











## Foreword: Perković



Vladan Žugić

What would a certain I.S, EU citizen and voter, proverbially uninterested in the Western Balkans, say when he saw in the newspapers that Croatia had missed by a notch an 80 million euro fine and a threat of remaining outside the Schengen zone? The reason is that the new EU member state tried to avoid extraditing the former member of the Yugoslav and later Croatian state secret police, Josip Perković, whom the German prosecution wants on charges of being involved in the murder of a Croatian dissident Stjepan Đureković in the early 1980s. Only three days after joining the EU, I.S. reads, when the Croatian political elite already thought it was beyond the conditioning powers of Brussels, Croatia adopted the so-called "lex Perković", trying to evade the European arrest warrant, which must apply to all EU member states. It isn't totally clear to the I.S. why Croatia, which already arrested the former Prime Minister Ivo Sanader because of corruption, and endured difficult negotiations with EU, is now refusing to surrender a former secret police agent. Until then, I.S. didn't have a very firm opinion on the enlargement policy towards the Balkans. With its "lex Perković", Croatia showed recklessness not only for its own interests, but also for those of the entire Western Balkans. The lesson for the Montenegrin public is that it is not true what some of our politicians like to say, that Brussels is only strict towards the membership candidates but lenient towards the members of the club. The question for EU and EC is whether they neglected the influence of former secret services in the Balkans. Will chapters 23 and 24 also ask for a law on lustration? It is not entirely logical that the national interests should be abandoned in favour of the interests of individuals, whoever they might be, unless there are good reasons to do so. Finally, one should ask what we can expect from Croatia once it comes to the question of the border at Prevlaka. Zagreb and Podgorica have been making reassuring noises about that issue, but the negotiations remain far from transparent.

### Calendar

3 September

Nobody knows who will be the next to join EU / French Minister for European Affairs Thierry Repentin said that whether Montenegro or Serbia will be the next to join EU depends on their progress in the accession talks on chapters 23 and 24. During his official visit to Podgorica, Repentin added that nobody yet knows which country is to be the 29th member of EU, although on the previous visit to Belgrade he already announced that Serbia will be the next country to join.

12 September

EP votes for a mechanism to reintroduce visas to third countries / European Parliament adopted a resolution on the introduction of "safeguard mechanism" which allows the European Commission to suspend visa-free travel arrangement with third countries, including the Western Balkans, in case of a rapid increase in the number of false asylum applications or other security threats.

20 September

EU won't forget the "Recording" / European Commission will continue to insist on a full investigation of the "Recording" affair, although it is still possible that the accession talks for chapter 23 and 24 will begin before the end of this year, said the head of EU Delegation to Montenegro Mitja Drobnič.

24 September

New laws on judiciary / Parliament of Montenegro adopted new versions of the laws on courts, the Judicial Council, State Prosecutor and Constitutional Court, aligning them with the recent constitutional changes on judiciary. The EU requested these changes as a condition for the beginning of negotiations on chapters

26 September

Montenegro to submit its negotiating positions / In a letter sent to the Montenegrin authorities, permanent representatives of EU member states asked the country to submit its positions for negotiations on chapters 23 and 24. The Chief Negotiator Aleksandar Andrija Pejović said that as soon as the positions are prepared he will submit them to Brussels so that by the end of the year all will be ready for the beginning of negotiations on these two chapters. Representatives of EU member states in Brussels have already approved Montenegro's action plans for chapters 23 and 24.

Štefan Füle

The author is the European Enlargement
Commissioner

### What the EU enlargement means for transatlantic business

The United States of America and European Union are partners in the strongest foreign investment and trade relationship in the world. Globalization brings many challenges, but also many new opportunities.

To make the best of them, the EU and the United states are seeking to further strengthen their relationship by launching the biggest ever bilateral trade and investment negotiations, bringing more jobs and more growth to Europe and the United States, changing the lives of millions of people for the better. Let me start with a few remarks about enlargement of the European Union. Enlargement is widely acknowledged to be our most successful policy. Successive accessions have seen the number of Member States gradually increase from the original 6 to 28. At a time when the European Union faces major challenges and significant global uncertainty, enlargement policy continues to contribute to peace, security and prosperity on our continent. Eight more countries are awaiting their chance to join today. Five of them are already candidates for membership - Montenegro, Serbia, Turkey, The Former Yugoslav Republic of Macedonia and Iceland. Albania, Bosnia and Herzegovina and Kosovo have the status of potential membership candidates. This represents a total population of about 100 million, equivalent to a 20% increase in the population of the European Union if they were to become members today. I mention this because with the emergence of the so-called "BRICS" (Brazil, Russia, India, China and South Africa), Europe and the North Atlantic are no longer the only dominant players on the world stage. Size matters. Turkey, with its population of over 80 million and its dynamic economy is a key country for the EU. Recent events there highlight more than ever, the need for the EU to remain the anchor for democratisation and modernisation in the country.Progress in the Western Balkans has been impressive in 2013. Croatia became our 28th Member on the 1st of July. Negotiations with Montenegro are advancing well and in June we opened accession negotiations with Serbia. We are also negotiating a Stabilisation and Association Agreement with Kosovo. Combined with the accession of Croatia, this sends a clear signal to the whole region: if you have the courage and are committed, the European Union is able to respond. Working in parallel with enlargement, and spurred on by the financial crisis, Europe is also deepening its integration with the majority of Member States working to put in place a European banking

union with central European bank supervision; a European fiscal union with stricter controls over national budgets and deficits; and a European economic union, with more joint decision making on economic and social policies. We are making sure that enlargement countries are associated as closely as possible to these far reaching changes. So what does all this mean for business interests? What are the benefits? The word that comes immediately to my mind is confidence. Thanks to the deep reforms that are at the heart of European Enlargement, businesses can be confident that they can operate in an environment where the rule of law is assured and corruption is fought hard; where the judiciary is effective and efficient; where property rights are clear; where public administration is transparent, effective, accountable and has the capacity to meet the needs of business; where administrative burdens are low; and where European standards are the norm. I am confident that US investors already present in the enlargement countries and also those that wish to increase their business in these countries will see the concrete benefits of the enlargement process. For those US companies already present in the EU, the enlargement will mean a greater market, and hence greater scope for economies of scale, easier access to new resources and greater opportunities.Let me turn now to the landmark trade negotiations between the European Union and the United States of America. An ambitious and comprehensive trans-Atlantic trade and investment partnership could bring significant economic gains as a whole – about \$158 billion a year for the EU and about \$126 billion for the US. The benefits for the European Union and the United States would not be at the expense of the rest of the world. On the contrary it would have a positive impact on worldwide trade and income, potentially increasing GDP in the rest of the world by almost \$177 billion. The EU is also committed to achieving a very high degree of transparency of these negotiations, which is why we took the step of making available to the public a number of the EU's initial position papers on various aspects of the negotiations. So while there is a tendency to paint the EU as self-absorbed and mired in an intractable economic crisis, this agenda shows that we are very conscious that remaining outward-looking is a crucial priority.

Source: EC website, excerpts from the speech at the American Business Forum, New York, USA, 23 September 2013. The challenges of Chapter 10 – Information society and media

# ICT sector and the public media unfit for EU



Svetlana Pešić

It seems that the Government of Montenegro overestimated its powers when it comes to negotiations on Chapter 10 – Information society and media. Closing this chapter will require much more time, resources and knowledge than initially planned. In fact, it is the only chapter so far for which the Parliamentary Committee for European Integration recommended changing the original negotiating positions, with full agreement of the members of Montenegro's negotiating team. It is clear that soon after opening negotiations on Chapter 10,



which should come quickly after the awaited opening of Chapters 23 and 24, Montenegro will have to digitalize its film heritage, change the Law on electronic media, guarantee independence of the Agency for electronic communications and postal services and the Agency for electronic media, as well as to ensure competition among the providers of ICT services and protect the consumers. All of this will require a revision of the ambitious goals set in the Government's Strategy for Development of Information Society for 2012-2016. The importance of these issues for the European Union (EU) is best illustrated by the "Digital Agenda for Europe", one of the seven leading

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initiatives in the EU which form the initiative "Europe 2020". The task of the digital agenda is to find a way to increase social and economic potential of ICTs, especially of the Internet as a crucial medium of all economic and social activities. It is estimated that the ICT sector produces around 5% of Europe's GDP directly, and has the market value of 660 billion euro per year. In spite of this, the EU lags behind Japan, South Korea and USA when it comes to such indicator as the use and access to Internet. The main goal of the Digital agenda is precisely to catch up with these two countries by the end of the decade, and to ensure the EU draws maximum economic and social benefits from the single digital market which is based on fast and ultra-fast broadband and interoperability. According to this Agenda, the EU member states pledged to provide all inhabitants with a basic Internet access by the end of 2013, and that by 2020 all EU inhabitants will have access to fast connections (30Mbit/s or more) and at least half of them to ultrafast connections (100 Mbit/s or more). Following EU's Digital Agenda, Montenegro's Government, i.e. Ministry for Information Society and Telecommunications (MIDT) adopted the Strategy for development of



information society for 2012-2016, which appears to be anything but realistic. Among other, the Strategy promises access to increase the speed of internet to 10Mbps for 50% of the population by, 10Mbps for 100% of the population and 30Mbps for 50% of the population by 2016, and projects the Internet use to rise to 70% of the population by 2014 and 80% by 2016, with 25% of the users having access to the broadband by 2014 and 40% by 2016. We should also bear in mind that the latest broadband services (Internet education, social networking, high quality IP television, teleworking etc.) require adequate download capacity (higher than 20 Mbit/s). The Government's strategy recognises that the levels of use of information and communication



Mitja Drobnič

technologies in Montenegro are far beyond the EU average, and cites the study The best illustration of the gap between Montenegro and EU in ICT standards is the fact that only 21% of Internet users in Montenegro have access to the Internet speed above 2Mbps. By comparison, more than 23% of EU's users have access to the Internet speed of at least 10Mbps

from April 2011 which points to the lack of digital literacy, high costs of Internet access and ICT equipment, and the lack of broadband infrastructure as well as of effective competition on the broadband market. "In spite of the fact that retail prices of broadband access have been falling, they are still a sizeable cost when compared to the average wage in Montenegro. An average broadband package of 2Mbps costs €18 a month, or 4% of the average monthly wage. The equivalent EU average is just under 1%", warns the Strategy. The best illustration of the gap between Montenegro and EU in ICT standards is the fact that only 21% of Internet users have access to Internet speed above 2Mbps. "Compared to the European average, where 95% has access to broadband and more than 23% of the users have access to Internet speed of at least 10Mbps, the current situation in Montenegro is in urgent need of improvements. This will require a different business environment that would facilitate broadband investments into infrastructure", explains the Strategy. Head of the EU delegation to Montenegro Mitja Drobnič recently said Montenegro made some progress in the areas covered by Chapter 10 of the acquis, especially when it comes to harmonising its legal framework with EU regulations and directives, but that it might face difficult challenges when it sets out to fulfil these goals, and that achieving them require a lot of resources. "Montenegro's access to broadband is far



Ružica Mišković

from EU standards, same as the level of internet penetration among population", Drobnič said at the round table dedicated to Chapter 10, organised by the Parliamentary Committee for European Integration. The head of the Working Group for Chapter 10 Ružica Mišković agrees that Montenegro is still far from the EU average when it comes to broadband access, but adds that this problem has been identified as one of the top priorities for the state. Veliko Vasiljević, Member of the Parliamentary Committee for European Integration and MP of the Democratic Front believes that the issues related to Chapter 10 will be completed in due time – just like all other tasks. "On paper, Montenegro will fulfil all



Veljko Vasiljević

European standards, or get close to fulfilling them, in order to satisfy the formal requirements and get a positive response. However, technical and technological capacities of Montenegro are such that we can simply not fulfil all

According to Mitja Drobnič, Montenegro needs to find a better way to strengthen the financial independence and sustainability of the public broadcaster, RTCG. "A well-functioning public media service is one of the key elements in ensuring media pluralism", Drobnič said

the requirements in the given time. In short, the form will be satisfied, but the implementation will lag behind", Vasiljević said. He added that the broadband Internet access will probably appear in a small number of elite locations next year, but these will be exceptions. Another task Montenegro has to fulfil regarding Chapter 10 is digitalization of its film heritage. In a word, RTCG will have to take its tapes out of the archive and digitalize all recordings. According to Vasiljević, this task will not only require inevitable financial resources, but also enthusiasm and knowledge of specific technologies possibilities. and Montenegrin audio-visual heritage, he said, is not exactly extensive. "Mass production in the proper sense of the word is relatively "contemporary" and there is no need to restore the recordings. The contemporary society requires digitalization of all archives, the written ones as much as audio and video recordings", he said. Drobnič recently noted that during negotiations on Chapter 10 alignment and implementation of the laws will be essential, and that the Parliament is expected to play a very important role. "This means development of a legal framework that will ensure independence of two key regulatory agencies - Agency for Electronic Communication and Postal Services and Agency for Electronic Media (AEM), Drobnič explained. He added that the Commission will be monitoring carefully implementation of audio-visual directives which had already been incorporated into the Law on electronic media. "You will also have to strengthen the capacities of AEM, as this is the only way to ensure adequate monitoring of all electronic media in the country, 24h a day", Drobnič said. He added that Montenegro will also have to find a way to strengthen the financial independence and sustainability of the public broadcaster, RTCG. "A well-functioning public media service is one of the key elements in

ensuring media pluralism", Drobnič said. The question of objective reporting by RTCG, which most international reports still find to be biased in favour of the ruling parties is sure to feature high on the agenda during the upcoming negotiations with EU. So is the problem of financing of the public TV, which is almost permanently in red and struggling with excess labour force.

### Remove all causes of doubt of AEM's independence

Deputy director of the Agency for Electronic Media (AEM) and member of the Working group for the preparation of negotiations on Chapter 10, **Jadranka Vojvodić** says that



in the course of screening for this chapter a lot of attention had been dedicated to the position of AEM as the independent regulatory agency for audio-visual media services.

The EC reiterated its findings that the "Montenegrin legislation has been largely aligned with the Directive on audio-visual media services", which represents the core of acquis when it comes to audio-visual policies. It can be expected that the EC will continue to monitor our progress in the implementation of Directive on audio-visual services, including respect for and protection of the financial

and operative independence of AEM and the progress achieved regard adequate implementation of the current media legislation. Montenegro needs to provide sufficient administrative capacities to ensure implementation of the said directive", Vojvodić told *European Pulse*.

As for the specific conditions and deadlines Montenegro must meet, Vojvodić says the answer is already in the Progress Report for 2012, which says that "additional staff had been hired to improve administrative capacities of AEM, but its sustainability and the capacity to monitor the media remain a cause of concern. Recent amendments to the Law on electronic media have cast doubts on the independence of this regulatory agency... These amendments, which require AEM to submit its operative and financial plans and reports for Parliament's approval are clearly undermining the Agency's independence".

"Montenegro is expected to do everything in its powers to remove the reasons that have "cast doubt on the independence of AEM". Accordingly, I expect the Government and/or the Parliament to start preparing for adoption of the necessary legal changes as soon as possible in order to remove this shortcoming in the regulatory framework. Also, I hope we won't have again such a case of hasty legal changes which are brought in without consultation or public discussion and which could "cast doubts" on AEM's independence in the future", Vojvodić said.

Kristof Bender, deputy president of the European Stability Initiative (ESI)

# EU could directly ask you to arrest the big fish



During negotiations with Montenegro, the European Union (EU) will insist on results of the fight against organized crime and corruption, and at some point during negotiations Podgorica might be asked directly to arrest the big fish, said Kristof Bender, deputy president of the European Stability Initiative (ESI). In the interview for European Pulse he said that the rule of law will be among the key issues during negotiations. "In the past examples of countries undergoing the process of European integration, anti-corruption and fight against organised crime were just some among the many priority areas. In the cases of Bulgaria and Romania, the question of the rule of law came up at the very end of the negotiations. Now the situation is different, this is an issue the negotiations begin with. Montenegro, as well as all other countries which are yet to begin the accession talks are aware that this will be the top priority and they have a more difficult task because this issue will stay with them from the beginning to the very end of negotiations. Some

The rule of law is when the state shows it is ready to investigate serious charges, take them to the courts and respond with verdicts. And do all this without political pressure from any side

EU member states have a strong interest in resolving such problems and will remain focused on it. This is why Montenegro has to prove it is working on improving the rule of law, or it risks stalling the negotiations", Bender said.

» Does this mean that Brussels will insist on the arrest of the so-called "big fish", to show that the Government is truly dedicated to eradicating organized crime and corruption?

This is very likely. In fact, in the case of Croatia it was an explicit message the EU gave to Jadranka Kosor towards the end of negotiations.

» Will Brussels insist on specific names, or will it simply ask the Government to show it is ready to arrest people on the highest level?

I don't want to believe that Brussels insists on specific names, they are rather looking for some tangible results. The rule of law is not when I, you, or some politician think of large criminal networks and their links to the public officials. The rule of law is when the state shows it is ready to investigate serious charges, take them to the courts and respond with verdicts. And do all this without the political pressure from any side.

» Montenegro is increasingly receiving foreign investment from countries such as Azerbaijan and Russia, while the capital from EU countries is very scarce, often accompanied by warnings that the country cannot provide legal security to investors. What is your opinion?

I wouldn't put it in such terms, because after all some EU members are investing in countries



where there can be no mention of democracy.

Europe is very present in Montenegro through the banking sector, but when we talk of investment is more important to see how much is being invested than who is investing.

You can't say all European investment is impeccable, because there are Austrian companies which operate in less than legal ways, while not all Russian investors are keen on breaking the law. However, I would refrain from drawing conclusions, since I don't know enough about the situation.

#### » How would you comment on Croatia's problem with EU concerning the case Perković? Will it affect the attitude towards EU in the West Balkan countries, or the other way around?

I would rather not comment specifically on the "Perković" case and the controversies it generated. However, if we talk about the attitudes in the countries of this region toward EU, most citizens are convinced that EU means good things.

After the economic crisis, the situation in the Union changed. Before, negotiations meant an influx of new funding, GDP growth, higher wages – like it happened in Bulgaria and Romania.

The example of Croatia showed that this is not the case any more, and it is more difficult for the people to see the advantages of membership, but it is more difficult to the politicians to convince the voters of the benefits.

However, in spite of the current situation, it is clear that the EU remains very powerful and very attractive to the West Balkan countries.

#### » Why is that?

Just look at Serbia. A government with such a political background is ready to tackle Kosovo, which used to be a taboo in Serbia, just to accelerate the process of integration.

It only goes to show that the attractiveness and power of EU are still unquestionable.

Sa.K.

### The beginning of negotiations with Serbia is great for Montenegro

# » After Croatia, the next country to join the EU will have to wait at least a decade. Does this slowdown signal a negative message for the countries of the region?

It is very important to note that Montenegro is negotiating, and this is important for the whole region. If no country in the Western Balkans had began the process of accession talks when Croatia joined, this would be a bad sign for the whole region. There would be a feeling that nothing is moving, but fortunately Montenegro shows this is not the case. It would be good if another country were to start negotiation, because it is difficult to negotiate on your own. This was the case with Croatia, and it could also happen to Montenegro. It's like running a marathon alone. There is nobody to compete with, and you have to be extremely motivated to keep running until the finish line. It is much better if there's somebody else running alongside, because it shows you how good or bad you are. It is also much better for the media and the civil sector, because they can pressure the authorities by pointing to the example of the competitor.

#### » Could that change if Serbia begins negotiations?

That would be great for Montenegro as well. The more countries negotiating, the better it is for the whole region, and for Montenegro too.

#### Life without a bank account



More than 90 million people in Western Europe have no bank account, or is only sporadically using banking services. The EU has a little over 500 million inhabitants. Those

without access to the banking services, or with only a limited access are typically above 40, and there are a little more likely to be women. Excluded from the financial circuits they pay their bills in cash, and as a reason for not having a bank account they usually list lack of money, no need for a bank account, or lack of trust in the banks.

# Demand for medical staff despite crisis



The latest European vacancy monitor confirms that the demand for health workers in EU is increasing. Between 2008 and 2012, employment in the EU health sector grew by almost 2% every year, a combina-

tion of the effects of aging population, technological improvements, greater expectations of the citizens when it comes to the quality of healthcare, and more attention to prevention. Only in 2012 the healthcare in EU employed almost a million people. Following the medical staff on the EU's most wanted list of professionals are programmers and analysts, administrative and specialised secretaries, miners, foremen in manufacturing and construction and teachers. "European vacancy monitor allows us to identify the sectors which offer best employment opportunities. It also helps the governments to decide where to invest more into training in order to avoid skill shortages. The latest report confirms that the health sector is one of the areas with the highest employment potential in Europe, and that we urgently need to invest more into training in this field", said the European Commissioner for employment, social affairs and inclusion László Andor.

# Exit from EU would be bad for business

Eight out of ten UK companies think that the country's exit from EU would be bad for their businesses. The companies believe it

would endanger their trade with the European markets, as well as their ability to find skilled labour force. The discussion of an end to the 40-year long relationship between the UK and EU has intensified in January, when the UK Prime Minister David Cameron announced that he will negotiate a new role for UK in Europe and announced a referendum by 2017 where the voters will be asked whether they wish to stay in the EU or not. Out of 415 firms surveyed by the You-Gov opinion poll agency, 78% think that remaining in the EU would be in their best interest. 10% believes they would be better off without EU, while 12% could not decide. Another poll, published on 10 September, showed that if the referendum was to be held today, 43% of the UK citizens would opt to leave the EU, while 39% would choose to stay in the Union.

# Romania allows canine euthanasia

Romania approved a law which allows euthanizing stray dogs, if within 14 days from the capture no owners shows up to claim the ani-



mal. In Bucharest, a city of 1.7 million people, there are an estimated 40 000 stray dogs, and their fate is a matter of considerable controversy in Romania. The controversial law was approved by 266 MPs, with 23 voting against and 20 abstaining. While the Parliament was in session, several hundred protestors gathered in front of the building. The law was adopted a week after a child that had been bitten by stray dogs in the vicinity of a Bucharest park passed away. Romania already had a similar law which allowed for euthanasia of stray dogs but the law was found to be unconstitutional in January 2-12. The problem of stray dogs in Romania dates back to the 1980s when the then dictator Nicolae Ceaușescu ordered parts of Bucharest to be destroyed. Family houses disappeared, to be replaced by apartment blocks in which there was no place for dogs.

How much did the top public officials earn in 2012 (part 11)

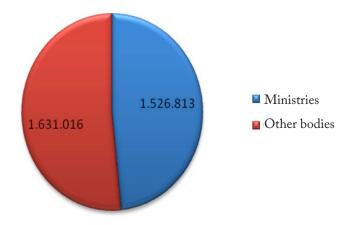
# Still hiding the information



Vladimir Vučković

In the course of 2012, leading officials in public administration bodies (41 out of 45 bodies which responded to the data requests) received, in net wages and other compensations and bonuses € 3 157 829 from the Budget of Montenegro, according to the data colleted by CCE according to provisions of the Law on free access to information.

The total amount of net wages paid to top officials in the ministries in 2012 was € 1 171 344, the largest amount of which went to the Ministry of Foreign Affairs and European Integration (€ 215 142, or 18.37% of the total), followed by the Ministry of Interior Affairs (€ 101 937 or 8.69% and Ministry of Economy (€ 97 871 or 8.36%). The least amount was allocated to the Ministry without Portfolio (€ 12 696 or 1.08%), Ministry of Human and Minority Rights (26 158 or 2.23%) and Ministry of Science (€ 28 590 or 2.44%). There was a big difference in the amounts received by individual ministers – between € 8 929 and € 29 556 for the whole year, i.e. € 744 and € 2 463 in monthly income, which includes net wages as well as other forms of compensation.

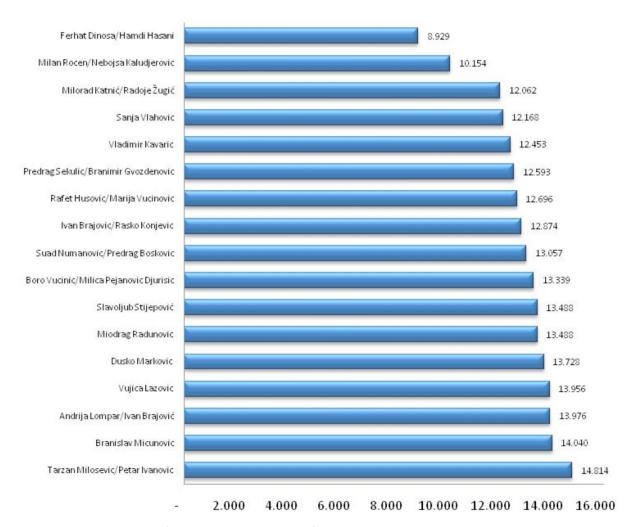


Total amount paid as wages and other compensation to the leading officials of Montenegrin ministries and other administrative bodies from the public budget

The amount allocated to the wages of other top officials (heads of public directorates, agencies, and bureaus in the Government of Montenegro) in 2012 was € 1 482 127, out



of which the highest amount was paid to the Police Authority (€ 281 717), followed by the Directorate for Transport (€ 125 333) and Human Resource Office (€ 94 660). The lowest amount went to the heads of the Directorate for Public Procurement (€ 16 234), Directorate for the Protection of Cultural Heritage (€16 595, or 1.12%) and the Tobacco Agency (€ 27 227). As for other forms of compensation, paid for the leading officials' participation in various working groups, committees, engagements in education and work in other public bodies, these amounted to altogether € 504 359 - € 355 470 for the ministries, and € 148 889 to the officials of other administrative bodies. The data indicate a huge discrepancy in wages and other income of leading public administration officials, even among those who nominally hold the same rank. Such discrepancies would be very hard to justify with reference to objective differences in the amount of effort and responsibility. Rather, it would



Overview of wages and other income of the ministers in 2012.

appear that the leading officials use every opportunity to increase their income where possible, without obvious criteria or consideration of frugality. This is especially the case for precisely those institutions which often call on others to limit public spending.

Citizens of Montenegro must have information about the total level of compensation received by the leading officials in public administration bodies, not only of the top functionaries, and should be informed about the criteria used to allocate these payments. After all, the money comes from the taxpayers' pockets, and these officials are appointed to work in their best interest. There is no reason that this information should not be publicly available on the websites of each public agency, which is one of CCE's

recommendations. Public access to this data can be a powerful corrective to the potentially subjective reward criteria in public administration, as well as a way to motivate dedicated and hard-working employees to advance in the hierarchy based on merit and effort, and not by other means.

Finally, detailed information about the income of leading public officials, if made available to the public, would allow the citizens to compare their earnings to their everyday lifestyles. This could be the most effective mechanism to prevent corruption in public administration.

# Chapter 9: Financial services



doc. dr Jelena Žugić

Financial services are extremely important for the proper functioning of European Union's internal market. During the negotiations, the future EU member state is expect to harmonise its regulations in the field of financial services with those of EU, and begin to implement them. The regulations concern banking, insurance, pensions, supplementary investment services and securities markets, as well as the infrastructure of the financial market. In addition to regulating business activities in these areas, this chapter also incorporates monitoring of financial services, protection of consumers, as well as the mode of cooperation between different bodies responsible for the oversight of financial markets. At the moment, the level of alignment of the Montenegrin legislation with EU acquis varies between different areas of financial

services. Montenegro has made a lot of progress with regard to banking, but is still far from full harmonization when it comes to insurance, pension funds, financial market infrastructure, as well as in investment services and securities. In



banking, one of the first requirements is adoption of the so-called Basel II set of regulations, which have been adopted by Montenegro. These regulations concern the amount of basic capital that must be set aside by the banks to enable them to properly respond to the potential financial and operational risks. The Basel standards aren't legally binding, but they constitute best practices, as recognized by audit companies from all over the world, which agreed to apply these standards in their countries. In addition to Basel II, in May 2011 Montenegro adopted a set of regulations implementing the Directive on Capital Requirements, which stipulate the minimum levels of equity, ways to alleviate credit risk, overexposure, protect the banks against defaults by partners and the issues concerning the relationship between home and host states. Montenegro also made some progress with regard to ensuring financial stability, implementing measures which are in accordance with EU acquis and best practices. In September 2010, it





created the Financial Stability Council, as an advisory body whose task is to maintain financial stability and improve the framework for cooperation between three regulatory agencies: the Central Bank, Insurance Monitoring Agency and the Securities Commission. Cooperation between various bodies in charge of financial markets is of great importance for EU, as its main goal is to preserve the stability of the common financial markets. After accession to EU, Montenegrin financial institutions will also participate in the preparation of regulations for the common financial market. In this context, more progress was achieved in strengthening the oversight role of the Central Bank, improving its internal organization and administrative capacities, as well as the flow of information between the Central Bank and other bodies. However, more effort will be needed in this field in order to fully satisfy EU's requirements. Some progress was also made in the implementation of the deposit protection scheme. In 2012, the guarantee on deposits was set at 35 000

euro, to be gradually increased to 50 000 by 2013, but the law o deposit protection still needs to be fully harmonized with acquis. Among the requirements which are still to be implemented is the clause that the deposits should be exempted from the guarantee in case of court decision that they derive from criminal activities. Also, at the moment there is no adequate alignment between Montenegrin and EU regulations concerning regulation of electronic banking. During the course of negotiations, it is expected that the EU will demand that Montenegro adopts and implements the relevant EU acts in order to improve protection of the customers who use their bank cards on a daily basis. Further, Montenegrin legislation does not recognize the institution of financial conglomerates, which is mandatory under EU rules, and it is yet to be seen how this issue will be resolved in the course of negotiations. Montenegro did relatively little to align its legislation in the area of insurance and pensions. With regard to insurance, it is still conducting preliminary activities to amend the Law on insurance and the Law on mandatory insurance in transport in order to harmonise them with EU acquis. For instance, Montenegro prepared the draft Law on mandatory insurance in transport, which raises the amounts to be paid by insurance companies for incurred damages. According to the draft, in case of death, injury or health damages, the lowest possible amount of the compensation should be 750 000 euro for busses and trucks and 550 000 for personal vehicles. According to the draft, these provisions should come into force from the day Montenegro joins EU. European legislation in this field stipulates very high levels compensation, and requires an effective system of claiming payment from insurance companies. As for the types of insurance available, Montenegro makes a clear distinction between life and nonlife insurance, but does not differentiate

between different types of insurance within these two categories. This is a problem, because the EU acquis envisages a wide range of various types of insurance. At the moment, Insurance Oversight Agency does not have adequate human resources to cover this area. For instance, the Agency does not employ a single actuary (expert for implementation of various statistical methods, probability calculations and financial math in the domain of insurance, insurance securitization and investments and financial management). There are also no institutions which would provide training for actuaries, who are thus forced to acquire training and licences in other countries of the region. Generally, Montenegrin insurance market is at a very low level of development, which is best illustrated by the fact that there are no rules concerning insurance and means of electronic commerce, nor long-distance

trade of insurance contracts. Moreover, at the moment insurance companies from EU cannot set up branches in Montenegro unless they establish a full daughter company that is locally registered. During the negotiations, the EU will surely require that these obstacles should be removed. As for the pension funds, Montenegro is yet to align its legislation with the acquis in a way that would require employers to pay a fraction of the employee's gross wage directly to the so-called employee funds, thus avoiding the problem of unpaid contributions. In the area of securities and investment services, Montenegro made very little progress. It still lacks regulations on investor compensation schemes and credit rating agencies.

EU membership will have a positive effect on the citizens, as well as on business, investors and generally all participants in the financial markets. Offers of new types of services will increase competition and innovation, especially when it comes to the products of insurance companies and banks. Special attention will be dedicated to consumer protection, providing them with better information about the available financial services – from credit to insurance and investment opportunities in securities and investment markets.

Although the economic crisis has forced most EU countries to raise the retirement age, there is no common retirement age limit in the EU, and every member state can decide on its own. For example, women in Slovakia can retire already at 55, whereas in France the limit is 68.

Source: publication "Europe in my town – what are we negotiating and what the negotiations with the EU are brining to us?", published as part of the project "Europe in my town", which was implemented by the Centre for Civic Education (CCE) during 2011 and 2012, in cooperation with the Centre for Monitoring (CEMI) from Podgorica and Civic Initiatives (CI) from Belgrade, with the support of the EU Delegation in Montenegro.

Analysts: Don't expect leap in German EU policy

# Merkel stays on the beaten track



Analysts say it would be wrong to expect a bold leap forward in the German leader's Eurozone strategy, even if **Angela Merkel**'s CDU/CSU does end up, as expected, in a coalition with the staunchly pro-European Social Democrats (SPD), giving her a dominant majority in parliament. Merkel has emerged from recents German election with the closest thing to a governing mandate since Helmut Kohl rode to victory in 1990 on the feel-good wave of reunification. But despite the enormous support she enjoys at home, in the EU matters Merkel still faces many constraints - from the German Constitutional Court, to British euroscepticism and French resistance to EU treaty change. It all suggests that the new-old chancellor will likely continue to press ahead with closer integration of Europe in the cautious, consensus-driven way that has become her hallmark. That will mean a continued shift away from the federalist approach

But despite the enormous support she enjoys at home, in the EU matters Merkel still faces many constraints – from the German Constitutional Court, to British euroscepticism and French resistance to EU treaty change. It all suggests that the new-old chancellor will likely continue to press ahead with closer integration of Europe in the cautious, consensus-driven way that has become her hallmark

that German governments promoted for decades to a more a la carte, intergovernmental style that is acceptable to Paris, London and voters at home. "There has been a cultural shift," said Jan Techau of the Carnegie Europe think-tank. This does not mean an abandonment of Berlin's ultimate goal of a more united Europe, as British Prime Minister David **Cameron** seems to be hoping after recent comments by Merkel that she may seek to pull powers back from Brussels. The thrust of her strategy, according to aides, remains to push slowly but surely towards a more integrated Europe, while ensuring constituents at home and partners abroad stay on board. "Stabilising the euro, making Europe more competitive and ensuring the parts are in place to prevent future crises this will be one of the absolute top priorities in a new term," a senior Merkel aide told Reuters. "The debate of the past years has been about what powers can be transferred to Brussels. Now Merkel is talking about taking some powers back. But she means something different than the British." Merkel gave some first clues about her European priorities on Monday, a day after polling 41.5%, nearly enough to give her conservatives the first absolute majority in parliament since Konrad Adenauer

half a century ago. She described it as a "very strong vote" for a united Europe, a message that will be music to the ears of her partners in Paris, Brussels, Athens, Lisbon and Madrid - who are eager for Berlin to spell out a vision for the bloc. The flip side is that Germany's image of a united Europe does not always match that of its southern partners. Mutualisation of debt remains an absolute taboo for Merkel. Even the SPD, with whom she could start preliminary coalition talks in the coming weeks, has stopped talking openly about the need for common euro zone bonds or a debt redemption fund, ideas its leaders promoted at the height of the crisis. The big question is how she will behave on banking union, Europe's most ambitious current integration project. Until now Finance Minister Wolfgang Schäuble has insisted that without treaty change, Europe must stick to less-ambitious "timber-framed" approach, that largely shields German taxpayers from the risks of foreign banks. But Daniela Schwarzer of the German Institute for International and Security Studies sees scope for a softening now that the election is out of the way. "I don't think the German government will give up on the goal of treaty change, but it could agree to move on banking union before that has been achieved," she said, citing the so-called "fiscal compact" treaty on budget discipline, which went ahead on condition it be written into EU law within five years. Merkel announced that her integration push will focus on boosting European competitiveness code for making southern laggards more like Germany, with less protective labour markets, later retirement and less generous jobless benefits. "Ten to 12 years ago we were the sick man of Europe and reforms helped turn us into a stability anchor. What we achieved in Germany, others can do too," Merkel said. "This election gives me a chance to continue pushing Europe down this path." Berlin aims to pursue that

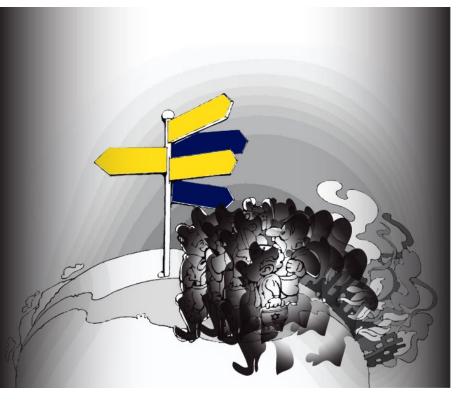
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goal by making laggards enter into binding contracts with EU authorities, enforceable in the European Court of Justice. But her approach may offer too small a carrot and too big a stick to win acceptance. Merkel dodged a bullet in the election, when a new anti-euro party, the Alternative for Germany (AfD), narrowly failed to make it into the Bundestag lower house. But the AfD will continue to make noise in the run-up to European Parliament elections in May which are expected to deliver strong gains for eurosceptic parties on the far left and right of the political spectrum around Europe. In October, the German Constitutional Court will rule on the legality of European Central Bank President Mario Draghi's so far unused bondbuying programme, the announcement of which calmed financial markets last year, stabilising the euro. Should the court continue to limit on closer integration, Merkel may feel compelled to examine changes to Germany's "Basic Law", an idea which both the SPD and Schäuble have supported. A 'grand coalition' would make such change easier to push through. But the area in which the SPD may have the most influence, Schwarzer believes, is on domestic economic policy, by convincing Merkel to plough more public spending into infrastructure, research and development, and education. "This could boost the economy, fuel demand and help the euro zone to rebalance," she said.

Source: EurActiv

Should we worry about European Parliament's decision to temporarily suspend the visa-free regime

# Headaches with the asylum seekers



In mid September the European Parliament adopted the proposal introducing a mechanism of temporary suspension of the visa-free regime for the citizens of third countries, including Western Balkans, in case of abuse of the freedom to travel. Supported by the majority of MEPs (328 for vs. 257 against), the mechanism of temporary suspension of visa-free travel for third countries became part of the EU's visa system. The European Commission, which formulated the proposal two years ago in response to the demands by some member states, welcomed the adoption of the rules which will allow EU to temporarily re-introduce visas for a particular third country, "in exceptional circumstances, and after a thorough investigation by the Commission". According to the newly adopted mechanism, visas could be reintroduced if the number of false asylum seekers from a certain country suddenly increased by more than 50% over a period of six months.

Good or bad?

Stressing that this mechanism developed for any particular country or region, EU Commissioner for Home Affairs, Cecilia Malmström stressed that the suspension of visa-free travel will only be used as the "last resort" in urgent circumstances caused by abuse of liberalized travel regime. "I hope that we will never have to use this mechanism. I also trust that the possibility for recourse to this "safety break" will increase the trust of the member states in our visa regime and in the future of visa liberalisation. While the European Commission insists that it remains "committed to the visa-free regime for third countries", the Social Democrats in the European Parliament see the mechanism of temporary suspension as a means of compromising EU's visa policy as a whole, as well as its overall relations with its neighbours. "The mechanism of temporary suspension of visa-free travel is a potentially dangerous and bad measure, especially for the West Balkan countries", said the rapporteur for visa liberalisation Tanja Fajon. "The option to freeze visa-free travel would have grave consequences also for the enlargement process and would strengthen the anti-European sentiments and intolerance towards minorities, who are the most frequent applicants for asylum status", Fajon explained. She adds that although West Balkan countries need to invest more effort to improve the living conditions of Roma population, "the level of Roma integration in Serbia and Macedonia is higher than in some EU member states". Fajon, whose motion was also supported by the MEP from the Greens, Daniel Cohn-Bendit, asked that the vote on the resolution should be postponed and the resolution reconsidered, as in its current form it deprives the EP of some of its powers. The MEP who initiated the vote on the resolution, Agustín

Díaz de Mera, rejected these accusations, saying that this mechanism does not mean that the EP has relinquished its powers granted to it by the EU's founding document, the Lisbon Treaty, because it only allows the Council of Ministers to suspend visa-free travel arrangements temporarily, while a full return of a country to the "black Schengen" list would still require the agreement of the Parliament.

#### The procedure

The new mechanism allows an EU member state to report abuse of the visa-free travel by citizens of a specific third country. The European Commission then follows the report with an investigation and if it ascertains that there are good reasons to return the country to a "black Schengen zone", it can propose the Council of EU to suspend visa-free agreement for a period of six months. If the problem persists, the visa requirement could be extended for another nine months. As the last resort, if no change occurs, the European Commission could, with the agreement of a majority of EU members, and following an endorsement of the measure by the European Parliament, put the country in question back on the "black Schengen list". Another potential danger for the citizens in West Balkan countries lies in the clause which allows EU member states to include in its request to reintroduce visas the problems it may have experienced with the third country in question in the previous seven years. The resolution will now be passed to Council of EU ministers for justice and home affairs, which is to vote on it at its next session in October. If they endorse the motion, it will come into force as soon as it is published in the EU's Official Journal.

#### The danger of populist forces in EU

The EU politicians who fervently propagate the enlargement and neighbourhood policies worry that the possibility to reintroduce visas will be abused for political purposes. "There is no direct danger today that visa-free travel for the West Balkan countries would be suspended. The number of the so-called "false asylum seekers" is still high, but lower than last year. The European governments should not have a reason to suspend their visa-free arrangements right now. However, there is a danger that the mechanism could be used by the nationalist and populist forces in Europe as a "political device" to garner the domestic vote", Fajon said.

#### The current situation

According to some MEPs, six EU member states would already want to apply the safeguard mechanism to one of the West Balkan countries, with Bosnia and Herzegovina usually singled out as the most likely victim. At the moment, however, it would be hard to trigger the mechanism, especially as the latest report of the European Commission, compiled on the basis of the data submitted by EU member states, shows that in January 2013 the number of persons from the West Balkan countries who in some way abused the visa-free travel rule and applied without any reason for political asylum has fallen by 44% compared to January 2012. The last official data, from the first quarter of 2013, show Kosovo as the sixth most common source of asylum applications in EU, with 3 380 applicants, followed by Serbia with 3 330. Montenegro isn't even among the top 20 countries according to the number of asylum-seekers, neither for EU overall nor for any individual member state, except for Luxemburg. With 20 asylum applications this year, Montenegro is the third most common source of asylum seekers in this tiny EU member. False asylum seekers from the Western Balkans are usually trying to get material benefits stipulated by the asylum application procedures in Germany, Sweden, Belgium, Luxembourg, as well as Switzerland, which is not a member of EU but is covered by the "Schengen" visa policy.

Prepared by V.Ž.

# "I support RECOM" action to commemorate the Peace Day

Centre for Civic Education (CCE) organized the action "I support RECOM" on International Peace Day, 21 September, on behalf of the Coalition for RECOM. The action attracted a large number of citizens. Simultaneous actions were organized in Zagreb, Ljubljana, Belgrade, Sarajevo, Prishtina, Skopje and Banja Luka, in order to remind the public of the importance of effective reconciliation with the past, and the need to establish a Regional Coalition to investigate facts about war crimes and other violations of human rights on the territory of former Yugoslavia in the period 1991-2001 (RECOM). This action continues the efforts of the Coalition for RECOM to promote the importance of the establishment of RECOM, and insist on the need to reveal the facts about all war crimes as the only way to fully acknowledge the victims and thus pave the way for a lasting peace and trust and avoid repetition of such crimes in the future. Many young people participated in the action, paying respect to all victims of the wars which took place on the territory of former Yugoslavia. Citizens of Podgorica also had a chance to learn about the progress of the initiative for RECOM, its plans for the upcoming period, and to participate in writing down messages of peace. The organizers used the occasion of the International Peace Day to remind post-Yugoslav societies that the war crimes and their victims must not be forgotten, and that respect for the victims, as well as personal civic responsibility demands that we should all work to build lasting peace and security for future generations.





### The youth learns about reconciliation with the past

As part of the regional project Education for Human Rights and Active Citizenship in the Western Balkans, of which Centre for Civic Education is an active partner, a regional school of human rights was organized in Bosnia and Herzegovina between 25 and 30 August. The participants had a chance to visit Sarajevo, Konjic, Foča, Srebrenica, Višegrad and Bijeljina, and learn about the events of the war in BiH between 1992 and 1995, especially those which involved severe violations of human rights. They also spoke to the witnesses and victims about their experiences, and discussed the causes that led to such events, culminating in mass violations of human rights. They also met with the representatives of the International Criminal Tribunal for Yugoslavia and youth organizations from Srebrenica and Višegrad who are endeavouring to rebuild peace and coexistence in BiH. Regional human rights schools organised two or three times every year, usually focus on a single topic, selected in accordance with the needs of the young activists. The participants of this school came from BiH, Croatia, Kosovo, Serbia and Montenegro, among whom were members of the CCE Youth Group: **Dejana Pejović**, **Stefan Boljević**, **Andrija Klikovac**, **Vladislava Radović**, **Luka Vukašinović** and **Mirha Tahirović**.

### Inter-generational learning for active European citizenship

The kick-off meeting for the project "Inter-generational learning for active European citizenship", in which the Centre for Civic Education (CCE) participates together with partner organisations from France, Italy, Slovenia, Bulgaria and Sweden was held on 18 September 2013 in Marseilles, France. The project is financed through the European Union's programme "Europe for citizens". At the kick-off meetings, partner organisations discussed future activities in detail, and divided responsibilities among themselves to ensure that every phase of the project will be successfully implemented in all participating countries. The project aims to forge a common platform for younger and older generations to foster intensive exchanges about the influence of European Union's policies on the everyday lives of people in these countries, and to initiate inter-generational dialogue on the importance of adoption of European values. Through a series of national presentations and workshops, the participants will share their experiences with the process of European integration and learn how to best exploit the opportunities offered by EU. The main partner in the project is the *Centre of initiative for Europe* from Torino. Other partners are *Eurocircle* from Marseilles, *International platform for Citizen Participation* from Plovdiv, *Socijalna akademija* from Ljubljana, *Vimmerby folkhogskola* from Vimmerby and *Centre for Civic Education (CCE)* from Podgorice. CCE was represented at the kick-off meeting by Mirela Rebronja, CCE programme coordinator.

### Regional network for monitoring of judiciary

At the meeting of the Coalition for Equality, KORAK, which was held on Friday 27 September 2013 in Belgrade, the participants agreed to form a network of civil society organisations, institutions and media from Serbia, Montenegro and Kosovo, whose goal will be to monitor and cooperate with national judiciaries on issues of discrimination, and thus contribute to a more effective implementation of antidiscrimination policies in Serbia, Kosovo and Montenegro. Druing the conference the participats share their experiences in the doman of protection and promotion of human rights and anti-discrimination, especially with regard to the rights of LGBT population and the place of women in public and political life. The participants from Montenegro were: Petar Đukanović, CCE programme coordinator; Tamara Milaš, CCE programme associate; Stevan Milivojević, executive director of LGBT Forum Progress; Maja Raičević, executive director of the Women's Rights Centre; Dina Knežević, advisor to the Ombudsman for human rights and freedoms; Andrea Božić from the Human Rights Action; Biljana Alković, executive director of the Institute for Social Inclusion; Velibor Bošković, project manager in the Association of Montenegrin Youth with Disabilities; Daliborka Knežević, lawyer for the Centre for Anti-Discrimination EKVISTA and Boško Nenezić, CEMI programme manager. KORAK is a coalition of non-governmental organisations from Serbia, Montenegro and Kosovo, whose aim is to combat discriminaion at the regional level. Members of KORAK are: Committee of Lawyers for Human Rights – YUCOM; Belgrade Human Rights Centre; CHRIS Network and Gay-Straight Alliance from Serbia; Centre for Civic Education (CCE) and LGBT Forum Progress from Montenegro; Humanitarian Law Centre Kosovo and Youth Initiative for Human Rights from Kosovo. The members are currently working to implement the project "Civil Society Networking on Critical Human Rights Values in Serbia, Montenegro and Kosovo", with support of the European Commission.

### Third meeting of the Regional Political Academy

Friedrich Ebert Stiftung and Foundation for Development of Social Democracy New Society organised another meeting of the Political Academy in Opatija (Croatia), which brings together participants from Croatia as well as one representative each from Montenegro, Serbia, Bosnia and Herzegovina and Macedonia. Lectures, workshops and discussions at the Political Academy are directed towards better understanding of political relations and public policies in the political systems of Croatia and European Union, and towards elaboration of new instruments for a more successful public political involvement. This particular session focused on the definition of neoliberalizm and its impact on the citizens' everyday lives, as well as the relationship between feminism and political economy, social policy in relation to women, and the rule of trade unions. Montenegro's only representative at this session of the Political Academy was Damir Nikočević, PR and programm associate in the Centre for Civic Education (CCE).

### Uljarević at the international conference of political science students

Montenegrin Association of Political Science Students (MAPSS) organised between 27 September and 1 October the VI International IAPSS (International Association for Political Science Students) conference of political science students, on the topic of global political economy challenges. As part of the conference, on 29 September a seminar took place in Budva where the executive director of Centre for Civic Education (CCE), Daliborka Uljarević spoke about the importance of European integrations and the challenges facing Montenegro and the region. 60 students from 13 countries from all over Europe and the world had a chance to attend presentations by representatives of Montenegrin institutions, political parties and NGOs, as well as representatives of Montenegrin and foreign universities, relevant European institutions, foreign representations etc. In addition to lectures and workshops, the participants took part in the informal programme during which they visited Montenegro's tourist and cultural sites.

#### Youth in 2020 – the Future of Youth Policies Conference

The partnership between the European Commission and the Council of Europe in the field of youth policy – the EU-CoE Youth partnership organizes the Conference "Youth in 2020 – the Future of Youth Policies", to be held 1-4 October 2013 in Budapest, Hungary.

This conference has the vocation to contribute to furthering constructive reflection in the above mentioned directions, in the midst of the implementation of the institutional strategies, the EU Strategy for Youth "Investing and Empowering" and "Agenda 2020" describing the future of the Council of Europe youth policy. It will discuss trends and challenges in the youth field in Europe and their possible implications for European youth policy, youth work and research. The debates will focus on what the perspectives and scenarios for young people are until 2020, providing an opportunity for exchange of research findings and knowledge from youth policy and practice, discussing emerging phenomena and trends, mapping developments in selected areas of interest concerning young people such as learning, work, health, inclusion, citizenship, identity / lifestyles, diversity / solidarity, mobility, housing & family, crime & justice. It will consider the political and social dimensions and implications of the existing and emerging societies of knowledge and information, risk society (inclusion – exclusion), global and sustainable societies (think global – act local), intercultural and civil societies.

155 participants from research, practice, policy from all over Europe and beyond, in particular from the regions of South-East Europe, Eastern Europe and South Caucasus, and South Mediterranean region will participate in the event. Majority of participants will be youth experts and young people, but a certain number will come from beyond/outside of the youth field: employment, education, health etc.

Travel and full board for all participants, expert contracts, preparatory costs, promotional and logistical costs will be covered by the EU-CoE youth partnership.

Deadline for applications: 18 August 2013.

Read more: http://youth-partnership-eu.coe.int/youth-partnership/news/News\_414.html

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Address: Njegoševa 36/I Tel/fax: +382 20 665 112, 665 327 ep@cgo-cce.org, info@cgo-cce.org You can download European Pulse at **www.cgo-cce.org** or subscribe to our monthly e-mail by contacting **ep@cgo-cce.org** 



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