Closing Benchmarks under Chapter 24:

The Fight Against Organised Crime

Montenegro's Priorities for Meeting the Closing Benchmarks in the Fight Against Organised Crime



CEMI
CENTAR ZA MONITORING I ISTRAŽIVANJE

Closing Benchmarks under Chapter 24:

The Fight Against Organised Crime

Montenegro's Priorities for Meeting the Closing Benchmarks in the Fight Against Organised Crime

Center for Monitoring and Research – CeMI
Bul. Josipa Broza Tita 23a
E-mail: info@cemi.org.me
www.cemi.org.me

Editor:
Zlatko Vujović

Authors:
Zlatko Vujović
Gordana Mitrović

Year of publication:
2026

Kingdom of the Netherlands

Note: The content of this report is the sole responsibility of CeMI and can in no way be interpreted as the official position of the Embassy of the Kingdom of the Netherlands.

Contents

Executive Summary **4**

1. Montenegro's Performance in Combating Organised Crime: From Interim to Closing Benchmarks **6**

2. From Institution-Building to Measuring Results: A Change in How Progress in EU Negotiations Is Assessed **9**

3. Closing Benchmarks in the Area of Organised Crime: Key Challenges for Montenegro **11**

4. Assessment of Compliance with the Closing Benchmarks Based on the European Commission's Latest Non-Paper **13**

4.1 Legal and Strategic Framework – The Final Stage of Alignment 13

4.2 Track Record of Investigations and Final Convictions – The Key Challenge of the Final Phase 14

4.3 Financial Investigations and Asset Confiscation – Progress Made and the Challenge of Permanent Confiscation 16

5. Conclusions and Recommendations **18**

Executive Summary

The positive Interim Benchmarks Assessment Report (IBAR) marked one of the key milestones in Montenegro's European Union accession process. In the area of combating organised crime, the IBAR confirmed that, during the negotiations, Montenegro had developed a substantial part of the institutional and legal framework, as well as the technical capacities required to combat serious and organised crime effectively. However, the logic of the final stage of negotiations differs fundamentally from that of meeting the interim benchmarks: it is no longer sufficient to demonstrate that institutions exist, laws have been adopted or international cooperation mechanisms formally operate. The key question for the European Commission and EU Member States is whether, by the end of 2026, Montenegro's criminal justice system is ready to deliver sustainable, measurable and credible results in the fight against organised crime.

The closing benchmarks in this area follow precisely this logic. Montenegro is expected to establish a "robust" and "effective" system for preventing and combating organised crime, based on three interrelated pillars:

- a legal and strategic framework fully aligned with the EU acquis and consistently implemented in practice;
- a sustainable track record of investigations, prosecutions and final convictions for serious and organised crime and money laundering; and
- the systematic conduct of financial investigations and effective temporary and permanent confiscation of criminal assets, including in drug-trafficking cases.

At the final stage of negotiations, Montenegro must therefore move from a model of "institution-building and individual operational successes", which characterised the first phase of EU accession negotiations, to one centred on measurable law-enforcement results. These results will undoubtedly remain subject to continuous scrutiny by the European Commission and EU Member States until the date of accession. The greatest risk is no longer the absence of institutions or international cooperation, but the possibility that substantial police and prosecutorial activity will not be translated quickly and consistently enough into final court decisions and permanent confiscation of assets—the only evidence Brussels will accept as confirmation that organised criminal structures in Montenegro are being effectively tackled.

This policy paper analyses Montenegro's readiness to meet the closing benchmarks under Chapter 24, specifically in relation to the fight against organised crime. The analysis draws on the European Union's Common Position of June 2024, the European Commission's 2025 Montenegro Report, the Commission's latest non-paper of June 2026, official reports by

international organisations and national institutions, and recent research by CeMI's legal team. The document aims to provide a clear, evidence-based assessment of progress, identify outstanding challenges and propose concrete, prioritised recommendations for successfully closing this part of the negotiating chapter.

This study focuses on three elements of the closing benchmarks relating to the fight against organised crime: alignment of the legal and strategic framework; the track record of investigations and final convictions; and the system of financial investigations and asset confiscation. Although human trafficking forms part of the European Commission's broader requirements under Chapter 24, it is a distinct thematic and institutional area requiring a separate, more detailed analysis and will be examined in CeMI's next study.

On the basis of its analysis, CeMI proposes that, until the negotiations are closed, Montenegro direct political, institutional and financial attention towards the following priorities:

(1) completing legislative alignment with the EU acquis;
(2) increasing the number of final convictions in organised-crime cases;
(3) systematically conducting financial investigations and substantially improving the system for permanent confiscation of criminal assets;
(4) establishing a unified system for tracking results throughout the criminal justice chain in the fight against organised crime, "from investigation to confiscation";
(5) continuously strengthening the capacities of the authorities and institutions involved in that chain; and
(6) maintaining a high level of international operational cooperation against organised crime.

The IBAR demonstrated that Montenegro has legislation, operational capacities and international links that can enable an effective fight against organised crime. Meeting the closing benchmarks will, however, be the real test of the state's ability to turn those capacities into sustainable and credible rule-of-law results.

1. Montenegro's Performance in Combating Organised Crime: From Interim to Closing Benchmarks

The positive IBAR report received by Montenegro in June 2024 changed the nature of its obligations under Chapters 23 and 24. During the preceding phase of negotiations, the focus was largely on building the legal and institutional framework: adopting laws and strategies, establishing and reorganising institutions, developing information systems, strengthening international cooperation and creating the basic conditions for a more effective fight against organised crime. During that period (late 2013 to mid-2024), Montenegro achieved a number of results in this area, which the European Commission highlighted in the IBAR as grounds for a positive assessment of the interim benchmarks.

- Specialised institutional capacities to combat organised crime were established at national level. The 2015 Law on the Special State Prosecutor's Office established the Special State Prosecutor's Office and the Special Police Department, with responsibility for organised crime, high-level corruption, money laundering, terrorism and other serious offences. This increased specialisation and institutional independence in complex investigations. Amendments to the law in 2024 narrowed and further clarified the remit of the Special State Prosecutor's Office.
- Since 2013, Montenegro has regularly produced Serious and Organised Crime Threat Assessments (SOCTA). The 2021 assessment, presented in 2022, identified eight threats to Montenegro's national security and the activities of ten organised criminal groups (OCGs). An interim review of the assessment has since been completed, which the European Commission's 2025 Report identifies as a positive development. The interim review states that 11 OCGs operate in Montenegro, with international drug smuggling as their predominant activity.
- Progress has been made in investigations into organised crime and high-level corruption since 2022. Over the past four years, action against members of leading criminal groups has intensified, and proceedings have been initiated against numerous former senior officials in the police, judiciary and security sector. This has demonstrated a greater willingness by prosecutors to pursue cases regardless of the suspects' positions. Nevertheless, a significant number of these proceedings have yet to result in final judgments.
- The European Commission has repeatedly confirmed that an initial track record has been established in investigations and prosecutions involving organised crime. The Special State Prosecutor's Office has opened more investigations and brought indictments more intensively, while the High Court in Podgorica has increased the number of

organised crime cases registered, with a number of convictions, including convictions based on plea agreements.

- Capacity to investigate money laundering and financial crime has improved. Between 2022 and 2024, the Special State Prosecutor's Office opened money-laundering investigations against several individuals, including police officers, in cases involving assets worth several million euros that were allegedly introduced into the legitimate economy.
- The Financial Intelligence Unit (FIU) has become more closely connected to money-laundering investigations. Integrating the FIU into the police in 2018 strengthened the link between the analysis of suspicious transactions and money-laundering investigations. However, according to MONEYVAL, FIU financial intelligence is primarily used in practice to trace and identify assets, while its use to initiate money-laundering investigations remains insufficient.[1]
- The legal and institutional system for confiscating proceeds of crime, established under the Law on Confiscation of the Proceeds of Crime (Official Gazette of Montenegro, Nos. 58/2015 and 47/2019), adopted in 2015 and amended in 2024, has been improved. Nevertheless, the practical impact of this law has remained limited. The most significant change in this area occurred while this study was being prepared: on 7 August 2026, the Government of Montenegro submitted an entirely new Law on Confiscation of the Proceeds of Crime to Parliament under an urgent procedure. Parliament adopted the proposed law on 3 September 2026.[2]
- Montenegro established cooperation with EUROJUST under a cooperation agreement signed in 2016, and this cooperation continues to develop. The liaison prosecutor, seconded in September 2017, actively participates in the agency's work and facilitates information exchange between Montenegro and EUROJUST. However, Montenegro has yet to make full use of the cooperation mechanisms offered by EUROJUST, particularly by establishing Joint Investigation Teams (JITs) with EU Member States.
- Institutional cooperation has been established between the Supreme State Prosecutor's Office of Montenegro and the European Public Prosecutor's Office (EPPO). A working arrangement between them was signed in 2022. Its purpose is to establish cooperation and facilitate information exchange so as to ensure effective investigation and prosecution of persons suspected or accused of offences against the EU budget. To date, the Supreme State Prosecutor's Office has participated in a small number of cases handled by the EPPO.
- Montenegro has established operational and strategic relations with EUROPOL. Following the signing of an operational agreement in 2014 and the secondment of a liaison officer to

1 See more: https://rm.coe.int/montenegro-for-publication/1680ae59a5

2 The Law was published in the Official Gazette of Montenegro, No 131/2026

The Hague in 2015, Montenegro became a partner of EUROPOL, particularly in combating high-risk criminal groups, cocaine and firearms trafficking, terrorism and cybercrime.

- Montenegrin law-enforcement authorities participate in European systems for exchanging operational information. Regular use of EUROPOL's SIENA application has improved the speed of information exchange, proactivity and investigative effectiveness, particularly in organised-crime cases, international wanted-person alerts and counter-terrorism.
- Montenegro has achieved a high level of participation in EMPACT (the European Multidisciplinary Platform Against Criminal Threats), the EU's leading operational instrument for coordinated action against serious and organised international crime. In 2024–2025, Montenegro participated in 14 of 15 operational action plans and in 76 operational actions, including three as co-leader, playing a particularly prominent role in operations against high-risk criminal networks and drug and firearms trafficking.

The most important result of the initial phase of negotiations is that Montenegro has developed a more specialised and technically capable system for combating organised crime, particularly through an adequate institutional framework, a willingness to initiate high-level investigations, greater police and prosecutorial specialisation, the gradual development of results in financial investigations, and readiness for more intensive international police and judicial cooperation. At the same time, in the IBAR the European Commission stressed that these achievements primarily represent an institutional foundation and an initial law-enforcement track record—one on which sustainable results must be built during the final phase of negotiations in this area.

2. From Institution-Building to Measuring Results: A Change in How Progress in EU Negotiations Is Assessed

Montenegro is currently in the final phase of negotiations with the EU. However, as the end of 2026 approaches, suggestions that the negotiations might be concluded this year appear overly ambitious, and it is increasingly likely that the process will extend into 2027. At this stage, the key question is whether the system established during the initial phase of EU negotiations is producing sustainable and measurable results. In other words, the logic of enlargement is shifting from assessing legal and institutional capacity to assessing performance. This change in how a country's progress is evaluated reflects a broader trend in EU enlargement policy. Previous enlargements showed that formal alignment of legislation and the establishment of new institutions do not necessarily guarantee effective implementation in practice. Following accession, a number of EU Member States experienced problems in fundamental rule-of-law areas, including judicial independence and the fight against corruption and organised crime. The European Commission has therefore gradually developed a stricter methodology for assessing progress under Chapters 23 and 24, based on demonstrating concrete results before the chapters can be closed. This is why the functionality of institutions, rather than their mere formal existence, is now of greatest importance under these chapters.

This shift is particularly evident in the fight against organised crime. A country may have a specialised prosecution service, specialised police units, developed international cooperation with EUROPOL and other European agencies, modern information systems and a legislative framework largely aligned with the EU acquis, yet still fail to secure enough final convictions, conduct effective financial investigations or permanently confiscate assets acquired through criminal activity. Viewed through the European Commission's performance-based approach, such a system would not yet demonstrate that the country can combat organised crime sustainably over the long term.

The closing benchmarks therefore serve as a test of institutional resilience. The EU no longer assesses whether an institution exists, but whether it can deliver results consistently. The sustainability of results is becoming a key EU assessment criterion. Success will not be measured by a single major police operation or a high-profile case, but by continuity in investigations, indictments, final convictions, financial investigations, and permanent confiscation of assets derived from criminal activity.

This approach also represents a meaningful change from the way Montenegrin institutions have measured their own success for years. Over the previous decade, progress was often assessed by the number of laws, strategies, action plans, or international

agreements adopted, as well as the number of investigations opened or people arrested. The final phase of negotiations requires different performance indicators. The European Commission now focuses primarily on how many investigations lead to indictments, how many indictments result in final convictions, how many financial investigations end in permanent confiscation, and whether these results ultimately demonstrate a weakening of organised criminal groups.

The focus is thus shifting from institutional activity to actual impact. This also means that the quality of inter-institutional cooperation will become as important as the work of individual institutions. A sustainable track record depends not only on the police or the Special State Prosecutor's Office, but on the effective functioning of the entire criminal justice chain—from police investigations and prosecutorial action to court proceedings, financial investigations, the management of confiscated assets and enforcement of final court decisions. A weakness at any point in this chain directly affects the system's overall assessment.

For this reason, the closing benchmarks set a considerably more demanding standard than the interim benchmarks. Whereas the interim benchmarks sought to demonstrate that the state was ready to establish an institutional framework for combating organised crime, the closing benchmarks aim to confirm that this framework has become functional and sustainable and can produce results that can be objectively measured and compared over an extended period. In other words, the EU no longer seeks proof that Montenegro has institutions to combat organised crime, but that those institutions deliver results that have a deterrent effect, weaken OCG activity and contribute to strengthening the rule of law overall.

The European Commission and EU Member States will answer, over the coming months, whether Montenegro has managed to turn its existing legislative and institutional capacities into sustainable results, as part of the assessment of compliance with the closing benchmarks. In line with previous enlargement practice, EU Member States that traditionally advocate strict application of the "fundamentals first" principle and progress based on results are expected to play a particularly important role.

3. Closing Benchmarks in the Area of Organised Crime: Key Challenges for Montenegro

The final phase of Montenegro's EU negotiations on combating organised crime requires it to meet demanding closing benchmarks set out in a key document: the EU Common Position of June 2024.[3] In this analytical document, adopted following the positive IBAR report for Chapter 24, the EU told the Montenegrin authorities that efforts to establish a strong and effective system for preventing and combating organised crime needed to be intensified.

The EU document recalled the importance of ensuring a stable legal framework for preventing organised crime and called on Montenegro to ensure full alignment with the EU acquis and European and international standards. It also called for adequate implementation and systematic application of a comprehensive strategic framework for preventing and combating organised crime, based on strategic documents aligned with European standards.

Particular emphasis was placed on the need for the justice system to deliver a "strong, consistent and unequivocal" response to the infiltration of corruption and organised crime into state structures and the economy. Montenegro was also called on to establish a sustainable track record of investigations, prosecutions and final convictions across all areas of serious and organised crime, while further strengthening law-enforcement authorities' investigative capacity.

The EU specifically highlighted the need to address lengthy criminal proceedings in organised-crime cases. Given that developed operational capacity is a key prerequisite for meeting the closing benchmarks, Montenegro was urged to continue strengthening specialised institutions—the High Court in Podgorica, the Special State Prosecutor's Office (SDT), the Special Police Department (SPO), the Financial Intelligence Unit (FIU) and the national Asset Recovery Office (ARO), which operates within the Police Directorate's International Operational Police Cooperation Department. This should include providing suitable premises, sufficient specialised staff, adequate budgetary resources, modern technical equipment and access to relevant databases.

In line with the recommendations in MONEYVAL's evaluation report, adopted in December 2023[4], the European Commission called on Montenegro to establish a sustainable track record of temporary seizure and permanent confiscation of proceeds of crime, while consistently applying the concept of parallel financial investigations in cases involving

3 European Union Common Position, Chapter 24: Justice, Freedom and Security, Brussels, 21 June 2024 (Registar Savjeta EU: AD 14/24, CONF-ME 8/24), available at: https://data.consilium.europa.eu/doc/document/AD-14-2024-INIT/en/pdf

4 Available at: https://rm.coe.int/montenegro-for-publication/1680ae59a5

organised crime, corruption, economic crime and money laundering. It stressed in particular that final convictions for organised crime - especially in drug-trafficking cases - must be consistently followed by decisions confiscating unlawfully acquired assets, and that the Asset Recovery Office must be fully operational.

The EU also called on Montenegro to ensure smooth and continuous cooperation with CEPOL, EUROPOL and the EPPO, and to align its legal framework with the EU acquis governing the secure exchange of information between law-enforcement authorities.

On human trafficking, the EU called on Montenegro to establish a comprehensive, gender-sensitive and victim-centred legal and strategic framework fully aligned with the EU acquis. This framework should enable a sustainable track record in detecting and identifying victims, providing protection and support, dismantling human-trafficking networks, and effectively prosecuting perpetrators.

The following analysis focuses on three elements of the closing benchmarks that form the core of the assessment of Montenegro's readiness to combat organised crime in the narrower sense: alignment of the legal and strategic framework; the track record of investigations and final convictions; and the system of financial investigations and asset confiscation. Although human trafficking forms part of the European Commission's broader requirements, it is a distinct thematic and institutional area requiring a separate, more detailed analysis and will be the subject of a forthcoming study by CeMI's legal team.

4. Assessment of Compliance with the Closing Benchmarks Based on the European Commission's Latest Non-Paper

The European Commission's latest non-paper on Chapter 24, issued in June 2026, provides the most relevant assessment of Montenegro's current readiness to meet the closing benchmarks in the fight against organised crime. CeMI's legal team finds that significant progress has been made in almost every area covered by the benchmarks. The following sections assess the current situation against each of the three benchmarks and identify the key reforms needed to successfully conclude negotiations on Chapter 24.

4.1 Legal and Strategic Framework – The Final Stage of Alignment

Of the three closing benchmarks, the greatest degree of progress has been achieved in this area. In its latest non-paper, the European Commission notes that the legislative framework is largely aligned with the EU acquis, while key strategic documents have been adopted and provide a basis for policy implementation. These include, in particular, the 2024–2027 Strategy for Combating Transnational Organised Crime, adopted by the Government of Montenegro at its meeting on 31 October 2024, following a proposal by the Ministry of the Interior. It is the first national strategy devoted entirely to combating transnational organised crime. After the previous strategy, covering 2010–2014, expired, no replacement was adopted until 2024. At its meeting on 2 July 2026, the Government adopted the 2026 Action Plan for implementing the 2024–2027 Strategy, together with a report on implementation of the Action Plan in 2024–2025.[5] This has ensured continuity in the Government's strategic action in this area, an important component of meeting this EU negotiating benchmark.

The process of aligning legislation with the EU acquis in this area is gradually nearing completion. In September 2026, amendments to the Criminal Code and the Criminal Procedure Code were adopted. A new Law on Personal Data Protection and a new Law on Confiscation of the Proceeds of Crime were also adopted.

The latest amendments to the Criminal Code brought it into closer alignment with Directive (EU) 2024/1712 of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.[6]

5 See more: https://www.gov.me/dokumenta/15ac4681-50b3-4af2-918b-4a37e0ba8087

6 See more: https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/1176/4349-25516-23-1-26-21.pdf

The latest amendments to the Criminal Procedure Code concern alignment with: Directive (EU) 2016/343 of 9 March 2016 on strengthening certain aspects of the presumption of innocence and the right to be present at trial in criminal proceedings; Directive 2012/13/EU of 22 May 2012 on the right to information in criminal proceedings; Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime; and Directive (EU) 2024/1712 of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.[7]

The new Law on Personal Data Protection is aligned with Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, repealing Directive 95/46/EC (the General Data Protection Regulation, GDPR). The new law, whose adoption had been long awaited, is also aligned with Directive (EU) 2016/680 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, repealing Council Framework Decision 2008/977/JHA, insofar as it concerns the processing of personal data by competent authorities.[8]

Finally, the new Law on Confiscation of the Proceeds of Crime is aligned with Directive 2014/42/EU of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union. The new provisions are intended to strengthen the capacities and powers of the competent authorities and enable them to act more effectively, particularly in the fight against organised crime. The law introduces the possibility of permanently confiscating assets worth more than €50,000 in organised crime cases before a final judgment, subject to the procedural conditions specified in the law.[9]

4.2 Track Record of Investigations and Final Convictions – The Key Challenge of the Final Phase

The most demanding part of the closing benchmarks remains the establishment of a sustainable track record of investigations, prosecutions and final convictions for organised crime and money laundering. In its recently published non-paper, the European Commission positively assesses the fact that this track record is being consolidated, citing, by way of illustration, a successful international operation supported by EUROPOL in which Montenegrin authorities played a leading role in dismantling an international network responsible for smuggling large quantities of cocaine and cannabis, as well as an opera-

7 See more: https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/1163/4334-25408-23-1-26-20.pdf

8 See more: https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/1164/4335-25409-23-3-26-12.pdf

9 See more: https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/1162/4333-25613-23-2-26-8-15.pdf

tion by the Special State Prosecutor's Office and the Special Police Department targeting members of an organised criminal group active in Montenegro.

Within this benchmark, however, the European Commission identifies the greatest number of outstanding issues. More convincing results are needed in cases involving drug trafficking, tobacco-product smuggling, money laundering, cybercrime and human trafficking. Lengthy proceedings must continue to be addressed, and the number of final judgments in the most complex cases must increase. The Commission is therefore clearly emphasising the sustainability and continuity of the entire criminal justice response to organised crime, rather than isolated successful cases.

This benchmark focuses specifically on the effectiveness of the specialised department of the High Court in Podgorica, which handles the most complex organised crime cases. According to available data, the department was strengthened in May 2025 by the appointment of six new judges, bringing its judicial capacity to 15 judges (including the court president, who continues to handle criminal cases assigned to him before his election as president), with 172 cases assigned to it at that time. During the same year, decisions were delivered in more than 70 cases - almost twice the number handled in previous years - while the clearance rate relative to incoming cases stood at 105.17%.[10] The department is currently handling around 160 organised-crime and high-level corruption cases with 15 judges. This indicates that, despite a visible increase in efficiency, the court continues to manage an exceptionally large number of complex cases with limited capacity.

As regards cases concluded by final judgment, the Semi-Annual Report on Overall Activities within Montenegro's EU Integration Process[11] records several significant final decisions in 2026. In late April, the Court of Appeal upheld a judgment sentencing three people to a combined total of more than four years' imprisonment for establishing a criminal organisation. In early May, the Supreme Court finally upheld the judgment in the murder of a police inspector, under which four defendants were each sentenced to 30 years' imprisonment. In late June, the Court of Appeal upheld a High Court judgment sentencing five people to a combined total of 16 years and six months' imprisonment for the unauthorised production, possession, and distribution of narcotic drugs. In early June, the Court of Appeal also upheld the first final conviction of Radoje Zvicer (16 years' imprisonment) and other members of his criminal group for establishing a criminal organisation and smuggling cocaine.

Although these cases demonstrate that the justice system is prepared to deliver final decisions in the most complex cases, they also show that the sustainable track record in this area is still based on a limited number of cases concluded by final judgment. This is why

10 See more: https://www.hraction.org/2026/02/05/b16-t7-specijalno-odjeljenje-viseg-suda-u-podgorici-dupliralo-broj-rijesenih-predmeta/

11 See more: https://zakoni.skupstina.me/zakoni/web/dokumenta/zakoni-i-drugi-akti/1099/4270-24939-00-72-26-28.pdf

the European Commission's latest non-paper stresses the need to strengthen the track record further, measured not merely by the number of cases concluded at first instance but, above all, by the number of final judgments.

From the broader perspective of EU accession, the track record in combating organised crime can be expected to become one of the key indicators of Montenegro's overall ability to uphold the rule of law permanently after joining the EU. Previous enlargements have shown that the EU pays particular attention to areas at heightened risk of backsliding after accession, especially organised crime, corruption and the functioning of the judiciary. It is therefore highly likely that the fight against organised crime and the associated track record will remain under close scrutiny by EU institutions and Member States not only until Chapter 24 is closed, but also after Montenegro joins the European Union.

4.3 Financial Investigations and Asset Confiscation – Progress Made and the Challenge of Permanent Confiscation

In its recently published non-paper, the European Commission notes a positive trend - increases in the number of financial investigations and cases involving temporary seizure of assets - but also stresses that the track record for permanent confiscation remains limited and must be substantially improved to meet this benchmark. These findings are consistent with research recently conducted by CeMI's legal team: between 2023 and 2026, visible progress was made in conducting financial investigations, but their ultimate results remain limited.

According to CeMI's research, over the past three years the Special State Prosecutor's Office alone initiated 51 financial investigations against 318 natural persons and seven legal persons. The number of new investigations more than doubled, from 12 in 2023 to 26 in 2025. Of particular significance is that financial investigations, previously associated predominantly with the work of the Special State Prosecutor's Office, have begun to be used by basic and higher state prosecutor's offices as well. Having initiated no financial investigations in 2023, these offices opened 32 in 2025 - one of the most notable changes during the period under review.

Nevertheless, the research clearly shows a pronounced disparity between results at the stage of temporarily securing assets and results in permanent confiscation of proceeds. Despite the increase in financial investigations and in the value of assets covered by temporary measures, the number of proceedings resulting in final permanent-confiscation orders remains limited. Permanent confiscation remains the weakest link in Montenegro's overall financial-investigation system.

These findings indicate that Montenegro has made progress in developing its financial-investigation system. The increased number of investigations, their use by basic and higher

state prosecutor's offices, and more intensive use of temporary asset-seizure measures show that financial investigations are becoming part of the day-to-day practice of prosecuting organised crime. The closing benchmarks, however, do not primarily assess the number of investigations initiated, but their ability to result in final decisions on permanent confiscation. This remains the area with the greatest gap between the current situation and the standards required by the EU. The priority for the next period should be to improve effectiveness by increasing the number of final permanent-confiscation decisions.

5. Conclusions and Recommendations

Montenegro has made significant progress in almost all areas covered by the closing benchmarks for combating organised crime. The legislative framework is largely aligned with the EU acquis. The strategic framework was established through adoption of the 2024-2027 Strategy for Combating Transnational Organised Crime, and international police and judicial cooperation with EUROJUST, EUROPOL, the EPPO and other partners operates at a high level. The track record of investigations continues to improve, but the key challenges to closing Chapter 24 remain the achievement of sustainable results in final convictions and final decisions on permanent confiscation of proceeds of crime. Based on its analysis, CeMI proposes the following recommendations for Montenegro to implement in the coming period in order to meet the closing benchmarks successfully. The areas covered by these recommendations are also likely to be subject to enhanced monitoring by the European Commission and EU Member States between the provisional closure of the chapter and Montenegro's accession to the EU.

- **Substantially improve results in the permanent confiscation of assets**

The greatest reform efforts should focus on increasing the number of final decisions ordering permanent confiscation of proceeds of crime. Coordination between the police, state prosecutor's offices, the Financial Intelligence Unit (FIU), the Tax Administration and the Customs Administration should also be improved to enable the timely identification, tracing and freezing of assets acquired through criminal activity, followed by their permanent confiscation. A particular priority should be the development of joint operational procedures and improved information-sharing between institutions, alongside more intensive use of financial intelligence analysis and modern analytical tools to trace the financial flow.

- **Continuous aligning the legal framework with the European Union acquis**

In the coming period, particularly after the formal conclusion of Montenegro's negotiations with the EU on Chapter 24, further transposition of the relevant body of EU acquis in this area should be undertaken, taking account of the framework established following adoption of the Common Position in June 2024.

- **Increase the number of final convictions in organised crime cases**

A priority in the final phase of negotiations must be to increase the number of organised-crime cases concluded by final judgment, with particular focus on drug trafficking, tobacco-product smuggling, money laundering, cybercrime and human trafficking, where the European Commission expects more convincing results. This requires continued strengthening of the capacity of the specialised department of the High Court in Podgorica,

better case management and additional measures to shorten criminal proceedings. This area is likely to remain under continuous monitoring by the European Commission. Improving the track record of final convictions should therefore not be regarded solely as an obligation for closing Chapter 24, but as a lasting priority for maintaining the EU's confidence in Montenegro's ability to combat organised crime effectively over the long term.

- **Ensure consistent application of the Supreme Court's sentencing guidelines in organised crime cases**

Consistent application must be ensured of the Supreme Court's sentencing guidelines for serious and organised crime and for offences involving the unauthorised production, possession and distribution of narcotic drugs, adopted in February 2026. Their application should be monitored continuously through analysis of judicial practice, exchanges of experience between courts and professional training for judicial office-holders, to ensure that sentencing policy in organised crime cases is consistent, proportionate and sufficiently deterrent. Effective application of the guidelines should help harmonise sentencing practice and make court decisions more predictable, while fully respecting the constitutional principle of judicial independence and judges' freedom to assess the facts in individual organized crime cases.

- **Continuously strengthen the institutional capacity of authorities and institutions involved in the organised-crime response chain**

The human, technical, financial and organisational capacities of all institutions involved in detecting, prosecuting and adjudicating organised crime must be strengthened continuously. This includes further developing the capacities of the Special State Prosecutor's Office, the Special Police Department, the specialised department of the High Court in Podgorica, the Court of Appeal and the Supreme Court, the Financial Intelligence Unit (FIU), the national Asset Recovery Office (ARO), forensic services and other institutions involved in financial investigations and international judicial cooperation.

- **Make financial investigations an integral part of all complex organised crime investigations**

The concept of parallel financial investigations must be applied consistently in all cases involving organised crime, high-level corruption, money laundering and other offences capable of generating substantial unlawful proceeds, in accordance with the EU closing benchmarks and MONEYVAL recommendations. Financial investigations should not be initiated only in isolated cases; they should become a standard and mandatory element of every complex criminal investigation from its earliest stage. Progress has been made in this area recently, as reflected in the established practice of the Special State Prosecutor's Office.

- **Step up the establishment of Joint Investigation Teams (JITs) with EU Member States**

Given the strongly transnational nature of organised crime operating in Montenegro,

the establishment of Joint Investigation Teams (JITs) with EU Member States should be improved. JITs should become a standard operational mechanism in the most complex cases involving international criminal networks, particularly drug trafficking, money laundering, firearms smuggling, migrant smuggling and human trafficking. The institutional capacity of the Special State Prosecutor's Office, the Special Police Department and the international judicial cooperation system should also be strengthened to plan, establish and lead joint investigations. More JITs would facilitate more effective evidence-sharing, the simultaneous conduct of investigative measures in several countries, faster prosecution of organised criminal groups, and more effective identification and confiscation of assets derived from criminal activity.

- **Develop a unified system for monitoring the criminal justice system's results in combating organised crime**

An integrated statistical monitoring system should be established to track each organised crime case from the opening of an investigation, through financial investigation and indictment, to final judgment and permanent confiscation of assets. Such a system would give institutions a reliable picture of the track record at any given time - one of the key elements of the closing benchmarks. Indicators should include the rate at which investigations lead to indictments and final convictions; the average duration of cases at each procedural stage; and the ratio between the value of assets temporarily seized and permanently confiscated, among others. The Ministry of Justice should lead the establishment of this system.

- **Maintain a high level of international operational cooperation**

Montenegro should continue intensive cooperation with EUROPOL, EUROJUST, the EPPO and EU Member States through joint investigations, operational information exchange and active participation in EMPACT operations, while further aligning national legislation with European rules on information exchange.

- **Prevent the risk of organised crime infiltrating the police and judiciary**

Mechanisms should be established or improved to vet the integrity of police officers, prosecutors and judicial personnel handling organised-crime cases. Internal oversight and protections for people reporting suspected corruption or infiltration of state institutions by OCGs should be strengthened. Cases in which former employees of these institutions were suspected or accused of cooperating with organised criminal groups should also be analysed systematically. The Ministry of Justice and the Ministry of the Interior should lead this recommendation in cooperation with the Supreme Court, the Supreme State Prosecutor's Office, the Special State Prosecutor's Office and the Agency for the Prevention of Corruption.



Center for Monitoring and Research – CeMI
October 2026