

PROGRESS ON A BREAK

Shadow report on Chapter 27 - Environment and Climate Change

January 2022 - May 2023



Coalition 27 represents an informal network of non-governmental organizations founded to monitor the harmonization and implementation of policies in the accession negotiations between Montenegro and the EU, as well as proposing solutions that will contribute to the protection and improvement of the environment and climate change.

The Members of the Coalition 27 are Avlija, the Center for the Protection and Study of Birds, The Center for Ecological Initiatives, for Living Village, Association of Young Ecologists Nikšić, Dr. Martin Schneider-jacoby, Green Home, Mans, Medcem, Mogul, Natura, Our Action, North Land, Zero Waste Montenegro, and Wildlife Montenegro.

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Table of contents

INTRODUCTION	7
METHODOLOGY	7
GENERAL OVERVIEW	8
GENERAL OVERVIEW AND ASSESSMENT	13
HORIZONTAL LEGISLATION	17
Overview and Assessment	
Strategic and legislative framework, law enforcement	
Key recommendations	
AIR QUALITY	25
Overview and Assessment	
Strategic and legislative framework, law enforcement	
Key recommendations	
WASTE MANAGEMENT	33
Overview and Assessment	
Strategic and legislative framework, law enforcement	
Key recommendations	
WATER QUALITY	41
Overview and Assessment	
Strategic and legislative framework, law enforcement	
Key recommendations	
PROTECTION OF NATURE	49
Overview and Assessment	
Strategic and legislative framework, law enforcement	
Key recommendations	
INDUSTRIAL POLLUTION	65
Overview and Assessment	
Strategic and legislative framework, law enforcement	
Key recommendations	
CHEMICALS	69
Overview and Assessment	
Strategic and legislative framework, law enforcement	
Key recommendations	
NOISE	74
Overview and Assessment	
Strategic and legislative framework, law enforcement	
Key recommendations	
CLIMATE CHANGE	77
Overview and Assessment	
Strategic and legislative framework, law enforcement	
Key recommendations	
CIVIL PROTECTION	81
Overview and Assessment	
Strategic and legislative framework, law enforcement	
Key recommendations	
BIBLIOGRAPHY	83



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Introduction

Before the Readers is the sixth in a series of Shadow Reports of Coalition 27 on Progress in Chapter 27 - Environment and Climate Change, which covers the period from December 2021 to May 2023. The previous two reports were prepared during the COVID-19 pandemic. In the meantime, life slowly returned to its usual course and, with it, legislative activity and other public affairs. Political instability in Montenegro, which has been present for the last three years, significantly affects the improvement of the environment following EU legislation. In the European Union, reforms in the direction of de-carbonization are still accelerating, and achieving the goals of the European Green Deal will mark the recovery from the pandemic. This means that the European Union continues to take significant steps toward improving the environment and, more broadly, sustainable development. Applying European legislation is a big challenge for countries that are candidates for membership.

The shadow report aims to present an overall picture of Montenegro's progress in the EU accession process from January 2022 to May 2023 to improve the situation in the environmental protection and climate change field.

This Report deals with ten thematic areas of Chapter 27. It refers to implementing 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 area and provides recommendations for strengthening the process of transposition and implementation of EU legislation included in Chapter 27. Finally, this document tries to clarify the essential problems in certain sub-areas and highlights the need to solve them during the negotiation process.

Methodology

The shadow report for chapter 27 with recommendations for the Report on Montenegro for 2023 covers the following sub-areas: horizontal legislation, water quality, air quality, waste management, nature protection, climate change, industrial pollution, chemicals, civil protection, and noise.

Each sub-area contains:

- review and assessment of the state of play;
- strategic and legislative framework, law enforcement;
- key recommendations for solving identified problems.

The following methods were used in the preparation of the Report:

- Policy analysis: a comparative analysis of national legal and strategic documents and EU legislation - documents and information are collected from official sources available on the Internet.
- Analysis of relevant studies and projects;
- Analysis of media content;
- Direct communication with Co27 members, environmental activists, and NGOs.
- Direct communication with experts in certain fields.

The shadow report for Chapter 27 with recommendations for the Report on Montenegro for 2022 covers the period from December 2021 to May 2023. The Report is an improvement of the Report on the state of the environment, which Co27 prepared continuously from 2016 to December 2021.

General overview

The Government of Montenegro adopted the Action Plan for meeting the final benchmarks in Chapter 27 - environment and climate change, at 11th session held on February 18, 2021. The action plan for fulfilling the final benchmarks in Chapter 27 includes all pending obligations from the Strategy Action Plan with AP 2018-2020.

The action plan defines a total of 251 obligations, divided as follows:

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

There are 25 institutions responsible for the implementation of the aforementioned obligations: the Ministry of Ecology, Spatial Planning and Urbanism, the Ministry of Justice, Human and Minority Rights, the Ministry of Economic Development, the Ministry of Agriculture, Forestry and Water Management, the Ministry of Capital Investments, the Ministry of Internal Affairs, the Ministry of Health, Office for European Integration, Maritime Safety Administration, Water Administration, Inspection Affairs

Administration, Food Safety, Veterinary and Phytosanitary Affairs Administration, Customs Administration, Hydrocarbons Administration, Forestry Administration, Institute for Hydrometeorology and Seismology, Environmental Protection Agency Institute for Geological Surveys, Institute for Public Health of Montenegro, Public Enterprise for the Management of Marine Assets, Public Enterprise for National Parks, Center for Ecotoxicological Testing, Center for Training Judges, Natural History Museum and the Association for the Improvement of Water Supply, Treatment and Wastewater Removal of Montenegro Above.

Competences also include the Parliament of Montenegro, State and Primary Prosecutor's Offices, as well as all 24 units of local self-government.

Recognized bearers of activities are the University of Montenegro and the Institute of Marine Biology, but also managers of protected areas, local water and sewerage companies, operators of industrial plants, and civil society organizations.

In this reporting period, the Government of Montenegro adopted:

- Report on the implementation of the Action Plan for meeting the final benchmarks in Chapter 27 - Environment and Climate Change, March-August 2022.
- Second Report on the implementation of the National Strategy in the field of climate change until 2030.
- Report for the preparation of the updated National Determined Contribution (NDC) of 2020.
- Updated third biannual Report of Montenegro on climate change (TBUR).
- Rulebook on the detailed content of the annual Report on the establishment and use of spatial data infrastructure ("Official Gazette of Montenegro," No. 150/22).
- Information on air pollution in Pljevlja and air quality in the Northern Zone of Montenegro.
- Decision on the formation of the Operational Team for the implementation of measures to reduce pollution in the Northern Air Quality Zone of Montenegro.
- Report on the implementation of the state waste management plan for 2021.
- Surface and underground water monitoring program for this year ("Official Gazette of Montenegro," No. 14/23).
- Information on the prepared documents Initial assessment of the state of the marine environment of Montenegro and Characteristics of a good state of the marine environment of Montenegro and objectives of marine environment protection.
- Report on the implementation of the Action Plan for the implementation of the National Chemicals Management Strategy 2019-2022 for 2021.
- Rulebook on Amendments to the Rulebook on the List of Substances of High Concern ("Official Gazette of Montenegro," No. 64/22), which transposed changes to Annex XIV of the REACH Regulation.

- Rulebook amending the Rulebook on the list of dangerous chemicals and products whose export is prohibited ("Official Gazette of Montenegro," No. 86/22), which transposed the changes to Annex V of Regulation (EC) 649/2012 (PIC)
- Regulation on amendments to the Regulation on prohibited or permitted methods of use, production, and placing on the market of chemicals that pose an unacceptable risk to human health and the environment ("Official Gazette of Montenegro," no. 134/22) which transmitted changes to Annex XVII of the REACH Regulation.
- The Government of Montenegro adopted the National Plan for Protection and Rescue from Radiation and Nuclear Accidents at the November 10, 2022, session. (Government Decision No. 07-6944/2 dated November 16, 2022).
- Program for promoting projects in water management for 2022 ("Official Gazette of Montenegro," no. 65/22 of June 21, 2022)
- The Government adopted water-monitoring program for 2023 at the 36th session of held on January 12, 2023.
- DECISION on amending the Decision on the establishment of the Water Council ("Official Gazette of Montenegro," No. 4/22) of January 14, 2022.
- Information on the method of determining the financial resources necessary for the preparation of planning documents and strategic assessment of the impact on the environment.
- Information on the activities carried out in the process of granting a concession for the use of water from the Otilovići reservoir to construct a small hydroelectric power plant.
- Proposal for a regulation on the method of determining the concession fee for a company or legal entity that uses a water reservoir and/or watercourse to produce electricity in hydroelectric power plants.
- Proposal for a decision on giving sums in state property for use by selling wood of standing trees - regular felling in 2022.
- Proposal for a decision on the determination of public interest in the expropriation of immovable property to expand the urban area of the municipality of Pljevlja.
- Proposal for a decision on the determination of public interest in the expropriation of real estate for the implementation of the project-reconstruction of small hydroelectric power plants, the River Musovica Kolašin.
- Proposal for a program to encourage projects in the water industry for 2022.
- The first semi-annual Report on the commission's work for monitoring activities related to operations with hydrocarbons - for environmental monitoring.
- Report on the implementation of the national strategy in the field of climate change until 2030 for the reporting period September 2018-September 2021.

- Proposal of water management plans in the water area of the Danube and Adriatic basins.
- Proposal for the environmental monitoring program of Montenegro for 2022.
- Information on determining the appropriate deadline for the performance of the contractual obligation from the concession agreement based on the energy permit for the construction of a small hydroelectric power plant on the Rijeka Vinicka watercourse.
- Report on the implementation of the action plan for meeting the final benchmarks in Chapter 27, environment, and climate change, for the reporting period August 2021 and February 2022.
- Proposal of the work program and financial plan of the Environmental Protection Fund for 2022.
- Sixteenth semi-annual Report on overall activities within the process of integration of Montenegro into the European Union for the period July-December 2021.
- Thirty-second quarterly Report on overall activities within the process of integration of Montenegro into the European Union for the period: October-December 2021.
- Proposal of the second voluntary National Report Montenegro and sustainable development goals 2016-2021.
- Information on the realization of the Komarnica HPP construction project with a proposal for a Decision on granting a concession and a draft concession contract.
- Proposal of the program for the use of funds for water management activities for the year 2022.
- Contribution to the Report of the European Commission on Montenegro 2022 refers to the period from June 15, 2021 - to June 20, 2021. III 2022.
- Proposal for a rulebook on amendments to the Rulebook on internal organization and systematization of the Ministry of Ecology, Spatial Planning, and Urbanism.
- Information on the conservation status and activities in the special nature reserve Tivat Salina December 2021.
- Information on the implementation of the concession contract for the construction of a small hydro-plant on the part of the Skrbus watercourse.
- Information on preparation for the 2022 fire season.
- Information on the implementation of the Komarnica HPP construction project with a proposal for a concession contract for the use of natural resources for the construction, maintenance, and use of the energy facility of the Komarnica hydroelectric power plant.
- Information on the activities carried out in the process of granting a concession for the use of water from the Otilovici reservoir for the construction of a small hydroelectric power plant with a proposal for a decision on granting a concession and a draft concession contract.

- Information on the activities carried out in the process of granting a concession for the use of water from the Otilovici reservoir for the construction of the HPP.
- Report on the implementation of the Program for the Accession of Montenegro to the European Union 2021-2023, for the year 2021.
- Information on the construction of the first phase of the port of Virpazar with accompanying facilities.
- Report on the implementation of the National Biodiversity Strategy with an action plan for the period 2016-2020 - reporting period May 2018-October 2020.
- Information on the water valorization of the Bilečko Lake hydro-accumulation facility.
- Proposal for a decision on amending and supplementing the Decision on the formation of a commission for conducting a public auction for the allocation of emission credits.
- Proposal of the plan for granting concessions in the water area for 2022 with a report from the public hearing.
- Proposal of Decision on giving state-owned forests for use by selling wood of standing trees in the regional units of Petnjica, Plav, Kolašin, Nikšić, and Rožaje (sanitary felling in 2023).
- Proposal for a decision on granting the right to commercial use of non-timber forest products in forests and state-owned forest land for 2023.
- Proposal for a decision on the allocation of funds collected by conducting a public auction for the allocation of emission credits for 2022.
- Proposal for a decision on the temporary restriction of the export of certain wood assortments.
- Draft a detailed spatial plan for the concession area to exploit mineral raw materials - Brskovo, Municipality of Mojkovac, with a proposal for a public discussion program.

On December 29, 2022, the Parliament passed the Law on Amendments to the Law on Protection and Rescue ("Official Gazette of Montenegro," No. 3/23), along with the following by-laws:

- Rulebook on detailed requirements that a legal entity must meet for performing professional work in the field of fire protection ("Official Gazette of Montenegro," No. 12/23),
- Decision on amending the Decision on the determination of salary coefficients and salary allowance of employees in the Avio helicopter unit of the Ministry of Internal Affairs ("Official Gazette of Montenegro," No. 123/22),
- Decision on amendments to the Decision on the establishment of a committee for disaster risk reduction ("Official Gazette of Montenegro," No. 126/22)
- Order prohibiting the sale and use of class II pyrotechnic devices - firecrackers ("Official Gazette of Montenegro," No. 117/22).

General overview and assessment

Montenegro has achieved some level of preparation in environmental protection and climate change. However, Montenegro should speed up the implementation of the Action Plan to meet the final benchmarks in Chapter 27 - environment and climate change. The six-month Report on the implementation of NEAS for the period September 2022 - March 2023 was not adopted.

The lack of adequate administrative capacities at the state and local level and inspection authorities and insufficient inter-institutional coordination remain challenging regarding horizontal legislation. Therefore, it is necessary to establish a coordination mechanism between SEA and EIA on the one hand and AA on the other, improve the quality of EIA elaborations, communication, and coordination with NGOs and local administrations, improve the capacities of relevant inspection authorities, improve the judicial system and enable better knowledge of eco-crime and explanations of the Criminal Code in the area of environment and nature protection, improve the implementation of Directive 2008/99/EC.

In the **air quality** area, there was no significant progress in the reporting period. Montenegro records a multi-year delay in the adoption and updating of the National Strategy on Air Quality with an action plan, and thus the regular undertaking of measures to reduce national air pollution, especially in areas where the EU limit values for air quality have been exceeded and the creation or updating of air quality plans, as provided by the Directive on ambient air quality and cleaner air for Europe (Directive 2008/50/EC). Local governments do not have an air quality monitoring system or a register of air pollutants and do not submit the necessary data to the Environmental Protection Agency. There is no monitoring of indoor air quality or assessment of the cumulative effects of pollution on public health.

There was no significant progress in the reporting period in the area of **waste management**. Montenegro records many years of delay when it comes to the adoption of the Law on Waste Management. A new national waste management plan remains to be drawn up after the validity of the previous plan related to the period 2015-2020 has expired. There is a need for urgent action to solve the issue of illegal landfills and the use of temporary waste disposal sites in all municipalities. Significant efforts are needed in strategic planning and investment to implement the national waste management strategy by 2030.

Some progress has been made around **water quality**. Activities aimed at implementing the Nitrate Directive, the Flood Directive, the Bathing Water Directive, the Marine Strategy Directive 2008/56/EC (Marine Directive), and the Urban Waste Water Treatment Directive 91/271/EEC continued. Water management plans for the Danube and Adriatic basins with programs of measures have been prepared. Although the transposition of the legislation has been carried out to the greatest extent, the inadequate implementation of the adopted norm in practice, inadequate sewerage networks for the collection and

removal of wastewater, and the absence of WWTP in all municipalities, significant problems during the construction and functioning of the existing treatment plants, call into question the efficiency of the management of the wastewater system and therefore the quality of surface and underground water.

In the field of **nature protection**, Montenegro is partially aligned with the EU acquis. **Amendments to the Law on Nature Protection** have not yet been adopted. Most protected areas declared in the last five years are still “protected areas on paper” without managers or without adopted management plans. **Management plans were prepared and adopted for three marine protected areas**, while none of the five national parks in Montenegro has a valid management plan as of 2020. The issue of reorganization of the PE National Parks of Montenegro has not yet been defined. The Ulcinj Salina was protected in 2019 as a Nature Park and included in the RAMSAR list of wetlands of international importance. However, the issue of management has not yet been resolved. The Government of Montenegro has not withdrawn the Decision on the establishment of a military training ground in Sinjajevina until the moment of preparation of this Report. Work on establishing the NATURA 2000 network continued. The Red List of Birds of Montenegro was created, while work on the Red List and Book of Amphibians and Reptiles is ongoing.

In the field of **industrial pollution**, there was no definite progress. The PRTR Pollutant Registers, with a database on pollutant emissions, have not been established to efficiently ensure public access to environmental information. In addition, the Register of plants that use organic solvents or products containing remediable organic compounds - VOC plants has not been established. The operation of the Pljevlja thermal power plant is contrary to the restrictions to which it is subject following the Large Combustion Plants Directive. The plant is operating without a valid integrated permit. The joint inspection supervision defined by the Law on Industrial Emissions is ineffective and not implemented. The EU Environmental Management System and Verification Scheme (EMAS) and Eco-labeling have not been established. There was no remediation of all the ecological black spots even after eight years after the signing of the loan agreement with the World Bank for the project “Industrial waste management and Cleaning - IWMCP” (Željezara Landfill - Halda, red mud basin in KAP).

In the area of **chemicals**, progress was achieved by adopting new by-laws. However, the implementation of the regulations remains questionable. The prerequisites for establishing the Chemical Poisoning Control Center have not been met. Under REACH and BPR regulations, the Register of Chemicals and biocidal products has not been established. Monitoring of certain POPs in soil and air is carried out. No asbestos management program has been prepared in Montenegro.

No progress was made in the reporting period in noise. There were no activities in terms of raising public awareness about noise protection in the environment. No strategic

noise maps were created for the three main roads due to a lack of financial resources. There were no activities to strengthen administrative capacities, organize training, etc.

In **climate change**, Montenegro is partially aligned with the EU acquis; further alignment is expected with adopting the Law on Amendments to the Law on Protection from the Negative Impacts of Climate Change and related by-laws. In the reporting period, certain progress was made in further alignment with the EU Acquis. **A draft of the new Law on Protection from the Negative Impacts of Climate Change** has been prepared, which will enable further alignment with the EU ETS Directive 2003/87/EC and its amendments, as well as monitoring and reporting, accreditation and verification, Union register, free allocation, and auction. Certain by-laws have been adopted. Within the framework of the National Council for Sustainable Development (NSOR), **the Working Group for Mitigation and Adaptation to Climate Change** was formed as a permanent working body of the Council that will monitor reporting on greenhouse gas emissions, policies, and measures to mitigate and adapt to climate change, under EU Regulation 2019/1999.

In civil protection, some progress was made in the transposition of EU legislation. However, in the implementation part, and in addition to a number of projects that are in the implementation phase, there is a lack of systems for quick action in emergencies, as well as appropriate plans for fire and flood protection. Regarding operational support for aerial firefighting, Montenegro has one aircraft and one helicopter.



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Horizontal legislation

No progress
has been
made.

Overview and assessment

In horizontal legislation, the transposition of legislation, the entire area is harmonized with the EU acquis. The implementation of legislation remains a challenge, especially in access to information held by state authorities, the prosecution of those responsible for environmental crime, and the adequate implementation of SEA and EIA mechanisms, especially at the local level. It is necessary to improve and coordinate the procedures of SEA and EIA and harmonize them with the mechanism for assessing the acceptability of interventions on the ecological network (AA). The participation of civil society, access to justice, and responsibility for environmental damage are vital issues for effectively applying the EU acquis.

Strategic and legislative framework, law enforcement

The Government adopted a Report on the implementation of the Action Plan for meeting the final benchmarks in Chapter 27 - Environmental Protection and climate change, for March - August 2022, at a session held on November 30, 2022.

According to the aforementioned Report in the sub-area Horizontal Legislation for the period March - August 2022, the implementation of 5 activities that include eight measures is planned, **none of which has been implemented**, which makes the degree of realization of due obligations of 0%.

Regarding the transposition of legislation, the entire area is fully aligned with the EU acquis in this area. According to the Action Plan, the emphasis is on implementation and strengthening of capacity for law enforcement. According to the Directives in this area, pieces of training planned for the state and local level were not held due to organizational changes and the structure of the competence framework for TAIEX (Ministry of Foreign Affairs). Part of the training for eco-crime is organized through the Center for the Training of Judges.

When it comes to the **INSPIRE directive**, the activities planned by the AP were not implemented in the reporting period (the Spatial Data Infrastructure Council was not established to monitor and provide expert assistance for the establishment, functioning, and maintenance of the spatial data infrastructure, a website dedicated to the spatial data infrastructure of Montenegro was not created Above, the Register of Spatial Data Infrastructure, which represents the Register of Public Institutions under the Law on Spatial Data Infrastructure, has not been created.

Rulebook on the detailed content of the annual Report on the establishment and use of spatial data infrastructure was adopted ("Official Gazette of Montenegro," No. 150/22).

There is no implementation of Directive 2004/35/EC (ELD) on environmental liability concerning the prevention and elimination of environmental damage.

Compliance with legally binding rules for implementing environmental impact assessment procedures and implementing the principles of the Aarhus Convention, Directive 2003/35/EC on public participation and access to justice are key elements of an efficient horizontal sector. However, cooperation with the civil sector is often just a formality, while, in essence, the process of public discussions is meaningless. And so, there was almost no participation of NGOs in developing the plan to grant concessions for the exploitation of mineral raw materials, and the Ministry of Capital Investments violated the basic principles of public participation. The remarks and suggestions that the group of NGOs (NGO For Living Village, NGO Legalis, NGO Eko team, and CEE Bankwatch) submitted to the Ministry on the disputed draft plan were omitted entirely from the final Report of the public hearing. In the already adopted plan, the new lignite deposit at the Mataruga location implies the exploitation in the sanitary protection zone of the water intake from the Otilovići Lake, which is used for the water supply needs of the citizens of Pljevlja, which directly enriches the only and main functional source of drinking water for the population. In addition, Kop Mataruga is in direct collision with declaring the Nature Park of the Upper Course of the Čehotina River, for which a protection study has been completed and will be followed by a decision on the declaration.

Additionally, the threat to a potential Natura 2000 habitat was not considered. Namely, during the project “Establishing Natura 2000 network in Montenegro” from 2017-2019, one of the target species was the Corn crane (*Crex crex*), with an estimated national population of 100 to 120 singing males. Mataruga stood out as the most important location for this species, with 20 to 25 singing males, and as a future Natura 2000 area. The Corn crane is a demanding species in terms of its habitat, so there are few ideal locations for its nesting.

In addition to the Mataruga mine, Montenegro plans to open or restart a lead and zinc mine in Mojkovac. Namely, a public hearing is underway on the draft of the Detailed Spatial Plan (DPP) for the concession area for the exploitation of mineral raw materials - Brskovo and the Draft of the Strategic Environmental Impact Assessment. The public's participation was not ensured in a timely manner, bearing in mind that the Draft SPU was published only one day before the central public hearing, which makes the public hearing process completely meaningless. The fact that ore exploitation in Brskovo is not recognized in valid spatial plans is worrying.

The Environmental Crime Directive 2008/99/EC has been transposed to a high percentage in the Criminal Code of Montenegro, but implementation is challenging. The implementation of Directive 2008/99/EC is not satisfactory due to insufficiently clear provisions of the Criminal Code, the possibility of subjective interpretation by participants in the procedure, and insufficient capacity of the 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 how the courts interpret legal standards (“pollution on a larger scale or a larger surface,” “danger to human life or health,” “destruction of flora and fauna on a larger scale”).

The draft law on amendments to the Criminal Code brought alignment with the EU environmental acquis. It introduced new criminal offenses: destroying mushrooms, illegally exploiting river sediment (sand and gravel), and introducing and spreading invasive alien species. Also, the basic form of the criminal offense from Article 309, Killing and torturing animals and destroying their habitat, has been amended, which stipulates that whoever violates the regulations, kills, injures, tortures, or otherwise abuses an animal, will be punished with a fine or imprisonment for up to two years. Also, the obligation to confiscate items used to commit criminal offenses from Article 323 (forest devastation) and Article 324 (forest theft) has been introduced.

Judging by statistical data in 2022, **judicial practice** around criminal liability for damage to the environment is still insufficiently developed. Throughout 2022, 292 reports were submitted for criminal offenses against the environment.¹ The most significant number of cases related to violating Article 324 forest theft (132) and 326a illegal fishing (124). The number of legally resolved reports in the case of a violation of Article 324 is 44, while in the case of a breach of Article 326a, the number of legally resolved cases is 53, of which the majority (52) received a suspended sentence. Even though this type of criminal offense against the environment is the most common (Article 132), the problem is still far from being solved, which is also confirmed by the fact that the logging of about 400,000 cubic meters by the Forestry Administration was recorded, according to Monstat, more than one million cubic meters. This clearly shows a considerable amount of unregistered and illegal logging.²

Regarding civil society participation, the Ministry of Ecology, Spatial Planning, and Urbanism published a public call for nominations of non-governmental organization representatives to work in the working body for drafting the Bill on Amendments to the Law on Nature Protection 05.10.2021. One representative of the NGO sector was appointed, and from December 2021 to May 2023, the working group held three meetings.

On November 28, 2022, the Ministry of Agriculture, Forestry and Water Management published a call for non-governmental organizations to nominate a representative as a working group member for drafting the proposal for the Law on Amendments to the Law on Forests. A representative of the NGO sector was appointed, and from November 2022 to May 2023, the working group held four meetings.

Eco fund

In 2022, the Eco-Fund implemented project activities through the implementation of five public tenders for projects in the field of energy efficiency and environmental protection, including one project for the use of renewable energy sources and the application of new technology measures (On-grid and Off-grid photovoltaic systems), three projects for the purchase of electric and hybrid vehicles (categories L, M1 and N1) and one project for the removal of waste thrown into the environment (the so-called wild landfills). The Government of Montenegro passed the Decision on the allocation of

¹ Contribution to the Report of the European Commission 06.06. – 03.03.2023.

² <https://www.portalanalitika.me/clanak/crnogorske-sume-nude-blogo-prvi-uslov-raskrinkati-sumarsku-mafiju>



funds collected by conducting a public auction for the allocation of emission credits at the session held on May 4, 2023. We believe that when programming the distribution of funds, it must be open to public participation in the decision-making process.

The registry of emission credits and the distribution of free Eco Fund credits, which are stipulated by the Decree on the allocation of emission credits, showed shortcomings, opened space for corruption, and required the implementation of independent monitoring and control.³

Inspection supervision

The Environmental Inspection still does not have enough capacity for adequate supervision concerning the environment, both due to the insufficient number of employees in this sector, the lack of technical equipment and specific knowledge about the different types of cases that can be subject to supervision, as well as due to the poor systematization of workplaces that demands from the employed environmental inspector's supervision in other, often unrelated areas. The Protector of Human Rights and Freedoms in the Report also notes the lack of capacity and inconsistency in the application of inspection supervision measures for 2022; the conclusion was: *"Strengthen inspection capacities, consistently apply inspection supervision measures."*

According to the Report on the administration's work for inspection activities for 2021 and 2022, the environmental inspection performed 1,978 inspections for 2021 and 2,138 for 2022. In 2021, there were three criminal reports, while in 2022, that number increased to 13.

The respect for citizens' right to a healthy environment, as well as the protection and improvement of rights in this area, are still not at a satisfactory level. Per data on the work of the Protector of Citizens for the year 2022⁴, only six applications from the total number of received cases (226 cases) were related to environmental protection. The complaints were related to the construction of a wastewater treatment plant, the exploitation of technical-building stone, metal processing, and stone production, the presence of dust in the air coming from a particular location where the process of producing crushed stone aggregate takes place, its manipulation and storage, to the problem communal noise and the like. One of the Protector's conclusions states the following: *Environmental impact assessment, considering all possible impacts, alternative solutions, and necessary mitigation and compensation measures, must be improved. The quality of the impact assessment report and the public consultation process with civil society and other stakeholders should be improved.*

With this conclusion, the Protector confirms the position of Coalition 27 that it is necessary to significantly improve the quality of the impact assessment study and the process of public consultations with civil society and other interested parties. Proposed measures to reduce the impact are often inadequate, while in practice, it is evident that they are not implemented as well as control measures.

³ <https://www.google.com/url?q=https://bankwatch.org/blog/the-cautionary-tale-of-montenegro-s-emission-trading-scheme&sa=D&source=docs&ust=1684928261323990&usg=AOvVaw0sP4GBepoR5nMPed2cmR4M>

⁴ Report on the work of 2022. Protector of Human Rights and Freedoms

Key recommendations

- Environmental impact assessments must be improved, considering all possible impacts, alternative solutions, and necessary mitigation and compensation measures.
- Amendments to the Law on Strategic Impact Assessment establish a legal **obligation to implement SEA** on plans to grant concessions on watercourses for energy production (construction of small HPPs) to assess cumulative impacts on ecosystems, biodiversity, climate change, and other aspects.
- **Improving procedures for granting concessions and establishing SEA procedures** for forest and hunting management plans is necessary.
- Work on implementing the Aarhus Convention and strengthening the transparency of the process, not only through the formal involvement of the civil sector but also through the recognition of all relevant participants, including local communities and the media.
- Define cooperation and implementation with business entities, potential environmental polluters, and insurance companies to create preconditions for adequate application of the Law on Liability for Environmental Damage.
- Establish cooperation between competent institutions to implement the Law on the Environment and the Law on Access to Information and simplify the procedure for access to information.
- Strengthen inspection capacities and consistently apply inspection supervision measures.
- End projects for which environmental approvals have not been issued and refer to the termination of concessions and completion of related procedures (such as HPP Komarnica, Sinjajevina military training ground, etc.)



Sušičko jezero ©Marija Šošić Popović

Air quality

Some progress has been made.

Overview and assessment

In the sub-area of air quality, **there was no significant progress** in the reporting period. The National Air Quality Strategy for 2021-2029 with the Program of Measures to Reduce Emissions covered by the NEC Directive was not adopted. There are no Air Quality Plans in places where the air quality is not following domestic and international standards. The cadaster of pollutants has not been established, so adequate data on air pollutants have not been provided. Local governments do not have an air quality monitoring system or a register of air pollutants and do not submit the necessary data to the Environmental Protection Agency. Polluters do not monitor or submit reports on the conducted monitoring to local governments and the Agency. There is no monitoring of indoor air quality or assessment of the cumulative effects of pollution on public health.

Strategic and legislative framework, law enforcement

According to the Report on the implementation of the Action Plan for meeting the final benchmarks in Chapter 27 - Environmental Protection and climate change, for the period March-August 2022, in air quality, 3 activities are planned, which include the implementation of 3 measures, of which 1 was implemented.

The implemented measure refers to the strengthening of the capacity of the Environmental Protection Agency (employing an officer to create an emission inventory and training the Agency's officer to update the emission inventory through the Twinning Program). The other two measures that have not been implemented refer to the adoption **of the Program of Measures to Reduce Emissions covered by the NEC Directive** and the finalization of **the National Air Quality Strategy for 2021-2029**.

Montenegro records a multi-year delay in the adoption and updating of the National Strategy on Air Quality with an action plan, and thus the regular undertaking of measures to reduce national air pollution, especially in areas where the EU limit values for air quality have been exceeded and the creation or updating of air quality plans, as provided by the Directive on ambient air quality and cleaner air for Europe (Directive 2008/50/EC). In the past period, it worked on procuring compressors and units to prepare calibration gases for the needs of the State Air Quality Monitoring Network (IPA 2016), upgrading the insufficiently functional inventory of emissions of pollutants into the air. It also formed an operational team to implement measures to reduce air pollution in the northern zone of Montenegro, with the task of supplementing the Draft Action Plan for reducing air pollution by the next heating season, 2023-2024. Apart from the constitutive meeting, the team does not record further progress.

In addition to this, to overcome legal obstacles, the Government of Montenegro declared the construction of coal-fired district heating from the Pljevlja Thermal Power

Plant in Pljevlja as a project of public interest, without having established economic justification and considering the available heating solutions from renewable sources that were presented to them by the NGO sector and independent experts. Planned heating prolongs dependence on coal, limiting the resources needed to develop district heating systems based on renewable energy sources.

The draft Air Quality Strategy for 2021-2029 received a positive opinion from the European Commission and will be sent to the Government for adoption, scheduled for 2023. It is necessary to harmonize the strategy with the National Energy and Climate Plan, which is currently being developed.

The legal framework has not yet been fully harmonized with the NEC Directive 2016/2284/EU.

To achieve full compliance, transposing the Directive should establish a mandatory reduction percentage of SO₂, NO_x, PM particles, ammonia, and volatile organic compounds (VOC) emissions. These reductions are subject to negotiations with the EU.

To determine the mandatory reductions in emissions, it is necessary **to improve the data from the inventory of polluting emissions into the air** and precisely determine the direction of the energy and climate policy so that, based on these key factors, emission projections can be made until 2029, as well as in the period after 2030, following the requirements of the Directive.

In March 2021, Montenegro submitted **an analysis of economically viable emission control strategies for 2020 and 2030** to the European Commission. It serves as the basis for the final agreement between the EU and Montenegro on its obligations to reduce emissions under the NEC Directive. In January 2022, at a special thematic video conference, the European Commission gave the green light for this document with the recommendation that Montenegro must define obligations to reduce emissions following the National Energy and Climate Plan, which by the time of the presentation of this Report, i.e., almost two years later, has not yet been created.

Regarding **annual reports on air pollutant emissions**, based on which the National Air Pollution Control Program is regularly updated, during 2022, due to an incomplete inventory/Report on air pollutant emissions, there were difficulties with updating the Program.

When it comes to **air quality plans**, during 2022, the Air Quality Plan for the Municipality of Pljevlja was updated through the creation of the Local Environmental Protection Plan, as well as the revision of the Air Quality Plan for the Municipality of Nikšić, while the Air Quality Plan for Podgorica was not updated. Given that air pollution is not present only in these municipalities, it is necessary to adopt it for other local governments located in zones, especially in the northern and central ones, where the air quality is not following domestic and international standards. To implement and adopt effective pollution reduction measures, it is necessary to prepare Reports on implementing the Air Quality Plan. According to the data of the SAI, in the period from 2017-2020, the Municipality of Nikšić did not submit a Report on the implementation of the Air Quality Plan to the Ministry, while the municipalities of Pljevlja and Podgorica submitted reports.

In 2021, in the Northern Zone, the highest number of days with exceedances of the limit value of the average daily concentration of PM₁₀ particles was registered in Pljevlja (114 days), while in the Central Zone, the highest number of exceedances was registered at the measuring site Podgorica 3 Zabjelo roundabout (70 days).⁵

From local self-governments and other participants included in the plans (Agencies, polluters, and others), the Ministry should demand reports on the implementation of the plans, which would be included in the information and reports on the state of the environment, and based on which adequate measures would be taken.

No local self-government in Montenegro has an established local air quality monitoring network. The Air Protection Act does not stipulate the obligation of local governments to establish a local air quality monitoring network but instead gives them the opportunity to establish one. As the reason for not establishing a local network, the municipalities emphasize the lack of funds. Through the Amendments to the Law on Air Protection, the Ministry should strive to develop in more detail the obligations of local self-governments concerning the adoption, implementation, and reporting of measures provided for in local action plans.⁶

For data on air quality to be relevant and reliable, it is necessary for air quality monitoring stations to be in operation throughout the year and to have adequate technical equipment and maintenance. However, it happens that some measuring instruments do not work for an extended period. This state of affairs is because the Environmental Protection Agency did not adequately maintain the measuring instruments in the air quality monitoring stations. For this reason, in September 2020, CETI withdrew its accreditation mark with reports on ambient air quality monitoring, which means that CETI does not guarantee the validity of measurement results at measuring points.

The Agency would have adequate data on environmental pollutants by establishing a cadaster of environmental pollutants, and thus of air pollutants. In the following period, the Agency should ensure that local governments and air polluters submit data as required by the Air Protection Act. Better cooperation with the Ministry, CETI, the Revenue Administration, the Eco Fund, and the Administration for Inspection Affairs will enable the Agency to establish a cadaster of polluters. Following the legal obligation, the result of this cooperation should be that the Agency issues a greater number of decisions on collecting environmental compensation based on releasing polluting substances into the air.

Polluters do not monitor or submit reports on the conducted monitoring to local governments and the Agency.

In 2020, the Agency updated the inventory of emissions of air pollutants with data from 1990-2018.

The biggest challenge in air quality is achieving the prescribed air quality in all zones.

5 Information on the state of the environment, Environmental Protection Agency 2021.

6 Effectiveness of the air quality regulation, monitoring, and reporting mechanism - DRI



The increased concentration of suspended PM particles, especially in the municipalities of Pljevlja, Bijelo Polje, Podgorica, and Nikšić during the heating season, is worrying both because of the frequency and the number of concentrations, even though these municipalities, except for Bijelo Polje, have adopted action plans to improve air quality.

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

Regarding industrial air pollution, modern environmental air quality standards for industrial polluters whose pollutant emissions indisputably affect air quality are not followed, nor are regular inspection controls carried out to determine the polluter's obligation to change filter installations following the standards.

There is no coordination of strategic activities with the transport sector to consider the possibility of changing the traffic regime in the inner-city cores. (introducing the green wave on all roads where possible and establishing a system of yellow flashing lights at night and in periods when the frequency of traffic is reduced.

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

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

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

Key recommendations

- Update the draft of **the Air Quality Strategy** with new data from the emission inventory, as well as emission reduction targets in line with the established targets and dynamics of de-carbonization of the energy sector, especially related to the reconstruction and further activities of the Pljevlja Thermal Power Plant.
- Bring **air quality plans** for zones where pollutant concentrations exceed any established limit or target value, with Action Plans for its implementation;
- And initiate **Amendments to the Law on Air Protection** to more precisely determine the obligations of local self-governments regarding the adoption, implementation, and reporting of measures provided for in local action plans.
- Ensure **adequate functionality of air quality monitoring stations** in the National Air Quality Monitoring Network;
- To establish a **functional cadastre of environmental pollutants**;
- To post **adequate records of the adopted decisions on the collection of environmental compensation based on the release of polluting substances** into the air and the amount of environmental compensation collected based on them;

- Ensure that reports on the state of the environment contain **an Action Plan for improving the state of the environment with proposed measures**;
- Provide local self-governments and polluters **with reports on the monitoring carried out by the polluters**.
- **Improve the data from the inventory of pollutant emissions into the air** and precisely determine the direction of the energy and climate policy.
- Create projects **and accelerate investments in individual and collective heating. District heating** (priority Pljevlja, northern and central zone) based on sustainable renewable energy sources and especially wider use of heat pumps, combined with solar-thermal, photovoltaic panels and energy efficiency measure.



Waste management

No progress
has been
made.

Overview and assessment

There were no significant activities in the sub-area of waste management in the part of legislation transposition. In the reporting period, the **Law on Waste Management** was not adopted. Its enactment has been delayed for five years. **The National Waste Management Plan in Montenegro (DPPUO) 2023 - 2028 has not been prepared.** The drafting of the new DPPUO is ongoing. The implementation of local waste management plans is at a very low level. The Municipality of Nikšić still does not have a Local Waste Management Plan prepared. Collected municipal waste, without measurement, is disposed of at the unorganized landfill "Mislov do," estimated 25,000 tons of this waste annually.⁷ A large number of local governments still dispose of waste in temporary landfills, and the existence of a large number of illegal landfills is evident.

In the Report on the Implementation of the State Plan for Waste Management in 2021, it is stated that collectors and waste managers collected 280,452 tons of municipal waste in the planning period. The recycling rate, i.e., the percentage of waste separated for recycling from the total collected waste, is 14.35%, namely:

- Recyclable paper, metal, and plastic waste separated from municipal waste amounts to 4732t;
- Collected packaging by legal entities - 23400t;
- Green waste – 15477t;

From the above data, it can be concluded that a minimal amount of waste is separated by the primary selection, which can be explained as follows:

- Insufficient infrastructure for primary selection;
- Citizens' awareness of primary selection is insufficiently developed;
- Absence of incentive measures for citizens to selectively separate waste.

Strategic and legislative framework, law enforcement

The Law on Waste Management and the State Waste Management Plan 2023–2028 were not adopted in the reporting period. The Government adopted the **Proposal for the National Strategy for Circular Transition until 2030 with the 2023-2024 Action Plan** proposal. The Report on Implementing the State Waste Management Plan for 2021 was also prepared. In June 2022, the Chamber of Commerce of Montenegro created the Road Map of Montenegro towards a circular economy.⁸

⁷ Report on the implementation of the 2021 state waste management plan.

⁸ <https://komora.me/projekti/mapa-puta-crne-gore-ka-cirkularnoj-ekonomiji>

In terms of infrastructure in the field of waste management, Montenegro has:

- regional **landfills of non-hazardous waste** in Podgorica and Bar (Livade and Možura)
- **recycling centers** in Podgorica, Herceg Novi, Kotor, and Žabljak;
- **waste vehicle processing plants** in Podgorica (1) and Nikšić (3),
- **transfer stations** in Kotor, Herceg Novi, and Mojkovac*⁹;
- **recycling yards** in Podgorica (7), Herceg Novi (1), Kotor (1), Budva (1), Mojkovac (1); blue (1)
- **medical waste processing plants** in Berane and Podgorica,
- electrical and electronic waste processing plant in Bar.

The Decision on selective waste disposal at the level of local governments is not applied in most municipalities. For example, although the municipality of Plav has a recycling yard with a sorting plant, there is no **data on the amount of separately collected waste**. Even though the municipality of Žabljak has a recycling center, it does not serve its purpose, and the Decision on selective waste disposal is not applied. In the municipality of Kotor, the first composting plant in Montenegro is operating to solve the issue of green waste management in the municipalities of Kotor, Tivat, Budva, and Herceg Novi. Although the composting plant is planned for four municipalities, the installed capacities are insufficient, so only green waste from the municipality of Kotor is processed. Although a large amount of green waste is processed in composting, data on the amount of that waste is unavailable. Most municipalities (Nikšić, Rožaje, Petnjica, Pljevlja, Plav, Herceg Novi, Berane, Žabljak, Kolašin, Mojkovac, Bijelo Polje) dispose of waste in temporary landfills whose use has expired long ago.

The activities undertaken by the Ministry of Ecology, Spatial Planning, and Urbanism at the proposal of the Regional Recycling Center in Nikšić are not per the relevant obligation undertaken by Montenegro for several reasons:

- 1) **the mention of burning waste** in the regional center is not under the obligations of Montenegro in connection with the Paris Agreement and the Green Agenda.
- 2) it is a waste of resources and funds not to use the recycling centers established in Herceg Novi and Žabljak. The centers were built to serve Montenegro's ambitious Chapter 27 goals, and their capacities should be utilized.
- 3) the distance of the municipalities intended to use the center in NK (Herceg Novi, Kotor, Tivat, Budva, Žabljak) is significant, especially considering the more intensive use of roads during the summer. Therefore, it is not sustainable to transport unsorted waste over such long distances, additionally releasing CO₂ by trucks that are used multiple times a day.

⁹ *The transfer station in Mojkovac is planned for the municipalities of Mojkovac and Kolašin

It is essential to note in the Report that from 2021, the EU will no longer support financial projects dealing with waste-to-energy (WTE) initiatives, such as incinerators and co-incineration. Montenegro should officially comply with this Decision and include it in the relevant laws and documents.

When it comes to **non-hazardous construction waste**, only nine municipalities submitted data on the amount of waste collected, while the remaining 15 municipalities did not submit any data. Also, the method of disposing of this waste is not known. According to Article 78a of the Law on Waste Management, all municipalities must define a location for depositing non-hazardous construction waste. However, only three municipalities have a defined temporary location, which results in depositing this waste on the side of the road, in troughs, rivers, etc.

The issue of waste tire treatment is still an unsolved problem. The Waste Management Report for 2021 has no information on the management of this type of waste. Waste tires are often burned to extract and sell copper wire, which results in air, soil, and groundwater pollution.

Concerning the issue of **treatment of hazardous and non-hazardous waste**, a register of polluters was prepared and put into operation. However, it is not in use due to cyber-attacks, and the problem has not yet been resolved.

In the reporting period, the project: **“Comprehensive environmentally friendly management of waste containing polychlorinated biphenyls”** was completed. It lasted from 2017 to the end of 2022 and had the goal of identification, disposal, and permanent removal of equipment and waste contaminated with polychlorinated biphenyls (PCB) from the environment, which significantly ecological problem in the country solved. The project is \$23 million, of which the Global Environment Facility (GEF) financed \$3.5 million.

The main results of the project are 640 tons of PCB waste and equipment identified, 475 tons of PCB waste and equipment removed and permanently disposed of; 80 tons of PCB transformers decontaminated and returned to use; 1,050 tons of PCB contaminated soil removed and one warehouse reconstructed to meet the requirements for the storage of hazardous chemicals.

Considering further obligations that the state of Montenegro has when it comes to waste-containing PCBs, it is the establishment of a system of sustainable environmental management of PCBs, which includes a series of activities such as developing special plans for PCB management by PCB owners. According to the available information, CEDIS has also included a Management Plan for PCBs within the Waste Management Plan, while KAP still lacks an adopted one.



Key recommendations

- **Adopt a new waste management law;**
- **Create and adopt** the State Waste Management Plan in Montenegro for the next five-year period;
- After the adoption of the DPUO, own local waste management plans for all local self-government units **aligned** with the new State Waste Management Plan and monitor their implementation;
- Provide **incentive measures for citizens** to implement primary waste selection;
- Establish and **implement a system of primary selection** of municipal waste, with a continuous campaign to promote waste as a resource.
- Work to **reduce the amount of biodegradable** municipal waste that is disposed of and promote composting;
- **Implement pilot projects** regarding adequate waste disposal in certain local governments with **the support of the civil sector and continuous education**;
- Speed up work on **solving the problem of temporary disposal sites** for municipal and non-hazardous construction waste;
- **Determine locations** for disposal of non-hazardous construction waste;
- It is necessary to make special efforts to **separate hazardous and municipal waste**. There is no control for the proper separation of toxic from non-toxic waste by the inspection and local governments.
- **Strengthen the capacities of institutions** at all levels for monitoring and implementing all regulations.
- **Strengthen and encourage the municipal police** to act on violations of the Law in local self-governments.
- Provide **funds for the financing of landfill/disposal rehabilitation projects**, the introduction of selective waste collection, and the construction of the necessary infrastructure;
- Create a **deposit system for packaging waste** in cooperation with **all** relevant actors, including the civil sector. DRS schemes are proven to be most effective if they are aimed at citizens, and the financial and logistical burden is borne by the polluter, i.e., the private sector.
- The Ministry of Ecology, Spatial Planning, and Urbanism should include the priorities of the relevant EU directives in its strategies and state management plans. It reduces waste production, develops reuse models, and then separates collection and recycling. With this in mind, the EPR model (extended producer responsibility) should be further strengthened and expanded to include beverage and packaging manufacturers, importers, and distributors. Special attention should be paid to glass

bottles and tires because they significantly impact the environment after disposal. So far, they have not been included in the EPR provisions in the Law on Waste Management;

- To include rural areas in the system of providing communal services by competent companies with a special emphasis on collecting packaging waste resulting from plant protection products in agriculture with the consistent application of the National Plan for the sustainable use of plant protection products.
- Regulate the management of **special types of waste**, such as medical, veterinary, electronic, construction, and mining waste.
- **Strengthen administrative and operational capacities** at the state level, especially the capacities of the Administration for Inspection Affairs, as well as the capacities of communal inspections at the local level.
- Strengthen cooperation between **state and local authorities**. Cooperation mechanisms between local and central authorities exist but are not used. Application of the institute of responsibility of local self-governments in terms of compliance with the State Waste Management Plan and implementation of local plans is crucial in this respect. The institute was legally established, but until now, the Minister's will to deal with this issue by calling the president of the municipality to account has been lacking.
- Enable the functioning of a **unique system of collecting data on types** and amounts of waste and enable public insight into the statistics of waste collection and management;
- Ensure **the functioning of the Register of hazardous waste polluters**.



Slano Jezero © Zoran Popović

Water quality

Some progress has been made.

Overview and assessment

The legislation is fully aligned with the EU acquis in the sub-area of water quality. This area is regulated by the Law on Water, adopted in 2007 and then amended and supplemented in 2015 and 2018 to transpose the Framework Directive on Water, other water directives, and ratified international conventions and declarations. This Law, among other things, aims to ensure good water status and appropriate quality surface and underground water for sustainable, balanced, and fair water use. In the sub-area of water quality, activities continued with the aim of implementing the Nitrate Directive, the Flood Directive, the Bathing Water Directive, the Marine Strategy Directive 2008/56/EC (Marine Directive), and the Urban Wastewater Treatment Directive 91/271/EEC. Although the transposition of the legislation has been carried out to the greatest extent, the inadequate implementation of the adopted norm in practice, inadequate sewerage networks for the collection and removal of wastewater, and the absence of WWTP in all municipalities, significant problems during the construction and functioning of the existing treatment plants, call into question the efficiency of the management of the wastewater system and therefore the quality of surface and underground water. In addition, the insufficiency of data on the quantity and quality of wastewater makes it difficult to adopt appropriate corrective measures and negatively affects the quality of reporting on the state of wastewater discharge. After the performance audit procedure, the State Audit Institution (DRI) assessed that the management of Montenegro's wastewater system is inefficient.

Strategic and legislative framework, law enforcement

The action plan for meeting the final benchmarks for Chapter 27 - Environment and climate change in the water protection sub-area refer to **final benchmark 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, which establishes a framework for Community action in marine policy.*
- *Montenegro appoints competent authorities for drinking water and draws up river basin management plans for each water basin located entirely on its territory, including parts of international water areas located on its territory. This action plan defines 33 measures..*

According to the Report on the **implementation of the action plan for March - August 2022**, three measures were planned that entail implementing three activities, none of which were implemented, and the degree of implementation is 0%.

Later, after the above-mentioned reporting period, the Government adopted the information on the prepared documents at the session of December 22, 2022:

- Initial assessment of the state of the marine environment of Montenegro;
- Characteristics of a good state of the marine environment and the objectives of the protection of the marine environment of Montenegro;
- Marine environment monitoring program;

and which are prescribed by the **Framework Directive on Maritime Strategy**, i.e., the Law on Maritime Strategy.

Water management plans for the Danube and Adriatic basins have been prepared with programs of measures adopted at the Government session held on March 3, 2022.

The Government adopted the **Surface and Groundwater Monitoring Program** for this year ("Official Gazette of Montenegro," No. 14/23) on January 12, 2023.

To implement the **Nitrate Directive, the Flood Directive, the Bathing Water Directive, and the Marine Strategy Directive**, the following documents have been prepared:

- Vulnerable zones were identified, and an Action Program was drawn up with measures to protect water from pollution from agricultural sources.
- **Hazard maps and flood risk maps were prepared**, as well as flood risk management plans for the Danube and Adriatic basins.
- **An assessment and classification of bathing water** were carried out, as was the **Bathing Water Monitoring Program**.
- The Field Work Program related to the Initial Assessment of the Marine Environment has been completed. The existing database was improved and supplemented with data collected by fieldwork and related analytical reports related to the initial assessment of the marine environment and the preparation of the document Initial Assessment of the State of the Marine Environment.

Following the Law on Waters, **waters on the territory of Montenegro are divided into waters of importance for Montenegro and waters of local importance** according to their importance or transboundary influence. The Government determines waters of importance for Montenegro on the Ministry of Water and Water Resources proposal, and the state administration body responsible for water management enters them in the Register they maintain. The Decision on the designation of waters of importance for Montenegro entered into force for the first time in February 2009, which means that the Water Administration was obliged to, within a year, i.e., by February 2010, create and establish a **register of waters of importance for Montenegro**. After 12 years since the Decision was made, there is still no register of waters of importance for Montenegro, nor for waters of local importance, for which the following local self-government units are responsible¹⁰.

The Law on Water as of 2007 regulates the legal status and method of integral management of water, water, and coastal land and water facilities, conditions and method of performing water activities, and other issues of importance for the management of water and water

resources. It also defined the establishment of **water information system**¹¹, established and managed by the competent administrative body. An audit conducted by the State Audit Institution¹² determined that even after fifteen years since the passing of the Law on Water in 2007, the competent administrative body - the Water Administration, has not established a water information system.

According to the available information, the Water Administration has prepared a draft Analysis and a proposal for activities to ensure the conditions for adequate Water Information System (VIS) functioning. In 2022, the **Program for the Use of Funds for Water management activities** provided funds for implementing those measures and actions determined in the analysis, first of all, the Geoportal, and all to establish the VIS in the manner prescribed by law.

By adopting the **Water Management Strategy (July 2017)**, the Government of Montenegro planned a long-term national water management policy. It obliged the Ministry of Agriculture, Forestry and Water Management to report to the Government on strategy implementation every three years. The deadline for submitting the Report on the implementation of the strategy was June 2021. However, that document has not yet been submitted to the Government for approval.

The Water Administration has not prepared, and the Ministry of Agriculture, Forestry, and Water Management has not adopted an *Operational Plan for protecting water from accidental pollution for waters of importance to Montenegro*. Also, local self-governments have not adopted an **Operational Plan for protecting water from accidental pollution for waters of local importance**. The above can have a negative impact on the efficiency of response in case of accidental pollution.

Amendments to the Law on Municipal Wastewater are in the process, for the drafting of which a Working Group was formed.

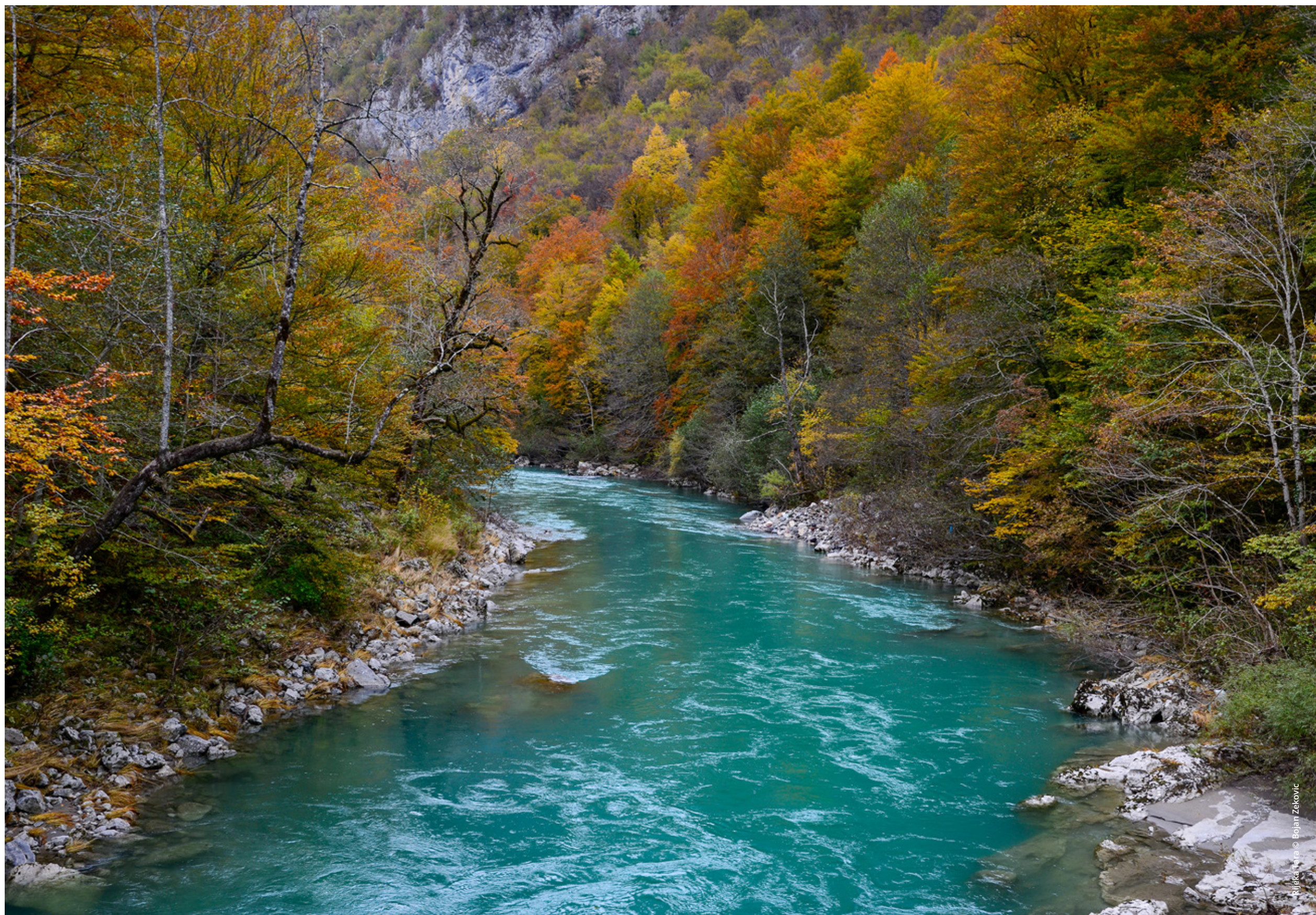
A prerequisite for efficient wastewater management is the existence of a WWTP with appropriate capacities. From 2016 (when the NEAS was adopted) until the end of the review, Montenegro increased the number of WWTPs from four to ten plants (the NEAS foresees that there will be 14 plants at the end of 2022). However, the DRI audit found that the WWTP (five plants included in the audit) has many shortcomings and problems in the functioning, which negatively affects the efficiency of the purification process. As a result, it happens that insufficiently purified or untreated wastewater is poured into the receiver. The conclusions of the SAI report state the following: "A special problem when it comes to the construction and functioning of the WWTP is that the contractors in Budva, Herceg Novi, Pljevlja, and Berane left the facilities before the deadlines defined by the contracts and initiated or are likely to initiate court proceedings before competent domestic and international courts."

Reliable data on the quantity and quality of wastewater discharged into the receiver are necessary to perform appropriate monitoring, all to establish an efficient wastewater management system.

¹⁰ Municipality of Herceg Novi, Municipality of Budva, Municipality of Bar, Capital City of Podgorica, Municipality of Danilovgrad, Municipality of Pljevlja, Municipality of Berane and Municipality of Bijelo Polje.

¹¹ A system that ensures the collection, processing, and distribution of all necessary information in the field of waters

¹² Performance audit report: Effectiveness of wastewater system management - DRI



According to the DRI Report's conclusions, the data's reliability on the amount obtained by measuring the input and output of municipal wastewater at the WWTP is questionable because, in addition to municipal water, atmospheric, sea, and other waters reaching the plant. At the same time, there is no available data on the amount of discharged municipal wastewater for municipalities that do not have a WWTP (Danilovgrad, Bar, and Bijelo Polje). The meters installed at the WWTP were not calibrated by the companies that manage the facilities, and the Water Administration did not require evidence of the correctness and calibration of the measuring devices to be submitted.

The issue of sewage sludge generated by WWTP operations is defined by the Law on Waste Management, i.e., the State Waste Management Plan 2015-2020. An integral part of the State Waste Management Plan is the Sewage Sludge Management Plan, which proposes that sewage sludge be used in the following way:

- Applying sludge in agriculture;
- Applying sludge in forestry;
- By applying sludge for soil recultivation;
- By applying sludge for the rehabilitation of existing waste disposal sites;
- By applying sludge as a cover layer on regional landfills;
- By burning sludge, etc.

According to the findings of the SAI, sewage sludge is mostly stored within the facility, although its application is defined by the Law on Waste Management and the Rulebook on the detailed conditions that municipal sewage sludge must meet, quantities, volume, frequency, and methods of analysis of municipal sewage sludge for permitted uses and conditions that should be met by the land planned for its application. At the State and local self-government level, there are no sewage sludge management plans which would define the method of treatment and handling of the same.

Protection of water from pollution is also achieved by **applying economic measures** in the form of payment of fees for water pollution - eco-fee, which is in accordance with the Law on the financing of water management and the Decision on the amount and method of calculating water fees and the criteria and method of determining the degree of water pollution. According to the findings of the SAI, the Water Administration **does not have data on the amount of fees charged for protecting water** from pollution from 2018 to 2020. By looking at the final decisions, it can be concluded that they were made based on the data on the amount of discharged wastewater submitted by the reporting entity once or multiple times a year. Also, the Water Administration does not have the **data that all taxpayers must pay according to the Law to protect water from pollution.**

To improve the situation in this area, it is also necessary to strengthen the capacities of all institutions with jurisdiction in the water field.

Key recommendations

- Establish a Register of waters of importance for Montenegro;
- Establish a Register for waters of local importance;
- Establish a Water Information System, which includes, among other things, the cadaster of water polluters;
- It is necessary for commercial, water supply, and sewage companies that manage WWTP to establish a reliable measurement of the amount of wastewater, calibration of measuring devices;
- Enact a Sewage Sludge Management Plan that would define the manner of handling and treatment of the generated sewage sludge at the state level and local self-government level.
- Establish records of all those liable to pay the fee for water protection from pollution, provide all the data necessary to calculate the fee, and establish a system for monitoring its collection.
- Build the missing sewage network;
- It is necessary to fully implement the existing legal regulations and improve inspection supervision on the country's entire territory at the national and local levels. It is necessary to improve control, especially in using water to construct hydroelectric power plants, water pollution, construction on riverbanks, and preservation of wetland habitats.
- Create agglomeration plans at the level of local government units.



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Protection of nature

Some progress has been made.

Overview and assessment

In the area of nature protection, Montenegro is partially aligned with the acquis the EU acquis. **Amendments to the Law on Nature Protection** have not yet been adopted, which include the definition of competent bodies for issuing permits and competent inspection bodies and their obligations in the context of the application of Regulation (EU) 511/2014, which are not determined by the Law on Ratification of the Nagoya Protocol. Most protected areas declared in the last five years are still “protected areas on paper” without managers or without adopted management plans. Protected areas now face insufficient capacity to deal with all aspects of environmental management.

Management plans were prepared and adopted for three marine protected areas, while none of the five national parks in Montenegro has a valid management plan as of 2020. The issue of reorganization of the PE National Parks of Montenegro has not yet been defined. The Ulcinj Salina was protected in 2019 as a Nature Park and included in the RAMSAR list of wetlands of international importance. However, the issue of management has not yet been resolved. Due to the inaction of the temporary manager (JPNPCG) last year, the opportunity to implement the most urgent and necessary conservation measure in this area - rehabilitation of the collapsed embankments - was missed. Work on establishing the NATURA 2000 network continued. The Red List of Birds of Montenegro was created, while work on the Red List and Book of Amphibians and Reptiles is ongoing.

Activities aimed at combating poaching on Lake Skadar are being carried out. Adopting the Law on Hunting and Wildlife, which is the basis for defining the hunting season and the list of hunting species under the Habitats and Birds Directives is still pending. Biodiversity monitoring in the Tara River was supposed to be carried out in June 2022. However, until the moment of writing this Report, the Report on the conducted monitoring is not available¹³. Also, it is not known whether the CRBC implemented remediation measures in the part of the bed of the Tara River in the area of the Tara Bridge 2. The destruction of the Tara River bed during the construction of the Kolašin-Mataševo highway section has not yet received a final judicial epilogue, and a good number of criminal charges have since 2018, when the Network for the Affirmation of the Non-Governmental Sector (MANS) first alerted the public about the state of the environment, have been dismissed. Court proceedings are ongoing in Kolašin, while the proceedings in Podgorica are headed for a retrial.¹⁴

¹³ <https://www.vijesti.me/vijesti/ekonomija/593347/crbc-da-prekrasajno-odgovara>

¹⁴ <https://www.vijesti.me/vijesti/drustvo/642020/daleko-je-pravda-za-suzu-evrope>

Strategic and legislative framework, law enforcement

The action plan for meeting the final benchmarks for chapter 27 - environment and climate change, nature protection sub-field is related to final benchmark 5, which states:

- *Montenegro submits to the Commission a list of proposed Natura 2000 sites, which sufficiently includes habitat types and species under the Birds and Habitats Directive requirements.*
- *Montenegro demonstrates the capacity to manage the Natura 2000 network, among other things, by giving the Ulcinj Salina an appropriate protection status and effectively implementing the necessary conservation measures that improve the conservation status.*

71 activities are defined in this sub-area.

The Government adopted the Information on the prepared documents Initial Assessment of the State of the marine environment of Montenegro and Characteristics of a good state of the marine environment of Montenegro and the Objectives of the Protection of the marine environment on 22.12.2022.

According to the report on **the implementation of the action plan for March - August 2022**, 17 activities were planned, which entail the realization of 21 measures, of which 3 were realized, which makes the degree of realization of 14.28%. The activities realized in the above-mentioned reporting period refer to the strengthening of the administrative capacities of managers and technical equipment of managers for adequate implementation of protection. In this regard, within the JPMDCG Control Service, 4 officers were employed to protect protected natural assets; equipment was also purchased: field glasses, binoculars, and uniforms.

The execution of activities related to the transformation of JP National Parks of Montenegro is delayed. (deadline until 2021).

Also, hunting seasons and lists of hunting species have not been defined under the Directive's requirements on habitats and birds. Adopting the Law on Hunting and by-laws such as the Rulebook on Species, which is the basis for the Rulebook on the hunting season, is awaited. In June 2021, CZIP sent an initiative to the competent Ministry of Agriculture, Forestry, and Water Management to start a new procedure for amending the Law on Game and Hunting and submitted comments and suggestions for improving this umbrella document. However, after several emergencies, the Ministry of Agriculture, Forestry and Water Management rejected the initiative in November 2021, explaining that the draft law was well prepared and should be forwarded for further procedure.

The initiative of CZIP to form a working group to combat poaching, which was sent together with the above-mentioned, was accepted. The Ministry of Agriculture, Forestry and Water Management issued a public invitation for a representative of a non-governmental organization to join the working body for combating poaching and the use of illegal means of hunting all kinds of wildlife in March 2022. However, despite the numerous urgencies of the CZIP, by the time of submission of this report, a non-governmental organization representative was not appointed in the working body, nor was this working body formed. Also, during the reporting period, there was no response from the Ministry to the submitted petition for introducing a moratorium on hunting,

which 7,033 citizens of Montenegro signed in December 2021.

In October 2022, the Government of Montenegro established a draft law on amendments to the Law on Wildlife and Hunting. However, there were no further activities of the Parliament on this matter.

A more effective fight against illegal hunting, a significant improvement of the legal framework in the hunting sector, and a complete reform of the hunting system are necessary. This particularly applies to the deletion of certain endangered species from the hunting list and the harmonization of the hunting season with the periods of reproduction.¹⁵

Illegal hunting of wild animals, especially birds (most often by prohibited means), is recognized as a problem. The reason for this is the inconsistency of the law, ignorance and disrespect for the law, insufficient control of hunting by the competent institutions, lack of capacity in the police and inspection services, and non-punishment of the perpetrators of the committed crimes. Frequent cases of poaching in protected areas and of animals protected by law indicate that urgent changes in the hunting system are necessary. Namely, the hunting association and hunting societies manage hunting grounds without compensation to the state and monitor games without clear protocols, resulting in large differences and inconsistent data on numbers. External control of their work is completely absent, and there is no institutional education on hunting.

One of the demands from the negotiating position refers to the formation of the management structure of the Ulcinj Salina. And according to the available data, all activities defined by the AP and related to the Ulcinj Salina are delayed. On June 29, 2022, a meeting was held at which the conclusion was reached that the management model of the Ulcinj Salina will be a limited liability company, and the founders of the LLC will be the Government of Montenegro and the Municipality of Ulcinj. However, the Municipality of Ulcinj has not yet passed the Decision on the establishment of the company and related decisions and regulations: such as the Decision on the appointment of the manager, the Rulebook on the internal organization and systematization of the manager, the Rulebook on internal order and the Protection Service, the Decision on the formation of the Expert Council of the Nature Park "Ulcinj Salina," Decision on the amount and method of calculation and payment of fees for the use of the assets of the Nature Park. The working group established by the municipality of Ulcinj prepared the Management Plan. For the Center for the Protection and Study of Birds, external experts prepared a hydrological study for the Salina, one of the activities defined by AP NEAS (activities 5.33). Also, a project to rehabilitate the embankment on the Ulcinj Salina is underway, the finalization of which will be of great importance for re-establishing the ecological balance and preserving the Salina as a wetland habitat. The embankment rehabilitation project was planned for 2022. However, it was not realized because the then administration of JPNPCG did not allow it. The company's director at the time, Mr. Aleksandar Bulatović, refused to sign the Request for the issuance of a permit for the execution of rehabilitation works, thus missing the opportunity to realize this project of crucial importance for Salina in October 2022. Embankment rehabilitation

¹⁵ Analysis of the legal framework in the field of hunting in Montenegro (NGO Green Home)



is also one of the activities planned by AP NEAS (activities 5.36 and 5.41, including the acquisition of excavators). In addition to the above, the Center for the Protection and Study of Birds has carried out a geodetic survey of the entire area of the Salina, which will contribute to the fulfillment of another activity from the plan - 5.39 Defining the boundaries of the protected area.

The national network of protected areas currently covers 13.22% of the land area of Montenegro and 1.87 % of the sea. There are 80 protected areas in Montenegro, with different categories of protection. A big challenge in nature protection is the management of protected areas. Of the 80 protected areas, 53 have a designated manager, while 27 do not have a designated manager. The protection study was done for only 22 out of 80 protected areas (27.5%), while the revision of the study needs to be done for 63 protected areas (79%).¹⁶

Activities related to the realization of the basis for **revision studies** for NP Skadarsko jezero, NP Durmitor, and NP Lovćen are underway; revision studies for protected areas in and outside the Marine property zone that were placed under protection in 1968 by the Decision of the Institute for Nature Protection, Park Museum Topolica in Bar, Đalovića Gorge, as well as the protected area of the natural monument "Lipska Pećina" in the Capital of Cetinje.¹⁷ The revision study for the Biogradska Gora NP protected area has been completed and presented to the public. The public discussion lasted from 08.12.2022. until 31.01.2023. The report on the public debate was published on the Ministry's website, but the Study has not yet been adopted.

Activities for the preparation of the following protection studies are underway: Draft Protection Study for the Mrtvica River and its surroundings, Draft Protection Study for the Great City Park in Pljevlja, and the preventive protection procedure for Valdanos and Maslinada in Ulcinj.

The Center for the Protection and Study of Birds - CZIP submitted an initiative for the protection of Visitor and Zeletin, which would establish the protection of one of the most preserved forest complexes in the Balkans, and after Biogradska gora and Crne Pode, the third rainforest in Europe. Although the initiative was submitted in May 2022, no response remains.

Poor management of protected areas can be seen through the example of Prokletije National Park. During March 2023, at the Government session, the representative of the Ministry of Capital Investments openly put pressure on the Environmental Protection Agency to enable the organization of a mass festival in this national park. This example shows the extent to which decision-makers misunderstand the importance of nature protection because it must not be a practice to publicly propose and advocate activities contrary to the Law and to invite institutions to violate it. In addition, constructing a tourist complex will soon begin in Prokletije National Park in the most attractive location, i.e., the valley of Grebaje. The settlement will be built as part of the Special Purpose Spatial Plan of Prokletije National Park on the territory of Gusinje Municipality. The

¹⁶ Draft analysis of shortcomings in the management of protected areas of Montenegro, Dinarida Parks

¹⁷ Report on the work and situation in the administrative areas of the Ministry of Ecology, Spatial Planning, and Urbanism in 2022

Government has issued the urban-technical conditions for the realization of this project and thus given the green light to the development of mass tourism and the unplanned expansion of accommodation capacities in our most valuable areas.

The working group for developing the Brown Bear Population Management Plan was formed in 2019, but the Plan has not yet been adopted.

The Amendments to the Law on Nature Protection, which include the definition of competent bodies for issuing permits and competent inspection bodies and their obligations in the context of the application of Regulation (EU) 511/2014, which are not determined by the Law on Ratification of the Nagoya Protocol, have not yet been finalized.

In the reporting period, **the Law on Amendments to the Law on Forests**, whose adoption was planned for 2021, was not adopted. Amendments to the Law on Forests will enable the transformation of the current way of forest management so that concessions are abolished and commercial operations in forest management are entrusted to a state-owned company that will be established. Therefore, it is very important to consider forest management models in protected areas. Adoption of the law is expected in the fourth quarter of 2023. Deforestation, especially that which takes place in protected areas, sometimes in the most strictly protected areas, is particularly dangerous for nature. For example, in PP Komovi, an extremely rich forest area, there is economic cutting of trees. In this regard, one of the conference's conclusions organized by the NGO Green Home is to initiate a revision of the Forest Management Plan in Opasanica in the Komovi Nature Park and assess how much damage was caused in that protected area by cutting down the forest.¹⁸

The biggest problem in preserving significant habitats and species is the non-transparent and inadequate planning of buildings in protected areas, the construction of which often does not meet minimum biological standards and disrupts the natural balance of already damaged natural ecosystems. The main cause of this problem is poor planning documents, inadequate implementation of Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA), and political pressure. An example of the aforementioned statement is the illegal construction works in Gornji Štoj, only 50 meters from the waterfowl colony. The most endangered is, first of all, the only colony of the spoonbill heron on the territory of Montenegro, but also other protected and endangered species such as the glossy ibis, the little cormorant, the black-crowned night heron, the little white, yellow, gray and cattle heron, which are protected by both national legislation and international directives and conventions to which we are signatories.¹⁹

The announced construction of a bridge on Bojana to connect the coast of two coastal centers - Montenegrin Ulcinj and Albanian Velipoj, is causing concern. The plan is to place load-bearing concrete pillars for a 310-meter-long bridge in the Bojana riverbed, not far from its confluence with the Adriatic Sea. However, the experience of building bridges on the highway shows that Montenegro does not have developed mechanisms for monitoring and following up on the construction of such projects. Especially since it

¹⁸ <https://www.greenhome.co.me/pokrenuti-reviziju-plana-gazdovanja-sumama-u-opasanici/>

¹⁹ <https://czip.me/alarmantno-ugrozena-najvaznija-kolonija-ptica-u-ulcinju/>



is an area of multifaceted importance at the national and international levels. Also, the project has no basis in the state's planning documents.

The Agency for the Protection of Nature and the Environment has completed the preparation of the study “**Determining the Zero State of Biodiversity in Sinjajevina**” in the wider area planned for a military training ground.²⁰ The results of the mentioned study were not published and presented to the public until the report was written. On July 18, 2022, activists of the Citizens’ Initiative (GI) Save Sinjajevina submitted a petition with 22,000 citizen signatures to the Delegation of the European Union and the Government in Podgorica, requesting the annulment of the DecisionDecision that provided for a military training ground on that mountain.²¹ Until the moment of preparation of this report, the Government of Montenegro has not withdrawn the DecisionDecision to establish a military training ground in Sinjajevina. In the period from May 20 - June 2, the military exercise “Immediate Response 23” was announced, which, according to the available information, will not be implemented in Sinjajevina²² but in the area of municipalities that gravitate to Sinjajevini mountain. Activists of the Citizen’s Initiative Let’s Save Sinjajevina, although they received information from the Ministry of Defense that there will be no military activities in Sinjajevina, remain cautious and will be in Sinjajevina during the specified period.²³

This year, the 42nd session of the Standing Committee of the Berne Convention was held from November 28 until December 2, 2022, at the headquarters of the Council of Europe in Strasbourg, France. The committee discussed the case of Porto Skadar Lake, which was opened in 2016 following a complaint by the NGO Green Home and a group of citizens of Virpazar due to the planned construction of two tourist complexes, namely Porto Skadar Lake and White Village in the Skadar Lake National Park.

The representative of the Ministry of Ecology, Spatial Planning, and Urbanism, as well as the executive director of the NGO Green Home, reported on what was done concerning the recommendations given to the state of Montenegro by the joint mission of the Berne and Ramsar Conventions in front of the appellant. As a reminder, the recommendations given by the joint mission of the Berne and Ramsar Conventions related to the complete suspension of the project, development of a spatial plan, zoning, development of habitat maps, ban on the use of fast vessels on the lake, and a number of other recommendations.

Delegates of the Berne Convention expressed concern about the situation in this protected area, not only regarding the planned construction of the Porto Skadar Lake and White Village project but also numerous other problems and threats. Support was expressed for revising the protection study for this national park, which the Ministry is working on, but also the repeated need to suspend the project, which has not been done so far. For these reasons, the case remains open, which in practice means that the Secretariat of the Berne Convention will continue to monitor and demand the full implementation of the recommendations they gave to the state and, in their conclusions, repeat the requests of the complaining party (Green Home).

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

21 <https://www.slobodnaevropa.org/a/crna-gora-sinjajevina-ekologija/31948845.html>

22 <https://www.gov.me/clanak/svecano-otvaranje-vjezbe-immediate-response-23>

23 <https://www.sinjajevina.com/post/vijesti/cuvari-sinjajevine-od-22-maja-bice-na-margiti-vojska-da-ne-krece-ka-nasim-pasnjacima>

The Montenegrin Society of Ecologists (CDE), together with the Society of Young Ecologists Nikšić and the KOD Organization, submitted a **complaint to the Secretariat of the Berne Convention** in April 2022 regarding the DecisionDecision of the Government of Montenegro to approve the EPCG concession for the **Komarnica hydroelectric power plant** for the production of electricity. By making the Decision to grant the concession, Montenegro violated Articles 3 and 4 of the Berne Convention, which obliges the signatories to improve national policies in the preservation of wild flora and fauna, as well as recommendations related to the preservation of wild animals and natural habitats. **At 43rd session of the Permanent Committee of the Berne Convention held on March 29 – 30, 2023**, a case of appeal regarding the planned construction of HPP Komarnica was also noted. In its report, the Secretariat of the Berne Convention expressed concern about the construction of HPP Komarnica. It also noted the allegations that the data was used to prepare the 30-year-old Environmental Impact Assessment and requested an explanation from the Government of Montenegro.²⁴

It is necessary **to urgently stop any exploitation of sand and gravel**, both in the bed of the Morača River and in the coastal part of the Morača River, that is, in the II zone of water source protection. Scientific analyses have shown that the economic activities carried out in the bed and on the banks of the Morača River, especially in the II (Narrow) sanitary protection zone of the source, directly affect the abundance of the “Bolje Sestre” source.²⁵ Activities related to the exploitation of gravel and sand in the lower reaches of the Morača River are generally unlawful and illegal. Nevertheless, some companies exploit gravel and sand, even though they do not have a contract for this with the state, and a large number of natural persons own machinery that they use for the same purposes.²⁶

At the session held on August 3, 2022, the Government of Montenegro obliged the Ministry of Agriculture, Forestry and Water Management to form an interdepartmental team that will undertake concrete legal actions with an assessment of the situation when it comes to the exploitation of gravel and sand. In addition, after the 15th session, the Government tasked the Ministry of Agriculture, Forestry, and Water Management to report quarterly to the Government on the results achieved in the fight against the illegal exploitation of gravel and sand from watercourses. The Ministry of Agriculture, Forestry and Water Management has established an Operational Interdepartmental Team whose task is to monitor the situation on all watercourses and to propose appropriate measures to state administration bodies. From September to December 2022, five meetings of the Operational Interdepartmental Team were held (initial and four regular meetings). A direct visit established that several entities carry out the illegal exploitation of gravel. Members of the Police Directorate, the Directorate for Inspection Affairs, and the inspection supervision of the Ministry of Ecology, Spatial Planning, and Urbanism carried out the control of these entities. Numerous irregularities were found during the inspection of business entities involved in producing and trading construction materials. The inspections issued misdemeanor orders of €92,850.00 and submitted 19 requests to initiate misdemeanor proceedings.²⁷

24 [Draft Agenda Bureau September](#) (coe.int) , Page 16

25 <https://press.co.me/lakusic-hitno-zaustaviti-svaku-eksploataciju-pijeska-i-sljunka-iz-korita-morace/>

26 [Information on the illegal exploitation of river sediments from all watercourses](#)

27 Report on the work and situation in the administrative areas of the ministry of agriculture, forestry and water management, and administrative bodies for 2022.



In the Nikšić field, works were carried out on the rehabilitation of the Opačica and Moštanica canals, which were followed by a major intervention during the nesting season and in locations that are of great importance for birds and plants. The Nikšić field is one of the most important wetlands in Montenegro, a future Natura 2000 area, which is already undergoing changes and pressures for a large part, mainly for electricity production. Therefore it is necessary to manage it to preserve and improve biodiversity, which is not an obstacle to electricity production.

Low administrative capacities, the application of the provisions of the Criminal Code through subjective interpretations, and the lack of understanding of the importance of nature protection by the prosecution lead to an extremely low rate of punishment for persons who have committed criminal acts against nature.

Key recommendations

- Adopt amendments to the Law on Nature Protection and the Law on Forests.
- In the existing Law on Forests, review Article 32, which defines that only sanitary logging can be carried out in protected assets (protected areas and areas of the ecological network), which has not been the case until now (Nature Park “Piva” and Nature Park “Komovi”). Also, the Law on Forests does not contain key norms regarding using and managing forests in protected areas, which must be defined.
- Improve communication between the Ministry of Ecology, Spatial Planning and Urbanism, the Ministry of Agriculture, Forestry and Water Management, the Forestry Administration, and the Environmental Protection Agency in preparing these two important laws.
- Adopt secondary legislation under the Law on Nature, the Law on Foreign and Invasive Alien Species of Plants, Animals, and Mushrooms, the Law on Game and Hunting, the Law on Forests, and the Law on the Protection of Animal Welfare, further transposing the Habitats Directive, the Wild Birds Directive, Zoos Directive, Leg Traps Regulation, Seal Skin and Derivatives Import Directive, European Parliament and Council Regulation on the Prevention and Management of the Introduction and Spread of Invasive Alien Species, Pinnipedia Marine Mammal Trade Regulation, CITES Regulation, and FLEGT Directive and Regulation.
- Prepare and adopt management plans for the national parks of Montenegro and ensure a sustainable financial structure for the national parks.
- Review the DecisionDecision and determine the degree of respect for the public interest in the transformation of national parks from a public company to a commercial company, considering that this modality enables the privatization of the most valuable areas and that the interest of nature protection is subordinated to the interest of ensuring economic sustainability. The transformation of a public company into a commercial company also calls into question the financial support of this institution from the state regarding competition protection. Determine the boundaries of protected areas and register them in the real estate cadastre to avoid arbitrary interpretation and inadequate application in practice.

- Strengthen the capacities of the JPMDCG regarding the management of marine protected areas;
- Adopt a Decision on the establishment of a company and related decisions and regulations: such as the DecisionDecision on the appointment of managers, the Rulebook on the internal organization and systematization of managers, the Rulebook on internal order and the Protection Service, the Decision on the formation of the Expert Council of the “Ulcinj Salina” Nature Park, the DecisionDecision on the height and the method of calculation and payment of fees for the use of the assets of the Nature Park.
- Enact the Wildlife and Hunting Law and by-laws: regulations on species and hunting season;
- Prepare an act on the ecological network with the boundaries of each locality, information on target species and habitats, managers of each locality, and measures to protect and preserve the ecological network. According to the action plan for meeting the final benchmarks in Chapter 27, this activity is planned for 2021 - 2023.
- Adopt the Invasive Species Management Strategy. Stop any further illegal and unprofessional stocking of water bodies. Create a list of foreign and invasive species that cause concern in Montenegro.
- Improve the management mechanism of protected areas, categorizing protected areas, and establishing and implementing protection regimes and measures.
- Improve activities on the database preparation on biodiversity and the distribution of habitats and species in GIS based on the implemented comprehensive monitoring program following the obligations under the acquis.
- Prepare basic biodiversity studies so that the data can be used to prepare planning documents and thus improve the integration of nature protection measures into the spatial planning sector.
- Define the methodology of collecting and archiving biodiversity data by NGOs and individuals for the needs of the Environmental Protection Agency to enable more efficient use of data. Especially for other N2K species, to adequately collect and process the data obtained from the field.
- Establish mechanisms and a legal foundation that enables the suppression of projects harmful to nature within unprotected but certainly future Natura 2000 areas because, through the current practice, these locations suffer great pressure, and there is a great chance that by the day of the official declaration, they will lose the value that qualifies them as Natura 2000.
- The problem of using fishing nets for crop protection should be solved by establishing a system of subsidies for sustainable crop protection through the use of adequate nets that do not endanger birds and other animals.



Industrial pollution

No progress
has been
made.

Overview and assessment

In the field of industrial pollution, there was no progress. The PRTR Pollutant Registers, with a database on pollutant emissions, have not been established to efficiently ensure public access to environmental information. Also, the Register of plants that use organic solvents or products containing remediable organic compounds - VOC plants has not been established. The operation of the Pljevlja thermal power plant is contrary to the restrictions to which it is subject under the Large Combustion Plants Directive. The plant is operating without a valid integrated permit. The joint inspection supervision defined by the Law on Industrial Emissions is ineffective and not implemented. The EU Environmental Management System and Verification Scheme (EMAS) and Eco-labeling have not been established. There was no remediation of all the ecological black spots even after eight years after the signing of the loan agreement with the World Bank for the project "Industrial waste management and Cleaning - IWMCP" (Zeljezara Landfill - Halda, red mud basin in KAP).

Strategic and legislative framework, law enforcement

Under the Industrial Emissions Directive, the Pljevlja Thermal Power Plant is subject to limited operation under the Large Combustion Directive, which entered into force following the Energy Community Agreement on January 1, 2018. From then until the end of 2023, the power plant can operate for a maximum of 20,000 hours. After that, it must either be permanently closed or retrofitted to meet Annex V, Part II of the Industrial Emissions Directive.

The quota of hours of the power plant has been exhausted by the end of 2021 since the thermal power plant has been operating illegally for the third year in a row, and by 2023 it has used over 34,412 hours (14,000 hours more than allowed). The Secretariat of the Energy Community initiated a procedure to resolve the dispute against Montenegro,²⁸ but the power plant is still running.

The planned modernization project is uncertain, non-transparent, and two years late, and the public has never been given an economic justification for the project²⁹. Project costs have also increased since the tender³⁰ which corroborates the concerns raised by the unsuccessful bidders at the time. In April 2021, the Ministry of Capital Investments asked the public prosecutor to investigate the case,³¹ but EPCG continued with the investment without waiting for the investigation results.

²⁸ <https://energy-community.org/news/Energy-Community-News/2021/04/20.html>

²⁹ <https://bankwatch.org/blog/ngos-expect-energy-community-infringement-procedure-on-montenegrin-coal-plan>

³⁰ <https://balkangreenenergynews.com/montenegros-epcg-ready-for-reconstruction-of-tpp-pljevlja-despite-jump-in-costs/>

³¹ <https://www.vijesti.me/vijesti/ekonomija/526787/milioni-za-termoelektranu-u-specijalnom-tuzilastvu>

A serious step back took place in December 2022, when the Government and Parliament adopted amendments to the Industrial Emissions Act, which enabled the operation of the power plant until the end of the non-existent negotiations on the extension of the operation of the Pljevlja Thermal Power Plant and the conclusion of the lawsuit of the Energy Community against Montenegro. The Pljevlja Thermal Power Plant is hereby exempted from the application of limit values for emissions of harmful substances. According to EEA data, in 2022, sulfur dioxide in Pljevlja amounted to 46,504 tons, more than in 2021. PM and NOx emissions have increased compared to 2021, 560 tons and 3,954 tons, respectively. Of particular concern is the trend of soot particles, which has been on a constant rise since 2018 and will set records in 2022.

After spending 20,000 hours, the Environmental Agency started the procedure of revoking the integrated license for the Pljevlja Thermal Power Plant in 2021. Still, the Government decided to stop that process, which is why the Pljevlja Thermal Power Plant has been in violation since then, i.e., the plant operates without a valid integrated license.

Pursuant to the Law on Industrial Emissions ("Official Gazette of Montenegro," No. 017/19), in 2022 the Agency received: 3 applications for the issuance of an integrated permit "Uniprom" doo Nikšić, "FabLive" doo Podgorica and "Poliex" doo Berane; implemented 2 requests from an earlier period for the revision of the integrated permit for the landfills "Livade" doo Podgorica and "Možura" doo Bar, while one (1) case for the revision of the integrated permit and one (1) case for the termination of the validity of the integrated permit are in the process. Both cases are from an earlier period.

The implementation of regular coordinated inspection supervision is defined by the Law on Industrial Emissions, Article 64, paragraph 5, to continuously check whether the measures and conditions from the issued integrated permit are regularly implemented. However, coordinated inspection supervision is not carried out.

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

Key recommendations

- To provide the competent bodies of local administrations (through changes in regulations) with additional competencies in controlling current and residual sources of pollution and pollutants.
- It is necessary to start remediation of the "black spots" of industrial pollution as soon as possible (the landfill in Nikšić, and the Red Sludge Pool in Podgorica, complete the started processes)
- Establish a cadastre of current and potential industrial polluters from closed industrial facilities whose plants are not in the continuous maintenance phase and

potentially represent an accident hazard, and in this direction, carry out continuous controls and rehabilitation.

- Initiate a solution with the Energy Community on speeding up the misdemeanor procedure and collecting penalties for overtime work at the Pljevlja Thermal Power Plant, i.e., demand that Montenegro immediately bring the Pljevlja coal-fired power plant into line with the Energy Community Agreement; invite Montenegro to publish a feasibility study for the planned modernization project and publish the results of the public prosecutor's investigation into the tender process.
- Apply the penal policy for the conduct and operational work of the Pljevlja Thermal Power Plant without an adequate integrated permit.
- Urgently reduce the operational work of the thermal power plant Pljevlja.
- Work rapidly on investing in power plants based on sustainable renewable sources, focusing on solar power plants (Briska Gora, Čevo, Lastva, Ubli, etc.).
- Create prerequisites for the application of the EMAS mechanism and eco-labeling system.
- To implement the SEVESO directive, it is necessary to specify the various sectors' responsibilities and work on identifying these facilities.
- Carry out coordinated inspection supervision as defined by the Law on Industrial Emissions.



Chemicals

Some progress has been made.

Overview and assessment

Montenegro has transposed the following provisions into its legislation: REACH regulation, CLP regulation, and Regulation on biocidal products. Good progress has been made in this sub-area with the adoption of new by-laws. However, the implementation of the regulations remains questionable. The prerequisites for establishing the Chemical Poisoning Control Center have not been met. The register of chemicals and biocidal products under REACH and BPR regulations has not been established. Monitoring of certain POPs in soil and air is carried out. No asbestos management program has been prepared in Montenegro.

Strategic and legislative framework, law enforcement

On July 1, 2022, the Government adopted the Report on the implementation of the Action Plan for the implementation of the National Chemicals Management Strategy 2019-2022, for the year 2021.

Based on the Law on Chemicals, *the following was adopted: Rulebook on Amendments to the Rulebook on the List of Substances of High Concern* ("Official Gazette of Montenegro," No. 64/22) and transposed the changes to Annex XIV of the REACH Regulation, *the Rulebook on the Amendment to the Rulebook on the List of Hazardous Chemicals and products whose export is prohibited* ("Official Gazette of Montenegro," No. 86/22), which transposed amendments to Annex V of Regulation (EC) 649/2012 (PIC) and the *Decree on Amendments to the Decree on Prohibited or Permitted Ways of Use, Production and of placing on the market chemicals that represent an unacceptable risk to human health and the environment* ("Official Gazette of Montenegro," No. 134/22), which transmitted changes to Annex XVII of the REACH Regulation.

The action plan for meeting the final benchmarks for chapter 27 - environment and climate change, chemicals sub-area is related to the final benchmark:

- *Montenegro continues to align with the acquis in the chemicals, noise, and civil protection sectors. It shows that it will be fully prepared to ensure the implementation and application of EU requirements on the day of accession*

According to the Report on the implementation of the Action Plan March - August 2022, in this reporting period, 5 activities were planned, which entailed implementing 7 measures, of which 4 were implemented. The prerequisites for establishing the Poison Control Center were not provided in the reporting period. In this regard, it was necessary to prepare a Report on the assessment of national capacities and needs and, accordingly, to prepare a Project Proposal. The Ministry of Health, in cooperation with the WHO, is responsible for implementing the mentioned activities.

To implement the Directive on animal protection, there were no activities in terms of capacity building, and one approval was issued for conducting experiments on animals for scientific purposes.

Two activities were implemented in the part of PCB disposal. They are the result of the implemented project: 640 tons of PCB waste and equipment identified, 475 tons of PCB waste and equipment removed and permanently disposed of; 80 tons of PCB transformers decontaminated and returned to use; 1,050 tons of PCB contaminated soil removed and one warehouse reconstructed to meet the requirements for the storage of hazardous chemicals. The removal of the remaining quantities of PCBs is planned to be realized in the following period.

In the reporting period, activities related to achieving helpdesk functionality were carried out. The Helpdesk supports manufacturers, importers, downstream users, and other interested parties **in terms of obligations in chemical management** in the process of accession/joining the EU. In this regard, materials have been prepared that are available on the website. In the future, it is necessary to present them to interested parties (social networks, round tables, printing them...). Furthermore, it is necessary to continue training the Environmental Protection Agency employees to acquire communication skills and exchange experiences with colleagues from similar services within the Help Net network meetings.

The action plan stipulated the obligation to create a Register of chemicals and biocidal products following REACH and BPR Regulations. Still, it was not implemented due to a lack of financial resources.

Improvement of monitoring of POPs discharge into water and improvement of monitoring of POPs emissions into air and soil are activities that are implemented continuously. Still, the challenge for the future is to provide financial resources for adding new POPs.

Realization of the project for the reconstruction of asbestos-cement pipes is an activity that has not been realized and is the responsibility of the Association for the Improvement of Water Supply, Treatment and Drainage of Wastewater of Montenegro and local companies for water supply and sewerage.

The challenge is the implementation of the Asbestos Directive. The distribution water network in most cities is composed of asbestos-cement pipes. The disposal of construction waste containing asbestos is not adequately regulated. The development of **an asbestos management program in Montenegro** has not been implemented. It is necessary to improve the cooperation between all relevant authorities because it is a cross-sectoral approach, as well as to provide means and knowledge for the development of the National Program for the Elimination of Asbestos-related Diseases, the development of the Register of Persons Exposed to Asbestos, the development of protocols, training, and examinations of employees who are exposed to asbestos.

Ključne preporuke

- Establish a Chemicals Register in the format prescribed by the EU.
- Establish a register of biocidal products that have been placed on the market.
- Establish a Chemical Poisoning 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.
- Strengthen inter-sectoral cooperation in this area.
- Improve the POP and PAH monitoring program in the environmental segments (soil, water, air).
- Identify locations contaminated with PCBs.
- Raise the capacities of customs officials to implement the Rotterdam Convention.
- To raise public awareness on the harmfulness of chemicals, handling of materials containing asbestos fibers, and handling of asbestos waste.



Noice

No progress
has been
made.

Overview and assessment

No progress was made in the reporting period in the sub-area of noise. There were no activities in terms of raising public awareness about noise protection in the environment. No strategic noise maps were created for the three main roads due to a lack of financial resources. There were no activities in terms of strengthening administrative capacities, organizing pieces of training, etc.

Strategic and legislative framework, law enforcement

According to the action plan for meeting the final criteria for Chapter 27 - environment and climate change, the noise sub-area is related to the final criterion:

- *The EU takes note of the level of compliance of Montenegro in the area of noise and plans for further enforcement measures: the creation of noise maps and action plans for noise management for the agglomeration and the launch of campaigns to raise the level of public awareness and further use of the centralized information system within the Agency for Nature Protection and environment.*
- *The EU takes note of the level of compliance of Montenegro in the area of noise and plans for further enforcement measures: the creation of noise maps and action plans for noise management for agglomeration and main roads.*
- *The EU states the intention of Montenegro to provide training for the staff of the Agency for Nature and Environmental Protection for the production of noise maps and Action Plans, as well as to employ one more inspector in the Directorate for Inspection Affairs.*

As per the Report on the implementation of the action plan for March - August 2022 in the reporting period, two activities were planned, including the implementation of two measures, one of which was implemented. However, from the available report, it can be concluded that the activity of implementing the campaign has not been realized but that it is being prepared based on the data collected through two noise monitoring programs at 11 locations. Adoption of the Strategic Noise Map for the main road Virpazar-Podgorica (29.3 km) with PGPS 3,741,040 (traffic counter at the location of the Zeta railway station, Strategic Noise Map for the main road Tivat-Budva (25 km) with PGPS 5,790,196 (traffic counter at the location Radanovići) and Strategic noise maps for the Herceg Novi-Kamenari main road (15.4 km) with PGPS 3,898,656 (the traffic counter is located at the Kumbor location) was not implemented due to lack of financial resources.

Key recommendations

- Provide financial resources for noise monitoring in the environment in Montenegro.
- Create strategic maps for the two main roads and action plans.
- The data on noise level measurement should be consolidated into a single system based on which noise level reduction measures would be prescribed.
- Establish a system of online reporting to the public about the level of noise in the environment.
- Work on raising public awareness in this area.
- Provide a clear budget allocation with a campaign to strengthen public awareness of noise pollution (cities, main roads, protected areas, and sea lanes).
- Prepare a strategic noise map for the Bar - Boljare highway.
- Accelerate the adoption of the Noise Protection Action Plan for Main Roads by 2022.



Climate change

Some progress has been made.

Overview and assessment

In the sub-area of climate change, Montenegro is partially aligned with EU legislation; further alignment is expected by adopting the Law on Amendments to the Law on Protection from the Negative Impacts of Climate Change and related by-laws. From June 2021 to June 2022, some progress was made in further alignment with the EU Acquis. **A draft of the new Law on Protection from the Negative Impacts of Climate Change** has been prepared, which will enable further alignment with the EU ETS Directive 2003/87/EC and its amendments, as well as monitoring and reporting, accreditation and verification, Union registers, free allocation, and auction. Within the framework of the National Council for Sustainable Development (NSOR), **the Working Group for Mitigation and Adaptation to Climate Change was formed** as a permanent working body of the Council that will monitor reporting on greenhouse gas emissions, policies and measures to mitigate and adapt to climate change, by EU Regulation 2019/1999.

Strategic and legislative framework, law enforcement

The Government adopted the Nationally Determined Contribution (NDC) on 03.06.2021, which, as a new target value, sets a reduction of 35% by 2030, compared to 1990, i.e., a reduction of greenhouse gas emissions by 2,117 kilotons by 2030. With the initial Intended Nationally Determined Contribution (INDC) report submitted to the UNFCCC Secretariat, Montenegro initially committed to a 30% reduction, and that goal has already been achieved.

In the meantime, in December 2022, the Council of Ministers of the Energy Community adopted a decision on new targets for reducing GHG emissions, which set a 55% reduction compared to the base year 1990, a new target for reducing emissions. In this regard, the next revision of the NDC should elaborate on scenarios for achieving the new target value.

The Government of Montenegro adopted the Second Report on the Implementation of the National Strategy in the Field of Climate Change until 2030 at the session held on March 3, 2022, which covers the three-year implementation status from September 17, 2018, to September 17, 2021.

The action plan for meeting the final benchmarks for Chapter 27 - environment and climate change, chemicals sub-area is related to the final one:

- Montenegro continues its alignment with the EU acquis by adopting the law on the functioning of the European Emissions Trading System (EU ETS) under the EU ETS Directive 2003/87/EC and its successive amendments. Montenegro is further harmonizing with the relevant by-laws on monitoring and reporting, accreditation



and verification, Union register, free allocation, and auction. Montenegro ensures that there is an appropriate framework for the implementation of the EU ETS in its entirety regarding monitoring, reporting, and verifying greenhouse gas emissions.

According to the report on the implementation of the action plan for the period March - August 2022, in this reporting period, the implementation of one activity is planned, which includes 1 measure. The activity refers to adopting the Energy-Climate Plan until 2030, the original deadline of which was 2021. The activity has not been implemented; its adoption is expected in 2024. A public hearing for the plan and the Strategic Environmental Impact Assessment has not been carried out for the national energy and climate plan. At the same time, there is no cross-sectoral and social consensus on the dynamics and suspension of the Pljevlja Thermal Power Plant, energy, and fair transition.

Montenegro allocates more and more money to justify further coal exploitation in the Pljevlja Thermal Power Plant, opens new coal mines, and promotes gas and fossil infrastructures that carry great economic and environmental risks. By expanding the use of gas, Montenegro depends on an external energy source. It is particularly at risk of stranded assets because it does not have a gas infrastructure that would only take more than 15 years to develop.

Key recommendations

- It is necessary to speed up the adoption of the national and energy climate plan with the SEA and conduct public discussions. Furthermore, the plan must be harmonized with adopting the Spatial Plan of Montenegro (ongoing), the Roadmap for a just transition, creating a national network of protected areas, and realistically established statistical data (population census).
- For Montenegro to start seriously dealing with the de-carbonization of the energy sector, it is necessary to get rid of the use of coal and other fossil fuels long before the announced year 2035 ([Powering Past Coal Alliance](#)) and to urgently redirect investment in electrification and the development of the district heating sector, as and production of electricity from sustainable renewable sources.
- Gas power plants and infrastructure should be excluded from the further energy development of Montenegro.
- Accelerated and large-scale investment in the most efficient heating technologies, such as heat pumps, in combination with sustainable renewable energy sources (solar, geothermal, wind energy, and waste heat) with seasonal storage and implementation of energy efficiency measures and prioritizing the maturation of projects for non-reimbursable support is needed (Investment Fund for the Western Balkans, IPA III, bilateral donations) and lending (international banks like EBRD, EIB, KfW, etc.)

Civil protection

Some progress has been made.

Overview and assessment

In the sub-area of civil protection, some progress was made in the transposition of EU legislation. In the implementation part, and in addition to a number of projects in the implementation phase, there is a lack of systems for quick action in emergencies, as well as appropriate fire and flood protection plans. The lack of operational and human capacities in Montenegro is evident. Regarding operational support for aerial firefighting, Montenegro has one aircraft and one helicopter. In March 2022, no firefighting aircraft were functional because the State Property Administration did not conduct a tender procedure for aircraft insurance. The more effective extinguishing of the fire was prevented, immeasurable damage was caused to the forest ecosystem that was burning in the vicinity of Kolašin at that moment, and great material damage was done to people. Human life and existence were put in danger. Current capacities do not guarantee that the state of Montenegro is ready to deal with potential natural and induced disasters.

Strategic and legislative framework, law enforcement

The Parliament adopted the Law on Amendments to the Law on Protection and Rescue ("Official Gazette of Montenegro," No. 3/23) on 10 December 29, 2022. The following secondary legal acts were also adopted: Rulebook on the specific requirements that a legal entity must meet for the performance of professional work in the field of protection from fire ("Official Gazette of Montenegro," No. 12/23), Decision on Amendment of the Decision on Determination of Wage Coefficients and Salary Supplement of Employees in the Aviation Helicopter Unit of the Ministry of Internal Affairs ("Official Gazette of Montenegro," No. 123/22), Decision on Amendments to the Decision on the Formation of a Committee for Disaster Risk Reduction ("Official Gazette of Montenegro," No. 126/22) and Order on Prohibition of the Sale and Use of Class II Pyrotechnic Devices - Firecrackers ("Official Gazette of Montenegro," No. 117/22). The Government adopted the National Plan for Protection and Rescue from Radiation and Nuclear Accidents on December 10, 2022.

The action plan for meeting the final benchmarks for Chapter 27 - environment and climate change, sub-area civil protection is related to the final benchmark:

- The EU calls on Montenegro to strengthen cooperation between the Ministry of the Interior, responsible for civil protection, and other relevant ministries responsible for disaster risk management, especially concerning managing floods and industrial accidents.

According to the Report on the implementation of the action plan for March - August 2022, in the reporting period, the implementation of two activities is planned, which include the implementation of two measures, both of which have been implemented

and relate to the organization of training for the use of the CECIS system and the appointment of a contact person in the Directorate for Emergency Situations access and use of CECIS - a.

Regarding material, technical and human resources, Montenegro has one AT 802 aircraft and one AB 412 helicopter, two firefighting aircraft pilots, and two helicopter pilots after completing planned training for aerial firefighting. Two planes and one helicopter are not in operation.³²

Key recommendations

- Strengthen operational and human capacities to prevent natural risks, with a special focus on forest fires and mitigation of fire damage in open spaces.
- Establish an advanced forest monitoring system.
- Establish a fire index forecast system at specific locations and an advanced system for simulating fire behavior, predicting fire intensity, and calculating fire index.
- Establish a video surveillance system and devices for mapping the burned area to collect information and determine measures to rehabilitate burned areas.
- Work on defining preventive measures and activities that should be undertaken in case of floods.
- Strengthen inter-sectoral cooperation with clearly distributed responsibilities. Form a body responsible for coordinating activities, providing continuous funding, and improving working conditions and employee training.
- It is necessary to carry out an analysis of the equipment of the Protection Service at the local level;
- It is necessary to work on increasing the number of voluntary fire brigades and to consider their formation as a regional unit of the Protection Service. Their training and equipment are also important.
- It is necessary to equip all Protection and Rescue Services with the TETRA system.

³² Information on preparation for the 2022 fire season, MUP, Podgorica, June 2022

Bibliography

Contribution to the report of the European Commission 06.06. – 03.03.2023.

Report on implementing the action plan for meeting the final benchmarks in Chapter 27, environment and climate change, March-August 2022.

Action plan for meeting the final benchmarks in Chapter 27, Environment and Climate Change, February 2021.

Report on the work of 2022. Protector of Human Rights and Freedoms

Information on the state of the environment, Environmental Protection Agency 2021.

Effectiveness of the air quality regulation, monitoring, and reporting mechanism - DRI

Report on the implementation of the 2021 state waste management plan.

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

Success audit report: Effectiveness of wastewater system management - DRI

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

Draft analysis of shortcomings in the management of protected areas of Montenegro, Dinarida Parks

Report on the work and situation in the administrative areas of the Ministry of Ecology, Spatial Planning, and Urbanism in 2022.

Information on preparation for the 2022 fire season, MUP, Podgorica, June 2022

Report on radio and the situation in the administrative areas of the Ministry of Agriculture, Forestry, and Water Management and administrative bodies for the year 2022.

[Information on the illegal exploitation of river sediments from all watercourses](#)

[Draft Agenda Bureau September](#) (coe.int) , Page 16

<https://press.co.me/lakusic-hitno-zaustaviti-svaku-eksploataciju-pijeska-i-sljunka-iz-korita-morace/>

<https://komora.me/projekti/mapa-puta-crne-gore-ka-cirkularnoj-ekonomiji>

<https://www.vijesti.me/vijesti/ekonomija/593347/crbc-da-prekrsajno-odgovara>

<https://www.vijesti.me/vijesti/drustvo/642020/daleko-je-pravda-za-suzu-evrope>

<https://www.greenhome.co.me/pokrenuti-reviziju-plana-gazdovanja-sumama-u-opasanici/>

<https://czip.me/alarmantno-ugrozena-najvaznija-kolonija-ptica-u-ulcinju/>

<https://www.slobodnaevropa.org/a/crna-gora-sinjajevina-ekologija/31948845.html>

<https://www.gov.me/clanak/svecano-otvaranje-vjezbe-immediate-response-23>

<https://www.sinjajevina.com/post/vijesti/cuvari-sinjajevine-od-22.-maja-bice-na-margiti,-vojska-da-ne-krece-ka-nasim-pasnjacima>

<https://www.portalanalitika.me/clanak/crnogorske-sume-tude-bлаго-prvi-uslov-raskrinkati-sumarsku-mafiju>

<https://www.google.com/url?q=https://bankwatch.org/blog/the-cautionary-tale-of-montenegro-s-emission-trading-scheme&sa=D&source=docs&ust=1684928261323990&usg=AOvVaw0sP4GBepoRSnMPed2cmR4M>

<https://energy-community.org/news/Energy-Community-News/2021/04/20.html>

<https://bankwatch.org/blog/ngos-expect-energy-community-infringement-procedure-on-montenegrin-coal-plan>

<https://balkangreenenergynews.com/montenegros-epcg-ready-for-reconstruction-of-tp-ppljevlja-despite-jump-in-costs/>

<https://www.vijesti.me/vijesti/ekonomija/526787/milioni-za-termoelektranu-u-specijalnom-tuzilastvu>



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