

ANALYSIS: Chapter 27-Environment and Climate Change

Period: April 2016 - December 2017

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INTRODUCTION

This document presents the analysis of progress and evaluates the activities of the relevant institutions in the field of Environment and Climate Change in Montenegro for the period since the founding of the Coalition 27, in April 2016 until December 25th, 2017, with a general overview of the level of alignment with EU *acquis* since the beginning of accession negotiations. The analysis gives recommendations for strengthening the process of transposition and implementation of EU legislation covered by Chapter 27. This document certainly seeks and clarifies the essential problems in the individual areas covered by this chapter and points out the need of their solving during the negotiation process. The additional document addresses the key events in the field of environment and climate change in Montenegro and these findings will be used by Coalition 27 as the basis for the preparation of the Shadow Report for the period April 2016 – December 25th, 2017 which will be announced in April 2018.

Accession negotiations with Montenegro were opened on June 29th, 2012. Until now, 30 negotiating chapters have been opened, three of which had been temporarily closed. However, of the 35 negotiation chapters, Chapter 27 is considered as the largest and the most financially demanding chapter is yet to be opened. The negotiating position of the state of Montenegro is addressed to the European Commission and its harmonization is ongoing, in accordance with the comments received from the European Commission.

Protecting and conservation of the environment is a key challenge for the only constitutionally proclaimed ecological state in the world. In the context of other countries that have not aspired to create an ecological brand in this way, Montenegro occupies the 47th place on the list of ecological countries of the world according to the Environmental Performance Index (EPI), developed by the Universities of Yale and Columbia in cooperation with the World Economic Forum, that measure the ecological and ecosystem vitality of each state.¹

The EU legislation on Chapter 27, with over than 200 legal acts, gives the opportunity for Montenegro to justify its ecological status. However, the scope and long-term objectives of the *acquis* in the field of environment require a full commitment from the Government. In order for this process to be successful, decision-makers need to set the environment high on the list of priorities, which, according to official government documents, strategical guidelines, government work programs, and firstly the budget allocations for investment in the environment, is not the case. A strong determination and a change in the current policy course in this area will be necessary to solve decades of accumulated problems in the field of environment and respond to current and future challenges.

As a basis of the democratic process in the negotiations, the European Union recognized the participation of the civil sector, whose observations are very often contained in the Reports on Montenegro, and some issues are recognized as benchmarks in the context of opening or closing the chapters. With the intention to point out the essential problems and propose concrete solutions, civil society organizations in the field of environment have formed the

¹ <http://epi.yale.edu/country/montenegro>

Coalition 27², whose goal is to advocate sustainable solutions and contribute to quality, transparency and as soon as possible to meet EU requirements within the 27th negotiating chapter.

The Coalition is conceived as an open platform for joint monitoring and participation of civil society organizations in the process of advocacy and promotion of European Acquis in the field of environment. It was established within the project "Strengthening capacities for a better environment in Montenegro", which is realized by NGOs Green Home, Center for Protection and Study of Birds, North Country, Youth Ecologists Association Nikšić and Green action / Friends of the Earth from Croatia, with the financial support of the Delegation of the European Union to Montenegro.

METHODOLOGY

The Analysis follows the thematic framework of the EU Report on Montenegro for 2016. The research is based on the analysis of available and published strategic documents, laws, by-laws, analysis of the EUR-LEX database, adopted governmental reports. In preparation of the report, the analyzes for individual sub-areas which were prepared in the framework of the project "Strengthening capacities for a better environment in Montenegro" were used. In each thematic section we address the overview and the assessment grid through the analysis of laws and bylaws, the plans of institutions in the legislative part, the budgets of key institutions, the analysis of key guidelines from strategic documents relevant to a particular sub-area, the identification of key projects, the explanation of the given quotes, the analysis of progress and delivery a guideline for improving the situation, identifying challenges and giving key recommendations for individual sub-area.

The aim of this Analysis is not to replace the Government's contributions to Analytic report in environmental field, the Annual Progress Report, the Report on the Implementation of Recommendations, and even less to evaluate the reports on the Implementation of the **National Strategy for Transposition, Implementation and Enforcement of the EU Legal Framework in the Field of Environment and Climate Change (NEAS) with the Action Plan for the period 2016-2020**, but through the thematic areas it points out the burning problems and provides adequate solutions. The Coalition's Analysis covers segments of the environment: horizontal legislation, air quality, waste management, water quality, nature protection, industrial pollution, chemicals, noise, civil protection and climate change.

GENERAL OVERVIEW AND ASSESMENT

In 2016, the Government of Montenegro adopted the National Strategy for the Transposition, Implementation and Enforcement of the EU Legal Framework in the Field of Environment and Climate Change (NEAS) with the Action Plan for the period 2016-2020, which includes an approximate cost estimate, and the National Strategy for Sustainable Development until 2030. However, the National Investment Strategy and implementation plans for "heavy" directives are missing. Despite a number of strategic and planning documents, systemic environmental management is missing, the clearly defined goals, the realized deadlines, interconnectedness of strategic and planning documents reflecting policies in this area and strong institutions with professional staff that can meet challenges. „AD HOC” decisions were made without prior analysis.

² <http://koalicija27.me/>

The key institution for transposing EU regulations is the Ministry of Sustainable Development and Tourism. Some ministries and administrative bodies are responsible for certain segments of the EU *acquis*, such as: Ministry of Agriculture and Rural Development, Ministry of Economy, Ministry of Internal Affairs, Ministry of Health, Ministry of Finance, Ministry of Transport and Maritime Affairs; of Nature and Environment Protection Agency, Institute for Hydrometeorology and Seismology, Forestry Directorate, Water Directorate, Food Safety Administration, Veterinary and Phytosanitary Affairs, Police Administration, Customs Administration, Real Estate Administration, Statistical Office of Montenegro, Institute of Public Health, Administration for Inspection Affairs, Public Enterprise for National Parks, Public Enterprise for Marine Management, Center for Ecotoxicological Testing and Research, Institute of Marine Biology. Local government units also have competencies in this area.

Following the reports on the implementation of activities for individual strategic frameworks, the legislative activity and funds allocated for projects in the environment can be concluded that the environment and climate change are not a priority of the Government of Montenegro. Legislation is partially harmonized with the EU *acquis*. For most areas limited progress has been made in transposing the EU's environmental *acquis* and climate change, bearing in mind that harmonization is not realized by transposition of the directive completely and correctly. The most common choice of the method is the re-formulation when it's taken the essence of the obligation while respecting the national legal system and the legal language. As a result of the method of selection we have incomplete harmonization, incomplete transposition with the objectives prescribed by the EU legislation and problem with adoption of by-laws. The legislative activities are characterized by the lack of adequate public debate and insufficient horizontal coordination among stakeholders.

Lack of political will, insufficient horizontal coordination between state authorities, delay in fulfilling certain obligations proves that the capacities of state administration are limited. All this leads to poor implementation and enforcement of legal acts, delays and deadlines postpone.

In many fields of environment, clear institutional set-up, technical assistance, capital infrastructure and operational actions are missing especially after merging of the Environmental Protection Agency (EPA) and the Ministry of Sustainable Development and Tourism (MSDT).

Government of Montenegro adopted, on December 21th, 2017, Report of implementation of the National Strategy for the Transposition, Implementation and Enforcement of the EU Legal Framework in the Field of Environment and Climate Change (NEAS) with the Action Plan for the period July 2016-December 2017. According to this Report 156 obligation were foreseen, 94 obligations were realized and 26 were ongoing. The total degree of the realization according to the Strategy is 60,26%.

In the period from April 2016 to December 2017, progress has been made in the legislative part. 17 laws, four laws on ratification and 113 by-laws (however, 28 of them is a basis for the use of natural resources) were adopted.

The Expert Working Group on Water and the Expert Working Group on Nature Protection were established. The Expert Working Group on Nature Protection, established in May 2017, did not hold any meeting.

The Ministry of Agriculture and Rural Development has started an initiative for the proclamation of a moratorium on the exploitation of sand and gravel from riverbeds. The coordination team monitors the implementation of this moratorium.

Government adopted the Decision on Temporary Restriction of Exports of Certain Wood Assortments ("Official Gazette of Montenegro" No. 23/17) until May 2019 which was a step forward in this field. However, as early as August 2017, the Government adopted a Decision amending the Decision on the temporary limitation of exports of certain timber assortments allowing the export of certain timber assortments.

In this stage it is necessary to identify conflicting legislation, prepare amendments to the legislation, integrate primary legislation and secondary acts needed for full and effective legal transposition and relative timeline and identify actions needed for full implementation and enforcement. Confirmation that this goes in some other direction is the merging the EPA to the MSDT which has been implemented with lack of transparency and without consulting important stakeholders. As a consequence, there is a clear conflict of interest in operating of those two bodies. Having in mind lack of transparency of this process (implemented without public consultations) and threatening independence within decision-making process of EPA (that is now under the Ministry –Directorate for Environment) in further period it is expected to get a process of advocating controversial projects and investments managed by different interest groups through MSDT.

Also, the proposed transformation of National Parks from a public enterprise into a limited liability company is questionable as well as the building of certain infrastructure facilities at the heart of the reserves, i.e. strictly protected areas (catering facilities in NP "Biogradska gora", NP "Durmitor", NP "Lovćen" and "Porto Skadar Lake" in NP "Skadarsko jezero") according to the new Governmental policy of sustainable financing of protected areas and regarding the new **Law on Spatial Planning and Construction of Facilities**. Spatial planning and correlated sustainable development of valuable areas is threatened by the adoption of this Law. The main principle of this Law is based on centralization of the decision making process, which is opposite to EU recommendations. The law does neither recognize local spatial plans, nor spatial plans of special purposes, such as those for national parks and coastal zones. For example, the recently adopted Spatial-Urban Plan of the Ulcinj municipality that identified Ulcinj Salina as a protected area (whose protection is a negotiating benchmark) will no longer be valid. Inadequate level of planning documentation such as the Plan of General Regulation which will threaten the national parks makes possibility to marginalize nature protection in relation to its economic valuation, which is carried out in an environmentally unsustainable manner. Parliament of Montenegro will have a responsibility for adoption of Spatial Plan of Montenegro and Plan of General Regulation. The Government of Montenegro and Ministry of Sustainable Development and Tourism will have big responsibility. Responsibility of local government will be in process of adoption the Urban Project. There is possibility of the conflict between the Law of Spatial Planning and

Construction, on one hand, and the Law on Nature Protection and the Law on National Parks, on the other hand, in part of mechanism of nature protection and hierarchy of planning documents which is necessary for realization of Management plans for national parks.

Lack of human resources is evident. Reliance on temporary staff and trainees, high turnover of staff is worrying especially in relation to the overall capacity of key institutions that need to ensure the effective implementation and enforcement of the *acquis*.

Additional reason for concern is **insufficient capacities of inspection bodies** which, due to the small number of employees, are not able to timely and efficiently carry out inspections in the field.

In the Ministry of Sustainable Development and Tourism, in the Sector for Environment and in the Sector for Communal Development, which are primarily responsible for environmental affairs, 40 employees³ are employed. The Government of Montenegro, on July 12th 2017, adopted the *Plan for reorganization and strengthening of administrative capacities for the sectors of environment and climate change in Montenegro*⁴ based on the principles of the Public Administration Reform Strategy in Montenegro 2016-2020: (de) bureaucratization and process optimization, which implies efficient use of existing resources; continuous professional training and training of civil servants, which implies continuous checking and education of existing staff in the system; human resources management in order to optimize the number of employees in the public sector. In the "*Draft plan for reorganization and strengthening of administrative capacities for the sectors of environment and climate change in Montenegro*", it is stated that a total of 25⁵ employees are working on the transposition of 100 EU acts and six of them are engaged under the contract on temporary and occasional jobs. This indicates on the level of commitment as well as the quantitative lack of capacity and often qualitative shortcomings (large fluctuation of employees, a large number of beginners in this work, inadequate profession for a very specific area where the special expertise and skills are needed). This avoids the adequate implementation of sectoral policies, projects and reforms which additionally complicates the irregular training of staff for legislative activity. Insufficient organization, poor coordination and communication between institutions which are responsible for individual aspects of environmental policy making and implementation and unsatisfactory coordination between the central level authorities and local self-governments makes it difficult to work in this area. The Plan also showed that a part of the employees in relatively high positions is poorly familiar with the transposition, implementation and enforcement process and is not capable to communicate with the terminology of EU *acquis*. It is recommended that, in addition to professional and specialized training, meetings should be organized in order to familiarize officers at various levels of responsibility with the overall process and in particular the reasons for the changes that are being implemented. Also, more involvement of officials in the process of transposing directives and regulations into national acts is required and completing the transposition process itself with applicable EU *acquis* in order to obtain compatible legal frameworks. Preliminary analysis showed that the number of employees who are adequately performing work tasks is insufficient. On that way, an institution which formally engages sufficient officials turns into an overburdened institution that fails to respond adequately to entrusted

³ Law on Budget of Montenegro for 2017. ("Official Gazzete MNE", No. 83/16, 42/17), Pg. 173 , <http://www.sluzbenilist.me>

⁴ <http://www.mrt.gov.me/vijesti/174669/Plan-reorganizacije-i-jacanja-administrativnih-kapaciteta-za-sektore-zivotne-sredine-i-klimatskih-promjena-u-Crnoj-Gori-2017-2022.html> / *Plan for reorganization and strengthening of administrative capacities for the sectors of environment and climate change in Montenegro*

⁵pg. 12;

tasks. Insufficient capacities are fading through different, uncoordinated, projects without clear goal and vision. It was estimated that the largest burden is in the Statistical Office of Montenegro (ratio: 0.08), followed by Ministry of Sustainable Development and Tourism (ratio: 0.25), the least burden has the Institute for Public Health (ratio: 4.5) followed by the Institute for Hydrometeorology and Seismology (ratio: 11.29), while the average burden for 14 institutions is 2.67. At the local level, 107 employees in 23 municipalities⁶ are involved in transposition, implementation and enforcement of regulations in the field of EU *acquis* in the field of environment and climate change. Within the Administration for Inspection Affairs there are three organizational units within the jurisdiction of the EU *acquis* for Chapter 27: Department for Environmental and Spatial Planning; Department for protection and safety of human, animal, plant and forest health and the Department for protection of market and economy, games of chance and public procurement⁷. The plan envisages strengthening the administrative capacities of state authorities, administrative bodies and local self-government bodies⁸ in charge of transposing, implementing and enforcing the EU *acquis* in the fields of environment and climate change. It is estimated that an additional amount for the recruitment of 41 new officers in the institutions responsible for the environment and climate change will increase monthly gross salaries in the amount of around 37,256 EUR which is about 447,075.48 EUR per year.

The Plan of the reorganization and the strengthening of administrative capacities for the environmental and climate change sectors in Montenegro proposes that the coordination of work and the monitoring of the process of transposition, implementation and enforcement of the EU Acquis is primarily the responsibility of the Steering Committee established for the needs of monitoring the process of preparation of the NEAS with AP. The Steering Committee will determine responsibilities in each of the phases and resolve possible conflicts of jurisdiction between institutions.

There is no sustainable financial framework which can respond to demanding implementation and enforcement of legislation.

There is a need to assess financial implication of actions performed in accordance with specific sub-areas of environment. It's obvious that there will be no substantial **financial allocations** for closing the Chapter 27 deriving directly from the state budget but rather from private sector penalties. Having in mind low rate of collectability of tax and penalties from this sector, there is a reasonable doubt that proposed solutions within the Eco Fund will be able to significantly contribute to attain the committed activities under this Chapter. It is estimated that the total cost of alignment amounts to EUR 2,108 million⁹ in nominal terms. Limited financial resources in the relevant ministries and administrative bodies remain a matter of concern, especially with regard to the overall capacity of these institutions in order to ensure the effective implementation and enforcement of the *acquis*. According to the Law on the Budget for 2018 the amount of € 1.43 mil. or 0.09% of total expenditures of the current and budget funds were allocated for the Program "Environmental Protection and

⁶ *Plan for reorganization and strengthening of administrative capacities for the sectors of environment and climate change in Montenegro*, pg.26

⁷ *Plan for reorganization and strengthening of administrative capacities for the sectors of environment and climate change in Montenegro*, pg. 29

⁸ While the Law on Planning and Construction of Facilities eliminates the competence for the adoption and implementation of spatial-planning documents, the question therefore arises as to the responsibilities for the implementation of the SEA and EIA

⁹ National Strategy for transposition, implementation and enforcement of EU environment and climate change Acquis (NEAS) with Action plan for period 2016-2020, pg. 118

Communal Development", in 2017 the amount of € 1.8 mil. or 0.09% were allocated which is more than insufficient for carrying out the strategic and legislative activities in this area. The Government's intention to establish the Eco Fund we can support as an idea. The establishment of the Eco Fund, which is expected to serve as a key mechanism for financing obligations under Chapter 27, is a challenge from the capacities, organizational, technical and financial point of view. Taking into account the options presented by the Government as an opportunity to finance projects through the Eco Fund, the question may arise as to whether the establishment of the Eco Fund is justified in this way. This is especially because the „polluter pays principle“ still exists, however, the funds collected on this basis are far less than what is needed to cover the minimum needs estimated for the successful closure of this Chapter. One of the options is to use existing payments according to the principle „polluter pays“, second option is increase of existing fees, third option is to increase the existing payment from the option „one“ with additional payment through introduction of excise duties and fourth option is increase the payment according to the principle „polluter pays“ with the excise duties and additional payments. The option No. 3 is the best for funding but in accordance with the conclusions of different meetings with this topic for decision's maker's commitment is „option one“. The funds collected pursuant to this option are not sufficient for the costs of financing the environmental projects and costs estimated in the NEAS. For example, for “heavy” directives it is necessary to prepare implementation plans and accordingly the costs in the state budget.

The Government is mainly based on securing the necessary resources from the available funds. However, financial programming of infrastructure projects requires the readiness of the project in terms of completing the necessary technical documentation, implementation of SEA and EIA, economic and financial sustainability, conducted cost-benefit analysis. Often, the projects proposals lack many of the above. In 2015, the National Investment Commission adopted the "*Methodology for the selection and prioritization of infrastructure projects*" used for ranking the projects by readiness. Information on the updating of the *Single Pipeline List of Priority Projects* was adopted by the Government of Montenegro in July 2017¹⁰. Technical assistance was requested for the preparation of projects in an environmental field in total amount of € 18.51 million for the period 2017-2020. years. The total value of the proposed projects is approximately € 331.57 million of which € 123.6 million for the improvement of water supply in Montenegro, improvement of the waste water management system € 151.11 million, waste management € 26.27 million, civil protection € 1.2 million, water supply and wastewater management € 14.21 million, flood protection € 14.78 million and nature protection € 0.4 million. It was estimated that 16 projects in this sector are in Group 1 - are ready for tender procedure and realization of the investment while 20 projects are in Group 2 - ready for preparation of technical documentation.¹¹

The budget, for 2018, for the program "Environment and communal services" is 1.43 mil. Service costs are planned for the following activities:

- support to the activities defined by the founding acts of "Procon",
- support for the establishment of protected areas,

¹⁰ http://www.gov.me/sjednice_vlade_2016/32

¹¹ Information on the updating of the *Single Pipeline List of Priority Projects*, pg. 16

- development of specific implementation plans for the Directives in the field of nature protection;
- activities foreseen in the Strategy for Transposition, Implementation and Implementation of the European Union Legal Framework in the Field of Environment and Climate Change with the Action Plan for the period 2016-2020,
- preparation of the Study of the Hazardous Waste Cadastre and Hazardous Waste Management in Montenegro,
- development of the Program for the prevention of waste generation in Montenegro,
- preparation of the Study of Special Waste in Montenegro,
- preparation of acts related to the Inspire Directive,
- collecting species data and mapping habitats within the Emerald area revision,
- engagement of a CIM consultant,
- implementation of an integrated coastal area management policy,
- completion of project activities,
- Preparation of the First Report on the Implementation of the National Strategy for Integrated Coastal Zone Management,
- establishment of indicators of integrated coastal area management within the implementation of the Action Plan of the National Integrated Coastal Zone Management Strategy,
- realization of tasks for implementation of the project MNE9005 "Assessment and reduction of radon in Montenegrin schools and kinder gardens",
- activities related to the planned opening of Chapter 27 - Environment and Climate Change,
- Implementation of the Strategy for Protection against Ionizing Radiation, Radiation Safety and Radioactive Waste Management 2017-2021 (measures 14, 15, 20, 21),
- development of the Environmental Monitoring Program for 2018,
- realization of the planned planning documents in the previous period
- implementation of the Strategy of Radon Protection with the Action Plan for the period 2018-2022,
- creation of a database of collective and individual furnaces in the municipality of Pljevlja with data on location, power, type of fuel, energy efficiency of fires and other data of importance for determining the impact on air quality (obligation from the Action Plan for the period 2017-2021 with the National Strategy for Air Quality management),
- Preparation of the Program for the gradual reduction of national emissions of acidifying and eutrophying pollutants and ozone precursors (obligation from the Action Plan for the period 2017-2021 with the National Air Quality Management Strategy);
- preparation and implementation of a training plan for employees of the Agency for Nature Protection and Environment, the Ministry of Finance, the Customs Administration, the Inspection Directorate in the part concerning the following Regulations: EC 338/97, EC 865/2006, 792/2012 and 791/2012 relating to cross-border trade and trade in protected wildlife and animal species (CITES)),
- defining the National List of Invasive Species (I Phase),
- drafting of the Law on Invasive Species, which will transpose the EU Regulation 1143/2014,
- Establishment of a system for monitoring the ban on imports of seals products and facilitating the application of the necessary import procedures by the customs sector,
- Organization of round tables, seminars, conferences, ecological dates, cooperation with NGOs.

Current maintenance costs are planned in the amount of € 0.05 million, of total budget's amount, and refer to maintenance costs of radioactive waste storage.

Subsidies are planned in the amount of € 0.61 mil. and relate to subsidies for the National Parks of Montenegro.

Other expenditures in the amount of € 0.04 mil. are mostly planned for:

- membership fees in domestic and international organizations;
- payment of obligations to the International Atomic Energy Agency;
- Settlement of obligations under ratified conventions and relevant international agreements and maintenance of software.

Transfers to institutions, individuals, NGOs and the public sector are planned in the amount of € 0.05 mil. within the expenditure "Other transfers to institutions" and are intended for Eco Fund.

Other transfers are planned in the amount of € 0.14 mil. within the framework of expenditure transfers to public companies, are intended for the Agency of Energy Regulatory.

The gross salaries and other personal income is planned the amount of € 0.44 mil. for 40 employees.

For consulting services, projects and studies is planned the amount of € 0.33 mil.

For Nature and Environment Protection Agency for gross salaries and other personal income it is planned the amount of € 0.85 mil., of which the amount of € 0.4 mil. for the Environmental Monitoring Program for 2018, which includes: air quality, the content of hazardous and harmful substances in the soil, the state of the ecosystem of the coastal sea of Montenegro, the state of biodiversity, noise in the environment.

The total allocations for projects in the field of environmental protection in these two consumer units are: € 2,280,000 or 0,15% of State's budget.

For projects of environmental protection, € 4,655,000 is planned. For sanitary landfills, wastewater treatment plants and water supply € 410.000,00, construction of regional centers, transfer stations and rehabilitation of existing waste dumps € 530.000,00, rehabilitation and reconstruction of the hydraulic tunnel in Mojdež, Herceg Novi €2 0.000,00, construction and reconstruction of water supply system € 730.000,00, construction, reconstruction and rehabilitation of wastewater disposal system € 500.000,00, implementation of measures for reduction of pollution and heating of Pljevlja € 510.000,00, improvement of existing network of meteorological and precipitation stations € 120.000,00, rehabilitation of landfill in Plav €20.000,00, construction and reconstruction of water supply system in the area of Bukovica-Radetina, Rožaje € 300.000,00, construction of wastewater treatment plant in Vranjina,

Cetinje € **115.000,00**, reconstruction of the water supply network in the capital Cetinje € **900.000,00**, Execution of works on protection of Plav Lake € **500.000,00**.

For projects co-financed by **IPA** funds, the allocation of € **5.270.000,00** is planned, WWTP, sewerage network and water supply system in Berane € **1.370.000,00**, rehabilitation of landfill "Vrtijeljka" in Cetinje € **580.000,00**, rehabilitation of landfill "Ćafe" in Bar € 1.275.000,00, reconstruction of the railway Virpazar - Sutomore € **225.000,00**.

For the preparation of a project for the environmental protection and climate change sectors, € **10,000.00**, support for implementation and monitoring of waste management € **10,000.00**, support for implementation and monitoring of water management € **465,000.00**.

Table 1: Comparative table for the period 2015-2018 for consumer units Ministry of Sustainable Development and Tourism and Nature and Environmental Protection Agency

Budget	2015.		2016		2017		2018.	
Total state's budget	1.329.179.261, 65€		1.458.466.,803,17€		1.502.455.907,26€		1.516.802.776,01€	
Current budget	2.588.289,52€	(0,19 % of total state's budget amount	2.989.637,98€	(0,2% of total state's budget amount	3.174.055,59€	0,21% of total state's budget amount	2.280.000€	(0,15 % of total state's budget amount
	MSDT: 1.360.164,69€		MSDT: 1.661.360,99€		MSDT: 1.803.915,85€		MSDT: 1.430.000€	
	NEPA 1.228.124,83€		NEPA 1.328.276,9€		NEPA 1.370.139,74€		NEPA 850.000€	
Capital budget	2.760.000,00€		3.740.000,00€		3.650.000,00€		4.655.000,00€	

IPA projects		17.717.500,00€ ¹²	24.175.100,00€ ¹³	5.270.000,00€.
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Table 2: Other relevant institutions

Institution	2016	2017	2018.
Ministry of Economy		6.274.348,06 €	9,88 mil. €
Program: "Development of energy, mining and industry"		3.348.632,14€.	5,27€
Ministry of Internal Affairs		84.905.651,62€.	94,27 mil €
Program: "Emergencies and Civil Security"		2.631.447,64 €.	4,64 mil €
Ministarstva saobraćaja i pomorstva/ Ministry of Transport and Maritime Affairs		31.980.426,62€	34,91 mil. €
Ministry of Agriculture and Rural Development		26.327.780,03 €	29,42 mil. €
Program: "Water Management"		1.188.796,05 €.	1,17 mil €
Water Administration		246.500,11 €.	0,32 mil €
Program: "Forestry"	226.010,09€	196.885,06 €	0,17 mil €
Forest Administration	4.812.549,26	4.649.215,66€	4,86 mil €
Program: "Food Safety, Veterinary and Phytosanitary Jobs"	/	2.146.985,07€.	2,23 mil €
Fishery ¹⁴			0,54 mil €
Institute of Hydrometeorology and Seismology	1.653.863,55 €	1.512.713,29 €	

¹² It is not precised for which projects, the total amount on State level for IPA projects or budget for IPA projects in environmental field

¹³ It is not precised for which projects, the total amount on State level for IPA projects or budget for IPA projects in environmental field

¹⁴ New program from 2018

Institute for Public Health		3.410.540,58 €	2.600.000€ (total budget)
Judiciary	1.960.411,87€	1.896.721,02€	1.552.322,24 €
Program: Misdemeanor procedure			
Program Judiciary	10.995.709,31€	10.356.163,51 €	10.343.521,86 €
Prosecution	4.907.823,00€	5.256.845,89€	5.710.624,68 €
Program: Prosecution			
Natural History Museum of Montenegro		558.281,04€	
Customs Bureau		6.754.532,14€.	

In the budget for the environment, for the year when the opening of the chapters and it is necessary to adopt a set of regulations for the full transposition of EU *acquis* is planned, it was allocated €894,055.59 less than in previous year. The state clearly shows that the environment is not a priority.

Lack of horizontal coordination between governmental institutions seriously jeopardise the quality of legislative processes. Public hearings are either not maintained or restricted. Often it happens that at the same time public hearings are held in parallel for several legal acts, strategies, elaborates. From that reason the CSOs, dealing with environmental issues, can not contribute to all public debates with quality participation. With simultaneous processes the institutions use arguments „absent from public hearings“. According to the Decree on the procedure and manner of conducting a public hearing in the drafting of laws ("Official Gazette of Montenegro" No. 12/12), "*a public hearing is mandatory in the preparation of laws which regulate the rights, obligations and legal interests of citizens*". According to the Plan of the Ministry of Sustainable Development and Tourism for 2017, the public debate will be conducted for two strategic, one legal and one planning document.¹⁵ It is often the case that Strategic Environmental Assessments are not carried out for planning documents, for areas that can be marked as sensitive.¹⁶ Environmental protection instruments are often incompatible.

One of the key weaknesses is inefficient coordination between individual institutions and organizations. There is often a collision in legal and sub-legal acts. The key institution for the implementation of environmental legislative was the EPA. The recent merging of the Agency with the line ministry, in addition to the fact that it was done non-transparently and

¹⁵ http://www.mrt.gov.me/rubrike/javna_rasprava/171000/Spisak-zakona-i-strateskih-dokumenata-o-kojima-ce-se-sprovesti-javna-rasprava-u-toku-2017-godine.html

¹⁶ Decision on non-inclusion of Strategic Environmental Assessment of Amendments to the State Study of the location "Sector 5" ("Official Gazette of Montenegro", No. 49/17)

without public consultation with absolute lack of explanation, would be a challenge for both the Ministry and the Agency. It remains unclear how the Agency will achieve independence in decision-making and handling, especially with regard to the conduct of the first instance and second instance procedure, as well as how the capacities will be strengthened and fulfilled obligations according to NEAS.

The capacities of scientific institutions are worrying bearing in mind that they should provide a scientific basis that should be decisive in making decisions.

Regarding the **cooperation with civil sector**, a more transparency and cooperation is necessary. Further monitoring of legislative activities, by the EU institutions, better communication with environmental CSOs as well as publishing of the opinions given by the European Commission to the drafted legislation could contribute to the quality of legislative process. Although competent CSOs monitor, participate, argue and insist on dialogue in all important processes of national interest, this is largely ignored by the line ministry and responsible institutions. Competent CSOs are not participating in important process or their opinion has been mostly marginalized in important cases such as: establishment of Eco Fund, protection of Ulcinj Salina, development of Porto Skadar Lake, building of second block of TPP Pljevlja, adoption of new Law on Spatial Planning and Construction of Facilities. Cooperation with civil society in the early stages of information and consultation regarding the decision-making process and effective public participation remains is low.

The civil sector does not have adequate finance or state support that prevents it from monitoring the activities of state bodies in an adequate and continuous manner.

As the main weaknesses in environmental field are identified: the lack of strategic planning, undeveloped infrastructure and a lack of systematic integration of sub-sectoral policy in others sectors' policies. Lack of success in the institutional development and coordination between institutions could lead to lack of implementation of the EU *acquis*. It will be difficult to achieve the targets for some strategies if the financial resources dedicated to environment are not increased. Difficulties to sustain the investment costs of the projects in the field of environment infrastructure especially by the small and medium communities. Delayed project preparation and implementation of projects may lead to loss of IPA funds.

Of the total number of measures (49), in order to reduce the negative impact on the environment, for the period January-June 2017, the competent environmental institutions realized 7, the implementation of 37 measures is in progress, while 5 measures are unrealized.¹⁷

During 2016, the ecological inspection carried out 2,246 inspections (regular 1.374, on the initiative 204 and control inspection 668). It found 1,222 irregularities. Irregularities were: performing activities without permission and consent of the competent authorities; the quality of technological waters does not correspond to the conditions for discharge into the public sewage system and the natural recipient prescribed by law; performing activities in a protected area without the permission of the competent authorities; the quality of the

¹⁷ Report on the implementation of the measures from the Action Plan for reducing the negative impact on the environment, for the period January-June 2017, pg. 40

discharged gases from the firebox and other technological discharges does not meet the conditions prescribed by law; non-taking of measures from the Environmental Impact Assessment Elaborate; failure to decide on acoustic zones by local self-governments; management of medical and veterinary waste which creates a negative impact on the environment; waste management in a way that creates a negative impact on the environment; failure to implement procedures for strategic environmental impact assessment, plans and programs; increased noise level in the environment; non-submission of data from the polluter's register to the competent authority; non-medical examination of professionally exposed persons whome work in the radiation zone; non-performance of dosimetric tests, work environment controls and measurements in order to implement quality assurance and quality control programs for ionizing radiation sources; not having a solution to fulfill the prescribed conditions for the use of ionizing radiation sources.

833 decisions were adopted based on: Law on Waste Management (220), Law on Environment (88), Law on Air Quality (166), Law on Noise Protection (11), Law on Environmental Impact Assessment (139), Law on Protection against Ionizing Radiation and Radiation Safety (156), Law on Nature Protection (3), Law on Chemicals (14), Law on Integrated Prevention and Control of Environmental Pollution (3), Law on Protection against Non-Ionizing Radiation (14), Law on Environmental Damage (19). 32 of the total number of decisions refer to prohibition of performing activities.¹⁸

The water inspection carried out 513 inspections (311 regular, 103 on initiative and 99 control), in which 113 irregularities were established. The identified irregularities were related to: quality control of discharged wastewater, illegal exploitation of river deposits, control of the fulfilment of conditions from water acts, deposit of materials on aquatic soil and quality control of bathing water. 12 misdemeanour orders were issued and 4 requests for initiation of misdemeanour proceedings (1 due to violation of regulations - landfill of municipal waste on water resources and 3 due to non-enforcement of the decision) and 5 criminal reports (1 due to the landfill of municipal waste on the water estate, 3 due to illegal exploitation of river deposits and 1 for taking state property and illegal exploitation of riverine deposits).¹⁹

Montenegro needs to ensure adequate staff numbers, training and equipment and overall coherence between its plans for alignment and the timetable for the reinforcement of its capacity. A precise division of responsibilities between the most relevant ministries and other relevant institutions and the local authorities needs to be defined and more effective coordination between these institutions is required.²⁰ A more openness and trust towards civil society is necessary. Further monitoring of legislative activities, by the EU institutions, better communication with environmental CSOs as well as publishing of the opinions given by the European Commission to the drafted legislation will contribute to the quality of legislative process.

I HORIZONTAL LEGISLATION

OVERVIEW AND THE ASSESSMENT GRID

¹⁸ Report on the work of the Inspectorate Administration in 2016, pg.119: <http://www.uip.gov.me/biblioteka/dokument>

¹⁹ Report on the work of the Inspectorate Administration in 2016., pg.126: <http://www.uip.gov.me/biblioteka/dokument>

²⁰ Sector planning document, Montenegro -Environment & Climate action, pg. 41

In the area of **horizontal legislation**, are adopted:

1. **Law on Environment** ("Official Gazette of Montenegro" No. 52/16), adopted on July 28th in 2016, which is fully in line with the secondary sources of European Union *acquis*:
 - 32004R0850 Regulations (EL) No. 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117 / EEC;
 - 31987L0217 Council Directive of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos (87/217/EEC);
 - 32008R1102 Regulation (EL) No. 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the prohibition of the export of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury;
 - 32003L0004 Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to information on the environment and the entry into force of Council Directive 90/313/EEC.

Law is partially aligned with the following secondary sources of European Union law:

- 32012L0018 Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of large-scale hazards, amending and subsequently abrogating the EEA Council Directive;
 - 32009R1221 Regulations (EL) no. No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation of organizations in the environmental management and independent assessment system of the Community (EMAS) and the entry into force of Regulation (EC) 761/2001 and Commission Decisions 2001/681 / EC and 2006/193 / EC;
 - 32010R0066 Regulations (EL) no. 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Eco-label;
 - 32013R0525 Reg. 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and avoiding emissions of greenhouse gases and for reporting on other information on climate change at the national and Union level and the abolition of Decision No. 280/2004 / EC;
 - 31999L0094 Directive 1999/94 / EC of the European Parliament and of the Council of 13 December 1999 on the availability of consumer information on the fuel economy and CO2 emissions associated with the sale of new passenger cars;
 - 32009L0031 Directive 2009/31 / EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337 / EEC, Directive 2000/60 / EC of the European Parliament and of the Council, 2001/80 / EC , 2004/35 / EC, 2006/12 / EC, 2008/1 / EC and Regulations (EL) no. 1013/2006;
 - 32008L0056 Directive 2008/56 / EC of the European Parliament and of the Council of 17 June 2008 establishing a Community framework for the protection of the marine environment (Marine Strategy Framework Directive).
2. **Law on Spatial Data Infrastructure** was adopted on June 2nd, 2017, ("Official Gazette of Montenegro" No. 37/17) which transposed:
 - Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing a spatial data infrastructure in the European Community (INSPIRE).

The law will be in force from January 1st, 2019.

During 2016, in order to harmonize with the Law on Administrative Procedure ("Official Gazette of Montenegro" No. 56/14 and 20/15), they also adopted:

1. Law on Amendments to the Law on Environmental Impact Assessment („Official Gazette of the Republic of Montenegro“, No. 80/05, „Official Gazette of Montenegro“, No. 40/10, 73/10, 40/11, 27/13 , 52/16);
2. Law on Amendments to the Law on Strategic Environmental Assessment ("Official Gazette of the Republic of Montenegro", No. 80/05, „Official Gazette of Montenegro“, No. 73/10, 40/11, 59/11, 52 / 16);
3. Law on Amendments to the Law on Liability for Environmental Damage („Official Gazette of Montenegro “, No. 27/14, 55/16).

International agreements:

Law on the Confirmation of the Protocol on the Register of Release and Transfer of Pollutants, on July 26th, 2017 („Official Gazette of Montenegro - International Agreements “, No. 6/17) was adopted.

In the period from April 2016 to December 2017, two bylaws were adopted in order to further transpose EU legislation.²¹

Government adopted the National Strategy for Sustainable Development until 2035.

Preparation of the Draft Law on EIA is ongoing, for which a public debate was conducted and the civil sector delivered a series of comments.

Key institutions in the field of horizontal legislation are financed from the budget. The Ministry of Sustainable Development and Tourism with the Agency for Nature and Environment Protection, the Ministry of Justice, the State Prosecutor's Office, the Misdemeanor Council, the competent courts and competent inspectorates, the local self-government units have competencies in this sub-area.

According to the NEAS with the AP until the end of 2017, 16 obligations were foreseen (5 in the part of transposition and 11 in implementation part). 5 obligations were realized, 2 in transposition part and 3 in implementation part, degree of realization is 31,25%.²²

RATIONALE

In this area we would like to point out the necessity of better coordination between SEA and EIA implementation's procedures and harmonize procedures with the Appropriate Assessment procedure on Ecological Network (AA). It is **no obligatory to implement the**

²¹ For more information see Annex 1

²² Government of Montenegro (2017) "Report on the Implementation of the National Strategy for the Transposition, Implementation and Implementation of the EU Legal Framework in the Field of Environment and Climate Change with the Action Plan for the period 2016-2020", (July 2016-December 2017); The deadline for amendments to the Law on EIA is scheduled until 21th December 2017

SEA for the concession acts and plans on watercourses for energy production (SHPP) in order to assess cumulative impacts on ecosystems, biodiversity, social and other aspects. As an example, projects for the construction of SHPPs on Montenegrin watercourses can be identified, whose cumulative effects are extremely high, not only on ecosystems and biodiversity, but also on local communities. An efficient coordination between the stakeholders is missing.

Environmental impact assessment, taking into account and consideration of possible impacts, all alternatives and necessary mitigation and compensation measures, need to be improved. The quality of elaborates of impact assessments and public consultations with civil society and other stakeholders needs to improve.

The capacities of responsible public institutions are low, there is a lack of proper public participation and big influence of the investors, especially at the local level.

The laws do not accurately define the methodology of design and the required profession to be assessed for certain areas of importance. There is a lack of input data on which the estimates are based, specific research is missing or postponed for a later stage (after the issuance of the license) and the cumulative influence is also missing.

Proposed **mitigation measures are often inadequate and unacceptable**, and are repeated through various elaborations for completely different projects in almost identical form²³. The lack of control of measures in practice is evident.

As an **example of selective enforcement** of the Law on Strategic Environmental Impact Assessment, adoption of the Decision on non-inclusion of a Strategic Environmental Impact Assessment of Amendments to the State Study of the location "Sector 5" ("Official Gazette of Montenegro", No. 49/17) could be mentioned, adopted on the basis of the Law on Strategic Environmental Impact Assessment by the Ministry of Sustainable Development and Tourism.

The implementation of the Law on SEA and EIA at the local level remains unclear after the adoption of the new Law on Spatial Planning and Construction of Facilities, which centralises the adoption of spatial planning documents.

According to the Article 79 of the Law on Environment, local self-government units have possibility to prescribe compensation for the protection and improvement of the environment, in accordance with their needs and specificities. Criteria, type and amount of compensation, method of payment, taxpayers, as well as facilities for certain categories of payers are prescribed by the local self-government unit, with the prior consent of the Government. The collected funds must be used for protection and improvement of the environment on the territory of the local self-government unit. In practice, the implementation of this article is a problem because the Government does not approve the Proposed Decisions with explanation of the double taxation on the same basis (an example is the Municipality of Pljevlja).

²³ Case study, NGO „Green Home“

Better implementation and enforcement of the Directive about access to information, and better transposition, implementation and enforcement of the Directives about access to justice and public participation are needed.

Directive 2008/99/EC is highly transposed but implementation is a challenge. The implementation of Directive 2008/99/EC is not at satisfactory level due to the unclear provisions of the Criminal Code, the possibility of subjective interpretation by the participants in the proceedings and insufficient capacity of the inspection, prosecutor's office, and the judiciary and court experts. Objective disadvantages and problems are associated with the legal regulations in the Criminal Code Title XXV, concerning crime in the area of environmental protection. A particularly significant problem is the way in which courts interpret the legal standards ("pollution on a larger scale or in a larger area," "danger to human life or health", "destruction of flora or fauna on a larger scale").

The administrative and judicial procedures are not effective and access to environmental information, public participation and justice also.

The implementation of Directive 2004/35/EC (ELD) is missing.

Cooperation with the civil sector often represents only the formality while essentially it's absent. Considering the good functioning of the four Aarhus centers which is pointed out in the Progress Report for 2016, it is necessary to stress the differences in the operational functioning of these centers. Namely, the two centers (Podgorica and Berane) are the organizational units of the Nature and Environmental Protection Agency, while the two others (Nikšić and Pljevlja) are active within NGOs "Ozon" and Ecological Society "Breznica". The Aarhus Center in Podgorica during 2016 had no employees, and obligations were assumed by other officials, which undoubtedly reflected on the quality of work and poorer interaction, as well as communication with the interested public. The Aarhus Center of Berane acts as a prominent office of the EPA, with two employees. Due to the lack of autonomy in work and limited resources and capacity, this office failed to position itself as the Regional Center for the North. Although the communication with local administrations and non-governmental organizations from the northern part of Montenegro exists, the Aarhus Center of Berane is unable to influence the quality of information flows and more transparent work of local self-governments and public enterprises dealing with environmental issues. In contrast to them, the Aarhus Centers in Nikšić and Pljevlja are regularly informing the public about the ongoing projects and programme of ongoing public hearings. In addition, they monitored the work of the State Network of measuring stations for monitoring of the air quality in 2016, which is one of the major problems in the country.

IMPROVEMENT

During the negotiation process, in the field of horizontal legislation a high level of progress has been made in harmonizing the legislation with EU legislation. A high level of alignment with SEA and EIA Directives and the Aarhus Convention related *acquis* on the access to information, the public participation and the access to justice has achieved, as well as and

good level of alignment with Environmental Liability Directive (ELD) and INSPIRE Directive.

In period from April 2016 until December 25th, 2017 a progress in harmonization with the INSPIRE Directive 2007/2/EC and the Directive 2003/4/EC on public access to environmental information has achieved. INSPIRE specific plan for transposition and implementation has not been prepared yet.

The implementation remains particularly challenging in terms of access to information in the possession of state authorities, the processing of those responsible for environmental crime, as well as the adequate implementation of the SEA and EIA mechanism, especially at the local level. It is necessary to improve and coordinate the SEA and EIA procedures and harmonize procedures with the Appropriate Assessment on Ecological Network Mechanism (AA). Civil society participation, access to justice and accountability for environmental damage are as key issues for the effective implementation of the EU acquis.

CHALLENGES

Compliance with legally binding rules for the implementation of environmental impact assessment procedures and implementation of the Aarhus Convention principles are key elements of an efficient horizontal sector.

Deficiencies such as: unclear level of expertise of persons providing consulting services, lack of criteria for relevance and age of data, inadequate list of projects for which the EIA is mandatory, are evident.

Control of measures in practice is absent. Measures are very common, inappropriate, or without enough attention. There are examples of the consent issued to the Environmental Impact Assessment Study and in cases when it is recognized that additional data are needed, when significant uncertainties have been identified or significant impacts that can not be mitigated are identified. General measures make it difficult to control the work of inspection bodies. Until now, control often did not have a person in his team who had the capacity to rush out environmental protection measures (measures from the Study) but were controlled by most of the guidelines given by the main (construction) project, not the elaboration of the impact assessment.

The national EIONET network for monitoring and reporting on the state of the environment has not been established. The Environmental Protection Agency reports to the European Environment Agency in accordance with the monitored indicators but insufficient for a reliable environmental overview.

Environmental monitoring is also a particular challenge. A collision in laws can lead to their inadequate enforcement. The monitoring program for 2017 was adopted on February 16th, 2017 although it is planned for the IV quarter of 2016, while the Information about Environmental State for 2016, although planned for the II quarter of 2017 and prepared by Nature and Environmental Protection Agency in June 2017, Government adopted on 19th October 2017 Funding for the Monitoring Program for 2018 is €400.000, for 2017 was

€330,000, while for 2016 it amounted to € 322,500. The Monitoring Program for 2018 has not been adopted until December 25th, 2017.

KEY RECOMMENDATIONS

The **new Law on Environmental Impact Assessment** requires the transposition of Directive 2014/52/EU, which amended Directive 2011/92/EU. Law needs to define: the level of expertise of the persons providing consulting services, criteria relating to relevance and age of data, determine the level of data necessary for a reliable assessment as well as the responsibilities of the actors in the process - project managers, processors and competent and interested authorities; organization, ensure compulsory submission of existing data, expand the list of projects for which the EIA is mandatory.

Amendments to the Law on Strategic Impact Assessment establish a legal obligation to implement the SEA on the concession plans on watercourses for energy production (SHPP construction) in order to assess cumulative impacts on ecosystems, biodiversity, social and other aspects.

Work on the implementation of the Aarhus Convention and strengthen transparency in governing the process not only through formal involvement of the civil sector, but also through respecting all relevant stakeholders including local communities and the media.

It is necessary to adopt missing sub-legal acts in order to implement the legal regulations.

It is necessary to establish a functional "Eco Fund" that would be used for ecological projects.

Define cooperation with business entities, potential environmental polluters and insurance companies in order to create preconditions for the adequate implementation of the Law on Environmental Liability.

Establish an information system in the environment, develop a data management system and provide conditions for the implementation of the Law on Spatial Data Infrastructure.

Establish a national EIONET network for monitoring and reporting on the state of the environment.

Improve the cooperation between the responsible institutions for implementation of the Law on Environment and the Law on Free Access to Information and simplify the procedure for access to information.

Establish a regular and continuous dialogue when it comes to decisions relating to major interventions in protected, even potentially protected, areas or interventions that directly threaten them.

Strengthen the inspection capacities, consistently enforce the measures of inspection supervision.

Strengthen the capacities of the Agency for the Protection of Nature and the Environment and Local Self-Governments for the implementation of the SEA and the EIA.

Strengthen the capacities of institutions in charge of implementing the Criminal Code and the Law on Misdemeanors in order to fully implement the Environmental Violence Directive.

With the help of the civil sector and the media, work on awareness raising about the need to implement the SEA and the EIA mechanism as an instrument for environmental protection.

Respect the principles of sustainable development as a framework for projects with obvious negative impacts on the environment.

Consider the interests and specificities of local communities in the development of the project, especially in water management, waste and renewable energy.

(FOR MORE INFORMATION SEE ANNEX 1).

II AIR QUALITY

OVERVIEW AND THE ASSESSMENT GRID

In the period from April 2016 until December 25th, 2017, two bylaws were adopted: Regulation on Limit Values of Contaminants in Liquefied Fuels of Petroleum Origin ("Official Gazette of Montenegro", No. 17/17) and Program for Monitoring the Quality of Liquefied Fuels of Oil Origin for 2017 ("Official Gazette of Montenegro", No. 33/17).

On April 20th 2017, instead until January 31th, 2017 as planned²⁴, the Government of Montenegro adopted the Fourth Report on the Implementation of the National Strategy for Air Quality with the Action Plan for the period 2017-2020. The report states that 40 measures were implemented of a total of 52.²⁵ According to the National Air Quality Strategy²⁶ 54 measures are planned, which is confirmed by the NEAS for the period 2016-2020.²⁷ The Report states that the implementation of 4 measures is in progress, that 4 measures will be implemented in the next four-year period and that the implementation of the 4 measures has been dropped.

A real-time air quality reporting system has been established, but a network of measuring stations has not been improved.

A comprehensive information system in this area has not been established.

The choice of technological solutions is more than worrying.

The **key institutions** in this sub-region are: Ministry of Sustainable Development and Tourism with Agency for Nature Protection and Environment, Institute for Hydrometeorology and Seismology, Center for Ecotoxicological Research (CETI), Administration for Inspection Affairs, Institute for Public Health.

²⁴ National Strategy for Transposition, Implementation and Enforcement of the EU Legal Framework in the Field of Environment and Climate Change (NEAS) with the Action Plan for the period 2016-2020, pg. 17

²⁵ 4th Report of Implementation the National Air Quality Management Strategy with Action Plan for period 2017-2020

²⁶ National Air Quality Management Strategy, pg. 188

²⁷ National Strategy for Transposition, Implementation and Enforcement of the EU Legal Framework in the Field of Environment and Climate Change (NEAS) with the Action Plan for the period 2016-2020, pg. 17

According to the NEAS with AP planned obligation of MORT regarding the adoption of the sub-legal act (Regulation on limit values of pollutant content in liquid fuels of petroleum origin) has been realized. After confirming the Annex VI of MARPOL Convention, the Regulation was adopted at the session of the Government of Montenegro on February 16th, 2017. According to the NEAS, until the end of 2017, 9 obligations were foreseen (4 in the part of transposition and 5 in implementation part). 4 obligations were realized, 2 in transposition part and 2 in implementation part, with degree of realization of 44,44%.²⁸

RATIONALE

In the process of the adoption of the Action Plan for the implementation of the National Air Quality Management Strategy, we would like to point out that the public debate wasn't organized and the Strategy is not updated. The adoption process of the AP was insufficiently transparent since an invitation to the civil sector was sent by e-mail from the relevant Ministry to send their proposals for developed AP measures for the period 2017-2020 without prior insight into any draft AP. From the Fourth Report on its Implementation it can be concluded that in the part of the establishment of the legislative framework and measures related to the adoption of documents such as strategies, studies and reports, significant results have been achieved, however, when it comes to measures related to air quality improvement, visible success has been achieved. Therefore, we can conclude that there are no indications that its implementation has led to an improvement in air quality at critical points, and some of them have been reported worsening (Bar, Podgorica, Nikšić, Pljevlja).

During the last year in Nikšić, due to the failure of the measuring instrument (27.06.2016 - 02.12.2016), PMs particles were not sampled, so the real estimate was that it was significantly more than 72 days of overrun. Average annual concentration of PM10 particles was 52.5 µgr/ m³, which is above the prescribed limit value.

Pljevlja had 181 days of exceeding the mean PM₁₀ concentration limits. Average concentrations of PM2.5 particles on yearly level was above the prescribed limit value with 44,86 µg/m³. Increases in concentrations of SO₂, NO_x, and benzoapyrene are evident.

In Bar municipality, 37 days were recorded in 2016, with average daily concentrations of suspended PM10 particles exceeding.

In Podgorica, 81 days were loaded with high concentrations, which were above the prescribed limit values, and the biggest pollution was during December - 25 days.²⁹

Pollution inventories of air pollutants and ozone precursors are not updated.

²⁸ Government of Montenegro (2017) "Report on the Implementation of the National Strategy for the Transposition, Implementation and Implementation of the EU Legal Framework in the Field of Environment and Climate Change with the Action Plan for the period 2016-2020", period July 2016-December 2017, pg. 6

²⁹ Information on the state of the environment for 2016

For the project "**Implementation of measures to reduce pollution and heating of Pljevlja**" in the budget for 2017, €850.000,00 was allocated. **Implementation of the Local Plan for Pljevlja** is not at satisfactory level, due to the fact that concrete results are not evident and the level of pollution remained at the same level as in the previous years. There is no harmonization of medium and long-term measures for improvement the air quality in this municipality. The planned heating plant, as a medium-term measure, will not be part of a long-term system or will require significant additional financial investments. In addition, the municipality of Pljevlja as the most polluted in the country, has not developed a local plan for the case of extraordinary pollution which could be expected in view of air quality in that city. It is obvious that the Government plans the contracting of the second TPP block, as a measure that will improve air quality, but such a measure is questionable, bearing in mind that it is a technology that definitely emits pollutants, and that EU practice and recommendation is to leave dirty energy sources. In this regard, the Resolution of the EU Parliament stresses the concern over the Government's plan to implement the project for the construction of the second block of TPP Pljevlja, which is not in line with the Paris Agreement. Also, during the preparation of the Elaborate for solving the problem of pollution in Pljevlja, prepared by the Faculty of Mechanical Engineering, there were no public consultations or discussions, although it was a document of general public interest, and without a doubt the health of the citizens themselves. Despite the constant promotion of the construction of the second block of TPP Pljevlja, as measures for improving the quality of air in this municipality, the **harmonization of this project with the BAT standards** (the Best Available Techniques) of the European Union **has not been achieved**. The technology of gas discharge through a cooling tower is not recognized as a BAT for flue gas extraction, and is not particularly recommended for the Thermal Power Plant in Pljevlja, due to the geographical characteristics of this city, where, even without additional pollutants, air circulation in the basin is low.

There is a **lack of specific expertise** in this area, especially in key institutions for transposing, implementing and enforcement of legislation, and there is evident a lack of financial capacities.

Action plans for Pljevlja, Podgorica and Nikšić have been adopted where the deterioration of air quality has been noted. There are no action plans for other municipalities where air quality deterioration has been recorded.

IMPROVEMENT

During the negotiation process, in the field of air quality, Montenegro has achieved a advanced stage of legislative alignment with most of the relevant Directives. High level of legislative alignment with the Ambient Air Quality Directive and with the 4th daughter Directive has achieved. Montenegro reached an overall good level of legislative alignment with the NEC Directive, but is at a very early stage of implementation. Montenegro's alignment with the Directive on Sulphur content in liquid fuels is advancing, but implementation is at an early stage and is mainly limited to the control of automotive fuel quality.

There are not transposed the VOC Petrol I and II Directives.

In period from April 2016 to December 25th, 2017, some progress has been made in aligning with the Directive on Sulphur content in liquid fuels.

In order to improve the situation in this area, it is necessary to work on further transposition of EU legislation, to strengthen the implementation and enforcement of laws. Sustainable funding and staff strengthened institutions are a prerequisite for progress. The expansion of the network station for air monitoring is necessary. Full functioning Air quality monitoring systems need to be established in order to provide unbiased data for air quality in the country. It is necessary to establish a fuel control system at sea.

CHALLENGES

The implementation of the adopted action plans, the implementation of air quality plans, the quality control of marine fuels, the establishment of maximum national emissions and the preparation of the National Program for Progressive Emission Reduction and full implementation remains a challenge.

Problems in implementation are also: lack of reliable historical data; emission projections and verifications the improvement of the emission data/accuracy of inventory data; assessment of the critical loads and lack of specifically knowledge in this field in key institutions.

The biggest challenge in the field of air quality is to achieve the prescribed quality of the air in all zones. Increased concentration of suspended particles of PMs, particularly in the municipality of Pljevlja during the heating season, are concerning both due to the frequency and the amount of concentrations. The increased concentration was registered in other cities (Podgorica, Nikšić, Bar, Cetinje, Berane, Bijelo Polje).

Citizens' health is not set as a priority. Adequate health statistics is missing.

The air quality monitoring system has not been improved, which is necessary due to frequent deterioration of air quality in larger agglomerations. There was no expansion of the network of measuring stations for monitoring the quality of air. The state air quality monitoring network is currently including five municipalities and it is necessary to include all municipalities in the territory of Montenegro. Service of measurement equipment within the state borders is not provided (due to time loss in repairs outside the country), as well as regular servicing during the period of the lowest pollution level (it is often done in the most critical time - December).

A concrete stimulus for more environmentally friendly heating methods is needed. The Local Air Quality Plan for the municipalities of Bar, Cetinje, Berane and Bijelo Polje has not been prepared, although the trend of increasing pollution is evident.

Neither contemporary environmental standards for air quality for industrial pollutants whose emissions of pollutants undoubtedly have impact on air quality nor regular inspection controls to determine the obligation for pollutants to change filter plants in accordance with standards are respected.

Pollution inventories of air pollutants and ozone precursors are not updated.

There is no coordination of strategic activities with the transport sector in order to consider the possibility of changing the traffic regime in the most severe urban centers.

There is no data on the availability of VOC recovery equipment in the storage, transport and distribution of fuel to petrol stations and during filling of fuel in motor vehicles. No mechanism for controlling the quality of marine fuels has been established.

There is a lack of specific expertise in this area especially in key institutions for transposing, implementing and enforcement of legislation, and an evident lack and financial capacity.

KEY RECOMMENDATIONS

Set the **health of citizens as a priority** in creating public policies and improve the quality of health statistics through improving the registry of medical data, in particular in defining and recording diagnosis within the health information system to enable further research into the impact of air pollution on human health.

Improve the capacities of the state network for monitoring the air quality by encompassing all municipalities in the territory of Montenegro, **providing servicing of measurement equipment within the state borders and performing regular servicing in the period of the lowest degree of pollution.** Provide adequate funds in the budget for **air quality monitoring.**

Pay a special attention to the **implementation of the AP for air quality management** for 2017-2020, especially those measures that can really lead to improvement of air quality.

A concrete impetus is needed for more **environmentally friendly heating methods.**

Establish **coordination of strategic activities** between the environmental and transport sectors in order to consider the possibility of changing the traffic regime in the core cities' centers. Update the Strategy of Traffic Development that would adequately address air pollution as a consequence of intense and unsustainable transport and allow for effective resolution of this issue.

Prepare **local air quality plans** for the municipalities of Bar, Cetinje, Berane and Bijelo Polje.

Respect the modern environmental quality standards for industrial pollutants whose emissions of pollutants affect air quality.

Conduct **regular inspection controls** to determine the obligation for the pollutant to change filter plants in accordance with the standards.

Update the **inventory of pollutants** in the air and ozone precursors.

Provide VOC Recovery Equipment for storage, transport and distribution of fuel to petrol stations and during filling of fuel in motor vehicles.

Establish a mechanism for controlling the quality of marine fuels.

Strengthen the capacities of key institutions for transposing, implementing and enforcement of legislation with professionals who has the specific knowledge necessary to make progress in this area.

Provide the necessary financial resources for the implementation and enforcement of legislation in this field.

(FOR MORE INFORMATION SEE ANNEX II)

III WASTE MANAGEMENT

OVERVIEW AND THE ASSESSMENT GRID

In the area of **waste management**, in period from April 2016 until December 25th, 2017 Parliament of Montenegro adopted:

1. Law on Amendments to the Law on Waste Management ("Official Gazette of Montenegro" No. 39/16) which is fully aligned with the secondary sources of EU law:
 - Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.07.1999);
The law is partially harmonized with the following secondary sources of EU law:
 - Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives; (OJ L 312, 22.11.2008.);
 - Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (01 L 181, 04.07.1986);
 - Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC - Statement by the European Parliament, the Council and the Commission (OJ L 102, 11.4.2006);
 - Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) Text with EEA relevance (al L 197, 24.7.2012);
 - Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment Text with EEA relevance, (CA L 174, 1.7.2011).
2. Law on Communal Activities ("Official Gazette of Montenegro", No. 55/16) - there are no specific EU regulations applicable in this field.

Also, seven bylaws were adopted.³⁰

The key institutions in this area are: Ministry of Sustainable Development and Tourism with the Agency for Nature and Environment Protection, Ministry of Agriculture and Rural Development, Ministry of Health, Ministry of Economy, Administration for Inspection Affairs, the local self-government units, MONSTAT.

According to the National Waste Management Plan for the period 2015-2020, in the forthcoming period, planned investments in waste management infrastructure amount to about € 130 mil. by 2020, or about € 354.8 mil. by 2035.

According to NEAS from AP for 2016, one obligation for the Ministry of Sustainable Development and Tourism was envisaged for this area - adoption of the Decision on the choice of waste management option that has not yet been implemented. Until the end of 2017, 23 obligations were foreseen (16 in the part of transposition and 7 in implementation part). 14 obligations were realized, 13 in transposition part and 1 in implementation part, with degree of realization of 60,87%.³¹

RATIONALE

Some progress has been made, but there has been no significant progress in law enforcement. The process of preparation the Law on Amendments to the Law on Waste Management was marked by the exclusion of public participation from the process, i.e. the absence of a public hearing.

Municipality Berane addressed to the Government of Montenegro, request for use of the site of Rujišta as a temporary landfill for the next five years. According to its purpose this land is a forest land.

20 of 23 municipalities in Montenegro have the consent for local management plans for communal and non-hazardous construction waste. Local governments, in cooperation with MSDT, defined objective targets for the scope of recycling, which should be achieved by the end of 2017, and this can be considered a good initial step in solving this problem. However, it is obvious that recycling rate of 25% envisaged by the Law cannot be nearly reached within the prescribed deadline (December 31th, 2017). Municipal solid waste collection (about 243,941t is produced per year), in accordance with the Law on Waste Management and municipal regulations is responsibility of the local self-government (LSG). The responsibility for the implementation of these activities has been transferred to municipal utility companies.

The basic principles of waste management defined in the Montenegrin Waste Management Strategy until 2030 and the National Waste Management Plan in Montenegro for the period 2015-2020 are not enforced. A huge number of local municipalities dispose waste on

³⁰ For more information see Annex III

³¹ Government of Montenegro (2017) "Report on the Implementation of the National Strategy for the Transposition, Implementation and Implementation of the EU Legal Framework in the Field of Environment and Climate Change with the Action Plan for the period 2016-2020", period July 2016-December 2017, pg. 8

temporary dumpsites although the deadlines for their closure is passed and a large number of illegal landfills is evident (about 350 according to NEPA's records). Due to the absence of the primary selection and a large fraction of organic components in the composition of communal solid waste, landfills are the sources of emission of greenhouse gases (methane).

According to the Information on the state of the environment in Montenegro for 2016, the increase above the maximum was detected for:

1. Fluor (Bijelo Polje - on agricultural land near the city landfill, along the road to Prijepolje; Nikšić-Podgorica road; agricultural land sampled on the site near the junction of TPP Pljevlja; Komini; children's playground Nikšić);
2. Inorganic Polutants (Municipality of Žabljak -near the city landfill; Tivatsko polje)
3. Chromium, nickel and fluorine (landfill Nikšić Ironworks - at a distance of 300 meters from the landfill; Donja Gorica, Podgorica; Ćemovsko polje; Srpska; Konvektorska station; children's playground (Njegoš's Park) in Podgorica)
4. Lead, chromium, nickel, fluorine, polycyclic aromatic hydrocarbons and five PBC congeners (Rubeža, Nikšić)
5. PAH (Srpska; children's playground in Tivat; children's playground in Pljevlja)
6. PCB congeners:
 - 149; 153; 138 and 180 (children's playground in Tivat)
 - 101 and 153 (Tološi substation)
7. Lead and zinc (Gradac)
8. Nickel, chromium and boron (Ulcinj field)
9. Lead, mercury, arsenic, fluorine and zinc (near the flotation of the Brskovo mine)
10. Lead and fluorine (children's playground in Tivat)
11. Cadmium, lead, arsenic, fluorine and zinc (children's playground in Pljevlja)
12. Arsenic, fluorine, zinc (Brskovo mine).

Potential soil contamination due to non-elaborated and improperly disposed industrial or municipal waste was examined through physical and chemical analysis of the land of the sampled: in the vicinity of municipal waste landfills on Žabljak, Bijelo Polje and Berane (Vasove vode), near the industrial waste landfill Željezara in Nikšić, Brskovo mine in Mojkovac, as well as in the vicinity of the TPP Jalovišta and Gradca in Pljevlja.

The impact of municipal waste landfills on the content of pollutants in soil sampled in the immediate vicinity of urban dumps was manifested through an increase in the concentration of inorganic cadmium pollutants at Žabljak, while increased chromium concentrations on Žabljak and fluorine in Bijelo Polje and Berane (Vasove vode) are not attributed to the impact of the landfill.

The total annual amount of generated municipal waste per capita is 517.9 kg or 1.4 kg per day. Waste collection by utility companies in 2016 covered 80% of the population that is mainly living in cities (1% less than in the previous year). According to MONSTAT data, in 2016 Public utility companies collected most of the other municipal waste, which included mixed municipal waste 81.7%, then waste from gardens and parks 10.2%, followed by separately collected fractions of 8% and packaging with 0.1% of collected waste.

On the sanitary landfills, waste dispose: Capital city, Podgorica, Old Royal Capital Cetinje, Danilovgrad, Bar, Ulcinj, Kotor, Tivat and Budva. At the locations for temporary storage: Andrijevica, Herceg Novi, Kolašin, Mojkovac, Plav/Gusinje, Pljevlja, Rožaje/Petnjica, Bijelo Polje and Berane temporarily stored municipal waste. Four local government units have not established municipal waste management in accordance with regulations, such as: Nikšić, Plužine, Šavnik and Žabljak, with the remark that the Municipality of Plužine disposes of municipal waste in the untreated landfill Mislov Do in Nikšić. In the municipality of Kotor, the first compost was opened in Montenegro, to address the issue of green waste management in the municipalities of Kotor, Tivat, Budva and Herceg Novi.

In the municipality of Berane, a medical waste treatment facility was installed to collect medical waste from the territory of municipalities: Kolašin, Mojkovac, Bijelo Polje, Pljevlja, Berane, Rožaje, Andrijevica and Plav and in the City of Podgorica.

For projects in the field of waste management, in 2017, an amount of € 865,000 was committed, and for projects co-financed by IPA funds, € 14,705,000.00.³²

IMPROVEMENT

Montenegro has achieved **a good level of legislative alignment** with directives on Waste Framework, WEEE, Packaging Waste, End-of-Life Vehicles, PCB/PCT, and Sewage Sludge.

Montenegro has achieved a high level of legislative alignment with the Landfill Directive.

Montenegro is partially aligned with the Batteries Directive.

Most of the provisions of the End-of-Life Vehicles Directive are transposed.

The alignment of the Directive on mining waste and with the RoHS Directive is at early stage.

From April 2016 until December 25th, 2017, some progress has been made in aligning with the Landfill Directive, the Waste Directive, the Sewage Sludge Directive, the Directive on mining waste, Directive on waste electrical and electronic equipment (WEEE), RoHS Directive.

The level of implementation of the EU *acquis* in this sub-area is very limited and many other important steps still must be taken such as the establishment of an adequate network for waste disposal, prioritizing waste reduction and prevention, the establishment of a register for waste producers.

Waste management is still an area in which Montenegro has to make a lot more effort to come up with a functional system that provides sustainable development, maximum environmental protection, the resolution of existing problems on the field and the creation of

³² See Annex III

databases necessary for decision-making at the national level, as well as reporting to international instances.

In order to make progress in this area, it is necessary to determine the waste management option. In doing so, EU standards must be respected and the hierarchical approach applied: reducing waste generation, maximizing recycling and reuse, limiting the incineration of non-recyclable materials, abolishing the disposal of non-refundable and non-recyclable waste, ensuring full implementation of the waste management policy objectives.

In order to ensure an adequate waste management system, it is necessary to ensure compliance with the principles of sustainable development, transparency and accountability in waste management. Future projects should be developed and implemented efficiently. The interests of local communities should be taken into account when implementing activities in this field. Impact assessments of projects in this area should not be realized "pro forma", but in an adequate way to show the impact on other segments of the environment.

Establish of a system for the separate collection of batteries and accumulators, their disposal and recycling, a collection scheme for the waste portable batteries and accumulators, the treatment and recycling of the collected batteries and accumulators and a system for the collection and treatment of end-of-life vehicles.

CHALLENGES

The basic problem in this area is the lack of final decision on the choice of waste management option and accordingly, local plans do not offer quality solutions, i.e., local governments are limited in creating long-term solutions for adequate waste management.

Additional problems are the **low recycling rate, the lack of adequate statistical data on waste quantities and the incompatibility of these data between the competent institutions, as well as the poor communal infrastructure**. The system for selective waste disposal has not been established, a **large number of local governments place waste on illegal dumps/landfills, while the existence of a large number of illegal landfills** (about 350 according to NEPA) is evident. There are no measures to encourage the reuse, recycling and selective collection of waste materials. The problem is also the issue of disposal of sewage sludge (example of the municipalities of Budva, Tivat, Kotor and Herceg Novi).

Although animal waste is not the subject of the Law on Waste Management, the method of management is defined only on paper. There is still no authorized company that will deal with the collection and treatment of this waste. This is a major problem for the management of municipal waste because the animal waste is often mixed with various types of municipal waste. At present, the meat industry in Montenegro surrenders its products to utility companies that illegally dispose them either at landfills or in illegal dumps.

The main challenge in Montenegro in the area of waste management is the establishment of an adequate infrastructure that would enable the system of selection/recycling of waste, the rehabilitation of numerous illegal dumpsites throughout Montenegro, the location determination for industrial waste disposal and the establishment of effective supervision.

Poor equipment of local companies is worrying. The lack of containers in the rural area is still worrying, given that the waste is either burned or disposed of in the streams or rivers.

The main problems in implementation of PCB/PCT Directive 96/59/EC are: the lack of inventories of the existing PCB equipment; the unavailability of data on storage and removal of the obsolete equipment and waste oils containing PCB; the lack of uniform instructions for identification, decontamination, use, transport, storage and disposal of PCB equipment or products. There are no implementation plans for "heavy" directives.

Remediation of unregulated landfills in Montenegro remains a challenge for all local governments.

In Montenegro, disposal is still the most prominent method for the final solution of waste generation.

Certainly the biggest challenge is the establishment of an efficient and sustainable inspection system, as well as adequate penal policies that will be consistently implemented.

KEY RECOMMENDATIONS

Adopt the Decision on the choice of waste management option.

Adopt a set of bylaws.

Adopt the missing local Waste Management Plans for all local government units in line with the National Waste Management Plan.

Monitor the implementation of local waste management plans, especially in the part of achieving the set targets for recycling.

Rehabilitate the existing waste disposal sites.

Establish of a primary selection system, on the principle of at least minimal separation on the "wet" and "dry" bunk.

Reduce the biodegradable municipal waste.

Include the rural areas into the system of utility services by the competent authorities.

Work on the establishment of the planned infrastructure in accordance with the National Plan.

Consider the possibility of placing containers for the selective disposal of glass and plastic in large markets in order to motivate citizens for primary waste selection and raising public awareness of the importance of recycling.

Promote the reduction of the amount of deposited biodegradable waste at landfills, reuse of waste, recycling and prevention of waste generation.

The landfilling waste should be limited to the unavoidable minimum.

Regulate the management of specific types of waste, such as medical, veterinary, electronic, construction and mining waste.

In all future WWTP construction projects, treatment of sewage sludge should be foreseen, since the same treatment can be further used for agricultural purposes, in accordance with established categorization and soil quality, for remediation of temporary waste dumps, etc.

Start with the establishment of a system for disposal, collection and treatment of packaging waste, batteries, accumulators, old vehicles.

Prepare a strategy for the disposal and decontamination of equipment and waste which contain PCBs and PCTs, as well as the Program of Land and Guidance on the Possibility and Manner of Use of Processed Sewage Sludge.

Provide public insight in waste collection and management statistics and to enable the functioning of a unique system of data collection on types and quantities of waste.

Work on educating citizens and raising awareness about this area of environment.

Ensure video surveillance on illegal landfills and prosecute perpetrators.

Prepare implementation plans for "heavy" directives and **strengthen financial capacities**.

Determine sites for disposal of construction waste.

Improve waste collection model.

Strengthen the administrative capacities at the state level, in particular the capacities of the Administration for Inspectorate Affairs, as well as the capacities of communal inspectorates at the local level.

Strengthen cooperation between state and local authorities.

(FOR MORE INFORMATION SEE ANNEX III)

IV WATER QUALITY

OVERVIEW AND THE ASSESSMENT GRID

In the area of water quality, in the period from April 2016 to December 25th, 2017, the following laws were adopted:

1. **Law on Communal Waste Water Management** ("Official Gazette of Montenegro" No. 02/17), adopted on December 29th, 2016, which is in full compliance with:
 - Commission Directive 98/15/EC of 27 February 1998 amending Council Directive 91/271/EEC with respect to certain requirements established in Annex I thereof, OJ L 67, and 7.3.1998.and partially harmonized with:
 - Council Directive 91/271/EEC (Celex No. 31999L0271) of 21 May 1991 concerning urban waste-water treatment, OJ L 135, 30.5.1991
 - Commission Implementing Decision of 26 June 2014 concerning formats for reporting on the national programs for the implementation of Council Directive 91/271/EEC (notified under document C (2014) 4208), OJ L 197, 4.7.2014.
2. **Law on Providing Safe Water Intended for Human Consumption** (Official Gazette of Montenegro" No. 80/17) , adopted on 23th November 2017, which is partly complied with:
 - Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption;
 - Commission Directive (EU) 2015/1787 of 6 October 2015 amending Annexes II and III to Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, OJ L 260, 7.10.2015.
3. **Law on Amendments to the Law on Waters** ("Official Gazette of Montenegro", No. 52/16) - harmonization with the Law on Administrative Procedure.
4. **Law on Regional Water Supply of the Montenegrin Littoral** ("Official Gazette of Montenegro", No. 56/16) – there are no sources of EU law, comparative experiences of the countries of the European Union were used in the preparation of the Law.

Decision on the development of a strategic environmental impact assessment for the State Plan for Municipal Waste Water Management in Montenegro for the period 2018-2035 ("Official Gazette of Montenegro", No. 41/17) was adopted.

Eleven bylaws have been adopted in period from April 2016 until December 25th, 2017.³³

Strategy for water management of Montenegro for the period 2016-2035. was adopted at the Government session on June 30th, 2017. The development of the Sava River Basin Management Plan (WBIF) and the Implementation of the Water Framework Directive - the Danube and Adriatic basin (IPA 2014) is in progress.

The objective of the Water Management Strategy is to achieve a unified and fully harmonized water regime in the territory of Montenegro, on each of its two river basins - the Adriatic and the Danube: the creation of a legal framework for the efficient functioning of the water sector; providing economic stability, which enables a sustainable development of the water sector; ensuring sufficient quantity of water with adequate quality for water supply of the population and all needs of the economy; protecting the population and material goods from floods and other forms of harmful effects of water; the regulation of the basins in order to protect the water management and other systems, as well as the protection of the

³³ For more information see Annex IV

environment; protection of waters and achieving good water status in order to protect and improve the environment and improve the state of biodiversity; establishing metrological, management and IT support for the implementation of all water management goals; defining the interconnection and interdependence of all plans in the field of water with the requirements of spatial planning and preservation and environmental protection, and vice versa, providing more reliable planning for locating other facilities and systems, respecting the criteria, limits and opportunities arising from the water infrastructure; by organizing the water sector in a way to be able to successfully implement the concept of integrated water resources management, in the context of managing all resources that depend on water and the water sector; by involving the public in the process of adopting strategic guidelines for the development of integral water management systems; providing a clear platform for all forms of international water cooperation with countries in the region, as well as with all other countries in the process of EU accession.

The key institutions in this area are: Ministry of Agriculture and Rural Development, Ministry of Sustainable Development and Tourism with Agency for Nature Protection and Environment, Directorate of the Maritime Safety, Institute of Marine Biology (as organizational unit of the University of Montenegro), Ministry of Internal Affairs, Ministry of Health, Directorate of Waters, Institute for Hydrometeorology and Seismology, PE "Morsko dobro", "CETI", Institute for Public Health, Administration for Inspection Affairs, local self-government units.

According to the NEAS, Ministry of Agriculture and Rural Development (MARD) has fulfilled the obligation regarding the establishment of the Expert Working Group on Water, while MSDT fulfill the obligation regarding the transposition of the EU acquis, through the adoption of the Law on Municipal Waste Water Management. The Law which transposes the Council Directive on drinking water was adopted. Until the end of 2017, 12 obligations were foreseen (6 in the part of transposition and 6 in implementation part). 6 obligations were realized, 5 in transposition part and 1 in implementation part, degree of realization is 50,00%.³⁴

Government, at the Session from March 23th, 2017, adopted "Projection of long-term water supply of Montenegro by 2040" is prepared. This projection proposes a mid-term (up to 2025) and long-term (up to 2040) development of water supply of settlements with the aim of achieving, in sanitary and technical terms, a high standard of water supply population and other users in Montenegro.

RATIONALE

In water sector the system of competences is fragmented. Ministry of Agriculture and Rural Development is the Competent Authority. According to the fragmented competences the level of implementation and enforcement of the water legislation is not adequate.

³⁴ Government of Montenegro (2017) "Report on the Implementation of the National Strategy for the Transposition, Implementation and Implementation of the EU Legal Framework in the Field of Environment and Climate Change with the Action Plan for the period 2016-2020", period July 2016-December 2017; pg 12

Management plans for river basins and clear actions in this field are still missing.

The construction of sewerage networks and wastewater treatment plants is being delayed.

An effective monitoring and enforcement system is not established.

A preliminary flood risk assessment to identify the river basins and associated coastal areas where there is a potential significant risk didn't set up.

A measure to eliminate the pollution of inland surface waters, territorial waters and internal coastal waters by dangerous substances are not taken.

WWTPs are missing for many municipalities while existing ones, e.g. in Podgorica, do not correspond either with capacity or technology standards.

Water supply is troublesome in Herceg Novi and Cetinje. There are frequent restrictions of water supply, especially in the summer period. Reports on the implementation of the Millennium Development Goals indicate large losses in the water distribution network in urban settlements throughout the country (in 2015. it was 58.4%). The percentage of connection to the sewage network in urban settlements in 2015 is 85%, while the scope of treated wastewater in relation to the total quantity is 25.8%. Most cities continue to distribute water using asbestos-cement pipes whose negative impact on health has been proven.

An effective monitoring and enforcement system is not established. A preliminary flood risk assessment to identify the river basins and associated coastal areas with a potential significant risk isn't done.

The project "Regulation of the river bed of Bojana" was done in 2010. The activities were not realized, which in 2017 led to the complete closing of the right river rubble due to the accumulation of large quantities of sand in it. Disabling the exchange of water between the sea and the river can lead to ecological disasters and major floods. For a long time, the depth of water at the beginning of the western (right) sleeve has been reduced from 3.5 m to only forty centimeters.

Monitoring in 2016 shown that the largest sources of pollution of surface and groundwater are municipal wastewater. The most polluted watercourses were Vezišnica and Čehotina bellow the Pljevlja, and Ibar bellow the Rožaje. Moderate pollution was caused by the waters of the middle and lower streams of Lim, Rijeka Crnojevića, Grnčar in the area of Gusinje and Morača on the part below the watershed of the city collector Podgorica, good quality status had Kutska Reka (Zlorečica), Cijevna on Trgaj and Tara on the Trebaljevo- Šćepan polje part, very good Bojana and Zeta, especially in the lower flow, and excellent water quality had the river Piva. The results of the measurements indicate the high sensitivity of these aquatic ecosystems, primarily at the low water level, as well as the increase in human activity on their banks.

In the continental part, the natural quality of water almost at all sources of groundwater is deteriorating. According to the results of microbiological tests, 6,6 percent of the chlorinated drinking water samples do not meet the prescribed hygienic standards, most often due to the increased presence of bacteria and faecal contamination.³⁵

The discharge of municipal and industrial waste water into natural receivers is carried out almost without any purification.

In the framework of the Water Quality and Sedimentation Program HOT SPOT, sampling of sediment and seawater was carried out at locations defined as hot spot locations (Shipyard Bijela, Porto Montenegro and Port of Bar), a location that represents a transitional, sensitive area (Ada Bojana) and the location that represents the reference location (Dobra Luka on the Luštica peninsula). The program for monitoring the quality of water and sediment at these locations included the analysis of the same to the following parameters: Cd, Hg, Cu, Ni, Fe, Mn, Pb, Zn, Cr, As, organ metallic compounds (TBT and TMT), organ chlorine pesticides, PAHs, mineral oils of petroleum origin, dioxins and furans, chloro-benzenes and chloro-phenols.

In the sediment sampled at the **Port of Bar**, the content of inorganic pollutants (mercury, copper, lead, zinc, nickel) and organic pollutants (PAHs and PCB congeners) exceed BAC, ERL and EAC criteria (according to OSPAR) indicating that present pollutants can have a negative impact on marine organisms.

The content of inorganic pollutants (mercury, copper, lead, zinc, chromium, nickel) as well as organic pollutants (PAH and PCB congeners) in the Bijela Shipyard, sampled in Bijela, exceeds the BAC, ERL and EAC criteria (according to OSPAR) that present pollutants can have a negative impact on marine organisms.

In the sediment sampled at **Porto Montenegro**, the content of inorganic pollutants (mercury, copper, lead, zinc, arsenic, nickel) and organic pollutants (PAH and PCB congeners) exceed BAC, ERL and EAC criteria (according to OSPAR), which indicates that present pollutants can have a negative impact on marine organisms.

In the sediment sampled at the location of **Ada Bojana**, the chromium content exceeds the BAC and ERL criteria while the nickel content exceeds the BAC criteria. Other inorganic and organic pollutants are below the BAC criteria.

The results of the analysis show that the sediments in the Shipyard Bijela and the Porto Montenegro marina (former Military Shipyard Factory in Tivat) are burdened with waste generated during sandblasting of ships that have been used for many years during the repair of ships at both locations. Waste from sandblasting, i.e. sediment mixed with it, burdens the environment of the sea with high content of both metals and organic components with possible long-term consequences for the living world in the sea.

³⁵ Information of Environmental State in Montenegro, 2016

In the **Port of Bar**, the results of the analysis indicate that the sediment is contaminated with high contents of both metals and organic components which is resulted from the transport of cargo and traffic of ships.

The results of the analysis of seawater samples show that the tested samples at locations marked as HOT SPOT locations (Shipyard Bijela, Porto Montenegro and Port of Bar) belong to classes A2 and A3 according to the Decree on the classification and categorization of surface and groundwater (“Official Gazette of Montenegro” No. 02/07).

In the area of water protection, the budget funds in 2017 for the realization of projects was allocated in the amount of €2.335.000,00.³⁶

IMPROVEMENT

Montenegro's level of alignment with the *acquis* in the Water sector is partially.

Good level of transposition is achieved for: Water Framework Directive and Drinking Water Directive.

At an advance stage of the legislative alignment is with Directive on urban waste water treatment (UWWTD).

Legislative alignment with the Marine Framework Strategy Directive, the Water Quality Standards Directive, the Groundwater Directive and the Bathing Water Directive is at an initial stage.

In period from April 2016 until December 25th, 2017 a significant progress in harmonization with the Directive on urban waste water treatment (UWWTD), Drinking Water Directive and limited progress in alignment with Water Framework Directive and Framework Marine Strategy Directive has achieved.

In this field a large scale investment is required, notably in the part related to the construction or modernization of the urban waste water collection and treatment systems, as well as the introduction of new technologies of water treatment and supply. Monitoring systems need to be improved as well as the system of reporting. A clear division of responsibilities and coherence between the actions of all the authorities involved in water management issues is urgently needed. With regard to the **Nitrates Directive 91/676/EEC**, Montenegro needs to establish a monitoring network for measuring nitrate concentration in surface waters and groundwater.

CHALLENGES

Administrative capacity in the water sector at the state and local levels is not powerful enough to respond to the challenge of an efficient process of harmonization of national

³⁶ See Annex IV

legislation with the EU *acquis* and a financial framework for their development is not established.

Mini hydropower plants are mostly constructed without adequate hydro potential analysis. One example is the rupture of the Kutska and Mojanska rivers, where the rivers have been dried up in certain parts of the riverbed. The construction of mini hydropower plants is being viewed passively and there isn't an adequate response to the conservation of natural resources.

The construction and planning of the construction of tourist complexes in the marine area (Porto Montenegro, Porto Novi) and in the protected area (Porto Skadar Lake) has not been accompanied by an adequate reaction of professionals from the water protection sector in order to integrate measures for the prevention of potential risks. The civil sector has contributed to protecting Skadar Lake, but without the possibility of changing anything in the planning process.

Montenegro is not working on the preparation of the Marine Strategy.

The water cadastre exist for 12 municipalities and contains only hydrological data (not biodiversity), but not available to the public. Water bases, information system in this area, river basin management plans are still missing.

There is no available groundwater register, an estimate of the available accumulation capacity, plans for replacing water supply networks.

Monitoring of surface waters often does not follow the needs for monitoring of environmental protection, which should be its integral part. Groundwater monitoring is missing.

There is a significant lack of staff qualified to meet the requirements of data collection and verification, as well as assurance of quality and reporting.

Floods are managed on the basis of the Flood Risk Management Plan and the General Plan for protection against harmful effects of waters, which covering the period of 6 years, and the accompanying Operational Plan for Protection.

Strategy for Water Management considers a channeling/regulation and concreting of certain riverbeds whose flows are of a bulky nature.

In order to fulfill the Plan of measures to achieve the full transposition of EU Framework water directive into domestic legislation by the end of 2018, it is necessary to implement 23 measures. The current dynamics of work is insufficient and must be strengthened due to the volume of work that will increase in the next period.

In some of the wastewater treatment plants that are being built or are in the final phase of the development, the problem are the plans and the way of disposal of treated sewage sludge, so there is no concrete defined plan for Nikšić, and the problem is evident in Budva, Herceg Novi and Tivat.

The largest sources of pollution of surface and groundwater are communal wastewater, which are mostly released in water, in a concentrated or diffused manner, mainly in the untreated form.

Although a wastewater treatment system has been developed in the municipality of Herceg Novi, the waste waters of the settlements gravitate to the Sutorina River (river of the state's importance) are being sulphurised because the sewage system did not cover this part of the municipality. Sutorina flows into the sea and defines the composition of the mud in Igalo, which significantly reduces the quality of water, mud, beaches and space for the development of health tourism.

The policy and practice in the area of flood protection is not focused on technical and constructive measures for the regulation of water bodies. The measures needed for adequate flood protection are missing or insufficient. The adoption of measures has not been harmonized with the mitigation of climate change.

KEY RECOMMENDATION

Better define the competencies of water quality and to improve cross-sectoral cooperation between water-related institutions as well as with other sectors in order to integrate the water protection policy.

Respect the objectives of the Water Management Strategy 2016-2035 and to adopt the Water management basis, whose obligation arises from the Law on Waters, as soon as possible.

Work on the drafting of the Marine Strategy and to adopt River Basin Management Plans for the Danube and Adriatic basins, the flood risk management plans, and prepare a hazard maps and flood risk maps.

Adopt all missing sub-laws acts and work on further harmonization of the Law on Municipal Waste Water Management with the Directive on Wastewater Treatment.

Establish a registry of protected areas, to harmonise the monitoring with WFD requirements, to define the ecological and chemical status and objectives for surface waters and for groundwater, to define the programmes of measures required.

Establish network of measuring stations and monitoring of groundwater.

Monitor the nitrate concentrations in surface and groundwater.

Work on the establishment of the Water Information System.

Provide access to water for all citizens.

Replace the existing water supply distribution network throughout the whole of Montenegro.

Construct a sewage network and the connection of the population to it.

Construct a municipal wastewater treatment plant, starting with cities with a large number of inhabitants (Podgorica) to smaller towns.

Accelerate the work on the construction of the communal infrastructure that has been started, with the correct selection of the contractor and the respect of time limits.

Urgently provide conditions for strengthening the administrative capacities, knowledge and skills of professional staff in institutions that are crucial for the integration and transposition of EU Acquis on water management, as well as for their implementation.

It is necessary to fully implement the existing legislation and improve the inspection supervision on the whole state's territory, as well as at national and at the local levels. It is necessary to improve control especially in the part of water exploitation for the construction of hydro power plants, water pollution, construction on the banks of the river, preservation of wetland habitats. The future development of a mini hydro power plant should be in line with EU practice. Continue with the control of the exploitation of sand and gravel.

Prosecutement and indiscriminately punishment in the cases of water violations is necessary.

Flood protection should be based on the integration of nature based solutions in water management.

The integration of Habitat's Directive and Bird's Directive in water management is necessary for the establishment and management of the future NATURA 2000 network.

(FOR MORE INFORMATION SEE ANNEX IV)

V NATURE PROTECTION

OVERVIEW AND THE ASSESSMENT GRID

In the field of nature protection in the period from April 2016 until December 25th, 2017, Parliament of Montenegro adopted:

1. **Law on Nature Protection** ("Official Gazette of Montenegro", No. 54/16), adopted on July 22th, 2016, partially harmonized with secondary sources of EU law:
 - Council Directive 92/43/EEC of 21 May 1992 on the protection of natural and semi-natural habitats of flora and fauna;
 - Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the protection of wild birds;
 - Council Regulation 338/97/EC on the protection of wild species of flora and fauna by traffic regulation.
2. **Law on Amendments to the Law on National Parks** ("Official Gazette of Montenegro" No. 28/14, 39/16), adopted on June 17th, 2016, which amending the boundaries of National Park „Durmitor”.

Law on the Confirmation of the European Convention for the Protection of Animals in International Transport ("Official Gazette of Montenegro - International Treaties", No. 04/17) was adopted.

After one year from the adoption of the Law on Nature Protection, MORT has prepared four by-laws while numerous by-laws are required for the complete transposition of the EU *acquis*. Ministry on Agriculture and Rural Development adopted two by-laws on the basis of the Law on the Protection of Animal Welfare. Based on the Law on Forests and Law on Wildlife and Hunting, 27 bylaws for the use of natural resources have been adopted (base for concession of forest's and hunting's resources).³⁷

The key institutions in this sub-region are: the Ministry of Sustainable Development and Tourism with the Agency for the Protection of Nature and Environment, the Ministry of Agriculture and Rural Development, the Institute for Marine Biology, the Natural History Museum, the Forest Administration, the Veterinary Administration, the Administration for Inspection Affairs, the Public Enterprise for National parks of Montenegro, PE "Morsko dobro", Customs Administration, Police Directorate, local self-government units.

The total needed funds for the five-year period for national parks are: for the implementation of the Management Plan of NP "Prokletije" € 1.304.749,00,³⁸ NP "Lovćen" € 2.320.000,00³⁹, NP "Durmitor" € 3.835.000,00⁴⁰, National Park "Skadar Lake" € 4.645.000,00⁴¹, National Park "Biogradska Gora" € 3.331.000,00⁴².

According to NEAS, obligation of MSDT to establish the Expert Working Group on Nature Protection was realized. However, the planned administrative strengthening/enhancement in the Directorate for Environment has not been implemented, although Government in the meantime adopted the Plan for Reorganization and Capacity Building in the environment which is significantly different from the NEAS. According to the NEAS, until the end of 2017, 32 obligations were foreseen (16 in the part of transposition and 16 in implementation part). 19 obligations were realized, 16 in transposition part and 3 in implementation part, degree of realization is 59,38%.⁴³

RATIONALE

The realization of the project "Establishment of the Natura 2000 network" has started but there are many ongoing projects and often with incompatible goals. The project does not cover the southern part of Montenegro. This leaves the possibility of devastation of sites that can be part of the NATURA 2000 network or the determination of purpose for other purposes by strategic and/or planning documents. The challenges related to the establishment of NATURA 2000 are associated with limited human resources capacity at the national and local level in government institutions in terms of the number of officials and experts who deal

³⁷ For more information see Annex V

³⁸ http://www.nparkovi.me/sajt/images/stories/PU_NP_Prokletije_2016-2020.pdf, pg. 56

³⁹ http://www.nparkovi.me/sajt/images/stories/PU_NP_Lovcen_2016-2020.pdf, pg. 67

⁴⁰ http://www.nparkovi.me/sajt/images/stories/PU_NP_DURMITOR_2016-2020.pdf, pg. 69

⁴¹ http://www.nparkovi.me/sajt/images/stories/PU_NP_Skadersko_jezero_2016-2020.pdf, pg. 82

⁴² http://www.nparkovi.me/sajt/images/stories/PU_NP_Biogradska_gora_2016-2020.pdf, pg. 61

⁴³ Government of Montenegro (2017) "Report on the Implementation of the National Strategy for the Transposition, Implementation and Implementation of the EU Legal Framework in the Field of Environment and Climate Change with the Action Plan for the period 2016-2020", Period July 2016-December 2017; pg 14

with this topic. This mostly relates to the expertise and the scientific-research work for the certain taxonomic categories and the application of the specific methodologies and collection of data in accordance to the standards of NATURA 2000. According to the Report of realization the NEAS all activities planned for 2017 on establishment of NATURA 2000 network were realized. However, all presented activities cannot be marked as key activities on establishment of NATURA 2000 network.

In the area of National Park "Skadar Lake", the site of Biški rep, Mihailovići, the construction of a luxury tourist complex and the "Porto Skadar Lake" marina are planned. In the Strategic Environmental Assessment Report, "Mihailovići" SSL states that the implementation of the solutions planned by the State Study for this location will affect the environment predominantly at the sites planned for construction and in the immediate environment, except in part of the socio-economic issues where the impacts are of a wider significance. Negative impacts that can occur during construction and during the exploitation of the hotel complex are: fragmentation, total or partial destruction of habitats, as well as the loss of a number of individuals from the species present, whether it will be destructed or will migrate from the habitats.

The enforcement of the provisions of the Criminal Code through subjective interpretations, as well as the lack of understanding of the importance of nature protection, by the prosecution, lead to an extremely low rate of punishment for the individuals who have committed crimes against the environment. It is particularly problematic to continuously illegally transfer hunted protected species across the border, as well as insufficient training of customs officers to recognize protected species. The issue of unauthorized and illegal keeping of wild animals, many of which are smuggled into the country (the case of tigers, wolves) is also worrying.

Protected area database (www.prirodainfo.me) is established. The re-categorization of protected areas wasn't done, which was a legal obligation. Many protected areas have lost the characteristics that have been recommended for protection. Management of categories of protection lower than II category according to IUCN almost does not exist.

After three years, Ulcinj Salina is neither protected at national nor at the international level, the competent institutions didn't provide an adequate water management regime, as well as the ban of hunting in one part of Ulcinj Salina, where such activity is protected by a decision of the municipality. According to the Spatial-Urban Plan of Ulcinj, adopted by the Government of Montenegro on February 16th, 2017 in subsection 3.1.3. "Protected Natural Heritage" it is stated that Ulcinj Salina is planned for protection as the Nature Park category, IUCN category V/IV. In accordance with the Spatial Plan of Montenegro as an umbrella planning document, the development of tourist accommodation is planned in this area. In 2012, the Parliament of Montenegro adopted the Decision on Amendments of the Spatial Plan of Montenegro until 2020 ("Official Gazette of Montenegro", No. 44/2012) recognizing the Ulcinj region in the category of "monument of nature" or "area of special forms" Ulcinj Salina with knetas and Ada Bojana. However, in November 2015, the Constitutional Court of Montenegro passed the Decision on termination of the validity of the Decision on

Amendments to the Spatial Plan of Montenegro until 2020. According to the new Law on Spatial Planning and Construction of Facilities, local spatial planning documents no longer exist and consequently the PUP Ulcinj also. Bearing in mind mentioned above, it can be concluded that the political will to protect the Ulcinj Salina is questionable. The site is degraded to the level where it begins to act like as an ecological trap for millions of migratory birds. There has been a process of changing the ecosystem character, or the process of converting salty into the freshwater ecosystem type, which will have inconceivable ecological and biodiversity consequences in this area. According to the information on the state of the environment of Ulcinj Salina, due to the change in the quality of the habitat and the transition from salt-water to freshwater wetland, the number of Eurasian Coot (*Fulica atra*) has increased significantly, which confirms the fact that the saline ecosystem needs to be better managed. The settling of dunes in the Velika plaža area creates unfavorable conditions for the bird fauna.

On the Ada Bojana and along the right mouth of the Bojana river, there are the best and most well-preserved flooded *Salix* and *Populus* forests. According to the Habitats Directive, it is a type of habitat 92A0 *Salix alba* and *Populus alba* gallery. This habitat is dominated by *Quercus robur* ssp. *scutariensis*, *Fraxinus angustifolia*, *Populus alba*, *Periploca graeca*, *Salix alba*, *Salix fragilis*, *Alnus glutinosa*, *Vitex agnus-castus*, *Tamarix africana*. As an inevitable consequence of intensive anthropogenisation of the area, invasive species (*Amorpha fruticosa*) are also present, which pose a serious threat to damage the structure of natural ecosystems. Sandy dunes habitats are diminished by unplanned expansion of tourist facilities (beaches, access roads, parking). Knete (saline and freshwater ponds and wetlands) in the hinterland of the Velika plaža are a special natural value and oases of biodiversity, together with dry meadows of semi desert character and should be protected.

There is also a lack of supervision by the Forest Administration on the work of the concessionaire. Problems may also be that the provisions of the Law on Concessions that do not prescribe the obligation to seek opinions or information on the status of protection of the area. This confirms the inconsistency of other laws related to the use of natural resources with the Law on Nature Protection.

There is a tendency to announce tenders for the construction at sites of great natural value, which are also recognized as potential Natura 2000 habitats (Porto Skadar Lake, Buljarica), in contrast to the valid spatial planning documents.

A long-term program for biodiversity research has not been developed. The available funds for the implementation of the biodiversity monitoring program as well as the number of covered areas are reduced⁴⁴. With the lack of adequate biodiversity monitoring at the state level, one may conclude that management, spatial planning, urbanization and protection measures are based on modest data, which are the cause of the inadequate program monitoring, inadequate methodology, so decisions based on such data are controversial.

⁴⁴ Environmental monitoring program for 2016, Pg. No. 4 and 16 and Environmental monitoring program for 2017, Pg. No. 4 and 25

The problem are also allowed hunting quotas, lack of shortening of hunting seasons, unauthorized hunting for which there is not even a strategic commitment of the department to start working on its effective suppression. Especially the practice of fishing with illegal means like as dynamite in the sea and electric generator in the Skadar Lake is worrying. Hunting ranger services should be adequately equipped.

Montenegro, besides Bosnia and Herzegovina, is the only country in the Mediterranean, which does not have a protected marine area, although it is an obligation under the Barcelona Convention. The challenge of establishing such areas will be reflected, in addition to political will and in terms of administrative capacity and financial allocations for their protection and management. The PE “Morsko dobro” does have neither a service for protection nor the needed equipment (boat). Inspection services at sea do not have adequate equipment.

In particular, the debatable is implementation of CITES Regulation and Convention, as well as the non-compliance of national regulations with Directive 1992/22/EC concerning the keeping of animals in zoos, Regulations 3254/91/EEC on Leghold Traps, Directive 83/129/EEC and Regulation (EC) 1007/2009 on trade in marine mammals from the *Pinnipedia* sub-order, Directive 1999/22/EC on the protection of animals in scientific use, Regulation (EC) 2173/2005 (FLEGT) and Regulation (EC) 995/2000 which defines the obligations of operators who place timber and timber products on the market.

With the new Law on Nature Protection, a provision which prescribes the obligation to develop the Map of the landscapes before the preparation of the spatial planning documents has been abrogated. Law on Spatial Planning and Construction Facilities from 2017 centralizes activities in spatial planning on state level. With this Law is limited, perhaps disabled, integration of the protection of biological diversity into the spatial planning policy.

IMPROVEMENT

In the area of nature protection, Montenegro is partially aligned with the acquis. Advanced stage of transposition is achieved for Habitat and Bird Directives. Limited level of transposition is achieved for CITES Regulation.

The national legislation will have to be aligned with the directive on wild animals in zoos, with the EU legislation on seals (Directive 83/129/EEC, Regulation (EC) 1007/2009 and its implementing Regulation (EU) 737/2010), Regulation (EU) 1143/2014 as well as FLEGT and Timber Regulations.

In period from April 2016 until December 25th, 2017 some progress in harmonization with the Habitat and Bird Directives and CITES Regulation has achieved.

There have not been significant developments in the nature protection field. There is a space for improvement the involvement of civil society especially in early phase of the process and

in facilitating dialogue. It is necessary to eliminate different solutions from existing regulations, work on the integration of biodiversity policy into sectoral policies, strengthen the system for management of protected areas at the national park level and establish a management system for protected areas for which management the local self-government is responsible. Establish a coordination mechanism between competent institutions and improve administrative and financial capacity. Intensify the activities on the establishment of the NATURA 2000 network and involve all stakeholders and the civil sector in the process. It is necessary to work on the establishment of marine protected areas.

CHALLENGES

In the field of nature protection, a number of projects are being implemented, which often have non-compliant goals or overlap each other. Planning and implementation of activities in the field of nature protection will require serious consultation and communication with various stakeholders and non-governmental organizations for the purpose of effective implementation. The latest events on the killing of protected species and the dynamics of fishing require the effective implementation of penal policy and restrictions, as well as the strengthening of inspection control. It is necessary to establish a system of general protection of certain habitats, plant and animal species and prohibit harmful activities related to the exploitation of species and other natural resources. Also, an adequate assessment of activities that are potentially damaging habitats and species is lacking. The establishment of protected areas must be recognized by the Spatial Plan of Montenegro. In this area, the main problem is the marginalization of prescribing nature protection measures while giving priority to construction projects.

Little has been done in the implementation of the NATURA 2000 project. The challenges related to the establishment of NATURA 2000 are associated with limited human resources capacity at the national and local level in government institutions in terms of the number of officials and experts who deal with this topic. This mostly relates to the expertise and the scientific-research work for the certain taxonomic categories and the application of the specific methodologies and collection of data in accordance to the standards of NATURA 2000.

Legislative activity was marked with the adoption of the Law on Nature Protection and Law on National Parks. The real challenge will be their implementation.

The problems in this field are: lack of a protection approach in the management of protected areas, lack of a marine protected area, conflict between regulations, lack of implementation of regulations, high percentage of illegal cutting. Law on Amendments of the Law on National Parks was adopted in urgent proceeding due to the "technical" error which was reflected to the scope of the borders. According to the Law on Nature Protection (Article 35), the change of the boundaries of the protected area is not possible without the Study of Revision which is mandatory for changing the boundaries of national parks. The Law does not have attached a cartographic overview of national parks' borders, which was the case in previous Laws and Article 13 prescribed that "The cartographic overview of the marked borders of national parks will be created by the administrative authority in charge of cadastral affairs". Article 28 of the Law on Nature Protection clearly states that the Protection Study must contain a cartographic overview of the boundaries of a protected area, as well as the Act on the

designation of a protected area (Article 32 of the Law on Nature Protection). This is a collision between two laws in the same area that can lead to major problems in implementation.

A large number of protected areas of the lower protection categories, as well as the "Man and Biosphere" Reserve of the Tara River Basin, are protected only on paper, their rights protection has not begun. Strategic and planning documents of most sectors do not even recognize them. For example, in the category of "Monument of Nature" only two of 56 sites have a management plan. Adequate scientific background, monitoring and application of modern tools in nature protection management is mostly missing or it is subject to external financing of sporadic projects.

In addition to illegal cutting, forests are also exposed to continuous burning, where it is evident that there are no administrative capacity to deal with prevention (providing fire detection points and introduction of fire detection systems/sensors) and remediation of consequences (inspection's penalties) or preventing the causes (awareness of citizens that e.g. burning of forests in order to improve the growth of mushrooms is counterproductive). During the summer of 2017, a significant forest fund was devastated to NP "Lovćen" because the fire was not localized in almost two months. After this fire, it remains questionable whether Lovćen still has natural characteristics on the basis of which it was declared as a national park. The pine forest, olive trees, macchia and a low vegetation on Luštica were destroyed.

There is a tendency to open tenders for construction at sites of great natural value, which are also recognized as potential Natura 2000 habitats (Ulcinj Salina, Buljarica, Porto Skadar Lake). Buljarica has the following types of habitat: 92A0 *Salix alba* and *Populus alba*, 91AA Eastern Mediterranean woods. *Pisolithus arrhizus* is present which is protected in Montenegro ("Official Gazette of the Republic of Montenegro" No. 76/06); is protected by Preliminary red list of macromycetes of Montenegro (Perić & Perić, 2004); by Red list of endangered mushrooms of Europe in category C - a species distributed on a wide area, but of a bulky, unrelated population, somewhere missing, a medium level of protection intensity (Ing, 1993); according to IUCN categories (the international standard for the preparation of national Red Lists - IUCN 2001), was assessed in our country as a critically endangered species (category CR - critically endangered, criteria D) (Kasom & Četković, 2011). In Montenegro, the species has so far been identified at two sites: Herceg Novi, Savinska Dubrava and Buljarica.

For nature conservation, the fact that new Law on Spatial Planning and Construction of Facilities, prescribes marginalization of local self-government is of special concern. It prescribes the existence of only the Spatial Plan of Montenegro and the General Regulation Plan. The Law does not offer quality solutions that will provide mechanisms for sustainable planning of the territory of Montenegro, and it is in contrast with the European Charter of Local Self-Governments, the European Charter on Spatial Planning, the Constitution of Montenegro and the Law on Local Self-Government.

Reason for concern is the level of nature conservation in protected areas due to tendency of the economic valorisation of natural resources, without significant investments in nature protection.

In a number of lakes within the NP and Regional Parks, a number of aquatic and semi-aquatic species such as Newts (*Ichthyosaura alpestris*, *Lissotriton vulgaris*) have either disappeared or are in the phase of disappearing. These species and subspecies, some of which are endemic for Montenegro disappear due to the introduction of fish fauna and crustaceans. This is the case with Bukumirsko Lake, Rikavačko Lake, Trnovačko Lake, a larger number of lakes in the NP "Durmitor". This changed the indigenous biological value of the lakes.

During the summer, some parts of the national parks are exceedingly visited and the administration itself does not keep records and assessment of pressure, the degree of disturbance of the animal world.

With the lack of adequate biodiversity monitoring at the state level, it may be concluded that management, spatial planning, urbanization and protection measures are based on data below the elementary satisfactory level, which are caused by the unsatisfactory scope of monitoring programs, inadequate methodology, so decisions based on such data are problematic.

Low administrative capacities, the application of the provisions of the Criminal Code through subjective interpretations, as well as the lack of understanding of the importance of nature protection by the prosecution lead to an extremely low rate of punish ability of persons who have committed crimes against the environment. It is particularly problematic to continuously illegally transfer hunted protected species across the border, as well as insufficient training of customs officers to recognize protected species. Every year, the Customs Administration Office in Bar confiscates more than 100 scattered birds (even the permanently protected species) attempting to smuggle out of the country. The problem of confiscation is also the lack of sub-law legislation in terms of the disposal of scattered wild animals.

The issue of unauthorized and illegal keeping of wild animals, many of which are smuggled into the country (the case of tigers, wolves) is also worrying. Over 100 cases of illegal keeping of wild animals in conditions that do not meet the legally prescribed conditions have been recorded. There is also noticeable illegal trade with these species, as well as the public promotion of zoos that do not have a usable permit (Wildlife breeding "Crni Vuk" in Tološi, Zoo "Charlie" in Danilovgrad, etc.).

"Animal shelters" and zoo gardens as well as individual citizens possess certain species that are classified in the first 100 most dangerous invasive species. As for example, the Red-eared Turtle (*Trachemys scripta*) and Mongoose (*Herpestes auro punctatus*) occupy an increasing distribution in Montenegro. Red-eared turtle is registered at several sites on the Montenegrin coast and Mongoose across the Montenegrin coast. Import of this Turtle is prohibited in the countries of the region. Additionally from the fact that these species expose other species from nature by occupying habitats and food, they transmit various pathogens to which native species are not resistant.

Problems may also be the provisions of the Law on Concessions that do not prescribe the obligation to seek opinions or information on the status of protection of the area. This confirms the inconsistency of other laws related to the use of natural resources with the Law on Nature Protection.

The consequences in this area are: reduction of the boundaries of the National Park "Durmitor", which is at the same time the UNESCO protected area (World Heritage Site) because/for the reason of the usurpation of the area by illegal construction, loss of ecological

values of many protected areas in the category of the monument of nature, the lack of enforcement of protection measures in the Regional Park "Piva"; lack of control and management of the Tara river canyon as UNESCO Biosphere Reserve (MAB - Man and Biosphere Program). In addition, the participation of local communities in the management of protected areas is at a low level.

Administrative capacities in the Ministry of Sustainable Development and Tourism are not sufficient for quality transposition, implementation and enforcement of regulations from this field. Additionally, problematic are the capacities of inspection bodies (in the environmental inspection only 6 inspectors are still in charge of the whole area of environmental protection) as well as insufficient infrastructure at the border crossings in order to enforce regulations related to import, export and transit of goods for which the measures of protection for animals and plants are prescribed. Also, deficiencies are evident at the level of local government.

The Berane Municipality, in partnership with MSDT and NEPA, has launched activities to establish Asylum for wildlife animals. The procedure for issuing the Urban-technical requirements for this asylum is in progress. The Terms of Reference has been completed and tender announcement for main project is ongoing. However, it is not clear from which funds the construction of the center will be financed.

The challenge may also be the compatibility of planning and integration of nature protection measures into other sector's plans and policies, as well as mechanisms implementation (Strategic Environmental Impact Assessment - SEA, Environmental Impact Assessment - EIA, Appropriate assessment - AA).

Destruction or killing of protected species is one of the obvious problems that the authorities are not responding to. An example can be the killing of sea turtles on the Montenegrin coast, wounding of dolphins, and domestication of cubs of various wild species. Only after the public reaction the authorities prosecuted a person suspected of killing a sea turtle.

KEY RECOMMENDATIONS

Adopt a numerous by-laws according to the Law on Nature Protection, Law on Wildlife and Hunting, Law on Forests and Law on the Protection of Animal Welfare which further transpose the Habitats Directive, the Wild Birds Directive, the Zoo Directive, the Leg-hold Traps Regulation, The Directive on imports of seals and its derivatives, the Regulation on the trade in marine mammals from the Pinnipedia sub-division, the CITES Regulations and the FLEGT Directive and Regulation.

Some provisions of these laws need to be amended in order to full harmonization and to enable implementation.

Adopt Law on invasive species in alignment with Regulation on invasive species.

Without further delay, it is necessary **to protect Ulcinj Salina** and provide adequate water management, as well as to prohibit hunting in the area of the so-called New salina.

The protection of Buljarica is of particular importance, as well as **respecting the recommendations of the European Parliament** i.e. Resolution in which the Government of

Montenegro is calling for adequate management of natural resources and reviewing the decision on the permit for the construction of the megalomaniac project "Porto Skadar Lake".

Immediately stop further forest devastation by establishing forest reserves that will preserve untouched habitats before establishing the Natura 2000 network and entering into the European Union.

Adopt the strategy for invasive species management. Suspend any further illegal and unprofessional flow of water bodies. Allow fish to be harvested in all lakes of national and regional parks in a way that will not contribute to damage of other organisms.

Define species that are detrimental to nature, agriculture and economy, and prohibit importation of them.

Systematic and coordinated work on the establishment of the NATURA 2000 network. In this regard, it is necessary to bring a roadmap for the establishment of the NATURA 2000 network, to confirm the national SPA and SCI methodologies and criteria for the selection of areas and species of relevance for the EU. Intensify work on habitat mapping and data collection. Strengthen capacities of the governmental and non-governmental sectors. Involve stakeholders and the civil sector in the activities of establishing the NATURA 2000 network. Strengthen cooperation with other sectors (agriculture, forestry, hunting, transport, energy).

Improve the monitoring system, establish monitoring of habitat and species, as well as the reporting system for the implementation of key directives and data management.

Bring **plans for the preservation of wetland habitats** taking into account the threats they are exposed to (Skadar Lake, Tivat solila), and considering their importance in ecological interactions, as well as the influence on the development of many native species.

In the construction of **hydro-accumulations and dams,** it is necessary to start making **serious biological studies and socio-economic analyzes** with a mandatory environmental impact assessment.

Review the decision and determine the degree of respect of the public interest in the **transformation of National Parks** from a public company into a limited liability company, since this modality allows the privatization of the most valuable areas, and the interest of nature protection is subordinated by the interest of securing economic sustainability. Determine the boundaries of protected areas and enter them into the Real Estate Cadastre to avoid arbitrary interpretation and inadequate enforcement in practice.

Work on the establishment of marine protected areas.

Effective combat with the illegal hunting is needed, as well as a significant improvement of the legal framework in the hunting sector. This particularly refers to the deletion of certain endangered species from the hunting list, as well as to harmonize hunting seasons with periods of reproduction.⁴⁵

The Ministry of Sustainable Development and Tourism, the Nature and Environmental Protection Agency and the Administration for Inspection Affairs (Ecological Inspection)

⁴⁵ Analysis of legal framework in the field of hunting in Montenegro (NGO Green Home)

should **strengthen the capacities** to fulfill the obligations arising from the process of alignment with the EU acquis.

Make a clear division of responsibilities.

Establish cooperation between key institutions and work to remove obstacles to implementation. The Nature and Environment Protection Agency should be an independent institution, organized to reflect the division of responsibilities within the 27th negotiating chapter into the subsectors.

Begin the process of criminal prosecution of persons whose committed criminal offenses against the environment, with particular attention to the killing, illegal holding and cultivation of wild animals in captivity (the problem recently updated), in order to provide better living conditions for these individuals in one of the reception centers in the region (the possibility provided by the Law on Nature Protection), as well as preventing the appearance of smuggled exotic species or the killing of native animals in order to take the cubs.

Work on **cross-sectoral cooperation** in the process of processing all criminal offenses against the environment, with monitoring of the dynamics of the prosecution.

Protected areas management plans should contain **concrete measures of protection** with adequate provision of budgetary allocations for their implementation. It is also necessary to continuously monitor the trends of endangered species and to create **Action Plans** whose implementation would lead to recovery of certain populations.

Nature protection, especially in natural protected areas, **must take over economic interests**.

Strengthen the capacities of the police, inspectors and judges in order to implement the regulations for the protection of species.

Provide financial resources for the implementation of nature protection activities, beginning with the monitoring of biodiversity, establishment of data management system, determination of protected area managers until establishment of NATURA 2000 network. The disadvantages are particularly pronounced in protected areas managed by local government units due to the lack of administrative and financial capacities.

In spatial planning procedures and procedures of SEA on spatial plans, it is essential to take into account existing data for the establishment of the NATURA 2000 network, the EMERALD area, and to intensify the further application of the Habitat Directive and the Bird Directive because to adopt the most optimal solutions for future use of space.

Before the adoption of the Spatial Plan of Montenegro, it is necessary to finish the mapping of the NATURA 2000 sites.

New construction zones must have to be located in the least environmentally vulnerable space.

Combat the illegal fishing at sea by activating and building the capacity of the maritime police and fisheries inspection.

(FOR MORE INFORMATION SEE ANNEX V)

VI INDUSTRIAL POLLUTION AND RISK MANAGEMENT

OVERVIEW AND THE ASSESSMENT GRID

In the industrial pollution field, in period from April 2016 until December 25th, 2017, Parliament of Montenegro adopted:

1. Law on Amendments to the Law on Integrated Prevention and Control of Environmental Pollution ("Official Gazette of Montenegro", No. 54/16) - for the purpose of harmonization with the Law on Administrative Procedure;

The five by-laws are adopted.⁴⁶

The competent authority for implementation was the EPA which is part of the MSDT now. By 2016 EPA issued five integrated permits.

In October 2017, the Government recommended to the NEPA to issue a conditional IPPC permit to the TPP "Pljevlja" until December 31th, 2031.

For others, listed in the "Program on harmonization of particular economies with the Law on Integrated Prevention and Control of the Environmental Pollution" among which are the biggest polluters in the country, deadlines were prolonged for three years, from January 1st, 2015 until January 1st, 2018 with fairly realistic expectations to extend the deadline again. A confirmation of this expectation is also the fact that the Nature and Environmental Protection Agency rejected the request for the issuance of an IPPC license to KAP (Aluminium Plant) in bankruptcy on October 9th, 2017 as well as request of Toščelik Alloyed Engineering Steel L.L.C., Nikšić. According to the Information on installations obliged to obtain an integrated permit until January 1st, 2018, adopted by the Government in 2016, the obligation to obtain the license have: Aluminium Plant (KAP) Podgorica; TPP "Pljevlja"; Toščelik Alloyed Engineering Steel L.L.C., Nikšić. Other plants are: "Kovačnica" L.L.C. and "Pantomarket" - pig farm-Spuž. By the decision of the Government, two plants were exempt from the obligation to obtain the IPPC.⁴⁷ For others, listed in the "Program on harmonization of particular economies with the Law on Integrated Prevention and Control of the

⁴⁶ For more information see Annex VI

⁴⁷ National Strategy for Transposition, Implementation and Enforcement of the EU Legal Framework in the Field of Environment and Climate Change (NEAS) with the Action Plan for the period 2016-2020, pg 43;
Decision on amending to the Program of harmonization of certain economic branches with the Law on Integrated Prevention and Control of Environmental Pollution ("Official Gazette of Montenegro", No. 010/16 dated 16.02.2016).

6) "Polieks", Berane, Factory of Explosives, deadline: January 2014.

8) Foundry "GATI", Nikšić, deadline: July 2014

Decision on Amendments to the Program for the Adjustment of Economic Branches with the Law on Integrated Prevention and Control of Environmental Pollution, "Official Gazette of Montenegro", no. 3/14)

Environmental Pollution” among which are the biggest polluters in the country, deadlines for issuing permits are missing.

The World Bank project in the amount of € 50,000,000 aims to rehabilitate the crisis areas: the landfill of the "Aluminum Plant", Podgorica, the landfill in "Shipyard", Bijela, "TPP" landfill, Pljevlja and the landfill of waste and ash "Gradac". However, implementation dynamics is not at satisfactory level.

The key institutions in this field are: Ministry of Sustainable Development and Tourism with Agency for Nature Protection and Environment, Ministry of Internal Affairs, Administration for Inspection Affairs, the local self-government units.

In accordance with the NEAS, it was necessary to work on the establishment of a pollutant register. The precondition for this was the adoption of a by-law in accordance with Regulation (EC) 166/2006. The Rulebook was adopted in July 2017 but Register didn't established. According to the NEAS with the AP until the end of 2017, 14 obligations were foreseen (10 in the part of transposition and 4 in implementation part). 10 obligations were realized, 9 in transposition part and 1 in implementation part, degree of realization is 71,43%.⁴⁸

The obligation of transposition of Directive 2012/18/EU (Seveso III) was partly implemented through the adoption of the Law on Environmental ("Official Gazette of Montenegro" No. 52/16) and two bylaws⁴⁹: Rulebook on the quantities of dangerous substances by categories that determine the degree of risk SEVESO plants ("Official Gazette of Montenegro", No. 63/16) and the Rulebook on the more detailed content of the prevention plan and the accident plan ("Official Gazette of Montenegro", No. 67/16).

RATIONALE

The implementation of regulations in this field is not satisfactory bearing in mind the delay in the deadlines for obtaining IPPC permits. Untreated industrial wastewater is a source of surface water pollution. There are no known quantities of hazardous waste. There is no hazardous waste landfill but only temporary storage, after which waste is exported in accordance with the Basel Convention. There is no recycling of the battery and it is not known where it is disposed. No hazardous waste from companies that no longer works. BAT-BREF principles have not been established.

According to the Program monitoring for 2016 soil was sampled in the settlements: Srpska (near FAP), Rubeža (near Željezara Nikšić), Komina (TPP Pljevlja) and Golija (destruction of ammunition).

The increased content of fluorine (F) and polyaromatic hydrocarbons (PAH) in soil sampled in the settlement Srpska (near the road) is a result of the emissions from KAP (F and PAH) and asphalt base (PAH).

In Rubeža, an increase in the content of lead, chromium, nickel and fluorine as well as polyaromatic hydrocarbons and five PCB congeners was recorded in relation to the

⁴⁸ Government of Montenegro (2017) "Report on the Implementation of the National Strategy for the Transposition, Implementation and Implementation of the EU Legal Framework in the Field of Environment and Climate Change with the Action Plan for the period 2016-2020", period July 2016-December 2017; pg.17

⁴⁹ For more information, see Annex VI

normalized values, which is attributed to the influence of the process in the Željezara (Ironworks).

The results of the analysis show that there is no increased content of hazardous and harmful substances in the soil sample at Komini, which could be caused by the work of the TPP Pljevlja.

In the sample of soil sampled at Golija, the contents of all the parameters tested are in the frames normed values.

According to the latest official data of MONSTAT, a total of 764 540 tons of industrial waste is generated annually in Montenegro.

Of the total generated and stored waste, enterprises in the field of industry independently processed the 1.2%, disposed the 98% and temporarily stored the 0.8% of waste.

Of the 6,530 tons of industrial waste exported directly by industrial enterprises, the 42.6% constituted waste packaging; the 35.4% waste from wood processing; the 16.6% metals; the 3.1% waste paper and the 2.3% anodes.

In 2016, the Nature and Environment Protection Agency issued 9 licenses pertaining to the export of 6 300 tons of hazardous waste.

IMPROVEMENT

In the field of industrial pollution and risk management, alignment with most of the EU directives or regulations (notably Seveso Directive, EMAS and Eco-label Regulations) is at a very early stage. The part of the Industrial Emissions Directive relating to the integrated prevention and pollution control is satisfactorily aligned with the *acquis*.

In period from April 2016 until December 25th, 2017, some progress in this field has achieved in alignment with the SEVESO Directive, Eco-label Regulations and Directive on the control of major-accident hazards involving dangerous substances.

Montenegro needs to align and implement of the provisions of the Industrial Emissions Directive (IED), notably those on volatile organic compounds (VOC), large combustion plants (LCP) and incineration of waste (IW) and prepare the National emission reduction plan for large combustion plants.

In the field of industrial pollution, the biggest problem is the operation of plants without an IPPC permit and disposed hazardous waste in factories (e.g. Aluminum Plant, Podgorica). It is necessary to work on introducing new technologies, sustainable financing for the implementation of activities in order to fulfill obligations from the EU *acquis*, strengthening administrative and institutional capacities. It is necessary to work on the implementation of EMAS and eco-labeling. The risk is potential environmental pollution caused by accidents.

The penal policy must be significantly improved so that polluters are always responsible for their actions.

Adoption the legislation dealing with the prevention of accidents resulting in environmental pollution must be one of the future priorities.

CHALLENGES

Additional issue is transposition, implementation and enforcement of Seveso Directive that needs establishing of coordination unit since the jurisdiction is divided between MSDT and Ministry of Internal Affairs (MIA). Due to the absence of a transposition of a higher degree of the SEVESO III directive, large quantities of hazardous waste are in practice classified into non-hazardous waste. According to the available information only at the dumpsite of lead and zinc mine in Gradac, Pljevlja has deposited over 4.5 million tons of hazardous waste, which has been classified in a non-hazardous, and for whose rehabilitation it takes 6 million Euros. Also, at the Maljevac landfill, about 4 million tons of ash and slag were deposited, which was recycled into non-hazardous waste, for which the rehabilitation costs 5 million Euros. In the Bijela Shipyard more than 50 million tons of hazardous waste (dangerous grit) has been postponed, which has been classified into a non-hazardous, for which removal will be necessary 17 million Euros. For remediation of industrial waste in KAP, 12 million is required, and for the rehabilitation of the red sludge pool, over 3 million. The assessment has done for needs of credit loan arrangement with World Bank and expects their corrections on higher amounts.

The enforcement of regulations in this field is not satisfactory bearing in mind the delay in the deadlines for obtaining IPPC permits.

Most hazardous wastes are classified into non-hazardous waste.

The EMAS system has not been established until eco-labelling isn't still being implemented.

Untreated industrial wastewater is a source of surface water pollution.

There are no known quantities of hazardous waste. There is no hazardous waste landfill but only temporary storage, after which waste is exported in accordance with the Basel Convention.

There is no recycling of the battery and it is not known where it is disposed.

BAT-BREF principles have not been established.

For establishing a pollutant registry, the biggest challenge is limited resource of NEPA both the human and financial capacities.

KEY RECOMMENDATIONS

Provide an effective and non-selective enforcement of the current Law on Integrated Prevention and Pollution Control. Instead of extending deadlines for obtaining integrated permits, impose fines as a stimulus measure to prevent the abuse of amendments to the existing law in the future.

For installations for which the obligation to obtain IPPC permits has been identified, continuous monitoring by the Administration for Inspection Affairs is needed.

It is necessary to establish an online register of pollutant with emission data, which will be available to the public in real time in accordance with the requirements of EU regulations on E-PRTR and PRTR.

Set deadlines for adapting the work of polluters to the conditions prescribed by EU legislation in this field.

Solve the problem of future quantities of industrial waste through transparent processes, through the public debates and consultation, since it is a hazardous waste, and that some of the earlier solutions as locations were predicted the urban settlements.

Strengthen the capacity of institutions to be effective in implementing demanding procedures such as the World Bank's, which has previously led to breaks in the deadlines for the implementation of the project itself.

Adopt the Law on Industrial Emissions. Work on the implementation of the Emission Directive, the establishment and implementation of the BAT (best available techniques) principles.

In order to implement the SEVESO Directive, it is necessary to clearly specify the competencies of different sectors and to work on the identification of these plants.

Create preconditions for enforcement the EMAS mechanism and the ECO labeling system.

(FOR MORE INFORMATION SEE ANNEX VI)

VII CHEMICALS

OVERVIEW AND THE ASSESSMENT GRID

In the chemical sector, in period from April 2016 until December 25th, 2017, Parliament of Montenegro adopted:

1. Law on Chemicals ("Official Gazette of Montenegro", No. 51/17) which is fully complies with:
 - Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonization of laws, regulations and administrative provisions relating to the application of the principle of good laboratory practice and the verification of their enforcement in the examination of chemical substances.

The law is partially harmonized with:

- Regulation (EC) no. Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) and the establishment of a European Chemicals Agency and amending Directive 1999/45/EC and the entry into force of Council Regulation No. 793/93 and Commission Regulations (EC) No.

1488/94 as well as Council Directive 76/769/EEC and Commission Directive 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC;

- Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16th December 2008 on the classification, labeling and packaging of substances and mixtures, amending and abolishing Directives 67/548/EEC and Directive 1999/45/EC and amending Regulation (EC) 1907/2006;
 - Regulation (EU) No. 649/2012 of the European Parliament and of the Council of 4th July 2012 on the export and import of dangerous chemicals (amended);
 - Regulation (EC) No. 648/2004 of the European Parliament and of the Council of 31st March 2004 on detergents.
2. Law on Biocide Products ("Official Gazette of Montenegro", No. 54/16) is partially harmonized with:
- Regulation (EU) No. 528/2012 of the European Parliament and of the Council of 22 May 2012 on making available on the market and use of biocide products.
3. Law on Environment ("Official Gazette of Montenegro" No. 52/16) is fully complied with:
- Regulation (EC) No. 1102/2008 (export and storage of metallic mercury);
 - Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos.

Adopted is also:

1. Law on the Confirmation of the Amendment to the Stockholm Convention on Long-Term Organic Pollutants was adopted on October 11th, 2017 („Official Gazette of Montenegro-International Agreements“ No. 9/17).

41 bylaws were adopted. Ministry of Sustainable Development and Tourism adopted seven by-laws according to the Law on Chemicals, ten by-laws and on the basis of the Law on Biocide Products, Ministry of Agriculture and Rural Development according to the Law on Plant Protection Assets adopted nine by-laws and on the basis of the Law on Food Safety have adopted 15 by-laws.⁵⁰

The competent institutions in this field are: the Ministry of Sustainable Development and Tourism with the Nature Protection and Environment Agency, the Ministry of Agriculture and Rural Development, Administration for Food and Phytosanitary Affairs, the Ministry of Labor and Social Welfare, the Ministry of Internal Affairs, the Center for Ecotoxicological Testing of Montenegro Gore, Customs Administration, Administration on Inspection Affairs, Institute of Public Health.

According to the NEAS, until the end of 2017, 35 obligations were foreseen (20 in the part of transposition and 15 in implementation part). 26 obligations were realized, 11 in transposition part and 15 in implementation part, with degree of realization of 74,29%.⁵¹

RATIONALE

⁵⁰ For more information see Annex VII

⁵¹ Government of Montenegro (2017) "Report on the Implementation of the National Strategy for the Transposition, Implementation and Implementation of the EU Legal Framework in the Field of Environment and Climate Change with the Action Plan for the period 2016-2020", period July 2016-December 2017; pg.19

In 2016, the Nature and Environment Protection Agency issued 39 permits for the operation of hazardous chemicals. In two cases, requests were rejected, because the business entities did not fulfill the necessary legally prescribed conditions for storage and measures for safe storage or use of hazardous chemicals.

The PIC procedure (approval procedure based on the prior notification) is carried out for the import i.e. export of chemicals contained in the Chemicals List for the PIC procedure and for chemicals from the List of the Rotterdam Convention. During 2016, 33 PIC permits were issued.

Nature and Environment Protection Agency issued 433 import permits, four transit, while 11 requests were rejected, because the preparations were not on the List of Classified Substances.

Through physical and chemical analysis of triazine, dithiocarbamate, carbamate, chlorophenoxy and organohloric pesticides in agricultural land samples, possible soil contamination due to inadequate use of plant protection products is considered.

Montenegro does not produce chemicals, but it is necessary to collect data on chemicals that are entered in the chemicals register. The established Registry is not supported by the IUCLID 5 software (International Uniform Chemical Information Database) developed for the purpose of collecting and storing data on substances, as well as submitting data to the European Chemicals Agency in the correct format.

One of the obligations of the Strategy was the establishment of a Center for the Control of Poisoning, within the Clinical Center of Montenegro, which was not realized.

Measures from the National Strategy of Chemicals have been partially implemented. Out of the proposed 37 measures by 2017, 26 were implemented, five measures were partially implemented, while 6 six measures were not implemented.⁵²

IMPROVEMENT

Montenegro has achieved a significant improvement in the sector of chemicals. High level of harmonization with REACH Regulation, good level of harmonization with CLP Regulation, Biocides Regulation, and Regulation on export and import of dangerous chemicals, Regulation on Detergents has achieved. Further efforts are needed to continue with alignment of Directive 2010/63/EU on the protection of animals used for scientific purposes.

In period from April 2016 until December 25th, 2017, in this field has achieved the significant improvement in transposition of REACH Regulation, CLP Regulation, Biocides Regulation, and Regulation on export and import of dangerous chemicals, Regulation on Detergents.

In order to improve the policy of protecting human, animal and environmental health, Montenegro continuously harmonises national legislation with the EU *acquis* in the field of safe chemicals management and biocide products. It is necessary to strengthen capacities in

⁵² Report on the implementation of the Chemicals Management Strategy 2015-2018. for the year 2016, pg. 4

order to fully implement and enforce legislation and ensure sustainable financing of activities.

CHALLENGES

Safe chemical management in this area is challenge because the complicated procedures, lack of capacity and expertise in this area for the preparation and delivery of a dossier for the identification of dangerous substances.

There is no national service to help users providing information and advice (producers, importers and distributors) on the responsibilities and obligations according to the REACH Regulations.

The special attention should be given to residual chemicals in old abandoned industrial warehouses (Berane, Bijelo Polje, Rožaje), among which are some dangerous since their validity date has expired.

Identifying sites that are contaminated with PCB substances and the treatment of PCB waste is a challenge for institutions.

The lack of data on the amount of fuel consumed in traffic makes it impossible to record the source of PCDD/PCDF emissions in the air and does not provide the necessary data on the quantities of uncontrolled combustion of waste.

Evidence of the concentration of PAH released in power plants is not available.

There is no comprehensive database on chemicals on the Montenegrin market.

A system for controlling the collection, storage and export of metal mercury and keeping records has not been established.

HELP DESK is not established.

The establishment of a permitting system for the use of detergents, an inventory of the release of POPs in water and land, the issuance of permits for the use of animals for scientific purposes requires additional effort.

Center for the control of chemical poisoning has not been established.

The challenge is implementation of the Asbestos Directive. The distribution water supply network in most cities consists of asbestos-cement pipes. Disposal of construction waste containing asbestos is not regulated in an adequate manner.

Directive 2010/63/EU on the welfare of animals used for scientific purposes has not been transposed.

There are no authorized laboratories for testing hazardous properties of chemicals in accordance with the principle of good laboratory practice.

Mechanism required to issue certificates to laboratories for the examination of the toxicological and eco-toxicological properties of hazardous chemicals in accordance with Regulation (EC) 440/2008 isn't established.

The division of competencies in this field requires good inter-sector cooperation.

The monitoring program of POPs and PAH in the environmental segments (soil, water, air) needs to be improved.

The challenge is **establishment of the Chemicals Registry** in the format prescribed by the EU and the register of biocidal products that are placed on the market.

KEY RECOMMENDATIONS

Establish the Chemicals Register in the format prescribed by the EU.

Establish a register of biocidal products that are placed on the market.

Establish control of collection, storage and export of metallic mercury and keep evidence.

Establish a permitting system for the use of detergents.

Establish an inventory of the release of POPs in water and land.

Establish a permit system for the use of animals for scientific purposes.

Establish HELP DESK.

Establish a Center for the control of chemical poisoning and establish a poisoning record.

Transpose Directive 2010/63/EU on the animal welfare used for scientific purposes.

Establish authorized laboratories for testing hazardous properties of chemicals in accordance with the principle of good laboratory practice.

Establish the mechanisms necessary for issuing certificates to laboratories for testing the toxicological and ecotoxicological properties of hazardous chemicals in accordance with Regulation (EC) 440/2008.

Strengthen cross-sectoral cooperation in this area.

Improve the POPs and PAH program monitoring in the environmental segments (soil, water, air).

Raise the capacity of customs officers to implement the Rotterdam Convention.

Raise awareness of the public about the harmfulness of chemicals, handling materials containing asbestos fibers and handling asbestos waste.

(FOR MORE INFORMATION SEE ANNEX VII)

VIII NOISE

OVERVIEW AND THE ASSESSMENT GRID

Regarding **noise**, Rulebook on Amendments to the Rulebook on Methods for Calculating and Measuring the Noise Level in the Environment was adopted ("Official Gazette of Montenegro", No. 27/14, 17/17).

21 municipalities adopted Decisions about acoustic zoning in their territory.

The key institutions for transposition and implementation of regulations in this field are: the Ministry of Sustainable Development and Tourism with the Agency for Nature Protection and Environment, the Administration for Inspection Affairs and Municipal Police in Local Self-Governments.

In accordance with the Report of NEAS Implementation, the preparation of strategic noise maps for main roads was not started. The training for all relevant institutions related to the preparation of strategic noise maps didn't organized. According to the NEAS, until the end of 2017, 6 obligations were foreseen (1 in the part of transposition and 5 in implementation part). 3 obligations were realized, 1 in transposition part and 2 in implementation part, with degree of realization of 50,00%.⁵³

RATIONALE

Montenegro has largely harmonized legislation in this field, but implementation is questionable. Strategic maps for one agglomeration (the capital city) and two main roads managed by the state have not been prepared and the Action Plans have not been adopted. The implementation at the local level is missing.

IMPROVEMENT

Montenegro has achieved a good level of legislative alignment with the **Noise Directive**.

In period from April 2016 until December 25th, 2017 a progress in harmonization with the **Noise Directive was limited**.

With the aim of full implementation, cooperation between competent state authorities needs to be strengthened. It is necessary to strengthen the capacities of local self-governments and to provide sufficient budgetary resources for the preparation of strategic maps for the roads and at the local level. It is necessary to work on the preparation of the Action Plans.

CHALLENGES

⁵³ Government of Montenegro (2017) "Report on the Implementation of the National Strategy for the Transposition, Implementation and Implementation of the EU Legal Framework in the Field of Environment and Climate Change with the Action Plan for the period 2016-2020", period July 2016-December 2017, pg. 6

Insufficient cooperation between competent state authorities postpones the implementation of regulations in noise field.

Poor capacities of local governments and insufficient budget make it impossible to prepare strategic maps at the local level.

There is no public information system on the noise level.

KEY RECOMMENDATIONS

Prepare strategic maps for one agglomeration and two main roads and action plans.

Prepare strategic maps at the local level.

Establish a system of reporting to the public on the level of noise in the environment.

Work on raising public awareness in this area.

IX CIVIL PROTECTION

In field of civil protection, in period from April 2016 until December 25th, 2017, Parliament of Montenegro, adopted:

1. **The Law on Amendments to the Law on Protection and Rescue** ("Official Gazette of Montenegro", No. 54/16) is partially harmonized with:
 - Directive 2007/60/EC of the European Parliament and of the Council of 2. October 2007 on the assessment and management of flood risks (OJ L 288, 6.11.2007);
 - Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012).

Pursuant to the Law on Protection and Rescue, Ministry of Internal Affairs, adopted nine by-laws and seven more were planned for adoption. On the basis of the Law on Environment, Ministry of Sustainable Development and Tourism were adopted the two by-laws.⁵⁴

The Strategy for Disaster Risk Reduction with the Action Plan, planned for the IV quarter of 2017, is in the Draft form. According to the Draft Strategy, it is estimated that is needed for implementation the € 39.572.300.

In the implementation part, despite the number of projects that are in the implementation phase, there is a lack of a system for quick action in emergency situations. Adequate fire and flood protection plans are missing.

Key institutions in this field are the Ministry of Internal Affairs through the Directorate for Emergency Situations, Ministry of Sustainable Development and Tourism, Protection and Rescue Services organized in local self-governments.

According to the NEAS, the Ministry of Internal Affairs, in cooperation with the Ministry of Sustainable Development and Tourism, had an obligation to transpose Directive 2012/18/EU

⁵⁴ For more information see Annex VIII

(Seveso III). According to the Law on Environment ("Official Gazette of Montenegro" No. 52/16), two bylaws were adopted:

1. Rulebook on the quantities of dangerous substances by categories that determine the degree of risk of SEVESO plant ("Official Gazette of Montenegro", No. 63/16) and
2. Rulebook on the detailed content of the prevention plan and the accident plan ("Official Gazette of Montenegro", No. 67/16).

Until the end of 2017, 2 obligations were foreseen (1 in the part of transposition and 1 in implementation part). One obligations was realized, in transposition part, with degree of realization of 50,00%.⁵⁵

RATIONALE

Implementation is not adequate due to lack of coordination between central and local authorities, the division of responsibilities, inadequate protection plans and lack of equipment. Montenegro cannot effectively fight disasters because it is necessary to organize resources in rescue teams, transport, equipment, medical teams.

The latest fires have shown that Montenegro has no capacity for an adequate response. Poor equipment and capacities of protection and rescue services, the division of competences at central and local level, inadequate protection and rescue plans has led to inadequate reactions to major fires that broke out in Montenegro in the summer of 2017.

IMPROVEMENT

Montenegro is satisfactorily aligned with the **EU civil protection acquis**.

In period from April 2016 until December 25th,2017 in the legislative part, progress has been made with the Law on Amendments to the Law on Protection and Rescue and with adoption of a number of by-laws in alignment with Directive on the assessment and management of flood risks and Directive of control of major-accident hazards.

In the implementation part, despite the number of projects that are in the implementation phase, there is a lack of a system for quick action in emergency situations. The equipment is missing and the existing one is obsolete and, often, unusable.

CHALLENGES

The main challenge in the civil protection field is reflected in the inadequate organization of the protection and rescue system, harmonization with the system, standards and good practice of the EU Member States, lack of technical and material resources, the need for professional training and improvement capacities of the operational units for protection and rescue. All disadvantages lead to untimely response to natural disasters and the risk of technical and technological accidents.

Regarding the flood protection, there is a lack of Risk Assessment Plans and flood readiness in the most local government units. During 2016, floods hit the northern part of Montenegro,

⁵⁵ Government of Montenegro (2017) "Report on the Implementation of the National Strategy for the Transposition, Implementation and Implementation of the EU Legal Framework in the Field of Environment and Climate Change with the Action Plan for the period 2016-2020", period July 2016-December 2017, pg. 6

in particular Berane, Rožaje and Petnjica, while the risk existed for the southern state of Ulcinj. In such situations, the cooperation of the competent institutions is often lacking, operational readiness for immediate response, the ability to monitor the situation globally (situation in neighbouring countries).

The configuration of the terrain in Montenegro, impact of global warming on climate, big drought, lack of capacity to carry out national risk assessment, implementation of risk management planning and assessment about possibility for risk management, as well as reporting to the European Commission in accordance with the commitments, can be identified as a problem.

KEY RECOMMENDATIONS

It is necessary to clearly share responsibilities, form a body responsible for coordination of activities, provide continuous financing, and improve working conditions and employee training.

Adopt a Strategy for Disaster Risk Reduction with the Action Plan.

Establish a National Training Center within the Ministry of Internal Affairs - the Directorate for Emergency Situations, for training, in addition to local, all state operational units and services that could be included in the segment of the response to natural and other disasters by their existence and actions trained according to a unified plan and training program in line with EU standards.

Establish an information system that would include **risk maps** that locate important infrastructure such as pathways for intervention and evacuation, medical institutions, schools.

Strengthen capacities in the prevention of natural risks, with particular reference to forest fires and to mitigate fire damage in the open space.

Establish an advanced forest monitoring system.

Establish a system of forecasts of a fire index at certain locations and an advanced system for simulating fire behavior, predicting fire intensity and calculating a fire index.

Establish a **video surveillance system and devices for mapping the burned area** in order to collect information and determine the measures for the rehabilitation of burned areas.

Prepare the missing and work on updating the existing **Fire Protection and Rescue Plans**, developing flood protection plans, informing the population about the population, the need for organized and efficient action in emergency situations, as well as the unique European Emergency Number 112, to reinforce the penal policy for intentional cause of fire.

Work on the definition of preventive measures and activities that should be taken in cases of flooding.

Strengthen cross-sector cooperation.

Work to fulfill obligations under the EU Civil Protection Mechanism.

(FOR MORE INFORMATION SEE ANNEX VIII)

X CLIMATE CHANGE

OVERVIEW AND THE ASSESSMENT GRID

In the field of climate change, for period from April 2016 until December 25th, 2017, Parliament of Montenegro adopted:

1. **Law on Amendments to the Law on Energy** ("Official Gazette of Montenegro", No. 51/17). Law on Energy ("Official Gazette of Montenegro", No. 5/16) is partially harmonized with Directive 2009/28 / EC on the promotion of energy from renewable sources.
2. **Law on Environment** ("Official Gazette of Montenegro, No. 52/16) is partially harmonized with:
 - Regulation no. 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and avoiding emissions of greenhouse gases and for reporting on other information about climate change at the national and Union level and the abolition of Decision No. 280/2004 / EC;
 - Directive 1999/94/EC of the European Parliament and of the Council of 13th December 1999 on the availability of information for consumers on the fuel economy and CO2 emissions associated with the sale of new passenger cars;
 - Directive 2009/31/EC of the European Parliament and of the Council of 23th April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337 / EEC, Directive 2000/60 / EC of the European Parliament and of the Council, 2001/80 / EC, 2004/35 / EC, 2006/12 / EC, 2008/1 / EC and Regulations (EL) No. 1013/2006.
3. **Law on Confirming the Paris Agreement** („Official Gazette of Montenegro-International Agreements“ No. 9/17).

On the basis of the Law on Air Quality, Ministry of Sustainable Development and Tourism adopted one bylaw.

According to the Law on Energy, Ministry on Economy adopted one by-law.⁵⁶

The key institutions in this area are the Ministry of Sustainable Development and Tourism with the Agency for Protection of Nature and Environment, the Ministry of Economy, the Ministry of Transport and Maritime Affairs, the Ministry of Internal Affairs. In addition, the competences have: Ministry of Health, Hydro-meteorological Institute, Civil Aviation Agency, Administration for Inspection Affairs, Local Governments.

The projection of priority investments for the realization of the National Intentional Contribution of Montenegro (INDC) for the period 2017-2030 and operating expenses amount to € 2,445.26 mil.

⁵⁶ For more information see Annex IX

According to the Report of NEAS implementation, until the end of 2017, 3 obligations were foreseen in implementation part. 3 obligations were realized with degree of realization of 100,00%.⁵⁷

RATIONALE

The implementation of the National Strategy has not yet achieved the goal of adequately integrating climate policy into other sectors' policies. The importance of planning in the field of climate change in Montenegro is still not recognized in the right way.

Regarding the acceptance and implementation of the EU ETS system, Montenegro has made some preparatory steps for transposing Directive 2003/87/EC on emissions trading in terms of taking over the definition of GHG and the assessment of installations to participate in the EU ETS system. In the context of this Directive, Directive 2009/28/EC on the promotion of renewable energy sources and Directive 2009/30/EC on the mechanism for monitoring and reducing GHG emissions are also relevant. The legal basis for their transposition is determined by the Law on Energy, but it is necessary to adopt by-laws in order to transpose these directives into domestic regulations. The transposition of these regulations is under the responsibility of the Ministry of Economy.

Regulation (EU) 525/2013 on the mechanism for monitoring and reporting greenhouse gas emissions (MMR) is partially applied in Montenegro through the production of GHG inventories and reporting to the UNFCCC. No mechanisms have been created for the further enforcement of the MMR regulation through the drafting and adoption of the Law on Climate Protection.

The National Action Plan for the Use of Renewable Energy from 2014 defines the obligation of Montenegro to reach the share of energy from renewable sources in the total final energy consumption by the amount of 33% by 2020.

Preparing the Law on Climate Protection is in delay. We would like to express our fear that the insistence on the construction of a new block of thermal power plants is not in line with the EU policies in the field of climate change as with the Paris Agreement.

IMPROVEMENT

Legislative alignment with the climate *acquis* and implementation is at a very early stage. Legislative alignment and implementation is advanced regarding the Regulations on Fluorinated Gases and Ozone Depleting Substances and the Fuel Quality Directive.

In period from April 2016 until December 25th, 2017 progress in alignment with Directive on the promotion of energy from renewable sources, Regulation on a mechanism for monitoring and avoiding emissions of greenhouse gases, Directive on the availability of information for

⁵⁷ Government of Montenegro (2017) "Report on the Implementation of the National Strategy for the Transposition, Implementation and Implementation of the EU Legal Framework in the Field of Environment and Climate Change with the Action Plan for the period 2016-2020", period July 2016-December 2017, pg. 6

consumers on the fuel economy and CO₂ emissions associated with the sale of new passenger cars; Directive on the geological storage of carbon dioxide.

The importance of planning in the field of climate change in Montenegro is still not recognized in the right way and climate policies are not adequately integrated into related sectors' policies.

Although it has ratified most of the international conventions and protocols on climate change and has regularly joined the EU's views in the international context, Montenegro has to make considerable efforts to ensure the fulfilment of its international obligations and the EU *acquis* in the field of climate change.

CHALLENGES

Integrated planning development, decarbonisation of the energy sector through increasing energy efficiency and participation of renewable energy sources (OIE), introduction of BAT-BREF (Best Available Techniques - Reference Document) standards that imply new, more stringent limit values regarding the emissions of pollutants don't exist.

The EU ETS is not adequately taken into account because the Ministry of Economy, when planning the construction of a new block of TPP Pljevlja, rely on the assumption that it will fail to postpone the obligation to apply ETS for which it has no real basis and it is very risky in terms of assessment of the justification of construction and for a further process of alignment with the EU. The postponement of the application of emission quotas is not a practice in the EU, and the expectation is that by 2020, the percentage of allocated free quotas will be 0.

The Government, in its conclusions on the consideration of the report on the activities of the construction of the II block of TPP Pljevlja, adopted in July 2016, instructed the Ministry of Sustainable Development and Tourism and the Ministry of Economy to take the view that the trade in CO₂ emissions should be postponed in the further negotiations with the European Commission to the maximum possible deadline from the date of accession to the EU.

A challenge is the implementation, in particular of Article 7 of the EED, which refers to the establishment of EE debt schemes and the implementation of which began from January 2017 which requires achievement of annual energy savings of 0.7% of the total final energy consumption from January 1st, 2017 i.e. an alternative approach is applicable to Montenegro, which implies a target of 0.5 % for the first two years of implementation (2017 and 2018) i.e. 0.7% in the next two years of implementation (2019 and 2020). According to the available data, Montenegro is still in the decision-making process to what extent and in which relation will apply EE obligatory schemes, i.e. alternative measures.

EE implementation instruments (such as the Energy Efficiency Fund and/or Energy Efficiency Agency) have not yet been established.

Significant quantities of electricity have been lost or unauthorizely taken over from the transmission and distribution system for years (around 22%).⁵⁸

⁵⁸ „Annual Report on the Implementation" of the Energy Community in 2016

In this field following are evident: lack of data, questionable quality of available data, insufficient and inadequate administrative and financial capacities, insufficient cooperation at both national and local level.

The competencies for calculating projections of future GHG emissions have not been defined and the GHG inventory system does not function. There is no system for monitoring, reporting and verifying GHG emissions.

The national register for the EU ETS has not been established. The biofuels market has not been established, and the relevant requirements of the EU acquis on this basis have not been transposed for the time being.

A systematic method of informing consumers about CO₂ emissions when buying new vehicles is not prescribed or established.

KEY RECOMMENDATIONS

Transpose key regulations in this area: Directive 2003/87/EC (EU ETS), Directive 98/70/EC (fuel quality); Directive 1999/94/EC (consumer information on fuel consumption and CO₂ emissions when buying new cars) and Directive 2009/31/EC (geological storage of CO₂).

Begin with implementation of national determined contribution, in line with the EU framework for climate and energy policies by 2030.

Establish a comprehensive and functional monitoring, reporting and verification system in accordance with Regulation (EU) No. 525/2013 on the mechanism for monitoring and reporting on GHG emissions and reporting on other data relevant to climate change at the national and European Union level (MMR).

Adopt the **Law on Climate Protection** with accompanying by-laws, the **Low Carbon Strategy and the National Plan for Adaptation to Climate Change (NAP)**.

Establish a system of data collection and data management.

Strengthen administrative and financial capacity.

Establish a system of **clear division of responsibilities** and strengthen cross-sectoral cooperation.

Establish a **national register for the EU ETS**.

Establish a system of information on fuel consumption and CO₂ emissions when purchasing new cars.

Reduce GHG emissions primarily through: a general increase in energy efficiency, the advancement of industrial technologies (primarily in the metal industry), an increase in the share of energy from renewable sources in gross final energy consumption up to 33% and modernization in the energy production sector.

Introduce BAT-BREF technology in energy and industrial plants.

Montenegro has to establish huge dialog, in coordination of Ministry of Sustainable Development and Tourism and Ministry of Economy, with representatives from industry, agriculture, civil society. Also, revision of National Energy Strategy is needed in accordance with Paris Agreements which, in near future, will lead to merging of National Energy and Climate Strategies in one strategy which allow better integration of climate policy in energy policy and early overview does national efforts will be enough ambitious and coherent to achieve EU goals. Parallel with revision of National Energy Strategy it is needed that Ministry of Sustainable Development and Tourism intense activities on preparation of climate legislative framework which suppose preparation and adaptation a huge number of documents until 2020: Law on Clime Protection, Third National Report of Montenegro for Climate Changes, Second two-years merged report of Montenegro about Climate Change, Second two-years consolidated report of Montenegro about Climate Change, Low Carbon Development Strategy as well as adaptation of Nation plan for Climate Change Adaptation.

Mentioned strategies have to include also the revision of National proposed contribution (INDC) in accordance with UN framework Convention about Climate Change (UNFCCC) with the aim of improvement and harmonization with EU goals in this field. Montenegro's INDC, i.e. aim to reduce GHG emissions plan to reduce for 30% from basic 1990. In the practice that mean increase of emissions in relation with current values. From reduce of economic activities from 1990, Montenegro in 2013 records emission's decrease for 40 % in compare with basic 1990, so that decrease of 30% in INDC framework in practice can give possibility of emission's increase in compare with current situation for some 10%.

(FOR MORE INFORMATION SEE ANNEX IX)

ANNEX I - HORIZONTAL LEGISLATION

Further harmonization, in this field, was achieved with the adoption of secondary legislation based on the Law on Environment:⁵⁹ Rulebook on the criteria which need to be met by the reference laboratory for environmental monitoring ("Official Gazette of Montenegro", No. 11/17);

The secondary legislation adopted on the basis of the Law on Environmental Damage is Rulebook on conditions according to personnel and equipment for a legal entity that carries out preventive measures and measures for remediation of environmental damage ("Official Gazette of Montenegro", No. 48/16).

Review of draft legislation

The Government's of Montenegro Work Program for 2017 plans the adoption of:

1. Law on Environmental Impact Assessment. In accordance with the deadline set by NEAS, a working group was formed for the drafting of the Law on Environmental Impact Assessment. The member of the Working group is a representative of the NGO "Green Home" also, otherwise proposed by the members of the Coalition 27.

According to the Work Program of the Ministry of Sustainable Development and Tourism, it is planned to adopt the following by-laws:

1. Decision on the establishment of the Eco-Fund, which will regulate the organization and manner of work, activities, bodies, manner of financing and use of funds and other issues relevant to the work of the Eco-Fund.

⁵⁹ www.sluzbenilist.me

2. Rulebook on the manner of keeping the EMAS register, the content, the appearance and use of the EMAS mark, the conditions for the EMAS verifier, and the request form, which will regulate the way EMAS register is maintained, the content, appearance and use of the EMAS mark, the conditions for the EMAS verifier and application forms, which will enable legal entities and entrepreneurs to participate in the environmental management system and inform the public about the impacts of certain activities on the environment. This Rulebook will be harmonized with Regulation (EC) No. 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation of organizations in the Community of Eco-Management and Revision of the Scheme (EMAS), repealing Regulation (EC) No. 761 / 2001 and Commission Decision 2001/681/ EC and 2006/193 / EC.

Additional information

The nature of the Environmental Assessment Elaborates which often has no form of impact assessment but also a detailed description of the project with titles that only formally correspond to the contents of the assessment required by law is questionable. Proposed mitigation measures are often inadequate and unacceptable, and are repeated through various elaborations for completely different projects in almost identical form.⁶⁰ Elaborates are at best described phenomenological characteristics of the space, but do not define the impact of the project on the phenomenological characteristics that preclude the precise definition of measures to reduce the negative impact of the project on the environment.

According to the **Law on Spatial Planning and Construction of Facilities** a greater part of responsibility is transferred from the state administration body and makes it difficult to control the implementation of the measures imposed by the impact assessment study. This law gives a great autonomous responsibility to the main officer for urbanism in the town. The law does not solve the problem of illegal construction in a sustainable way. The main role of object legalization is the opening of new fees and taxes, but not the integration of existing facilities into the space. Citizens will be exposed to higher costs and the space will be left in a similar state as now.

The civil sector is invited to participate in working groups, administrative and advisory boards, within which they essentially do not influence the processes in which they participate. In this way, the institutions represent the public, the formal participation of representatives of the civil sector as a good type of cooperation and respect for different opinions. On the other hand, representatives of the civil sector give legitimacy to working groups primarily to be at the source of information, acting in the belief that in some rare cases it will nevertheless influence the decision-making process, thanks to arguments and expert comments. Nevertheless, due to poor relations within the working groups⁶¹, i.e., treatment of representatives of the CSOs, they often come from different working bodies, challenging the legitimacy of processes that they consider to be insufficiently transparent or ineffective.

Declarative cooperation with the civil sector is also felt in the processes of organizing public debates, to which CSOs regularly participate, but whose expert's and argument comments are

⁶⁰ Case Study, NGO „Green Home“

⁶¹ The most recent example of the release of CSOs from the working body was the abandonment of the Advisory Board for the Protection of Ulcinj Salina by the initiator for the formation of this body, the Center for the Protection and Study of Birds. The withdrawal was the result of the lack of formal legal protection of this site, and especially after the loss of the second season of nesting season, which collapsed due to an inadequate water regime

almost never adopted. Practice shows that only "corrective" comments are accepted, not those of an essential nature. This degree of exclusivity and the so-called negative statistics, especially in the part of submitting comments to the EIA and SEA, for a longer period of time devalues the participation of the civil sector in public debates, discouraging them for further action. There is no information about the adopted CSOs' comments, which led to neither to negative opinions on impact assessments nor suspension of conflict projects for environment.

Also, the practice of holding public hearings during vacancies and holidays and in some cases also at the premises of polluters is noticeable, which does not provide the principle of neutrality⁶². The most recent example of the abuse of a public hearing is related to the Law on Spatial Planning and Construction Facilities, which passed public consultations in Draft version, in 2015 and that is presented as a substantially amended version of the Law at the beginning of 2017 at a press conference organized by the Ministry of Sustainable Development and Tourism. That points to the fact that it was a completely new law with solutions that the public had not heard before. After pressuring the civil sector and the professional public, MSDT held public debates for the new Draft Law. But despite the public debate, the public did not receive feedback on whether the extent to which the views and observations made during the public debate was incorporated. In this way, final Draft Law is prepared which is sent to parliamentary adoption, without prior knowledge of the public and scientifically audit from the field of spatial planning, environment, transport with its final version.

The unpreparedness of the relevant institutions for subsequent dialogue was particularly expressed. Namely, it is very often happening that at the same time, parallel public debates on several regulations, strategies, and studies, when it is highly anticipated that CSOs dealing with environmental issues, cannot "cover" all public debates through high-quality participation. In the way of creating simultaneous processes that cannot be met by the scale, institutions use arguments to abstain from public "ad acta" debates. In this way, constructive dialogue is not allowed afterwards, even in the event of an obvious threat to the environment or when it comes to general public interest, despite the knowledge of both sides that neither participation in public hearings, a least according to statistics would result in a change in the decision of the competent authorities.

Regarding the **free access to information**, some responsible institutions don't respond and thus disable the implementation of the Law on Free Access to Information (National Parks of Montenegro, Administration for Inspection Affairs, Environmental Protection Agency). We would especially emphasize the importance of establishing a professional contact with the Administration for Inspection Affairs, having in mind their importance in the implementation of the legislation. However, as this cooperation is unsatisfactory, it often happens that the submitter of the initiative is not informed of the handling of the application submitted by him.

ANNEX II - AIR QUALITY

Overview of draft acts

⁶² An example is the public hearing for the EIA „Željezara“ Nikšić, which was held in the factory's space.

For the 2017, the adoption of bylaws for the transposition of Commission Directive (EU) 2015/1480 and establishing reference methods, validation of data, location of measuring stations is planned. A revision of the air quality monitoring network in accordance with Article 5 of Directive 2008/50/EC in the IPA project -IPA/2014/032-803.09/ME/air quality is also planned.⁶³

Key projects

For the project "Implementation of measures to reduce pollution and heating of Pljevlja" in the budget for 2017, € 850.000,00 was allocated.

The ECRAN project (the Network for Accession in the Environment and Climate Change), funded by the European Union, implemented by the European Commission, and was completed in 2016, contributing to the improvement of the situation in this area.

ANNEX III -WASTE MANAGEMENT

Based on the Law on Waste Management, the following bylaws have been adopted:

1. Decree on the criteria for ending the status of waste from iron, steel, aluminum, copper and glass ("Official Gazette of Montenegro", No. 26/17, 31/17);
2. Rulebook on the detailed content of the documentation submitted with the application for issuing the license for import, export and transit of waste, lists of waste classification and content and manner of keeping a registry of issued licenses ("Official Gazette of Montenegro", No. 83/16);
3. Rulebook on detailed characteristics of the location, conditions of construction, sanitary and technical conditions, manner of operation and closure of landfills ("Official Gazette of Montenegro", No. 31/13, 25/16);
4. Rulebook on Waste Classification and Waste Catalog ("Official Gazette of Montenegro" No. 59/13, 83/16);
5. Rulebook on content of requests and documentation for issuing a permit for the processing and/or disposal of waste from mining ("Official Gazette of Montenegro", No. 78/16).
6. Rulebook on Amendments and Supplements to the Rulebook on Accurate Documentation Submitted with the Application for Issuing Permits for Import, Export and Transit of Waste, Waste Classification Lists and Content and Manner of Keeping a Registry of Issued Permits ("Official Gazette of Montenegro", No. 76/17).

According to the Law on Communal Activities ("Official Gazette of Montenegro", No. 55/16) – Ministry adopted:

1. Rulebook on detailed conditions and manner of keeping the register of utility operators and issued decisions on the fulfillment of requirements for the performance of communal activities, which will prescribe the conditions and manner of keeping the register of utility operators and issued decisions on the fulfillment of conditions for performing public utility activities.

Overview of draft acts

⁶³ National Strategy for Transposition, Implementation and Enforcement of the EU Legal Framework in the Field of Environment and Climate Change (NEAS) with the Action Plan for the period 2016-2020, pg. 142

The program of work of the Ministry plans to adopt:

1. Rulebook on the content of the annual program for the performance of communal activities and the annual report on the implementation of the annual program for the performance of communal activities, which will prescribe the content of the annual programs for the performance of communal activities and the annual report on the implementation of the program for the performance of communal activities.
2. Rulebook on the method of calculation and payment of the fee for temporary storage of municipal and non-hazardous construction waste, which will determine the method of calculation and payment of the fee for temporary storage of municipal and non-hazardous construction waste.
3. Rulebook on the methodology for determining the composition and quantity (mass) of municipal waste in the territory of the local self-government unit, which will determine the methodology for determining the composition and quantity (mass) of municipal waste in the territory of the local self-government unit.
4. Rulebook on the limit values for the presence of dangerous substances in certain parts of electrical and electronic products, vehicles, tires, batteries and accumulators and packaging, as well as the labels on the type and manner of waste management that arises from these products, which will determine the limit values for the presence of hazardous matter in certain parts of electrical and electronic products, vehicles, tires, batteries and accumulators and packaging, as well as the type and type of waste management that arises from these products.
5. Rulebook on minimum quality and scope of work for the performance of communal activities, which will prescribe the minimum quality and scope of work for the performance of public utility activities.
6. Rulebook on the technical conditions for communal infrastructure, equipment and funds used for the performance of communal activities, which will prescribe the technical conditions for communal infrastructure, equipment and funds used for the performance of public utilities.
7. Rulebook on data, deadlines, manner of delivery and data processing methodology that are subject to monitoring of utility services, which will prescribe data, deadlines, manner of delivery and data processing methodology that are subject to monitoring of utility activities.

Key projects planned by Budget for 2017

Waste management projects	865.000,00€
Sanitary landfills, wastewater treatment plants and water supply	400.000,00 €
Construction of transfer stations and rehabilitation of existing landfills	300.000,00€
Remediation of the landfill in Žabljak	80.000,00€
Sanitation of the landfill in Plav	85.000,00€
Projects co-financed by IPA funds	14.705.000,00 €

WWTP, sewage network and water supply system in Berane	9.730.000,00€
Remediation of the "Vrtijeljka" landfill in Cetinje	1.920.000,00€
Remediation of the "Caffe" landfill in Bar	3.055.000,00€

Additional information

Although in the NEAS preparation, the European Commission did not accept the third option, which implies thermal treatment of waste, the Government is continuing its plans to realize this option. Namely, the National Council for Sustainable Development, Climate Change and Integrated Coastal Zone Management on the its session held on January 11th, 2017 *"supported the efforts of the Municipality of Nikšić as part of the delayed process of negotiations with EU partners to examine the possibility of building a facility in the territory of this municipality for the thermal treatment of waste, including the analysis of the amount of waste in the municipality of Nikšić and other municipalities in Montenegro. In this regard, the National Council has suggested to the Ministry of Sustainable Development and Tourism to support the activities of the Municipality of Nikšić aimed at determining the feasibility of building a facility⁶⁴ through the development of a feasibility study in cooperation with foreign partners."*

Due to the absence of the primary selection and a large fraction of organic components in the composition of communal solid waste, landfills are the sources of emission of greenhouse gases (methane). This gas is highly reactive and causes explosions and fires in the landfills. Disposal of highly flammable materials such as tires and plastic materials on the dump sites causes fire also. Ecological problems of the existing landfills are the main issue in some municipalities.

An example of dumping tires on an illegal dumpsite "Vrtijeljka", Cetinje showed once again the weakness of the system. After the civil sector's reaction, it was decided to remove the waste tires from the landfill. It was unusual that the landfill was self-ignited because of the presence of a large amount of plastic and tires that lasted for months especially during the summer period. Such a landfill is a choice of high-reactance gaseous greenhouse gases (methane). For example, in Cetinje there is no air monitoring station, a large number of fires are noticed this year, town with a large number of individual fireplaces, which, with self-inflammation of an illegal landfill, gives more than unfavourable conditions for a healthy life. In addition to the "Vrtijeljka" landfill, tires were also disposed of in the territory of NP "Lovćen".⁶⁵ The authorities reacted only after the reaction of the public and the civil sector.

Another landfill with similar problems is "Lovanja". Daily, waste, waste tires and electrocables are lit up. By the Local Environmental Protection Plan of Municipality Tivat, the rehabilitation of the old Sinjarevo - Lovina waste disposal site through the elaboration of the

⁶⁴ Report from the 31th Session of the National Council, 11.01.2017.

⁶⁵ <http://www.vijesti.me/vijesti/vlasnik-mateja-prosuo-70-tona-guma-na-vrtijeljku-945560>
<http://www.vijesti.me/vijesti/gume-na-vrtijeljci-tuzioci-i-dalje-izvidaju-949296>

project of remediation / remediation of the landfill was planned. As the remediation did not occur, citizens demand the closure of the landfill.⁶⁶

An example of inadequate disposal is the landfill site "Hije", Kruče near Ulcinj, which although closed in 2012 was used until recently as a landfill site where the waste often causes self-burning and often dangerous substances were flowing into the sea.⁶⁷

The total annual amount of generated municipal waste per capita is 517.9 kg or 1.4 kg per day. In 2016, in Montenegro, waste was collected on an average of 326 days (12 days less than last year's average). Waste collection by utility companies in 2016 covered 80% of the population that is mainly living in cities (1% less than in the previous year), while waste generated in villages and smaller settlements is mostly disposed of on unregulated landfills, i.e. on the so-called "illegal" or "wild" landfills. Of the total amount of generated waste in Montenegro, in 2016, 290 756 tons of municipal waste was collected (including subgroup 1501 - Packaging). The total collected municipal waste includes the amount of municipal waste collected by utility companies and other enterprises from the original waste producer (business entities registered in the Waste Collection Register of the Agency for Nature Protection and Environment), as well as all that individuals brought personally directly to the landfill. According to MONSTAT data, in 2016 Public utility companies collected most of the other municipal waste, which included mixed municipal waste 81.7%, then waste from gardens and parks 10.2, followed by separately collected fractions of 8% and packaging with 0.1% of collected waste.

In the sanitary landfills, waste will be disposed of: Capital city, Prijestonica Cetinje, Danilovgrad, Bar, Ulcinj, Kotor, Tivat and Budva. At the locations for temporary storage: Andrijevića, Herceg Novi, Kolašin, Mojkovac, Plav (Gusinje), Pljevlja, Rožaje (Petnjica), Bijelo Polje and Berane temporarily stored municipal waste. Four local government units have not established municipal waste management in accordance with regulations, such as: Nikšić, Plužine, Šavnik and Žabljak, with the remark that the Municipality of Plužine disposes of municipal waste in the untreated landfill Mislov Do in Nikšić. In the municipality of Kotor, the first compost was opened in Montenegro, to address the issue of green waste management in the municipalities of Kotor, Tivat, Budva and Herceg Novi.

Waste management is still an area in which Montenegro has to make a lot more effort to come up with a functional system that provides sustainable development, maximum environmental protection, the resolution of existing problems on the ground and the creation of databases necessary for decision-making at the national level, as well as reporting to international instances. Remediation of unregulated landfills in Montenegro remains a challenge for all local governments. In Montenegro, disposal is still the most common method for the final solution of waste generation.

ANNEX IV -WATER QUALITY

By-laws adopted on the basis of the Law on Waters, in the reporting period, are:

⁶⁶ <http://www.bokanews.me/featured/peticija-ukidanje-deponije-lovanja/>

⁶⁷ <http://balkans.aljazeera.net/vijesti/u-crnoj-gori-vise-od-300-divljih-deponija>

1. General plan for protection against harmful effects of waters, for waters of importance for Montenegro, for the period from 2017 to 2022 ("Official Gazette of Montenegro", No. 17/17);
2. Program for testing the quality of water for water supply on water intakes for 2017 ("Official Gazette of Montenegro" No. 12/17);
3. Operational plan for protection against harmful effects of water, for waters of importance for Montenegro for 2017 ("Official Gazette of Montenegro", No. 78/16);
4. Rulebook on Amendments to the Rulebook on the Method of Determining the Ecologically Acceptable Surface Water Flow (Official Gazette of Montenegro, No. 23/16);
5. Rulebook on the boundaries of the area of sub-basins and areas of small basins ("Official Gazette of Montenegro", No. 15/16);
6. Decision on Determination of Sensitive Areas in the Water Area of the Danube and Adriatic basins (Official Gazette of Montenegro, No. 46/17 and 48/17), which stipulates that the Danube basin is a basin of the catchment area of the sensitive area, while sensitive areas in the watershed of the Adriatic basin: the Zeta River with tributaries and accumulations: Liverovići, Krupac, Vrtac and Slano; Kapetanovo lake and river Morača with tributaries; the basin of the Skadar Lake with tributaries except the Morača river; the basin of the Bojana River and the watersheds that flow directly into the Adriatic Sea, except the Bojana River, including: the accumulation of Grahovo, the area intended for catching drinking water, the area of the National Park "Lovćen" and the nature reserve Solila, Boka Kotorska Bay and the coastal sea water to the border line from which the width of territorial waters is measured.
7. Decision on granting a concession for the construction of a small hydro power plant "Bukovica" on the part of the Bukovica watercourse based on the energy permit ("Official Gazette of Montenegro", No. 40/17).⁶⁸

According to the Law on Management of the Municipal Waste Waters, the following by-laws are adopted:

1. Rulebook on Geographical Boundaries, Number and Capacity of Agglomerations, which prescribe geographical boundaries, number and capacity of agglomerations.
2. Rulebook on the content of the records of the quantity and quality of communal and biologically degradable industrial wastewater discharged into the recipient, which prescribe the content of the records of the quantity and quality of communal and biodegradable industrial wastewater discharged into the recipient.
3. Rulebook on the content of the Report on the discharge of municipal and biologically degradable industrial wastewater, which prescribes the content of the reporting on the discharge of municipal and biologically degradable industrial wastewater.
4. Rulebook on reference methods for monitoring and evaluating the results of the quality and quantity of discharged effluent of municipal wastewater and biodegradable industrial wastewater, as well as the minimum number of samples during the year, depending on the size of the wastewater treatment plant and the maximum number of deviations which determines the reference methods for monitoring and evaluating results, the minimum number of samples during the year, depending on the size of the wastewater treatment plant and the maximum number of deviations.

Review of draft acts in this field

⁶⁸ Against the construction of the mini hydroelectric power plant, the villagers organized protests, noting that the biological minimum could not be provided (<http://www.vijesti.me/vijesti/protest-protiv-gradnje-mini-hidroelektrana-bageri-nece-preko-nasih-imanja-ova-voda-nam-znaci-zivot-952780>)

According to the program of work of the Government for 2017 is planned adaptation of:

1. The Law on Maritime Property which will completely regulate the management, use and protection of the sea property.

Key projects

Projects in the field of water protection	2.335.000,00 €
Sanitary landfills, wastewater treatment plants and water supply	400.000,00 €
Rehabilitation and reconstruction of the hydraulic tunnel in Mojdež, Herceg Novi	120.000,00 €
Construction and reconstruction of waterworks	350.000,00€
Water supply of MZ Hoti (Drume and Traboin), Municipality of Tuzi	210.000,00€
Construction, reconstruction and rehabilitation of wastewater disposal systems	250.000,00€
Connection of the river Bojana with the port of Milena, Ulcinj	10.000,00€
Preparation of project documentation for hydrotechnical installations for Veliki Pijesak and Utjeha, Ulcinj	45.000,00€
Plant for wastewater treatment, treatment of sludge and waste disposal in Podgorica	10.000,00€
Improvement of the existing network of meteorological and precipitation stations	55.000,00€
Construction of a wastewater treatment plant in Vranjina	85.000,00€
Performing works on the protection of Lake Plav	500.000,00€
Construction and reconstruction of water supply system in the area of Bukovica-Radetin, Rožaje	300.000,00€

The Law on Financing Water Management (Official Gazette of Montenegro, No. 65/08, 74/10, 40/11) regulates the sources of funds for financing water management, the method of calculation and payment of fees for the protection and use of waters and water resources. Funds for financing water management are provided from: water fees; compensation for the acquisition of water rights; compensation from the leasing of public water resources and water facilities and systems; donations and other sources. About realization of this activities the information are unavailable.

ANNEX V - NATURE PROTECTION

On the basis of the Law on Nature Protection, the following by-laws were adopted:

1. Rulebook on detailed criteria for determining the area of the ecological network ("Official Gazette of Montenegro", No. 45/17);
2. Rulebook on the content of the study on the eligibility assessment for the area of the ecological network ("Official Gazette of Montenegro", No. 45/17).
3. Rulebook on the Detailed Conditions for the Sale of Protected Wild Species of Plants, Animals and Mushrooms ("Official Gazette of Montenegro", No. 061/17 of 02.10.2017) transposing: Council of Europe Directive of 28 March 1983 related to imports into the Member States of the skin of certain fowl beans and products obtained from them (83/129 / EEC), Council of Europe Regulation 338/97 of 9 December 1996, Commission Regulation (EC) 865/2006 of 4 May 2006 , Regulative Commission 791/2012 and 792/2012 of 23 August 2012, Commission Regulation (EC) 2017/160 of 20 January 2017, Commission Regulation (EC) 1007/2009 of 31 October 2009 and Council of Europe Regulation No 3254/91 of 4 November 1991, Commission Regulation (EC) No. 1158/2012 of 27 November 2012, Commission Regulation (EC) No 2017/160 of 20 January 2017 and Commission Regulation 757/2012 of 20 August 2012.
4. Rulebook on Detailed Conditions for the Sale of Protected Wildlife of Plants, Animals and Mushrooms ("Official Gazette of Montenegro", No. 61/17 of 02.10.2017) transposing the Council of Europe Directive of 28 March 1983 concerning imports (83/129 / EEC), Council Regulation (EC) No 338/97 of 9 December 1996, Commission Regulation (EC) No 865/2006 of 4 May 2006, Commission Regulations 791/2012 and 792/2012 of 23 August 2012, Commission Regulation (EC) 2017/160 of 20 January 2017, Commission Regulation (EC) 1007/2009 of 31 October 2009 and Regulations Council of Europe 3254/91 of 4 November 1991, Commission Regulation (EC) No. 1158/2012 of 27 November 2012, Commission Regulation (EC) No 2017/160 of 20 January 2017 and Commission Regulation 757/2012 of 20 August 2012.

According to the Law on Forests (Official Gazette of Montenegro, No. 74/10, 40/11, 47/15), the following bylaws were adopted:

1. Rulebook on the method of harvesting trees for cutting, receiving and marking timber assortments ("Official Gazette of Montenegro", No. 11/17);
2. Rulebook on the content and manner of development of programs and plans for forest management and the manner of marking the borders in the forest ("Official Gazette of Montenegro", No. 57/16);
3. Rulebook on the amount of fee for the remittance of trees, survey and stamping of timber assortments and preparation of the execution project ("Official Gazette of Montenegro" No. 74/16);
4. Decision on sale of timber assortments, seized for illegal forest logging in state ownership ("Official Gazette of Montenegro", No. 23/17);
5. Decision on granting forests to use for sale the timber in the state of the offshore, for 2017 ("Official Gazette of Montenegro", No. 15/17);
6. Decision on Sale of Timber Assortments ("Official Gazette of Montenegro" No. 72/16, 13/17);
7. Rulebook on the Uniformity and Legalization of Forest Managers ("Official Gazette of Montenegro", No. 30/17);
8. Decision on sale of timber assortments obtained by cutting of trees on the route, access roads and paved places 400 kV transmission line Čevo - Pljevlja ("Official Gazette of Montenegro", No. 53/17);
9. Decision on sale of wood from the forest culture of black Pine tree ("Official Gazette of Montenegro", No. 53/17);

10. Decision on Amendments to the Decision on the Granting of Forests on the Use of Sale of Timber in an Abundant State, for 2017 ("Official Gazette of Montenegro" No. 53/17);

11. Decision on sale of timber assortments obtained by cutting trees on the cableway and sky slopes of the Sky resort "Kolašin 1600" ("Official Gazette of Montenegro", No. 53/17);

12. Decision on sale of timber assortments obtained by cutting trees on the route of water intake, pipeline and machine building of the small hydro power plant "Murinska rijeka" ("Official Gazette of Montenegro", No. 53/17);

13. Decision on sale of timber assortments ("Official Gazette of Montenegro", No. 53/17);

14. Decision on granting state-owned forests to use for sale of timber in the state of dredging (sanitary felling) ("Official Gazette of Montenegro", No. 053/17).

According to the Law on Wildlife and Hunting („Official Gazette of Montenegro“, No. 52/08, 40/11, 48/15), the following bylaws have adopted:

1. The decision on the hunting ban that will apply for the period 2014-2018. exclusively at certain locations in the hunting grounds "Podgorica I" and "Podgorica III" for wild birds - pigeons, thickets and quails, croquet, shear and soybeans ("Official Gazette of Montenegro" No. 43/16);
2. Decision on putting 1/4 of the hunting productive area under hunting reservations and hunting bans ("Official Gazette of Montenegro" No. 44/14, 59/16);
3. Decision on allocation of the hunting grounds "Mojkovac" to use ("Official Gazette of Montenegro", No. 05/17);
4. Decision on allocation of the hunting ground "Orjen" to use ("Official Gazette of Montenegro", No. 05/17);
5. Decision on allocation of the hunting ground "Paštrovići" for use ("Official Gazette of Montenegro", No. 05/17);
6. Decision on allocation of the hunting ground "Petnjica" for use ("Official Gazette of Montenegro", No. 05/17);
7. Decision on allocation of the hunting ground "Pljevlja" for use ("Official Gazette of Montenegro", No. 05/17);
8. Decision on allocation of "Primorje" hunting ground for use ("Official Gazette of Montenegro", No. 05/17);
9. Decision on allocation of the hunting ground "Risan" for use ("Official Gazette of Montenegro", No. 05/17);
10. Decision on allocation of the hunting ground "Rovca" for use ("Official Gazette of Montenegro", No. 05/17);
11. Decision on allocation of the hunting ground "Rožaje" to use ("Official Gazette of Montenegro", No. 05/17);
12. Decision on allocation of the hunting grounds "Smiljevica and Bjelasica" for use ("Official Gazette of Montenegro", No. 05/17);
13. Decision on allocation of the "Tivat" hunting ground for use ("Official Gazette of Montenegro", No. 05/17).

According to the Law on the Protection of Animal Welfare ("Official Gazette of Montenegro" No. 14/08 and 47/15), Ministry of Agriculture and Rural Development adopted:

1. Rulebook on the manner of recording minutes during the inspection of animals for production ("Official Gazette of Montenegro", No. 078/17 of 23 November 2017), which

- transposes the provisions of the Directive no. 2006/778 / EC on minimum requirements for data collection during inspection of animals for production at the place of production;
2. Rulebook on the conditions for facilities and equipment for holding and breeding animals for production, by which the provisions of the Directive no. 1998/58 / EC on the protection of animals for production are transposed.

Additional information

Currently, protected areas now cover 1763.62 km², or 12,768% of the territory, of which the largest part (101.733ha or 7.32%) consists of 5 national parks: "Durmitor", "Skadar Lake", "Lovćen", "Biogradska gora" and "Prokletije". The remaining part is related to the 45 locations that are protected on "lower" level. In 2015, the first regional park "Piva" is declared and after the Regional park "Komovi" is declared.⁶⁹ Aichi target declare obligation that is necessary at least 17 per cent of terrestrial and inland water and 10 per cent of coastal and marine areas to be protected by 2020.

Overview of draft acts in this field

According to the Program of work of the Ministry of Sustainable Development and Tourism is planned to be adopted the following by-laws:

1. Rulebook on the detailed conditions for the marketing and treatment of animals during transport, the species for which the license issues, the permit forms, the content and manner of submitting the notification of import, the manner of disposing of seized species, the manner of marking consignments with mushrooms or plants, the manner of keeping the register licenses issued, which will prescribe the detailed conditions for the marketing and treatment of animals during transport, the species for which the license issues, the permit forms, the content and manner of submitting the notification of import, the manner of disposing of seized species, the manner of marking consignments with mushrooms or plants, the manner of keeping the register licenses issued.
2. Decision on the establishment of a company for national parks, which will establish a company with the status of legal entity, which should fulfill the conditions for managing of protected areas prescribed by the Law on nature protection and will manage with the national parks;
3. List of habitat types, priority habitat types, plants and animals with priority species, including the species of birds and species for which the ecological network areas are determined.

National Biodiversity Strategy with the Action Plan until 2020

Until December 25th, 2017, the Report on the Implementation of the National Biodiversity Strategy with the Action Plan until 2020 was not adopted yet. During the implementation of the National Strategy for the period 2010-2015, only 6% of the total measures have been fully implemented. There was no progress for 1/5 of the total number of measures. For most of the them moderate progress has been achieved.⁷⁰ The smallest progress has been made for the following objectives: (i) building and strengthening the baseline for biodiversity, (iv) preventing and mitigating pressures on ecosystems; and (vii) enhancing effective management of protected areas. The greatest progress has been achieved in pursuing

⁶⁹ Sector planning document, Montenegro -Environment & Climate action, pg. 13

⁷⁰ <https://www.cbd.int/doc/world/me/me-nr-05-en.pdf>

activities for the objectives: (vi) putting under protection of new protected areas (v) integrating the protection of biological diversity into sectors: tourism, spatial planning and traffic; and (iii) increasing the efficiency of the legal and institutional framework in the environmental protection field. There was no activity on making red books. A long-term program for biodiversity research has not been developed. The available funds for the implementation of the biodiversity monitoring program as well as the number of covered areas are reduced.

Status of the establishment of the NATURA 2000 area

The activities on establishing Natura 2000 network started in 2009 through the cooperation among WWF, Institute for Nature Protection of Montenegro (which became part of the Environmental Protection Agency in 2012) and Daphne - Institute of Applied Ecology. As a result of the project's activities, the draft Reference list of Natura 2000 habitats and species in Montenegro was prepared. The draft version of the Catalogue of Natura 2000 Habitats for Montenegro was also prepared. In spite of the undertaken activities, the results did not allow for full identification and mapping of Natura 2000 sites.

In the framework of IPA 2012 – 2013, project titled „Strengthening of the environmental protection system in Montenegro“ was approved. The project contains two components: preparation of the National Approximation Strategy and Establishment of Natura 2000 network.

The purpose of this project is to carry out all necessary activities to start with laying foundations, including extensive field mapping and data gathering, of future Natura 2000 network in Montenegro, in full agreement with the requirements of the EU Birds and Habitats Directives.

It is evident that it will take more time since the process usually lasts up to 10 years, and in some cases even more, and that it's only the first phase of the research. Certainly, at the end of this project, it will be known whether a continuation is needed, as well as in which direction and scope it is need to continue the research.

There are no publicly available data on this project, as the most significant in this area.

Key projects

Projects that have contributed to national biodiversity protection goals is the EU funded RENA (Regional Environmental Network for Accession) project which assisted the beneficiary countries in exchange of information and experience related to accession process. In October 2013, a three-year long continuation of the RENA project called ECRAN (Environment and Climate Regional Accession Network) was launched. One of its activities is establishment of the Nature Working Group.

In addition to the project "*Establishment of the Natura 2000 Network in Montenegro*" and the results of the projects "*MedMPAnet and CAMP Montenegro*" as well as "*Establishing a protected marine zone Katič in Montenegro and assessment of marine and coastal ecosystems along the coast*" can be of importance for the preservation of nature in Montenegro. The contribution to the establishment of the Natura 2000 network can also be provided by the project "*Mapping of key marine habitats in the Mediterranean and promoting their conservation through the establishment of Particularly Protected Areas of Interest for the Mediterranean (SPAMI)*".

ANNEX VI -INDUSTRIAL POLLUTION AND RISK MANAGEMENT

The following by-laws were adopted:

1. Decision on amending and supplementing the Program of harmonization of certain economic branches with the Law on Integrated Prevention and Control of Environmental Pollution ("Official Gazette of Montenegro", No. 10/16).
2. Rulebook on the detailed content and manner of keeping the cadastre of the polluters ("Official Gazette of Montenegro", No. 45/17);
3. Rulebook on the detailed conditions, criteria and procedure for obtaining the right to use the ecological sign ("Official Gazette of Montenegro", No. 50/17).
4. Rulebook on Accurate Content of the Prevention Plan and the Accident Protection Plan ("Official Gazette of Montenegro", No. 67/16);
5. Rulebook on the quantities of dangerous substances by categories that determine the degree of risk of Seveso plants ("Official Gazette of Montenegro", No. 63/16).

Review of draft acts

The plan of work of the Ministry for 2017 is envisaged:

1. Regulations on the content of records of the quantity and quality of municipal and biodegradable industrial wastewater discharged into the recipient;
2. Regulations on the manner of keeping the EMAS register, content, appearance and use of the EMAS sign, the conditions for the EMAS verifier, and the request form.

ANNEX VII-CHEMICALS

According to the Law on chemicals, the following by-laws were adopted:

1. Rulebook on amending the Rulebook on the more detailed content of the dossier and the register of chemicals ("Official Gazette of Montenegro", No. 48/16).
2. Rulebook on the prior notification procedure and the procedure for granting consent on the basis of the prior notification for the export of chemicals;
3. Rulebook on the methods of testing hazardous properties of a chemical ("Official Gazette of Montenegro", No. 68/17 of 20.10.2017) - transposing Commission Regulation (EC) No. 440/2008 of 30 May 2008 on the establishment of test methods in accordance with Regulation (EC) No. 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH).
4. Rulebook on Accurate Content of Prior Notification for Export of Chemicals ("Official Gazette of Montenegro", No. 061/17 of 02.10.2017);
5. Rulebook on the contents of the safety data sheet for chemicals ("Official Gazette of Montenegro", No. 81/17);
6. Rulebook on the method of classification, packaging and labeling of chemicals in according to the globally harmonized UN system ("Official Gazette of Montenegro", No. 85/17).

7. List of substances with high concern ("Official Gazette of Montenegro", No. 65/17).

According to the Law on Biocides Products, the regulations that partially transposed the Regulation (EU) 528/2012 on placing on the market and use of biocidal products:

1. Rulebook on conditions for placing biocidal products on the market and use ("Official Gazette of Montenegro", No. 59/16);
2. Rulebook on types of biocidal products ("Official Gazette of Montenegro", No. 66/16);
3. Rulebook on the lists of active substances that are allowed for use in biocidal products and low-risk biocidal products ("Official Gazette of Montenegro", No. 72/16);
4. Rulebook on the manner of risk assessment of biocidal products ("Official Gazette of Montenegro", No. 62/16);
5. Rulebook on the content and method of keeping a register of biocidal products ("Official Gazette of Montenegro", No. 62/16);
6. Rulebook on the content of the report on the import of biocidal products ("Official Gazette of Montenegro", No. 69/16);
7. Rulebook on closer contents of the technical dossier and basic data on biocidal products ("Official Gazette of Montenegro", No. 05/17);
8. Rulebook on the content of the application for issuing a license for biocidal products ("Official Gazette of Montenegro", No. 17/17);
9. Rulebook on conditions in relation to staff, premises and equipment for legal entities that professionally use biocidal products ("Official Gazette of Montenegro", No. 26/17);
10. Rulebook on the methods of testing of biocide products efficiency ("Official Gazette of Montenegro", No. 5/17).

According to the Law on Plant Protection Products ("Official Gazette of Montenegro", No. 51/08, 40/11, 18/14), the following bylaws have been adopted:

1. Phytosanitary measures program for 2016 ("Official Gazette of Montenegro", No. 21/16);
2. Program of monitoring of pesticide residues in food of plant and animal origin for 2016 ("Official Gazette of Montenegro" No. 7/16);
3. National Plan for the Sustainable Use of Plant Protection Products ("Official Gazette of Montenegro", No. 42/16);
4. Rulebook on the conditions for issuing a permit for the extension of the purpose of the registered plant protection product ("Official Gazette of Montenegro", No. 48/16);
5. Rulebook on precautionary measures and sustainable use of plant protection products ("Official Gazette of Montenegro" No. 69/16).
6. List of registered plant protection products ("Official Gazette of Montenegro", No. 43/17);
7. Rulebook on conditions for research into the scientific and developmental purposes of an unregistered plant protection product in the environment (Official Gazette of Montenegro, No. 058/17 of 22 September 2017), which transposes Article 54 of Regulation (EC) no. 1107/2009 of the European Parliament and of the Council on the placing on the market of plant protection products and the putting into effect of Council Directives 79/117 / EEC and 91/414 / EEC.

Lists of active substances authorized for use in plant protection products adopted according to the Law on Plant Protection Products have been updated:

1. List of active substances allowed for use in plant protection products for 2016 ("Official Gazette of Montenegro", No. 9/16) and

2. List of active substances allowed for use in plant protection products for 2016 ("Official Gazette of Montenegro", No. 57/16).

According to the Law on Food Safety ("Official Gazette of Montenegro", No. 57/15) the following by-laws have adopted:

1. Regulation on Food Hygiene ("Official Gazette of Montenegro", No. 13/16);
2. Regulation on special requirements for hygiene of food of animal origin (Official Gazette of Montenegro, No. 32/16);
3. Rulebook on the manner of performing official controls of products of animal origin intended for human consumption ("Official Gazette of Montenegro", No. 27/16);
4. Rulebook on methods for sampling and laboratory testing of heat-treated and raw milk ("Official Gazette of Montenegro", No. 40/16);
5. Rulebook on detailed requirements for placing on the market of animal food ("Official Gazette of Montenegro", No. 63/16);
6. Rulebook on requirements for the traceability of food of animal origin ("Official Gazette of Montenegro", No. 48/16);
7. Regulation on the manner and conditions for placing on the market of food for special nutritional needs ("Official Gazette of Montenegro", No: 10/17);
8. Regulation on objects and materials that come into contact with food that can be placed on the market ("Official Gazette of Montenegro", No. 80/16);
9. Order to ban import of plastic materials and articles of polyamides and melamines coming into contact with food originating in the People's Republic of China or Hong Kong ("Official Gazette of Montenegro" No. 58/16);
10. Regulation on the method of monitoring the level of dioxins in food ("Official Gazette of Montenegro", No. 73/16);
11. Regulation on the types of substances used to reduce surface contamination for products of animal origin ("Official Gazette of Montenegro", No. 80/16);
12. Rulebook on methods for sampling and laboratory testing of food for animals ("Official Gazette of Montenegro", No. 78/16);
13. Regulation on types of extraction solvents that can be used for the processing of raw materials and food ("Official Gazette of Montenegro", No. 73/16);
14. Regulation on vitamins, minerals and other substances that can be added to food ("Official Gazette of Montenegro", No. 80/16);
15. Regulation on measures to reduce and prevent the contamination of apple patulin ("Official Gazette of Montenegro" No. 77/16).

Review of draft acts

The program of work of the Ministry of Sustainable Development and Tourism plans the adoption of the following by-laws:

1. Rulebook on determining the list of substances that cause high concern;
2. Rulebook on the contents of the safety data sheet for chemicals;
3. Rulebook on the detailed content of the file and the register of chemicals;
4. Rulebook on the manner of classification, packaging and labeling of chemicals and certain products in accordance with the Globally Harmonized System for Classification and Marking of the UN;
5. List of classified substances;
6. Rulebook on criteria for substance identification as persistent, bioaccumulative and toxic and very persistent and very bioaccumulative substances;

7. Rulebook on the detailed content of the application for recognition of a permit issued in a Member State of the European Union;
8. Rulebook on the detailed content of the technical dossier and basic data on biocidal products;
9. Rulebook on methods of testing the efficacy of a biocidal product;
10. Rulebook on detailed conditions to be met by legal persons for the professional use of biocidal products;
11. Rulebook on detailed conditions in terms of personnel, space and equipment for performing activities of production, trade, use and storage of biocides.

Key projects

1. "Comprehensive ecologically sound management of PCB waste in Montenegro";
2. "Preparations for the ratification and implementation of the Minamata Convention on mercury-Initial Assessment for Montenegro";
3. "Preparatory measures for the management of chemicals for candidate countries and potential candidates";
4. "Development of food safety and phytosanitary services in Montenegro";
5. "Revision and updating of the National Implementation Plan (NPI) of the Stockholm Convention on Prolonged Organic Pollutants (POPs) in Montenegro".⁷¹ The NPI update project has five components:
 - i. Launching the revision process and updating national implementation plans;
 - ii. Assessment of national infrastructure and capacity to manage all POPs, development of new inventory of POPs and updating of initial POPs inventories and monitoring the impact of POPs on people and the environment;
 - iii. Develop action plans for new POPs and update action plans for initial POPs, including defect analysis;
 - iv. Formulation of a revised and updated National Implementation Plan with related action plans for all POPs;
 - v. Approval of National Implementation Plans.

ANNEX VIII - CIVIL PROTECTION

According to the Law on Protection and Rescue, the following bylaws were adopted:

1. Rulebook on detailed content and methodology of drafting, method of harmonization, updating and keeping of protection and rescue plans ("Official Gazette of Montenegro", No. 34/17);
2. Rulebook on unique signs for alerting and the manner of informing and alerting ("Official Gazette of Montenegro", No. 34/17, 37/17);
3. Rulebook on the Civil Protection Booklet ("Official Gazette of Montenegro", No. 13/17);
4. Rulebook on the manner and procedure of reporting and notification ("Official Gazette of Montenegro", No. 48/13, 34/17);
5. Rulebook on the manner of organization and engagement of civil protection units ("Official Gazette of Montenegro", No. 38/17);
6. Rulebook on the manner of organization and action of operational units for protection and rescue in emergency situations ("Official Gazette of Montenegro", No. 58/11, 38/17);

⁷¹ National Strategy for Transposition, Implementation and Enforcement of the EU Legal Framework in the Field of Environment and Climate Change (NEAS) with the Action Plan for the period 2016-2020, pg. 48

7. Rulebook on content and methodology of drafting, method of harmonization, updating and keeping of the risk assessment study on the basis of which plans for protection and rescue are being drafted ("Official Gazette of Montenegro" No. 31/17);
8. Rulebook on the contents and form of records on issued licenses for the preparation of plans for protection and rescue of companies, other legal entities and entrepreneurs ("Official Gazette of Montenegro", No. 48/17);
9. Rulebook on the amount and manner of determining fees related to the execution of the material obligation in protection and rescue ("Official Gazette of Montenegro", No. 39/17);
10. Decision on appointment of a coordination team for protection and rescue ("Official Gazette of Montenegro", No. 52/17);
11. Decision on appointment of the Operational Protection and Rescue Staff ("Official Gazette of Montenegro", No. 52/17).

Overview of draft acts

According to the Law on Protection and Rescue, in accordance with the Work Program of the Ministry of Interior⁷², the adaptations of the following acts are planned:

1. Rulebook on the form of confirmation and content and the manner of keeping records of issued certificates of training and certificates for the training of members of civil protection units, specialist units and voluntary units;
2. Rulebook on determining the citizens' health capacity for deployment in civil protection units;
3. Rulebook on the program and manner of implementation of the training program and the verification of operational readiness of the protection and rescue teams and on the content and method of keeping records of the conducted training and check of operational readiness;
4. Rulebook on the program and manner of taking exams for the preparation of plans for protection and rescue of companies, other legal entities and entrepreneurs, as well as on the form of the license and the amount of reimbursement of the costs of exams and the development of the license form;
5. Rulebook on the amount and method of determining fees for the use of funds given in the performance of a material obligation, the compensation of expenses related to the execution of material obligation and compensation for damaged, destroyed or missing assets committed in the performance of material liabilities of companies, other legal entities and entrepreneurs;
6. Rulebook on the detailed content, forms and manner of keeping records of protection services on protection and rescue activities,
7. Rulebook on Amendments to the Rulebook on Vocations, Signs of Occupation, Uniforms and Protection and Rescue Equipment of Civil Protection Units.

According to the Law on Forests, it is planned to adopt:

1. Regulations on fire protection measures.

Key projects

1. A multi-beneficiary IPA FLOODS program related to prevention, preparedness and response in case of floods in the countries of the Western Balkans and Turkey;
2. Project: "Education in the field of emergency situations"

⁷² http://www.mup.gov.me/biblioteka/program_rada

3. Project "Adaptation to climate change in the Western Balkans";
4. IPA project "Cross-border fire protection";
5. The project "Strengthening capacities for the first response to the CBRN and regional cooperation of the countries of South-East Europe, South Caucasus, Moldova and Ukraine";
6. Project for training and equipping rescue teams in case of floods in South East Europe - JERU project;
7. IAEA project "Improvement of national capacities for preparation and response in case of a radiation accident";
8. Reducing the risk of disasters and security in OSCE member states;
9. Training program for third countries;
10. NEIFLEX project "Flood rescue exercise in the northeastern part of Italy";
11. BUFFER IT project;
12. SVAROG Project 2017;
13. Project ADRIATIC 2018;
14. DIRECT project;
15. Disaster Preparedness and Prevention Initiative Initiative (DPPI SEE);
16. Third National Disaster Risk Reduction Conference.⁷³

ANNEX IX -CLIMATE CHANGE

According to the Law on Energy, it was adopted:

1. Rulebook on the methodology for calculating the impact of biofuels on greenhouse gas emissions ("Official Gazette of Montenegro", No. 45/17).

According to the Law on Air quality, Rulebook on the manner of preparation and content of the inventory of emissions of gases with the effect of glass gardens ("Official Gazette of Montenegro", No. 66/17) was adopted.

Overview of draft acts

The program of work of the Ministry of Sustainable Development and Tourism plans the adoption of:

1. Guideline on fuel consumption and carbon dioxide emissions for all models of new passenger vehicles imported into Montenegro;
2. Annual data collection plan for inventory of pollutants in the air and inventory of greenhouse effect emissions.

Analysis of the implementation of the National Climate Change Strategy by 2030

A key document in the field of climate change, the National Climate Change Strategy by 2030, was adopted in September 2015. The Strategy was preceded by the Second National Report on Climate Change under the United Nations Framework Convention on Climate Change (UNFCCC), which updated the GHG inventory with the addition of several gases and sectors not covered by the First National Communication. The National Climate Change Strategy provides guidelines in the field of climate, energy and other policies and a large number of initiatives for the direct development of the state towards low carbon technologies

⁷³ Report on the state of the protection and rescue system in Montenegro in 2016

and the green economy. The strategy suggests that it is possible simultaneously to attain climate-energy goals, development goals and EU integration, if the existing solutions modify and support redirection towards new technologies that contribute to the achievement of sustainable development goals, which generate greater overall benefits.

In January 2016, Montenegro submitted its First Biennial Report on Climate Change (FBUR), which consolidates sectoral analyzes of GHG emissions and provides transparency for Montenegro's progress in the area of climate change mitigation and their effects. Montenegro, in accordance with the Paris Agreement, submitted the intended national contribution (INDC) in 2015, committing to reduce greenhouse gas emissions by 30% by 2030 compared to the 1990 reference value. The projected reduction of GHG emissions in 2030 compared to 1990 in the National Strategy for Climate Change until 2030 is 33.5%. In the period 1990-2013, a decrease of almost 40% was achieved (primarily through the reduction of total economic activity in relation to the base year). In the next development period, accompanied by ambitious development projects in these sectors, the projected reduction of GHG emissions in 2030 compared to the base year will be reduced to 33.5%.

Key projects

Until now the projects for public buildings (hospitals, health centers, schools and kindergartens) have been completed: Energy Efficiency in Montenegro (MEEP) - IBRD loan in the amount of € 11.5 mil. and Energy Efficiency Program in Public Buildings (EEPPB) - KfW loan in the amount of € 11.44 mil.

REFERENCE

1. Law on Environment;
2. Law on Air Quality;
3. Law on Waste Management;
4. Law on Water;
5. Law on Management of Municipal Waste Water;
6. Law on Nature Protection;
7. Law on National Parks;
8. Law on Integrated Pollution Prevention and Control;
9. Law on protection against noise in the environment;
10. Law on Energy;
11. Budget Law for 2016;
12. Budget Law for 2017;
13. Law on the Confirmation of the European Charter of Local Self-Government;
14. Law on Local Self-Government;
15. Draft Law on Water for Human Use;
16. Decision of the Constitutional Court of Montenegro stating that the Decision on Amending and Supplementing the Spatial Plan of Montenegro until 2020 ("Official Gazette of Montenegro" No. 44/12), adopted by the Parliament of Montenegro, is not in agreement with the Constitution and the law, and ceases to be valid on the day of publishing this decision;
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