanent and systemic solution and they point out that this has an impact on the attractiveness of judicial careers⁷.

The regulatory framework to promote and enforce ethics and professional standards among judges and prosecutors was further improved and continues to be implemented. Revised judicial and prosecutorial codes of ethics were adopted in October and November 2025, respectively⁸. The commissions tasked with overseeing the application of ethical standards in the judiciary and the prosecution service continue to be operational and act upon complaints concerning alleged breaches by judges and prosecutors⁹. The implementation is improving as a result of the enhanced regulatory framework. By the end of 2025, the Judicial Council Ethics Commission had resolved 12 cases, including two from 2022 and 10 from 2025 resulting in sanctions for 3 judges. As for the Prosecutorial Council, by the end of 2025, its ethics commission considered a total of 11 cases and its disciplinary commission assessed four cases, of which three state prosecutors have been suspended, and the mandate of one special state prosecutor terminated through dismissal. There is scope to improve the effective disciplinary practice of the Judicial and Prosecutorial Councils for failure to submit assets and income declaration reports to the Agency¹⁰. During the reporting period, there were no final court decisions confirming the legality of decisions of the Agency for the Prevention of Corruption regarding failures by state prosecutors to declare assets¹¹.

The Judicial and Prosecutorial Councils are effectively implementing the improved rules for the evaluation of judges and prosecutors, while the quality of the evaluation of judges can be further improved. In December 2025, the Judicial Council adopted the evaluation plan for judges for 2026¹². In May 2026, the Judicial Council adopted amendments to the Rules on the Evaluation of Judges and Court Presidents, which

⁷ Country Visit Montenegro, Judicial Council, Prosecutorial Council and State Prosecutor's Office, Civil Society Organisations, Association of Judges and Association of Prosecutors.

⁸ On 1 November 2025, the Conference of State Prosecutors adopted a new Code of Ethics for State Prosecutors, which was developed in cooperation with the Council of Europe. Montenegrin Government (2026), written input, p. 11.

⁹ At the time of the country visit, the Commission for the implementation of the Code of Ethics for Judges was handling six cases, whereas the Commission for the implementation of the Code of Ethics for Prosecutors was examining eight cases. Montenegrin Government (2026), written input, p. 12 and Annex 6.

¹⁰ Enlargement Report 2025, p 31.

¹¹ Montenegrin government (2026a).

¹² Montenegrin government (2026), p. 9.

implemented the relevant recommendations of the Venice Commission on the criteria to assess the quality of the work of judges¹³. The Judicial Council has, for the first time, launched a system for evaluating Supreme Court judges. In April 2026, the Judicial Council carried out for the first time the evaluation of Supreme Court judges¹⁴, enforcing the legal amendments introduced in 2024, in line with Venice Commission recommendations. However, challenges remain in ensuring that evaluations are of high quality and that sanctioning practices are consistent for reports from the Agency for the Prevention of Corruption. While the process of professional evaluation of prosecutors was suspended throughout 2025, the Prosecutorial Council established an evaluation commission in November 2025, following the appointment of three new Council members. In December 2025, the Council adopted the evaluation plan for prosecutors for 2026 comprising an evaluation of 63 prosecutors¹⁵. Overall, the Prosecutorial Council's evaluation of prosecutors has become more nuanced, slowly shifting away from the previous practice of uniformly rating all excellent.

While the Judicial and Prosecutorial Council have an established reporting mechanism for instances of undue influence, criticisms and attacks against prosecutorial authorities and their decisions have continued, thereby raising concerns. Public criticism by political actors on ongoing criminal investigations and decisions of judicial and prosecutorial authorities became more frequent in the reporting period. Such practices raise concerns about undue influence on the prosecution service. According to European standards, all State bodies, of the executive, legislative and judiciary, should apply mutual respect to ensure the proper functioning of constitutional institutions and protect the trust of the general public in them¹⁶. During parliamentary hearings in October 2025, including on the annual report of the Prosecution Council and the State Prosecutor's Office, several members of Parliament and its leadership openly criticised the prosecution service, including personal attacks on the Supreme State Prosecutor. In terms of safeguards, both the Judicial and the Prosecutorial Council have an established reporting mechanism to report instances of undue influence. In particular, the Prosecutorial Council established a dedicated commission to consider complaints submitted by heads of state prosecutor's offices and state prosecutors through the reporting mechanism regarding the perceived endangerment of their independence. Until now, state prosecutors concerned submitted five complaints. On 29 December 2025, the Prosecutorial Council issued an opinion finding that four complaints are well-founded. No requests for protection were received by the Judicial Council in 2025¹⁷.

Quality

Implementation of measures to enhance digitalisation of justice is in progress, yet approximately a third of all planned activities of the Judicial Digitalisation Strategy were not implemented. The implementation of the Judicial Digitalisation Strategy 2025–2028 and its Action Plan 2025–2026, aimed at improving the judiciary's IT infrastructure is ongoing

¹³ The amended rules provide that the quality of the work of judges shall be considered “unsatisfactory” where at least 35% of their decisions are annulled on appeal, thereby addressing the relevant recommendations of the Venice Commission. Venice Commission (2022), para 51; Venice Commission (2023), para 21. See also Consultative Council of European Judges (2008).

¹⁴ 13 Supreme Court judges have been evaluated (out of 15), and all received an “excellent” rating. Only two judges who were appointed in February this year were not evaluated.

¹⁵ In 2025, the Judicial Council carried out 20 evaluations of judges, of which 12 judges scored as excellent, while 7 as good and 1 as satisfactory. Montenegrin government (2026), p. 7.

¹⁶ Council of Europe: Consultative Council of European Judges (2015), para. 54: “Any analyses and criticisms by one power of state of the other powers should be undertaken in a climate of mutual respect”.

¹⁷ Montenegrin Government (2026), written input, p. 5.

and requires further acceleration for the implementation of the upgraded court information system (PRIS 2), which was foreseen to be ready by the end of 2025¹⁸. The partially implemented activities are expected to be finalised within the second half of 2026. The Action Plan for 2026 will be revised as there are not enough funds to implement the activities previously defined¹⁹. The upgrade of PRIS is intended to allow for revising the existing random case allocation procedure, to further improve the efficiency of case allocation and the use of judicial statistics.

While there have been some improvements on infrastructure of specialised prosecution services and the attractiveness of the judicial profession, the human resources situation and infrastructure remains a challenge. Despite some improvements, the judicial system still faces significant challenges regarding human resources and infrastructure. This particularly concerns the Judicial Council and the Special State Prosecution Office (SSPO). At the end of 2025, Montenegro had in place 274 full-time judges out of 310 planned positions (88%). The number of prosecutors at the end of 2025 was 117 out of 145 planned positions (80%)²⁰. To improve the attractiveness of the judicial career, the 30% salary increase for holders of judicial office, adopted in mid-2025, was extended until the end of 2026. The 2026 budget for the judicial system amounts to EUR 34.06 million (in 2025 EUR 34.2 million). The budget for the State Prosecution Service in 2026 is EUR 16.3 million, an increase as compared to 2025 (EUR 15.3 million). The implementation of the Rationalisation Plan of the judicial network 2024-2027 continues to present a challenge, however, improvements were made in the adopted amendments of the Law on Courts. While the Special State Prosecution Service and the Special Police have moved to new buildings, the general situation in the judiciary continues to be inadequate regarding working spaces and conditions in the court rooms, including equipment. This is a particular concern for the High Court Podgorica and the Supreme Court²¹. In October 2025, the Government adopted a final decision on the location of the Judiciary Complex, a long-term solution for the judiciary's spatial capacity needs.

The public communication and transparency of the Judicial and Prosecutorial Councils continues to improve. The Judicial Council continues the implementation of the 2024–2026 Communication Strategy, while the Prosecutorial Council adopted a new 2026–2028 Communication Strategy for the prosecution service in January. Both Councils maintain their practice of facilitating public access to their sessions by media and civil society organisations. They systematically publish their decisions, minutes and press statements. The Prosecutorial Council has amended its Rules of Procedure so that all its decisions, including on evaluation and disciplinary liability, can be published on its website after anonymisation²².

Efficiency

Some improvements have been achieved on efficiency, while challenges with civil and commercial cases remain. According to the European Commission for the Efficiency of Justice (CEPEJ) data in 2024, the clearance rate for first-instance administrative cases

¹⁸ In 2025, out of a total of 28 activities set out in the action plan, 11 activities were implemented (39.28%), 7 partially (80% are almost completed), while 10 activities were not implemented. Montenegrin Government (2026), p. 14.

¹⁹ Country visit, Ministry of Justice.

²⁰ For comparison, at the end 2024, Montenegro had 243 full-time judges in place out of 329 planned positions, marking an increase in vacancies compared with the previous year. By contrast, the number of state prosecutors increased from 85 to 114 (out of 141 planned positions). Enlargement Report 2025, p 28.

²¹ Country visit Montenegro, Judicial Council, Supreme Court, civil society organisations.

²² Montenegrin Government (2026), pp. 20, 25.

increased to 109%, but it dropped sharply to 48% in second-instance cases. The disposition time in 2024 remained very high in both instances, at 879 days and 907 days respectively. For criminal cases in 2024 at first instance, the clearance rate was 110% and the disposition time slightly improved to 249 days; in second instance, the clearance rate was 103% and the disposition time 86 days²³. Regarding civil and commercial cases in 2024, the clearance rate fell and the disposition time increased²⁴. For 2025 a total of 93 430 cases were resolved, representing a clearance rate of 102.33% (92.32% in 2024), of which 14 036 cases were older than 3 years²⁵. In 2025, the Constitutional Court continued to decrease its backlog and sustained the trend of dealing with constitutional complaints efficiently by having received 1 115 and resolved 1 462 cases. By January 2026, the backlog of cases pending before the Constitutional Court stood at 1 656²⁶.

II. ANTI-CORRUPTION FRAMEWORK

The perception among experts, citizens and business executives is that the level of corruption in the public sector remains high. In the 2025 Corruption Perceptions Index by Transparency International, Montenegro scores 46/100 and 65th globally²⁷. This perception has been stable over the past five years²⁸. The 2026 Special Eurobarometer on Corruption shows that 81% of respondents consider corruption widespread in their country (EU average 71%) and 28% of respondents feel personally affected by corruption in their daily lives (EU average 30%). As regards businesses, 76% of companies consider that corruption is widespread (EU average 65%) and 68% consider that corruption is a problem when doing business (EU average 37%). Furthermore, 25% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 38%), while 36% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31%)²⁹.

The implementation of the 2024-2028 strategy for the fight against corruption and its 2026-2027 action plan is ongoing in addition to a quarter of previously planned activities that remain to be fully implemented. The National Council for the Fight Against Corruption continued monitoring and reporting on the implementation of the strategy and action plan. The Council is supported by an Operational Team, which brings together 12 members from different institutions and a coordinator³⁰. In March 2026, the National Council adopted both the new Action Plan for 2026-2027 and the Monitoring Report on the implementation of the Action Plan 2024-2025. In March 2026, 65% of the planned measures

²³ CEPEJ (2025), Dashboard Western Balkans.

²⁴ In first instance courts, the clearance rate for civil and commercial litigious cases was 77% in 2024 and the disposition time 598 days in 2024, in second instance courts, clearance rate was 84% in 2024, and disposition time 276 days.

²⁵ Montenegrin Government (2026), written input, p. 34.

²⁶ At the beginning of 2026, 3 cases from 2023 remained pending, 705 cases from 2024, and 948 cases received in 2025. Montenegrin Government (2026), written input, p. 35.

²⁷ The level of perceived corruption is categorized as follows: low (above 79); relatively low (between 79-60), relatively high (between 59-50), high (below 50).

²⁸ In 2021 the score was 46, while, in 2025, the score is 46. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

²⁹ Data from Special Eurobarometer 573 (2026) and Flash Eurobarometer 582 (2026).

³⁰ The members of the Operational Team are representatives from General Secretariat of the Government, the Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Education, the Ministry of Health, the Ministry of Finance, the Ministry of Public Administration, the Police Directorate, the Supreme Court, the Supreme State Prosecutor's Office, the Customs Administration, and the Tax Administration.

were implemented, 13% partially implemented and 13% not implemented³¹. Challenges remain regarding the transparency of the sessions of the National Council and operational follow-up of its decisions. The Agency for the Prevention of Corruption (ACA) and the National Council for the Fight Against Corruption signed, in September 2025, a Memorandum of Cooperation to further define principles, objectives and mechanisms of cooperation and to regulate respective roles in the fight against corruption³². On 30 January 2026, the National Council adopted an Annex to the Strategy prepared by the National Council for the Fights Against Corruption, ACA and Secretariat General of the Government, proposing to formally recognise persons holding the highest executive functions as a high-risk area for corruption, based on prior risk assessments and GRECO recommendations³³.

The effectiveness and coordination of law enforcement institutions in the area of corruption improved, and the number of final rulings and convictions in cases of high-level corruption has increased. The concerted efforts by law enforcement, prosecution and judicial authorities to address systemic challenges in the fight against high-level corruption continue to deliver positive results. The Special State Prosecutor's Office (SSPO) continues to focus on to the most complex and high-profile cases of high-level corruption, delivering good results³⁴. In 2025, it launched 8 high-level corruption investigations in 2025, compared to the 17 investigations launched in 2024. In 2025, five indictments were filed against 13 persons for the criminal offence of high-level corruption, while in 2024 the SSPO filed indictment against 16 people³⁵. In 2025, 99% of indictments were confirmed by the relevant Courts³⁶. The number of final convictions registered an increase from 6 to 25 in 2025, and the number of final court rulings increased from 57 to 80. In October 2024, the Supreme Court has adopted guidelines for the management of cases of serious and organised crime which include recommendations to address the practice of defence attorneys unduly invoking procedural rules to delay hearings in criminal cases. However, stakeholders reported that the guidelines did not yet contribute to reduce such abuses in practice³⁷.

The human resources and capacities in the fight against corruption have increased but further resources are needed for the Special State Prosecution Office. The number of judges at the High Court in Podgorica has been reinforced with 17 judges assigned to the Special Department, including investigative judges (11 judges in 2024)³⁸. A call for applications is foreseen to be announced for ten more judicial advisor positions at that court . In September 2025, the Prosecutorial Council increased the number of Special State Prosecutors in the Special State Prosecution Office (SSPO) from 16 to 20 planned positions. At the beginning of 2026, the SSPO had nine prosecutors and six seconded prosecutors³⁹. At the end of 2025, the Special State Prosecutor's Office recruited two economic experts to strengthen its economic expertise in the fight against high-level corruption⁴⁰. The human

³¹ The working group of the National Council for the period until 31 March 2026 for the 2024-2025 activities indicated that 9% of the activities have no status.

³² As recommended by GRECO (2024), p. 8.

³³ Fifth Evaluation Round.

³⁴ The SSPO placed a particular emphasis on the initiation of criminal proceedings against several high-ranking officials formerly holding important positions in state authorities of Montenegro. This included two former ministers, a deputy minister, former assistant director of police administration, former head of Department for the Suppression of Serious Criminal Offences etc. Montenegro Government (2026), p. 57.

³⁵ Montenegro Government (2026), p. 56.

³⁶ Montenegro government (2026a).

³⁷ Country Visit Montenegro, Bar Association, SPO.

³⁸ European Commission (2025), 2025 Rule of Law Report, Montenegro, p. 8.

³⁹ Montenegro Government (2026), p.27, 49.

⁴⁰ Montenegro Government (2026), written input, pp. 28, 48.

resources available to the Special Police Unit (SPU) under the SSPO, while not yet sufficient, have increased, with 52 of the 80 positions filled⁴¹. However, a recruitment process for new police officers is ongoing, particularly to deal with high-level corruption and money laundering. Furthermore, the SPU lacks specialised initial and continuous trainings in financial investigations, with no regular courses on this topic in the police academy's curriculum. The equipment and technological tools would need further enhancement, limiting their efficiency overall⁴².

A new full-term Director of the Agency for the Prevention of Corruption was appointed, ensuring the improved functioning of the Agency and strengthening its independence, while its administrative capacities remain to be improved further. In April 2026, the Council of the Agency for the Prevention of Corruption (ACA) appointed a new full-term Director. This important development ensures the functionality of the Agency. The position had been vacant since April 2024 and this prolonged leadership gap has undermined the Agency's legitimacy and strategic direction in the past years. Additionally, persistent structural weaknesses hinder its effectiveness. As of December 2025, the ACA operated with 62 of 98 positions (63%), as foreseen in the Rulebook adopted in October 2024⁴³. The financial independence of ACA is still not ensured, further limiting its effectiveness⁴⁴. In accordance with the 2025 Annual Verification Plan, 488 income and assets reports have been reviewed so far, of which 323 were found to contain violations of the law. The Agency has initiated in-depth verification for all 34 planned public officials and has completed 12 verifications so far⁴⁵. Efforts are underway to integrate ACA's IT systems with those of the State Prosecution and Police, aiming to streamline data exchange, including asset declaration controls, public procurement records, and beneficial ownership data⁴⁶. In 2025, the Agency implemented a number of activities to raise awareness about the harmful effects of corruption and aimed at preventing conflict of interest, including on restrictions in the exercise of public functions. The ACA also regularly organises exams for conducting lobbying activity for lobbyists. A total of 21 lobbyists and 2 legal entities are registered in the Register of lobbyists. In January 2026 all lobbyists and legal entities submitted a written activity report for 2025 to the ACA⁴⁷.

The legal framework regulating political parties' funding remains to be aligned with OSCE/ODIHR and GRECO recommendations to increase transparency and control of political parties' spending. In July 2025, the Parliament adopted amendments to the Law on Financing of Political Entities and Election Campaigns and amendments to the Law on Election of Councillors and Members of Parliament. The legal framework remains to be aligned through a transparent and inclusive consultation process with existing recommendations from the OSCE/ODIHR and GRECO, to substantially increase transparency and control of political parties' spending, and to prevent the abuse of state resources, including through dissuasive penalties. In particular, the Law on election of Councillors and Members of Parliament is yet to be aligned with the Law on Financing of

⁴¹ Montenegrin government (2026a).

⁴² Country visit Montenegro, Special Police Unit.

⁴³ Including only six employees in the Department for Control of Public Officials' Reports and four in the Conflict-of-Interest Prevention Department. Montenegrin Government (2026), p. 65.

⁴⁴ The 2026 budget (€2.19 million) falls short of the legal minimum (0.13% vs. the required 0.2% of the state budget), risking performance and recruitment plans.

⁴⁵ Montenegrin Government (2026), p. 68.

⁴⁶ A key prerequisite, the connection of the ACA's optical cable to the Ministry of Interior's infrastructure, is pending completion of a procurement procedure (expected by end-Q1 2026), with a test version of the full system due by end-Q2 2026.

⁴⁷ Country visit Montenegro.

Political Entities and Election Campaigns, further preventing a correct and efficient control on electoral campaign financing⁴⁸. In 2025, the Agency for the prevention of corruption monitored electoral campaigns for two municipalities, however the legal framework on ACA's supervision remains to be further clarified. Follow-up to the State Audit Institution's (SAI) findings by other competent bodies, including the National Council for the Fight against Corruption, continues to remain weak.

The implementation of the legal framework on the protection of whistleblowers is ongoing. Montenegro continues to implement its legal framework for protecting whistleblowers and the adoption of a dedicated law implementing the EU acquis is foreseen in mid 2026. In 2025, the Agency for the Prevention of Corruption (ACA) received 180 reports concerning threats to the public interest indicating possible corruption, 156 whistleblowers' reports (163 in 2024) and forwarded 14 reports to the prosecutors' offices and 40 to other competent institutions⁴⁹. The ACA concluded 82 procedures (116 in 2024) and identified threats to the public interest in 18 cases (25 in 2024)⁵⁰.

Measures addressing risk areas in public procurement have been enhanced through the introduction of e-procurement tools, while the monitoring of measures addressing corruption in high-risk areas is hampered by lack of relevant data. A red flag mechanism has been integrated into the e-procurement system to help detect potential irregularities in public procurement procedures. To build on these measures, the Parliament adopted amendments to the Public Procurement Law. The amendments aim to strengthen prevention, control and sanctions in procurement procedures, clarify liability before the Court of Misdemeanours, and further embed the red flag mechanism in the e-procurement system. The implementation of actions aimed at addressing high risk areas⁵¹ in the 2024-2028 Strategy for the fight against corruption faces challenges regarding the collecting of relevant data⁵², which undermines effective monitoring.

III. MEDIA PLURALISM AND MEDIA FREEDOM

With new appointments, the Councils of the Agency for Audiovisual Media Services and of the Radio Television of Montenegro were restored to full composition, while the appointment of the Director-General of the Council of the Radio Television of Montenegro continues to face legal challenges. A year after its initial call⁵³, the Parliament appointed three members to the Council of the Agency for Audiovisual Media Services (AMU) in December 2025, and a new chairperson was elected in February 2026. In July 2025, three members were appointed to the Council of the Radio Television of Montenegro (RTCG)⁵⁴. After a considerable delay, in November 2025 and in March 2026, the Parliament

⁴⁸ The Parliament has initiated the drafting of a new Law aimed at overcoming the existing shortcomings in the legal framework.

⁴⁹ Montenegrin government (2026a).

⁵⁰ Agency for the Prevention of Corruption (2025), p. 5.

⁵¹ The high-risk areas identified in 2024–2028 Strategy for the fight against corruption are: (1) the work of the prosecution and courts, (2) the work of the police and the Customs Administration, (3) environment, urbanism and spatial planning, (4) public procurement, (5) local self-government, and (6) the operation of state-owned enterprises and companies owned by local self-governments.

⁵² Out of 21 activities, 7 were completed and 5 partially completed; 6 were not implemented, while no information was submitted for 3 activities. 2025 Monitoring report on the Anticorruption strategy, pp. 13-15.

⁵³ Country Visit Montenegro, media organisations.

⁵⁴ European Commission (2025), Commission Staff Working Document Montenegro 2025 Report accompanying the document Communication from the Commission to the European Parliament, the

has launched the appointment procedures for two AMU Council members and four members of the RTCG Council, whose terms expire in June 2026. Stakeholders welcome the appointments of new members to both Councils but raise concerns that the delays in these appointments point to political interference in these bodies⁵⁵. The AMU reported that the delay in the appointments negatively impacted public perception of the Council and put the council members under additional pressure⁵⁶. Criminal proceedings are still ongoing regarding the indictment against members of the RTCG Council on grounds of abuse of office during the appointment of the RTCG Director-General in November 2024. In February 2025, the Basic Court of Podgorica annulled for the third time the RTCG Council's decision to appoint the same person as Director-General⁵⁷. The decision was appealed by the Director-General and is not yet subject to a final ruling. In view of these factors, the 2026 Media Pluralism Monitor ranks the independence of the public service media as medium-high risk⁵⁸.

Transparency of media ownership for audiovisual media services has improved, but gaps remain for online media alongside increasing concerns about the influence of media outlets owned by companies established in Serbia. In November 2025, the AMU launched a public digital platform⁵⁹ where linear and on-demand audiovisual media services, radio services, cable distributors, and video-sharing platforms are required to publish their ownership information⁶⁰. Although currently limited to these categories of media services, the platform significantly enhances the availability of ownership information and contributes to greater transparency in a sector that is crucial for media pluralism and freedom of expression⁶¹. Gaps remain as there is no publicly available ownership database for non-audiovisual media, and concerns persist at the lack of ownership transparency of unregistered online media, in particular news portals⁶². In response, the AMU has announced plans to expand its register and digital platforms to include news portals and social media profiles which meet certain criteria⁶³. Concerns regarding the strong and influential presence of media outlets owned by companies established in Serbia have increased. Liberal rules on market entrance to foreign ownership have resulted in three out of four national private television channels being majority-owned by foreign capital⁶⁴. Online oversight and enforcement of rules applicable to content remain challenging, and stakeholders noted the prevalence of illegal content such as hate speech, as well as discriminatory and anti-rights narratives, in the content of these channels⁶⁵.

Council, the European Economic and Social Committee and the Committee Of The Regions 2025 Communication on EU enlargement policy, EUR-Lex - 52025SC0754 - EN - EUR-Lex , pp. 7-8.

⁵⁵ Country Visit Montenegro, media organisations.

⁵⁶ Country visit Montenegro, AMU.

⁵⁷ Since 2021, there were 8 rulings issued by the Basic Court, 4 by the High Court and 1 by the Supreme Court.

⁵⁸ Monitoring Media Pluralism in the European Union, results of the MPM2026, Country report: Montenegro, pp. 31-32.

⁵⁹ AMU (2025). The platform can be accessed here: [Home | TransparentnostMedija](#).

⁶⁰ Montenegrin Government (2026), written input, p. 110. The legal basis for the register is the new national Law on Audiovisual and Media Services of 2024.

⁶¹ TBU number of viewers of the digital platform.

⁶² Country visit Montenegro, AMU; DPNCG (2026), written input, pp. 1-2; 2025 Rule of Law Report, Montenegro, pp. 11-12.

⁶³ News portals which are partially structured as video on-demand services and social media profiles which have more than 100k subscribers and publish monetized videos with the intention to entertain, inform, or educate the general public. Country visit Montenegro, AMU.

⁶⁴ Monitoring Media Pluralism in the European Union, results of the MPM2026, Country report: Montenegro, p 21.

⁶⁵ Country visit Montenegro, AMU; Country Visit Montenegro, media organisations.

Transparency in the allocation of public funding for media has improved, but the enforcement of obligations remains an issue. According to the AMU, there is a high level of transparency in allocations from the Media Pluralism and Diversity Fund⁶⁶, which represents a significant share of total public funding for Montenegrin media⁶⁷. Transparency has also improved for other forms of public funding, but inconsistencies remain between data published by media outlets on their revenues and data published by public authorities on expenditures⁶⁸. Stakeholders report that there are alleged cases where public funding was allocated to unregistered media⁶⁹, despite only registered media being eligible. Stakeholders argue that there is a need for more effective enforcement of transparency obligations⁷⁰, and the Ministry of Culture and Media plans to increase its capacity to monitor and sanction non-compliance⁷¹. Stakeholders also note that reliance of private media on public funding as their main source of revenue can undermine editorial independence⁷², and some raise concerns regarding allegations of unofficial funding of private media by state actors⁷³. The Council for Media Self-Regulation had increased to 77 members by February 2026⁷⁴.

New amendments to the Law on Free Access to Information were adopted in December 2025, however challenges persist in its enforcement. The new amendments to the Law on Free Access to Information introduce a mechanism for inspections to monitor compliance with proactive publication obligations, as well as align national law with the Open Data Directive⁷⁵. However, stakeholders have criticised the amendments for introducing a split-cost scheme which imposes court costs on citizens and organisations even where the court finds the denial of access to information unlawful⁷⁶. Meanwhile, stakeholders raise concerns about frequent denials of access to information, silence of institutions, insufficient enforcement of state institutions' compliance, and a lack of effectiveness and independence of the Agency for Personal Data Protection and Free Access to Information (DPA)⁷⁷. The DPA reports that its financial, human and IT resources remain insufficient, also in view of its new tasks under the amended law, and it currently awaits the approval of the Ministry of Finance to recruit additional staff⁷⁸. Montenegro has ratified the Council of Europe Convention on Access to Official Documents⁷⁹.

The authorities continue efforts to apply zero-tolerance policy to violence against journalists, while isolated incidents of attacks occur. Since July 2025, a total of 25 cases

⁶⁶ The Fund for Fostering Media Pluralism and Diversity was established by the Media Law to encourage pluralism and diversity of the media and the production and publication of content of public interest.

⁶⁷ Direct support to media is provided through the Fund for Encouraging Media Pluralism and Diversity, financed at a minimum level of 0.2% of the state budget (Law on Media, 54/24). Monitoring Media Pluralism in the European Union, results of the MPM2026, Country report: Montenegro, p. 30.

⁶⁸ Country visit Montenegro, AMU, civil society organisations.

⁶⁹ Country Visit Montenegro, civil society organisations.

⁷⁰ Country Visit Montenegro, civil society organisations.

⁷¹ Country visit Montenegro, AMU.

⁷² Country Visit Montenegro, civil society organisations.

⁷³ DPNCG (2026), written input, p. 2.

⁷⁴ Country Visit Montenegro, civil society organisations.

⁷⁵ The amended Law on Free Access to Information entered into force on 7.1.2026, and applies after the expiration of six months from the date of entry into force. The 2025 Rule of Law Report noted that the initial draft proposal did not sufficiently address the conduction of inspections and the need for harmonisation with the Open Data Directive.

⁷⁶ Country Visit Montenegro, DPA, civil society organisations.

⁷⁷ Country Visit Montenegro, civil society organisations.

⁷⁸ Country Visit Montenegro, Agency for Personal Data Protection and Free Access to Information.

⁷⁹ [The Council of Europe Convention on Access to Official Documents](#) (CETS No. 205), also known as the Tromsø Convention, entered into force on 1 December 2020.

concerning threats and acts of violence against journalists or their property were opened at the State Prosecutor's Office, 18 of which have been resolved⁸⁰. The Supreme State Prosecutor's Office notes that prioritised proceedings have led to higher levels of prosecution and more effective protection of journalists' rights as victims⁸¹. In the same period, the Council of Europe Safety of Journalists Platform recorded three new alerts, one for an attack on physical safety and integrity, and two for harassment and intimidation of journalists⁸². Moreover, cases of verbal attacks on the media by public officials and political parties still occur. The Media Freedom Rapid Response platform recorded fifteen alerts, consisting of one 'physical assault', one 'sexual harassment case', eleven 'verbal and online attacks' and two 'blocked access to an event'⁸³. In December 2025, the Government set up an Intergovernmental Working Group to implement the Mechanism for the Safety of Journalists⁸⁴, which was established by the Protocol on the Protection of Journalists signed in October 2025⁸⁵. A prominent trial for the attempted murder of a journalist in 2019 continues to be prolonged⁸⁶, and stakeholders raise concerns about the failure to advance the case and the risk that the statute of limitations will apply before a judgement is delivered⁸⁷. Montenegro does not yet have dedicated legislation against lawsuits against public participation (SLAPPs), which leaves journalists vulnerable to legal intimidation and pressure⁸⁸. While the lack of a clear definition of a SLAPP in the legal framework complicates the identification of cases, several lawsuits in 2025 were characterised as SLAPPs by defendants.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

While acknowledging the authorities' commitment to align national legislation with the EU *acquis* within the established framework for inclusive legislative processes, challenges persist in legislative planning and effectiveness of public consultations. A framework for an inclusive legislative process through public consultations is in place. Nevertheless, the Government's legislative planning presents shortcomings and its implementation continues to negatively affect stakeholders. In 2025, the majority of the laws adopted were based on a Government's proposal, most of which had undergone a public consultation⁸⁹. In this context, the quality of legal drafts proposed by Members of Parliament remains uneven, as they are not systematically subject to regulatory impact analysis, structured public consultations or effective quality control. This continues to affect the overall coherence and predictability of the legislative framework. With regard to fast-track

⁸⁰ In 4 cases indictments were filed, and in 6 cases requests were submitted to initiate misdemeanor proceedings. Montenegrin Government (2026), written input, p. 112.

⁸¹ Montenegrin Government (2026), written input, p. 112.

⁸² The state has replied to one alert. Council of Europe (2026), Platform to promote the protection of journalism and safety of journalists.

⁸³ European Centre for Press and Media Freedom (2026).

⁸⁴ The Mechanism for the Safety of Journalists includes a 24-hour hotline for reporting incidents, direct contact points within the police and prosecution, and legal and psychological assistance to journalists who have been attacked. Council of Europe (2025a).

⁸⁵ Montenegrin Government (2026), written input, pp. 114-115.

⁸⁶ Ministry of Culture and Media (2026).

⁸⁷ Osservatorio Balcani e Caucaso Transeuropa (2025).

⁸⁸ Monitoring Media Pluralism in the European Union, results of the MPM2026, Country report: Montenegro, p.13.

⁸⁹ In 2025, the Parliament adopted 200 laws, of which the Government had proposed 113. Of these, 80 had undergone a documented form of public consultation. However, of these 80 laws, only 33 had a regulatory impact assessment published at the time the public consultation was announced.

procedures, in 2025, the Parliament adopted 201 laws, 115 of which were recommended for urgent adoption, in accordance with the Rules of Procedure of the Parliament of Montenegro.

Two judges were appointed to the Constitutional Court, improving its functioning and efficiency, while full composition remains to be achieved. As previously reported, the Constitutional Court continues operating in an incomplete composition⁹⁰. The Parliament failed several times to find the required majorities to appoint judges to still-vacant positions, underscoring that restoring a full bench remains a pressing institutional challenge. Nevertheless, in November and December 2025, the Parliament elected two Constitutional Court judges, improving the functioning and efficiency of the Court. In addition, in December 2025, the Parliament decided to extend the expired mandate of one Constitutional Court judge, pending the election of a new judge, for a maximum period of one year. As a result, the Constitutional Court operates with six out of seven judges. The absence of clear statutory rules on judicial retirement continues to create uncertainties, prompting the President of Montenegro to request the Constitutional Court's assessment of the judge's continuation beyond her twelve-year mandate after reaching statutory retirement age until a replacement will be found. The Court, rather than issuing a formal decision on extension, allowed the judge to continue performing her duties, after having received the Parliament's written position. In May 2026, the Parliament adopted amendments to the Law on Constitutional Court addressing Venice Commission recommendations on clear retirement rules for Constitutional Court judges. At present, there are still two vacant Constitutional Court judges positions to be proposed by the President and appointed by Parliament.

Over half of the companies surveyed in Montenegro express high levels of confidence in the effectiveness of investment protection. 64% of companies are very or fairly confident that investments are protected by law and courts, a figure which has slightly increased in comparison with 2025 (61%)⁹¹. Further, 40% perceive the level of independence of the public procurement review body (Commission for the Protection of Rights in Public Procurement Procedures) as very or fairly good, a figure which has slightly decreased in comparison with 2025 (41%)⁹². 46% perceive the level of independence of the national competition authority (Agency for Protection of the Competition) as very or fairly good, a figure which has significantly increased in comparison with 2025 (34%)⁹³.

On 1 January 2026, Montenegro had 7 leading judgments of the European Court of Human Rights pending implementation, an increase of 1 compared to the previous year⁹⁴. At that time, Montenegro's rate of leading judgments from the past 10 years that had been implemented was at 71% (compared to 75% in 2025; 29% remained pending), and the average time that the judgments had been pending implementation was 3 years and 8 months (compared to 3 years and 3 months in 2025)⁹⁵. The oldest leading judgment, pending implementation for close to 10 years, concerns ill-treatment in police detention and the lack of an effective investigation into the relevant complaints⁹⁶. As regards the respect of payment

⁹⁰ Country visit Montenegro, Constitutional Court; 2025 Rule of Law Report, Montenegro, pp. 12-13.

⁹¹ Flash Eurobarometer 582 (2026) and Flash Eurobarometer 555 (2025). In 2026, only 10% and 9% of the surveyed investors respectively perceive concerns about quality, efficiency or independence of justice and the frequent changes in legislation or concerns about the quality of the law-making process as a reason for the lack of confidence in investment protection.

⁹² Flash Eurobarometer 582 (2026) and Flash Eurobarometer 555 (2025).

⁹³ Flash Eurobarometer 582 (2026) and Flash Eurobarometer 555 (2025).

⁹⁴ For an explanation of the supervision process, see the [website](#) of the Council of Europe.

⁹⁵ All figures calculated by the European Implementation Network (EIN) and based on the number of cases that are considered pending at the annual cut-off date of 1 January 2026. EIN (2026), written input, p. 1.

⁹⁶ Judgment of the ECtHR, 1451/ten, *Sinistaj and Others v. Montenegro*, pending implementation since 2015.

deadlines, on 31 December 2025 there was 1 case in total awaiting confirmation of payments (compared to 4 in 2024)⁹⁷. On 17 June 2026, the number of leading judgments pending implementation had increased to 8⁹⁸.

The Government is finalising a new law on the Ombudsperson's Office aiming to fully align with the Paris Principles and ultimately achieve 'A' status accreditation. The Ombudsperson's Office, which is the National Human Rights Institution, is accredited with B-status. The Government is finalising a new draft Law on the Ombudsperson's Office to fully align its regulatory and institutional framework with the Paris Principles and achieve an accreditation upgrade to A-status. The current draft does not foresee an increase regarding financial and staffing autonomy of the Ombudsperson Office. In 2025, the Office made further progress in handling complaints, completing [...] % of cases and issuing [...] recommendations in [...] cases [TBU]. The Ombudsperson's Office reports that the implementation of its recommendations is increasing. The Ombudsperson's Office identified most violations in areas such as the prohibition of discrimination, the rights of the child, the right to good administration and legal protection, the rights of persons deprived of their liberty, the right to work and employment law. Following the adoption of the new Law on Equality Protection and the Prohibition of Discrimination, the Ombudsperson is granted expanded competences in the field of protection against discrimination, including defining its role as the national equality body⁹⁹.

Civil society organisations continue to function within a largely enabling environment, while stakeholders report inadequate transparency and lack of meaningful, inclusive consultation in legislative processes. The civil society landscape continues to be rated as 'narrowed' by Civicus¹⁰⁰ and stakeholders report a limited space for civil society organisations to operate effectively¹⁰¹. The 2022-2026 Strategy for cooperation between state administration bodies and civil society organisations continues to be implemented¹⁰². However, stakeholders perceive the Strategy's impact on public funding as inadequate, in particular as some civil society organisations face challenges in accessing funding for their projects¹⁰³. In 2025, the implementation of the two-year Program "Network of Resource Centers in Montenegro" began, aimed at supporting and developing the capacities of non-governmental organisations to cooperate with the state in the preparation of public policies¹⁰⁴. Representatives from civil society organisations continue to be systematically included in the working groups drafting laws and public policies. Nevertheless, some stakeholders consider that there is a need to broaden and diversify the represented perspectives¹⁰⁵. Furthermore, Ministries have not consistently launched calls for proposals to finance civil society projects,

⁹⁷ Council of Europe (2026), p. 163.

⁹⁸ Data according to the online database of the Council of Europe (HUDOC).

⁹⁹ The Law on Equality Protection and the Prohibition of Discrimination introduces six new competences that did not exist under the previous law, relating to: protection against discrimination of EU workers and members of their families, free movement of workers, legal and other assistance, international cooperation, research, reports and recommendations, as well as information on the application of EU law. Montenegrin government (2026), pp. 97-98.

¹⁰⁰ CIVICUS (2026). Ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed, Montenegro scored 77/100.

¹⁰¹ Country visit Montenegro, civil society organisations.

¹⁰² [Data on implementation of the Strategy - TBU].

¹⁰³ Stakeholders have also raised the lack of transparency and accountability in public funding, with some organisations being concerned by a perceived lack of clear and accessible information about funding opportunities and the allocation of resources. Country visit Montenegro, civil society organisations.

¹⁰⁴ Montenegrin Government (2026) written input, p. 113.

¹⁰⁵ Country visit Montenegro, civil society organisations.

as required by the Law on Non-Governmental Organisations. Following its re-establishment in February 2025, the Council for Cooperation between the Government and non-governmental organisations held its first session in December 2025.

Annex I: List of sources in alphabetical order*

* The list of contributions received in the context of the consultation for the 2026 Rule of Law report can be found at https://commission.europa.eu/publications/2026-rule-law-report-targeted-stakeholder-consultation_en.

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Annex II: Country visit to Montenegro

The Commission services held hybrid meetings in March 2025 with:

- Agency for Electronic Media
- Agency for Personal Data Protection and Free Access to Information
- Agency for Prevention of Corruption
- Association of Judges
- Association of Prosecutors
- Association of Professional Journalists
- Association of Youth with Disabilities in Montenegro
- Centre for Civic Education
- Center for Democracy and Human Rights
- Civic Alliance
- Constitutional Court
- Council of Europe
- European Union support to the Rule of Law IV (EUROL IV)
- Help – Hilfe zur Selbsthilfe Montenegro
- High Court
- Human Rights Action
- Institut Alternativa
- Judicial Council
- Media Centre
- Media Institute
- Media Self-Regulation Council
- Montenegrin Bar Association
- Network for Affirmation of Non-Governmental Sector
- Ombudsman
- Organisation for Security and Cooperation in Europe
- Parliamentary Constitutional Committee
- Police specialised department for corruption and unit for financial investigation
- Prosecutorial Council
- Special State Prosecutor's Office (SSPO)
- State Audit Institution
- State Prosecutor's Office (SDT)
- Supreme Court
- Trade Union of Media of Montenegro
- Queer Montenegro
- Women's Right Centre

* The Commission also met the following organisations in a number of horizontal meetings:

- Civil Liberties Union for Europe
- Civil Society Europe
- End FGM EU
- European Civic Forum
- European Partnership for Democracy
- Human Rights Watch
- ILGA-Europe

- International Federation for Human Rights
- Philea - Philanthropy Europe Association
- Transparency International EU