CENTAR ZA DEMOKRATSKU TRANZICIJU

BRANIMO DEMOKRATIJU

Analysis of the Work of the Parliament of Montenegro: Law-passing Conveyor Belt, Limited Government Oversight and Unfulfilled Electoral Reform

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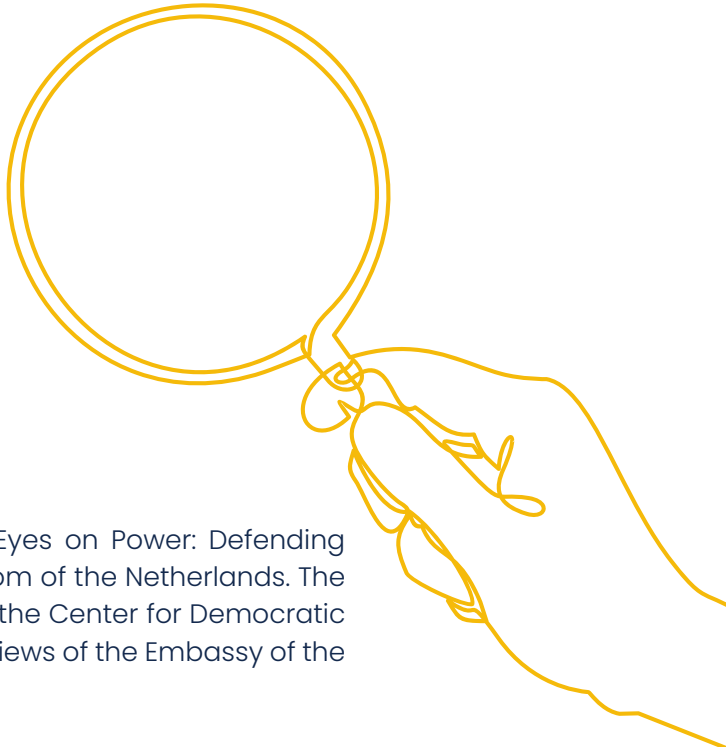

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Content:

Introduction

Montenegro is in a key phase of European integration, in a moment when negotiation dynamics are visibly accelerating and closing the chapters has become a realistic political goal. Such a context generates strong legislative pressure on the Parliament, which is faced with an extensive and demanding task – adopting a large number of laws required to fulfill obligations arising from the EU accession process.

In these circumstances, numerous challenges emerge, and it is evident that the way this process is conducted narrows the space for the quality and inclusive adoption of legislation.

The legislative procedure lacks transparency, as it is closed and increasingly reduced to urgency as the primary method of work. Public consultations are either absent or kept to a minimum; the professional community has no meaningful opportunity to influence the content of decisions; and parliamentary debate is shortened to the point of becoming a formality.

The consequence of this approach is a decline in legislative quality, as evidenced by frequent amendments to laws shortly after their adoption. While such situations are often downplayed with the message that "those who work make mistakes," the question remains: what is the practical cost of these mistakes for legal certainty and for the realization of citizens' rights?

During 2025, the Parliament adopted 201 laws, representing a significant increase compared to the previous period, with more than half (115) proposed under urgent procedure. Although this pace is largely driven by obligations stemming from the EU accession process, the European agenda is increasingly used as a universal justification for expedited lawmaking, despite clear warnings from the European Union that speed must not come at the expense of quality. At the same time, the EU has repeatedly emphasized the need to improve electoral legislation – a key responsibility of this parliamentary term – which political parties have deliberately left unresolved ahead of the 2027 elections due to their own interests.

The Parliament faces a similar challenge in 2026 – the adoption of more than 120 laws from the European agenda, alongside regular legislative duties. The volume of work, in itself, should not pose a problem if accompanied by a clear plan and a predictable workflow. However, such a framework is lacking. Deputies do not have systematic access to information on legislative priorities, timelines, or the content of decisions prepared by the executive. As a result, Parliament effectively loses control over a process it should be leading alongside the Government.

In these circumstances, the Parliament increasingly functions as a transmission channel for government proposals. An illustrative example is a session during which 25 laws were adopted in mere 87 minutes. Part of the opposition has also contributed to this model by agreeing to limited debate and formal consideration of legislation, maintaining an appearance of political inclusiveness while weakening Parliament as a space for genuine oversight and discussion.

The limits of such an approach became evident in the case of the Law on the National Security Agency and the amendments to the Law on Internal Affairs, adopted in March of this year despite serious criticism and warnings of deviations from democratic standards. In light of the subsequent announcement by the largest opposition party that it will no longer support any Government proposals, an open question remains about how the opposition will act on initiatives that directly require its cooperation on the EU path, such as constitutional amendments or the election of judges to the Constitutional Court.

Problems are also evident in relation to the Parliament's control function, which largely depends on the political will of the majority. This is reflected in the experience of holding control hearings, the lack of response from invited institutions, and the absence of conclusions or mechanisms to monitor their implementation in practice. Parliament itself is not respected by the Prime Minister, who does not regularly attend Prime Minister's Question Time or chooses not to respond orally to MPs' questions.

The approach towards independent institutions is an additional cause for concern. Delays and politically conditioned appointment processes in bodies such as the Constitutional Court, the AEM Council, and the SAI point to a clear tendency to subordinate these institutions to political will.
All of this is taking place at a time when Parliament should be the key driver of democratic transformation.

Ultimately, the question is not whether Montenegro can adopt a large number of laws on its path to the EU, because it can. The key issue is whether this process genuinely brings the country closer to the European Union in a way that strengthens its legal and democratic system. If the Government and Parliament continue to prioritize urgency, non-transparency, and weakened oversight, the number of adopted laws may increase, but democratic capacity will decline. This is a paradox Montenegro cannot afford as it approaches the anticipated final stage of its European integration.

Legislative marathon

During 2025, the Parliament of Montenegro adopted 201 laws. Of these, 166 were proposed by the Government, while Members of Parliament proposed 35. A total of 92 laws were adopted to further align national legislation with EU regulations, thereby fulfilling obligations arising from the EU accession process.[1]

The most intensive legislative periods were recorded at the end of the regular sessions, in July and December, when 50 laws were adopted in each month.

Government representatives emphasized that adopting twice as many laws as the average over the previous decade[2] demonstrates a strong commitment to fulfilling European obligations.

However, behind these seemingly impressive figures lies a serious issue in the way many laws were prepared and adopted. The legislative process is marked by limited transparency and a lack of substantive debate, while, in some cases, parliamentary procedure has been reduced to the formal confirmation of Government decisions. The trend of accelerated lawmaking is becoming the norm rather than the exception. This is illustrated by the fact that more than half of the laws adopted in 2025 (115) were proposed under urgent procedure, as well as by the February parliamentary session during which 25 laws were adopted in just 87 minutes.[3]

Legislative dynamics are closely linked to obligations arising from the EU accession process; however, the European agenda has increasingly served as a blanket justification for accelerating both the preparation and adoption of laws. At the same time, representatives of the European Union have stressed the importance of maintaining legislative quality, emphasizing that it should not be sacrificed for speed.[4]

The problem, however, lies not only in the planning of legislative activities on the path to the EU, but also in the lack of broader coordination and cooperation in their implementation. MPs are often not informed in a timely manner about which acts must be adopted within specific deadlines, while in the absence of a Legislative Work Plan and annual committee work plans, even the general public lacks insight into the Parliament's legislative priorities.

During parliamentary debates, MPs themselves have pointed out that the pace of the legislative process often leaves insufficient time for detailed consideration of draft laws. Members of the ruling majority have acknowledged that they do not always read all materials submitted by the Government, arguing that it is impossible "for a deputy to be familiar with every item on the agenda and every detail of a given law at all times."[5] The impact on the quality of legislation is reflected in the need to revisit certain laws due to implementation problems or inconsistencies between provisions.

1 Data of the Parliament of Montenegro, 16 February 2026
2 Ne.V, „Pejović: Dok smo mi pokazivali odlučnost, rezultate i političku volju, oni su fingirali reforme i zaustavili evropski put" (Pejovic: *While we showed determination, results and political will, they faked reforms and halted the European path*), Vijesti online, 1 September 2025
3 Milena Gvozdenović, „Neslavni rekord parlamenta – 25 zakona za 87 minuta" (*Infamous parliamentary record – 25 laws in 87 minutes*), Centerfor Democratic Transition, 3 February 2026
4 Portal Dan, „Satler: Napredak na EU putu zavisi od brzine reformi" (*Sattler: Progress on the EU path depends on the speed of reforms*), 22 September 2024
5 Predrag Tomović, „Parlament kao protočni bojler" (*Parliament as a law-passing conveyor belt*), TV Vijesti, 28 February 2026.

This approach to drafting and adopting legislation became established during the adoption of the so-called IBAR laws, after which the accelerated "fast-tracking" of numerous important legal solutions appears to have become a modus operandi of this convocation.

Laws under the EU umbrella

The process of closing negotiation chapters with the European Union has entered its final phase, significantly increasing the volume of legislative activity. However, the manner in which the executive carries out these activities is not only insufficiently inclusive, but also lacks transparency in communication – both towards the public and towards Members of Parliament themselves. As a result, it often remains unclear at what stage the alignment of specific laws with the EU acquis stands, even once draft laws have already entered parliamentary procedure. For example, in March of this year, the parliamentary agenda was supplemented with 21 laws submitted by the Government, while it was later clarified that only six of them were aligned with EU legislation. Opinions of the European Commission, frequently cited by government representatives, are also not publicly available.

A particular challenge lies in the fact that the European Commission provides opinions only on those parts of legislation that relate to alignment with the EU acquis, while provisions that fall within national legislative competence remain outside this framework. This creates space for introducing solutions not subject to European scrutiny within laws presented as part of the European agenda – a concern frequently raised by members of the opposition and civil society.

At the same time, European obligations have not prevented either the Government or Parliament from delaying certain provisions in laws that had previously received a positive opinion from the European Commission, such as the Law on Civil Servants and State Employees and the Law on Free Access to Information.

Government affairs in the hands of MPs

Analysis of legislative practice shows that a significant number of laws enter parliamentary procedure without prior public consultation. The Law on the National Security Agency and the amendments to the Law on Internal Affairs attracted particular attention, as no stakeholders were involved in their preparation.

The Government often circumvents public debate by having its proposals formally submitted by MPs as parliamentary initiatives. Unlike Government bills, parliamentary proposals are not subject to an obligation to undergo public consultation.

In most cases, MPs have also submitted amendments to laws, primarily of a technical nature, aimed at aligning legislation with EU standards or closing specific negotiation chapters. Of the 35 laws adopted on the initiative of MPs in 2025, public hearings were held for only five – conducted by the Government as the drafter – while a roundtable discussion was held

in Parliament for the Law on Financing of Political Entities and Election Campaigns. Members of the ruling majority themselves acknowledge that the Government drafted the texts of the laws they formally proposed, justifying this practice by reference to Montenegro's European path.[6]

The issue of public consultation is not limited to its absence, but also concerns its timing. In some cases, consultations were held long before a law entered parliamentary procedure, raising questions about their actual influence on the final text. For instance, the public consultation on the Draft Law on the Government took place in September 2022, while the proposal entered parliamentary procedure only in February 2026, after undergoing significant changes.

Such cases indicate that, in practice, public consultations often do not serve as a mechanism for genuine public participation in lawmaking, but rather as a formal step that does not substantially influence the final content of legislation.

Fast, but (poor) quality legal solutions

Certain laws are amended shortly after their adoption, indicating insufficient preparation of legislative solutions. The consequences of such an approach are not merely technical but have a direct impact on the functioning of institutions and everyday life. This was also the case with the so-called IBAR laws in the areas of anti-corruption, the judiciary, and human rights, which had to be revised again.

An illustrative example is the new Tax Administration system for the registration of business entities, which remains non-functional due to inconsistencies between the Law on Business Companies and the Law on the Registration of Business and Other Entities, both adopted in July of last year.[7]

Problems were also observed in the implementation of the Law on the Legalization of Illegal Buildings[8], which had to be amended shortly after its adoption due to impractical deadlines.

Similarly, in July 2025, Parliament adopted the Law on the Financing of Political Entities and Election Campaigns, and by November the European Commission called for further amendments to significantly strengthen transparency, improve oversight of political party financing, and prevent the misuse of state resources.

The way in which laws are prepared is further illustrated by the Government's practice of submitting amendments at the last minute. In February, 32 government amendments to the Capital Market Law – spanning 189 pages – were submitted just two days before the parliamentary session at which the law was to be adopted, with the explanation that the Government had initially approved the draft without the consent of the relevant ministries. Similarly, amendments to the Law on the National Security Agency and

6 Predrag Tomović, „Poslanici većine predložili najmanje 20 zakona, priznaju da ih je pisala Vlada" (*Majority MPs proposed at least 20 laws, admitting they were written by the Government*), Vijesti online, 25 December 2025

7 Pobjeda newsroom, „Laketić: Proces registracije biznisa ne funkcioniše zbog pravne nesigurnosti" (*Laketic: The business registration process does not function due to legal uncertainty*), 17 February 2026

8 Marija Mirjačić, „Rok za podnošenje prijava za legalizaciju nelegalnih objekata, koji ističe 14. februara, produžen za još šest mjeseci" (*Deadline for submitting applications for the legalization of illegal buildings, expiring on 14 February, extended by another six months*), Vijesti online, 20 January 2026

the Law on Internal Affairs were delivered to MPs immediately prior to the start of the session.

At the same time, government representatives have argued that the subsequent refinement of laws should not be seen as a weakness, but rather as confirmation of the "two-way process" of European integration.[9]

As a result, although the legislative process formally ends with the adoption of a law, in practice, it operates as a continuous cycle of amendments and revisions, thereby undermining legal certainty.

Legalization of political influence over the security sector

The adoption of the Law on the National Security Agency and the amendments to the Law on Internal Affairs exposed the full extent of the weaknesses inherent in a non-transparent legislative process. It also highlighted a prevailing tendency to resort to legal solutions to exert political control over the security sector. Civil society and the professional community repeatedly warned that the proposed provisions deviate from human rights standards and the principle of democratic oversight of security institutions. Nevertheless, this did not prevent the ruling majority, which holds a sufficient number of votes, from introducing these solutions into our legal system.

The laws were first proposed in July of last year but were withdrawn from the agenda following substantial criticism, only to be reintroduced in December without addressing the key contentious issues.

Particularly problematic are provisions that allow the National Security Agency to independently collect intelligence data, as well as amendments to the Law on Internal Affairs introducing "security-related issues" as grounds for dismissal or permanent loss of police rank and authority, without the conduct of disciplinary proceedings.

No public consultations were held for either law, on the grounds that they concerned urgent and sensitive security matters. Although it was stated that the amendments had been aligned with the Brussels position, the European Commission indicated that certain provisions were not in line with the EU acquis and were not necessary for further progress in the negotiations.

After the President returned the laws for reconsideration, they were nevertheless adopted in March. This outcome further deepened political tensions, leading to the resignation of DPS representatives from parliamentary committees and the departure of one MP from PES. The DPS subsequently announced that it would no longer support any Government proposals. Opposition to the adoption of the laws was also expressed by other actors, including GP URA, the Democratic People's Party, the European Union, the professional community and civil society organizations.

[9] Ivana Vlaović, „Četiri IBAR zakona moraju se mijenjati: planirane revizije ili propuštena prilika za stvarne reforme" (*Four IBAR laws must be amended: planned revisions or a missed opportunity for real reforms*), TV Vijesti, 11 May 2025

A missed opportunity for comprehensive electoral reform

This parliamentary term has not adequately addressed its key responsibility – improving electoral legislation. From the outset, the work of the Committee for Comprehensive Electoral Reform was marked by a slow pace, periodic blockages, and a lack of political will. Although amendments to two important electoral laws were adopted in July 2025, the process was conducted without public consultation or engagement with international partners, and many fundamental issues within the electoral framework remained unaddressed. After July, only a few working group meetings were held, without producing concrete results. The Committee's mandate expired at the end of the year and was not extended, leaving numerous long-standing issues identified by the OSCE/ODIHR and domestic election observers unresolved ahead of the 2027 elections.

This issue becomes even more critical in light of relevant deadlines. According to international standards, electoral legislation should not be amended in the year preceding elections. With general local elections – and potentially parliamentary elections – expected in June, this means that reform should be completed by mid-June 2026 at the latest. Under these circumstances, only a few months remain to implement comprehensive reform, confirming that prolonged delays have effectively brought the process to a point of no return.

After the EU approved it, the Parliament amended the Law on Free Access to Information

The Law on Free Access to Information was adopted in December 2025. However, at the final stage of the procedure, it was altered through an amendment proposed by MPs from the Europe Now Movement, introducing an obligation for citizens to bear their own court costs – even in cases where it is established that access to information was unlawfully denied.[10] This provision was taken from a 2019 proposal by the DPS, which had previously received a negative opinion.[11] An initiative has since been submitted to assess the constitutionality of this provision.[12]

At the beginning of 2025, the Government approved a draft law that had received the European Commission's positive opinion. The draft remained in parliamentary procedure for several months, only to be amended in the opposite direction. As a result, a law long presented as a key reform step ultimately produced a solution that effectively restricts the right to free access to information and access to justice.

[10] Article 49 of the Law on Free Access to Information stipulates that "each party shall bear its own costs" in an administrative dispute initiated due to administrative silence.
[11] Darvin Murić, „PES kao nekada DPS: kontinuitet opstrukcije slobodnog pristupa informacijama" (*PES follows DPS's footsteps: continuity of obstructing free access to information*), Raskrinkavanje.me, 15 January 2026
[12] Dejan Milovac, „MANS podnio inicijativu Ustavnom sudu: ukinuti član Zakona o SPI koji podstiče skrivanje informacija" (*MANS submitted an initiative to the Constitutional Court: repeal the article of the Law on Free Access to Information that encourages hiding information*), MANS, 20 January 2026

Parliamentary oversight – only to the extent permitted by the majority

The Parliament of Montenegro exercises its oversight function within a limited and politically conditioned framework. This is reflected in delays in holding control hearings, the non-response of invited institutions, and the absence of reports and conclusions following hearings. It is particularly concerning that such practices are supported by some majority MPs, given that parliamentary oversight is not solely the responsibility of the opposition but an obligation of all Members of Parliament.

In 2025, a total of 13 control hearings were held: eight at the request of opposition MPs, three at the request of majority MPs, and two initiated by parliamentary committees. However, reports containing conclusions are still unavailable for eight of these hearings[13]. A further issue is the lack of mechanisms to monitor the implementation of adopted conclusions, pointing to the limited effectiveness of parliamentary oversight in practice.

Instead of treating opposition-initiated control hearings as a standard practice, this parliamentary term has seen instances where such initiatives were rejected.

This right of the opposition has also been restricted through amendments to the Rules of Procedure adopted in 2024. Under these changes, a control hearing – previously possible twice per regular session at the request of one-third of opposition MPs – can now be held only once, with an additional hearing permitted at the request of representatives of the majority.

Delays in holding hearings are also frequent, with several months sometimes passing between the adoption of an initiative and the actual hearing, thereby undermining its purpose. In practice, some state institutions appear to decide whether to participate at all. There have been cases of ministers canceling their attendance on the very day of the hearing or postponing it due to "official obligations."

The oversight role of Parliament is not respected by the Prime Minister either, who effectively chooses whether and when to attend Prime Minister's Question Time and respond to MPs' questions. In addition to frequent delays, there was a case in which the Prime Minister attended a session but refused to provide oral responses.

Other authorities also demonstrate insufficient respect for parliamentary oversight. This is illustrated by the Supreme State Prosecutor's failure to respond to any of the three invitations to attend control hearings in 2025. Such practice effectively prevents Parliament from exercising oversight over the prosecution, except through consideration of its annual report. It is particularly concerning that this approach has received direct support from some members of the majority.

While it is understandable and legally justified that prosecutors do not respond to questions about individual cases, this cannot justify avoiding explanations of the rules and methods of their work, or of systemic shortcomings revealed by such cases.

[13] March 2026 data

Still without a legal framework for the balance of power

The draft Law on the Government, presented in February 2026, does not introduce meaningful reforms to the executive's functioning, nor does it improve the relationship between the Government and Parliament.

The draft imposes an obligation on the Prime Minister or a member of the Government to attend parliamentary sessions at which questions are addressed to them, but it does not provide any measures or consequences for non-compliance. Moreover, the previously envisaged obligation for the President and members of the Government to respond to invitations from parliamentary committees and attend control hearings has been removed from the proposal.

An additional concern is that this law was not prepared in parallel with a Law on the Parliament, despite the fact that systemic issues and imbalances in the constitutional separation of powers are most evident in the relationship between these two branches. Reports from the end of last year suggesting that a draft Law on the Parliament is already circulating within political circles, outside formal and transparent legislative procedures, further deepen these concerns.

Appointments guided by political considerations

Prolonged delays in appointing members and leadership of key institutions in Montenegro have led to long-term dysfunction or limited operations. This pattern is not incidental, but reflects politically conditioned appointment processes through which control over institutions responsible for oversight and constitutional protection is pursued. The Council of the Agency for Audiovisual Media Services (AMU) was completed only after one and a half years of operating with an incomplete composition.

Throughout 2025, this "chronic issue" remained unaddressed, despite repeated calls from the European Commission for Parliament to urgently appoint new members and complete the Council.[14] Representatives of the largest parliamentary party even publicly indicated that they were seeking a candidate aligned with party preferences.[15] Parliament ultimately appointed two new members to the AMU Council only on 31 December last year.

There is a risk that the Council may once again operate in an incomplete composition, given that the mandates of three current members expire in the first half of the year and delays persist in launching new selection procedures.[16]

[14] European Commission, Montenegro Report 2025, 4 November 2025
[15] Vijesti online, „Nedović: Možda će se poslanici dogovoriti o drugom kandidatu za Savjet AMU" (*Nedovic: MPs may agree on another candidate for the AMU Council*), 6 November 2025
[16] „Đurović: Predsjednik Skupštine da olakša imenovanje članova Savjeta RTCG i Savjeta AMU u skladu sa zakonom" (*Djurovic: The Speaker of Parliament should facilitate the appointment of RTCG and AMU Council members in accordance with the law*), Antena M, 17 March 2026

The absence of parliamentary consensus has also paralyzed other independent institutions. The Fiscal Council has not been established for more than two years after amendments to the Law on Budget and Fiscal Responsibility entered into force, preventing it from fulfilling its key role in reviewing the 2026 budget. The outcome of the fourth call for the appointment of its members remains uncertain.

A similar pattern characterized the appointment of the full composition of the Senate of the State Audit Institution (SAI). The process lasted for years, marked by political disagreements that led to prolonged operation in an incomplete composition, including periods without a president. The parliamentary majority applied inconsistent standards in interpreting the Law on SAI and the related appointment procedures – an issue recognized by both the opposition and the elected candidate, who pointed to procedural irregularities. The President of the Senate was finally elected on 1 December 2025, formally concluding this multi-year process of filling vacant positions.

Completing the composition of the Constitutional Court remains one of the most complex outstanding issues.

Through delays, unsuccessful votes, and the inability to secure a qualified majority for the election of missing judges, the Parliament of Montenegro has effectively allowed an institutional vacuum to persist. The lack of consensus led to a months-long parliamentary blockade, primarily due to disputes between the government and the opposition over differing interpretations of procedures and the authority of the parliamentary Committee that decided on the retirement of a Constitutional Court judge.

At the end of 2025, Parliament elected two judges to the Constitutional Court, while the appointment of the remaining two, proposed by the President, remains pending. Two of the President's nominees did not receive parliamentary support during 2025.[17] A second round of voting on a candidate proposed last year is still pending, as is a vote on a new candidate nominated by the President in March of this year.

[17] Nakon dva kruga odlučivanja, Vučinić nije dobio dovoljan broj glasova poslanika, dok je za izbor Krstonijevića u prvom krugu glasalo 25 poslanika, a drugo glasanje je još uvijek u toku (*After two rounds of voting, Vucinic did not receive sufficient support from MPs, while 25 MPs voted for Krstonijevic in the first round, and the second vote is still pending*). More details at: https://www.vijesti.me/vijesti/politika/798688/milatovic-predlozio-ruzicic-za-sudiju-ustavnog-suda

Key directions for improving the work of the Parliament of Montenegro

Starting from the need for the normative and institutional strengthening of the Parliament of Montenegro, the adoption of a Law on the Parliament should be prioritized. Building on the existing constitutional and operational framework, such a law would provide systematic regulation of key aspects of parliamentary work and further strengthen its role vis-à-vis the executive. The process of its adoption should be transparent and inclusive, involving all relevant stakeholders, and it would be advisable to secure a qualified majority in order to ensure broader political consensus and the long-term stability of the solution.

Improving the legislative process requires greater transparency and inclusiveness, with clearly defined obligations for public consultation. In this regard, it is necessary to introduce a mandatory requirement for public consultation in cases where Members of Parliament act as proposers of legislation. At the same time, a system of (ex-post) evaluation of laws should be established, as one of the key mechanisms for ensuring democratic accountability of the executive.

To increase the predictability of the legislative process, it is necessary to publish a legislative work plan of the Parliament, as well as annual work plans for all parliamentary committees, with regular updates. These plans should be publicly accessible and aligned with obligations arising from the European integration process.

Strengthening the Parliament's oversight function requires a clearer definition of the obligations of the Prime Minister and members of the Government in relation to the Parliament, including precise deadlines for action and participation in oversight mechanisms. In this context, specific measures should be taken in cases of non-compliance with these obligations.

In parallel, a systematic mechanism for monitoring the implementation of conclusions adopted during control hearings should be established. Improving the framework for control hearings also entails restoring earlier procedural provisions that allowed the opposition a stronger initiative role.

In order to improve relations between the branches of government, a more active role of Members of Parliament in the further development of the Law on the Government is recommended, particularly in relation to the accountability of the executive to Parliament and the clearer definition of inter-institutional relations.

Finally, in the context of European integration, it is necessary to further enhance transparency of the EU accession process, especially regarding legislative dynamics and the content of reform obligations. This would enable Parliament to play a more proactive role in shaping and implementing the European legislative agenda, while ensuring that the public is informed in a timely manner about these important processes.


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