

***Shadow report
for- Chapter 27 – Environment and climate changes for a
period of time april 2021. december 2021.***

December, 2021

THIS REPORT HAS BEEN PREPARED BY COALITION 27 THAT REPRESENTS AN INFORMAL NETWORK OF NON-GOVERNMENTAL ORGANIZATIONS ESTABLISHED TO MONITOR THE PROCESS OF HARMONIZATION AND IMPLEMENTATION OF POLICIES IN THE ACCESSION NEGOTIATIONS OF MONTENEGRO WITH THE EU AS WELL AS PROPOSING SOLUTIONS THAT WILL CONTRIBUTE TO THE PROTECTION AND IMPROVEMENT OF THE ENVIRONMENT AND CLIMATE CHANGE.

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THE CONTENT

| | |
|----------------------------------|------------------------------|
| INTRODUCTION | Error! Bookmark not defined. |
| METHODOLOGY | 5 |
| CONDITION ASSESSMENT | 6 |
| GENERAL OVERVIEW | 7 |
| HORIZONTAL LEGISLATION | 112 |
| REVIEW AND CONDITION ASSESSMENT | 12 |
| EXPLANATION | 13 |
| CHALLENGES | 14 |
| KEY RECOMMENDATIONS | 14 |
| II AIR QUALITY | 15 |
| REVIEW AND CONDITION ASSESSMENT | 16 |
| EXPLANATION | 17 |
| CHALLENGES | 17 |
| KEY RECOMMENDATIONS | 18 |
| III WASTE MANAGEMENT | 19 |
| REVIEW AND CONDITION ASSESSEMENT | 19 |
| EXPLANATION | 20 |
| CHALLENGES | 21 |
| KEY RECOMMENDATIONS | 22 |
| IV WATER QUALITY | 24 |
| REVIEW AND CONDITION ASSESSMENT | 24 |
| EXPLANATION | 26 |
| CHALLENGES | 27 |
| KEY RECOMMENDATIONS | 28 |
| V PROTECTION OF NATURE | 30 |
| REVIEW AND CONDITION ASSESSMENT | 30 |
| EXPLANATION | 33 |
| CHALLENGES | 35 |

| | |
|---|----|
| RECOMMENDATIONS | 37 |
| VI INDUSTRIAL POLLUTION AND RISK MANAGEMENT | 40 |
| REVIEW AND CONDITION ASSESSMENT | 40 |
| EXPLANATION | 43 |
| CHALLENGES | 43 |
| KEY RECOMMENDATIONS | 43 |
| VII CHEMICALS | 44 |
| REVIEW AND CONDITION ASSESSMENT | 45 |
| EXPLANATION | 45 |
| CHALLENGES | 45 |
| KEY RECOMMENDATIONS | 46 |
| VIII NOISE | 47 |
| REVIEW AND CONDITION ASSESSMENT | 47 |
| EXPLANATION | 48 |
| CHALLENGES | 48 |
| KEY RECOMMENDATION | 48 |
| IX CIVIL PROTECTION | 49 |
| REVIEW AND CONDITION ASSESSMENT | 49 |
| CHALLENGES | 49 |
| KEY RECOMMENDATIONS | 50 |
| X CLIMATE CHANGE | 50 |
| REVIEW AND CONDITION ASSESSMENT | 51 |
| EXPLANATION | 51 |
| CHALLENGES | 52 |
| KEY RECOMMENDATION | 52 |
| BIBLIOGRAPHY | 53 |

INTRODUCTION

Shadow report aims to present the overall picture of Montenegro's progress in the EU accession process for the period of april 2021. to december 2021., in terms of improving the situation in the field of environmental protection and climate change.

In 2016. The Montenegrin government adopted the **National strategy with Action plan for transposition, implementation and enforcement of the EU acquis on environment and climate change (NEAS) for the period 2016-2020** which included an approximate estimate of the costs required for its **implementation**.

At the 244th session of the Government held on 19 november 2020, **The final report on the implementation of the National strategy with Action plan for transposition, implementation and enforcement of the EU acquis on environment and climate change for the period 2016-2020 was adopted**. According to this report , 348 commitments were planned by National strategy with Action plan for transposition, implementation and enforcement of the EU acquis on environment and climate change for the period 2016-2020 , of which 226 were realized, that is, the degree of realization of obligations is 80,35 %¹.

Three months after the parliamentary elections on 4 december 2020. the new Government of Montenegro with 12 ministries was formed. At the 11th session of the Government held on 18 february 2021. **the Action plan for meeting the final benchmarks in Chapter 27 - environment and climate change was adopted**. The Action plan defines 251 obligations, which are divided into sub-areas.

It is planned to monitor the implementation of the Action plan at the regular meetings of the Working group for Chapter 27, as well as semi-annual reporting on the implementation of the Action plan.

At the 34th session of the Government on 30 july 2021, **the Decision on the establishment of the Working group for the preparation and conduct of negotiations on the accession of Montenegro to the European Union in the field of acquis concerning the negotiating Chapter 27 - Environment and climate change was adopted**. On 28 october 2021, the constitutive session of the Working group was held, after which there were no activities.

¹ The final report on implementation of the National strategy with Action plan for transposition, implementation and enforcement of the EU acquis on environment and climate change for the period 2016-2020, Ministry of sustainable development and tourism, November 2020.

This report processes ten thematic areas from Chapter 27, and refers to the implementation of the remaining obligations from the National strategy, which are now an integral part of the Action plan for meeting the final benchmarks in Chapter 27 - Environment and climate change. This report assesses the implemented activities of relevant institutions in this field and makes recommendations for strengthening the process of transposition and implementation of EU legislation covered by Chapter 27. This document tries to clarify the essential problems in certain sub-areas and emphasizes the need to solve them during the negotiation process.

A genuine dialogue between civil society and the Government is necessary in order to achieve effective participation and public consultation in decision-making.

As part of the EU integration monitoring process, the Government submits quarterly reports on overall activities in the process of Montenegro's integration into the European Union to the Parliament of Montenegro. The reports provide an overview of the most important activities related to Montenegro's political dialogue with the European Union, accession negotiations, informing the public about the accession process, activities under some Chapters, implementation of the stabilization and association Agreement, harmonization of domestic and European legislation and the Instrument for pre-accession assistance - IPA.

METHODOLOGY

This monitoring report follows the structure of previous monitoring reports. The research is based on the analysis of available and published strategic documents, laws, bylaws, analysis of the EUR_LEX database, adopted government reports and official compliance tables, prepared by the Government, which are part of the legislative proposals.

The report relies on previously prepared reports and is updated with data that are relevant for the period from april to december 2021.

In each thematic chapter we pointed out the review and condition assessment of the situation through the analysis of laws and bylaws, plans of institutions in the legislative part, budgets of key institutions, analysis of key guidelines from strategic documents relevant to a particular sub-area, listing key projects, explanations, analyzing progress and providing guidelines for improving the situation, identifying challenges and making key recommendations for individual sub-areas.

The aim of this report is not to replace Government reports, but to point out burning issues through thematic areas and propose adequate solutions. This Coalition Report covers the environmental segments: horizontal legislation, air quality, nature protection, industrial pollution, chemicals, noise, civil protection and climate change .

CONDITION ASSESSMENT

Montenegro has achieved a central level of readiness in the field of environmental protection and climate change.

Montenegro needs to accelerate the implementation of the Action plan to meet the final benchmarks in Chapter 27- environment and climate change.

In terms of **horizontal legislation**, the lack of adequate administrative capacity at the state and local levels and inspection bodies, as well as insufficient inter-institutional coordination, remain challenges.

It is necessary to establish the coordination mechanism between SEA and EIA on the one hand and AA on the other, improve the quality of EIA elaborate, communication and coordination with NGOs and local governments, improve the judicial system and provide better knowledge of eco-crime and reasoning Criminal Code in the field of environment and nature protection, improve the implementation of Directive 2008/99/EC. Montenegro needs to improve coordination between relevant sectors (environment, transport, energy, forestry, agriculture, hunting, tourism, etc.).

In terms of **air quality**, Montenegro needs to establish a fully functioning air quality monitoring system to provide accurate data on air quality in the country. In addition, it is necessary to establish a register of the impact of air quality on public health and support subsidies for energy efficient heating.

It is necessary to adopt the air quality Management Strategy for the period 2020-2029, which is already long overdue, as well as the implementation of adopted action plans and the implementation of laws.

When it comes to **waste and waste management**, Montenegro remains partially in line with the EU acquis. Montenegro needs to improve the implementation of the Waste Management Strategy of Montenegro until 2030. and adopt a new National Waste Management Plan and then harmonized local plans. The problem of the existence of a large number of illegal landfills remains very pronounced. Montenegro needs to establish a separate waste disposal infrastructure throughout the country, in order to accelerate the achievement of the adopted recycling targets.

In terms of **water quality** progress remains limited. Partial progress has been made in aligning with Directive 2008/56 through the adoption of the Law on the Protection of the marine environment and by-laws.

In the forthcoming period, Montenegro should intensify activities on the adoption of management plans for the Danube and Adriatic basins, as well as speed up the development of the Marine Strategy.

In terms of **nature protection**, progress has been made in expanding the area under protection. Montenegro has declared three protected areas at sea - Nature Park

„Platamuni“, Nature Park “Katič” and Nature Park “Stari Ulcinj”. However the declaration of new protected areas is not accompanied by the establishment of an adequate management structure and the preparation and adoption of management plans. Most of the protected areas declared in the last five years are still just “protected areas on paper”. National parks do not have management plans either.

The Nagoya Protocol has been ratified, and work on the Natura 2000 network has continued.

Protected areas are currently facing insufficient capacity to deal with all aspects of environmental management. Montenegro needs to take urgent measures in order to protect and improve the ecological values of protected areas and potential areas of the Natura 2000 ecological network.

As regards **climate change**, the level of alignment with the EU acquis can be assessed as partial. Work on climate change needs to be intensified to ensure compliance with the EU's 2030 Climate and Energy Policy Framework and to ensure that the Climate Change Strategy and the new Law will be integrated into all relevant sectoral policies and strategies.

GENERAL OVERVIEW

Bearing in mind that the NEAS was valid until 2020, the Government of Montenegro at its 11th session on 18.02.2021. adopted the Action plan to meet the final benchmarks in Chapter 27- Environment and Climate Change. The Action plan for meeting the final benchmarks in Chapter 27 includes all unrealized obligations from the Action plan of the Strategy with AP 2018-2020.

The Action plan defines a total of 251 commitments, which are divided as follows:

- ✓ horizontal legislation: 17,
- ✓ air quality: 19,
- ✓ waste management: 37,
- ✓ water quality: 33,
- ✓ nature protection 71: (of which 19 within the Ulcinj Solana Management APP),
- ✓ industrial pollution: 15,
- ✓ chemicals: 27,
- ✓ noise: 12,
- ✓ civil protection: 9 i
- ✓ climate change 11.

For the realization of these obligations are responsible 25 institutions, namely: Ministry of Ecology, Spatial Planning and Urbanism, Ministry of Justice, Human and Minor rights, Ministry of Economic Development, Ministry of Agriculture, Forestry and Water Management, Ministry of Capital Investments, Ministry of the Interior, Ministry of Health, Office for European Integration, Maritime Safety Department, Water Directorate,

Administration for Inspection Affairs, Directorate for Food Safety, Veterinary and Phytosanitary Affairs, Customs Administration, Hydrocarbons Administration, Forest Administration, Institute of Hydrometeorology and Seismology, Nature and Environment Protection Agency, Institute of Geological Research, Institute of Public Health of Montenegro, Public Enterprise for Marine Management, Public Enterprise for National Parks, Center for Ecotoxicological Research, Judicial Training Center, Museum of Natural History and the Association for the Improvement of Water Supply, Treatment and Wastewater Disposal of Montenegro. Competences also have: the Parliament of Montenegro, the State and Basic Prosecutor's Office, as well as all 24 units of local self-government. Recognized stakeholders are: the University of Montenegro, the Institute of Marine Biology, but also managers of protected areas, local companies for water supply and sewerage, operators of industrial plants and civil society organizations.

At the session of the Government held on 23 december 2021, the **Financial evaluation of the Action Plan for meeting the final benchmarks in Chapter 27** was adopted.

Strategic documents such as the Spatial Plan of Montenegro, the National Air Quality Strategy, the National Biodiversity Strategy, the National Waste Management Plan have expired since they were valid until 2020.

In the mentioned period, there were no significant activities of the **Parliament of Montenegro** when it comes to laws in the field of environment and climate change. *The Draft Law on Ratification of the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC konvencija)* was adopted on 21 april 2021.

In this reporting period, the Government of Montenegro adopted:

- National program of priority activities in the field of climate change mitigation and adaptation in cooperation with the Green Climate Fund 2021-2023,
- National plan for protection and rescue from chemical and biological risks,
- Decision on declaring the protected area of the nature park "Platamuni",
- Annual Forest Management Program for 2021;
- Decision on the allocation of budget funds to encourage the production of electricity from renewable sources and highly efficient cogeneration,
- Decision on granting state-owned forests for use by selling wood in the deepening state (regular deforestation in 2021)
- Decision on the establishment of a working group for the preparation and conduct of negotiations on the accession of Montenegro to the European Union in the field of the *acquis communautaire* related to the negotiating chapter 15 - energetics
- Decision on the establishment of a coordinating body for the protection of the marine environment

- Information on the state of the environment in 2019,
- Report on realization of the measures from the action plan for reducing the negative impact on the environment - 2020;
- Decision on the establishment of a working group for the preparation and conduct of negotiations on the accession of Montenegro to the European Union in the field of the EU *acquis communautaire* related to the negotiating chapter 27 - Environment and Climate Change
- Decree on closer conditions and manner of issuing, transmitting, using and withdrawing guarantees of origin of electricity produced from renewable energy sources and high-energy cogeneration
- The final report on the implementation of the National strategy with Action plan for transposition, implementation and enforcement of the EU *acquis* on environment and climate change for the period 2016-2020
- Surface and groundwater monitoring program for 2021
- The final Report on implementation of the National Air Quality Management Strategy for the period 2017-2020 with the Report on the realization of the Action Plan for 2020.
- Report on the state of the protection and rescue system in Montenegro in 2020
- Annual report on the realization of the action plan for the implementation of the disaster risk reduction strategy for 2020
- Work program and Financial Plan of the LLC "Center for Ecotoxicological Research" - Podgorica for 2021
- Report on the preparation of the updated national determined contribution (NDC) for Montenegro from 2020
- Decision on dismissal of the member of the Negotiating Group for conducting negotiations on the accession of Montenegro to the European Union, in charge of the negotiation chapter 27. Environment;
 - Decision on amendments to the Decision on the amount and manner of calculation of water charges and criteria and manner of determining the degree of water pollution
- Regulation on ozone-depleting substances and alternative substances
- Information on the degree of implementation of the National Action Plan for the Use of Energy from Renewable Sources until 2020 for the period 2018-2019. with the Report on the implementation of the National Action Plan for the use of energy from renewable sources until 2020 for the period 2018-2019.
- National plan on Sustainable Use of Plant Protection Products for the period from 2021 to 2026.

- Plan for granting concessions in the field of water for 2021.
- Program for the use of funds for water management activities for 2021.
- Decision on declaring the protected area the nature park "Katič" with the Report on the conducted public debate.
- Plan for granting concessions for the use of water for the construction of hydropower plants in Montenegro for 2021,
- Proposed platform for the participation of the Minister of Agriculture, Forestry and Water Management, Mr. Aleksandar Stijović, at the 9th meeting of the signatory countries of the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes, Geneva, September 29 - October 1, 2021.
- Decree on emission limit values from combustion plants and method of calculating emission limit values for plants using several types of fuel
- Report on the implementation of the Action Plan for meeting the final benchmarks in Chapter 27 - Environment and Climate Change, for the reporting period February - July 2021
- Draft Law on Amendments to the Law on Transport of dangerous goods.
- Draft Law on Amendments to the Law on Efficient Use of Energy
- Roadmap for meeting the final criteria for the temporary closure of negotiations in the negotiating chapter 27 - Environment and Climate Change,
- Information on the analysis of the location "Landža" planned for the construction of a wastewater treatment plant in the municipality of Danilovgrad
- Draft law on safety measures during exploration and production of hydrocarbons in the seabed
- Financial assessment of the Action Plan for meeting the final benchmarks in Chapter 27 - Environment and Climate Change.
- Decision on the formation of the Commission for conducting a public auction for the allocation of emission credits
- Information for the project of construction of HPP Buk Bijela, Foča, Republika Srpska, Bosnia and Herzegovina from the aspect of environmental protection in accordance with the UNECE Convention on Environmental Impact Assessment in a Transboundary Context - Espoo.

Activities on the establishment of Natura 2000 continued.

Lack of political will, insufficient horizontal coordination between state bodies, delays in fulfilling certain obligations prove that the capacities of the state administration are

limited. All this leads to poor implementation and enforcement of legal regulations, delays and delays.

There is no sustainable financial framework that can meet the demanding implementation and enforcement of legislation.

The Eco-Fund was established earlier but has not yet responded to the task. The expectation that the Eco-Fund could serve as a key mechanism for financing Chapter 27 obligations is a challenge in terms of personnel, organization, technology and finances. The funds that could be raised are not enough to cover the costs of financing environmental projects and the costs estimated in NEAS. For example, for “difficult” directives, it is necessary to develop implementation plans and to plan allocations in the state budget in accordance with such plans.

It is obvious that there will be no significant financial allocations for the closure of Chapter 27, which are made directly from the state budget, but rather from penalties prescribed to the private sector. Given the poor collection rate of taxes and penalties in this sector, there is reasonable doubt that the solutions already proposed within the Eco-Fund will be able to significantly contribute to the fulfillment of the activities undertaken in this Chapter. Limited financial resources in the relevant ministries and administrative bodies remain a concern, especially with regard to the overall capacity of these institutions to ensure the effective implementation and enforcement of the Acquis.

For the Environmental Protection Agency according to the Monitoring Program for 2021, which was adopted at the session held on 6 december 2021, the amount of 242,737 was planned for the year. For this purpose, the amount of 731,737 was planned for 2020, the amount of EUR 410,000 in 2019, EUR 400,000 for 2018, EUR 330,999 for 2017, while the amount of EUR 322,500 was set aside in 2016.

When it comes to cooperation with the civil sector, greater openness and cooperation is needed. Further monitoring of legislative activities by EU institutions, better communication with civil society organizations in the field of environment, as well as publishing the European Commission's opinion on draft laws, could contribute to the quality of the legislative process. Although the competent civil society organizations monitor, participate, discuss and insist on dialogue on all important processes of national interest, the line ministries and competent institutions largely ignore this. The civil sector does not have adequate finances or state support, which prevents it from monitoring the activities of state bodies in an adequate and continuous manner.

In this reporting period, there were no significant changes in the work of inspection bodies (environmental inspection and water inspection), and the number of performed inspections and identified irregularities remained at the level of previous years.

Montenegro needs to ensure adequate staffing, training and overall coherence between its alignment plans and time schedule for capacity building. A precise division of responsibilities between the most relevant ministries and other relevant institutions

and local authorities needs to be defined and more effective coordination between these institutions is needed. Greater openness and trust in civil society is also needed.

I HORIZONTAL LEGISLATION

In the area of horizontal legislation, limited progress has been made in the period from April 2021 to December 2021 in aligning with the relevant EU acquis in this area. The implementation of legislation remains a challenge, especially in terms of access to information held by state authorities, prosecution of those responsible for environmental crime, as well as adequate implementation of the SEA and EIA mechanisms, especially at the local level. Of great importance is the cooperation of civil society, access to justice and responsibility for environmental damage as key issues for the effective implementation of the EU acquis.

The Spatial Data Infrastructure Council has not been established to monitor and provide expert assistance for the establishment, operation and maintenance of the spatial data infrastructure.

A website dedicated to the spatial data infrastructure of Montenegro has not been established.

The Register of Spatial Data Infrastructure, which is the Register of Public Institutions in accordance with the Law on Spatial Data Infrastructure, has not been prepared.

The Eco Fund, although formally established, does not function adequately.

The Ordinance on reporting and monitoring and access to spatial data sets and services has not been drafted by Community institutions and bodies.

Cooperation with the civil sector and local communities remains a challenge, especially in the area of early information and consultation.

REVIEW AND CONDITION ASSESSMENT

The Action Plan for Meeting the Final Criteria in Chapter 27 - Environment and Climate Change in the Horizontal Legislation sub-area plans 17 obligations related to the final criterion 1 - Montenegro continues to comply with horizontal directives and shows that it will be fully prepared to ensure their effective implementation and enforcement on the date of accession.

At the session of the Government held on 28 October 2021, the Report on the implementation of the Action Plan for meeting the final criteria in Chapter 27 - Environmental Protection and Climate Change, for the period February - July 2021 was adopted.

According to the report in the sub-area Horizontal legislation for the period February - July 2021, the realization of 7 obligations is planned, of which all have been realized, which makes the level of realization of due obligations of 100%.

However, in relation to the planned activities for the reporting period, that is by the end of 2021, the Council for Spatial Data Infrastructure has not been established to monitor

and provide professional assistance for the establishment, operation and maintenance of spatial data infrastructure, a website dedicated to the spatial data infrastructure of Montenegro has not been established and the Register of Spatial Data Infrastructure, which is the Register of Public Institutions in accordance with the Law on Spatial Data Infrastructure, has not been prepared.

The Eco Fund, although formally established, does not function in the necessary way. Environmental monitoring is a particular challenge. The report on the state of the environment for 2020 was adopted only at the session of the Government on 17.11.2021. The monitoring covered the following segments: air, climate change, water, sea, land, waste management, biodiversity, radioactivity and chemicals management. The monitoring program for 2021 was adopted at the Government session held on 16 december 2021. whereby the monitoring was reduced to the monitoring of air and allergenic pollen.

EXPLANATION

In this area, we would like to emphasize the need for better coordination of the implementation of SEA and EIA procedures and harmonization of procedures with the mechanism for assessing the acceptability of the project to the ecological network (AA).

There is no legal obligation to implement the SEA on concession acts and plans.

Lack of effective coordination between stakeholders.

The environmental impact assessment, taking into account possible impacts, alternative solutions and necessary mitigation and compensation measures, needs to be improved. The quality of the impact assessment study and the process of public consultation with civil society and other stakeholders needs to be improved. The capacities of the responsible institutions are low; adequate public participation is lacking and there is a large influence of investors, especially at the local level. Proposed measures to reduce the impact are often inadequate, while in practice there is an obvious lack of implementation of the same as control measures. This is best seen in the case of small hydropower plants that have already been built and put into operation. Many cases of drying of riverbeds on which facilities have already been built have been reported, due to inadequate measures to reduce the impact or lack of control measures. Better implementation and enforcement of the Access to Information Directive and better transposition, implementation and enforcement of the Access to Justice and Public Participation Directives are needed.

Directive 2008/99 / EC has been transposed in a high percentage, but implementation is a challenge. The implementation of Directive 2008/99 / EC is not at a satisfactory level due to unclear provisions of the Criminal Code, the possibility of subjective interpretation by participants in the proceedings and insufficient capacity of inspection, prosecution, judiciary and court experts. Objective flaws and problems are related to the legal provisions of the Criminal Code, Chapter XXV, which refers to criminal offenses in the field of environmental protection. A particularly significant problem is the way in

which courts interpret legal standards (“pollution to a greater extent or on a larger surface”, “danger to human life or health”, “destruction of flora and fauna to a greater extent”). There is no publicly available Report on the work of the inspection for 2020, and therefore no information on the work of the environmental inspection or information on the number of inspections (regular, on initiative, on request and control), as well as the outcome of these inspections.

Administrative and judicial procedures are not as efficient as access to information on the environment, public participation and justice.

The implementation of Directive 2004/35 / EC (ELD) on liability for environmental damage with regard to the prevention and remedying of environmental damage is lacking.

Cooperation with the civil sector is often just a formality when it is essentially non-existent.

CHALLENGES

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

There are obvious shortcomings such as: unclear level of expertise of persons providing consulting services during the development of SEA, lack of criteria on the relevance and age of data, inadequate list of projects for which EIA is required.

Inadequate environmental monitoring is a particular challenge.

Further progress is needed in the implementation of the remaining horizontal EU Directives such as the Eco-Crime Directive and the Environmental Liability Directive.

KEY RECOMMENDATIONS

Amendments to the Law on Strategic Impact Assessment establish a legal obligation to implement the SEA on concession plans for watercourses for energy production (construction of small HPPs) in order to assess cumulative impacts on ecosystems, biodiversity, climate change and other aspects. It is also necessary to improve concession award procedures and establish SEA procedures for concession plans in the field of forestry and hunting.

The missing bylaws need to be adopted to further transpose Regulation 268/2010 / EU and Decision 2009/442 / EC.

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

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

Establish cooperation between the competent institutions for the implementation of the Law on Environment and the Law on Access to Information and simplify the procedure for access to information.

Establish a regular and continuous dialogue when it comes to decisions related to major interventions in protected, even potentially protected areas or interventions that directly threaten them and carefully assess the impact of such interventions.

Strengthen inspection capacities, consistently apply inspection measures.

Strengthen the capacity of the Environmental Protection Agency and local governments to implement the SEA and EIA.

Provide adequate financial resources for the implementation of environmental monitoring.

Strengthen the capacity of institutions responsible for the implementation of the Criminal Code and the Law on Misdemeanors in order to fully implement the Directive on Eco-Crime and the Directive on Liability for Environmental Damage. Prepare Amendments to the Law and clarify definitions related to environmental impact.

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

Take into account the interests and specifics of local communities when developing projects, especially in water, waste and renewable energy management.

Establish the necessary IT infrastructure and adequate staff for the functioning of the EIONET network.

Establish better cooperation and implementation between SEA and EIA especially for NATURA 2000, EMERALD and UNESCO areas.

Consult local governments, their specifics and interests regarding development projects, especially in the field of water, waste and renewable energy management.

II AIR QUALITY

In the field of air quality, in the period from April 2021 to December 2021, limited progress was made in the implementation of Directive 2008/50 and Directive 2004/10.

A cadastre of pollutants has not been established, so adequate data on air pollutants have not been provided. Local governments do not have an established air quality monitoring system, as well as a register of air pollutants, and do not submit the necessary data to the Environmental Agency.

Implementation of adopted action plans, implementation of air quality plans, control of marine fuel quality, establishment of maximum national emissions and preparation

of the National Program for progressive reduction of emissions and full implementation remain challenges.

The Air Quality Management Strategy for 2020-2029 has not yet been adopted.

REVIEW AND CONDITION ASSESSMENT

The Action Plan for Meeting the Final Criteria in Chapter 27 - Environment and Climate Change in the Air Quality Sub-Area plans 19 commitments related to Final Criterion 2, with priority given to Montenegro's alignment with the Directive on Reducing National Emissions of Certain Air Pollutants (NEC Directive 2016/2284 / EU).

Accordingly, the Report on the Implementation of the Action Plan for meeting the Final Criteria in Chapter 27 - Environmental Protection and Climate Change for the period February - July 2021, the implementation of 8 activities was planned, which includes the implementation of 15 measures, of which 12 were implemented, which is 80% .

In the reporting period, Montenegro was supposed to adopt **the National Air Quality Management Strategy for the period 2021-2029.**, which is an integral part of the Program of measures to reduce emissions of pollutants covered by the NEC Direct planned for the second quarter of 2021, which activity has not been implemented.

The Ministry of Ecology, Spatial Planning and Urbanism on 21march 2021 informed the interested public that it had initiated a public debate procedure on the text of the Draft Air Quality Management Strategy for the period 2021-2029. year with the action plan for the period 2021-2022. The public debate lasted for 40 days, respectively until May 8, 2021. However, the Draft Air Quality Management Strategy for the period 2021-2029. not yet adopted. This entails the impossibility of fulfilling a number of other obligations, such as the Integration of Air Quality Plans for all 3 air quality zones in Montenegro, including special measures for areas where limit values have been exceeded.

Montenegro needs to present an updated analysis of a cost-effective emission control strategy for the period 2020-2030. on the basis of which adequate obligations are determined for Montenegro to reduce emissions of pollutants covered by the NEC Directive, as well as to report on its emissions on an annual basis according to the LRTAP Convention.

The established real-time air quality reporting system has not yet become operational² Monthly reports are available on the website.

EXPLANATION

From the above, it can be concluded that the process of adopting the Air Quality Management Strategy for the period 2021-2029. must accelerate.

² <http://www.epa.org.me/vazduh/index.php/postaja/1>

Insight into the monthly reports on air quality of the Agency for Nature and Environmental Protection shows unsatisfactory air quality during the heating season in Pljevlja, Bijelo Polje, and to a relatively lesser extent in Niksic and Podgorica, due to exceeding the measuring parameters of air.

The air quality monitoring system has been improved but needs to be further improved, which is necessary due to the frequent deterioration of air quality in larger agglomerations.

CHALLENGES

Problems in implementation are: emission projections and verification, improvement of emission data / accuracy of inventory data; assessment of critical loads and lack of specific knowledge in this area in key institutions.

The biggest challenge in the field of air quality is to achieve the prescribed air quality in all zones. The increased concentration of suspended PM particles, especially in the municipalities of Pljevlja, Bijelo Polje, Podgorica and Niksic during the heating season, is concerning both due to the frequency and amount of concentrations, despite the fact that these municipalities, with the exception of Bijelo Polje, have adopted action plans to improve air quality.

There is a noticeable trend of deterioration air quality in municipalities where there are no measuring stations (e.g. Cetinje, Berane), so there is no data on air quality for these municipalities.

A concrete stimulus for more environmentally friendly heating methods is needed. Modern environmental air quality standards for industrial pollutants whose emissions of pollutants indisputably have impact on air quality are not respected, nor are regular inspections carried out to determine the obligation of the polluter to change filter plants in accordance with the standards.

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 centre.

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

Most households are still not energy efficient, which leads to higher energy consumption, combustion of larger amounts of solid fuels and ultimately poorer air quality.

There is no indoor air quality monitoring or assessment of the cumulative impacts of pollution on public health.

KEY RECOMMENDATIONS

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

Concrete incentives are needed for more environmentally friendly heating methods.

It is necessary to improve supervision and quality control of pellet productions.

Given that inefficient solid fuel stoves are most commonly used in households, it is necessary to critically consider not only the deadlines for transposition of this Directive but also the permissible emission limit values in accordance with Directive 2009/125 / EU on eco-labeling.

Improve the capacities of the state network for air quality monitoring by covering all municipalities in the territory of Montenegro, provide servicing of measuring equipment within the state borders and perform regular servicing in the period of the lowest degree of pollution.

Reliable air quality data are crucial for launching air quality protection mechanisms.

Establish coordination of strategic activities between the environmental sector and the transport sector in order to consider the possibility of changing the traffic regime in the inner city. Update the Transport Development Strategy that would adequately address air pollution as a result of intensive and unsustainable traffic and enable an effective solution to this problem.

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

Conduct regular inspections to determine the obligation of the polluter to change the filter facilities in accordance with the standards.

Update inventory of air pollutants and ozone precursors.

Provide equipment for VOC recovery in storage, transport and distribution of fuel to gas stations and during refueling of motor vehicles.

Provide the missing equipment at the measuring stations in the state network for air quality monitoring.

Establish a marine fuel quality control mechanism.

Strengthen the capacity of key institutions to transpose, implement and enforce legislation with professional staff with the specific knowledge necessary to make progress in this area.

Provide the necessary financial resources for the implementation and application of legislation in this area.

In order to improve the situation in this area, it is necessary to work on strengthening the implementation and enforcement of the law. Sustainable funding and strengthened institutions are a prerequisite for progress. It is necessary to establish the full functioning of the air quality monitoring system in order to provide accurate data on air quality in the country.

III WASTE MANAGEMENT

In the field of waste management, Montenegro remains partially compliant with EU legislation. In the period from April 2021 to December 2021, limited progress was made in the area of waste management.

The new Law on Waste Management, although planned in the reporting period, has not been adopted.

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

No further alignment has been achieved with Directive 2008/98, Directive 94/62, Directive 1999/31, Directive 2006/66, Directive 93/86, Directive 2012/19, Directive 2011/65, Directive 2000/53, Directive 86/278, Directive 2006/21 and Regulation 493/2012.

It is necessary to implement options for waste management in compliance with EU standards and the application of a hierarchical approach: reduction of the amount of waste produced, maximum recycling and reuse, prevention of waste incineration.

In order to ensure an adequate waste management system, it is necessary to ensure respect for the principles of sustainable development, transparency and accountability in waste management.

It is necessary to adopt the National Waste Management Plan for the next five years.

Significant efforts are needed in terms of strategic planning and investment in order to implement the Waste Management Strategy of Montenegro until 2030.

Establish a system of separate collection of special waste categories.

There is an urgent need to eliminate illegal waste disposal and the use of temporary landfills in all municipalities.

It is necessary to establish an infrastructure for separate waste collection and recycling.

Local action plans must be implemented.

REVIEW AND CONDITION ASSESSMENT

The Action Plan for Fulfilling the Final Benchmarks in Chapter 27 - Environment and Climate Change, in the sub-area of Waste Management, plans 37 obligations related to Final Criterion 3, with priority given to Montenegro deciding on its waste management system and devoting appropriate financing of infrastructure investments, in accordance with relevant EU legislation, including the waste hierarchy, and that Montenegro establishes waste prevention programs, prepares waste management plans (WMP) and adopts measures for separate waste collection for paper, metal, plastic and glass.

Pursuant to the adopted Report on the realization of the action plan for meeting the final criteria in the part related to the sub-area of waste management, it is stated that in the reporting period the realization of 5 activities is planned, including the realization of 9 measures, of which 7 were implemented, which makes the realization rate 77.8%.

The Action Plan for Meeting the Final Benchmarks in Chapter 27 - Environment and Climate Change envisages the adoption of a new Law on Waste Management and relevant bylaws. In the report, this activity was reported as realized in the part of the measure related to the drafting of the law, organizing a public hearing and submitting the draft for opinion to all relevant institutions. However, in the reporting period, no public debate was held, so it is possible that the Ministry is invited to a public hearing that was held in 2018, after which the bill was changed. Although the above-mentioned action plan envisages the adoption of the law for 2021, the adoption of this law is not planned for the Government's Work Program for the same year.

EXPLANATION

Basic principles of waste management defined by the Waste Management Strategy of Montenegro until 2030 and the National Waste Management Plan 2015-2020. have not been applied. A large number of local governments continue to dispose of waste in temporary landfills, and the existence of a large number of illegal landfills is evident.

Due to the absence of primary selection and a large number of organic components in the composition of municipal solid waste, landfills are sources of greenhouse gas emissions (methane).

There is no precise data from the Information on the state of the environment for 2020 in relation to potential land pollution due to unselected and improperly disposed municipal and industrial waste, but it is stated that monitoring potential land pollution is hampered by the lack of adequate legal framework.

The Report on the Implementation of the National Waste Management Plan for 2020 states that 285,032 tons of municipal waste were collected in the planning period by waste collectors and producers. At the sanitary landfills in Podgorica and Bar 140,766 tons of municipal waste (49.38 %) were disposed of and 52-838 tons of municipal waste were temporarily stored. For reuse and recycling 5,569 tons of waste were set aside. The total amount of municipal waste prepared for reuse or recycling is 32,848 tons or 11.52% of the total amount of collected municipal waste.

In the municipality of Nikšić, municipal waste is not managed in accordance with the Law on Waste Management. The collected waste is disposed of without measurement at the unarranged landfill Mislov do. It is estimated that it is 25,000 tons of waste annually. In terms of infrastructure in the field of waste management, Montenegro has: regional landfills for non-hazardous waste in Podgorica and Bar, recycling centers in Podgorica,

Herceg Novi, Kotor and Zabljak, waste treatment facilities in Podgorica (1), and Niksic (3), transfer stations in Kotor and Herceg Novi, recycling yards in Podgorica (6), Herceg Novi (1), Kotor (1) and Budva (1), medical waste treatment plants in Berane and Podgorica, electrical and electronic waste treatment plant in Bar.

In the municipality of Kotor, the first composting plant in Montenegro is working to address the issue of green waste management in the municipalities of Kotor, Tivat, Budva and Herceg Novi.

Hazardous waste, which can only be disposed of outside Montenegro, must be handled in accordance with the provisions of national legislation and the requirements of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. Accordingly, in the reporting period, the Environmental Protection Agency issued 8 permits related to the export of 72,300 tons of hazardous waste.

Rehabilitation of unregulated landfills in Montenegro remains one of the priority goals.

CHALLENGES

The main problem in this area is the non-implementation of the decision made by the Amendments to the National Waste Management Plan 2015-2020, which identifies 4 regional waste management centers in Montenegro. Local plans do not offer quality solutions either.

An additional problem is the low rate of municipal waste selection and recycling, the lack of adequate statistical data on the amount of waste and the incompatibility of these data between the competent institutions, as well as poor municipal infrastructure. The system for selective waste disposal has not been established, a large number of local governments dispose of waste in illegal / temporary landfills / , while the existence of a large number of illegal landfills is evident. There are no measures to encourage reuse, recycling and selective collection of waste materials.

The challenge is also necessary to rehabilitate numerous illegal landfills throughout Montenegro, determine the location for industrial waste disposal and establish effective supervision. The poor equipment and staffing structure of local businesses is worrying. The lack of containers in rural areas is still present, leading to waste being incinerated or disposed of in streams or rivers.

Another problem is the disposal of sewage sludge, which is addressed in the Municipal Wastewater Management Plan 2020-2035. Although the Plan is good and clear, it seems that practical and environmentally friendly solutions are far from being implemented in practice, and that this problem requires urgent attention and appropriate solutions.

Disposal of animal waste remains a problem due to lack of infrastructure, relevant data and appropriate options for proper disposal of this type of waste.

In Montenegro, disposal is still the most common method of disposing of generated waste.

Waste car tires continue to be a problem and are often ignited, which further affects air quality.

There is no landfill for non-hazardous construction waste. Therefore, large amounts of this type of waste are disposed of in riverbeds and along roads. During the construction of the Bar - Boljari highway, huge amounts of construction waste were dumped in and around the Tara riverbed.

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

KEY RECOMMENDATIONS

Adopt a new Law on Waste Management.

Accelerate the transposition of Directive 2008/98, Directive 94/62, Directive 2006/66, Directive 93/86, Directive 2012/19, Directive 2011/65, Directive 2000/53, Directive 86/278, Directive 2006/21 and Regulation 493 / 2012 and adopt a set of bylaws.

Develop and adopt the National Waste Management Plan in Montenegro for the period 2022-2027.

Adopt local waste management plans for all local governments in line with the new National Waste Management Plan and monitor their implementation.

Establish and implement a system of primary selection of municipal waste, with a continuous campaign to promote waste as a resource.

Provide preconditions for the application of the principles of waste management hierarchy with emphasis on prevention, reuse and recycling of waste.

Accelerate work on solving the problem of temporary landfills for municipal and non-hazardous construction waste.

Address the issue of hazardous waste landfills.

Rehabilitate existing landfills for municipal waste and non-hazardous construction waste.

Solve the problem of waste car tires.

Identify sites for the disposal of non-hazardous construction waste.

Establish a system of separate collection of special waste categories.

It is necessary to make special efforts in order to separate hazardous and municipal waste.

Reduce the amount of biodegradable municipal waste that is disposed of and promote composting.

Improve the waste management control system with a special focus on waste transportation and disposal.

Develop a partnership with the civil sector and involve it in the process of drafting new regulations and monitoring the implementation of existing ones.

Provide a public reporting system for landfill gas emissions from landfills / landfills operated by public utility companies.

Work on raising citizens' awareness of the importance of establishing a waste management system and the harmful consequences of inadequate waste management on the health of the population and the environment.

Strengthen the capacity of institutions at all levels in order to monitor and implement all regulations.

Provide funds for financing landfill / landfill remediation projects, introduction of selective waste collection, construction of transfer stations and construction of sanitary landfills.

Provide funds for information and education on the importance of establishing a waste management system and, in partnership with civil society organizations and the media, work on informing and educating the population.

Introduce economic measures to reduce waste going to landfills without any pre-treatment.

Create a deposit system for packaging waste, in cooperation with the private sector.

Include rural areas in the system of providing communal services by competent companies.

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

Improve coordination between the main actors in the field of wastewater and waste management, in order to solve the problem of increasing amounts of generated sewage sludge.

Start establishing a system for disposal, collection and treatment of packaging waste, batteries, accumulators and old vehicles. It is necessary to establish an infrastructure for separate waste collection and recycling.

Prepare a strategy for disposal and decontamination of equipment and waste containing PCBs and PCTs, as well as a Soil Analysis Program and a guide on the possibilities and uses of treated sewage sludge.

Enable the functioning of a single system for collecting data on types and quantities of waste and provide public insight into statistics on waste collection and management.

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

Provide video surveillance at illegal landfills and prosecute perpetrators.

Identify construction waste disposal sites.

Strengthen administrative and operational capacities at the state level, especially the capacities of the Directorate for Inspection Affairs, as well as the capacities of communal inspections at the local level.

Strengthen cooperation between state and local authorities.

Significant efforts are needed in terms of strategic planning and investment in order to implement the Waste Management Strategy of Montenegro until 2030.

There is an urgent need to eliminate illegal waste disposal and the use of temporary landfills in all municipalities.

IV WATER QUALITY

In the field of water quality, progress remains limited. In the period from April 2021 to December 2021, some progress has been made in compliance with the Marine Environment Framework Directive.

Activities haven't been implemented to improve the quality control of drinking water. By-laws transposing the Marine Environment Framework Directive have been adopted. Management plans for the Danube and Adriatic basins have been prepared but have not been adopted yet.

The National Marine Strategy has not been adopted yet. Lack of financial resources for construction or modernization of additional systems for collection and treatment of urban wastewater and water supply system as well as the unclear division of responsibilities between competent authorities continues to be a challenge.

Pollution of municipal and industrial wastewater, construction in floodplains and protected areas remain the most serious threats.

REVIEW AND CONDITION ASSESSMENT

Fulfillment Action Plan for meeting the final benchmarks for Chapter 27 - Environment and climate change in the sub-area of water protection refers to the final benchmarks 4 - Montenegro is making significant progress in aligning with the EU acquis in the water sector, including legislation on drinking water, and Directive 2008/56 / EC establishing a framework for Community action in the field of marine environment policy. Montenegro shall designate competent authorities for drinking water and draw up river basin management plans for each river basin located entirely in its territory, including parts of the international river basin districts located in its territory. 33 measures are defined by this action plan. According to the Action Plan Implementation Report for Meeting the final criteria for Chapter 27 Environment and Climate Change for the period February - July 2021, 11 measures were planned, of which 9 were implemented, which makes the implementation rate 81%. In the specified period, Ordinance on amendments to the Ordinance on parameters, verification, compliance, methods, manner, scope of analysis and conduct of monitoring the health safety of Water for human use, as well as Ordinance on sanitary, hygienic and other conditions which must be met by public water

supply systems which could define the parts of EU Directive 2015/1787 amending Annexes II and III of Directive 98/83 / EC and concerning the part refers to risk assessment and water safety plans that are emphasized by amending the Directive in question (eg define who approves Water Safety Plans).

The National Marine Strategy hasn't been adopted yet. The coordinating body, whose task is to give an opinion on the proposed strategy, was established in July 2021.

Public discussion of documents Initial assessment of the state of the marine environment and Characteristics of good marine environment and Objectives of protection of the marine environment of Montenegro (which consolidate documents Characteristics of good marine environment and Objectives and indicators for achieving and/or maintaining good ecological status of the marine environment) is ongoing.

Current status of small HPPs in Montenegro is as follows:

Montenegro currently has 32 small hydropower plants, which are in the exploitation phase or have a use permit. This means that the citizens of Montenegro will pay and will continue to pay subsidies to private investors in SHPPs for the next 12 years through electricity bills for 32 SHPPs. Citizens pay subsidies for projects for which the public interest has not been proven in any case, which lead to the devastation of natural resources, leave local communities without water as a basic condition for life and which have been proven to be socio-economically unjustified. In addition, SHPP projects produce negligible amounts of electricity.

The Government of Montenegro adopted the Information regarding the termination of the concession agreement which provided the construction of small hydroelectric power plants on the Murinska and Komarača watercourses, at its 22nd session held on April 29, 2021. Assessing that the concessionaires did not execute their contractual obligations within the given deadline, The government instructed the Ministry of Capital Investments to undertake the necessary activities and implement the procedures for terminating concession agreements.

At its 28th session held on 17 June 2021, the Government of Montenegro made a decision to amend the Decision on the amount and manner of calculating water fees and the criteria and manner of determining the degree of water pollution.

The main reason for the changes is contained in the need to comply with the Law on Financing Water Management and the Law on Waters.

At its 28th session held on 17 June 2021, the Government of Montenegro passed a Decision amending the Decision on the amount and manner of calculating water fees and the criteria and manner of determining the degree of water pollution. The main reason for the changes is the need to harmonize with the Law on Financing Water Management and the Law on Waters.

At the 38th session held on 9 September 2021, The Plan for granting concessions in the field of water for 2021 for the exploitation of springs and bottling of water was adopted. The plan envisages three springs for the use of water for commercial bottling purposes, namely: Lucicko vrelo "- Rozaje municipality and" Ravnjak "- Mojkovac municipality.

Also at the 38th session, the Government adopted the Program for the use of funds for water management activities for 2021. The program determines the scope, schedule and amount of funds by purpose and manner of execution. For the financing of obligations and needs for water resources management in 2021, the Budget of Montenegro plans 200,000 euros. The program includes basic activities in the area of water management, water protection, water protection and more efficient use of water.

The Government of Montenegro, at its session held on 23 september, 2021. adopted a plan for granting concessions for the use of water for the construction of hydropower plants in Montenegro for 2021 and instructed the Ministry of Capital Investments to begin preparation of the concession act.

In April 2021, Coalition 27 appealed to the representatives of the European Parliament, the European Commission, the Energy Community, the Secretariats of the Barcelona Convention, ACCOBAMS and MARPOL, for active involvement in suspending and reviewing the process of oil and gas exploration from the coast of Montenegro.

The appeal especially emphasized that the new government does not conduct an adequate revision of the concession and contract award process, which is why Coalition 27 demands the engagement of European and international experts, who will state the violation of the Directive on public participation in decision-making, security of oil and gas operations. maritime spatial planning, Natura 2000, energy and climate policy objectives. Although it was announced that information on the results of the research will be published in September 2021, the public is still not informed about these results.

EXPLANATION

In the area of water quality, the system of competencies is fragmented. The Ministry of Agriculture, Forestry and Water Management is primarily competent. According to fragmented competencies, the level of implementation and application of legislation is not appropriate.

Management plans for the two river basins were prepared at the end of 2019 but have not been adopted. The SEA for the **Black Sea Basin Management Plan** has been prepared but there are still no clear activities in this area.

Construction of sewage networks and wastewater treatment plants is delayed.

An effective system for monitoring and enforcing the law has not been established.

No actions are taken to eliminate hazardous substances that lead to pollution of inland surface waters, territorial waters and inland coastal waters. Wastewater treatment plants are lacking in many municipalities, while existing ones, for example in Podgorica, do not respond in terms of capacity or technological standards.

The Information on the state of the environment states that the network of surface water quality stations in 2020 included 20 rivers with 38 measuring points, of which 3 natural lakes with 6 measuring points, 5 artificial lakes with 5 measuring points, 5 mixed waters with 5 measuring points. measuring points.

By analyzing the general physical and chemical parameters, phytoplankton, phytobenthos, macrophytes and macrozoobenthos from 38 examined (measuring points) localities on rivers, the required quality and status of water (good) is met only in 2 locations (5.3%) and other localities were out of satisfactory: 13 localities had moderate quality status (34.2%), 20 localities had poor quality status (52.6%) and 3 localities had very poor status (7.9%).

Of the 6 examined natural lakes, the found quality was beyond what was required: moderate status in 3 locations (Skadar Lake - Moračnik and Podhum, Black Lake, behind the raft), poor in 2 locations (on Skadar Lake - Kamenik, Šasko Lake) and very bad (on Skadar Lake - the center of the lake).

Out of 5 examined sites of artificial lakes - VVT / JMVT, the found quality of potential is: moderate at 2 locations (on Krupac and Slano lakes) and poor at 3 locations (on Slano, Otilović and Bileća lakes). The elements that contributed to this condition were found phytoplankton communities, macrophytes and the status of physicochemical elements. Out of 5 examined local water localities - estuaries, the found quality is: good status at 1 location (in the area of Risan river inflow) and moderate at 4 other locations - estuaries (Sutorina, Škudra, streams near Opatovo and river Bojana).

Out of 20 examined aquifer and underground wells from the Zeta Plain, in 2020, chemical status based on general physical and chemical parameters was found as: good status on 16 aquifers / wells and bad status on 4 wells / releases (Gostilj, Vranj, Drešaj and Vrelo Ribničko).

From concentrated sources of pollution, which most significantly affect the quality of groundwater, the wastewater of settlements and industry stands out. From scattered sources of pollution, the most significant are the impacts of agriculture, scattering of solid and liquid waste on catchment areas, and other impacts are not negligible (deforestation, human and animal habitats in the catchment, as well as other activities in the catchment).

In 2020, a total of 18,012 samples of drinking water from city waterworks and other public water supply facilities were tested on the territory of Montenegro, as follows: 9,173 microbiological and 8,839 physical and physical-chemical. Out of a total of 18,012 samples of drinking water from the territory of Montenegro, 6.82% of samples were defective.

The state of sea water quality at public baths, in 2020, was monitored at a total of 110 locations along the Montenegrin coast.

The results of analyzes of the quality of sea water for bathing on the Montenegrin coast, in the 2020 season, show that 94.6% of the samples were of excellent and 2.7% of good quality, while 2.7% of the samples were of satisfactory quality.

CHALLENGES

Administrative capacities in the water sector at the state and local levels are not strong enough to meet the challenge of an efficient process of harmonization of national legislation with the acquis and the financial framework for their strengthening has not been established.

The main problem remains the control and prevention of water pollution, control of the use of river deposits, control of the use of groundwater, as well as control of construction in floodplains.

Surface water monitoring often does not follow the needs of environmental monitoring, of which it should be an integral part.

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

Flood risks are managed on the basis of the Flood Protection and Rescue Plan.

The water management strategy considers the canalization / regulation and concreting of individual riverbeds whose flows are of a torrential nature.

The biggest sources of surface and groundwater pollution are municipal wastewater, which is mostly discharged in untreated form into water, in a concentrated or diffuse manner.

Flood protection policy and practice is not focused on technical and constructive measures for the regulation of water bodies. Measures for adequate fire protection are missing or insufficient. The adoption of measures is not in line with climate change mitigation.

In February 2021, the UNECE Water Convention Implementation Committee organized a joint meeting, attended by representatives of the Albanian-Montenegrin commissions, regarding the possible transboundary impact of the small hydropower project on the Cijevna River in Albania. Albania and Montenegro have agreed to establish a joint technical working group on "Monitoring and Evaluation" and to develop and implement an information exchange protocol to operationalize their co-operation in the joint Cijevna River Basin. There are no new activities related to this issue in the reporting period.

KEY RECOMMENDATIONS

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

Respect the goals of the Water Management Strategy 2016-2035 and adopt the Water Management Basis as soon as possible, whose obligation derives from the Water Law.

Implement activities to improve the quality control of drinking water through the adoption of relevant regulations.

Define the dynamics of setting goals and indicators for achieving good ecological status of the marine environment.

Accelerate the dynamics of setting goals for achieving good ecological status of the marine environment.

Accelerate the dynamics of work on the adoption of the Strategy for the Protection of the Marine Environment.

Accelerate the dynamics of the adoption of the initial assessment of the state of the marine ecosystem on the basis of available data and the assessment of the ecological status of the marine environment.

Accelerate the dynamics of harmonization of the existing annual national marine monitoring program with the conditions of the Marine Strategy Framework Directive and the Program of Measures for Achieving or Maintaining Good Environmental Status of the Marine Environment until 2022.

Urgently adopt River Basin Water Management Plans for the Danube and Adriatic Basins.

Work on developing a hazard map and flood risk map.

Establish a register of protected areas, harmonize monitoring with the requirements of the EU Water Framework Directive, define the ecological and chemical status and objectives for surface and groundwater, define a program of necessary measures.

Improve the network of measuring stations and groundwater monitoring.

Monitor nitrate concentrations in surface and groundwater.

Enable operational operation of the Water Information System.

Provide all citizens with access to water.

Replace the existing water distribution network throughout Montenegro. The systems in Cetinje³ and Kotor⁴ can be cited as examples

Build the missing sewer network.

³<http://www.cetinje.me/cetinje/cms/public/image/uploads/staro/doc/2018/Sekretarijati,%20direkcije%20i%20sluzbe/Skupstinska%20sluzba/05/03052018/03052018%20Odluka%20o%20davanju%20saglasnosti%20na%20Pogram%20rada%20DOO%20Vodovod%20i%20kanalizacija-%20Cetinje%20za%202018.%20godinu.pdf>

⁴ <https://investitor.me/2020/08/03/najskuplju-vodu-placaju-domacinstva-iz-kotora/>

Build the missing municipal wastewater treatment plants, starting with large cities (Podgorica) to smaller cities.

Urgently provide conditions for strengthening the administrative capacity, knowledge and skills of professional staff in institutions that are crucial for the integration and implementation of the *acquis communautaire* in the field of water management.

It is necessary to fully implement the existing legal regulations and improve the inspection supervision on the entire territory of the state, both at the national and local level. It is necessary to improve control, especially in the part of water use for the construction of hydroelectric power plants, water pollution, construction on river banks, preservation of wetland habitats. The future development of small hydropower plants should be in line with EU practice.

Continue to control the exploitation of sand and gravel.

Judicial prosecution and non-discriminatory punishment in cases of violations of water laws are necessary.

Flood protection should be based on the integration of natural solutions in water management. Accordingly, it is necessary to suspend the planning and project solutions that contributed to the destruction of the Tara River and the Grnčar River in Plav.

The integration of the Habitats and Birds Directives in the area of water management is necessary for the establishment and management of the future NATURA 2000 ecological network.

It is necessary to further promote cooperation with the public in the development of public policies in the water resources sector. Consultations of the interested public should provide more opportunities than the legal minimum. Involvement of stakeholders should begin at an early stage of policy development. Organize public consultations regarding the implementation of activities related to the issuance of approvals for the exploitation of sand and gravel.

Integration of natural solutions into water management practices and more serious consideration of ecosystem services. It is necessary to develop special capacities for these needs in the competent institutions.

Improve control and mitigation of key hazards: poorly planned small HPPs, gravel extraction, pollution, uncontrolled groundwater use, illegal construction on river banks - river habitats, wetlands and water resources are generally very sensitive in Montenegro. Immediate action at the national level is needed.

V PROTECTION OF NATURE

In the field of nature protection, in the period from April 2021 to December 2021, no significant progress was made in harmonizing with the EU *Acquis*.

Progress has been made in increasing the percentage of protected areas by declaring protected areas in the sea, namely the Platamuni Nature Park, the Katič Nature Park and the Nature Park Stari Ulcinj.

Montenegrin national parks have serious management problems. None of the 5 national parks in Montenegro has a valid management plan. The issue of the organization of national parks has not been defined yet.

Ulcinjaska Solana was protected in 2019 as a Nature Park and included in the RAMSAR list of wetlands of international importance, however, the issue of management is still unresolved.

The implementation of the CITES Regulation and the Convention is not at a satisfactory level.

Work on establishing continued of the NATURA 2000 network.

The Nagoya Protocol has been ratified.

Urgent prevention of negative influences of the construction of facilities on the environment in the Skadar Lake National Park, should be worked on, as well as to repair the negative impacts on the Tara River that have arisen during the construction of the Bar-Boljari highway.

Further granting of concessions for small hydropower plants has been suspended.

The report on the implementation of the National Biodiversity Strategy has not been adopted.

The national biodiversity strategy that was valid until 2020 has expired.

A working group was formed to prepare and conduct negotiations on Montenegro's accession to the European Union in the area of the *acquis communautaire*, which refers to the negotiating chapter 27 - Environment and Climate Change, but has had only the first constitutive meeting so far.

OVERVIEW AND ASSESSMENT OF THE SITUATION

The Action Plan for meeting the Final Benchmarks for Chapter 27 - Environment and Climate Change, sub-area Nature Protection is linked to Final Criterion 5 - In the field of nature protection, Montenegro submits to the Commission a list of proposed Natura 2000 locations, which sufficiently covers habitat types and species in accordance with the requirements of the Birds and Habitats Directives. Montenegro is demonstrating its capacity to manage the Natura 2000 network, inter alia by giving Ulcinj Solana an appropriate protection status and effectively implementing the necessary conservation measures that lead to improved conservation status. 71 activities have been defined in this sub-area.

The report on the implementation of the Action Plan for meeting the final benchmarks for Chapter 27 - Environment and Climate Change for the period from February to July

2021, reported on the obligation to implement 6 activities, of which 3 were fulfilled, which is the implementation rate of 50% .

At the 21st Session of the Government on 22 April, 2021. The first protected area in the sea, the Nature Park "Platamuni", with a total area of 1,087.13 ha, of which 193.92 ha in the marine part is in the II protection zone and 862.59 ha in the III protection zone in the sea, while in land - coastal part in the III protection zone 30.61 ha and covers the territory of the Municipality of Kotor.

At the 39th session of the Government of Montenegro from on 16 september 2021, the decision on the proclamation of the second protected area in the sea, the Nature Park "Katič" was adopted. The total area of the Nature Park "Katič" is 2746.32 ha, of which 424.43 ha in the II protection zone and in the III zone 2321.62 ha, of which 2145.36 ha belongs to the marine and 176.25 ha to the land area and which is in entirely, in terms of property and legal relations, the property of the State of Montenegro, is the municipalities of Budva and Bar.

At the Government session on 29 december 2021. the decision on the proclamation of the Nature Park "Stari Ulcinj" was adopted. The total area of the Nature Park "Stari Ulcinj" is 929.16 ha, of which 79.68 ha in the protection zone II, and in the III zone 847.78 ha. Of that, 830.74 ha belongs to the maritime and 17.03 ha to the land

Most of the protected areas declared in the last five years are still "protected areas on paper" without a manager or without adopted management plans. Protected areas now face insufficient capacity to deal with all aspects of environmental management.

Ulcinjaska Solana was protected in 2019 as a Nature Park and included in the RAMSAR list of wetlands of international importance, however, the issue of management is still unresolved. A working group set up by the Ulcinj municipality has prepared a Management Plan, but a governing body has not yet been established. After 6 years since the Commercial Court initiated the procedure in the case of Ulcinj Solana, the Council of Privatization announced that state ownership of the land market of the company is indisputable.

The proclamation of the Solana as a permanent hunting reserve on the entire territory was not realized.

In the field of nature protection, the Draft Law on Wildlife and Hunting was prepared, which was sent to the parliamentary procedure, but was archived. In June 2021, the CZIP, the competent Ministry of Agriculture, Forestry and Water Management, sent an initiative to start a new procedure to amend the Law on Wildlife and Hunting. Until the submission of this report, there were no specific activities of the ministry on this issue.

The Parliament of Montenegro ratified the Nagoya Protocol. A working group has been set up to amend the planned nature protection laws and the Action Plan to meet the final criteria for Chapter 27. The amendments include defining competent licensing authorities and competent inspection bodies and their obligations in the context of implementing Regulation (EU) 511 / 2014 which are not determined by the Law on Ratification of the Nagoya Protocol.

Montenegro has included beech forests within the National Park Biogradska gora on the Tentative List "Ancient and Primeval Beech Forests of the Carpathians and Other Regions of Europe (Montenegro)", in order to qualify for inclusion on the UNESCO World Heritage List. There was no news on this issue during the reporting period.

The Agency for the Protection of Nature and the Environment has completed the study "Determining the zero state of biodiversity in Sinjajevina" in the wider area planned for the military range⁵. The results of this study have not been published and presented to the public at the time of writing.

The DSIP (Directive Specific Implementation Plan) for Directive 83/129 concerning imports into the Member States of the skins of certain seals and products derived from them has not been drawn up.

Capacity building for the implementation of Regulation no. 1007/2009 was not implemented.

DSIP for Regulation no. 995/2010 / EU, Regulation no. 363/2012 / EU and Regulation no. 607/2012 should be made for the implementation of this part of the EU Acquis.

In the reporting period, the NGO Green Home initiated the procedure of drafting the Proposed Action Plan for the Prevention of Illegal Forestry Activities for the period 2021-2023.

A working group was formed, in which representatives of the Ministry of Agriculture, Forestry and Water Management, the National Forest Policy of Montenegro , the PE National Parks, The Agency for Managing Protected Areas Podgorica and the non-governmental sector participated.

The establishment of the Natura 2000 ecological network continued. Completing the basis for proposing / defining Natura 2000 areas within the continuation of field research is planned by the Action Plan for meeting the final benchmarks in Chapter 27 - Environment and Climate Change as a continuous activity that will be implemented up to two years before EU accession.

The report on the realized activities is not publicly available. The challenges related to the establishment of NATURA 2000 concern the limited capacity of human resources in state institutions at both national and local levels in terms of the number of officials and experts dealing with this issue.

The Montenegrin government has announced a tender for the award of concessions for coal exploration and exploitation in the village of Mataruge, which is one of the threats to the future Natura 2000 area. Namely, during the IPA project "Establishing Natura 2000 network in Montenegro" (Contract Number. 374-589) from 2017-2019, initial research was done, one of the results of which are 33 potential SPA areas. One of the target species was the Corn crake, with an estimated national population of 100 to 120 singing males.

Mataruge stood out as the most important location for this species with 20 to 25 singing males, and as a future Natura 2000 area. Corn crake is a demanding species from the

⁵ Contribution to the First Report of Montenegro to the European Commission in 2021.

aspect of habitat, so there are few locations ideal for its nesting, and only a few with such a large number. This is another project that warns of the urgent need for better harmonization of development plans with the needs of nature protection, important species and habitats within the future Natura 2000 sites.

During this reporting period, no audit of protected areas was performed, which was a legal obligation. Many protected areas have lost the characteristics that recommended them for protection. Management of protection categories below Category II according to the IUCN is almost non-existent.

In accordance with the conclusions of the Berne Convention Standing Committee held in Strasbourg in the period from 2 to 6 December 2019, Montenegro continued to report periodically on the implementation of the recommendations of the Secretariat of the Berne Convention. At the session of the Standing Committee of the Berne Convention held from 29 November to - 3 December 2021, the implementation of recommendation no. 201 (2018) regarding development projects on Skadar Lake and Emerald network in Montenegro. A representative of the Ministry of Ecology, Spatial Planning and Urbanism did not attend the session, so a decision was made to keep the case open.

In February 2021, the Ministry of Ecology, Spatial Planning and Urbanism submitted a report on compliance with the ESPOO Convention to the ESPOO Convention Secretariat, joining an earlier complaint by NGOs from Montenegro and Bosnia and Herzegovina about the possible impact of the Project Buk Bijela on Montenegro. UNESCO addressed a letter directly to the Government of BiH warning of Bosnia and Herzegovina's obligation to respect the international Convention and not to take any measures that could endanger the cultural or natural heritage in the signatory states. After that, representatives of the Ministry of Ecology, Spatial Planning and Urbanism held two direct meetings with the Minister of Physical Planning, Civil Engineering and Ecology and the Executive Director at Power Utility of Republika Srpska, at which it was agreed to form an expert team of seven members whose task will be to review the project documentation, structure and mode of operation of the hydroelectric power plant Buk Bijela hydroelectric power plant, and to harmonize the altitude of the overflow point, respectively the maximum upper elevation to which the future artificial lake can grow. The Montenegrin public was not given the opportunity to participate in the transboundary environmental impact assessment for this project.

RATIONALE

Success in the implementation of the EU Acquis in the field of nature protection largely depends on mutual cooperation between the nature protection sector and other relevant sectors (spatial planning, agriculture, rural development, forestry, hunting, etc.). The planning and implementation of activities in the nature protection sector will require extensive consultation and communication with various stakeholders and NGOs for effective implementation.

In this area, better inspection control is necessary, as well as prescribing penalties (based on the Criminal Code). It is urgent to establish an effective system of general protection for important habitats, plant and animal species, and to prevent and stop illegal and harmful activities that cause unsustainable exploitation of natural resources. It is necessary to continue activities on the establishment of management structures for all newly declared protected areas, and in the meantime to ensure the protection of marine species from various possible negative impacts during seismic surveys for oil and gas exploration. Information about the research was supposed to be published in September 2021, but the deadline for the completion of the research was postponed to mid-January 2022.

It is necessary to work on the integration of biodiversity policy into sectoral policies, strengthen the management system of protected areas at the level of national parks and establish a management system for protected areas for which the competent local governments are responsible.

Solana Ulcinj was protected in 2019 as a Nature Park and included in the RAMSAR list of wetlands of international importance. A five-year management plan has been drafted, but has not been adopted. A governing body has not been formed yet. After 6 years since the case of the Ulcinj Salt pond was initiated before the Commercial Court, the Privatization Council announced that the state ownership of the company's land is indisputable.

The Municipality of Ulcinj is in charge of managing this protected area, but there are no financial or human resources for that. The public company National Parks of Montenegro will manage this area until February 2022. JPNPCG was obliged to prepare a one-year management program for this area by the end of October 2020, but they have not been prepared.

Within the cooperation between the Government of Germany and the Government of Montenegro, an expert, Goran Gugić, was hired to support the municipality of Ulcinj in defining the optimal model for managing this protected area, as well as implementing protection measures in this area. The expert started working in the Ministry of Ecology of Spatial Planning and Urbanism in December 2021. Although hunting is prohibited in this area, it is still present.

Pursuant to the Report on overall activities within the process of Montenegro's integration into the European Union, the Eighth Quarterly Report on the Level of Implementation of Measures for the Protection of the Ulcinj Salt pond was prepared and submitted to the European Commission.

In the context of activities financed from the Capital Budget, which relate to the rehabilitation of the Djeran canal and embankments in the **Solana** the Public Enterprise National Parks of Montenegro has done the project task based on consultations, however, even after obtaining permits from the Environmental Protection Agency, no field work was undertaken. The budget for this year does not envisage any funds from the Capital Budget, so none of the planned has been implemented.

The construction of the highway had a great negative impact on the protected Tara river. The landscape has completely changed. Part of the construction waste was dumped on the banks of the river, which endangered habitats, but also caused pollution of the river. UNESCO has noted serious disturbances in the Tara riverbed as a result of the construction of the new bridge and has expressed concern about potential impacts downstream, and therefore calls on the state to carefully assess all impacts on the outstanding universal values of this asset, including endangered Danube salmon, and requests that the state submit its findings to the World Heritage center for review by IUCN.

The Ministry of Ecology, Spatial Planning and Urbanism has suspended monitoring of biodiversity from the aspect of the impact of the highway on endemic and internationally protected species of the Tara River and monitoring of bottom fauna, which began after the UNESCO and IUCN 2018 advisory mission.

Supervision by the Forest Administration over the work of concessionaires is also lacking. In the absence of adequate biodiversity monitoring at the state level, it could be concluded that management, spatial planning, urbanization and protection measures are based on modest data, which are the cause of unsatisfactory monitoring programs, inadequate methodologies, so decisions based on such data are problematic.

Another problem may be the provisions of the Law on Concessions, which 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 compatibility of planning and integrating nature conservation measures into other sectoral plans and policies can also be a challenge.

The main mechanisms used to integrate biodiversity into other sectoral strategies, policies and plans are impact assessments - both at the level of strategies and plans (Strategic Environmental Assessments or SEAs) and at the project level (Environmental Impact Assessment or EIA) . Also, the Sustainability Assessment (AA) is also important for the conservation of biodiversity and habitats. AA is necessary to determine the potential effects of a plan or project on the integrity of a Natura 2000 site. In particular, it should provide and analyze sufficient information to enable the competent authority to determine that a particular plan or project will not affect site integrity.

A long-term biodiversity research program has not been developed. The funds available for the implementation of the biodiversity monitoring program as well as the areas covered vary every year, and in 2021 they were the lowest in the last few years.

CHALLENGES

There is a serious lack of qualified administrative capacity in the Ministry of Ecology, Spatial Planning and Urbanism and the Environmental Protection Agency for the transposition and implementation of domestic nature protection legislation.

Demotivation and lack of professionalism present a real challenge. There is no clear vision and implementation goals set out in different strategic documents, often incompatible with each other. What is worrying is the reliance on temporary staff and trainees, as well as the high turnover of staff, especially in relation to the total capacity of key institutions that need to ensure the effective implementation and application of the Acquis.

Special attention should be paid to the unsustainable situation in national parks where there are continuous problems in management, providing financial resources for functioning, strategic approach and organization. For the first time, none of the 5 national parks, as the most important protected areas, has valid management plans by the end of 2020. During 2021, the management and governing structure of the company have changed twice.

In addition, attention should be paid to monitoring the quality of implementation of Protected Area Management Plans that have them and developing new plans for areas that do not yet have them. Certain areas after several years of declaration do not have a management plan, so no protection measures are implemented (Zeta Nature Park, Ulcinj Saltworks, 3 new protected areas in the sea, expired plans for all National Parks).

The biggest problem in the conservation of important habitats and species is non-transparent and inadequate planning of facilities in protected areas, whose construction often does not meet minimum biological standards and disrupts the natural balance of already disturbed natural ecosystems. The main causes of this problem are poor planning documents, inadequate implementation of the Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA), as well as political pressure. The cumulative result of the impact of these projects that are being implemented imposes a special danger to nature, which, in environmental impact assessment studies, is expressed only in principle and is not assessed in practice.

The challenge regarding the management of established marine protected areas will be reflected, in addition to political will, in administrative capacities and financial allocations for their protection and management. PE "Morsko dobro" and inspection services do not have adequate equipment. According to the law, PE "Morsko dobro" cannot perform inspection controls and does not have an appropriate protection service.

Illegal hunting of wild animals, especially birds (usually by prohibited means), has been recognized as a problem. The reason for that is non-compliance with the law, ignorance and disrespect of the law, insufficient control of hunting by the competent institutions, lack of capacity in the police and inspection services, as well as impunity for perpetrators of crimes. Frequent cases of poaching in protected areas, as well as animals protected by law, are an indication that urgent changes in the hunting system are needed. Namely, the hunting association and hunting societies manage hunting grounds free of charge to the state and monitor wildlife without clear protocols, and there are large differences and inconsistencies in the data on numbers. There is a complete lack of

external control over their work, and in addition there is no institutional education on hunting. In this regard, the consequences of hunting for biodiversity are questionable. Limited funding in line ministries and managing authorities remains a matter of concern, especially given the overall capacity of these institutions to ensure the effective implementation and enforcement of the Acquis.

Low administrative capacity, 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 leads to extremely low penalties for persons who have committed crimes against nature.

The draft special-purpose spatial plan for the Skadar Lake National Park was withdrawn from the parliamentary procedure in September 2018. Since then, nothing has been done regarding the revision or adoption of the new Special-Purpose Spatial Plan for the Skadar Lake National Park.

RECOMMENDATIONS

Before the establishment of the Natura 2000 network, the legal framework needs to be fully harmonized.

In order to implement the Law on Nature Protection and enable full transposition of Council Directive 92/43 / EEC (Habitats) and Directive 2009/147 / EC (Wild Birds), it is necessary to draft and adopt several implementing acts.

Adopt a number of bylaws in accordance with the Law on Nature, the Law on Alien and Invasive Alien Species of Plants, Animals and Fungi, the Law on Wildlife and Hunting, the Law on Forests and the Law on Animal Welfare, which further transposes the Habitats Directive, the Wildlife Directive Birds, the Zoo Directive, the Foot Trap Regulation, the Imports of Seals and Derivatives Directive, the European Parliament and Council Regulation on the Prevention and Control of the Introduction and Spread of Invasive Alien Species, **Marine Mammal Protection Act** CITES and FLEG Directive and Regulation.

The basis for the development of future SPA and SCI lists should be updated with additional research, while building the capacity of local authorities and protected area managers to develop skills and understand future management.

Prepare an act on the ecological network with the boundaries of each site, information on target species and habitats, managers of each site, as well as measures to protect and preserve the ecological network. With the action plan for meeting the final benchmarks in Chapter 27, this activity is planned for the period 2021-2023.

Urgently prepare National Park Management Plans of Montenegro. Provide a sustainable financial structure to national parks. Significantly improve the capacity of national park managers to deal with all aspects of environmental management.

Accelerate work on the development and adoption of management plans for protected areas declared in the last five years.

Systematic and coordinated work on the establishment of the NATURA 2000 network. Strengthen the capacities of the governmental and non-governmental sector. Involve stakeholders and the civil sector in activities to establish the Natura 2000 network. Strengthen cooperation with other sectors (agriculture, forestry, hunting, transport, energy), especially in terms of planning future development projects that must be consistent with the protection of potential Natura 2000 sites.

Improve the monitoring system, establish a habitat and species monitoring system, as well as a reporting system in accordance with the requirements of the Habitats and Birds Directives.

Stop further devastation of forests by establishing forest reserves that will preserve intact habitats before the establishment of the Natura 2000 network and entry into the European Union.

Adopt an Invasive Species Management Strategy. Stop any further illegal and unprofessional restocking of water bodies. Make a list of alien and invasive species of concern in Montenegro.

Adopt plans for the conservation of wetland habitats, taking into account the threats to which they are exposed (Skadar Lake, Tivat Saltworks and Ulcinj Saltworks), and considering their importance in ecological interactions, as well as the impact on the conservation of many indigenous species.

During the construction of hydro-accumulations and dams, it is necessary to start making serious biological studies and socio-economic analyzes with the obligatory assessment of the impact on the environment and the estimated cumulative effects.

Review the decision and determine the degree of respect for the public interest in the transformation of national parks from a public company to a company, given that this modality enables the privatization of the most valuable areas, and that the interest in nature protection is subordinated to the interest of economic sustainability. The transformation of a public company into a company also calls into question the financial support to this institution by the state in terms of protection of competition. Determine the boundaries of protected areas and register them in the real estate cadastre in order to avoid arbitrary interpretation and inadequate application in practice.

Review the decision and determine the degree of respect for the public interest in the transformation of national parks from a public company to a company, given that this modality enables the privatization of the most valuable areas, and that the interest in nature protection is subordinated to the interest of economic sustainability. The transformation of State-owned enterprise into a company also calls into question the financial support to this institution by the state in terms of protection of competition. Determine the boundaries of protected areas and register them in the real estate cadastre in order to avoid arbitrary interpretation and inadequate application in practice.

Improve the mechanism for protection of protected areas, categorization of protected areas, establishment and implementation of protection regimes and measures.

Work on establishing adequate management of marine protected areas and establishing new ones.

There is a need for a more efficient fight against illegal hunting, significant improvement of the legal framework in the hunting sector, as well as a complete reform of the hunting system. This especially refers to the deletion of certain endangered species from the hunting list, as well as the harmonization of the hunting season with the periods of reproduction⁶.

The Ministry of Ecology, Spatial Planning and Urbanism, the Environmental Protection Agency and the Directorate for Inspection Affairs (Ecological Inspection) should strengthen their capacity to meet the obligations arising from the process of alignment with the acquis.

A clear division of responsibilities and competencies in the field of nature protection has been achieved to some extent through the establishment of the Directorate for Nature Protection within the Ministry of Ecology, but it takes time to show visible results. Also, it is necessary to establish a coordination mechanism between the competent institutions.

Ensure better involvement of local communities in law drafting and implementation process.

Start the process of criminal prosecution of perpetrators of crimes against the environment, with special attention to the killing, illegal keeping and breeding of wild animals in captivity, in order to provide better living conditions for these individuals in one of the reception centers in the region (possibility provided by law) on nature protection), as well as the prevention of the smuggling of exotic species or the killing of indigenous animals for the purpose of taking young.

Start strengthening the capacity of the police, inspectorates, prosecutor's office and judiciary in order to implement regulations related to the protection of species and habitats, in cooperation with professional civil society organizations.

Work on cross-sectoral cooperation in the process of prosecuting all crimes against the environment, while monitoring the dynamics of criminal prosecution.

Continue regular and adequate reporting on international conventions (especially CBD, Ramsar, UNESCO, Bern, CITES) in the field of nature conservation ratified by Montenegro, which will also contribute to improving biodiversity monitoring in general, as well as modernizing data collection.

Improve activities on the preparation of a database on biodiversity and distribution of habitats and species in GIS based on the implemented comprehensive monitoring program, in line with the obligations under the Acquis.

Prepare baseline biodiversity studies so that the data can be used in the preparation of planning documents and thus improve the integration of nature protection measures in the spatial planning sector.

⁶ Analysis of the legal framework in the field of hunting in Montenegro (NGO Green Home)

Access activities that contribute to the integration of protection measures / establishment of temporary protection of significant areas (EMERALD, IPA, IBA, potential SPA areas) until the establishment of the ecological network NATURA 2000.

Identify nature protection measures and work on the integration of biodiversity policy into sectoral policies as well as into strategic and planning documents of other sectors.

Intensify activities for the conservation of marine species.

It is also necessary to continuously monitor the trends of endangered species as well as the development of Action Plans whose implementation would lead to the recovery of certain populations.

Provide funding for nature conservation activities, from biodiversity monitoring, data management systems, designation of protected area managers to the establishment of the NATURA 2000 network. Deficiencies are particularly pronounced in protected areas managed by local governments due to a lack of both administrative and financial capacity.

In the process of spatial planning and implementation of SEA spatial plans for the environment, it is necessary to take into account the existing data for the establishment of NATURA 2000, EMERALD areas and intensify further implementation of the Habitats Directive and the Birds Directive to adopt the best solutions for future use.

When drafting the Spatial Plan of Montenegro, it is necessary to take into account the information on Natura 2000 habitats that have been mapped so far and plan the area in accordance with the importance of these habitats.

New construction zones must be located in an area of least environmental sensitivity.

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

Administrative capacity at both the state and local levels needs to be strongly strengthened.

It is essential that all local governments develop their Local Biodiversity Action Plans and work seriously on their implementation.

Accelerate the activities of establishing the CITES center.

VI INDUSTRIAL POLLUTION AND RISK MANAGEMENT

In terms of industrial pollution and risk management, Montenegro remains partially aligned. In the period from April 2021 to December 2021, no significant progress was made.

The inspection performs constant inspections of SEVESO plants.

The challenge is to issue IPPC permits and address hazardous waste issues. It is necessary to work on the introduction of new technologies, sustainable financing for the implementation of activities in order to implement the obligations of the EU Acquis, strengthening administrative and institutional capacity. It is necessary to work on the implementation of ELMAS and eco-labeling. The risk is potential environmental pollution caused by accidents.

Establishment of the PRTR Register in accordance with Regulation no. 166/2006 has not been implemented yet.

OVERVIEW AND ASSESSMENT OF THE SITUATION

The Action Plan for Meeting the Final Criteria in Chapter 27 - Environmental Protection and Climate Change in the Sub-Area of Industrial Pollution and Risk Management envisages the implementation of 15 activities.

The Report on the Implementation of the Action Plan for Fulfilling the Final Measures in Chapter 27 for the period from February to July 2021 states that out of 6 due activities that include the implementation of 13 measures, 7 were implemented, which is 53.9%.

Harmonization of national legislation with Directive 2010/75 / EU on industrial emissions has not continued, nor has harmonization with Chapters III and IV of the Industrial Emissions Directive, which prescribe minimum emission limit values for large combustion plants and waste co-incineration plants. Harmonization with the Industrial Emissions Directive has not continued either.

In this reporting period, after the issuance of the IPPC license for Decisions of the Montenegro Energy Regulatory Agency, activities in accordance with the harmonization program are underway.

The tender procedure for the Ecological Reconstruction of Unit I of TPP Pljevlja has been completed and the contract has been signed with the Dec International-Bemax-BB Solar-Permonte consortium. During the reporting period, the approved 20,000 working hours for TPP Pljevlja expired. In addition, there are significant delays in the process of reconstruction of this facility so that it will be able to continue operating after 2023. The question of its further work depends on the decision of the European Energy Community, whose Secretariat initiated misdemeanor proceedings against Montenegro in April 2021 for violating the Large Fireplaces Directive. After that, negotiations were activated by the Government with the European Energy Community on the extension of working hours. In September, the Government announced that the shutdown of TPP Pljevlja will be completed by 2030, when the thermal power plant will be adjusted to the production of electricity from natural gas.

KAP came out of bankruptcy at the end of August and the conditions for initiating the procedure by the Ministry of Ecology and Spatial Planning for obtaining an integrated permit have been met.

EPA⁷ received over 100 notifications of Seveso plants submitted by Seveso plant operators. The total number of Seveso plants with a higher degree of risk is six. In addition, three Seveso operators with a higher level of risk submitted to the EPA for approval the Safety Report and the Accident Protection Plan.

The Industrial Waste Management and Cleaning Project is ongoing.

At the 19th session of the Government on 8 april 2021, The Report on the Implementation of the Action Plan for the Implementation of the Strategy for Disaster Risk Reduction for 2020 was adopted on According to the Report, during 2020, the realization of 56 activities was monitored, 14 activities were realized, 23 activities were realized, while 19 activities were not realized. Regarding the number of sub-activities, out of a total of 205 planned in 2020, 37 sub-activities were realized, 38 sub-activities are being realized, while 130 sub-activities have not been realized.

The above indicates that 25% of activities has been realized as a percentage, that 41% of activities have been realized, and that 34% of activities have not been realized. Regarding the number of sub-activities, 18.05% of sub-activities were realized as a percentage, 18.54% of sub-activities were being implemented, and 63.41% of sub-activities were not realized as a percentage.

In the sub-area Industrial Pollution for the period July 2018 - December 2020, the realization of 7 obligations is planned (4 in the part of transposition and 3 in the part of implementation), of which 6 obligations were realized (4 in the part of transposition and 2 in the part of implementation). degree of realization of due liabilities of 85.71%.

For the period 2016-2020. year, the degree of realization in the field of industrial pollution and risk management is 94.12%.

The Secretariat of the Energy Community is on April 20, 2021. sent an Introductory Letter to the Ministry of Capital Investments and thus initiated proceedings to resolve disputes against Montenegro, for alleged non-compliance with the Energy Community Treaty, in particular Articles 12, 16 and 3 of Annex II to that Treaty.

More specifically, an introductory letter was sent regarding the alleged non-compliance with the rules of Article 4 (4) of Directive 2001/80 / EC (Directive on the limitation of emissions of certain pollutants into the air by large thermal installations).

At its 24th session held on 13 may, 2021, the Government of Montenegro adopted the Information on the initiated procedures for the revision and termination of the integrated permit for TPP "Pljevlja" by the Environmental Protection Agency.

At its 29th session held on 24 june 2021, the Government of Montenegro adopted the Information on activities on the implementation of the project of the thermal energy complex in Pljevlja. The project of ecological reconstruction of the TPP is a multi-year project, which should ultimately ensure full compliance of emissions of harmful particles from the power plant with European regulations.

⁷ Environmental Protection Agency

At its 31st session held on 8 July 2021, the Government of Montenegro adopted the Information on activities on the implementation of the project - Implementation and award of the concession agreement for exploration and production of solid minerals.

At its 33rd session held on 22 July 2021, the Government of Montenegro adopted the Information on the degree of implementation of the National Action Plan for the Use of Energy from Renewable Sources until 2020 for the period 2018-2019. years. The Government has determined that the national target of 33% share of energy from renewable sources in total final energy consumption in Montenegro has been met (in 2018 it was 39.75%, and in 2019 38.69%) and that in accordance with the Law on Energy, the Government ceases to encourage the construction of new facilities for the production of energy from renewable sources.

At its 34th session held on 30 July 2021, the Government of Montenegro adopted the Information on the Plan for granting concessions for detailed geological research and exploitation of mineral resources for 2021.

The Ministry of Capital Investments announced that preliminary results on the potentials of oil deposits during the exploration drilling in the Montenegrin submarine, which is performed by a consortium of companies Eni and Novatek, could be known at the end of September 2021, but this information was not published.

The mine of lead, zinc and other heavy metals Brskovo, near Mojkovac, was reopened.

RATIONALE

The implementation of regulations in this area is not satisfactory given the delay in obtaining IPPC permits. Untreated industrial wastewater is a source of surface water pollution. No quantities of hazardous waste are known, nor are there hazardous waste landfills, but only temporary storage facilities, after which the waste is exported in accordance with the Basel Convention. There is no recycling of batteries and it is not known where they are disposed of. The BAT-BREF principles have not been established. Pursuant to the Information on the State of the Environment in Montenegro for 2020, the content of hazardous and harmful substances to the land was determined at 13 locations in seven municipalities (Berane, Nikšić, Pljevlja, Podgorica, Tivat, Ulcinj and Žabljak). The results of the conducted analyzes within the monitoring of the content of hazardous and harmful substances in the soil in 2020 showed that all recorded exceedances in the content of chemical elements refer to the natural or geo-chemical content of the soil. The only exception is the location of Rubeža, in the municipality of Nikšić, where the increased cadmium content is to some extent linked to anthropogenic origin.

CHALLENGES

The Seveso Directive has been transposed but its implementation is a challenge. The implementation of the Seveso Directive requires the establishment of a coordination unit as the competence is divided between the Ministry of Ecology, Spatial Planning and Urbanism and the Ministry of the Interior.

The application of regulations in this area is unsatisfactory given the delay in obtaining deadlines for obtaining IPPC licenses, as well as the reports that companies are required to submit in accordance with IPPC licenses. It is important to note that these reports are not publicly available.

Most hazardous waste is reclassified as non-hazardous waste.

The EMAS system has not been established and eco-labeling is not yet implemented.

The amount of hazardous waste is not known, nor are there hazardous waste landfills, but only temporary storage facilities, after which the waste is exported in accordance with the Basel Convention.

There is no recycling of batteries and it is not known where they are disposed of.

The BAT-BREF principles have not been established. The biggest challenge for establishing a register of polluters is the limited resources of the Environmental Protection Agency, both in terms of human and financial capacity.

KEY RECOMMENDATIONS

Ensure efficient and non-selective application of the current Law on Industrial Emissions.

For companies for which the obligation to obtain IPPC permits has been recognized, it is necessary for the Directorate for Inspection Affairs to perform continuous monitoring. In addition, it is important to ensure public access to all reports related to IPPC permits in accordance with the requirements of EU regulations on E-PRTR and PRTR.

Ensure efficient and non-selective application of the current Law on Industrial Emissions.

For companies for which the obligation to obtain IPPC permits has been recognized, it is necessary for the Directorate for Inspection Affairs to perform continuous monitoring. In addition, it is important to ensure public access to all reports related to IPPC permits in accordance with the requirements of EU regulations on E-PRTR and PRTR.

It is necessary to establish an online register of pollutants 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.

It is necessary to improve the air quality in some cities (Pljevlja, Podgorica, Nikšić) where the limit values of polluting particles, due to the activities of industry, exceed the legally allowed values. In this direction, the development of Air Quality Management Plans is needed.

Solve the problem of future quantities of industrial waste through transparent processes, public hearings and consultations, given that it is hazardous waste and that some of the earlier solutions provided urban settlements as locations.

Work on the implementation of the Industrial Emissions Directive, the establishment and application of the BAT principle (best available techniques).

In order to implement the SEVESO directive, it is necessary to clearly specify the competencies of different sectors and work on identifying these facilities.

Establish a coordination unit for the transposition, implementation and application of the SEVESO Directive.

Increased supervision of the Directorate for Inspection Affairs is necessary when it comes to TPP Pljevlja regarding the obligation to obtain a new IPPC permit due to environmental reconstruction.

Create preconditions for the application of the EMAS eco-labeling mechanism and system.

Montenegro needs to intensify its efforts to align with changes in the coal sector across Europe, which require the development of development policies that will not be based on old technologies and that will lead to a fair energy transition.

As the mine of lead, zinc and other heavy metals Brskovo **has been reopened**, it is to be expected that during the intensification of the ore exploitation process, negative pressures on the environment will be manifested.

VII CHEMICALS

In the field of chemicals, Montenegro remains partially compliant with EU legislation. In the period from April 2021 to December 2021, limited progress was made with the adoption of new bylaws.

The establishment of the Center for the Control of Chemical Poisoning has not yet been realized.

A register under REACH has not been established.

The safe handling of chemicals in this area remains a challenge due to complicated procedures, lack of capacity and expertise in this area for the development and submission of dossiers for the identification of hazardous substances. The establishment of the Register of Chemicals in the format prescribed by the EU and the Register of Biocidal Products is also a challenge.

It is necessary to strengthen capacities for full implementation and enforcement of legislation and ensure sustainable financing of activities.

OVERVIEW AND ASSESSMENT OF THE SITUATION

Montenegro continues to align with the acquis in the chemicals, noise and civil protection sectors in its action plan to meet the final benchmarks in the chemical

sub-area, and shows that it will be fully prepared to ensure the implementation and application of EU requirements on accession, 27 activities are planned.

The report on the implementation of the action plan for meeting the final benchmarks in Chapter 27-Environment and Climate change for the period from february to july 2021, states that the implementation of 12 activities is planned, respectively 18 measures, of which 15 have been implemented, which makes the implementation rate for the mentioned period 83.3 %

Among the activities planned for 2021, which refer to the continuation of harmonization of national legislation with the *acquis communautaire* in the chemical sector, the Amendments of the Rulebook on the Manner of Classification, Packaging and Labeling of Chemicals in Accordance with the UN Globally Harmonized System has not been adopted. Furthermore, activities related to achieving the functionality of the help-desk planned for the second quarter of 2021 and related to familiarization with ECHA and the laws of Montenegro related to chemicals were not implemented in this reporting period.

RATIONALE

The legislative framework formed by the adoption of the Law on Chemicals and Biocidal Products has established a modern system of chemicals management that is largely in line with EU regulations.

Montenegro does not produce chemicals, but it is necessary to collect data on chemicals that are entered in the register of chemicals.

CHALLENGES

Identifying sites contaminated with PCBs and purifying PCB waste is a challenge for institutions.

Records of PAH concentrations released in power plants are not available.

Article 18 of the Law on Biocidal Products prescribes the establishment of the Register of Biocides, and the National Strategy for Chemicals Management 2019-2022. year, with the Action Plan for the period 2019-2022. envisage the establishment of the Register of Biocides as an integral part of the Register of Chemicals through activity 2.3, with an indicative time frame "2021-continuous".

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

There is no established system for controlling the collection, storage and export of metallic mercury and keeping records.

A chemical poison control center has not been established.

The challenge is to implement the Asbestos Directive. The distribution water supply network in most cities is composed of asbestos-cement pipes. Disposal of construction waste containing asbestos is not adequately regulated.

The transposition and implementation of Directive 2010/63 / EU on the welfare of animals used for scientific purposes is a challenge.

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

The division of responsibilities in this area requires good cross-sectoral cooperation. The POP and PAH monitoring program needs to be improved in the environmental segments (land, water, air). The establishment of the Register of Chemicals in the format prescribed by the EU and the register of biocidal products placed on the market is also a challenge.

KEY RECOMMENDATIONS

It is necessary to continue with the further development of the legislative framework, through further harmonization of regulations, taking into account new EU regulations, as well as amendments to existing ones, and to strengthen the capacities necessary for the implementation of regulations.

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

Establish a register of biocidal products placed on the market.

Introduce amendments to the Law on Biocidal Species, prescribing a time limit for the establishment of the Biocides Register.

Obtain records of concentrations of polycyclic aromatic hydrocarbons released in power plants.

Establish a comprehensive database on chemicals, especially on their identification and quantities present on the Montenegrin market.

Establish a system of record keeping, control of collection, storage and export of mercury.

Improve the system of stricter control by customs officers when importing products containing substances of concern.

Establish a Chemical Poison Control Center and establish a poisoning record.

Ensure full transposition and implementation of Directive 2010/63 / EU on the welfare of animals 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 the certification of laboratories for testing the toxicological and ecotoxicological properties of hazardous chemicals in accordance with Regulation (EC) 440/2008.

Strengthen cross-sectoral cooperation in this area.

Improve the POP and PAH monitoring program in the environmental segments (land, water, air).

Identify sites contaminated with PCBs.

Build the capacity of customs officials to implement the Rotterdam Convention.

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

VIII NOISE

In the reporting period from April 2021 to December 2021, limited progress was made.
The obligation regarding the production of strategic noise maps for the main roads has not been realized.
No environmental noise was monitored during 2020, nor during 2021.
It is necessary in the future to strengthen cooperation between the competent institutions at the central level, strengthen the capacity of local governments and provide sufficient budget funds for the development of strategic maps for major roads and roads at the local level.
It is necessary to work on drafting Action Plans.

OVERVIEW AND ASSESSMENT OF THE SITUATION

The Action Plan for meeting the final benchmarks in Chapter 27 - Environment and Climate Change, in the area of noise, envisages the implementation of 12 activities in order to implement the commitments.

Pursuant to the Report on the Implementation of the Action Plan for Meeting the Final Criteria in Chapter 27 - Environment and Climate Change for the period from February to July 2021, two obligations were planned and implemented, which makes the implementation rate 100%.

In the period covered by this report, the continuous implementation of the action plan for protection against environmental noise for the Capital City of Podgorica continued in the part related to the greening of boulevards and the formation of park areas in the Capital.

However, the obligation to produce strategic noise maps for major roads has not been realized.

RATIONALE

The most important regulation in the field of noise is the Noise Directive (2002/49 / EC), which requires Member States to prepare and publish **Strategic Noise Maps** every five years, which include: noise assessment, noise reduction action plans for larger settlements, intersections roads and traffic networks, and publishing information. The Strategic Noise Map is part of the recommendations for Chapter 27 on the harmonization of European environmental standards.

Montenegro has largely harmonized legislation in this area, but implementation is limited. Strategic noise maps for the two main state-run roads have not been developed and Action Plans have not been adopted. It is necessary to seriously implement this activity and provide a precise and adequate amount of budget allocations.

Environmental noise monitoring in Montenegro is planned by the Environmental Noise Monitoring Program for 2020. The program includes **24 measuring positions** in

Montenegro. Two measurement cycles had to be performed at all measuring positions. However, due to lack of financial resources, the program of environmental noise monitoring in 2020 has not been implemented.

The Environmental Monitoring Program for 2021 does not even provide for noise monitoring, which does not provide information on the state of the environment when it comes to noise, despite the valuable donation of equipment provided through EU funds.

CHALLENGES

Insufficient cooperation between the competent state bodies delays the implementation of regulations in the field of noise.

Traffic noise remains the biggest problem.

For two years now, there has been no monitoring of environmental noise in Montenegro, and no information is available on the situation in this area.

There is no system for informing the public about the noise level.

KEY RECOMMENDATIONS

Provide financial resources for environmental noise monitoring in Montenegro.

Develop strategic maps for the two main paths and action plans.

Data on noise level measurement should be consolidated into a single system on the basis of which noise reduction measures would be prescribed.

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

Work on raising public awareness in this area.

Ensure a clear budget allocation with a campaign to raise public awareness of noise pollution (cities, major roads, protected areas, sea routes).

Prepare a strategic noise map for the Bar - Boljare highway.

Accelerate the adoption of the Noise Protection Action Plan for the main roads by 2022.

IX CIVIL PROTECTION

No progress has been made between April 2021 and December 2021.

In the implementation part, despite a number of projects that are in the implementation phase, there is a lack of a system for quick action in emergency situations. Equipment is lacking, and existing ones are outdated and often unusable.

OVERVIEW AND ASSESSMENT OF THE SITUATION

In the implementation part, in addition to a number of projects that are in the

implementation phase, there is a lack of a system for rapid response in emergency situations as well as appropriate plans for fire and flood protection.

In this reporting period, the Report on the Implementation of the National Strategy for Disaster Risk Reduction was not adopted.

CHALLENGES

The main challenge in the field of civil protection is reflected in inadequate organization of protection and rescue systems, harmonization with the system, standards and good practice of EU member states, lack of technical and material resources, need for professional training and capacity building of operational protection and rescue units. All shortcomings lead to an untimely response to natural disasters and the risk of technical and technological accidents.

When it comes to flood protection, most local governments have Risk Assessment and Flood Preparedness Plans.

Cooperation between the competent institutions is often lacking, as well as operational readiness for emergency response, the ability to monitor the situation globally (the situation in neighboring countries).

The configuration of the terrain in Montenegro, the impact of global warming on the climate, drought, lack of capacity to conduct national risk assessments, implement risk management planning and risk management options, and report to the European Commission on commitments can be identified as a problem.

KEY RECOMMENDATIONS

It is useful to join CECIS (Common Emergency Communication and Information System) and it is necessary to establish secure trans-European telematics services between governments, as a precondition for joining CECIS.

It is necessary to clearly divide competencies, form a competent authority for coordinating activities, provide continuous funding, improve working conditions and train employees

Establish a National Training Center within the Ministry of Interior - **Directorate for Emergency Management**, which, in addition to local, would train state operational units and services that could be included in the segment of response to natural and other disasters, i.e. trained in accordance with a single training plan and program in line with EU standards.

Establish an information system that would include risk assessment maps that locate important infrastructure such as intervention and evacuation routes, medical facilities, schools.

Strengthen capacities in the prevention of natural risks, with special emphasis on forest fires and mitigation of damage from open fires.

Establish an advanced forest control system.

Establish a fire index forecasting system at specific locations and an advanced system for simulating fire behavior, predicting fire intensity and calculating the fire index.

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

Work on defining preventive measures and activities that should be taken in case of floods.

Strengthen cross-sectoral cooperation with clearly divided competencies. Establish a competent authority for coordinating activities, provide continuous funding and improve working conditions and training of employees.

Work on fulfilling the obligations under the EU Civil Protection Mechanism, by registering experts or response capacities in voluntary associations and regularly participate in the work of committees and working groups established under the Mechanism.

X CLIMATE CHANGE

In the area of climate change, Montenegro is partially in line with EU legislation. In the period from April 2021 to December 2021, some progress was made in further alignment with the EU Acquis.

On 29 April 2021, the Government of Montenegro adopted the National Program of Priority Activities in the Field of Climate Change Mitigation and Adaptation within the Cooperation with the Green Climate Fund 2021-2023.

The government on 3 June 2021, adopted the National Determined Contribution (NDC), which sets a new target of 35% reduction by 2030, and compared to 1990, ie a reduction of greenhouse gas emissions by 2,117 kilotons by 2030.

OVERVIEW AND ASSESSMENT OF THE SITUATION

In the field of climate change, the Parliament of Montenegro has adopted the Law on Protection against the Negative Impact of Climate Change, which transposes the relevant acquis communautaire.

Although the Paris Agreement has been ratified, significant efforts are needed to ensure that international obligations under this agreement and the EU Acquis in the field of climate change are met.

The importance of climate change planning in Montenegro is still not properly recognized.

The implementation of the EU 2030 Climate Change Strategy should be ensured as well as its integration into energy plans and strategies.

RATIONALE

The transposition of EU legislation in the field of climate change is in a significant phase in Montenegro after the adoption of relevant legal acts. The full implementation of the National Strategy has not yet achieved the goal of adequate integration of climate policy into the policies of other sectors. The importance of climate change planning has not yet been properly recognized.

In the implementation of climate change mitigation measures or their adaptation, little progress has been made, especially in terms of: administrative capacity, integration of climate measures into other sectors and cross-sectoral cooperation. Significant progress in the implementation of measures has been hampered as the legal framework in this area is still under development.

The energy and industrial processes sectors have the largest share in total CO₂ eq emissions for the observed period, with the exception of 2011 when high emissions from the forestry and land use sectors were recorded due to the large area burned.

Montenegro does not produce ozone-depleting substances, but the entire amount of substances consumed is imported. The import / export of ozone-depleting substances, as well as products containing these substances, is carried out on the basis of permits issued by the Agency for Nature and Environmental Protection, which controls the use of these substances.

CHALLENGES

There is no integrated development planning, decarbonisation of the energy sector by increasing energy efficiency and the share of renewable energy sources, introduction of BAT-BREF standards (best available techniques - reference document) which imply new, stricter limit values when it comes to pollutant emissions.

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

The following shortcomings are evident in this area: insufficient and inadequate human and financial capacity, insufficient cooperation at both national and local levels.

A national registry for the EU ETS has not been established. The market for biofuels has not been established, and the relevant requirements of the EU Acquis on this basis have not yet been transposed.

There is no prescribed or established systematic way of informing consumers about CO₂ emissions when buying new vehicles.

KEY RECOMMENDATIONS

Work on further harmonization with key regulations in this area: Directive 2003/87 / EC (EU ETS), Directive 98/70 / EC (fuel quality); Directive 1999/94 / EC (informing consumers about fuel consumption and CO₂ emissions when buying new cars) and Directive 2009/31 / EC (geological storage of CO₂).

Start implementing a nationally determined contribution, in line with the EU's 2030 climate and energy policy framework.

Establish a comprehensive and functional system of monitoring, reporting and verification 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 (MMR) level.

Adopt the necessary bylaws based on the Law on Protection from the Negative Impact of Climate Change.

Establish a data collection and management system.

Establish a system of clear division of competencies and strengthen administrative and inter-institutional cooperation, and conduct the necessary training.

Employ more staff in order to establish a comprehensive and functional system of monitoring, reporting and verification 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.

Strengthen financial capacity.

Establish a national register for the EU ETS.

Establish an information system on fuel consumption and CO₂ emissions when buying new cars.

Reduce GHG emissions primarily through: general increase in energy efficiency, improvement of industrial technologies (primarily in the metal industry), increase of 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 technologies in energy and industrial plants.

Establish a working group in accordance with the principles of public participation and start activities on the development of National Energy and Climate Plans (NECP) within certain deadlines, and enable appropriate public participation in these processes.

Ensure that GHG stock data is publicly available, verified and easily accessible, in accordance with national laws and international obligations, such as the Aarhus Convention and the Paris Agreement.

Improve work on involving civil society organizations in the process of fair public debate.

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