

Judicial Training Needs Assessment and Training Action Plan - Application of the EU Charter of Fundamental Rights

MONTENEGRO



Kingdom of the Netherlands



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Judicial Training Needs Assessment and Training Action Plan - Application of the EU Charter of Fundamental Rights

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List of Acronyms

CTJSP	Centre for Training in Judiciary and State Prosecution of Montenegro
CA	Civic Alliance
CFR/ the Charter	Charter of Fundamental Rights of the European Union
CJEU	Court of Justice of the European Union
COE	Council of Europe
EU	European Union
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EIPA	European Institute of Public Administration
EJTN	European Judicial Training Network
EUROL	European Union Support to the Rule of Law in Montenegro
HELP	The European Programme for Human Rights Education for Legal Professionals
OPDAT	United States' Office of Overseas Prosecutorial Development, Assistance and Training
TNA	Training Needs Assessment
TOT	Training of Trainers
ADVISERS	Advisers in courts and state prosecution
TRAINEES	Trainees in courts and state prosecution

1. Executive Summary

This Training Needs Assessment (TNA) Report and Training Action Plan were produced within a project entitled “Strengthening Regional Judicial Cooperation in the Western Balkans for Effective Litigation before the CJEU and Implementation of the EU Charter of Fundamental Rights”, financed by the Government of the Kingdom of the Netherlands.

The Report provides an in-depth analysis of current judicial training needs in the context of application of the Charter of Fundamental Rights of the European Union in Montenegro, as a baseline for developing courses and training activities at the Centre for Training in Judiciary and State Prosecution of Montenegro (hereinafter referred to as the Centre or CTJSP) in the years to come. The Report has been prepared with the aim of presenting the role and core activities of the CTJSP at the national level, outlining the measures that have been undertaken or are planned to achieve its objectives, particularly through implementation of specific programmes or training initiatives and assessing the expected outcomes of these efforts, especially in the context of implementing the Charter of Fundamental Rights of the European Union.

The Report reflects the opinion of the expert appointed by the Civic Alliance who worked on the conduct and analysis of the results of the TNA in cooperation with the CTJSP and judicial institutions in Montenegro, from July to September 2025 (Expert). The Expert contributed to the TNA with the elaboration of survey questions, collecting data, consultations with the legal authorities and through a legislative review, focusing on the relevant legal framework, as elaborated in this Report.

The main task of the Expert was to contribute to the achievement of the outcome of the Project: *“Improving the skills and capacities of judges, public prosecutors and legal practitioners to effectively implement the Charter of Fundamental Rights of the European Union after becoming member states.”* The main component of the Project, which defines the CTJSP as one of the primary beneficiaries of this activity, includes focusing on further strengthening of CTJSP’s existing capacities to plan, organize and analyze results of a TNA as well as its capacities to design and implement training at the national level, in the context of the application of the EU Charter of Fundamental Rights. The Report aims at reflecting the opinion and training needs of judges, state prosecutors and trainers from Montenegro and at enhancing their professional knowledge, practical skills, integrity and capacities to adhere to European rule-of-law standards and apply the CFR.

The expert's assignment started in July 2025 and finished in September 2025 with the elaboration of this Report.

2. Introduction

2.1. Current state of play in Montenegrin Judiciary

Although Montenegro has not yet become a member of the European Union, it has committed to respecting the standards set forth in the Charter through its accession negotiations, particularly within Chapter 23 (Judiciary and Fundamental Rights). The Montenegrin Constitution and numerous national laws already enshrine fundamental rights such as the right to life, prohibition of discrimination, freedom of expression and the right to a fair trial. These provisions are largely aligned with the Charter's guarantees, reflecting a significant degree of harmonization.

The latest European Commission Progress Report on Montenegro confirms that the legislative and institutional frameworks for the protection of fundamental rights have been substantially established. Montenegro fulfills its international obligations in this domain to a notable extent. Nevertheless, the report underscores the pressing need for more effective implementation of these frameworks, for the purpose of being able to guarantee genuine access to justice and full realization of rights in both administrative and judicial proceedings. This is particularly crucial for vulnerable and marginalized groups who often face barriers in exercising their fundamental rights.

A key challenge in Montenegro's human rights protection system is the limited institutional capacity which negatively impacts law enforcement and effective enjoyment of protected rights. While Montenegrin courts are not currently obliged to directly apply the Charter, the European standards frequently serve as important reference points in judicial decisions, especially in cases related to human rights, freedom of expression and fair trial guarantees.

In December 2008, Montenegro submitted its application for the EU membership. Since 17 December 2010, Montenegro has been a candidate country to the EU. The EU accession negotiations with Montenegro started in 2012 and today, after thirteen years, all the thirty-three (33) screened chapters have been opened, whereas seven (7) of these are provisionally closed.

3. The Centre for Training in Judiciary and State Prosecution of Montenegro (CTJSP)

3.1. The role of the Centre for Training in Judiciary and State Prosecution of Montenegro

The Centre for Training in Judiciary and State Prosecution of Montenegro is the only institution in Montenegro that provides training activities to the representatives of Montenegrin judiciary. It is an independent public institution with the capacity of a legal entity, financed through the state budget and established in accordance with the Law on the Centre for Training in Judiciary and State Prosecution adopted in September 2015.

The Centre is responsible for training of judges and state prosecutors in Montenegro, however, it may also organize training activities for lawyers, notaries, bailiffs, advisors and trainees from courts and state prosecution offices. It organizes and implements in-service training, initial training for candidates for judges and candidates for state prosecutors and training activities for trainers and mentors.

3.2. CTJSP's Governance Structure

The CTJSP has two main decision-making bodies: **the Steering Committee and the Programming Council**. It also has a Secretariat which implements the Centre's annual training programme and conducts a broad range of accompanying everyday activities.

The Steering Committee has 7 (seven) members appointed by their respective institutions, for a mandate of 4 (four) years. It appoints the members of the Programming Council and adopts the Programming Council's proposal for the Annual Training Programme.

The Programming Council has 10 (ten) members – judges and state prosecutors, appointed by the Steering Committee, for a mandate of 4 (four) years. It consists of two Programming Boards – Programming Board for Initial Training and Programming Board for In-Service Training.

3.3. CTJSP Training Programmes

3.3.1. Initial Training Programme

The CTJSP provides an initial training programme for candidate for judges and candidates for state prosecutors. The length of the initial training programme depends on the court or state prosecution office a candidate for a judge or the candidate for a state prosecutor is trained for.¹

3.3.2. In-Service Training Programme

In-service training is mandatory for judges and state prosecutors in Montenegro. According to the Law on the Centre for Training in Judiciary and State Prosecution, judges and state prosecutors are obliged to attend the in-service training for at least two working days annually and for which they should apply in accordance with their own interests.² CTJSP offers approximately 80 to 110 in-service training

¹ *Law on Amendments to the Law on the Centre for Training in Judiciary and State Prosecution* ("Official Gazette of Montenegro" no. 054/24), Article 2.

² *Law on the Centre for Training in Judiciary and State Prosecution* ("Official Gazette of Montenegro" no. 58/2015), Article 45 paragraph 2

activities annually, which also include online training activities. These activities do not include training activities held outside of Montenegro. The number of participants depends on the training activity. The optimal number is 20-25 participants. CTJSP aims at ensuring that all judges and state prosecutors have access to training activities throughout a year.

3.3.3. Specialized Training Programme

The Specialized Training Programme consists of a training programme for advisers in courts and state prosecution offices, trainees in courts and state prosecution offices, court and prosecution office staff, attorneys, notaries and bailiffs³.

3.3.4. CTJSP's Partners and Donor Support in the context of the EU law training activities

Numerous CTJSP partners provide ongoing support for development of training activities on the EU law and related European and international standards.

Over the years now, the CTJSP has been implementing an EU Law Training Programme, with seven modules developed with support of the European Institute of Public Administration (EIPA), listed as follows: The European Union Legal Order. Instruments, Characteristics and Fundamental Principles of the EU law (Module I); The Judicial Organization of the European Union. The Court of Justice of the EU and the Role of National Courts (Module II); Cooperation between National Courts and the Court of Justice of the European Union. The Reference for a Preliminary Ruling (Module III); Protection of Fundamental Rights in Europe (Module IV); Judicial Cooperation in Civil and Commercial Matters (Module V); Judicial and Law Enforcement Cooperation in Criminal Matters (Module VI); Legal requirements of the EU enlargement process, EU legal instruments progressively transposed into the Montenegrin legal order (Module VII).

At the end of 2022, the European Judicial Training Network (EJTN) was playing a key role in the Centre's TNA process, in terms of preparation of the EU law training programme through its project, the continuation of which is foreseen in the forthcoming period. Furthermore, through the EUROL II and III projects, seminars on judicial cooperation in civil and commercial matters have been developed and are expected to continue. The Competitiveness and Innovation Project (2022- 2025) supports training development in the area of competition law, while the Horizontal Facility (2019-2022) has contributed to training on judicial independence, human rights and Council of Europe standards. In addition, OPDAT periodically supports training on anti-corruption, human trafficking, terrorism and cross-cutting judicial skills. When it comes to training activities in the field of the European Convention on Human Rights and case law of the European Court of Human Rights, representatives of Montenegrin judiciary participate in training activities organized by the Centre, either on its own or in cooperation with the Council of Europe and the US State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) – Program of the US Embassy in Podgorica.

Mapping of the EU law training remains a truly important issue which always has room for further development and improvement.

³ Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015), Article 38 paragraph 1.

3.3.5. CTJSP's Training Needs Assessment (TNA)

Before adopting its annual training programme, the Centre conducts training needs assessment on the basis of the Training Needs Assessment Methodology developed with the support of the Council of Europe within the project "Accountability and Professionalism of the Judicial System in Montenegro", i.e. the Horizontal Facility for the Western Balkans and Turkey II. This methodology is based on a comprehensive approach which includes various qualitative and quantitative research tools and methods. This includes collecting data by sending electronic questionnaires but also through focus group meetings and interviews with the training programme beneficiaries, which serve as a basis for preparation of the annual training programme. The Centre also takes into account the review of legislation, reports and strategic documents, letters from national institutions and organizations, contributions from professional associations and non-governmental organizations, analysis of other available statistical data, expert assessments and, of course, the Progress Report of Montenegro prepared by the EU Commission, as well as other relevant recommendations. The Centre also uses the Google Analytics platform, i.e. a questionnaire for collecting opinions and suggestions of judges. The invitation link is sent to all judges through court presidents. With regard to focus groups, the Centre, first of all, carefully selects the members of these on an annual basis and then at the meetings the Centre gains a deeper insight into their views, opinions and suggestions. There are three focus groups - for criminal law, civil law and misdemeanor law. When it comes to the judges of the Commercial Court and the Administrative Court, due to the small number of these judges, the Centre usually conducts an interview with them in order to take into account their opinion. When it comes to state prosecution offices, they conduct their own training needs assessment, after which the responses are duly submitted to the Centre.

Since 2023, a set of questions about the EU law has been included in the questionnaire with the help of the European Judicial Training Network (EJTN). The main expected result hereof was development of a Training Programme on the EU *acquis*, consisting of 5 (five) face-to-face and 1 (one) online seminar, which was incorporated into the CTJSP's Annual Training Programme in 2023 and 2024 and successfully implemented. Namely, the EJTN appointed two experts who worked on conducting the analysis of the results of the TNA in cooperation with the Centre from November to December 2022. These experts contributed to the TNA with elaboration of survey questions, participation in focus groups meetings, discussions with project beneficiaries and other relevant stakeholders, as well as with drafting a proposal for organization of training courses on the EU law and recommendations for improvement of the TNA process.

3.3.6. CTJSP's trainers on the EU law

Before EJTN's support in the Centre's Training Needs Assessment process, the CTJSP relied on three trainers for design and implementation of the EU law training. However, after the Training of Trainers workshops, organized within cooperation of the Centre with the EJTN, the Centre's pool of experts for the EU law was significantly extended. Now it includes three judges, one state prosecutor and one lawyer. It has been planned to further develop the Centre's pool of experts for the EU law but also to provide additional training to existing trainers.

4. Training on the application of the Charter of Fundamental Rights

4.1. Why training on the application of the Charter of Fundamental Rights should be provided?

Upon Montenegro's accession to the EU, its legal system will become an integral part of the EU legal order and its courts will assume the role of the EU courts, bound to apply and interpret the EU law. Therefore, the pre-accession period represents a critical opportunity to strengthen judicial capacity in applying the EU legal standards, including the Charter of Fundamental Rights.

It is essential that the national level judges and state prosecutors receive in-depth, quality training activities that allows them to correctly understand and apply the Charter as one of the most important achievements in the history of European integration, as its application, scope and relationship with national legal systems often raise questions, especially among judges, lawyers and public officials.

Thus, Montenegrin courts are expected to interpret domestic legislation in line with EU law, especially where national provisions are harmonized with the EU standards. The obligation to align with the EU law rests not only with the legislative and executive branches but equally with the judiciary. The courts must actively participate in this harmonization process and seize the opportunity presented by the accession period to build expertise on the EU law, preparing for their future role as European courts obligated to apply the EU legal norms.

Central to this harmonization is the Charter. Adopted in 2000 and acquiring binding force with the Lisbon Treaty in 2009, the Charter codifies a comprehensive range of civil, political, economic and social rights and establishes binding standards for all EU institutions and Member States in the application of the EU law.

4.2. How can training on application of the Charter benefit the Montenegrin judiciary?

Given its candidate status and prospect for the EU membership, Montenegro has taken significant steps to align its normative and institutional framework with the EU *acquis*. Training supports better understanding and implementation of fundamental rights as enshrined in the Charter, contributing to the overall harmonization of Montenegro's legal system with the EU *acquis*. Regular training fosters a shift towards more consistent and rights-conscious judicial decision-making, in line with European standards and best practices.

With improved understanding of the Charter, the judiciary is better positioned to ensure that individual rights are respected in judicial proceedings, which is crucial for strengthening the rule of law and public trust in justice institutions. Demonstrating the judiciary's capacity to apply the Charter effectively signals Montenegro's commitment to upholding fundamental EU values and directly supports progress in negotiation chapters related to the rule of law, especially Chapter 23.

5. CTJSP in-depth analysis of the training needs in the context of application of the Charter of Fundamental Rights of the European Union

Before preparing the Action Plan (see p.13-15) for training activities on application of the Charter of Fundamental Rights of the European Union, the CTJSP conducted an in-depth analysis of the existing training needs in the aforementioned context, in the form of questionnaires and focus group meetings. These forms serve as a baseline for developing courses and training activities that are conducted at the Centre for Training in Judiciary and State Prosecution of Montenegro.

5.1. CTJSP's questionnaires

When conducting the Training Needs Assessment for a specific topic, the CTJSP sends the tailored questionnaires to both judges and state prosecutors. Thus, in July 2025, the Centre prepared and sent the questionnaire on the application of the Charter of Fundamental Rights of the European Union to all judges and state prosecutors (**Annex I and Annex II**).

Out of the total number of questioned state prosecutors and judges,

- ✓ 44.8% of state prosecutors represented basic state prosecution offices, 51.7% of state prosecutors represented high state prosecution offices, whereas 6.5% of state prosecutors represented the Special State Prosecution Office. On the other hand, 66.7% of judges represented basic courts, 14.6% of judges represented the Administrative Court, 10.4% of judges represented the Commercial Court, 4.2% of judges represented high courts, whereas 4.1% of judges represented the Court of Appeals of Montenegro.
- ✓ 44.8% of state prosecutors have had 15 or more years long service, 24.1% of state prosecutors have had 4-10 years long service, 17.2% of state prosecutors have had 10-15 years long service, whereas 13.8% of state prosecutors have had up to four (4) years long service. On the other hand, 43.8% of judges had up to four (4) years long service, 20.8 of judges had 10-15 years long service, 18.8% of judges had more than 15 years long service, whereas 16.7% of judges had 4-10 years long service.
- ✓ 51.4% of state prosecutors were 35-45 years old, 31% of state prosecutors were 45-55 years old, whereas 17.2% of state prosecutors were 55-65 years old. On the other hand, 43.8% of judges were 35-45 years old, 39.6% of judges were 45-55 years old, 10.4% of judges were 55- 65 years old, whereas 6.2% of judges were 25-35 years old.
- ✓ 75.9% of state prosecutors were female, whereas 24.1% of state prosecutors were male. On the other hand, 69.8% of judges were female, 29.2% of judges were male, whereas 2% of judges declared as "others".
- ✓ 89.7% of state prosecutors considered that offer and quality of training activities on the EU law intended for holders of a judicial function could be upgraded, whereas 10.3% of state prosecutors considered that these could not be upgraded. On the other hand, 95.8% of judges considered that offer and quality of training activities on the EU law intended for holders of a judicial function could be upgraded, whereas 4.2% of judges considered that these could not be upgraded.
- ✓ 66.5% of state prosecutors considered that so-far training activities on the EU law partially met the needs of holders of a judicial function in Montenegro, whereas 34.5% of state prosecutors considered that so-far training activities on the EU law successfully met the needs of holders of a judicial function in Montenegro. On the other hand, 70.8% of judges considered that so-far training activities on the EU law partially met the needs of holders of a judicial function in Montenegro, 20.8% of judges considered that so-far training activities on the EU law successfully met the needs of holders of a judicial function in Montenegro, whereas 8.09% of judges considered that these did not meet the needs.
- ✓ 93.1% of state prosecutors considered that they should have been provided with more information on how to implement the EU law in the legal system of Montenegro, whereas 6.9% of state prosecutors considered that they should have not. On the other hand, 100% of judges considered that they should have been provided with more information on how to implement the EU law in the legal system of Montenegro.

- ✓ 31% of state prosecutors stated that they had not attended the training activities on the EU law in the previous period, 24.1% of state prosecutors stated that they had attended one training activity, 24.1% of state prosecutors stated that they had attended two training activities, 13.8% of state prosecutors stated that they had attended three training activities, whereas 7% of state prosecutors stated that they had attended more than five training activities. On the other hand, 33.3% of judges stated that they had attended one training activity on the EU law in the previous period, 25% of judges stated that they had attended two training activities, 8.3% of judges stated that they had attended three training activities, 6.6% of judges stated that they had attended four training activities, whereas 12.5% of judges stated that they had attended more than five training activities.
- ✓ 31% of state prosecutors stated that they were familiar with the EU *acquis*, 66.5% of state prosecutors stated that they were partially familiar with the EU *acquis*, whereas 2.5% of state prosecutors stated that they were not familiar with the EU *acquis*. On the other hand, 77.1% of judges stated that they were partially familiar with the EU *acquis*, whereas 22.9% of state prosecutors stated that they were familiar with the EU *acquis*.
- ✓ 62.4% of state prosecutors stated that they were familiar with the case law of the Court of Justice of the EU, whereas 27.6% of state prosecutors stated that they were not. On the other hand, 68.8% of judges stated that they were familiar with the case law of the Court of Justice of the EU, whereas 31.3 were not.
- ✓ 44.8% of state prosecutors stated that they found the case law of the Court of Justice of the EU relevant to a significant degree, 37.9% of state prosecutors stated that they found the case law of the Court of Justice of the EU relevant for some areas, 11% of state prosecutors stated that they found the case law of the Court of Justice of the EU relevant to a low degree, whereas 6.3% of state prosecutors stated that they did not find it relevant. On the other hand, 56.3% of judges found the case law of the Court of Justice of the EU relevant for some areas, 27.1% of judges found the case law of the Court of Justice of the EU relevant to a significant degree, whereas 16.7% of judges found the case law of the Court of Justice of the EU relevant to a low degree.
- ✓ 79.3% of state prosecutors stated that they had attended training on protection of fundamental human rights in the EU, i.e. on the Charter of Fundamental Rights of the EU, whereas 20.7% of state prosecutors stated that they had not. On the other hand, 58.3% of judges stated that they had attended training on protection of fundamental human rights in the EU, i.e. on the Charter of Fundamental Rights of the EU, whereas 41.7% of judges stated that they had not.
- ✓ 58.6% of state prosecutors stated that they were familiar with the rights covered by the Charter, 37.9% of state prosecutors stated that they were partially familiar, whereas 3.5 % of state prosecutors stated that they were not familiar. On the other hand, 47.9% of judges stated that they were familiar with the rights covered by the Charter, 45.8% of judges stated that they were partially familiar, whereas 4.5 % of judges stated that they were not familiar.
- ✓ 72.4% of state prosecutors stated that they would like to attend training activity on Article 4 of the Charter, 65.5% of state prosecutors stated that they would like to attend training activity on Article 47, 48.3% of state prosecutors stated that they would like to attend training activity on Article 24, 27.6% of state prosecutors stated that they would like to attend training activity on Article 23, 24.1% of state prosecutors stated that they would like to attend training activity on Article 5, 13.8% of state prosecutors stated that they would like to attend training activity on

Article 37, 10.3% of state prosecutors stated that they would like to attend training activity on Article 26, 6.9% of state prosecutors stated that they would like to attend training activity on Article 38, 6.9% of state prosecutors stated that they would like to attend training activity on Article 17, 3.4% of state prosecutors stated that they would like to attend training activity on Article 2 and 3.4% of state prosecutors stated that they would like to attend training activity on Article 28. On the other hand, 70.8% of judges stated that they would like to attend training activity on Article 17 of the Charter, 56.3% of judges stated that they would like to attend training activity on Article 24, 50% of judges stated that they would like to attend training activity on Article 8, 47.9% of judges stated that they would like to attend training activity on Article 47, 41.7% of judges stated that they would like to attend training activity on Article 37, 35.4% of judges stated that they would like to attend training activity on Article 38, 33.3% of judges stated that they would like to attend training activity on Article 4, 33.3% of judges stated that they would like to attend training activity on Article 23, 27.1% of judges stated that they would like to attend training activity on Articles 41 and 42, 20.8% of judges stated that they would like to attend training activity on Article 25, 20.8% of judges stated that they would like to attend training activity on Article 26, 18.8% of judges stated that they would like to attend training activity on Article 28, 14.6% of judges stated that they would like to attend training activity on Article 16, 6.3% of judges stated that they would like to attend training activity on Article 5 and 4.2% of judges stated that they would like to attend training activity on Article 2.

- ✓ 72.4% of state prosecutors were interested in attending specialized training programme (consisting of several modules, i.e. thematic units) on the application of the Charter of Fundamental Rights of the European Union, whereas 27.6% of state prosecutors were not. On the other hand, 87.5% of judges were interested in attending specialized training programme (consisting of several modules, i.e. thematic units) on the application of the Charter of Fundamental Rights of the European Union, whereas 12.5% of judges were not.
- ✓ The comparative analysis shows that face-to-face training is perceived as the most effective modality by both state prosecutors and judges, though judges rate it higher (average 4.7) than prosecutors (4.3). Among state prosecutors, peer-to-peer mentoring at the workplace ranks second (3.5), whereas judges value self-learning slightly more (3.4), with peer-to-peer close behind (3.4). Both groups express lower satisfaction with hybrid, online and e-learning formats, with state prosecutors generally assigning lower scores, particularly for e-learning (2.2 compared to judges' 2.9). These results highlight a stronger preference for in-person and experience-based learning across both professional groups, with judges overall reporting higher levels of perceived training effectiveness.
- ✓ The comparison of training methods reveals that case studies and the use of judicial practice are regarded as the most effective by both state prosecutors and judges, achieving almost identical top scores (4.8 for judges and 4.8 for state prosecutors). Both groups also show a strong preference for interactive approaches, with moot court/mock trial simulations and group work with problem-solving tasks receiving high ratings (around 4.5 for state prosecutors and 4.2 for judges). Facilitated discussions are consistently valued (around 4.4 for both groups), while traditional lectures are perceived as the least effective method, particularly by state prosecutors (3.7 compared to judges' 4.1). Overall, these results underline a clear preference for practice-oriented and participatory learning methods across both professional groups, with state prosecutors displaying slightly stronger enthusiasm for hands-on formats.

5.2. CTJSP's focus group meetings

The aim of focus group meetings is to collect comments and suggestions on real training needs. Focus groups enable collection of qualitative data and show participants' attitudes, perceptions and opinions. Information is gathered through brainstorming or moderated discussions.

In September 2025, the CTJSP organised a focus group meeting on training needs assessment in the context of application of the Charter of Fundamental Rights of the European Union.

All participants in the focus group meeting agreed that training activities are both necessary and useful, especially now that Montenegro is approaching the EU membership.

Having been asked why interest in the EU law training had been relatively low in previous years and what the reasons for cancellation of training activities on this subject were, the participants responded that heavy workload and daily obligations in courts and state prosecution offices had been the main reason. In addition, they had to focus on what was most pressing at a given moment and therefore often chose training on that specific topic. Finally, they believed that there was still time to become familiar with the EU *acquis* and case law of the Court of Justice of the European Union (CJEU), since Montenegro had yet to fulfill the requirements for the EU membership. Now that accession is coming closer, they believe and hope that interest in these topics will increase and that training in this field will be given priority—especially due to the fact that their knowledge of the EU law is quite limited. They are aware that upon Montenegro's accession to the EU, they will be required to apply the *acquis*, which will have primacy over domestic law.

As priority topics of training activities, the participants in the focus group meeting proposed the following ones: Mechanisms, skills and tools for daily monitoring of the EU *acquis* and the case law of the CJEU; Focus on areas where alignment with the *acquis* is still insufficient; Case law of the CJEU, both relevant and recent; Abuse in business practices – directives and compliance; Property rights; Status rights; Labour rights; Fair trial within a reasonable time; The relationship between the EU Charter of Fundamental Rights and the European Convention on Human Rights; Fundamentals of the EU law and Practical application of directives, regulations and decisions (binding force and direct effect).

Participants agreed that training should start from the basic level but with as little theory as possible and a stronger emphasis on practical approaches. The focus should be on the experiences of the EU member states. They stressed that such training activities should be mandatory, given that all judges (regardless of their level or jurisdiction) would have to apply the EU law.

When asked whether judges currently follow the case law of the CJEU and use it in their decision-making, participants responded that first-instance judges were increasingly referring to it. This is encouraging, because they show awareness of Montenegro's obligation to align with the *acquis* before its accession to the EU.

As for training methods and methodology, judges and state prosecutors proposed interactive training, i.e. workshops with case studies and simulations, with as much practical content and as little theory as possible. They reiterated that judges and state prosecutors should be practically trained to search the EU case law and legislation and to be familiar with databases and tools serving this purpose.

They also highlighted that study visits to the CJEU and other EU institutions would be highly valuable, since these would enable them to observe procedures on site and exchange experiences and practices with judges of the CJEU and other senior EU officials.

All participants agreed that interactive workshops and mentoring-based training activities are the most effective formats, as they require active participation rather than passive observation. They also agreed that online training is inadequate and unproductive, since it fails to capture participants' attention to a sufficient degree. They added that training was particularly effective when held in person.

They further emphasized that training was more effective when conducted outside participants' place of residence and place of work, as this prevents them from returning to their offices to "quickly handle" tasks at the request of superiors or colleagues.

It was suggested that trainers on this subject should primarily be judges, i.e. colleagues from the EU member states, particularly Croatia and Slovenia—given the shared legal heritage, similarities in the normative framework and the lack of significant language barriers. Trained national trainers, professors of law and other experts from the field were also identified as suitable trainers, but always in combination with practitioners (judges and state prosecutors) from the aforementioned EU member states.

Finally, the participants in the focus group meetings stressed the importance of providing adequate training materials (manuals, practice guides, case law—judgments, guidelines, etc.), prior to a training activity.

6. Conclusion

The Montenegrin judiciary stands at a pivotal moment: progress in institutional reform. EU- oriented legal harmonization has created strong momentum, but sustainable modernization depends on systematic, practice-oriented capacity building. In this context, the Centre for Training in the Judiciary and State Prosecution of Montenegro plays a central and irreplaceable role. Its programmes – including the EU law courses developed with international partners' support – have already raised awareness and legal literacy and the Centre's targeted Training Needs Assessment (TNA) process has produced an evidence base that makes further progress feasible and focused.

The Centre's recent in-depth analysis of needs for applying the Charter of Fundamental Rights, conducted through questionnaires and focus groups, confirms that knowledge gaps are practical as much as conceptual: judges, state prosecutors and court staff require structured instruction on how the Charter interacts with domestic law, concrete guidance on Charter-based reasoning in decisions and hands-on experience with comparative case law and procedural safeguards. Training on the Charter is not an optional add-on but a strategic investment: it will strengthen rights protection, improve the quality and EU-compatibility of judicial reasoning, reduce legal uncertainty and enhance Montenegro's capacity to respond to the EU benchmarks and jurisprudence.

The Action Plan (see p. 18-19) for training activities on the application of the Charter provides a timely and actionable framework aimed at strengthening the Montenegrin judiciary's capacity to apply the Charter of Fundamental Rights of the European Union. By combining introductory and advanced modules, practical exercises, comparative perspectives, e-learning tools and training-of- trainers, it ensures both immediate learning outcomes and long-term sustainability. Its phased activities, targeting judges, state prosecutors, advisers and other legal professionals, will foster consistent interpretation aligned with the EU standards, deepen understanding of the Charter's interplay with national and European law and embed a culture of continuous learning. Effective implementation of this Action Plan will not only improve judicial practice but also reinforce Montenegro's alignment with the EU values and accelerate its integration process.

Action Plan for Training on the Application of the Charter of Fundamental Rights of the European Union

The Action Plan is designed to address the identified training needs by providing a structured programme of capacity-building activities targeted at all relevant judicial professionals. It seeks to enhance basic knowledge, promote practical skills for consistent interpretation and application of the Charter, foster comparative understanding with other human rights instruments and build sustainable training capacity within the judicial system.

By aligning training objectives and methods with the identified needs and preferences of judges and state prosecutors, this Action Plan aims to contribute significantly to the effective implementation of the Charter in Montenegro, thereby supporting the broader process of the EU integration and strengthening the rule of law.

The planned activities within this Action Plan cover the following two years, more precisely 2026 and 2027, aiming to timely strengthen and train judicial professionals in preparation for Montenegro's upcoming accession to the European Union.

Objective	Activity	Target Group	Format & Methodology	Responsible Institution(s)	Expected Output / Outcome
Build foundational knowledge of the CJEU and its role	Introductory training on the jurisdiction, structure and procedures of the CJEU	Judges, legal advisers, judicial trainees	In-person lecture, facilitated discussion with CJEU expert	CTJSP, EU partners	Participants understand institutional role, composition and functioning of the CJEU
Improve understanding of the preliminary ruling procedure (Art. 267 TFEU)	Targeted workshop on Article 267 TFEU, with practical examples and simulated referrals	Judges of basic, administrative, commercial courts, high courts, Court of Appeal, Supreme Court, legal advisors	Case-based workshop, sample preliminary questions, peer discussion	CTJSP, Supreme Court liaison	Participants recognize situations appropriate for referral and improve drafting skills
Address knowledge gaps in litigation procedures before the CJEU	Thematic seminar on litigation stages before the CJEU, including admissibility and written/oral stages	Judges, state prosecutors, government agents	In-person lecture + case analysis + guided discussion	CTJSP, EU partners	Improved familiarity with procedural aspects of CJEU litigation

Strengthen practical skills through simulation	Mock trial and legal drafting simulation before the CJEU	Selected judges and state prosecutors	Moot court, written pleadings exercise, roleplay	CTJSP, Faculty of Law	Participants gain hands-on experience in preparing and presenting CJEU cases
Develop deeper understanding of CJEU case law	Seminar on identifying, analysing and applying CJEU jurisprudence in national proceedings	All interested judges and legal professionals	Case study methodology, group work, guided research	CTJSP	Participants apply CJEU jurisprudence as persuasive authority
Promote integration of the EU fundamental principles in judicial reasoning	Advanced training on fundamental principles derived from CJEU case law	Senior judges and trainers	Lecture, case discussion, practical application	CTJSP, EU Partners	Participants integrate the EU principles in reasoning and align decisions with the EU standards
Build sustainable national training capacity	Training-of-trainers (ToT) programme focused on CJEU litigation and methodology	Experienced judges, legal educators	Interactive methodology sessions, training design, resource development	CTJSP, EU Partners	National pool of trainers qualified to deliver future CJEU-focused training
Facilitate inter-institutional coordination	Roundtable on practical challenges in applying and litigating the EU law	Judges, Ministry of Justice, state agents and other relevant institutions	Structured peer discussion, exchange of practices	CTJSP, Ministry of Justice	Improved collaboration and information sharing between institutions
Ensure continuous access to resources	Development of an online learning module: "Litigation before the CJEU"	Judiciary at large, especially those in remote areas	Modular e- learning (readings, expert videos, case analysis tools)	CTJSP, EU-funded project	Permanent online access to CJEU-related training and reference materials
Evaluate training effectiveness and future needs	Post-training evaluation, medium-term follow-up, impact assessment	Training participants	Feedback tools, interviews, application tracking	CTJSP	Training is continuously improved based on needs and real-world application

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Annex I – TNA Survey for Judges

UPITNIK O POTREBAMA ZA OBUKOM SUDIJA O PRAVU EU SA AKCENTOM NA PRIMJENU POVELJE O OSNOVnim PRAVIMA EU

“Strengthening Regional Judicial Cooperation in the Western Balkans for Effective Litigation before the CJEU and Implementation of the EU Charter of Fundamental Rights”

OSNOVNI PODACI

1. Molimo vas označite sud u kojem obavljate sudijsku funkciju:

- Sud za prekršaje
- Osnovni sud
- Viši sud
- Apelacioni sud
- Vrhovni sud

2. Koliko dugo obavljate tužilačku funkciju:

- 0-4 god.
- 4-10 god.
- 10-15 god.
- 15 +

3. Godine starosti:

- 25-35
- 35-45
- 45-55
- 55-65
- 65+

4. Pol/rod:

- Muški
- Ženski
- Ostalo

OCJENA DOSADAŠNJE PONUDE OBUKA U OBLASTI PRAVA EVROPSKE UNIJE

Ovaj dio upitnika ima za cilj da procijeni vaše zadovoljstvo obukama o pravu Evropske unije koje ste dosada imali prilike da pohađate.

**Molimo vas da iz svojih odgovora izostavite obuke o Evropskoj konvenciji o zaštiti ljudskih prava i osnovnih sloboda (EKLjP) i obuke o drugim konvencijama Savjeta Evrope.*

5. Da li smatrate da se ponuda i kvalitet obuka u oblasti prava Evropske unije za nosioce pravosudne funkcije u Crnoj Gori trebaju unaprijediti?

- Ne
- Da

6. Da li su dosadašnje obuke o pravu Evropske unije uspješno odgovorile na potrebe nosilaca pravosudne funkcije u Crnoj Gori?

- Ne
- Da
- Djelimično

7. Da li je potrebno na obukama iz oblasti prava Evropske unije pružiti više informacija o tome kako se pravo Evropske unije može primijeniti u pravnom sistemu Crne Gore:

- Ne
- Da

8. U prethodnom periodu pohađao/la sam obuke o pravu Evropske Unije, i to:

- Nisam pohađao/la
- 1 obuka
- 2 obuke
- 3 obuke
- 4 obuke
- 5+ obuka

Molimo Vas da (ukoliko se sjećate) navedete nazive obuka koje ste pohađali:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

OCJENA POTREBA ZA OBUKOM U NAREDNOM PERIODU

9. Da li ste upoznati sa pravnom tekovinom EU?

- Ne, nisam
- Da, jesam
- Djelimično sam upoznat/ta

10. Da li pratite praksu Suda pravde EU?

- Ne
- Da

11. Da li smatrate da je praksa Suda pravde EU relevantna za vaš posao i u kojoj mjeri?

- Ne smatram da je relevantna
- Relevantna je u manjoj mjeri
- Relevantna je za neke oblasti
- Relevantna je u velikoj mjeri

12. Da li ste upoznati sa konceptom osnovnih načela koja su ustanovljena sudskom praksom Suda pravde EU?

- Ne
- Da
- Djelimično sam upoznat/ta

13. Da li ste dosada pohađali obuke o postupcima koji se vode pred Sudom pravde EU?

- Ne, nisam
- Da, jesam

14. Da li ste upoznati sa postupkom odlučivanja o prethodnom pitanju iz člana 267 Ugovora o funkcionisanju EU

- Ne, nisam
- Da, jesam
- Djelimično sam upoznat/ta

15. Na koje od navedenih tema biste voljeli pohađati obuke?

- Uloga nacionalnih sudova u primjeni prava EU
- Sud pravde EU: uloga, struktura i nadležnosti
- Postupak odlučivanja o prethodnom pitanju
- Efekti presude o prethodnom pitanju
- Postupak pred sudom pravde EU
- Tužba za poništaj
- Tužba za utvrđivanje propuštanja
- Osnovna načela ustanovljena sudskom praksom Suda pravde
- Praksa Suda pravde EU kao izvor prava

16. Navedite najmanje 1, a najviše 3 tema u vezi sa postupcima pred Sudom pravde EU za koje je obuka po Vašem mišljenju najpotrebnija:

- 1) _____
- 2) _____
- 3) _____

17. Da li ste zainteresovani da prođete specijalizovani program obuke koji bi se sastojao iz više modula (tematskih cjelina) o postupcima pred Sudom pravde EU?

Da
 Ne

METODOLOGIJA SPROVOĐENJA OBUKA

18. U tabeli su navedene različite vrste, odnosno načini sprovođenja obuka kako bi ih rangirali u odnosu na njihovu efikasnost kada su u pitanju nosioci pravosudnih funkcija?

Na skali od 1 – 5 (1 = najmanje efikasna – 5 = najefikasnija)	1	2	3	4	5
Obuke uživo (Face-to-Face)					
Online obuke i webinari					
Mješovite obuke - hibridne obuke (kombinacija uživo i online obuke)					
E-learning kursevi (sa e-learning platformi: tutorisani i self-paced online kursevi)					
Obuke među kolegama (peer to peer) – mentorstvo na radnom mjestu					
Samoedukacija					

19. U tabeli ispod navedene su metode obuke pa vas molimo da ih rangirate po djelotvornosti postizanja najboljih rezultata učenja?

Na skali od 1 – 5 (1 = najmanje djelotvoran – 5 najdjelotvorniji)	1	2	3	4	5
Predavanja					
Vođene diskusije					
Studije slučaja (case study) i primjeri iz sudske prakse					
Simulacije suđenja/Moot court i Mock trial (lažno suđenje)					
Rješavanje zadataka/problema u grupi tzv. rad u grupama					

20. Ko, po vašem mišljenju treba da su predavači/treneri na obukama o pravu EU?

Rangirajte ih po tome koji od dolje navedenih profila u najvećoj mjeri treba da su zastupljeni kao predavači na obukama o pravu EU.

Na skali od 1 – 5 (1 = u najmanjoj mjeri – 5 = u najvećoj mjeri)	1	2	3	4	5
Stručnjaci iz različitih oblasti koje se odnosi na predmetnu obuku					
Profesori i naučni radnici					
Kolege sudije i tužioci sa velikim radnim iskustvom (iz viših instanci)					
Obučeni predavači /treneri koji su završili trening za trenere na temu prava EU					
Kolege sudije i tužioci koji posjeduju interesovanje za teme koje su predmet obuke, bez obzira na godine radnog iskustva					
Regionalni i međunarodni eksperti iz zemalja EU koji imaju iskustvo primjene prava EU u svakodnevnom radu					

21. Da li imate neke dodatne predloge i sugestije za unaprjeđenje obuka na temu prava EU?

Annex II – TNA Survey for State Prosecutors

UPITNIK O POTREBAMA ZA OBUKOM DRŽAVNIH TUŽILACA O PRAVU EU SA AKCENTOM NA PRIMJENU POVELJE O OSNOVnim PRAVIMA EU

“Strengthening Regional Judicial Cooperation in the Western Balkans for Effective Litigation before the CJEU and Implementation of the EU Charter of Fundamental Rights”

OSNOVNI PODACI

1. Molimo vas označite tužilaštvo u kojem obavljate tužilačku funkciju:

- Osnovno državno tužilaštvo
- Više državno tužilaštvo
- Specijalno državno tužilaštvo
- Vrhovno državno tužilaštvo CG

2. Koliko dugo obavljate tužilačku funkciju:

- 0-4 god.
- 4-10 god.
- 10-15 god.
- 15 +

3. Godine starosti:

- 25-35
- 35-45
- 45-55
- 55-65
- 65+

4. Pol/rod:

- Muški
- Ženski
- Ostalo

OCJENA DOSADAŠNJE PONUDE OBUKA U OBLASTI PRAVA EVROPSKE UNIJE

Ovaj dio upitnika ima za cilj da procijeni vaše zadovoljstvo obukama o pravu Evropske unije koje ste dosada imali prilike da pohađate.

**Molimo vas da iz svojih odgovora izostavite obuke o Evropskoj konvenciji o zaštiti ljudskih prava i osnovnih sloboda (EKLjP) i obuke o drugim konvencijama Savjeta Evrope.*

5. Da li smatrate da se ponuda i kvalitet obuka u oblasti prava Evropske unije za nosioce pravosudne funkcije u Crnoj Gori trebaju unaprijediti?

- Ne
- Da

6. Da li su dosadašnje obuke o pravu Evropske unije uspješno odgovorile na potrebe nosilaca pravosudne funkcije u Crnoj Gori?

- Ne
- Da
- Djelimično

7. Da li je potrebno na obukama iz oblasti prava Evropske unije pružiti više informacija o tome kako se pravo Evropske unije može primijeniti u pravnom sistemu Crne Gore:

- Ne
- Da

8. U prethodnom periodu pohađao/la sam obuke o pravu Evropske Unije, i to:

- Nisam pohađao/la
- 1 obuka
- 2 obuke
- 3 obuke
- 4 obuke
- 5+ obuka

Molimo Vas da (ukoliko se sjećate) navedete nazive obuka koje ste pohađali:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

OCJENA POTREBA ZA OBUKOM U NAREDNOM PERIODU

9. Da li ste upoznati sa pravnom tekovinom EU?

- Ne, nisam
- Da, jesam
- Djelimično sam upoznat/ta

10. Da li pratite praksu Suda pravde EU?

- Ne
- Da

11. Da li smatrate da je praksa Suda pravde EU relevantna za vaš posao i u kojoj mjeri?

- Ne smatram da je relevantna
- Relevantna je u manjoj mjeri
- Relevantna je za neke oblasti
- Relevantna je u velikoj mjeri

12. Da li ste dosada pohađali obuke o zaštiti osnovnih ljudskih prava u EU tj. o Povelji o osnovnim pravima EU?

- Ne, nisam
- Da, jesam

13. Da li ste upoznati sa pravima koja su obuhvaćena Poveljom?

- Ne, nisam
- Da, jesam
- Djelimično sam upoznat/ta

14. U nastavku su navedena poglavlja tj. naslovi iz Povelje u kojima su sistematizovana prava.

(Molimo vas da na skali od 1 do 5 ocjenite relevantnost primjene prava koja su sadržana u naznačenim poglavljima za vaš rad, pri čemu 1 znači – najmanje relevantna, a 5 - najrelevantnija).

1. Dostojanstvo (čl.1-5)	1	2	3	4	5
2. Slobode (čl.6-19)	1	2	3	4	5
3. Jednakost (čl.20-26)	1	2	3	4	5
4. Solidarnost (čl. 27-38)	1	2	3	4	5
5. Prava građana (čl. 39-46)	1	2	3	4	5
6. Pravda (čl. 47-50).	1	2	3	4	5

15. Na koje od navedenih tema (koje se odnose na članove Povelje) biste voljeli pohađati obuke?

- Pravo na zaštitu ličnih podataka (čl. 8)
- Prava djeteta (čl. 24)
- Prava starijih osoba na dostojan život i nezavisnost (čl. 25)
- Puna integracija osoba sa invaliditetom (čl. 26)
- Zaštita životne sredine (čl. 37)
- Zaštita potrošača (čl. 38)
- Zabrana smrte kazne (čl. 2)
- Zabrana mučenja, neljudskog ili ponižavajućeg postupanja i kažnjavanja (čl. 4)
- Zabrana robovlasništva i prisilnog rada (čl. 5)
- Ravnopravnost muškaraca i žena u svim oblastima, uključujući zapošljavanje, rad i zaradu i praksi pozitivne diskriminacije (čl. 23)
- Slobodu poslovanja (čl. 16)
- Pravo na imovinu (čl. 17)
- Pravo na štrajk (čl. 28)
- Pravo na dobru upravu i pravo pristupa dokumentima (čl. 41 i 42)
- Pravo na efikasan pravni lijek pred sudom i pravo na pravično, javno suđenje u razumnom vremenskom roku (čl. 47). Da li ste zainteresovani da prođete specijalizovani program obuke o pravu Evropske unije?

16. Navedite najmanje 1, a najviše 5 tema u vezi sa primjenom Povelje za koje vam je obuka najpotrebniјa:

- 6) _____
- 7) _____
- 8) _____
- 9) _____
- 10) _____

17. Da li ste zainteresovani da prođete specijalizovani program obuke (koji bi se sastojao iz više modula tj. tematskih cjelina) o primjeni Povelje o osnovnim pravima Evropske unije?

- Da
- Ne

METODOLOGIJA SPROVOĐENJA OBUKA

18. U tabeli su navedene različite vrste, odnosno načini sprovođenja obuka kako bi ih rangirali u odnosu na njihovu efikasnost kada su u pitanju nosioci pravosudnih funkcija?

Na skali od 1 – 5 (1 = najmanje efikasna – 5 = najefikasnija)	1	2	3	4	5
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E-learning kursevi (sa e-learning platformi: tutorisani i self-paced online kursevi)					
Obuke među kolegama (peer to peer) – mentorstvo na radnom mjestu					
Samoedukacija					

19. U tabeli ispod navedene su metode obuke pa vas molimo da ih rangirate po djelotvornosti postizanja najboljih rezultata učenja?

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Rješavanje zadataka/problema u grupi tzv. rad u grupama					
Samoedukacija					

20. Ko, po vašem mišljenju treba da su predavači/treneri na obukama o pravu EU?

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Stručnjaci iz različitih oblasti koje se odnosi na predmetnu obuku					
Profesori i naučni radnici					
Kolege sudije i tužioci sa velikim radnim iskustvom (iz viših instanci)					
Obučeni predavači /treneri koji su završili trening za trenere na temu prava EU					
Kolege sudije i tužioci koji posjeduju interesovanje za teme koje su predmet obuke, bez obzira na godine radnog iskustva					
Regionalni i međunarodni eksperti iz zemalja EU koji imaju iskustvo primjene prava EU u svakodnevnom radu					

21. Da li imate neke dodatne predloga i sugestije za unaprjeđenje obuka na temu prava EU?

Hvala Vam na uloženom trudu i vremenu za popunjavanje upitnika!

