



April 2016-December 2017

**SHADOW REPORT ON CHAPTER 27-
ENVIRONMENT AND CLIMATE CHANGE
WITH SET OF RECOMMENDATIONS FOR
MONTENEGRO REPORT 2017**

For period April 2016- December 25th , 2017



Koalicija 27

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INTRODUCTION

This report addresses the key events 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 2017. The report assesses the implemented activities of the relevant institutions in this area and provides recommendations for strengthening the process of transposition and implementation of EU legislation covered by chapter 27. This document certainly tries to clarify the essential problems in the individual areas covered by this chapter and points out the need of their solving during the negotiation process.

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 which 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 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 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

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

² <http://koalicija27.me/>

field of environment. It was established within the project "Strengthening capacities for a better environment in Montenegro", which is realized by NGOs Green Home, Centre 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 report 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 analyses 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 Report 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 Report 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.

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. The legislative activities are

characterized by the lack of adequate public debate and insufficient horizontal coordination among stakeholders.

Regarding the European Commission's reports for previous years and recommendations defined in them, it can be concluded that by December 25th, 2017, the following recommendations have not implemented yet: Ulcinj Salina has not protected, no final decision about waste management, implementation of the National Waste Management Strategy and national plans for waste management is not satisfactory, the recycling rate is still low and the infrastructure is poor. Unsatisfactory implementation of the *National Intentional Contribution of Montenegro (INDC)* to reduce emissions of greenhouse gases, administrative capacity is slightly strengthened, and NEAS implementation, according to the Government's reports, is partial.

Montenegro implemented as a follow: the Paris Agreement has been ratified, the National Strategy for Water Management for the period 2016-2035 was adopted, with significant delay, the revised National Biodiversity Strategy by 2020 was adopted, the Contribution to the European Commission Report on Montenegro was submitted, the implementation of Natura 2000 is ongoing, TPP Pljevlja was got a temporary permit, and procedure of the process for ecological rehabilitation has been started, the Stockholm Convention has been ratified, the Law on Chemicals has been adopted, the Sector for Climate Change has been reorganized and expanded its competencies on coastal and sea issues and increased a number of employees.

At the Government of Montenegro session of February 8th, 2018, the Negotiating Position for Chapter 27 was adopted.

There are still evident further problems: some progress has been made in the construction of some wastewater treatment plants, but the treatment of sewage sludge has not been solved, the Environmental Protection Agency has become part of the Ministry of Sustainable Development and Tourism, thereby losing independence in decision-making, the transformation of the National Parks of Montenegro is planned, the realization of megalomaniac projects: Porto Skadar Lake, Porto Budva, Porto Novi, the problem of industrial pollution is not solved - KAP and Željezara Nikšić operate without an integrated permit, although the deadline for obtaining the license, provided by the Law, expired, the construction of SHPPs is an increasing problem.

From the mark of early phase of readiness in 2015, in the Report for 2016, European Commission is estimated that a certain level of readiness has been achieved and good progress has been made, but significant efforts are needed in the implementation and enforcement, especially in water, nature protection and waste management sectors.

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 the period from April 2016 to December 2017, progress has been made in the legislative part. Nine laws, four laws on ratification and 52 by-laws with aim in further alignment with EU Acquis were adopted.

28 by-laws were adopted as a basis for the use of natural resources.

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.

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”).

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.

*Government of Montenegro on 12th July 2017 adopted the Plan for reorganization and strengthening of administrative capacities for the sectors of environment and climate change in Montenegro*³ but there was no capacity building.

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

³ <http://www.mrt.gov.me/vijesti/174669/Plan-reorganizacije-i-jacanja-administrativnih-kapaciteta-za-sektore-zivotne-sredine-i-klimatskih-promjena-u-Crnoj-Gori-2017-202.html> / Plan for reorganization and strengthening of administrative capacities for the sectors of environment and climate change in Montenegro

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 million⁴ 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 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 forth 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.

The total allocations for projects in the field of environmental for 2018 for Ministry of Sustainable Development and Tourism and Nature and Environmental Protection Agency are: € 2,280,000 or 0,15% of State's Budget.⁵ (for additional information see: ANNEX V).

⁴ National Strategy for transposition, implementation and enforcement of EU environment and climate change Acquis (NEAS) with Action plan for period 2016-2020, pg. 118

⁵ See more in Annex 1

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, cannot 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.⁶ It is often the case that Strategic Environmental Assessments are not carried out for planning documents, for areas that can be marked as sensitive.⁷ Environmental protection instruments are often incompatible.

The recent merging of the Agency with the line ministry, in addition to the fact that it was done non-transparently and 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.

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 Objects. 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.

⁶ 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

⁷ 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)

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.⁸

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.

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, Law on Environmental Damage (19). 32 of the total number of decisions refer to prohibition of performing activities.⁹

The water inspection carried out 513 inspections (311 regular, 103 on initiative and 99 control), in which 113 irregularities were established.¹⁰

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.¹¹ 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.

HORIZONTAL LEGISLATION

In the field of **horizontal legislation**, in period from April 2016 until December 25th 2017 a significant progress in harmonization with the INSPIRE Directive and the Directive on public access to environmental information has achieved. However, Specific plan for transposition and implementation of INSPIRE Directive has not been adopted yet.

Progress has been made in harmonizing the with EU legislation. The implementation legislation is still challenging, particularly 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). The significant importance is civil society participation, access to justice and accountability for environmental damage are as key issues for the effective implementation of the EU Acquis.

⁸ 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

⁹ Report on the work of the Inspectorate Administration in 2016, pg.119: <http://www.uip.gov.me/biblioteka/dokument>

¹⁰ Report on the work of the Inspectorate Administration in 2016, pg.126: <http://www.uip.gov.me/biblioteka/dokument>

¹¹ Sector planning document, Montenegro -Environment & Climate action, pg. 41

The cooperation with the civil sector is still challenging, especially in the early phase of information and consultation. The functioning of the Aarhus Centres (with the exception of the Aarhus Centre in Nikšić) is not at a satisfactory level.

OVERVIEW AND THE ASSESSMENT GRID

Parliament of Montenegro adopted:

1. Law on Environment ("Official Gazette of Montenegro" No. 52/16), on July 28th in 2016, which is fully in line with the: Regulations (EL) No. 850/2004, Directive 87/217/EEC; Regulation (EL) No. 1102/2008, Directive 2003/4/EC and is partially aligned with the: Directive 2012/18/EU, Regulations (EL) No. 1221/2009, Regulations (EL) No. 66/2010, Regulation 525/2013, Directive 1999/94/EC, Directive 2009/31/EC and Directive 2008/56/EC.
2. Law on Spatial Data Infrastructure, on June 2nd, 2017, ("Official Gazette of Montenegro" No. 37/17) which is partially in line with Directive 2007/2/EC (INSPIRE).

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 order to further transpose of EU legislation two bylaws were adopted: Rulebook on the criteria which need to be met by the reference laboratory for environmental monitoring ("Official Gazette of Montenegro", No. 11/17) and 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).

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.

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 16, 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. Until December 25th 2017 Program monitoring for 2018 has not been adopted.

According to Report of NEAS with AP implementation the follow obligations were realized: Law on Spatial Data Infrastructure was adopted and National training for implementation of SEA and EIA directives was realized.

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 SEA for the concession acts** and plans. 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. An efficient coordination among the stakeholders is missing.

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 form¹². The lack of control of measures in practice is evident.

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

¹² Case study, NGO „Green Home“

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).

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. **The Law which transposed this Directive enforced in July 2017.**

Cooperation with the civil sector often represents only the formality while essentially it's absent. Considering the good functioning of the four Aarhus centres which is pointed out in the Progress Report for 2016, it is necessary to stress the differences in the operational functioning of these centres. Namely, the two centres (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 Centre 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 Centre 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 Centre for the North. Although the communication with local administrations and non-governmental organizations from the northern part of Montenegro exists, the Aarhus Centre 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 Centres 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.

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.

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

Inadequate environmental monitoring is also a particular challenge.

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 Misdemeanours 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.

II AIR QUALITY

In the field of **air quality**, 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.

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.

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.

OVERVIEW AND THE ASSESSMENT GRID

Government of Montenegro on February 16th 2017 adopted Regulation on Limit Values of Contaminants in Liquefied Fuels of Petroleum Origin ("Official Gazette of Montenegro", No. 17/17). Program for Monitoring the Quality of Liquefied Fuels of Oil Origin for 2017 ("Official Gazette of Montenegro", No. 33/17) was adopted also.

On April 20th 2017, instead until January 31th, 2017 as planned¹³, 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 the 40 measures were implemented of a total of the 52¹⁴. According to the National Air Quality Strategy¹⁵ are planned the 54 measures, which is confirmed by the NEAS for the period 2016-2020.¹⁶ 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.

¹³ 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

¹⁴ 4th Report of Implementation the National Air Quality Management Strategy

¹⁵ National Air Quality Strategy pg. 188

¹⁶ 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

The choice of technological solutions is more than worrying.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.

According to the Report of NEAS with AP implementation, workshop for enforcement of Directive 1999/32 amendment with Directive 2012/33.

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 µg/ 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.¹⁸

¹⁷ See more in the section: Industrial pollution and risk management

¹⁸ Information on the state of the environment for 2016

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

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.

Building administrative capacities in the EPA for Data Validation and Emission Projections (for air and Climate Actions) is considered as a particular challenge. The data from the network for monitoring the quality of air need to be completed with the data obtained by modelling, appropriate software and training to staff to process the data are needed.¹⁹

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.

CHALLENGES

¹⁹ Sector Planning document, Montenegro, Environment & Climate action, pg. 15

Problems in implementation are: 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 (the same 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 centres.

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' centres. 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.

III WASTE MANAGEMENT

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.

In order to make progress in this area, it is necessary to determine the waste management option in the line with the EU standards and the hierarchical approach must be respected: 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 goals.

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 other special waste categories.

OVERVIEW AND THE ASSESSMENT GRID

In the area of **waste management**, Parliament of Montenegro, on June 17th, 2016, adopted Law on Amendments to the Law on Waste Management ("Official Gazette of Montenegro" No. 39/16).

In order to further harmonization with the EU legislation are adopted next by-laws:

1. Decree on the criteria for ending the status of waste from iron, steel, aluminium, 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 Catalogue ("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 plan of work of the Ministry of Sustainable Development and Tourism for 2017 seven envisaged by-laws have not been adopted.

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. According to the Report of implementation of NEAS with AP project „Sustainable ecological management of PCB in Montenegro“ is ongoing . National Plan for disposal/decontamination of PCB and PCB waste has not been prepared.²⁰ The obligation according to the implementation of Directive 2000/59²¹, Regulation 1257/2013²², Regulation 1013/2006²³, Directive 2009/16²⁴ and Directive 2008/98²⁵ have not been realized.

²⁰ Report of implementation of NEAS with AP project, pg. 9, december 2017

²¹ Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues - Commission declaration, https://eur-lex.europa.eu/search.html?DTN=0059&DTA=2000&qid=1524221867116&DB_TYPE_OF_ACT=directive&CASE_LAW_SUMMARY=false&DTS_DOM=ALL&excConsLeg=true&typeOfActStatus=DIRECTIVE&type=advanced&SUBDOM_INIT=ALL_ALL&DTS_SUBDOM=ALL_ALL

²² Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC Text with EEA relevance, https://eur-lex.europa.eu/search.html?DTN=1257&SUBDOM_INIT=ALL_ALL&DTS_DOM=ALL&CASE_LAW_SUMMARY=false&type=advanced&DTS_SUBDOM=ALL_ALL&excConsLeg=true&typeOfActStatus=REGULATION&qid=1524222599212&DB_TYPE_OF_ACT=regulation&DTA=2013&locale=en

²³ Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, https://eur-lex.europa.eu/search.html?DTN=1013&DTA=2006&qid=1524222701461&DB_TYPE_OF_ACT=regulation&CASE_LAW_SUMMARY=false&DTS_DOM=ALL&excConsLeg=true&typeOfActStatus=REGULATION&type=advanced&SUBDOM_INIT=ALL_ALL&DTS_SUBDOM=ALL_ALL

²⁴ Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (Text with EEA relevance), https://eur-lex.europa.eu/search.html?DTN=0016&DTA=2009&qid=1524222856799&DB_TYPE_OF_ACT=directive&CASE_LAW_SUMMARY=false&DTS_DOM=ALL&excConsLeg=true&typeOfActStatus=DIRECTIVE&type=advanced&SUBDOM_INIT=ALL_ALL&DTS_SUBDOM=ALL_ALL

²⁵ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Text with EEA relevance), https://eur-lex.europa.eu/search.html?DTN=0098&DTA=2008&qid=1524222917235&DB_TYPE_OF_ACT=directive&CASE_LAW_SUMMARY=false&DTS_DOM=ALL&excConsLeg=true&typeOfActStatus=DIRECTIVE&type=advanced&SUBDOM_INIT=ALL_ALL&DTS_SUBDOM=ALL_ALL

RATIONALE

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 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).

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 (Vasovo water) 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.

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, € 14,705,000.00.²⁶

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).

Disposal of animal waste is a problem also.

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 businesses 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.

²⁶ See Annex III

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 **plan** 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.

IV WATER QUALITY

In the field of water quality, 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.

Some level of progress in WWTP construction has achieved but treatment of sewage sludge disposal has not solved yet.

Monitoring systems need to be improved as well as the system of reporting. With regard to the Nitrates Directive, Montenegro needs to establish a monitoring network for measuring nitrate concentration in surface waters and groundwater.

Lack of financial resources for construction or modernization of the urban waste water collection and treatment systems and water supply system as well as unclear division of

OVERVIEW AND THE ASSESSMENT GRID

Parliament of Montenegro adopted: **Law on Communal Waste Water Management** ("Official Gazette of Montenegro" No. 02/17), on 29th December 2016 and **Law on Providing Safe Water Intended for Human Consumption** (Official Gazette of Montenegro" No. 80/17) on 23th November 2017.

Strategy for water management of Montenegro for the period 2016-2035. was adopted at the Government session on 30th June, 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.

Decision for the preparation of the Strategic Environmental Impact Assessment Report of the State Plan for Municipal Waste Water Management in Montenegro for the period 2018-2035. ("Official Gazette of Montenegro", No. 41/17) was adopted.

Five bylaws have been adopted in order to further transposition of EU legislation:

1. 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;
2. Rulebook on Geographical Boundaries, Number and Capacity of Agglomerations (Official Gazette of Montenegro, No. 78/17),
3. Rulebook on the content of the records of the quantity and quality of communal and biologically degradable industrial wastewater discharged into the recipient (Official Gazette of Montenegro, No. 78/17),
4. Rulebook on the content of the Report on the discharge of municipal and biologically degradable industrial wastewater (Official Gazette of Montenegro, No. 78/17),
5. 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 (Official Gazette of Montenegro, No. 78/17).

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 fulfil 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. According to the Report of implementation of NEAS with AP, projects „Revision of Master plans for waste waters and preparation on Implementation plan for Directive 91/271“ and „Capacity building for implementation of Water Framework Directive“ are ongoing.

According to the program of work of the Government for 2017 planned Law on Maritime Property which will be completely regulated the management, use and protection of the sea property have not been adopted.

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.

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.

Measures 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 centimetres.

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.²⁷

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, organic metallic compounds (TBT and TMT), organic chlorine pesticides, PAHs, mineral oils of petroleum origin, dioxins and furans, chlorobenzenes and chlorophenols.

²⁷ Information of Environmental State in Montenegro, 2016.

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.

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 are 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 €2.335.000,00.²⁸

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

²⁸ See Annex III

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 intention of the Government of Montenegro is to achieve the goal of 33% of the share of renewable energy sources in its total final energy consumption in 2020. However, achieving this objective should be in line with the requirements of Directive 2009/28/EC. Non-plan exploitation of resources in an unsustainable manner will not meet the requirements of the Directive, and even less respect the standards and requirements of Directives in the field of nature protection. Inadequate treatment of the local population in the dialogue, as well as the insufficiently transparent process of granting concessions for the construction of SHP, results in decision-making at the expense of the local population and natural resources. In the process of awarding concessions for the use of watercourses and the construction of sHPPs, a number of problems have been identified that lead to frequent drying of the riverbed after the construction of the SHPP, the disruption of the functioning of villages and the great resistance of the locals. Problems are: lack of water management basis, lack of water management plans, information system and water cadastre, lack of water cadastre register with ecological and energy characteristics, lack of annual or long-term planning of water use dynamics for energy purposes, non-compliance with legal regulations and their implementation, concessionaires, low capacity of institutions responsible for managing water and energy resources, monitoring, reviewing and more qualified defining of strategic goals in the field of energy, more involvement of the public in planning/approving projects, harmonization of the strategic plans and policies in the energy sector, water management, environment, planning and construction of facilities.

Also, there is no strategic document for the development of small hydro power plants that defines clear guidelines, but the decision-making was based on the interest of investors for space, which permanently degrades natural resources. The question arises as to how this plan assesses the ecological capacity of the area, bearing in mind that adequate data on environmental segments are missing.

Local citizens in the north part of the country are increasingly opposed to the construction of small hydropower plants. From the rivers on which the construction is planned - depends on their existence, and experience shows that the rivers after the construction of the power plant are losing water course.

For example, the project for the construction of sHPPs on the Bukovica river is based on the translation of A1 water class in the pipeline, although the aquatic areas in the municipality of Šavnik make 0.01% of the total area, and A1 water class after a simple physical treatment and

disinfection can be used for drinking. Bukovica is the only river in the world where the stenoendemic is inhabited - *Rhithrogena marinkovici* (Water flower)²⁹, one very old type of winged insects whose habitat must be preserved. Despite the assessment that the river for this purpose is completely hydrological useless, the investor plans construction. The data used in the EIA of the construction of small sHPPs are older than a decade (from 1949 to 1983).

The preparation of the LSL sHPP "Bukovica" was made in accordance with the Water Management Basis of Montenegro from 2001, which was in force until 2011, according to which hydroelectric exploitation of the watercourses is foreseen on the river Bukovica, which is primarily invoked during the drafting of the document, the fact that giving a concession is based on invalid acts. For this reason, it is necessary to assess the hydrological capacity and ecosystem characteristics, so that one such procedure can be planned at all. With the lack of Water Management Basis, River Basin Management Plans, Water Cadastre and Information System, such activities can be assessed as destructive to the environment and cannot be considered justified. The quality of the proposed protection measures and the prevention of negative environmental impacts does not correspond to the current issue, but is generally transmitted from other similar documents.

Environmental Impact Assessments for the construction of hydroelectric facilities should be done on the basis of previously developed base studies for all segments of the environment and the estimated cumulative impact. The lack of data is confirmed by the processor of the Šavnik SUP in the text of the document. Therefore, this area is recognized as potential for the formation of smaller accumulations, so potential sites for the construction of small hydroelectric power plants on the graphic attachments of SUPs are designated as point phenomena. For this reason, a question can also be raised on the basis of which the Concession Act for the construction of sHPP Bukovica 1 and 2, which is not recognized for the exploitation of resources in this way, has been adopted. The Decision on the issuing of a concession act, which does not precede the environmental impact assessment, is also questionable, and it can be concluded that when giving concessions for the construction of hydroelectric power plants, environmental considerations were not taken into account. The concept and recommendations for the protection of natural heritage, according to LSL, mean that the sHPPs on the rivers Bukovica, Tušina, Bijela and Grabovica should be flowing, as this prevents the closure of roads for migratory species.

However, with the construction of planned infrastructure facilities, the number of Brown trout (*Salmo trutta*) populations, which is on the red list of IUCN, as an endangered species. This species naturally inhabits only a few other rivers of the Mediterranean, the Black Sea and the Caspian lake. This is just one example of potential destruction of natural resources, because the *Trout Trout* has so far not been artificially spawned in any fishpond in Montenegro, and the introduction of any other fish species in Bukovica would be unacceptable. According to the SUP, protected areas are planned in a significant part of the

²⁹ Snežana Radulović, Ph.D. professor on University of Novi Sad and member of the EU Commission for standards in field of aquatic ecosystems

territory of the municipality. For protection, it is foreseen, among others, the canyon valley of Bukovica and Bukovica Mountain. This highlights the collision guidelines of the planning document itself as the umbrella documents at the local level. If there is no clear state strategic framework or a clearly defined local priority, it is not clear from what reason such serious decisions are adopted "ad hoc".

The reactions of the local population against the building of the sHPPs are also evident for the Lipovska Bistrica site, for the construction of a small hydropower plant Bistrica on the part of the Bistrica watercourse.

With the construction of SHPPs in NP „Prokletije“, the inhabitants were left without drinking water and water for irrigation. Locals from Komarača, Plav³⁰, Andrijevića, Berane and Bijelo Polje protest against sHPPs. The already built sHPPs had been drained the riverbeds because the investors have not done geological explorations.

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 exists 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.

³⁰ <https://www.youtube.com/watch?v=lweRu8wMMNI>

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

In order to fulfil 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 sulphured 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.

Determine the criteria for designation of vulnerable areas.

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.

Prosecution 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.

V NATURE PROTECTION

In the field of nature protection, in period from April 2016 until December 25th 2017 significant progress has not been achieved. Some level of progress in harmonization with the Habitat and Bird Directives and CITES Regulation has achieved.

Process of establishment the Ulcinj salina as a protected area significantly delayed. The protection of Salina is the recommendation and subject of the European Commission's Report since 2015. The implementation of the NATURA 2000 project is ongoing. The transformation of the National Parks into a business company according to the Law on improving the business environment is questionable. The new Law on Spatial Planning and Building Facilities marginalizes nature protection. The implementation of CITES Regulations and the Convention is not at a satisfactory level.

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

OVERVIEW AND THE ASSESSMENT GRID

In the field of nature protection, Parliament of Montenegro adopted: **Law on Nature Protection** ("Official Gazette of Montenegro", No. 54/16), on July 22th, 2016.

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), on 27th April 2017 was adopted.

In order to further harmonization with EU acquis, the follow 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),³¹

³¹Which transposed: 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

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)³²,
5. 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)³³;
6. Rulebook on the conditions for facilities and equipment for holding and breeding animals for production.³⁴

27 by-laws were adopted as a basis for use of natural resources.

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

The planned funds in total for a five-year period for national parks are: for the implementation of the Management Plan of NP "Prokletije" €1.304.749,00³⁵, NP "Lovćen" €2.320.000,00³⁶, NP "Durmitor" €3.835.000,00³⁷, National Park "Skadar Lake" €4.645.000,00³⁸, National Park "Biogradska Gora" €3.331.000,00³⁹.

According to NEAS, the only obligation of MSDT was the establishment of the Expert Working Group on Nature Protection. Obligation is 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.

(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

³²Which transposed 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

³³ 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

³⁴ by which the provisions of the Directive no. 1998/58 / EC on the protection of animals for production are transposed

³⁵ http://www.nparkovi.me/sajt/images/stories/PU_NP_Prokletije_2016-2020.pdf, pg. 56

³⁶ http://www.nparkovi.me/sajt/images/stories/PU_NP_Lovcen_2016-2020.pdf, pg. 67

³⁷ http://www.nparkovi.me/sajt/images/stories/PU_NP_DURMITOR_2016-2020.pdf, pg. 69

³⁸ http://www.nparkovi.me/sajt/images/stories/PU_NP_Skadersko_jezero_2016-2020.pdf, pg. 82

³⁹ http://www.nparkovi.me/sajt/images/stories/PU_NP_Biogradska_gora_2016-2020.pdf, pg. 61

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 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 except the prepared final reference list of bird species.

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 person 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 new 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, didn't the competent institutions 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. The Spatial - Urban Plan of Ulcinj, adopted by the Government of Montenegro on February 16th, 2017, in subsection 3.1.3. "Protected Natural Heritage" states 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 (Great Beaches) area creates unfavourable 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 (Great Beaches) 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 reduced⁴⁰. 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.

The problem is 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 adopted in 2017, centralized 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.

⁴⁰ Environmental monitoring program for 2016, Pg. No. 4 and 16 and Environmental monitoring program for 2017, Pg. No. 4 and 25

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 leads 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 is 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 macro-mycoses 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 Terms of Reference had been completed and tender announcement for the main project is ongoing. However, it is not clear from which funds the construction of the centre will be financed.

The challenge may also be the compatibility of planning and integration of nature protection measures into other sectors 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 and 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 analyses** 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.⁴¹

The Ministry of Sustainable Development and Tourism, the Nature and Environmental Protection Agency and the Administration for Inspection Affairs (Ecological Inspection) should **strengthen the capacities** to fulfil the obligations arising from the process of alignment with the EU acquis.

Make a clear division of responsibilities.

⁴¹ Analysis of legal framework in the field of hunting in Montenegro (NGO Green Home)

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 a crime 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 centres 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, begging 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 adoption 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 area 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.

VI INDUSTRIAL POLLUTION AND RISK MANAGEMENT

In period from April 2016 until December 25th 2017, some progress in harmonization with the SEVESO Directive, Eco Labeling Regulation and Directive on the control of major-accident hazards has achieved.

The challenge is issuing of IPPC permits and solving of hazard waste issue. TPP Pljevlja has a provisional IPPC permit while KAP and Željezara continue to operate without a permit, although the deadline for its acquisition, according to the Law, has expired.

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.

OVERVIEW AND THE ASSESSMENT GRID

In the field of industrial pollution the following by-laws are adopted: Rulebook on the detailed content and manner of keeping the cadastre of the polluters ("Official Gazette of Montenegro", No. 45/17), Rulebook on the detailed conditions, criteria and procedure for obtaining the right to use the ecological sign ("Official Gazette of Montenegro", No. 50/17), Rulebook on Accurate Content of the Prevention Plan and the Accident Protection Plan ("Official Gazette of Montenegro", No. 67/16) and 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).

According to the plan of work of the Ministry of Sustainable Development and Tourism for 2017 two envisaged by-laws have not been adopted (Regulations on the content of records of the quantity and quality of municipal and biodegradable industrial wastewater discharged into the recipient; Regulations on the manner of keeping the EMAS register, content, appearance and use of the EMAS mark, the conditions for the EMAS verifier, and the request form).

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 31, 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 01th January 2015. until 01th January 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 9th October, 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 1, 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 IPPC⁴². 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 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 "Aluminium 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.

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.

The obligation of transposition and implementation of Directive 2012/18/EU (Seveso III) was partly realized through the adoption of the Law on Environmental ("Official Gazette of Montenegro" No. 52/16) and two bylaws⁴³: 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).

⁴² 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)

⁴³ Report of NEAS implementation, pg. 18, december 2017

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.⁴⁴

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 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.

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

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, according to the data from the NEPA, now there are

⁴⁴ Report of NEAS implementation, pg. 18, december 2017

109,000 tons of grit and contaminated soil. However, according to the information from the tender documentation, 141. 648 tons of grit is found in bags on the first line of the sea in the shipyard has been postponed, and about 18 million euros will be needed for the repair of pollution in the shipyard. ⁴⁵For remediation of industrial waste in KAP, 12 million is required, and for the rehabilitation of the red sludge pool, over 3 million. The assessments have done for needs of credit loan arrangement with World Bank and expect their corrections on higher amounts.

In Župa Nikšić there are a seven locations where the red bauxite ore is still exploited or is still exploited. The exploitation of the three mines was completed. The total area destroyed by the exploitation is about 400 ha, of which about 92 ha was agriculture land. The mines on which the exploitation was completed are Bunić, Kutsko brdo and Borovo Brdo. The Bunić mine is left uncultivated and it is a threat to the surrounding settlements. The closest houses are about 300 m of the airline. Lake Liverovići is at the level of the mining and about 150 meters of the airline. The Borova brda mine is not cultivated and uninsured. In the Study on again cultivation, which is an integral part of the Main Mining Project for the exploitation of Borova Brda reservoirs, it is assumed that groundwater intensively communicates to a lower gravitational horizon in the Gračanica River Valley. The nearest houses are about 400 m airline away. As a problem, the lack of treatment of waste water from the mine, as well as the landfill that meets the standards, which represents a potential danger for the pollution of watercourses and the State does not treat this issue in an adequate way.

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.

⁴⁵ http://www.monitor.co.me/index.php?option=com_content&view=article&id=8386:crna-taka-ekoloze-crne-gore-grit-i-dalje-usidren-u-bijeloj&catid=6024:broj-1434&Itemid=7455

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 labelling system.

VII CHEMICALS

In the field of **chemicals**, in period from April 2016 until December 25th 2017, the significant improvement in transposition of REACH Regulation, CLP Regulation, Biocides Regulation, and Regulation on export and import of dangerous chemicals, Regulation on Detergents, Regulations on persistent organic pollutants, Directive on the prevention and reduction of environmental pollution by asbestos, Regulation on the prohibition of the export of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury has achieved.

However, safe chemical management in this area remains a 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. The challenge is establishment of the Chemicals Registry in the format prescribed by the EU and the Register of biocides products.

It is necessary to strengthen capacities in order to fully implementation and enforcement of legislation and to ensure sustainable financing of activities.

OVERVIEW AND THE ASSESSMENT GRID⁴⁶

In the field of chemicals, Parliament of Montenegro adopted: Law on Chemicals ("Official Gazette of Montenegro", No. 51/17), on 27th July 2017, Law on Biocide Products ("Official Gazette of Montenegro", No. 54/16), on 22th July 2016 and Law on Environment ("Official Gazette of Montenegro" No. 52/16), on 28th July 2016.

Adopted is also 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).

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);

⁴⁶ Box remarks are in accordance with the Strategy of Chemicals Management (pp. 104-112) and the Report of Implementation , 2016

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 labelling 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).
8. Rulebook on conditions for placing biocidal products on the market and use ("Official Gazette of Montenegro", No. 59/16);
9. Rulebook on types of biocidal products ("Official Gazette of Montenegro", No. 66/16);
10. 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);
11. Rulebook on the manner of risk assessment of biocidal products ("Official Gazette of Montenegro", No. 62/16);
12. Rulebook on the content and method of keeping a register of biocidal products ("Official Gazette of Montenegro", No. 62/16);
13. Rulebook on the content of the report on the import of biocidal products ("Official Gazette of Montenegro", No. 69/16);
14. Rulebook on closer contents of the technical dossier and basic data on biocidal products ("Official Gazette of Montenegro", No. 05/17);
15. Rulebook on the content of the application for issuing a license for biocidal products ("Official Gazette of Montenegro", No. 17/17);
16. 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);
17. Rulebook on the methods of testing of biocide products efficiency ("Official Gazette of Montenegro", No. 5/17).
18. 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. 58/17)⁴⁷.

According to the Program of work of Ministry of Sustainable Development and Tourism for 2017 eleven by-laws have not been adopted.

With adopting the Law on Chemicals, the Law on Biocidal Products and the Law on Environment and many by-laws the most obligations from NEAS and the AP for the period 2016-2020 have been fulfilled.

RATIONALE

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 fulfil 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. exports of chemicals contained in the Chemicals List for the PIC procedure and

⁴⁷ 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

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 Centre for the Control of Poisoning, within the Clinical Centre of Montenegro, which was not realized.

Measures from the National Strategy 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.⁴⁸

CHALLENGES

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.

⁴⁸ Report on the implementation of the Chemicals Management Strategy 2015-2018. for the 2016, pg. 4

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.

Centre 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-sectoral cooperation.

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

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 Centre 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 Eco toxicological 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 fibres and handling asbestos waste.

VIII NOISE

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

There is no progress in implementation.

In further period it is necessary to strengthen the cooperation between the responsible institutions on central level, 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.

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.

In accordance with the Report of Strategy Implementation, the preparation of strategic noise maps was not started. The training for all relevant institutions related to the preparation of strategic noise maps didn't organized.

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.

CHALLENGES

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.

The data on noise level measurement should be integrated into a unique system based on which noise reduction measures would be prescribed.

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 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.

OVERVIEW AND THE ASSESSMENT GRID

In period from April 2016 until December 2017, in the field of civil protection, Parliament of Montenegro, adopted **Law on Amendments to the Law on Protection and Rescue** ("Official Gazette of Montenegro", No. 54/16), on 30th July 2016.

In order to further harmonization with EU acquis, on the basis of the Law on Protection and Rescue, Ministry of Internal Affairs, adopted: Rulebook on unique signs for alerting and the manner of informing and alerting ("Official Gazette of Montenegro", No. 34/17, 37/17); Rulebook on the Civil Protection Booklet ("Official Gazette of Montenegro", No. 13/17); Rulebook on the manner and procedure of reporting and notification ("Official Gazette of Montenegro", No. 48/13, 34/17); Rulebook on the manner of organization and engagement of civil protection units ("Official Gazette of Montenegro", No. 38/17); 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); 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).

The rest planned seven by-laws have not been adopted.

The **Strategy for Disaster Risk Reduction with the Action Plan**, is adopted by Government of Montenegro on the session from 21st December 2017. 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 and adequate plans for fire and flood protection.

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 (Seveso III). According to the Law on Environment ("Official Gazette of Montenegro" No. 52/16), two bylaws were adopted: 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 Rulebook on the detailed content of the prevention plan and the accident plan ("Official Gazette of Montenegro", No. 67/16).

CHALLENGES

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.

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, 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 Centre 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 behaviour, 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-sectoral cooperation.

Work to fulfil obligations under the EU Civil Protection Mechanism.

X CLIMATE CHANGE

In period from April 2016 until December 25th 2017 some 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 consumers on the fuel economy and CO₂ emissions associated with the sale of new passenger cars; Directive on the geological storage of carbon dioxide has achieved.

Although it has ratified the Paris Agreement significant efforts needs to be ensure in the fulfilment of its international obligations and the EU Acquis in the field of climate change.

The importance of planning in the field of climate change in Montenegro is still not recognized in the right way. Transposition of EU Acquis which regulate the climate change issues is on the beginning level and climate policies are not adequately integrated into related sectoral policies. Implementation of the Climate Change Strategy under the EU2030 framework needs to be ensured and its integration in plans and strategies in the field of Energy.

OVERVIEW AND THE ASSESSMENT GRID

In the field of climate change, Parliament of Montenegro adopted: **Law on Environment** ("Official Gazette of Montenegro, No. 52/16) and **Law on Confirming the Paris Agreement** („Official Gazette of Montenegro-International Agreements“ No. 9/17).

According to the Law on Energy, Rulebook on the methodology for calculating the impact of bio-fuels on greenhouse gas emissions ("Official Gazette of Montenegro", No. 45/17) was adopted.

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.

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 million €. ⁴⁹

Obligations according to the NEAS: the adoption of the Law on Climate Change, the preparation of the Third National Report of Montenegro on Climate Change, the preparation of the Second Biennial Consolidated Report of Montenegro on Climate Change, the preparation and adoption of the Strategy for Low-Carbon Development, and the adoption of the National Plan for Adaptation to Climate Change (NAP) have not been implemented.

RATIONALE

The transposition of EU legislation in the field of climate change is at an early stage in Montenegro, which makes the implementation much more difficult. 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.

⁴⁹ Djurović, G, Perović, S, Jablan, N (2017.) Socio-ekonomska analiza investicija za potvrđivanje Pariskog sporazuma

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 unpermitted taken over from the transmission and distribution system for years (around 22%).⁵⁰

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.

⁵⁰ Annual Report on the Implementation" of the Energy Community in 2016.

The national register for the EU ETS has not been established. The bio fuels 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 the 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 Climate 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 comparison with current situation for some 10%.

ANNEX 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 project			17.717.500,00€ ⁵¹		24.175.100,00€ ⁵²		5.270.000,00€.	

⁵¹ It is not precised for which projects, the total amount on State level for IPA projects or budget for IPA projects in environmental field

⁵² It is not precised for which projects, the total amount on State level for IPA projects or budget for IPA projects in environmental field

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 €
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 Phyto-sanitary Jobs"	/	2.146.985,07€.	2,23 mil €
Fishery ⁵³			0,54 mil €
Institute of Hydrometeorology and Seismology	1.653.863,55 €	1.512.713,29 €	
Institute for Public Health		3.410.540,58 € (total budget)	2.600.000€ (total budget)

⁵³ New program from 2018

Judiciary Program: Misdemeanour procedure	1.960.411,87€	1.896.721,02€	1.552.322,24 €
Program Judiciary	10.995.709,31€	10.356.163,51 €	10.343.521,86 €
Prosecution Program: Prosecution	4.907.823,00€	5.256.845,89€	5.710.624,68 €
Natural History Museum of Montenegro		558.281,04€	
Customs Bureau		6.754.532,14€.	

ANNEX II

Key projects planned by Budget for 2017 in the field of 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 "Ćafe" landfill in Bar	3.055.000,00€

ANNEX III
Key projects planned by Law on Budget for 2017 in the field of water protection

Projects	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 hydro-technical 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-Radetina, Rožaje	300.000,00€

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;
17. Government of Montenegro, National Strategy for Transposition, Implementation and Implementation of EU Legal Framework in the Field of Environment and Climate Change with the Action Plan for the period 2016-2020;
18. Government of Montenegro, National Sustainable Development Strategy until 2030;
19. Government of Montenegro, National Strategy for Air Quality with the Action Plan for the period 2013-2016;
20. Government of Montenegro, Montenegro Waste Management Strategy until 2030;
21. Government of Montenegro, National Biodiversity Strategy and Action Plan for the period 2016-2020;
22. Government of Montenegro, Chemicals Management Strategy 2015-2018;
23. Government of Montenegro, National Strategy for Emergency Situations;
24. Government of Montenegro, National Strategy for Climate Change until 2030;
25. Government of Montenegro, Development Directions of Montenegro 2013-2016 and Regional Development Strategy 2014-2020;
26. Government of Montenegro (2008), National Environmental Policy;
27. Government of Montenegro (2014), Development program for hunting for the period 2014-2024;
28. Government of Montenegro (2014) Eco-remediation strategy with the Action Plan 2014-2020;

29. Government of Montenegro (2014) Strategy with a plan for the development of forests and forestry;
30. Government of Montenegro (2014), National Waste Management Plan in Montenegro for the period 2015-2020. years;
31. Draft Sectoral Planning Document of Montenegro - Environment;
32. Action Plan for Combating Land Degradation and Mitigation of the Consequences of the Drought of Montenegro;
33. Gligorović, A. (2017) "Analysis of the Compliance of Montenegrin Legislation with EU Legal Acts in the Field of Water Protection"
34. Đurović, G. Perović, S, Jablan, N. (2017) "Socio-economic analysis of investments for the confirmation of the Paris Agreement";
35. Ministry of Sustainable Development and Tourism (2017), "Fifth Annual Report on the Implementation of the Millennium Development Goals in Montenegro (from January 1 to December 31, 2016";
36. Ministry of Sustainable Development and Tourism (2015), "Fourth Annual Report on the Implementation of the Millennium Development Goals in Montenegro for the period from January 1 to December 31, 2014;
37. Ministry of Sustainable Development and Tourism (2016), "First Biennial Report of Montenegro on Climate Change";
38. Government of Montenegro (2017), Plan for reorganization and strengthening of administrative capacities for the sectors of environment and climate change in Montenegro for the period 2017-2020. years;
39. Government of Montenegro (2017), "Second Quarterly Report on Implementation of Obligations from Montenegro's Accession Program to the European Union for the period 2017-2018";
40. Northern Country, NGO Green Home, CZIP, Green Land (2016), "Analysis of the situation in the field of waste management in Montenegro";
41. Government of Montenegro (2017), Report on the state of protection and rescue system in Montenegro in 2016;
42. Ministry of Sustainable Development and Tourism, "The Fifth National Report to the United Nations Convention on Biological Diversity";
43. Government of Montenegro, "Information on installations obliged to obtain an integrated permit until January 1, 2018";
44. Government of Montenegro, "Information on air pollution in Pljevlja, causes and impacts of pollution and planned and implemented with measures to reduce pollution"
45. Government of Montenegro, (2017) "Fourth report on the implementation of the National Air Quality Management Strategy with the Action Plan for the period 2017-2020
46. Government of Montenegro (2017), Information on the process of updating a single list of priority infrastructure projects;

47. Academy of Sciences of Albania, Montenegrin Academy of Sciences and Arts (2014.) "Development of hydrological and hydraulic Study of regulation of Skadar Lake and Bojana river water regime", Volume II;
48. The European Council of Spatial Planners - le Conseil Européen des Urbanistes, Barcelona (2013.) "The Charter of European Planning"
49. European Commission (2016) "Report on Montenegro";
50. Government of Montenegro, Report on the implementation of the Chemicals Management Strategy 2015-2018. for 2016;
51. Government of Montenegro, National Council for Sustainable Development, Climate Change and Integrated Coastal Zone Management (2017) "Report from the 31st Session of the National Council for Sustainable Development, Climate Change and Integrated Coastal Zone Management";
52. 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";
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;
54. Ministry of Sustainable Development and Tourism (2017), "Work Program for 2017";
55. Ministry of Sustainable Development and Tourism (2017), "List of laws and strategic documents on which to hold public debate in 2017";
56. Government of Montenegro, "Program of harmonization of certain economic branches with the Law on Integrated Prevention and Control of Environmental Pollution
57. Government of Montenegro, (2016) "Information on the state of the environment for 2015";
58. Spatial-urban plan of Ulcinj (2017);
59. Environment and Climate Regional Accession Network (ECRAN), "Report on 3rd Workshop on Air Quality Modelling and 2nd Annual Working Group Meeting";
60. Direktiva 2011/92/EU;
61. Direktiva 2001/42/EZ;
62. Direktiva 2003/4/EZ;
63. Direktiva 2003/35/EZ;
64. Direktiva 2007/2/EZ;
65. Direktiva 2004/35/EZ;
66. Direktiva 2008/99/EZ;
67. Direktiva 2008/50/EZ;
68. Direktiva 2004/107/EZ;
69. Direktiva 2001/81/EZ;
70. Direktiva 1999/32/EZ;

71. Direktiva 94/63/ECZ;
72. Direktiva 2009/126/EZ;
73. Direktiva 86/278/EEC;
74. Direktiva 94/62/EZ;
75. Direktiva 96/59/EZ;
76. Direktiva 99/31/EZ;
77. Direktiva 2000/53/EZ;
78. Direktiva 2006/21/EZ;
79. Direktiva 2006/66/EZ;
80. Direktiva 2008/98/EZ;
81. Direktiva 2011/65/EU;
82. Direktiva 2012/19/EU;
83. Direktiva 2000-60-EZ;
84. Direktiva 91/971/EEZ;
85. Direktiva 2006/118/EZ;
86. Direktiva 2007/60/EZ;
87. Direktiva 91/676/EEZ;
88. Direktiva 2009/90/EZ;
89. Direktiva 92/43/EEZ;
90. Direktiva 1999/22;
91. Direktiva 2009/147;
92. Direktiva 2001/80/EZ;
93. Direktiva 2004/42/EZ;
94. Direktiva 2010/75;
95. Direktiva 2012/18/EU;
96. Direktiva 87/217/EEZ;
97. Reglativa (EZ) 1272/2008;
98. Reglativa (EZ) 689/2008;
99. Reglativa (EZ) 1102/2008;
100. Reglativa (EZ) 1907/2006;
101. Reglativa (EZ) 1272/2008;
102. Reglativa (EZ) 689/2008;
103. Direktiva 2002/49;
104. Direktiva (EU) 2015/96;
105. Direktiva 98/70/EC;
106. Direktiva 1999/94/EZ;
107. Direktiva 2003/87;
108. Direktiva 2009/31.