Government of Montenegro

Ministry of Physical Planning and Environmental Protection

Questionnaire

Information requested by the European Commission to the Government of Montenegro for the preparation of the Opinion on the application of Montenegro for membership of the European Union

27 Environment

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CHAPTERS OF THE ACQUIS – ABILITY TO ASSUME THE OBLIGATIONS OF MEMBERSHIP

Chapter 27: Environment

I. GENERAL POLICY

1. Are there any constitutional provisions in relation to environmental protection and/or sustainable development?

Yes, there are.

Preamble and specific Articles of the Constitution of Montenegro as of October 2007 (Official Gazette of the Republic of Montenegro 01/07) contain provisions on the commitment of Montenegro to the principles of environmental protection and sustainable development.

In addition to the citizens' decision to live in a state founded on freedom, peace, tolerance, respect of human rights and liberties, multicultural environment, democracy, the rule of law which is stated in the Preamble of the Constitution of Montenegro, a conviction is also included that the "state is responsible for ensuring nature protection, healthy environment, sustainable development, balanced development of all its regions and establishment of social justice".

Article 1 of the Constitution defines Montenegro as a „civic, democratic and ecological state, based on the respect of social justice and the rule of law".

In the area of environmental protection and preservation, Article 23 Environment of the Constitution prescribes that "everyone shall have the right to a sound environment, timely and full information about the status of the environment, right to influence the decision-making regarding the issues of importance for the environment and to legal protection of these rights, (as well as) that everyone, the state in particular, shall be bound to preserve and improve the environment.

Constitutional provisions related to sustainable development

Constitution, by its Article 78 Protection of natural and cultural heritage, stipulates that everybody is obliged to protect natural and cultural heritage of public interest, as well as that the state protects natural and cultural heritage. On the other hand, Article 59 paragraph 2,, which guarantees the freedom of entrepreneurship, leaves the possibility to limit this freedom if, among other reasons, it is necessary for the protection of people's health, environment, natural resources and cultural heritage."

Montenegro is obliged, according to the Article 140 of the Constitution, in the section „Economic area and equality", to provide incentives for „balanced economic development of all its regions", which is in line with one of the fundamental principles of sustainable development.

2. Is there a general environmental protection framework act, serving as a basis for other environmental legislation?

There is Law on Environment, adopted by Montenegro's Parliament on 29 July 2008 (Official Gazette of Montenegro 48/08), which regulates environmental issues as a framework law.

Environment is defined in Article 6 paragraph 1 of this Law: Environment is the natural surroundings: air, soil, water and sea, fauna and flora; phenomena and effects of: climate, ionizing and non-ionizing radiation, noise and vibrations, as well as a antropogenic surroundings: towns and other urban settlements, cultural and historic heritage, infrastructural, industrial and other facilities", and according to the provisions defined by Article 2, the importance of integrated environmental management, environmental protection and sustainable development is recognised. It is envisaged that this Law and related by-laws govern issues related to the specific environmental areas (Article 5).

Principle of the Law on Enviroment is defined in Article 1, which governs: „environmental and sustainable development principles, environmental actors and instruments, public participation in environmental decision making and other issues relevant for the environment".

In accordance with the Law on Environment, as a framework law, a series of regulations and by-laws have been adopted for regulating issues relevant for the environment and environmental management system. Therefore, taking into account Article 5 of the Law on Environment, particular regulations which govern issues relevant for the specific environmental areas, such as: Law on Nature Protection, Law on National Parks, Law on Air Quality, Law on Environmental Impact Assessment, Law on Strategic Environmental Assessment, have been adopted.

3. What are the main principles underpinning environmental legislation (e.g. polluter pays principle, precautionary principle, etc.)?

Environmental principles are defined by Article 4 of the Law on Environment (Official Gazette of Montenegro 48/08):

1) Sustainable development principle

When strategies, plans, programmes and regulations are adopted, Montenegro's Parliament (hereinafter: the Parliament), the Government of Montenegro (hereinafter: the Government) and local self-government units, within the scope of their responsibility, have to take into account sustainable development principle.

With the aim of achieving sustainable development, environmental considerations stipulated by this law and related regulations, have to be included in drafting and implementation of adopted policies and activities in all areas of economic and social development.

2) Environmental integrated approach principle

Environmental integrated approach prevents, i.e. reduces the risk to the environment to the minimum. Considerations related to the high level of environmental protection and improvement of the quality of the environment have to be an integral part of all premises upon which balanced economic development is based, and are ensured in line with the sustainable development principle.

3) Natural resources preservation principle

Natural resources are used under the condition and in a way which ensures preservation of values of geo-diversity, biodiversity, protected natural values and landscapes.

Renewable natural resources are used under the conditions which ensure their permanent and efficient renewal and constant upgrading of their quality.

Non-renewable natural resources are used under the conditions which ensure their long-term economic and reasonable use, including limitations posed on the use of strategically important and rare natural resources and substitution with other available resources, composite or artificial substances.

4) Cooperation principle

Sustainable development is achieved by joint efforts of the Parliament, Government and local self-government units, including all other actors with the aim of protecting the environment, within their scope of responsibility.

State ensures cooperation and solidarity in solving global and inter-governmental environmental issues, especially through international treaties, cooperation with other states, and conclusion of relevant agreeements, as well as by informing other states on transboundary environmental impacts, environmental accidents, and exchanging environmental information at an international level.

Government and local self-government units, within their scope of responsibility, together and in solidarity, participate in environmental protection implementation, in order to ensure enforcement of the effective environmental protection measures in their areas of responsibility.

5) Polluter pays principle

Polluter, i.e. his/her legal successor, responsible for pollution and environmental damage, is liable

for compensating the costs and covering the expenses incurred by pollution cleanup, pursuant to law.

6) User pays principle

Anybody who uses natural resources has to pay the price of their consumption and recultivation of an area pursuant to law.

7) Insurance

Polluter is bound to insure against liability for possible environmental damage.

8) Prevention principle

Any activity has to be planned and carried out in a way to: cause least possible alteration in the environment, i.e. pose least possible risk to the environment and people's health; reduce pressure on the environment and consumption of resources and energy during construction, as well as production, distribution and use; include recycling; prevent or limit environmental impact at its source.

9) Precautionary principle

In cases when it is not certain what consequences can be caused by a project, all available procedures for assessing expected impacts and preventive measures have to be conducted/undertaken in order to avoid negative effects to the people's health and environment.

When there is a risk that certain and irreparable damage to people's health and environment will take place, undertaking necessary protection measures should not be postponed, even if such a risk is not fully scientifically proven.

The project or activity will be withdrawn, if it is scientifically proven or assumed that there is possibility of adverse or permanently harmful impact on the environment.

10) Subsidiarity principle

State redresses consequences caused by environmental pollution and alleviates damages in cases when the polluter is unknown, as well as when the source of environmental pollution is outside of the state's territory.

11) Incentive measures principle

National and local self-government authorities, in line with their responsibilities, provide incentives for environmentally friendly activities that prevent or minimize environmental pollution, as well as for projects which minimize the use of resources and energy, cause less pollution to the environment or use the resources and energy within permissible limits.

12) Access to information and public participation principle

Anybody has the right to information on the state of the environment and to participate in environmental decision making, when implementation of the decisions could affect the environment.

Information on the state of the environment is public.

In accordance with the polluter pays principle, legal provisions and the level of fees, with the precise amounts collected from polluters in 2008 and for the period from 1st January 2009 to 1st July 2009, are available in answer to the question no. 13.

Bearing in mind the aforementioned principles, Article 8 of the Law on Environment (as stated in an answer to the question no. 2), defines that environmental actors cooperate and communicate among themselves in accordance with spectific regulations. In that way, the Law on Environment has been passed as a framework law, according to which and the abovementioned environmental principles, other laws that regulate protection of specific environmental areas, have been harmonized.

4. Is there a long term national strategy governing protection of the environment and/or pursuit of sustainable development?

Yes, there is. The Government of Montenegro adopted the National Strategy of Sustainable Development of Montenegro – NSSD in 2007. Consequently, the system of monitoring and evaluation of the implementation process of the Strategy and its integral five-year Action Plan was established. Taking into account priority environmental areas, anticipated measures and activities, and priorities defined by the National Programme for Integration of Montenegro into the EU, as well as obligations regarding the implementation of the most significant multilateral environmental agreements, Environmental Policy, which defines the concept, context, priorities and implementation of environmental policy, was adopted at the end of 2008.

NSSD is based upon the principles of the Rio Declaration and Agenda 21, as well as on the Johannesburg Declaration principles and implementation plan. Key principles provided by these documents that are, at the same time, the key principles of NSSD, are:

- Integration of environmental issues into development policies;
- Internalisation of environmental expenses (that is, inclusion of external costs of environmental degradation into the internal costs of the polluter/user) through the implementation of the polluter/user pays principle;
- Participation of all actors/stakeholders in the decision making, consultations, dialogue and partnerships;
- Access to information and access to justice;
- Inter-generational and intra-generational equality (including gender equality);
- Precautionary principle, i.e. demand to preserve the environment where there is no reliable information about the specific problem;
- Subsidiarity principle and correlation between local and global level; and
- Access to services and financial resources which are inevitable for fulfilling fundamental needs.

In addition, NSSD has incorporated the UN Millennium Declaration principles embodied in the Millennium Development Goals (MDG). At the same time, during the process of drafting the NSSD, positive experiences of global, EU and Mediterranean processes were used. That is why the special emphasis in the NSSD is laid on compatibility with Rio and Johannesburg implementation plans, EU Sustainable Development Strategy (bearing in mind the First EU Sustainable Development Strategy, Göteborg (2001), and amended EU Sustainable Development Strategy, which was adopted in 2006), as well as the Lisbon process, i.e. Lisbon Strategy for Growth and Jobs, and the Mediterranean Strategy for Sustainable Development.

In the context of monitoring the implementation of the NSSD, it is important to note that the First Report on the Millennium Development Goals Implementation, was prepared with the support of the United Nations Development Programme (UNDP) in 2004. In the second half of 2008, Information on the Progress of the Millennium Development Goals Implementation, including the implementation of the goal 7: Environment and Sustainable Development, was prepared. Information provides an overview of the current situation, realised activities in environmental policy area and part of the sector policies which are relevant for the environment, as well as the Action Plan for the forthcoming period.

On the basis of the abovementioned strategic planning, and in accordance legal framework provided in the Law on Environment (Official Gazette of Montenegro, 48/08), drafting of the National Environment Programme will be accomplished in the forthcoming period. In addition to the National Strategy of Sustainable Development and National Environment Programme, Article 13 of the Law stipulates that environmental and sustainable development documents are also: local environmental plans, strategies, plans and programmes which refer to, i.e. which have been adopted in line with the specific regulations in particular areas for individual segments of the environment and environmental pressures.

The Sixth Environment Action Programme of the European Community is also a relevant document in defining National Environmental Policy and planning of activities for the National Environment Programme drafting. It serves as a foundation for improving the strategic framework for the performance of national actors in the area of environment.

5. Is there a concrete action programme for the environment with short and medium term objectives, an indication of the availability of the budgetary and other resources to achieve them and a timetable? Is it linked to the EU environmental acquis and how is its implementation monitored?

It does not exist. However, as it is mentioned in the answer to the question no.4, there is an Action Plan of the National Strategy of Sustainable Development which, among other things, defines priority measures in the area of environment.

With Action Plan for the implementation of the NSSD, priority sector- and theme-related tasks have been established and measures for their accomplishment in the period from 2008 to 2012, as well as the relation of the specific tasks to the general Strategy's objectives. Timeline and actors responsible for the implementation of the aforementioned measures and basic indicators for monitoring and assessment of the level of implementation, are defined by the Action Plan as well. Process indicators which are of more qualitative than quantitative nature prevail. At the same time, it is planned to expand the list of sustainability indicators, which resulted out of the cooperation with the UN Sustainable Development Commission within the framework of advancement of the NSSD implementation monitoring system.

While defining priority measures and tasks of the NSSD, existing strategic documents and plans, which were adopted or in the process of drafting at the time, were taken into consideration, along with the assessment of consistency among the NSSD priority tasks set in different areas, as well as the assessment of consistency of the objectives and tasks of the NSSD and other strategic documents. Since there is no Environmental Action Plan, priority tasks defined by the Action Plan of the National Strategy of Sustainable Development are relevant as follows:

Protection of biodiversity and preservation of natural assets (especially in protected areas)

- Increase protected areas of nature at the national level by 10% of the territory and protect at least 10% of the coastal area; during the identification of natural protected areas, European typology of habitats important for protection (EMERALD, Natura 2000) should be used, bearing in mind that representative eco-systems should be included;
- Establish an effective management system of natural protected areas (in line with the IUCN management categories and by ensuring participatory management approach);
- Improve legal framework for biodiversity protection; strengthen human resources capacities and create an effective system for biodiversity monitoring;

Water

- Provide sufficient quantity of potable water;
- Introduce an integral management of watershed areas, along with necessary legal and institutional changes and improvement of water quality control and monitoring;

Air

- Preservation and, if possible, improvement of air quality, especially in urban areas;

Soil

- Improvement in management of soil resources and prevention of causes of soil degradation and devastation

Forest

- Obtaining the certificate on sustainable forestry (according to the Forest Stewardship Council or FSC methodology),
- Re-forestation and restoration of degraded forests.

Environmental management system

- Establishment of effective environmental legal and institutional framework (especially in relation to free access to information, implementation of EIA, SEA and IPPC regulations and strengthening of other regulatory and market instruments in environmental management).

Spatial planning

- Adopting new and updating the existing spatial plans at all levels (from the Spatial Plan of Montenegro to the municipal urban plans) and integration of sustainability considerations into the spatial planning documents;
- Protection of natural and cultural landscape.

Sea and coastal area

- Introduction of the integrated coastal management system;
- Reduction of sea and coastal area pollution at its source.

With the aim of monitoring the progress of the NSSD implementation, monitoring and evaluation system of the implementation process has been set up. The basic cycle of implementation monitoring is a one-year period, and after five years, comprehensive assessment of the Strategy's implementation has been envisaged.

Office for Sustainable Development, established within the General Secretariat of the Government of Montenegro, is responsible for monitoring and coordination of the NSSD implementation, through organised participation of all relevant actors in the process of implementation and reporting about the implementation.

Among the measures which were established with the aim of enabling the realisation of aforementioned priority tasks in the area of environment, as defined in the NSDS, the special emphasis was placed on the importance of harmonising the legal and institutional framework in line with the EU requirements: transposition of relevant directives, implementation of the Conventions of the Council of Europe, especially in the area of environment, etc. During the selection and structuring of the environmental chapters in the NSSD, taking into account the current circumstances and possibilities at the national level, the Sixth Environment Action Programme of the European Community was also taken into consideration, in addition to the relevant global documents on sustainable development and EU Sustainable Development Strategy.

When the Action Plan of the NSSD was drafted, the analysis of the budget structure was carried out, in order to make an assessment of the amount of funds required for its implementation. However, such assessment could not be accepted as a reliable and credible analysis, which provides guidelines for planning of the budget amount and structure in support of the effective implementation of the NSSD Action Plan in the forthcoming five-year period, but it provided recommendations which were important for the implementation of measures defined by the NSSD Action Plan. The recommendations also include those which refer to the increase in budget spending which supports sustainable development and investment into environmental protection, while placing the special emphasis on the improved coordination in the implementation of different sectoral strategies and measures defined by the NSSD. The recommendations are also taken into consideration during monitoring of the Strategy's implementation.

As it is previously mentioned in an answer to the question no.4, the Law on Environment (Official Gazette of Montenegro 48/08) stipulates the obligation for adopting the National Environment Programme, where specific environmental objectives will be defined. The Programme is adopted by the Government for a four-year period and it ensures implementation of the part of the National Strategy of Sustainable Development which refers to the environment. The Programme has to contain especially: measures and activities related to environmental protection, procedures and

cycle of measures implementation, timeline, actors responsible for measures implementation, projects, assessment of funds necessary for the Programme implementation, outcome analysis, as well as other issues relevant for the implementation of this document.

6. How are you ensuring that your environmental legislation and policies are aligned with

The Government of Montenegro adopted the National Programme for Integration of Montenegro into the EU for the period 2008-2012 in June 2007, which at the same time represents the implementation plan for the Stabilisation and Association Agreement with the European Community – SAA, and plan for the adoption of a*cquis communaitaire.* At the same time, within the Interim Committee and five subcommittees for monitoring the enforcement of the Interim Agreement, the implementation of the National Programme for Integration of Montenegro into the EU has also been monitored, in the part which refers to the process of harmonising the national environmental legislation with the EU *acquis.*

In the process of monitoring the harmonisation of Montenegro's regulations and policies with the EU *acquis*, European Commission's Directorate General for the Environment has initiated the realisation of a long-term project in the countries of South East Europe, titled "Progress Monitoring in the Area of Environment, including the potential candidate countries." The aim of the project is monitoring, assessment and provision of documentary evidence related to the progress achieved in the area of environmental legislation approximation. The fourth year of the project's realisation is ongoing in Montenegro and it includes assessment and monitoring of the transposition and implementation of 31 directives and 3 decrees which cover seven out of ten EU legislation sectors in the area of environment, and these are: horizontal legislation, air quality, waste management, water quality, nature protection, industrial pollution control and chemicals. Transposition of these directives represents the main precondition for the establishment of the effective environmental protection system, bearing in mind that they cover all major areas within the horizontal legislation, framework legislation in the area of air, waste, water and water sector, the so called heavy investment directives, as well as certain country-specific issues. Analysis of the level of harmonization is carried out by "article by article" approach and Tables of Concordance, which are developed specifically for each directive. Table of Concordance enables that the relevant provisions contained in the national legislation are presented in parallel with the related provisions specified by the directives. In that way, it is possible to make comparisons "article by article" of the EU requirements with the national legislation. In order to present the level of the country's capacity for the implementation of the aforementioned directives, Implementation Questionnaire, which is also developed for each individual directive, is being used. According to the Report on the Monitoring of Montenegro's Progress for the period November 2007 - May 2008, that is, during the second year of the project implementation, the progress in transposing and implementation of the EU environmental legislation in Montenegro is evident, when comparing it to the situation which was reported on in 2007. It is also important to note that the Report, which refers to the second year of the project realisation, covers the period when specific laws and by-laws were in the process of adoption, but not adopted. Therefore, a significantly lower mark for the level of harmonisation was awarded.

On the basis of the Report on Progress Monitoring of Montenegro for the period May 2008 -April 2009, that is, in the course of the third year of project realisation, Montenegro advanced in the transposition and implementation of the EU environmental legislation in comparison to the situation described in the 2nd Year Report. The major progress was accomplished in the second half of 2008, since three important laws in the area of environment were adopted: Law on Environment, Law on Nature Protection and Law on Hunting.

During the process of harmonising the national environmental regulations and policies with the EU *acquis*, difficulties in the context of insufficient administrative capacities with regard to both drafting as well as implementation of regulations, are evident. With the aim of improving the absorption capacities for transposing and enforcement of the *acquis communaitaire,* the need for the improvement of the system for continuous monitoring of regulations' implementation efficiency,

was recognised. The system would serve, together with the Report on Progress Monitoring in the Area of Environment, as a foundation for harmonising the EU integration process with the evaluation findings. The special emphasis is placed on the missing elements which are extremely important: inadequate knowledge of the relevant EU regulations, poorly integrated approach to strengthening of the environmental management system, as well as the lack of technical capacities, relevant specialist services and institutions. Therefore, it is important to ensure financial and technical support, especially through commissioning of the environmental experts, who would be previously acquainted in detail with the existing state of the environment in Montenegro. Perception of the concrete problems and acting on a daily basis will provide the effective support to the national actors in overcoming the problems. In the context of harmonising the environmental policies with the EU legislation, it is important to note that there is still low level of awareness on the need to integrate environmental considerations into sectoral policies in line with the sustainable development principles. At the same time, it is necessary to pay attention to avoiding possible conflict of interest with regard to conducting policies of valorisation of the natural resources potential and enhancement of environmental areas, especially during adequate institutional reorganisation.

7. How much has been invested in environment and environmental infrastructure (i.e. in order to comply with environment acquis) in the last three years? What are your future investment plans?

Realised and planned funds in the area of environment and communal infrastructure, which are outlined in the tables further below (tables 1 to 11), were obtained according to the input provided by the following entities:

- Ministry for Spatial Planning and Environmental Protection, the Ministry of Finance, Ministry for European Integration, Local self-governments/final accounts of 21 local self-government units,
- Institutions: Directorate of Public Works, the Public Enterprise Centre for Eco-toxicological Research, the Public Enterprise National Parks of Montenegro, Institute for Marine Biology, Procon.

Due to different methodological approaches and data processing, especially in the local self-governments, total investment amounts are not completely reliable.

For activities outlined in tables (2 to 11) spent funds for implementation of respective activities are included in table 1 for realised funds.

Funds invested into environment and environmental infrastructure

The amount of realised funds for projects-activities in the area of environment and environmental infrastructure over the last three years is given in the following table:

Table 1-Overview of realised funds

Realised funds for projects-activities in the area of environment and environmental infrastructure				
	2007	2008	2009	Total:
Local self governments	15.517.486,32	41.593.318,42	23.613.542,17	80.724.346,91
State budget	4.679.428,52	9.421.556,80	20.094.524,06	34.195.509,38
International donations	4.124.295,12	8.357.530,84	8.287.818,60	20.769.644,56
Credit arrangements with international financial institutions	3.993.311,76	18.444.743,36	6.433.231,72	28.871.286,84
Total	28.314.521,72	77.817.149,42	58.429.116,55	164.560.787,69[1]

Investments in environmental projects refer to the investment in different environmental areas and components by the public administration and local self-government. At the same time, through international cooperation mechanisms, significant amount of investment into the area of environmental protection has been realised (detailed information about the most significant initiatives or regional cooperation programmes in the area of environment, in which Montenegro participates, are provided as an answer to the question no.19). In that context, environmental infrastructure projects refer to the activities in the following areas:

- Solid waste management,
- Waste water management,
- Water supply,

whereas, the activities in the area of environment refer to:

- Water,
- Noise control,
- Air quality,
- Chemicals,
- Climate change,
- and other activities relevant for environmental protection.

PLANNED INVESTMENT INTO ENVIRONMENT AND ENVIRONMENTALINFRASTRUCTURE

The tables (from 2-11) set out planned activities in environmental and utility infrastructure and assets/investments for their realization.

SOLID WASTE

- National policy on waste management was adopted in 2004. The document defines vision, principles and objectives, which should enable integral and sustainable waste management.

The Strategic Master Plan of Waste Management was adopted in 2005.

Table 2. Overview of project-activities in the area of communal waste management[2]

[1] Realised funds are indicated as a sum of funds for environmental protection and environmental infrastructure. This is because it was impossible to get budgeting of the part of realised environmental funds at the level of all relevant actors mentioned in the Table (programme budgeting has not been introduced at all relevant levels).

COMMUNAL WASTE		
Project Title	**Project status and realisation period:**	**Total investment value in €:**
Construction of regional sanitary landfill in Bar	Spatial planning documents prepared. Feasibility study completed and approval of EIA study obtained.	11.366.958
Construction of regional sanitary landfill in Kotor	Feasibility and EIA Studies have been completed. The main project is currently being designed.	7.008.392
Construction of regional landfill in Niksic	Spatial planning documents prepared. Feasibility study completed and approval of EIA study obtained. The main project is currently being designed.	12.603.508
Construction of regional landfill in Bijelo Polje	Adoption of spatial planning documents is currently underway. Feasibility Study completed. EIA study review and design of the main project are currently underway.	17.180.555
Construction of regional landfill in Pljevlja	Drafting of spatial planning documents is currently underway.	It will be defined after completion of Feasibility Study
Construction of regional landfill in Berane	Feasibility Study completed and approval of EIA study obtained. The main project designed.	6.493.042
Construction of recycle centre in Podgorica	Main project design completed and realisation of the construction of the recycle centre is expected in May 2010.	6.077.226
Expansion of the regional sanitary landfill in Podgorica by constructing third sanitary tub	Anticipated by the main landfill project; realisation planned in 2010.	2.200.000
Construction of facility for electricity production from bio gas at the landfill in Podgorica	Feasibility Study completed; realisation is expected during 2010.	4.198.250
Construction of leachate treatment facility for Podgorica landfill	Anticipated by the main landfill project; realisation planned in 2010.	1.900.000
TOTAL:		69.027.931

Comment for Table 2: Indicated total value of the individual investment represents an approximate amount defined by completed Feasibility Studies for each concrete project.

WASTE WATER

Table 3. Overview of projects-activities in the area of waste water management[3]

WASTE WATER		
Project Title	**Project status and realisation period:**	**Total investment value in €:**
Construction of waste water treatment facility in the municipality of Herceg Novi	Spatial planning documents are currently being drafted. Feasibility Study is completed. Project design and EIA study are currently being developed.	9.800.000

[2] Negotiations between the Government of Montenegro and the European Investment Bank on ensuring credit funds for financing projects in the area of solid waste management in the amount of EUR 27 million are completed. Signing of the Financial Agreement is expected by the end of 2009. Moreover, the IPA 2009, provided funds for the construction of landfill in Bijelo Polje, in the amount of 4 000 000 €.

[3] EUR 5 million allocated through IPF programme for the project of the Construction of the Waste Water Treatment Facility in Pljevla, BijeloPolje, Cetinje and Ulcinj

Construction of the waste water treatment facility in the municipality of Bar	Spatial planning documents and Feasibility Study completed. Project design and EIA study are currently being developed.	10.000.000
Construction of the waste water treatment facility in the municipality of Pljevlja	Spatial planning documents completed. Feasibility Study completed	7.400.000
Construction of the waste water treatment facility in the municipality of Bijelo Polje	Feasibility Study completed	7.250.000
Construction of the waste water treatment facility in the municipality of Cetinje	Feasibility Study completed. EIA study is currently being developed.	5.350.000
Construction of the waste water treatment facility in the municipality of Ulcinj	Feasibility and EIA study have been completed.	23.700.000
Construction of the waste water treatment facility in the municipality of Plav	Spatial planning documents are currently being developed. Feasibility Study completed. EIA study drafting is underway.	6.939.000
Construction of the waste water treatment facility and expansion of the sewage system in the municipality of Niksic	Spatial planning documents and Feasibility Study completed. EIA Study approved. International expert who will prepare the project design has been selected. Selection of the contractor for the main project and construction works is underway.	22.728.000
Construction of the waste water treatment facility and pumping station in Sutomore	Project documentation is currently being drafted.	5.170.000
Construction of the sewage system in Sutomore and undersea outlet in Sutomore. Additional building of the Volujica pump station, construction of the primary sewage collector	Project documentation is currently being drafted.	13.860.000
Construction of the sewage system in the municipality of Tivat, phase II	Realisation underway.	5.300.000
Construction of the sewage system in the municipality of Tivat, phase III	Project documentation drafting.	5.960.000
Repair, expansion, rehabilitation , construction of the waste water treatment system in the municipality of Kotor	Project documentation drafting.	8.000.000
Reconstruction of the coast collector Igalo-Meljine. Reconstruction and expansion of the sewage system in the municipality of Herceg Novi, construction of the undersea outlet in Meljine	Project documentation drafting.	14.423.000
TOTAL:		156.525.000

Comment for Table 3: Indicated total value of the individual investment represents an approximate amount defined by completed Feasibility Studies for each concrete project.

WATER PROTECTION

Table 4. Overview of project-activities which aim at water protection

WATER QUALITY		
Project Title	**Project status and realisation period:**	**Total value (€)**
Establishment of the Marine Protected Areas (MPA) in Montenegro	Commencement of the project realisation planned as from 2010	150.000
Glo Ballast Partnership –Regional project-	Commencement of the project realisation planned as from 2010	
Sustainable Use of The Dinaric Karst Trans-boundary Aquifer System (DIKTAS) -regional project	Commencement of the project realisation as from 2010	3.887.987

ADRICOSM STAR II (continuation of the ADRICOSM STAR project)	Commencement of the project realisation planned as from 2010	1.000.000
Realisation of the Coastal Area Management Programme – CAMP Montenegro	Commencement of the project realisation planned as from 2010	456.000
Integral Management of the Drim Basin Ecosystem – regional project	Commencement of the project realisation as from 2010	1.000.000
Implementation of the MEDPOL monitoring in Montenegro	Project realisation is currently underway	150.000
Grant Agreement for the Integral Management of the Skadar Lake Ecosystem Project /GEF Grant/	Signed with the World Bank on 1 June 2008	2.560.000
TOTAL:		9.203.987

WATER SUPPLY

Table 5. Overview of projects-activities in the area of water supply

WATER SUPPLY		
Project Title	**Project status and realisation period:**	**Total value (€):**
Construction of regional water supply for the Montenegrin Coast	Realisation underway (15.851.408,27 funds that are not provided in relation to the amount listed here)	40 000 000
Improving the situation of water supply distribution network in the municipalities of the Montenegrin coast, and their connection to regional water supply system for the Coast	Drafting of project documentation is underway. Funds needed for the realisation of this project will be ensured through the implementation of the Agreement with the German Bank for Reconstruction (KfW) for the phase III, and through a contract for the implementation of the phase IV	5 000 000
TOTAL:		45.500.000

AIR

Table 6. Overview of projects-activities in the area of air quality

AIR		
Project Title	**Project status and realisation period:**	**Total value (€):**
Drafting of Plan for Ratification and Implementation of Three Protocols together with the Convention on Long-Distance Cross-Border Air Pollution -regional project	Project realisation is currently underway	94.188
National Programme for Ozone Depleting Substances Elimination and Plan for Final Elimination of Chlorofluorocarbons (CFCs)	Project realisation is currently underway	188.582
TOTAL:		282.770

CHEMICALS

Table 7. Overview of projects-activities in the area of chemicals

CHEMICALS		
Project Title	**Project status and realisation period:**	**Total value (€):**
Drafting of the National Plan for the Implementation of Stockholm Convention on Persistent Organic Pollutants (POPs)	Project realisation is currently underway	104.653
TOTAL:		104.653

CLIMATE CHANGE

Table 8. Overview of projects-activities in the area of climate change

CLIMATE CHANGE		
Project Title	**Project status and realisation period:**	**Total value (€):**
Regional Climate Change Programme for South-Eastern European Countries (RCCP-SEECs) Regional project	Project proposal drafted: activities with the aim of creating conditions for the realisation are currently underway	2.580.000
First National Communication in the Area of Climate Change	Project realisation is currently underway	268.667
Establishment of the Regional Climate Change Policy and accompanying Regional Programme (Climate Change and coast areas and Climate Change and Tourism)	Realisation is currently underway	30.000
TOTAL:		2.878.667

RADIATION

Table 9. Overview of projects-activities in the area of radiation

RADIATION		
Project Title	**Project status and realisation period:**	**Total value (€):**
System upgrading with the aim of establishing an effective monitoring system of prohibited food components and air control system	Implementation start is expected	467.173
Support to the Development of Regulatory Infrastructure in Montenegro (Ministry of Tourism and Environment)	Implementation start is expected	173.985
Strengthening of National Infrastructures for Radiation Source Control	Realisation is currently underway	578.727
Strengthening of National Infrastructures for Radiation Source Control	Realisation is currently underway	769.128
Strengthening of Regulatory Bodies' Efficiency and Advanced Training in Nuclear Safety	Realisation is currently underway	525.000
Building of Competencies by Education and Training and Support to Radiation Protection Infrastructures	Realisation is currently underway	678.160
	TOTAL:	3.192.173

NATURE PROTECTION AND BIODIVERSITY

Table 10. Overview of projects-activities in the area of nature protection and biodiversity

NATURE PROTECTION AND BIODIVERSITY		
Project Title	**Project status and realisation period:**	**Total value (€):**
(UNDP) Project on Strengthening Protected Areas Network	Project realisation is currently underway	3.103.990
Durmitor Management Plan Drafting	Commencement of the project realisation is expected in 2010	100.000
Drafting of Biodiversity Strategy with Action Plan, National Report	Project realisation is currently underway	81.610
Recovery of Areas Engulfed by Fire in the National Park Durmitor	Project realisation is currently underway	34.901
Dinaric Eco-region	Project realisation is currently underway	514.435
Project on Strengthening Capacities in the Context of Establishment of NATURA 2000 Network in Montenegro	Project realisation is currently underway	68.508
Creation of the Flora Book of Montenegro	Realisation is expected in the 2010-2012 period	330.00
Design of the Vegetation Map of Montenegro	Realisation is expected in the 2010-2014 period	350.000
Creation of the Bird Fauna Book of Montenegro	Realisation is expected in the 2010-2014 period	40.000
Drafting of Biodiversity Research Long-term Programme	Realisation is expected in 2010	815.000
Review of Biodiversity Monitoring Programme	Realisation is expected in the 2010-2014 period	40.000
Identification and Development of Natura 2000 Sites Network	Realisation is expected in the 2010-2012 period	900.000
Collection and Analysis of Data on Equitable Distribution of Benefits Arisen from Genetic Diversity	Realisation is expected in 2010	5.000
	TOTAL:	6.383.444

Table 11- Overview of other projects-activities in the area of environment

OTHER PROJECTS IN THE AREA OF ENVIRONMENT		
Project Title	**Project status and realisation period:**	**Total value (€):**
IPA 2008 - Twinning project: Support to Environmental Sector	Project approved. The realisation is expected to start in November 2009	1.000.000
IPA 2009 - Project: Capacity Building in the Area of Environment and Creating Conditions for Solid Waste Management in the Northern Region of Montenegro	Project approved and its realisation will start by the end of 2009	800.000
Construction of Eco-efficient Building Project for the needs of line ministries for the area of environmental protection and tourism	Project realisation is currently underway	8.000.000
Integral Spatial Planning and Landscape Protection in the Bay of Kotor, the component of which is Drafting of Visual Impact Study of the Verige Bridge Construction	Project realisation is currently underway	110.000
Visitors' Centre of the National Park Durmitor	Investor's donation of 130.000.00; National Park allocated funds in the amount of 19.500.00 (15%)	149.500
Support to the Development of Regulatory Infrastructure in Montenegro	Project realisation is currently underway	173.448
Conference on Climate Change and Sustainable Development	Organisation of the Conference is underway	400.000
	TOTAL:	*10.632.948*

8. Give a detailed description (with staffing levels) of the administrative bodies (Ministries, agencies etc.) responsible for enacting, implementing and enforcing environmental legislation and policy at both national and sub-national (e.g. regional) levels. How are the responsibilities shared for achieving the objectives in the various sectors (water, waste, nature protection etc) and how is coordination assured? Outline any plans to develop and reinforce administrative capacities.

Within the current state of the organisation of the public administration in Montenegro, affairs in the area of environment and environmental protection are organised in two levels: national and local (municipal) level. The principal institutional framework for the environment sector is based within the Ministry for Spatial Planning and Environment and institutions that operate under that line Ministry, and these are: Environmental Protection Agency, the Public Enterprise National Parks of Montenegro, the Public Enterprise Centre for Eco-toxicological Research, Hydro-meteorological Institute of Montenegro, Institute for Nature Protection, Procon – limited liability company, Public Enterprise for Coastal Zone Management (Morsko Dobro), Public Enterprise Regional Water Supply for Montenegrin Coast. An overview of the number of public servants who are dealing with environmental issues within this line Ministry is as follows:

- Ministry of Spatial Planning and Environment: in accordance with the latest Rule Book on the Ministry's organisation and job descriptions, there are 46 employees working on environmental issues;
- Environmental Protection Agency: the number of employees envisaged by the Act on Systematisation is 50; the current number of employees working on environmental issues is 38;

- Hydro-meteorological Institute: in line with the Act on Systematisation, the number of employees is 11;
- The Public Enterprise Centre for Eco-toxicological Research: current number of employees working on environmental issues is 49;
- Institute for Nature Protection: current number of employees working on environmental issues is 18;
- The Public Enterprise National Parks of Montenegro: current number of employees working on environmental issues is 100;
- Public Enterprise Regional Water Supply for Montenegrin Coast: there is currently one employee working on environmental issues;
- Procon – limited liability company: current number of employees working on environmental issues is 4;
- Public Enterprise for Coastal Zone Management (Morsko Dobro): current number of employees working on environmental issues is 5;
- Office for Sustainable Development which functions within the Government's General Secretariat: current number of employees working on environmental and sustainable development issues is 4.

In addition to the line Ministry responsible for Spatial Planning and Environment, there are other Ministries and national authorities responsible for certain activities related to the environmental protection as follows:

- Ministry of Agriculture, Forestry and Water Management,
- Ministry of Maritime Affairs, Transportation and Telecommunication,
- Ministry of Interior Affairs and Public Administration,
- Ministry of Education and Science,
- Ministry of Culture, Sports and Media.

In addition to the Ministry for Spatial Planning and Environment, the aforementioned line Ministries supervise legality and relevance of authorities and public institutions where public servants, whose job descriptions to a certain extent include activities relevant for the environment, are employed, and these are:

- Ministry of Agriculture, Forestry and Water Management: Forestry Directorate (11 inspectors, 220 foresters, 80 engineers) and Directorate for Water (5 employees);
- Ministry of Maritime Affairs, Transportation and Telecommunication: Maritime Safety Department – there are 3 employees working on environmental issues, whereas it is envisaged by the systematisation that 4 people should be employed;
- Ministry of Education and Science
  - Institute for Marine Biology: current number of employees, who within the framework of their scientific and research activities, carry out the activities relevant for the environment as well, is 24, whereas it is envisaged that 30 people should be employed;
  - Institute of Biotechnology: the number of employees, who within the framework of their scientific and research activities, carry out the activities relevant for the environment as well, is 11;
  - Institute for International, Scientific, Educational-Cultural and Technical Cooperation: the number of employees, who within the framework of their scientific and research activities, carry out the activities relevant for the environment as well, is 1;
- Ministry of Culture, Sports and Media

- Natural History Museum: current number of employees working on environmental issues is 14, whereas it is envisaged that 17 people should be employed according to the Act on Systematisation.

Ministry of Spatial Planning and Environment administers the affairs in the area of environment, which refer to: spatial integral planning, management and valorisation, sustainable development, spatial and environmental planning, system of integral environmental protection; implementation of sustainable development measures in the area of environment, regulation of the Strategic Environmental Assessment, integrated pollution prevention and control; nature protection (flora and fauna, national parks, protected natural resources, biodiversity, sustainable use of natural resources, unprotected wild animal species, except hunting game, marine and freshwater organisms); air quality; climate change; ozone layer protection; protection from noise and vibration; chemicals; radiation protection (radioactive substances and ionising radiation); non-ionising radiation; soil pollution prevention; integrated coastal area management; integrated sea pollution prevention; industrial pollution control and risk management; use of new and clean technologies; waste and waste water management; system of communal operations; coordination of the regional water supply systems; genetically modified organisms within its competencies; economic instruments and eco-management; hydrographic activity; creation of environmental standards; monitoring of the state of the environment; cooperation with international financial institutions and EU funds in the realisation of environmental projects; cooperation with non-governmental organisations; proposal of current and development policy measures and analysis of their impact on the financial situation of economic operators and entrepreneurs from the Ministry; promotion activities within its competencies; international cooperation in the area of the Ministry's responsibility, entering into international treaties, adhering to international standards, negotiation, coordination and implementation of international conventions and agreements; monitoring of the EU accession process and harmonisation with the international standards, regulations and recommendations; formulating policy of human resources advancement in the area of Ministry's work; administrative supervision in the areas for which the Ministry has been established, as well as other tasks that are within its scope of responsibility.

Ministry of Agriculture, Forestry and Water Management carries out, among others, administrative tasks in the area of environment, namely: development policy in the field of forestry, husbandry of forests, improvement of forests, health protection of forests, development policy in the field hunting, husbandry, and managing wildlife, hunting and hunting areas management; development programs and plans for managing the game; development policy in water management, provision and use of water, water lands, and aquifers for water supply, water protection from pollution, regulation of water and watercourses and protection from harmful water, suggesting systemic measures and international cooperation in these areas, etc.

Ministry of Maritime Affairs, Transportation and Telecommunication carries out, among others, tasks in the area of environment: establishes indicators and monitors pollution caused by transportation vehicles at its source (and emissions) and undertakes urgent measures in case of pollution, as well as activities in case of environmental and other incidents if they occur on the road, railway or telecommunication infrastructure.

Ministry of Economy carries out administrative tasks, of which some are, among others, important for the environment as well, such as: establishment of directions and dynamics for energy development; preparation of energy balance of Montenegro; transport of oil derivatives.

Ministry of Education and Science performs administrative tasks, which are, among others, relevant for the environment as well, such as tasks which refer to: formulation, building and development of the educational-upbringing system; adoption, i.e. approval of education programmes for pre-school education and upbringing, elementary school education and upbringing, secondary school general education, specialist education, education and upbringing of children with disabilities and adult education, development of scientific-research activity; development of scientific and research organisations and services, development of science and application of scientific achievements in certain areas.

Office for Sustainable Development functions within the General Secretariat of the Government of Montenegro and is accountable for its work to the Prime Minister. Three primary competencies of the Office for Sustainable Development are:

1) Secretariat of the National Council for Sustainable Development,
2) Coordination of actors who work in different areas of sustainable development, and
3) International cooperation with organisations and networks dealing with sustainable development themes, as well as maintenance of bilateral relations in these areas.

The Office coordinates the monitoring process of the implementation of the National Strategy for Sustainable Development, while the line Ministries and other structures (public institutions, local self-governments, non-governmental organisations, etc.) are responsible for the implementation of certain measures outlined in the Strategy's Action Plan. The Office also coordinates the process of Strategy's Implementation Annual Report drafting. The Report is submitted for the review to the National Council for Sustainable Development and after its approval by the Council, it is forwarded to the Government for adoption. The National Council also reviews all other strategic documents relevant for sustainable development and cross-sectoral policies, as it was explained in an answer to the question no.15.

Moreover, all coordination activities between the sectors and/or departments are performed by the Government of Montenegro and its Commissions.

INSPECTION AUTHORITIES

With regard to the capacity strengthening for the implementation of environmental legislation and policies, the role of the inspection authorities is extremely important in the environmental sectors and/or departments, and sectors responsible for the protection of specific environmental components.

Environmental pollution prevention, which is, according to the Law on Environment, natural surroundings: air, soil, water and sea, fauna and flora; manifestations and effects of: climate, ionising and non-ionising radiation, noise and vibrations; as well as antropogenic surroundings: towns and other urban settlements, cultural and historic heritage, infrastructure, industrial and other facilities, is not only the responsibility of the environmental inspection, which functions within the Environmental Protection Agency and has 13 employees. In addition to the environmental inspection, other inspections that operate within certain Ministries and at the local level, are responsible for the protection of specific environmental components, and these are:

- Ministry for Spatial Planning and Environment: Building Inspection, Urban and Spatial Planning Inspection;
- Ministry of Economy: Electrical Energy Inspection, Geological Inspection, Mining Inspection, Thermal Energy Inspection;
- Ministry of Interior Affairs and Public Administration: Inspection for Safeguarding and Rescue;
- Ministry of Maritime Affairs, Transportation and Telecommunication: Nautical Safety Inspection (Port Authorities Bar and Kotor), Inspection for National and Regional Highways, Road Transportation Inspection, Railway Transport Inspection, Telecommunications Inspection;
- Ministry of Agriculture, Forestry and Water Management: Water Inspection, Forestry and Hunting Inspection (Forestry Directorate), Agriculture Inspection, Fishing Inspection, Phyto-sanitary Inspection, Veterinary Inspection (Veterinary Directorate);
- Ministry of Health: Sanitary Inspectorate and Health Inspectorate;
- Ministry of Labour and Social Welfare: Inspection for Labour and Health and Safety at Work;

- Communal Inspectorate (Police) in all municipalities: Podgorica, Niksic, Danilovgrad, Cetinje, Pluzine, Savnik, Zabljak, Berane, Andrijevica, Pljevlja, Bijelo Polje, Kolasin, Mojkovac, Plav, Rozaje, Ulcinj, Bar, Budva, Tivat, Kotor, Herceg Novi.

Taking into account the need to ensure more efficient institutional organisation in the context of implementation of the National Environment Policy, and policies for certain areas and sub-areas, especially when having in mind obligations set up by the National Programme for Integration of Montenegro into the EU, in November 2008, the Policy Development Plan (PDP) was prepared within the project titled Support to Environment Sector Development – Montenegro (Europe Aid 123230/D/SER/YU). The project aimed at supporting the then Ministry of Tourism and Environmental Protection, which was responsible for environmental matters.

The Document consists of two parts. General issues, such as purpose and content of environmental policies, establishment of goals and policy integration, are considered in the first part. Furthermore, the Plan's purpose and objectives are presented as well as the methodology used for the document preparation.

The second part of the PDP contains detailed information on 14 policy areas and certain number of sub-areas for which policies should be created in due time, namely: horizontal issues, air and climate change, waste, water, nature protection, soil, industrial pollution, risk and accidents control, genetically modified organisms, chemicals, noise, forests, sea and coastal area, protection from ionising radiation, environment and health.

Taking into consideration the need to ensure integration of environment, in accordance with the Article 11 of the Treaty on European Union (i.e. Article 6 of Agreement on European Community), and the fact that the importance of integration of environment is confirmed by the Sixth Environment Action Programme of the European Community (1600/2002/EC), which says that "integration of environmental considerations into other policies has to be intensified" in order to move forward towards sustainable development, the PDP gives analysis of priority measures for undertaking activities in aforementioned areas.

With the aim of realising the identified priorities, implementation of the Environment Institutional Framework Reform has been initiated. At the same time, it is envisaged that the analysis includes all sectors and/or departments and institutions that have responsibilities in the area of environment.

In the period, following the year 2000, especially after the commencement of the Stabilisation and Association Process, activities related to furtherance of the institutional framework has been intensified, in particular through the establishment of new and the reform of the existing institutions. Despite such commitment, the reforms intensity should be increased in certain institutions.

In this regard, certain amount of non-coordination and overlapping of responsibilities is evident, for example in the area of water protection, nature protection and chemicals management. Therefore, according to the Decree on Public Administration Organisation and Manner of Work, the Ministry of Spatial Planning and Environment, among other things, is responsible for: integral environmental protection system, implementation of sustainable development measures in the area of environment, integrated coastal area management, integrated prevention of sea pollution, conclusion of international treaties, adhering to international standards, negotiation, coordination and implementation of international conventions and agreements, whereas the Ministry of Agriculture, Forestry and Water Management, among other things, is responsible for water use and water supply management, protection from adverse water impacts, water pollution prevention, water resources consumption, forest protection and use. Furthermore, non-coordination between certain regulations can be noted, e.g. the Law on Environment and the Water Law. Therefore, it is evident that the integral management system for water and forests does not exist. Coordination of the aforementioned actors' activities is performed by the Government of Montenegro and its Commissions, and in this regard, the activities carried out at the level of forums established within the Office for Sustainable Development are of particular significance.

In this regard, it may be concluded that it is necessary to work on harmonization of regulations, such as in the field of water protection, nature protection, chemicals management. Thus, for example, according to the Decree on Public Administration Organisation and Manner of Work, the Ministry for Spatial Planning and environmental Protection is, among other things, responsible for:

a system of integral protection of the environment, the implementation of measures for sustainable development in the field of environmental protection, integrated coastal zone management, integrated protection of the sea from pollution, the conclusion of international agreements, monitoring of international standards, negotiation, coordination and implementation of international conventions and agreements, while the Ministry of Agriculture, Forestry and Water Management is, among other things, responsible for development policy in water management, use of water, land and aquifers for water supply, water protection from pollution, regulation of water and watercourses and protection from harmful water, whereby in the field of forestry - development policy in this area, husbandry of forests, improvement of forests health and protection of forests, as well as international cooperation in these areas.

Harmonization of certain provisions is particularly necessary in order to ensure an integrated approach to establishing a comprehensive (integral) system for the environment. Coordination of activities of the mentioned subjects is performed by the Montenegrin government and its commissions, and in this regard particularly important are the activities that occur at the level of activity of the forum established for the functioning of the Office of Sustainable Development.

It is important to note that aforementioned deficiencies in the institutional organisation have been identified through capacity building for the implementation of executive tasks in the area of environment, especially after the establishment of the Environmental Protection Agency. Therefore, by initiating the development of the Study on Institutional Reform, and through the analysis for improvement of monitoring of certain environmental components, such as monitoring of the marine ecosystem condition, activities related to overcoming the existing problems and improvement of institutional organisation have been intensified, including the sectors and/or departments' inter-relations, and activities at the institutional level.

In relation to the planned activities for the development and strengthening of administrative capacities, the training of the management team was envisaged by the project on the Agency's establishment, which was not accomplished due to delay in the adoption of Acts on the establishment of the Agency. Twinning project for which the Republic of Italy has been selected as a partner, is significant and provides support in the following components: harmonisation of environmental regulations and strengthening of institutional capacities of the Environmental Protection Agency and PROCON. Moreover, IPA 2009 funds will finance the realisation of the project titled as Capacity Strengthening in the Area of Environment and Ensuring Conditions for Solid Waste Management in the Northern Region of Montenegro, the realisation of which will start by the end of 2009.

In addition to the aforementioned projects, the set of activities is being realised with the aim of strengthening capacity related to the protection of certain environmental components and improvement of the environment management system, such as: activities in the area of abatement and control of sea pollution from coastal sources, protection from ionising and non-ionising radiation, radioactive waste management, management of the protected areas of nature, air quality management, etc.

In the forthcoming period, the Human Resources Management Authority will also make a plan of activities aiming at capacity strengthening in the area of environment.

9. In particular concerning the recently established Environmental Protection Agency, please provide information on activities carried out and budget allocated to date.

Pursuant to Article 10 of the Environment Law (Official Gazette of Montenegro 48/08) and Article 3 of the Decree on Amendments and Modifications to the Decree on State Administration Organisation and Operations (Official Gazette of Montenegro 68/08) as of 12 November 2008, the **Environmental Protection Agency (EPA)** was established. By virtue of this Decree, EPA assumed some of the tasks and some staff was transferred from the Ministry of Tourism and Environmental Protection and the Ministry of Health, Labour and Social Welfare. Following its

establishment, the Government of Montenegro adopted the Rulebook on Internal Organisation and Job Descriptions of the Environmental Protection Agency.

Implemented activities

Since its establishment, EPA implemented significant activities stemming from the Environment Law (Official Gazette of Montenegro 48/08), as follows per departments:

Department for Monitoring, Analysis and Reporting

Acting upon the obligation stemming from Article 32 of the Environment Law (Official Gazette of Montenegro 48/08), the 2009 Environmental Monitoring Programme was developed and endorsed by the Government of Montenegro. The 2009 Environment Monitoring Programme includes 6 components:

- Air Quality Monitoring Programme,
- Programme for Monitoring the Contents of Hazardous and Harmful Substances in Soil,
- Programme for Monitoring Environmental Radio-nuclides,
- Programme for Monitoring Coastal Sea Ecosystems,
- Biodiversity Monitoring Programme,
- Environmental Noise Monitoring Programme,

The institutions to implement the Environmental Monitoring Programme in 2009 were selected in a bidding procedure; these are as follows:

Centre for Eco-toxicological Testing of Montenegro for:

- Air Quality Monitoring Programme;
- Programme for Monitoring the Contents of Hazardous and Harmful Substances in Soil;
- Programme for Monitoring Environmental Radio-nuclides with the sub-programme to develop the Radon Map for Montenegro;
- Programme for Monitoring Marine Ecosystems in Montenegro.

Nature Protection Institute for:

- Biodiversity Monitoring Programme

Public Institute for Development and Research into Occupational Health and Safety for:

- Environmental Noise Monitoring Programme

Moreover, the following activities have also been implemented:

1) Information prepared on the State of the Environment for 2008;
2) The Proposal of Measures to Enhance the State of the Environment in Montenegro made;
3) Visits to all Montenegrin institutions which may and are involved in environmental monitoring to assess the personnel capacities of each institution, their equipment, methodologies, with relevant comments given on the implementation of the Environmental Monitoring Programme;
4) The preparation of the 2010 Monitoring Programme commenced.

Licensing Department

Licenses issued between 01 March 2009 and 01 July 2009:

1) For trans-boundary movement of non-hazardous waste:

- transit – 88 licenses issued;
- import – 9 licences issued.

2) For trans-boundary movement of hazardous waste:

- export – 2 licences issued, 2 more applications being processed.
- transit – 1 license issued.

3) The public book where 42 Environmental Impact Assessment files are recorded is regularly updated. In addition, 13 licences for import of products containing ozone depleting substances (ODS) have been issued.

4) Issuance of consents to impact assessment:

- 52 cases are recorded in the EPA;
- 3 decisions were made on the absence of the need to conduct environmental impact assessment;
- Decisions made concerning the need to prepare EIA Studies in 12 cases;
- Currently, 3 EIA studies are being assessed.

5) Issuance of licenses for import and trade of ionising radiation sources: X-ray devices and linear accelerators and the import of radioactive materials and spare parts;

Since its establishment, EPA issued 31 licences as shown in the table below:

For ionising radiation	60
linear accelerator	1
X-ray devices	28
radioactive materials – densimeter QG 020	2
spare parts for linear accelerator	6
spare parts for X-rays	3
X-ray for X-ray testing of industrial welds	1
for non-ionising radiation	1

6) Cooperation with International Atomic Energy Agency (IAEA) from Vienna. As a result of this cooperation, in September 2009, IAEA will sent an expert mission to visit the Clinical Centre of Montenegro and the basic equipment for:

- Inspection of the quality of image and medical exposure dose during radiography procedures, and
- Taking the steps to avoid accidental exposure in radiotherapy.

Inspection Control Department

1. The Law on Inspection Control (Official Gazette of Montenegro 39/03) envisages the obligation of regular inspection controls of polluters. Environmental inspection operating within the Environmental Protection Agency carried out 380 control checks, with the breakdown of results as follows:

Reports	380
Decisions	246
Misdemeanour charges	22
Criminal charges	2

Notification to other inspectorates	16
Number of controlled licences for transport of non-hazardous waste	84
Number of controlled shipments of ionising radiation sources	49
Number of controlled shipments of goods containing ozone depleting substances	20
Number of controlled imports of used electric and electronic devices	75
Number of controls for radioactivity of goods on import in cooperation with designated institutions	11601

2. The plan of inspection controls per municipalities for the period June – December 2009 developed.
3. Cooperation with municipalities and other relevant bodies such as: police, ministries, customs, etc established.
4. Initiated the procedure for the development of integral cadastre; the provisional inventory of all companies and entrepreneurs in Montenegro which may cause the deterioration of the environment made;
5. Gathering of data to develop the central register of ionising radiation sources – RAIS.

Communication and IT Department

Activities undertaken within this Department:

1. Communication established with the NGOs dealing with environmental issues;
2. The EPA website developed. All interested entities may find information on the state of the environment in Montenegro at the EPA website.
3. The database of licences and environmental consents issued available on the EPA website (the first important step towards the implementation of the Aarhus Convention).
4. The introduction of the Geographic Information System (GIS) in the operation of the EPA commenced.

Budget

The funds for EPA operation were provided from the Budget of Montenegro and grants.

The 2009 Budget (Official Gazette of Montenegro 31/09) for the needs of the Environmental Protection Agency appropriated EUR 942,743.06, broken down as follows:

- gross salaries: EUR 112,301.15
- other personal income: EUR 7,848.50
- expenditures for materials and services: EUR 787,593.41
- capital expenditures: EUR 35,000.00.

10. How are the responsibilities shared for the various sectors (water, waste, nature protection, etc.) and how is coordination envisaged? Outline your plans to develop and reinforce your administrative capacity.

Given the need to ensure an effective institutional set-up for the implementation of the National Environmental Protection Policy, and sector and sub-sector specific policies, particularly with a

view of the obligations envisaged by the National Programme of Integration of Montenegro to European Union, in November 2008 the **Policy Development Plan (PDP)** was prepared within the project *Support to the Development of Environment Sector (Montenegro)* (Europe Aid 123230/D/SER/YU). The project aimed at extending support to the then Ministry of Tourism and Environmental Protection (MTEP) which was in charge of the environment.

The PRP consists of two parts. The first part examines general matters, such as the purpose and contents of environmental policies, setting policy goals and integration of policies. In addition, it presents the PRP aim and objectives, followed by the explanation of the method applied in the document preparation.

The second part of the PRP contains detailed information on 14 policy areas and a number of sub-areas in which policies are to be made in time and these are as follows: horizontal issues, air and climate change, waste, water, nature protection, soil, industrial pollution, risk and accident control, genetically modified organisms, chemicals, noise, forests, sea and coastal area, ionising radiation protection, environment and health.

Taking into account the need to ensure the integration of environment pursuant to Article 11 of the Treaty on the Functioning of the European Union (or Article 6 of the EC Treaty), then the fact that the importance of integration of environment is confirmed by the EU Sixth Community Action Environment Programme (1600/2002/EC) saying that it should “promote the process of integration of environmental concerns into all Community policies” in order to make progress towards sustainable development, the PDP provided an analysis of priority measures for the actions in the given areas.

In order to enable the implementation of so identified priorities, the Reform of the Environment Institutional Framework was launched. In doing so, it is planned to cover all sectors and institutions with the competences in environmental protection sector.

In the period after 2000, in particular after the commencement of the stabilisation and association process, the activities to enhance the institutional set-up were intensified, especially through the establishment of new institutions and the reform of the existing ones. Notwithstanding such general commitment, certain institutions should step up their reform efforts.

To that effect, we may note a number of inconsistencies and overlapping competences, for instance in the area of water protection, nature protection, chemical management. Thus, for instance, pursuant to the Decree on State Administration Organisation and Operation, the Ministry for Spatial Planning and Environmental Protection is, inter alia, in charge of: integral system of environmental protection, conducting sustainable development measures in environmental protection, integrated coastal zone management, integrated protection of the sea against pollution, conclusion of international agreements, observation of international standards, negotiations, coordination and implementation of international conventions and agreements, biodiversity protection, while the Ministry of Agriculture, Forestry and Water Management is, inter alia, in charge of: water usage regimes and water supply, protection against harmful effect of water, protection of water from pollution, use of water resources, forest protection and use. Moreover, we may also note the inconsistencies between certain pieces of legislation, e.g. Environment Law and Law on Water. In this respect, there is an evident lack of integral management systems for water and forests. The coordination of actions of the given entities is conducted by the Government of Montenegro and its commissions, and here particularly important role is played by the activities conducted at the level of forums established within the Sustainable Development Office.

In this regard, it may be concluded that it is necessary to work on harmonization of regulations, such as in the field of water protection, nature protection, chemicals management. Thus, for example, according to the Decree on Public Administration Organisation and Manner of Work, the Ministry for Spatial Planning and environmental Protection is, among other things, responsible for: a system of integral protection of the environment, the implementation of measures for sustainable development in the field of environmental protection, integrated coastal zone management, integrated protection of the sea from pollution, the conclusion of international agreements, monitoring of international standards, negotiation, coordination and implementation of international conventions and agreements, while the Ministry of Agriculture, Forestry and Water Management is, among other things, responsible for development policy in water management, use of water, land

and aquifers for water supply, water protection from pollution, regulation of water and watercourses and protection from harmful water, whereby in the field of forestry - development policy in this area, husbandry of forests, improvement of forests health and protection of forests, as well as international cooperation in these areas.

Harmonization of certain provisions is particularly necessary in order to ensure an integrated approach to establishing a comprehensive (integral) system for the environment. Coordination of activities of the mentioned subjects is performed by the Montenegrin government and its commissions, and in this regard particularly important are the activities that occur at the level of activity of the forum established for the functioning of the Office of Sustainable Development.

It is important to note that aforementioned deficiencies in the institutional organisation have been identified through capacity building for the implementation of executive tasks in the area of environment, especially after the establishment of the Environmental Protection Agency. Therefore, by initiating the development of the Study on Institutional Reform, and through the analysis for improvement of monitoring of certain environmental components, such as monitoring of the marine ecosystem condition, activities related to overcoming the existing problems and improvement of institutional organisation have been intensified, including the sectors and/or departments' inter-relations, and activities at the institutional level.

Regarding the activities intended to develop and strengthen institutional capacities, it was envisaged by EPA establishment project to conduct the training of the management team which was not implemented due to the delay in the adoption of EPA Statute. There is also a significant twining project where the Republic of Italy was selected as a partner, including the support to: harmonisation of environmental legislation and strengthening institutional capacities of EPA and PROCON. Moreover, IPA 2009 will finance the project "Strengthening Capacities in Nature Protection and Provision of Conditions for Solid Waste Management in the Northern Region of Montenegro" with the implementation to start by the end of 2009.

In addition to the above, there is a number of ongoing activities aiming to strengthen the capacities regarding the protection of certain segments of the environment and improvement of environmental management system, such as: reduction and control of shore-based pollution of the sea, ionising and non-ionising radiation protection, radioactive waste management, management of protected areas of nature, air quality management, etc.

Furthermore, the Human Resources Administration plans certain activities for the upcoming period towards strengthening the capacities in the environmental sector.

11. Are there provisions relating to the training of administrative officials in the environmental field? How difficult is it to find suitably qualified personnel? How difficult is it to find qualified personnel to provide the training?

The issues of training of administrative officials and further professional development are generally regulated by the Labour Law and the Law on Civil Servants and State Employees.

The Labour Law (Official Gazette of Montenegro 49/08) contains a provision related to the training of civil servants which envisages the responsibilities of the employer and the employee.

By virtue of this Law it is the employer's obligation to provide professional development for the employee when there are the possibilities and the means to do so, as stipulated in Article 38 of the Labour Law: "Employer shall provide the employee with the possibility to undergo education, professional training and development when required so by the needs of the working process, introduction of the new manner of work organization, and especially in case of adoption and application of new methods in the organization and technology of work".
The same article stipulates the provisions pertaining to the employee, as well as the securing of costs needed for the employees in public authorities. Employees are obliged, in accordance with their capacities and the needs of the working process, to undergo professional training and development. The costs of education, professional training and development are secured from the

funds of the employer and from other sources, in accordance with the law and the collective agreement.

The Law on Civil Servants and State Employees, adopted by the Parliament of Montenegro on 29 July 2008, stipulates the provisions pertaining to the expert training programme (Article 96), special training (Article 97) and awarding scholarships (Article 99):

“A Civil Servant, i.e. State Employee, shall develop his/her professional knowledge in accordance with the expert training program.

The Human Resources Administration shall determine the expert training program.

The program shall particularly determine the content of expert training, as well as the amount of resources necessary for the realization of the program.

The expenses of expert training of Civil Servants, i.e. State Employees shall be borne by the state authority.”

“A Civil Servant, i.e. State Employee, shall be entitled to application for special training, when this is of importance for the work of the state authority.”

Considering that Montenegro is defined in its Constitution as an ecological state, this primarily obligates the state authorities to put environmental protection in the core of their activities. At the same time, although the educational level of the general public in Montenegro is continuously growing, there are not enough personnel holding the required qualifications to fully cover the demand for different profiles in the area of environmental protection. Since the new economic structure being developed in Montenegro requires innovation also regarding acquiring qualifications, the fastest way of creating the required personnel is through the training and re-training system. However, such an approach certainly does not provide for the required level of competences which are normally acquired through the formal education system.

With a view of the above, we may note that it is not easy to find the personnel well qualified to offer the required level of training in the area of environmental protection, nor the qualified personnel to perform the tasks relevant for environmental protection. The practice shows that the study and training programmes for students, and particularly for the already employed staff in the area of environmental protection, the best way of acquiring knowledge of the new trends and the possibilities for their application.

12. What are the mechanisms for monitoring compliance with environmental legislation and the state of the environment?

The main mechanism for monitoring compliance with environmental legislation is the inspection control. The Law on Inspection Control (Official Gazette of Montenegro 39/03) stipulates the principles of inspection control, the method and procedure of conducting inspection control, the responsibilities and powers of inspectors and other matters relevant for conducting inspection supervision.

Inspection control, in accordance with the law and other regulations, is performed by ministries and administrative authorities (hereinafter: inspection authorities). Provisions of this law shall be applied on all administrative areas, except when a specific law explicitly excludes the application of this law.

Inspection control shall be performed through direct insight at an institution, legal person, state authority and administrative authority of a municipality, the Capital City, Royal Capital, local administrative authority, other administrative authorities and organization, trade association and other forms of performing economic activities, as well as citizens and other entities (hereinafter: controlled entity). Inspection control is performed with regard to compliance with the law, other regulations and general acts, as well as through the performance of administrative and other measures and actions with the purpose of harmonizing the irregularities determined with regulations.

In performing inspection control an inspector shall be especially obliged to:

- consider an initiative for starting an inspection procedure and inform the submitter on the undertaken measures;
- notify a responsible person on the starting of an inspection control, except if he/she deems that this notification might disparage the effectiveness of the inspection control;
- show his/her identification to a controlled entity, respectively to a responsible or other authorized person of the controlled entity;
- point a controlled entity to his/her rights that he/she may exercise during inspection control procedure;
- make a record on the performed inspection control,
- keep track of performed inspection controls, as well as other files
- keep a state, official, business or other secret
- act legally, promptly, and in accordance with the civil servants' code of ethics.

In performing inspection control, the inspector shall have the authority to:

- examine: buildings and premises, land, equipment and appliances, means of labour and other items, products being marketed, goods on the market, the trade in goods and the provision of services, business books, files and registers, contracts, public documents and other business documentation
- establish the identity of the controlled entity and other persons
- take statements from the controlled entity and other persons
- take samples necessary for establishing the factual state
- order performing appropriate measures and actions for the purpose of providing the inspection control
- temporarily seize the documentation, items and other things necessary for establishing the factual state
- ban the performance of certain activities
- ensure enforcement of the measures ordered
- undertake other measures by which the performance of the inspection control is ensured.

Article 66 of the Environment Law (Official Gazette of Montenegro 48/08) stipulates the rights and responsibilities of environmental inspectors. It is envisaged that in conducting supervision, inspectors shall control in particular:

- the state of the environment in the manner set by this law and regulations adopted pursuant to it and other separate regulations;
- adoption and implementation of sustainable development and environmental protection documents, as well as environmental protection tools;
- application of environment quality standards, emission standards;
- whether the requirements for the inclusion into EMAS system have been complied with, i.e. actions of legal and natural persons in the EMAS system in accordance with the set requirements;
- conduct environmental monitoring;
- submission of required data and reporting for the needs of the environmental information system and the integrated cadastre of polluters;
- development, implementation and monitoring of the execution of remedial measures;

- whether the ecological sign for products, processes or services is being used as stipulated;
- implementing obligations stemming from ratified international agreements in the area of environment;
- carrying out other set measures and requirements for environmental protection.

Article 67 of the Law on Inspection Control stipulates the need to conduct joint supervision. Hence, environmental inspection may carry out control in cooperation with other inspection bodies, which is particularly important in areas for which several ministries are in charge.

The joint inspection control shall be performed especially:

- to eliminate the immediate threat to the life and health of people and property of major value
- to undertake urgent measures which cannot be delayed
- due to the complexity of control or importance of rectifying irregularities
- to control establishments important for tourism, trade, hospitality, traffic and other; to take samples of goods and other items for the control of which more than one inspection authority is in charge
- when it is assessed that such control may be conducted faster with lower costs and loss of time for the controlled entity and inspectors
- to check statements from applications or complaints when two or more administrative authorities are in charge
- in other cases determined by the law or other regulations

The environmental inspection has been operating within the Environmental Protection Agency since EPA was established.

In conducting inspection supervision, apart from the provisions of the Environment Law and the Law on Inspection Control, the provisions of other laws and secondary legislation regulating environmental protection issues, relevant for the case, guide the actions of environmental inspectors. In line with the inspection control findings, the authorised officer for misdemeanour proceedings in the second instance may pronounce punitive measures, including fines amounting to 300 times the minimal wage. For acts for which criminal proceedings are envisaged, those implying more serious and drastic violations of regulations, i.e. threat to the environment and public health, the state prosecution assesses the nature and scope of evidence to conduct the proceedings. If it establishes the existence of all the elements needed, the court proceedings is instigated leading to the pronouncement of penalties in proportion to the established liability; for posing threat to the environment and public health, depending on the degree of threat, these range from 1 to 15 years of imprisonment; for criminal offences punishable by up to one year of imprisonment done negligently, an alternative penalty of up to 6 months imprisonment or a pecuniary fine are envisaged. The principle of subjective liability is envisaged for criminal offences.

13. Please detail the number of prosecutions for breaches of environmental law and the level of penalty for such breaches. Please provide information on the collection rates of fines imposed and the relevant statistics for breaches in the sectors of air, water and waste for the last three years and, if available, also for other environmental sectors.

Pursuant to Article 18, paragraph 3 of the Law on General Administrative Procedure (Official Gazette of Montenegro 60/03), proceedings are instigated for violation of Environment Law. Over the past three years, the misdemeanour charges have been filed to the responsible ministry as follows:

- 2007 - 50 charges,

- 2008 - 37 charges,
- 2009 - 4 charges (until 01 March 2009).

In 2007 and 2008, on the account of the costs of proceedings, fines were collected in the total amount of EUR 70,046.00, or on average EUR 805.13 per case. The 2009 cases are still pending. On the basis of the Law on Misdemeanours (Official Gazette of the Republic of Montenegro 25/94, 27/97 and 48/99) Article 58 and Article 124, misdemeanour proceedings are initiated because of violation of the Law on Environment. In course of last three years, misdemeanour charges were submitted to the authorised Ministry as follows:

- 50 charges in 2007
- 37 charges in 2008
- 37 charges in 2009 (until 4 November 2009).

Fines which were charged during 2007 and 2008 amounted to EUR 70 046.00, which makes EUR 805.13 per a case. In 2009, 14 cases have been completed, whereas other are still in the decision making procedure.

Pursuant to the Law on Misdemeanors the proceeding shall be suspended if, among other things, the first instance body is not really responsible for conducting a misdemeanor proceeding, when it passed the deadline for submission of applications to run a misdemeanor proceeding (60 days), when the action which the accused is charged with is not an offense, when there are circumstances that preclude the responsibility of the accused, when on the same request was already legally decided, when there is no evidence that the accused committed the offense, when the accused died during the proceeding or the defendant body or legal entity ceased to exist.

Table 1: Overview of misdemeanour charges and fines collected in misdemeanour proceedings in 2007

No	Violation	Legal basis for establishing violation	Penalty envisaged	Realisation in EUR
1.	Failure to act upon inspector's orders	Law on Inspection Control	fine	10,513
2.	Performance of activity without environmental consent (chicken breeding)	Decree regarding the Assessment of Project Impact on the Environment		suspension
3.	Commencement of activities failing to conduct EIA (road construction)	EIA Law		suspension
4.	Failure to act upon inspector's orders /suspension to use the disposal site/	Law on Inspection Control		suspension
5.	Failure to act upon inspector's orders /asphalting works/	Law on Inspection Control		pending
6.	Failure to act upon inspector's decision /illegal disposal site/	Environment Law	fine	2,613
7.	Road construction without EIA conducted	Environment Law		suspension
8.	Illegal disposal site	Environment Law		suspension
9.	Failure to act upon inspector's orders /laying asphalt base/	Law on Inspection Control	fine	2,513
10.	Illegal waste disposal	Environment Law	fine	2,763
11.	Untreated waste water (failure to act upon inspector's orders)	Law on Inspection Control		suspension
12.	Sand exploitation failing to conduct EIA procedure	Environment Law		suspension

13.	Construction of a 300m road failing to conduct EIA procedure	Environment Law		suspension
14.	Construction of a 300m road failing to conduct EIA procedure	Environment Law		suspension
15.	Construction of a 250m road failing to conduct EIA procedure	Environment Law		suspension
16.	Construction of a 50m road failing to conduct EIA procedure	Environment Law		suspension
17.	Construction of a 300m road failing to conduct EIA procedure	Environment Law		suspension
18.	Construction of a 300m road failing to conduct EIA procedure	EIA Law		suspension
19.	Construction of a 200m road failing to conduct EIA procedure	Environment Law		suspension
20.	Construction of a road failing to conduct EIA procedure	EIA Law		suspension
21.	Illegal disposal site /failure to act upon inspector's decision /	Environment Law	fine	2,613
22.	Illegal disposal site /failure to act upon inspector's decision /	Environment Law	fine	2,613
23.	Production of concrete blocks failing to conduct the EIA procedures	Environment Law	fine	10,513
24.	Illegal waste disposal	Environment Law		suspension
25.	Illegal waste disposal	Environment Law	fine	2.675
26.	Laying asphalt base.	Law on Inspection Control	fine	10.525
27.	Failure to act upon inspector's orders	Law on Inspection Control		suspension
28.	Failure to act upon inspector's orders /road construction/	Law on Inspection Control		suspension
29.	Illegal waste disposal	Environment Law		suspension
30.	Building construction failing to conduct EIA procedures	Environment Law		suspension
31.	Building construction failing to conduct EIA procedures	Environment Law		suspension
32.	Illegal waste disposal	Environment Law		suspension
33.	Road construction failing to conduct EIA procedures	Environment Law	fine	10.525
34.	Road construction failing to conduct EIA procedures	Environment Law		pending
35.	Illegal waste disposal	Environment Law		suspension
36.	Illegal waste disposal	Environment Law		suspension
37.	Illegal disposal site	Environment Law		suspension
38.	Waste water discharge without cleaning the collectors	Environment Law	fine	2.213
39.	Illegal waste disposal	Environment Law		pending

40.	No immission measurement	Law on Inspection Control		suspension
41.	Illegal waste disposal	Environment Law		pending
42.	Waste water discharge, failure to act upon inspector's orders	Law on Inspection Control		pending
43.	Illegal waste disposal	Environment Law		suspension
44.	No reporting on the implementation of the environmental protection programme	EIA Law		pending
45.	No immission measurement	Law on Inspection Control	fine	2.763
46.	Waste water discharge	Environment Law	fine	1.663
47.	Laying asphalt base, failure to act upon inspector's orders	Law on Inspection Control		suspension
48.	Inspection control not allowed (painting and filling in the front yard)	Law on Inspection Control		suspension
49.	No EIA conducted			pending
50.	Sand exploitation without EIA	Environment Law		pending
Total				64,505

Table 2: Overview of misdemeanour charges and fines collected in misdemeanour proceedings in 2008

No	Violation	Legal basis for establishing violation	Penalty envisaged	Realisation in EUR
1.	Laying asphalt base without conducted EIA procedure	EIA Law		suspension
2.	Illegal disposal site	Environment Law		suspension
3.	Illegal waste disposal	Environment Law		suspension
4.	Failure to act upon inspector's orders /no immissions measurement/	Law on Inspection Control		suspension
5.	Failure to act upon inspector's orders /no immissions measurement/	Law on Inspection Control	fine	3.328
6.	Performance of activity without environmental consent /making wood pellets/	EIA Law		suspension
7.	Illegal waste disposal	Environment Law		pending
8.	Failure to act upon inspector's orders /no immissions measurement/	Law on Inspection Control	fine	2.213
9.	Failure to act upon inspector's orders /no immissions measurement/	Law on Inspection Control		pending
10.	Sand exploitation without conducted EIA procedure	EIA Law		pending
11.	Sand exploitation without conducted EIA procedure	EIA Law		suspension
12.	Performance of activity without environmental consent /cutting and painting the open/	EIA Law		suspension

13.	Failure to act upon inspector's orders /no immissions measurement/	Law on Inspection Control		rejected
14.	Failure to act upon inspector's orders /no immissions measurement/	Law on Inspection Control		rejected
15.	Failure to act upon inspector's orders /no immissions measurement/	Law on Inspection Control		rejected
16.	Failure to act upon inspector's orders /no immissions measurement/	Law on Inspection Control		rejected
17.	Failure to act upon inspector's orders /no immissions measurement/	Law on Inspection Control		rejected
18.	Failure to act upon inspector's orders /no immissions measurement/	Law on Inspection Control		rejected
19.	Failure to act upon inspector's orders /no immissions measurement/	Law on Inspection Control		rejected
20.	Failure to act upon inspector's orders /no immissions measurement/	Law on Inspection Control		pending
21.	Failure to act upon inspector's orders /discharge of pollutants into water/	Law on Inspection Control		pending
22.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		pending
23.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		pending
24.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		pending
25.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		pending
26.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		pending
27.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		pending
28.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		pending
29.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		pending
30.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		pending
31.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		pending
32.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		suspension
33.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		pending
34.	Transport of passengers without an agreement concluded with the Public Enterprise National Parks	Law on National Parks		pending
35.	Failure to act upon inspector's orders /transmission/	Law on Inspection Control		pending
36.	Performance of activity without conducted EIA	EIA Law		pending

	procedure /sulphur filling/			
37.	Failure to act upon inspector's orders /slaughterhouse and farm/	Law on Inspection Control		pending
Total in EUR				5.541

Table 3: Overview of misdemeanour charges and fines collected in misdemeanour proceedings in 2009

No	Violation	Legal basis for establishing violation	Penalty envisaged	Realisation in EUR
1	Stone exploitation without conducted EIA procedure	EIA Law		pending
2	Stone exploitation without conducted EIA procedure	EIA Law		pending
3	Performance of activity without environmental consent /slaughterhouse/	EIA Law		pending
4	Sand exploitation without conducted EIA procedure	EIA Law		pending
5.	Failure to act upon inspector's orders	Law on Inspection Control	fine 11.500,00 €	pending
6.	Failure to act upon inspector's orders	Law on Inspection Control	fine 11.500,00 €	Pending
7.	Failure to act upon inspector's orders	Law on Inspection Control	fine 11.500,00 €	Pending
8.	Failure to act upon inspector's orders	Law on Inspection Control	fine 11.500,00 €	Pending
9.	Failure to act upon inspector's orders	Law on Inspection Control	fine 11.500,00 €	Pending
10	Failure to act upon inspector's orders	Law on Inspection Control	fine 11.500,00 €	Pending
11	Failure to act upon inspector's orders	Law on Inspection Control	fine 1.250,00 €	pending
12	Failure to act upon inspector's orders	Law on Inspection Control	fine 1.000,00 €	pending
13	Failure to act upon inspector's orders	Law on Inspection Control	fine 5.500,00 €	pending
14	Failure to act upon inspector's orders	Law on Inspection Control	dismissed	
15	Failure to meet conditions required by law	Law on Inspection Control	fine 5.750,00 €	pending
16	Performance of activity without conducted EIA procedure (road break down)	EIA Law	fine 550,00 €	pending
17	Performance of activity without conducted EIA procedure (road break down)	EIA Law	fine 5.550,00 €	pending
18	Performance of activity without conducted EIA procedure (road break down)	EIA Law	fine 250,00 €	pending
Total in €				

14. Are economic instruments (taxes, duties, etc) used for environmental policy? Please estimate the percentage of GDP spent on environmental protection.

Pursuant to Montenegrin legislation, customs, customs duties and value added tax are not recognised as economic tools applied in conducting environmental protection measures.

The Decree on the Amount of Fees, Method of Calculation and Payment of Pollution Fees (Official Gazette of the Republic of Montenegro 26/97, 9/00, 52/00, Official Gazette of Montenegro 33/08 as of 27 May 2008, 05/09 as of 27 January 2009) establishes the amount of fees payable by legal and natural persons. This Decree stipulates the payment of fees on the basis of:

- utilisation of furnace plants and electric power plants of installed capacity exceeding 1 MW (Article 2);
- import of ozone depleting substances (Article 4);
- generation and disposal of hazardous waste containing one or more components of toxic materials and substances (Article 5);
- use of power-driven road vehicles and trailers (Article 6 of the Decree);

Another method for collecting earmarked revenues for environmental pollution is based on the "polluter pays" principle envisaged by the Environment Law whereby the polluter or its legal successor responsible for pollution and damage to the environment is obliged to pay a fee and bear the costs of remediation, as envisaged by the law.

The earmarked revenues collected as per the fees envisaged by the Decree on the Amount of Fees, Method of Calculation and Payment of Pollution Fees (Official Gazette of the Republic of Montenegro 26/97, 9/00, 52/00, Official Gazette of Montenegro 33/08 as of 27 May 2008, 05/09 as of 27 January 2009) pursuant to the decisions passed by the ministry in charge of the environment:

I Fees pursuant to Article 2 of the Decree

An overview of fees collected in 2008 pursuant to Article 2 of the Decree stipulating the obligation for the payment of the monthly pollution fee, depending on the type of fuel and emissions of harmful and hazardous matters for legal persons using furnaces and power plants of installed capacity exceeding 1 MW:

-	KAP (Aluminium Plant Podgorica) – Power Plant	EUR 1,100.00
-	KAP – Electrolysis Plant	EUR 7,990.00
-	KAP – Silumina Plant – fixed furnace	EUR 10.00
-	KAP – Silumina Plant – rotational furnace	EUR 160.00
-	KAP – Smelter	EUR180.00
-	KAP – Alumina Plant	EUR 370.00
-	EPCG (Electric Power Company) - TPP „Pljevlja" – Pljevlja	EUR9,960.00
-	Coal Mine – Pljevlja	EUR50.00
-	Steel Plant – Nikšić – Energy Plant	EUR1,250.00
-	Steel Plant – Nikšić – Combined Rolling Plant	EUR 80.00
-	Brewery "Trebjesa" – Nikšić	EUR 50.00
-	"Vektra Jakić" Ltd– Pljevlja	EUR90.00
-	"Lim" Ltd – Bijelo Polje – Wood Processing Plant	EUR10.00
-	"Polimlje" Ltd – Berane – Boiler-room	EUR 75.00

Total revenues from pollution fees on this basis in 2008 were in the range of EUR240,000.00.

In 2009 revenues are expected to be collected on this ground pursuant to the decisions by which the ministry in charge of environmental protection stipulated the fee amount for the above obligors. From 01 January 2009 to 01 July 2009, the total amount collected as emission charges is in the range of EUR 110,000.00.

II Fees pursuant to Article 3 of the Decree

The revenues collected from fees payable as per Article 3 of the Decree, abolished by the amendments to the Decree in 2009 (Official Gazette of Montenegro 5/09 as of 27 January 2009), which pertained to the charges on sale of oil products payable by legal persons dealing with the trade of fossil fuels and lubricant oils in 2008 amounted to some EUR 1,202,000.00. From 01 January 2009 to 01 February 2009 the total amount collected from these charges was approximately EUR330,000.00.

III Fees pursuant to Article 4 of the Decree

Pursuant to Article 4 of the Decree stipulating the obligation of legal persons importing ozone depleting substances (ODS) to pay the fee of EUR0.90 per a kilogramme of imported substance the revenues accrued in 2008 were as follows:

- VLAHOVIĆ NK COMPANY Ltd – Nikšić .....EUR120.00 for 136 kg of imported ODS
- Steel Plant Nikšić ..... EUR73.00 for 80 kg of imported ODS

On the same grounds of ODS fess, in 2009 the revenues accrued amounted to:

- FRIGO ELEKTRO Ltd Podgorica ..... EUR8,000.00 for 8,796 kg of imported ODS.

It is not possible to assess the expected revenues to be collected as fees payable pursuant to Article 4, given that these depend on the needs of ODS users (importers).

IV Fees pursuant to Article 5 of the Decree

The legal persons generating and disposing of waste containing one or more components of toxic matters and substances, pay monthly fees in the amount of: EUR 151.51/ton for waste generation and EUR75.75 /ton for waste disposal.

Total amounts payable pursuant to Article 5 of the Decree in 2008 approximated EUR400,000.00.

The obligors for the payment of the fee for hazardous waste generation and disposal in 2009 are:
- Aluminium Plant Podgorica,
- Holding company Steel Plant Nikšić – Nikšić.

From 01 January 2009 to 01 July 2009, the total amount of waste generation and disposal fee determined by the decisions of the ministry in charge of the environmental protection to the above obligors amounted to approximately EUR220,000.00.

V Fees pursuant to Article 6 of the Decree

Domestic and foreign legal and natural persons are obliged to pay charges for the use of power-driven road vehicles and trailers (Article 6 of the Decree) in the fixed amounts as follows:

1) Power-driven vehicles having at least four wheels and used for the carriage of passengers (Category M):
   - Vehicles used for the carriage of passengers and comprising not more than eight seats in addition to the driver's seat (Category M1) - EUR10
   - Vehicles used for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes (Category M2) – EUR30
   - Vehicles used for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding 5 tonnes (Category M3) – EUR50
2) Power-driven vehicles having at least four wheels and used for the carriage of goods (Category N) :
   - Vehicles used for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes (Category N1) – EUR80

- Vehicles used for the carriage of goods and having a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes (Category N2) - EUR100
- Vehicles used for the carriage of goods and having a maximum mass exceeding 12 tonnes (Category N 3) – EUR150

The introduction of fees for the use of the power-driven road vehicles and trailers caused special attention of the relevant structures of the European Commission, especially the General Directorate of Transport, whereby the need to change the Decree of that time was indicated. In this regard, 17 July 2009, in Brussels, a technical meeting of representatives of the Ministry of Spatial Planning and Environmental Protection and the European Commission was held, on which they, on the basis of the Interim Agreement, agreed the conventional way to amend the Decree referring to this fee.

Pursuant to the proposals and conclusions from the above meeting, on the Government session, which was held on 10 September 2009, adopted the Decree on Amendments to the Decree on the Amount of Fees, Method of Calculation and Payment of Pollution Fees, which shall enter into force on 01 February 2010. On this basis, the amended Decree was published in the Official Gazette of Montenegro 64/09 dated on 22/09/2009. The Decree introduced the obligation of paying annual fees for the use of power-driven road vehicles and trailers weighing up to 3.5 tons (category M1, M2, M3, N1) for foreign legal and natural persons, and a one-day, weekly, monthly or annual eco-fee for the use of power-driven road vehicles and trailers weighing from 3.5 tons to 12 tons (category N2), and weight greater than 12 tons (category N3).

Since the beginning of the application of the amended Decree on the Amount of Fees, Method of Calculation and Payment of Pollution Fees from May 2008 (Official Gazette of Montenegro 33/08 dated on 27 May 2008), for a period of 16 June 2008 to 31 December 2008 pursuant to the collection of fees for the use of power-driven road vehicles and trailers from citizens upon the registration of power-driven road vehicles and trailers the total revenues accrued amounted to € 1,510,855.95. Pursuant to the collection of annual fees for the use of power-driven road vehicles and trailers for foreign legal and natural persons, the total revenues accrued amounted to € 5,041,765.00. From 1 January to 31 October 2009 pursuant to the collection of fees for the use of power-driven road vehicles and trailers for citizens, the total revenues accrued amounted to € 2,284,576, while pursuant to the collection of annual fees for the use of power-driven road vehicles and trailers for foreign legal and natural persons, the total revenues accrued amounted to € 5,245,981.

In addition to the revenues generated through the above economic tools, pursuant to the Law on Administrative Fees, envisaging the payment of administrative fees for documents and actions before the state administration bodies, diplomatic and consular offices of Montenegro abroad, local administration bodies and other legal persons holding public authorities, the tariffs relevant for environmental protection have been set as follows:

1) Import, export or transit licence for endangered and protected wild flora and fauna species, their developmental forms and parts thereof	EUR 50.00
2) Import, export or transit licence for genetic resources of wild flora and fauna, biotechnology and genetically modified organisms	EUR 50.00
3) Import licences for ODS	EUR 50.00
4) Decision to approve transport of radioactive substances across the state borders	EUR 200.00
5) Approval to foreign legal or natural person for transport (transit) of goods constituting hazardous matters across the state territory 20 euro/ton of cargo.	EUR 10.00
6) Decision determining legal persons and entrepreneurs allowed to produce, trade in or use ionising radiation sources	EUR 100.00

7) Decision stipulating legal persons meeting the set requirements for performing measurements to assess the level of occupational, medical and general public exposure	EUR 150.00
8) For issuance of environmental consents	EUR 20.00
9) Decision approving import, export or transit of toxic matters across the territory of the state	EUR 50.00

Although substantial amounts are accrued on the basis of charges collection, issuance of licences, pollution fees and administrative fees collection, there is no mechanism in place in Montenegro for the allocation of these funds for new investments in environmental protection projects. Thus, in 2009 the environmental appropriations from the Budget of Montenegro amounted to some 0.15% of GDP.

15. Are there any mechanisms to provide for the protection of the environment to be taken into consideration in other policies, in particular agricultural, industrial, energy and transport policies in line with Article 6 of the EC treaty?

The importance of integration of environmental concerns into policies, which ensures that the issues relevant for environmental protection are taken into account in decision-making and planning in other sectors, has been recognised by the National Sustainable Development Strategy and the National Environmental Policy. Such an approach was adopted, inter alia, starting from the fact that since 1997 the integration of environment is a requirement stemming from Article 6 of the EC Treaty: "Environmental protection requirements must be integrated into the definition and implementation of the Community policies ... in particular with a view to promoting sustainable development", as well as taking into account the EU Sixth Community Action Environment Programme (1600/2002/EC): "the process of integration of environmental concerns into all Community policies needs to be enhanced" in order to make progress towards sustainable development. Policy integration is also one of the guiding principles of EU Sustainable Development Strategy (10917/06/EC).

At the same time, the OECD's approach was taken into account saying that the successful integration of environmental policies with sectoral and other economic policies is vital to ensuring that environmental policy goals are reached at least cost and that the effects of other policy measures on the environment are addressed.

With a view of the above, the Policy Development Plan developed in November 2008 (see the response to question no. 8), recognises the importance of well-concerted actions in environmental policy-making for separate sectors and sub-sectors, focusing primarily on integration of environmental policies into the following sectors:

- agriculture,
- energy,
- tourism;
- transport;
- spatial planning;
- industry, small- and medium-sized enterprises, employment;

It is estimated that it would improve not only environmental performance, but also provide a more coherent and effective (horizontally integrated) administration and capacity improvement to address challenges in the context of the EU accession. In the context of the integration policy, therefore, the cooperation of the department in charge of the environment and the National Sustainable Development Council is deemed particularly significant.

In the framework of the National Sustainable Development Council (NSDC), and the Sustainable Development Office set up to provide administrative and technical support to the NSDC and coordination of implementation of the National Sustainable Development Strategy (NSDS), mechanisms have been set enabling the verification of harmonisation of sector-level strategies, programmes and plans, including the ones in agriculture, industry, transport and energy. Hence, so far the strategic documents such as: the National Spatial Plan, Tourism Development Strategy by 2020, Energy Development Strategy, Agricultural Strategy, Transport Strategy, Draft National Strategy for Integrated Coastal Zone Management, were reviewed and assessed by the NSDC and its relevant bodies regarding their consistency with the NSDS, before sent to the Government for deliberation. Based on the remarks and comments given by the NSDC, the strategy papers were aligned with the measures envisaged by the NSDS, or guidelines developed to manage conflicts until the moment when it would be possible to attain consistency with sustainable development principles.

The NSDC was established in 2002 as an advisory body to the Government for the issues of sustainable development, chaired by a member of the Government, and composed of the representatives of various societal structures. After the NSDC reform, carried out in 2008, pursuant to the report of UNDP and the Government concerning the role, the results and the procedures of the NSDC and the SDO, as well as following the consultations with national structures and international bodies, certain changes to its structure and method of operation have been introduced. Now the NSDC consists of 23 members (with the term of office of 3 years and the possibility of re-election), the new category of independent members/environment experts was introduced, and the NSDC organisation was reformed in the sense of forming working groups and local sustainable development councils whose establishment was announced for near future. In addition to the representatives of the Government (5) and the head of the SDO, the membership includes the representatives of the following: local authorities (3), academy (2), business sector (4), NGO (4) independent personalities/sustainable development experts (4).

NSDC holds three to four sessions a year, and its approach is based on integrated analysis of mutual consistency of government strategies and long-term development policies, as well as their alignment with sustainable development principles. This method of the NSDC operation includes also working groups set up for different areas/issues and provides the mechanism to assess consistency of secotoral documents with sustainable development aims and measures as defined in the NSDS, including the ones pertaining to environmental protection.

In NSSD implementation, while developing annual reports, special attention is dedicated to the analysis of the activities undertaken to overcome the conflicts identified, as well as the analysis, identification and overcoming of non-conformity of the newly endorsed strategic documents adopted within the process of intensive legislative, institutional and economic reforms of the Montenegrin society with the NSDS by applying the sustainability principle (including the preservation of the resource basis, equity, openness, participatory approach, cooperation and consultations, precautions in case of non having reliable information). The analysis is intended to take into account the international know-how and experiences, in particular with a view of the need for continuous monitoring of policies, activities and recommendations adopted annually within the UN's Commission on Sustainable Development (CSD) (or the compliance with the recommendations of the Johannesburg Implementation Plan and the Agenda 21), the Mediterranean Commission for Sustainable Development (MCSD) and relevant European Commission measures.

Aiming to create the conditions for effective integration of the environmental issues into sectoral policies, current activities involve the improvement of the indicator system to measure progress in the NSDS implementation. At the same time, pursuant to the Law on Strategic Environmental Assessment (Article 8) it is envisaged that SEA is conducted in the development of plans or programmes which may have significant impact on the environment, before their adoption or submission to the relevant authority for adoption. One of the basic SEA principles (Article 3) is the sustainable development principle: "The consideration and inclusion of significant environmental aspects into the preparation and adoption of certain plans and programmes and setting the conditions for preservation of values of natural resources and assets, landscapes, biological

diversity, wildlife and autochthonous eco-systems, that is the rational use of natural resources, contribute to the fulfilment of sustainable development objectives."

Environmental protection is taken into consideration even in other policies through the mechanisms of the work of the Government and its commissions: Political Affairs Commission ad Commission for Economic and Financial Policy, as well as the Parliament of Montenegro.

16. Which international agreements concerning environmental protection have been signed and which ones have been ratified?

The following table gives an overview of international treaties and conventions Montenegro has acceded to so far, including those assumed by succession of the agreements previously ratified by the State Union of Serbia and Montenegro, the Federal Republic of Yugoslavia or the Socialist Federal Republic of Yugoslavia. It also features a number of yet unratified agreements, but intended for ratification.

Table 1: An overview of international treaties and conventions Montenegro has acceded to so far, including those assumed by succession of the agreements previously ratified by the State Union of Serbia and Montenegro, the Federal Republic of Yugoslavia or the Socialist Federal Republic of Yugoslavia

No	Name of the multilateral agreement in Montenegrin	Name of the multilateral agreement in English	Status:	Published in the Official Gazette
1.	Konvencija o biološkoj raznovrsnosti	Convention on Biological Diversity	ratified/assumed by succession	Official Gazette of FRY-International agreements, 11/01-28
2.	Kartagena Protokol o biološkoj raznovrsnosti	Cartagena Protocol on Convention on Biological Diversity	ratified/assumed by succession	Official Gazette of Serbia and Montenegro – international agreements 16/05-40
3.	Konvencija o očuvanju migratornih vrsta divljih životinja (Bonska Konvencija)	Convention on Migratory Species - CMS	ratified/assumed by succession	Official Gazette of Montenegro – international agreements 06/08-147
4.	Konvencija o zaštiti evropskih divljači i prirodnih staništa (Bernska Konvencija)	Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)	ratified/ ratification instruments currently being deposited	Official Gazette Montenegro no 7, of 08 December 2008
5.	Konvencija o vlažnim područjima (Ramsar Konvencija)	Ramsar Convention on Wetlands	ratified/ assumed by succession	Official Gazette of SFRY 09/77-675
6.	Konvencija o zaštiti svjetske kulturne i prirodne baštine	Convention Concerning the Protection of the World Cultural Heritage	ratified/assumed by succession	Official Gazette of SFRY 56/74-1771
7.	Evropska Konvencija o predjelima	European Landscape Convention	ratified	Official Gazette 006/08-135
8.	Konvencija o međunarodnom prometu ugroženih vrsta divlje flore i faune (CITES Konvencija)	Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention)	ratified/assumed by succession	Official Gazette of FRY-International agreements 11/01-3
9.	Konvencija Ujedinjenih Nacija o borbi protiv dezertifikacije u zemljama sa teškom sušom i/ili dezertifikacijom, posebno u Africi	United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa	ratified	Official Gazette of the Republic of Montenegro 17/07-12
10.	Okvirna Konvencija UN o promjeni klime	UN Framework Convention on Climate Change	ratified/assumed by succession	Official Gazette of FRY 02/97-71

11.	Kjoto protokol uz okvirnu Konvenciju UN o promjeni klime	The Kyoto Protocol UN Framework Convention on Climate Change	ratified	Official Gazette of the Republic of Montenegro 17/07 as of 27 March 2007
12.	Bečka Konvencija o zaštiti ozonskog omotača	Vienna Convention for protection of the ozone layer	ratified/assumed by succession	Official Gazette of FRY 01/90-3
13.	Montrealski protokol o supstancama koje oštećuju ozonski omotač	The Montreal Protocol on substances that deplete the ozone layer	ratified/assumed by succession	Official Gazette of FRY 16/90-3
14.	Amandan Montrealski protokol o supstancama koje oštećuju ozonski omotač, London, 29 jun 1990	Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, London, 29 June 1990.	ratified/assumed by succession	Official Gazette of Serbia and Montenegro – international agreements 24/2004-3
15.	Amandan Montrealski protokol o supstancama koje oštećuju ozonski omotač, Kopenhagen, 25 novembar 1992,	Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Copenhagen, 25 November 1992.	ratified/assumed by succession	Official Gazette of Serbia and Montenegro – international agreements 24/2004-3
16.	Amandan Montrealski protokol o supstancama koje oštećuju ozonski omotač, Montreal, 17. septembar 1997.	Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer adopted by the Ninth Meeting of the Parties, Montreal, 17 September 1997.	ratified/assumed by succession	Official Gazette of Serbia and Montenegro – international agreements 24/2004-3
17.	Amandan Montrealski protokol o supstancama koje oštećuju ozonski omotač, Peking, 3 decembar 1999.	Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. Beijing, 3 December 1999.	ratified/assumed by succession	Official Gazette of Serbia and Montenegro – international agreements 24/2004-3
18.	Konvencija o prekograničnom zagađenju vazduha na velikim udaljenostima	Convention Long-range Transboundary Air Pollution (CLRTAP)	ratified/assumed by succession	Official Gazette of SFRY 11/86-3
19.	Protokol o dugoročnom finansiranju programa saradnje za praćenje i procjenu prekograničnog penosa zagadjenih materija u vazduhu na velikim udaljenostima u Evropi (EMEP)	The Protocol to the Convention on Long-range Transboundary Air Pollution on the Financing of the Co-operative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP)	ratified/assumed by succession	Official Gazette of SFRY 02/86-3
20.	Protokol o teškim metalima (Aarhus,1998)	Protocol on Heavy Metals (Aarhus,1998)	not ratified (preparations for ratification ongoing)	
21.	Protokol o acidifikaciji, eutrofikaciji i prizemnom ozonu	Protocol to Abate Acidification, Eutrophication and Ground-level Ozone (Goeteborg,1999)	not ratified (preparations for ratification ongoing)	
22.	Protokol o postojanim organskim zagađivačima	Protocol on Persistent Organic Pollutions	not ratified (preparations for ratification ongoing)	
23.	Stokholmska konvencija o postojanim organskim zagađivačima	Stockholm Convention on Persistent Organic Pollutants (POPs)	Succession of signing /not ratified, preparations for ratification ongoing	
24.	Konvencija o procjeni uticaja na životnu sredinu u prekograničnom kontekstu (ESPOO Konvencija)	Convention on Environmental Impact Assessment in a Transboundary Context	ratified	Official Gazette of Montenegro 08/08-27

25.	Amandman uz Konvenciju o procjeni uticaja na životnu sredinu u prekograničnom kontekstu (ESPOO), Sofia, 27. februar 2001.	Amendment to the Convention on Environmental Impact Assessment in a Transboundary Context, Sofia, 27 February 2001.	ratified/depositor's notification pending concerning the date of entry into force	Official Gazette of Montenegro 08/08-27
26.	Amandman uz Konvenciju o procjeni uticaja na životnu sredinu u prekograničnom kontekstu (ESPOO), Cavtat, 4. jun 2004.	Amendment to the Convention on Environmental Impact Assessment in a Transboundary Context, Cavtat, 4 June 2004.	ratified/depositor's notification pending concerning the date of entry into force	Official Gazette of Montenegro 08/08-27
27.	Protokol o strateskoj procjeni uticaja na životnu sredinu u prekograničnom kontekstu	Protocol on Environmental Impact Assessment in a Transboundary Context	ratified/ ratification instruments are being prepared	Official Gazette of Montenegro - International agreements 2/2009-19
28.	Konvencija o prekograničnim efektima udesa u industriji	Convention on the Transboundary Effects of Industrial Accidents	ratified	Official Gazette of Montenegro .009/08-21
29.	Kijevski protokol o registru ispustanja i prekogranicnom transportu zagadjenih materija (PRTR)	Kiev Protocol on Pollutant Release and Transfer Registers (PRTR), Kiev, 21 May 2003	not ratified/succession of signing	
30.	Konvencija o kontroli prekograničnog kretanja opasnog otpada i njihovog odlaganja (Bazelska Konvencija)	Basel Convention on Transboundary Movement of Hazardous wastes and Their Disposal	ratified/assumed by succession	Official Gazette of FRY no.2, of 25 December 1999
31.	Amandman na Bazelsku konvenciju o kontroli kretanja opasnog otpada i njihovog odlaganja, Ženeva, 22. septembar,1995	Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, Geneva, 22 September 1995.	not ratified/succession of signing	
32.	Protokol o odgovornosti i nadoknadi štete uz Bazelsku Konvenciju	Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and Their Disposal	not ratified	
33.	Konvencija o dostupnosti informacija u oblasti životne sredine, učešću javnosti u donošenju odluka i dostupnosti pravosuđa o pitanjima koja se tiču životne sredine (Arhuska Konvencija)	Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters – Aarhus Convention	ratified (passed the parliamentary procedure)	Publication in the Official Gazette pending
34.	Konvencija o zaštiti morske sredine i priobalnog područja Sredozemlja (Barselonska konvencija)	Convention for the Protection Of The Mediterranean Sea Against Pollution(Barcelona Convention)	ratified	Official Gazette of the Republic of Montenegro 64/07
35.	Protokol o saradnji u sprjecavanju zagadjivanja Sredozemnog mora sa brodova i borbi protiv zagadjivanja u slucaju udesa	Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol)	ratified	Official Gazette of the Republic of Montenegro 64/07
36.	Protokol o zastiti Sredozemnog mora od zagadjivanja od kopnenih izvora i kopnenih aktivnosti	Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities (LBS Protocol)	ratified	Official Gazette of the Republic of Montenegro 64/07
37.	Protokol o područjima pod posebnom zaštitom i biodiverzitetu Sredozemlja	The Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean	ratified	Official Gazette of the Republic of Montenegro 64/07

38.	Protokol o prevenciji zagadjivanja Sredozemnog mora putem prekograničnih kretanja opasnog otpada i njegovog odlaganja	Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (Hazardous Wastes Protocol)	ratified	Official Gazette of the Republic of Montenegro 64/07
39.	Protokol o sprječavanju zagadjivanja sredozemnog mora usled potapanja otrovnih i drugih materijala sa brodova vazduhoplova	Protocol for the Prevention and Elimination of Pollution in the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea	not ratified	
40.	Protokol o zaštiti Sredozemnog mora od zagađivanja kao posljedice istraživanja i iskorišćavanja epikontinentalnog pojasa, morskog dna i podmorja	Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil	not ratified	
41.	Protokol o integrisanom upravljanju priobalnim područjem Sredozemnog mora	Protocol on Integrated Management of Mediterranean Coastal Zones	not ratified (signed in January 2008)	
42.	Konvencija o zaštiti i korišćenju prekograničnih vodotoka i medjunarodnih jezera (Helsinška Konvencija)	Convention on the Protection and Use of Transboundary Watercourses and International Lakes-Water Convention	not signed/ not ratified	
43.	Bečka konvencije o građanskoj odgovornosti za nuklearne štete	IAEA Vienna Convention on Civil Liability for Nuclear Damage	ratified /assumed by succession	Official Gazette of SFRY-International agreements 5/77
44.	Protokol Konvencije iz Beča o civilnoj odgovornosti za nuklearnu štetu	Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage	not ratified	
45.	Konvencija o fizičkoj zaštiti nukleranog materijala	IAEA Convention on Physical Protection of Nuclear Material	ratified/assumed by succession	Official Gazette of FRY.009/85-309
46.	Amandman na Konvenciju o fizičkoj zaštiti od nukleranih materijala	The Amendment to the Convention on the Physical Protection of Nuclear Material.	not ratified	
47.	Konvencija o ranom obavještavnju o nukleranim nesrećama	IAEA Convention on Early Notification of a Nuclear Accident	ratified/assumed by succession	Official Gazette of SFRY 15/89-3
48.	Konvencija o dodatnoj kompenzaciji u slučaju nuklearne štete	Convention on Supplementary Compensation for Nuclear Damage	not ratified	
49.	Konvencija o pružanju pomoći u slučaju nuklearnog incidenta ili radiološke opasnosti	IAEA Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency	ratified/assumed by succession	Official Gazette of FRY 04/91-29
50.	Konvencija o sigurnosti upravljanja potrošnjom goriva i o sigurnosti upravljanja radioaktivnim otpadom	Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management	not ratified	
51.	Međunarodna konvencija o sprečavanju akata nuklearnog terorizma	International Convention for the Suppression of Acts of Nuclear Terrorism	Succession of signing/Serbia and Montenegro did not deposit the ratification instruments	Official Gazette of Serbia and Montenegro 02/06-3
52.	Ugovor o neširenju nuklearnog oružja	Treaty on the Non-Proliferation of Nuclear Weapons	ratified/assumed by succession	Official Gazette of FRY 10/70-313

53.	Ugovor o sveobuhvatnoj zabrani nuklearnih proba sa Protokolom	Comprehensive Nuclear-Test-Ban Treaty	ratified/assumed by succession	Official Gazette of Serbia and Montenegro 004/04-3
54.	Ugovor o zabrani eksperimenata sa nuklearnim oružjem u atmosferi, kosmosu i pod vodom	Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water	ratified/assumed by succession	Official Gazette of FRY –Supplement 11/63
55.	Ugovor o zabrani smještanja nuklearnog i drugog oružja za masovno uništavanje na dno mora i okeana i u njihovo podzemlje	Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof	ratified/assumed by succession	Official Gazette of FRY 033/73-957
56.	Statut Međunarodne agencije za atomsku energiju	Statute of the International Atomic Energy Agency Agreement on the Privileges and Immunities of the International Atomic Energy Agency	ratified/assumed by succession	Official Gazette of SFRY-International agreements 001/58-64
57.	Sporazum o privilegijama i imunitetima Međunarodne agencije za atomsku energiju	Agreement on the Privileges and Immunities of the International Atomic Energy Agency	ratified/assumed by succession	Official Gazette of FRY 001/64
58.	Sporazum o zaštiti kitova (Cetacea) u Crnom moru, Sredozemnom moru i susjednom atlanskom području - ACCOBAMS	Convention of Cetaceans of the Bleak Sea, Mediterranean See and contiguous Atlantic Area (ACCOBAMS)	ratified	Official Gazette of Montenegro 007/08-2

17. Has your country submitted a report to the UN Commission on Sustainable Development (CSD) on the implementation of Agenda 21?

Montenegro participated to both world summits dedicated to sustainable development – the 1992 UN Conference on Environment and Development in Rio de Janeiro and the 2002 World Summit on Sustainable Development in Johannesburg (as a part of the delegation of the Federal Republic of Yugoslavia). In preparation for the Johannesburg World Summit a report was prepared for the UN Commission for Sustainable Development (CSD) with a profile of the FR Yugoslavia regarding the status of all chapters of Agenda 21.

After the proclamation of independence in 2006 and becoming a member of United Nations, Montenegro assumed the obligations of participating to the UN working bodies, including the annual sessions of the Commission for Sustainable Development.

Since countries are obliged to report to the UN Commission for Sustainable Development once in two-year cycles (each cycle consisting of the first, or the review year, and the second or the policy year), for the previous cycle Montenegro submitted to CSD the First Annual Report on the Implementation of the National Sustainable Development Strategy. The report, covering the greatest part of the Agenda 21 chapters, was positively assessed by the Department for Economic and Social Affairs (UN DESA).

Pursuant to the Report, the Sustainable Development Office in cooperation with the Ministry of Spatial Planning and Environmental Protection of Montenegro, with the support of UN DESA, initiated cooperation regarding the implementation of two new projects: a) reform of monitoring and reporting system for the implementation of the National Sustainable Development Strategy (NSDS), and b) redefinition of sustainable development indicators. The second annual report will be submitted to the UN Commission for Sustainable Development in 2010.

18. Could you describe the national effort in the field of environmental research and development (e.g. level of funding of national institutes, etc.)?

For the time being, Montenegro does not have separate programmes in environmental research and development. Ecology, however, is recognised as one of the priorities in the Strategy for Scientific and Research Activities, adopted in July 2008. The document states the following: Montenegro has been declared an ecological state, which is in accordance with its strategic documents, as well as strategic orientations of all European countries, where sustainability is the key term, and clear and unpolluted air, soil and water are the basic priorities of development policy. The sea and coastal area play a particularly important role for Montenegro, as an important resource for all Mediterranean countries; hence, the study, protection measures and rational use of biological resources hold priority.

The table below features the data on cumulative investments in science and research and specifically the environmental protection projects, allocated through the tenders launched by the Ministry of Education and Science.

	2005	2006	2007	2008
Total funds invested in science and research projects (EUR)	339,340	342,960	520,020	1,322,000
Science and research projects in environmental protection (EUR)	67,072	67,072	34,740	116,985
%	19.77	19.56	9.68	8.85

In addition, a number of environment-related projects are in progress, as stated in response to question no.7, commissioning domestic scientific and professional personnel, but also foreign experts. A bulk of these projects result from the cooperation with the international institutions active in the area of environment at the regional and the global level, as stipulated in response to the question no. 19.

19. Please detail any initiatives or programmes of environmental regional co-operation in which your country is participating. In particular, outline your country's plans to follow up on the priority projects identified by yourselves in the framework of the Regional Environmental Reconstruction Programme (REReP) and the Infrastructure Projects Facility (IPF). Which are your priority topics in the Regional Environmental Network for Accession (RENA) and which actions do you envisage for promoting those?

In order to attain globally recognised priorities in environment within the cooperation with UN agencies it is particularly significant to establish coordinated actions of the states of the region, primarily in the context of the implementation of shared goals.

At the regional and sub-regional level, the environment-related cooperation involving Montenegro is as follows:

- Mediterranean Action Plan of UNEP (UNEP/MAP) and the regional centres operating within the UNEP/MAP structure: PAP/RAC, SPA/RAC, REMPEC, BP/RAC; CP/RAC, as well as the MEDPOL programme,
- Mediterranean Commission for Sustainable Development (MCSD),
- Regional Environmental Centre (REC),

As well as the cooperation within many regional initiatives:

- Union for the Mediterranean,
- Regional Cooperation Council (RCC),
- Adriatic-Ionian Initiative (AII),
- Central European Initiative (CEI),
- Environment and Security Initiative (ENVSEC initiative),
- Trilateral Commission for the Protection of the Adriatic,
- Commission for the Protection of the Sava River (Sava Commission),
- International Commissions for the protection of the Danube River.

Cooperation with UNEP/MAP

The Convention for the Protection of the Marine Environment and the Coastal Area of the Mediterranean (Barcelona Convention) is the legal framework for the Mediterranean Action Plan within the United Nations Environmental Programme – UNEP. Following the completion of the ratification of the Barcelona Convention and the four accompanying protocols, in October 2007, Montenegro was accepted as a fully-fledged member of the Mediterranean Action Plan as a contracting party to the Barcelona Convention and the four accompanying protocols in January 2008, at the 15th Meeting of Contracting Parties in Almeria.

Starting from the priority seen as the need to build institutional and technical preconditions for the implementation of the Barcelona Convention set on the occasion of its ratification together with its four protocols by Montenegro, and the obligations regarding the implementation of recommendations and the decisions passed at the ministerial level of contracting parties, apart from the regular activities relating to the monitoring and reporting on the implementation, the activities and projects as detailed below are in progress.

- Initiate the development of the CAMP Programme (Coastal Area Management Programme) Montenegro stemming from the Feasibility Study developed and adopted in June 2008. By the Government of Montenegro;
- Establishment of the Marine Protected Area at Katic;
- Study of the impact of Climate Change to the Coastal and Marine Biodiversity;
- Conduct MEDPOL monitoring in Montenegro;
- Commencement of the project relating to the eutrophication problem in the Boka Bay;
- Involvement in the activities of the partnership of UNEP/MAP, GEF and the World Bank for the Large Mediterranean Ecosystem (LME Partnership);
- Overview of the NSDS implementation in the context of the Mediterranean Strategy for Sustainable Development MSDS.

Union for the Mediterranean

In the framework of the Union for the Mediterranean (UfM), the activities relating to the implementation of the “HORIZON 2020” for the Mediterranean depollution are particularly important for Montenegro. In this context the implementation of the UfM decisions passed at the meeting of environment and water management ministers is particularly important (such as, the decision to develop the Mediterranean Water Strategy).

Cooperation with Regional Environmental Centre (REC)

REC provides significant support to entities at the national level in the area of environmental protection through promoting and strengthening cooperation of major stakeholders/participants in the country, then through the support for public participation in environmental decision-making, as well as free exchange of information. In implementing the REC activities in Montenegro significant support is extended by the REC Office Montenegro.

Regional Cooperation in the Adriatic Region

With the establishment of the Adriatic Ionian Initiative in 2000, regional cooperation among the states of the Adriatic region was greatly enhanced. The activities realised through the six round tables of the Adriatic-Ionian Initiative gave an extraordinary contribution to recognising the priorities and the needs of the region as a whole, as well as strengthening political stability and trust in the region. In the framework of this Initiative, countries of the southern Adriatic, Montenegro included, were given the opportunity to integrate national priorities in sub-regional and regional frameworks, thus, national capacities were greatly enhanced through harmonisation with relevant international requirements.

In 2008 it was decided to reform this initiative. Based on the national-level consultations conducted in 2008, the Adriatic Ionian Initiative was assessed to be enabling the relevant entities in charge of environmental protection and sustainable development to harmonise their positions at the political level, strengthen cooperation and political stability in the region. However, in order to attain significant benefits for the environment, it is necessary to establish the expert and professional level of actions.

Recognising the importance of the results attained within the trilateral standing commission of Slovenia, Croatia and Italy for the protection of the Adriatic (Trilateral Commission for the Protection of the Adriatic), it was also deemed important to extend this commission through the inclusion of the southern Adriatic. Involvement of Montenegro into the work of the Trilateral Commission is significant from the point of view of the priority measures to be undertaken in environmental protection and sustainable development of the coastal area, particularly given the growing level of pollution of the marine ecosystem due to the uncontrolled discharge of ballast waters, spreading of invasive species, shore-based pollution emissions, as well as putting under the check the increasing urbanisation. The membership to the Trilateral Commission is important not only seen from the environmental protection angle, but also for tourism and maritime industry development. At the same time, the inclusion in this regional body is also significant for the implementation of measures set in the National Programme of Integration of Montenegro into EU, including the creation of the conditions for the implementation of the EU Sea Strategy and the relevant directive aiming to attain the good ecological status of the marine ecosystem. It is also believed that the participation to the Trilateral Commission may greatly enhance the capacities to realise the funds within the IPA Adriatic.

The procedure for Montenegro's membership to the Trilateral Commission has just been launched.

Regional Cooperation Council (RCC)

In the context of Montenegrin contribution to strengthening regional cooperation and environmental protection, as an essential segment of regional cooperation, the central role is played by the RCC as a successor of the Stability Pact for Southeast Europe. This is particularly important for strengthening regional cooperation mechanisms among the countries on one hand, and between the countries and relevant international organisations on the other, primarily in relation to the priorities recognised in the European integration processes.

As for the creation of conditions for the region to respond to the challenges posed by climate change, we deem the holding of the First Thematic Conference on Climate Change jointly organised by the RCC and Regional Environmental Centre in October 2008 in Sarajevo to be of particular importance. As a result of the initiative launched by Montenegro, the development of the Regional Climate Programme was instituted, and the Regional Climate Change Forum for Southeast Europe established and hosted by Montenegro.

ENVSEC Initiative – Environment and Security Initiative

The importance of Montenegro's participation to the Environment and Security Initiative is recognised in the results attained through these efforts so far and numerous opportunities for cooperation with organisations which operate within the initiative on the principle of partnership: OEBS, UNDP, UNEP, UNECE, REC and NATO. The following has been recognised as the priority issues for Montenegro within the framework of this initiative:

- cooperation in cross-boundary areas of nature, in mountain and sea ecosystems;

- remediation and removal of risk for the environment and human health resulting from the use of technologies non-compliant with the standards or from previous industrial pollution;
- contribution to the effective use and guidance of foreign investments and grants to address the key issues;
- establishment of coordination mechanisms for relevant national entities.

Dinaric Arc Initiative (DAI)

The Dinaric Arc Initiative involves international organisations (WWF, UNESCO, IUCN, UNDP, FAO, UNEP, SNV, Council of Europe and Euronatur) active in the region on various projects and initiatives aimed at ensuring long-term preservation of natural resources and securing sustainable development of this part of Europe. As organised by the World Wildlife Fund (WWF) and other DAI partners, in the framework of the Conference of Parties to the Convention on Biological Diversity (CBD COP 9, held in Bonn, in May 2008), a separate event was held which was focused on the participation of the region in implementing the Work Programme for protected CBD areas.

The Joint declaration of the Dinaric Arc countries was signed by which the ministers of the countries in the region, Montenegro included, undertook to work towards the implementation of the goals set with special emphasis on the establishment of networks of cross-boundary protected areas.

Cooperation with the World Wildlife Fund (WWF)

The Dinaric Eco Region project is based on the provisions of the Convention on Biological Diversity relating to the establishment of the representative national network of protected areas and the development and application of mechanisms for sustainable financing of protected areas. The aim of the project is to assist the Dinaric Eco Region countries to meet their commitments by: gathering and organising data on biodiversity and protected areas, identifying gaps and strengthening capacities of the structures responsible for the implementation of the Convention on Biological Diversity, developing management plans for protected areas, etc.

Central European Initiative, Sava River Commission and Danube River Commission

In addition to the participation to the above regional initiatives, Montenegro's participation to the **Central European Initiative**, the Commission for the Protection of the Sava River (Sava River Commission) and the International Commission for the Protection of the Danube River is also deemed important.

Regional Environmental Network for Accession (RENA) and the Regional Environmental Reconstruction Programme (REReP)

An important regional cooperation tool during the stabilisation and reconstruction in South East Europe was the Regional Environmental Reconstruction Programme (REReP). From 1999 when REReP was established as the first regional cooperation mechanism, it contributed significantly to the establishment of trust and building regional cooperation, in particular in the area of environmental investment planning, environmental legislation improvement and strengthening mechanisms for their implementation, protection and management of natural resources.

Based on the significant results attained within the context of REReP, at the times of significantly changed and enhanced regional action framework in the process of integration of SEE into EU, it was necessary to establish an instrument to enable continuity of efforts invested in this direction.

Montenegro became full REReP member on 26 October 2000. Since then it has been actively involved in the activities of the programme, as well as in the work of the REReP Task Force. Particularly useful for Montenegro was the ECENA project aimed at strengthening the capacities for harmonisation and implementation of environmental legislation by training staff dealing with licensing, enforcement monitoring – environmental inspection, as well as the exchange of information among the Balkan states and European countries by cooperating with the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL).

Stemming from the positive experiences in the context of participation to the REReP activities over the previous period, Montenegro supports the proposal of the European Commission on the

establishment of the Regional Environmental Network for Accession (RENA). In particular given the fact that the implementation of a certain number of important activities implemented within REReP will be continued within the RENA network. In addition to the ECENA project, the Priority Environmental Investments Programme and the Infrastructure Project Facility (IPF) are also significant.

Priority Environmental Investments Programme

Given that the Priority Environmental Investments Programme is based on extending support to relevant entities in charge of the development and implementation of the environmental infrastructure projects and guiding the financial flows for the implementation of priority projects, as well as extending support to the national investment planning in the countries of South-East Europe through institutional strengthening and building capacities, the same offered significant support to the national entities in the identification of priority projects, in particular in the area of solid waste and waste water management.

Planning programme activities in the area of environment will be harmonised with ranking of projects included among the top priorities regionally.

Infrastructure Project Facility (IPF)

Since the Infrastructure Project Facility (IPF), within Multi-beneficiary IPA, through Technical Assistance, aims at offering technical support for the preparation of technical documents, i.e. feasibility studies, environmental impact assessment studies, etc, required for the implementation of infrastructure projects, as well as the support to the implementation of specific activities for infrastructure projects through the Municipal Window programme, it has been recognised as a significant support instrument to national entities in the area of environment.

For the year 2008, funds were approved for the development of a Feasibility Study and the Environmental Impact Assessment Study for the construction of a waste water treatment plant in the municipality of Podgorica .amounting to EUR135,000. In 2009 for the development of technical documents the funds have been approved for the construction of waste water treatment plant in Berane amounting to EUR150,000, and through the Municipal Window programme a grant has been approved for the construction of waste water treatment plants in: Pljevlja, Bijelo Polje , Cetinje and Plav in the total amount of EUR 5 million.

The above activities will be integrated in the programme activities, including the provision of funds needed for implementation pursuant to the technical documents to be developed.

Starting from the RENA Road Map discussed in November 2008, at the meeting of the REReP Task Force, held during Montenegrin co-presidency, Montenegro supported the proposal for the areas of action within the RENA network: strategic planning and investments, climate change, cross-boundary cooperation and multilateral environmental agreements, and the continuation of progress monitoring and the ECENA project, given that these are two particularly useful projects implemented within REReP.

Concerning the preparatory activities for the participation to the RENA network, and its promotion, Montenegro initiated the establishment of the Regional Climate Change Forum for the Southeast Europe (Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia, with the participation of Croatia as an observer), as a forum for political dialogue on issues deemed important for the region concerning climate change. The Forum which was set up on the ministerial meeting held on 01 August 2009 in Kotor, will considerably rely on linking its activities with the Climate Change Working Group to be established within the RENA network. Apart from the Forum, with the support of the United Nations Development Programme, Montenegro prepared the proposal of the Regional Climate Change Programme, pursuant to the obligations assumed at the First Thematic Climate Change Conference, organised by REC and RCC, in October 2008. This programme based on the implementation of the adaptation measures in tourism, coastal areas and agriculture, as well as proposed activities for mitigation measures, with a view of the EU Council's Conclusions on Future Taking of Positions of the European Union on Comprehensive Post-2012 Climate Arrangement as of 03 March 2009, is the subject of consultations among the countries in the region. At the same time it is planned to link the activities of the Forum with the activities of the Climate Change Working Group within the RENA network.

20. Please explain how "Environment and Health" is addressed in your country.

There are no mechanisms in place in Montenegro to address environmental impact on human health.

Montenegrin delegation, as a part of the delegation of Serbia and Montenegro) participated to the Fourth Ministerial Conference on Environment and Health held from 23-25 June 2004 in Budapest. By signing the ***Declaration*** and the ***Action Plan for Environment and Health*** we assumed the obligations relating to improved access to sound water, prevention and mitigation of consequences of accidents and injuries, prevention and mitigation of risk of respiratory diseases caused by internal and external air pollution, mitigating the risk of disease and disability caused by exposure to hazardous chemicals (such as heavy metals) and physical causes (e.g. noise).

The Action Plan contains four regional priority goals:

1) prevention and mitigation of disease due to gastrointestinal disturbances and other impacts on health, by enabling access to healthy water;
2) mitigation of health impact of accidents and injuries, reducing the disease rate due to lack of proper physical activity;
3) reduction of respiratory diseases caused by internal and external air pollution;
4) mitigation of the risk of disease and disability caused by exposure to hazardous chemicals and physical causes (e.g. noise), etc.

Based on the above, national-level consultations have commenced concerning the development of the National Environment and Health Action Plan (NEHAP). However, it has not been developed yet.

At the same time, it was planned for the environmental sector in cooperation with the health sector to undertake necessary activities to prepare the Children Environment and Health Action Plan (CEHAP), and to define and introduce environment and health indicators.

Be it also noted that pursuant to Article 32 of the Environment Law (Official Gazette of Montenegro 48/08), the Environmental Protection Agency is in charge of proposing annual monitoring programme adopted by the Government. The monitoring is conducted by systematic measurements, testing and assessment of indicators of the state of the environment and pollution including the monitoring of natural factors, i.e. the changes of the state of the environment and characteristics, including immission, i.e. air quality, monitoring radiological and other phenomena, noise and waste, as well as the influence of polluted environment on public health. Pursuant to the monitoring programme, the annual State of the Environment Report is prepared.

II. SECTORAL POLICIES

A. Horizontal Legislation

21. Are there measures providing for public access to environmental information upon request and by public authorities of their own initiative (so called "active dissemination")? Are there provisions on administrative and/or judicial review in case access to information is not granted?

Yes, there are. General provisions relating to public access to environmental information are contained in the provisions of the Constitution of Montenegro (Official Gazette of Montenegro 01/07). Article 23 provides, inter alia, that "everyone shall have the right to a sound environment and timely and complete information on the state of environment, and that everyone, and that the state, in particular, shall be bound to preserve and improve the environment". Article 51 provides, inter alia, that "everyone shall have the right to access information held by the state authorities and organizations exercising public authority."

Public accessibility to materials is regulated by the provisions of Article 37 of the Rules of Procedure of the Government of Montenegro (Official Gazette of Montenegro 48/09). Publicity of work is defined by the provisions of Art. 211-217 of the Rules of Procedure of the Parliament of the Republic of Montenegro (Official Gazette of the Republic of Montenegro 51/06 and 66/06).

Legislative solutions of relevance for issues relating to access to information are contained in the following laws regulating the work of public administration: Law on Free Access to Information (Official Gazette of Montenegro 68/05) and Law on State Administration (Official Gazette of the Republic of Montenegro 38/03 and Official Gazette of Montenegro 22/08).

Law on Free Access to Information (Official Gazette of the Repiblic of Montenegro 68/05) in Articles 1 to 4, defines the main objective of this legislation - providing access to all documents held by public authorities, which is based on the principles of: freedom of informing, equal conditions for exercising the right, straightforwardness and accessibility to performance of authorities; and promptness of the procedure. In this and any other terms the law does not allow any discrimination on ethnic, racial, sexual, ethnic or other grounds. Meaning of the concept of information implies "a document in written, printed, video, audio, electronic or other form, including also a copy or a part thereof, regardless of its contents and source (or author) or the time of its composing or the system of its classifying". The Chapter II of this Law - Access to Information (Article 5 - 10) contains provisions regulating obligations of authorities in terms of facilitating access to information, or composing and appropriately publishing an overview of all types of information in their possession, including public registers and records; data and the procedure for access to the information; names of the persons authorized to act upon any request for access to information; and other data of importance for exercising the right of access to information. Pursuant to these provisions of the Law on Free Access to Information, the Ministry of Spatial Planning and Environmental Protection and the Environmental Protection Agency issued their Guidelines for free access to information. Furthermore, the provisions of this Law identify the cases that are exceptions to the rule of free access to information in which, due to justified reasons, access to information is restricted in whole or in part. Therefore, public authorities must carefully prove that the protection of public order is of higher or more general interest than the right to access, but in doing this it should particularly take into account that, regardless of the amount of damage to the public interest, it must publish the so-called privileged information under Article 10 of the Law which, for example, implies: unauthorized use of public resources; unscrupulous performance of public duties, etc. The basic prerequisite for gaining access to information is that they will be recorded and safeguarded. The Chapter III of the Law on Free Access to Information - Procedure for access to information (art. 11 - 25) contains provisions that, due to the specific subject matter, prescribe the necessary derogation from the general rules of administrative procedure. This means that the Law on General Administrative Procedure subsidiarily applies to all questions that are not specifically regulated by this law. Envisaged special rules of procedure, when due to the specific

subject matter derogations from the general rules of administrative procedure are prescribed, refer to: initiating the procedure, the contents of the request for access to information, the manner of exercising the right, deadline for making and delivering a resolution, the content of resolution, costs of the procedure and legal protection. The procedure for exercising the right of access is initiated upon a request of any domestic or foreign legal or physical person to a relevant authority in whose possession is the information requested. It is explicitly indicated that there shall be no dues payable for any request for access to the information. This means that submittion of the request is free of charge and legal expenses relate only to the actual costs of transcription, photocopying, translation and delivery. Access to information held by the authorities may be achieved through: direct inspection of public records either original or a copy of such information at the office of the public authority; transcribing such information by the person that submitted the request for such information, within the premises of the public authority; transcribing, photocopying or translating such information by any public the authority, whereupon such information is delivered in the form of a transcript or a photocopy or a translation to the applicant, directly or by mail or e-mail. Thereupon, the Law on State Administration (Official Gazette of the Republic of Montenegro 38/03 and Official Gazette of Montenegro 22/08) states in Article 4 that "the work of state public administration bodies is public" and that "citizens have access to data, documents, reports and informations in possession of state public administration bodies". As regards the relations of the public administration and citizens as established by the provisions of Articles 51-58 - VIII of this Law, it is stipulated that state public administration bodies are obliged to give citizens the necessary information and technical assistance within the prescribed deadlines. Under Articles 95 to 98 of the Law on State Administration, state public administration bodies regularly inform the public and the media about its activities through press conferences, press releases to the public, roundtables, panel discussions, as well as by distributing information through the internet presentation of state public administration bodies. Concerned representatives of the public (media, organizations, individuals) submit their questions to the state bodies in written and electronic form, whereby the practice has shown that in order to obtain the answer, these persons can reach an agreement with the responsible persons and hold meetings to resolve certain disputed issues.

Legislative solutions of relevance for issues relating to access to information in the are of environment are contained in the following laws: Law on Environment (Official Gazette of Montenegro 48/08), Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05), Law on Integrated Pollution Prevention and Control (Official Gazette of the Republic of Montenegro 80/05 and Official Gazette of Montenegro 54/09), Law on Strategic Environmental Assessment (Official Gazette of the Republic of Montenegro 80/05), Law on Nature Protection (Official Gazette of Montenegro 51/08), Law on Genetically Modified Organisms (Official Gazette of Montenegro 22/08), Law on Waste Management (Official Gazette of the Republic of Montenegro 80/05 and Official Gazette of Montenegro 73/08), Law on Air Quality (Official Gazette of the Republic of Montenegro 48/07), Law on Chemicals (Official Gazette of Montenegro 11/07).

Law on Environment (Official Gazette of Montenegro 48/08) proclaims in the Article 4, item 12, the principle of access to information and public participation as the basic principle of environmental protection. This principle provides access to information concerning the environment and public participation in decision-making. Furthermore, Article 39 stipulates that all environmental subjects from Article 7 of this Law, i.e. public authorities, state administration bodies, local administration bodies, domestic and foreign natural and legal persons, non-governmental organizations, citizens and citizens' associations provide upon the request of the Agency data and information required for operation of the Information system.

The Article 38 defines that the Agency operates a unique information system related to data and information of importance for the state of the environment and regularly informs the public and local and international organizations thereof.

Provisions of Article 41 of the Law provides that the Environmental Protection Agency shall collect and publish information that specifically relate to: the texts of international treaties, conventions or agreements and European Union legislation, concerning the environment, plans and programmes relating to the environment, reports on the state of the environment, the data obtained by environmental monitoring, impact assessment and environmental risk assessment concerning the segments of the environment.

In addition, a number of other provisions of the Law are important for public information, such as provisions relating to the handling of hazardous substances and the response to accident, warning the public, proclamation of state of vulnerability, monitoring, ecological logo, etc.

Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05) in Article 9 stipulates that the competent authority and other authorities and organizations shall provide, upon the request of the project developer, the necessary data, information and documentation of relevance for the identification and assessment of potential direct and indirect impact of the project on the environment.

When on the basis of this Law the Competent Authority is obliged to inform the public, such information shall be made public in at least one local or daily newspaper published in the territory to be affected by the planned project, as well as by means of electronic media (Article 29).

For all projects that are planned and carried out which can significantly affect the environment, pursuant to the provisions of the Law on Environmental Impact Assessment, it is stipulated, inter alia, that the competent authority provide access to the data in relation to the conducted procedure of environmental impact assessment (hereinafter: the EIA) to the authorities and organisations and public concerned within 15 days from the receipt of the written request for information (Article 32).

Law on Strategic Environmental Assessment (Official Gazette of the Republic of Montenegro 80/05) in Article 13 stipulates that a Decision on the need or lack of need for undertaking strategic assessment shall be an integral part of the Decision on the preparation of the plan or programme and is published in the Official Gazette of the Republic of Montenegro i.e. in the Official Gazette of the local self-government.

Article 24 defines the accessibility of information i.e. that "a report on the strategic assessment, results of the participation of authorities and organizations and public concerned and other states in the case of a transboundary impact, shall be an integral part of the documentation basis of the plan or programme. The authority competent to prepare plans and programmes shall provide access to data from paragraph 1 above and after the adoption of the plan or programme, under the conditions specified by law".

Law on Integrated Pollution Prevention and Control (Official Gazette of the Republic of Montenegro 80/05 and Official Gazette of Montenegro 54/09) defines specific rights of the public that ensure public information and public access to documents which are made during the process of issuing integrated permits. Thus Article 14 provides that the competent authority shall deliver to the operator the decision on permit granting, or refusing of the permit granting application and inform accordingly other authorities and organisations and the public concerned within eight days from the date of making a decision. Moreover, the Article 22 of the Law prescribes the way of informing other authorities and organizations and public: "The competent authority shall inform other authorities and organisations and public in cases referred to in Art. 11, 12 and 15 of this Law through the public media, publishing the information about them in at least one local newspapers published on the territory that will be affected by the impact of activities and installations and on the Internet at the expense of the applicant. If the operator’s permit granting application, the draft permit or permit contains the business secret or data that could require, according to the law, the limited access of public to information, the competent authority may decide to limit the access of public to certain parts of the application or draft permit or permit (Article 22, paragraph 4). The limitations referred to in Paragraph 4 of this Article shall not include the information about the emissions, risks from accidents, and results of monitoring and inspection supervision" (Article 22, paragraph 6).

Article 24 provides that an insight into the Register of the issued permits, as a part of environmental information system, is available to public.

Law on Nature Protection (Official Gazette of Montenegro 51/08) regulates the issue of access to information on the state of nature and its protection by Article 107, that "the Ministry, public administration body, legal person, the competent local administration bodies and operators shall be obliged to, upon the request of legal and natural persons concerned, provide information on the state and nature protection, except the data considered secret in accordance with the law", as well as disseminate information under Article 108, which means that "the information relating to the

protection of nature the authority under Article 107 of this law shall be submitted to the applicant in accordance with the law".

Law on Genetically Modified Organisms (Official Gazette of Montenegro 22/08) regulates the issues relating to access to information, and conditions for the limited use, introduction to the use and trade of genetically modified organisms (hereinafter: GMOs) as or in products, as well as the conditions and measures for prevention and removal of unwanted consequences. Thus the principle of publicity was established, according to which, the public has a right to be informed about the GMOs management and involved in decision-making process in accordance with the law (Article 9). The Law prescribes the obligation of informing the public about the contents of applications and decisions on applications for the use of GMOs in closed systems, as well as an obligation of conducting a public debate (Article 25), and keeping registers of GMOs available to the public (Article 58). Article 35 stipulates that when data on alteration or unintentional modification of the introduced GMOs, which can have a significant impact on risk assessment for human health and the environment, become accessible to the administration body responsible for environmental data, this body will assess the data, made it available to public and order the applicant to adjust the conditions of intentional introduction of GMOs in the environment or stop deliberate introduction in the environment of both GMOs and products that contain, consist of or are derived from GMOs. Moreover, Article 42 stipulates that the approval for placing GMOs or products containing, consisting of or obtained from GMOs on the market and risk assessment for biological diversity, human health and the environment, except for data that are marked as confidential, must be made available to the public in accordance with this law.

Public administration body responsible for health, administration body responsible for veterinary medicine, and administration body responsible for phytosanitary matters and administration body responsible for environmental protection published in the Official Gazette of Montenegro, "a list of GMOs or products containing, consisting or obtained from GMO, for which a decision was issued on approving the intentional introduction into the environment, for commercial purposes, respectively for placing on the market (Article 60).

Law on Waste Management (Official Gazette of the Republic of Montenegro 80/05 and Official Gazette of Montenegro 73/08) stipulates in the provisions of Article 16 that the State waste management plan shall be published in the Official Gazette of Montenegro, and the competent authority shall inform the public about preparation of local waste management plans by means of public service broadcasting and print media (Article 17). Furthermore, pursuant to the provisions of Article 29, the competent authority shall inform the public about the submitted application for licence for processing, respectively waste disposal, as well as the application submitted for a licence to collect or transport waste (Article 35). Article 44 stipulates that the registry data on waste emerging and management and issued licences shall be an integral part of the environmental information system.

Law on Air Quality (Official Gazette of the Republic of Montenegro 48/07) regulates the issues of access to information on matters concerning the protection from air pollution. Article 15 stipulates that data on air quality shall be published in the form of the report by means of media and on the website of the Ministry, whereas data on air quality from the local network shall be published on the web site of local self-government bodies (Article 16).

The manner of monitoring air quality, data collection, measurement procedures, test method for data and quality measurements, as well as the manner of processing and presentation of results, the method of delivery of data, conditions and manner of regular informing the public about air quality monitoring shall be determined by the Ministry according to a separate regulation (Article 18).

The manner of monitoring (measuring) emissions from point sources, measurement procedures, test method for validity and calibration of measuring devices, process of evaluating results, the method of delivery data for the information system on air quality, conditions and regular way of informing the public about the monitoring programme are determined by the Ministry according to a separate regulation (Article 19).

Article 27 stipulates that the list of air quality zones shall be determined annually for the preceding calendar year and published on the website of the Ministry. In case of exceeding the critical level, local administration body shall immediately inform the public through the media thereof (article 32).

Data from the emission inventory of greenhouse gases are publicly available (Article 34).

In order to achieve the objectives of national strategies and other documents of relevance for protection and improvance of air quality, including access to the state of air quality, a report on the implementation of the National Strategy for the period of four years shall be prepared (Article 37).

Provisions of Article 39 of this Law stipulate that the Ministry shall establish an Information System on the quality of air, which shall be an integral part of the Environment Information System.

Law on Chemicals (Official Gazette of Montenegro 11/07) stipulates that the following shall be announced in the Official Gazette of Montenegro: the list of existing chemicals (Article 23), the list of priority existing chemicals (Article 27), the list of classified chemicals (Article 31), and the list of hazardous chemicals from Erasmus conventions and the lists of banned and severely restricted chemicals in the European Union (Article 40).

It also stipulates that the Ministry shall establish and operate the information system for chemicals, which specifically contains information on chemicals that are produced, imported, exported and placed on the market; information on permits issued for the import, export and placing on the market, information about the conducted testing, data of accredited laboratories and issued DLP certificates (Article 67).

In addition to the provisions contained in the previously mentioned regulations, in terms of active dissemination, respectively self-initiated informing of the public about the state of the environment by public administration bodies: electronically, by means of press, radio and television, publishing technical publications, organizing conferences, seminars and public stands, running a variety of actions etc., specially important provisions are contained in Articles 95 -98, Chapter XII: PUBLICITY AND TRANSPARENCY OF PUBLIC ADMINISTRATION, the Law on Public Administration (Official Gazette of the Republic of Montenegro 38/03, Official Gazette of Montenegro 22/08). In this regard, the Ministry of Spatial Planning and Environmental Protection and the Environmental Protection Agency publish on their web sites (www.mse.gov.me and www.epa.org.me) the information of relevance for informing the public about the state of the environment, including regulations in the area of environment, strategic documents, information on current projects and activities in the area of environment, etc.

In case the access to information is not approved, provisions on review procedures are defined by the Law on Free Access to Information. Specifically, the provision of Article 20 of this Law stipulates that an appeal against the act of first instance authority on the request for access to information may be lodged to an authority which supervises the work of the first instance authority, and if no such authority, an administrative dispute may be initiated against the said act before the Administrative Court of Montenegro.

Appeal against the decision of the authority on the request for access to information may be lodged to an authority, which supervises the work of the first instance authority. Thus, the appeal may be lodged to an authority, if:

- it rejects in whole or in part the request for access to information;
- it does not act according to applicant's request immediately, and at the latest within eight days from the date of request for access to information (Article 16, paragraph 1 of this Law);
- it does not allow direct inspection of public records or the original or a copy of such information, within the premises of the authority (Article 13, paragraph 1, line 1 of this Law);
- it does not allow transcription, photocopying, or translation of information, etc. (Article 13, paragraph 1, items 2 and 3 of this Law);
- it does not give notice on the part of the information on which access is restricted of the extent of completed deletion or if it rejects access after of part of information is deleted (Article 13 paragraph 2 and 3 of this Law).

Further, provisions of Article 22 provide that the authority responsible for deciding upon complaints shall take a decision and deliver it to the complainant within 15 days as of the day when such complaint is submitted.

Article 24 provides that any applicant presenting a request for access to the information or any other person interested therein shall be entitled to the court protection during any administrative dispute procedure, and that the procedure upon a suit instituted in relation to access to the information shall be urgent. So, against the final decision on the request for access to information, an administrative dispute procedure may be initiated upon a suit, and the procedure upon a suit shall be urgent. This article has further enabled the protection of fundamental rights and freedoms and that protection is at the same time the protection of public interests, rights and the principles of truth.

22. What are the provisions in relation to access to the courts and administrative complaints when it comes to organisations (including non-governmental organisations) and individuals?

The Constitution of Montenegro (Official Gazette of Montenegro 1/07) shall guarantee to everyone the right to equal protection of his or her rights and freedoms. Every natural or legal person shall be entitled to a remedy against the decision adjucating his or her right or interest laid down by law. Moreover, everyone shall have the right, individually or with another person, to address state administration body or organization that performs a public authority and to receive a response.

According to the provisions of the Constitution, everyone shall have the right to a fair and public hearing within a reasonable time by an independent, and impartial court established by law. The Court shall be independent and detached. The Court shall judge on the basis of the Constitution, laws and confirmed and published international treaties. The Law on Courts (Official Gazette of the Republic of Montenegro 5/02 and 49/04 and Official Gazette of Montenegro 22/08) defines the Court as a public body performing judicial authority. The Court judges and decides independently. Judicial function shall not be carried out under any influence. No one may influence the judge in the exercise of judicial functions. The Court shall be required to legally, objectively and timely take decision in a legal matter for which it has jurisdiction. Everyone shall have the right to apply to court for exercising their rights. All are equal before the court. The Courts are: basic courts, higher courts, commercial courts, the Appellate Court of Montenegro, the Administrative Court of Montenegro, the Supreme Court of Montenegro. In Montenegro, there are 15 basic courts, two higher courts and two commercial courts. The courts are organisationally set up to ensure the right of access to justice. Network of courts shall be established in accordance with the request that the parties may quickly and easily access to justice.

The Constitution stipulates that the Constitutional Court, inter alia, shall decide on constitutional complaints for violation of human rights and freedoms guaranteed by the Constitution, after exhaustion of all effective remedies. The Law on the Constitutional Court of Montenegro (Official Gazette of Montenegro 64/08) stipulates that the Constitutional Court decides independently on matters within its jurisdiction as required under the Constitution. No one may influence the Constitutional Court in ruling on matters under its jurisdiction. The constitutional complaint may be filed against individual acts of state administration, state administration bodies, local administration bodies or legal person that performs a public authority, for violation of human rights and freedoms guaranteed by the Constitution, after exhaustion of all effective remedies. Exhaustion of all effective remedies implies that the applicant of the constitutional complaint procedure used in all legal remedies to which he was entitled under the law. Constitutional appeal may be lodged by any person who believes that an individual act of state administration, state administration bodies, local administration bodies or legal person that performs a public authority has violated human rights and freedoms guaranteed by the Constitution. Constitutional complaint may be in the name of the mentioned persons, on the basis of the authority, lodged by another person. The Constitutional Court shall decide only on violation of human rights and freedoms listed in the constitutional complaint.

Under the Law on Civil Procedure (Official Gazette of the Republic of Montenegro 22/04 and 76/06), in civil proceedings the court decides within the limits of the requirements that are placed in the process. The Court may not refuse to decide on the request for which it has jurisdiction. The party of an appeal and any other civil action should have a legal interest. Parties (individuals and legal persons) may freely dispose of the demands that are put in during the procedure. Here we point out that the Law on NGOs (Official Gazette of the Republic of Montenegro 27/99, 30/02 and 11/07) stipulates that non-governmental organizations represent a legal person. The Court decides upon an appeal based on an oral, direct and public hearing. The Court shall provide each party an opportunity to comment on appeals and allegations of the opposing party. The civil proceedings are carried out in the language in official use in court. Parties and other participants in the process who do not understand or speak the language in official use in court shall have the right to use their own language or a language they understand. The court may not base its decision on facts and evidence on which the parties is not given the opportunity to speak out. Party that has no qualified attorney (lawyer or a person passed the judicial exam) and who out of ignorance does not use the rights that belong to it, the court shall notify which civil actions it may take. Civil Procedure Code guarantees the right of a poor person to be exempt from paying the costs, which include the costs of paying taxes, and advance expenses that require the taking of evidence, as well as actual expenses of lawyers at the request of the poor party determined to be represented by a lawyer.

The Law General on Administrative Procedure (Official Gazette of the Republic of Montenegro 60/03) provides that while conducting proceedings and resolving administrative matters, authorities shall ensure customers to more easily protect and exercise their legal rights and interests, taking into account the exercise of their rights and legal interests is not at the expense of the rights and legal interests of other persons or contrary to law established by the public interest. The procedure shall determine properly and fully all the facts and circumstances which are important for taking a legal decision. Before the decision the party shall have to be enabled to comment on the facts and circumstances which are important for taking the decision. The body carries out proceedings and rules a decision independently, within the authority established by law or other regulation. Against the decision passed in the first instance, the party shall have the right of appeal. Only the law may provide that in certain administrative matters, appeal shall not be allowed and, if it shall be otherwise provided, protection of the rights and legal interests of the party. Against the decision passed in the second instance, appeal shall not be alllowed, but an administrative dispute may be initiated.

Administrative dispute may be initiated against an administrative or other act, which was passed in the second instance. Moreover, administrative dispute may be initiated against the first instance of administrative or other act against which the appeal shall not be allowed in administrative or other proceedings. In accordance with the Law on Administrative Disputes (Official Gazette of the Republic of Montenegro 60/03), the right to initiate an administrative dispute has a natural or legal person, if he considers that administrative or other act violated his right or interest based on law. The Administrative Court of Montenegro and the Supreme Court of Montenegro shall rule administrative disputes.

According to the Constitution of Montenegro, everyone shall have the right to a healthy environment. Moreover, everyone shall have the right to timely and fully information about the state of the environment, the possibility of influence in decision-making on issues of importance to the environment and the legal protection of these rights.

In the context of the fact that in the process of deciding on rights and legal interests of natural and legal persons is a special issue of setting compensation for endangering the rights in the field of environmental protection, therefore we emphasize that a civil procedure shall be initiated by a plaintiff, so that any individual or organization may submit a claim for compensation of damages sustained by the threat of his rights in the field of environment, as well as the claim with a view to prevent occurrence of damage in the environment, to which effect he may require the court to determine temporary security measures during the dispute on the claim.

The Law on General Administrative procedure stipulates that any individual or organization whose right is violated by a decision taken by the first instance authority may appeal to the second instance authority. The appeal is a regular remedy that initiates a second instance administrative

procedure as a control procedure of the work of first instance authority. Without an appeal there is no control of this type, because the second instance procedure may not be initiated or conducted ex officio.

Thus, it is determined within the jurisdiction of the Ministry of Spatial Planning and Environmental Protection that this ministry shall act on the appeal against the decision taken by the Environmental Protection Agency in the first instance administrative procedure. Specifically, the Environmental Protection Agency in accordance with Article 10 of the Law on Environment (Official Gazette of Montenegro 48/08) and Article 44 c of the Regulation on Amendments to the Regulation on organization and manner of work of the public administration (Official Gazette of Montenegro 68/08) shall be responsible to conduct matters of first instance administrative procedures from the scope of work placed in its jurisdiction under this Regulation.

Law on General Administrative Procedure regulates the rules of administrative procedure, and if special regulations in the field of environment have not settled all issues, the decision-making process shall be conducted in accordance with the provisions of this Law. Administrative procedure shall be initiated by the competent authority, ex officio or upon the request of the party. Procedures upon the request of the parties shall be initiated on the day of receipt of the request. On the basis of facts determined during the procedures, authority shall adopt a decision on administrative matter that is the subject of the procedure.

One of the aspects of protection of the rights and interests of individuals and legal persons in administrative procedure is prescribed by the Law on Inspection (Official Gazette of the Republic of Montenegro 39/03). Specifically, the provisions of Article 10 of the Law on Inspection determines that anyone may submit the initiative to initiate the inspection process, the inspector shall issue a decision on the measures, actions and deadlines for removing the irregularities (Article 39); that against the decision of the inspectors, an individual or legal person which considers that his right has been violated by a decision taken, may lodge an appeal within eight days of the delivery of a written decision and the minister, respectively the head of public administration body shall decide upon the appeal (Article 40). The fact of particular importance in this process is that the appeal does not postpone enforcement of the decision, which deviates from the provisions of the Law on General Administrative Procedure, by which an appeal has a suspensive effect, which means that the solution does not produce legal effects until the appeal is ruled. In this way, the rule of devolutive effect of the appeal in the field of inspection, which means that the authority which took a decision may not decide on lodged appeal, but the other body, namely, the second instance body.

Legislative solutions of relevance for issues related to access to courts and administrative appeals during the decision-making process, in addition to the above-mentioned general regulations are contained in the following laws in the field of environment: Law on Environment (Official Gazette of Montenegro 48/08), Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05), Law on Integrated Environmental Pollution Prevention and Control (Official Gazette of the Republic of Montenegro 80/05), Law on Genetically Modified Organisms (Official Gazette of Montenegro. 22/08 from 02.04.2008), Law on Waste Management (Official Gazette of the Republic of Montenengro 80/05 and Official Gazette of Montenegro 73/08).

Law on Environment (Official Gazette of Montenegro 48/08) stipulates that non-governmental organizations shall be involved in preserving the environment in accordance with their programs and in the manner determined by special regulations, and that the state shall encourage the participation of the NGO sector in decision-making of importance to the environment (Article 12). The Law prescribes the protection of all segments of the environment including the right to court protection in this field. Thus the provisions of Article 42 of this Law stipulate, inter alia, that "any legal or natural person who believes that he is, because of the nature, location and impact of interventions or activities because of other legal persons and entrepreneurs, violated the right to a healthy environment has the right to court protection, in accordance with law."

The issue of the right of appeal of individuals or legal persons shall be regulated by the Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05), namely, by the provisions of Article 14 and 25 of this Law. In this context, Article 14 stipulates that the Chief Administrator shall decide upon the appeal lodged against the decision on the need for the

environmental impact assessment study (hereinafter: the EIA study) taken by local administration body responsible for environmental affairs; whereas the provisions of Article 25 stipulate that against the decision on the scope and the contents of the Study taken by local administration body responsible for environmental affairs, an appeal may be lodged to the Chief Administrator. Considering that the special provisions of this law do not define the question of deciding upon appeals against decisions taken by the state authority responsible for environmental affairs, in any individual case the rules of administrative procedure prescribed by the Law on General Administrative Procedure shall appy. Whereas in the first instance procedure in this field, the Agency for Environmental Protection shall take decisions, accordingly the Ministry of Spatial Planning and Environmental Protection shall decide on appeals lodged against these decisions. This issue is regulated, also, by the provisions of Articles 14 and 21 of the Law on Integrated Environmental Pollution Prevention and Control (Official Gazette of the Republic of Montenegro 80/05), which stipulate that against the decision on the issuance of permits, or rejection of the request for issuance of permits, the competent authority of local self-government responsible for environmental affairs, may lodge an appeal to the Chief Administrator. Moreover, an appeal shall be lodged to the Chief Administrator against the decision on suspension of license or completion of procedures initiated. Against the decisions of state authorities and local self-government authorities responsible for issuing licenses, namely consents, an appeal may be lodged in accordance with the provisions of the Law on Waste Management (Official Gazette of the Republic of Montenegro 80/05 and Official Gazette of Montenegro 73/08). Law on Genetically Modified Organisms (Official Gazette of Montenegro 22/08 from 02.04.2008) regulates the right of appeal in the provisions of Article 5 of this Law. Namely, against the decision of the first instance state authority responsible for environmental affairs in the field of genetically modified organisms (hereinafter: GMOs), an appeal may be lodged to the ministry responsible for environmental protection (Article 5, paragraph 3 in conjunction with Article 10, paragraph 1, indent 6).

23. Do standardised systems or methods exist for gathering, transferring and reporting of data and statistics concerning the environment?

So far, no standardized systems or methods for gathering, transferring and reporting of data and statistics concerning the environment have been established.

In accordance with the provisions of Article 38 of the Law on Environment (Official Gazette of Montenegro 48/08) the Environmental Protection Agency operates the Information System with a view to efficient identification, classification, processing, monitoring and making records of natural resources and management of environment. Furthermore, the provisions of Articles 38 and 39, under Chapter VI - Information system of environmental protection and informing the public, defines the contents of the Information System and obligation of submission of data for the Information system.

Although there are no standardized systems or methods for gathering, transferring and reporting of data and statistics concerning the environment established in accordance with relevant EU legislation, there is an internal system for gathering and reporting of data concerning the environment, which consists of:

- gathering data on the state of the environment through realisation of the Environment monitoring programme (according to the procedure set out in response to question 9),
- reporting on the state of the environment through analysis of the results obtained from realisation of the Environment monitoring programme,
- facilitating access to information about the state of the environment (according to the procedure set out in response to question 21).

Thereafter, it is important to point to the fact that activities on planning to establish a unified information system on the state of the environment are in progress. After Montenegro regained its independence in the year 2007, communication with the European Environment Agency (hereinafter: the EEA) was established. However, no system of reporting in accordance with the

requirements of the EEA was established. The reasons for this were the lack of communication between Montenegro and the EEA within the framework of the previous State Union (State Union of Serbia and Montenegro), and the non existence of the Environmental Protection Agency during this period, which, as previously stated, is responsible for operating information system and reporting on the state of the environment in Montenegro.

In accordance with the Regulation on organization and manner of work of the public administration (Official Gazette of Montenegro 68/08), inter alia, the following competencies of the Agency are identified: organizing, planning and participation in environmental monitoring, including proposing a national list of environmental indicators, phenomena and events that may affect the environment and their prevention and removal; reporting and coordination of reporting on the state of environment, as well as on developments and events of significance to environmental quality in accordance with the regulations; cooperation, communication and coordination with national and international organizations and institutions; operating environment information system; keeping a register of polluters.

Monitoring the state of the environment during the period before the establishment of the Agency for Environmental Protection, and now after the establishment of the same, is being conducted on an annual basis. Within the activities of the Sector for monitoring, analysis and reporting, the Environment monitoring programme, which includes seven individual programmes, is being implemented.

Decision on selection of institutions for the implementation of the Programme is conducted by the Environmental Protection Agency through a public announcement and tender procedure for selection of the most favourable bidder. On the basis of the conducted tender procedure for selection of entities engaded in the implementation of the Programme are the following: P.I. Center for Ecotoxicological Research of Montenegro, the Institute of Marine Biology, the National Institute for Protection of Nature and the Institute for Development and Research in the area of protection at work.

Within the context of preparations for establishing and operating a unified information system in the field of environmental protection, according to internal methods that are for the time being non-standardized and incompatible with the EIONET network, the Agency for Environmental Protection keeps records of:

- licences for import, export and transit of waste and waste management, as well as information on waste (waste categorization, the amount of waste and other aspects of importance for waste management);
- import of chemicals;
- import of protected plants and animal species;
- licences for import of radiation sources;
- protective measures against ionizing radiation and security of radioactive sources, as well as non-ionizing radiation protection;
- import of substances that deplete the ozone layer.

For the purpose of establishing and operating an information system on the state of the environment in local self-governments, the Agency receives data from the level of local self-governments.

So far the Agency has established records of equipment which legal entities possess for the cases of accidental situations at sea. The current capacities are not at a satisfactory level, and it is necessary to provide capacity building to a level which provides a minimum of readiness for action in cases of pollution incidents at sea.

In accordance with Article 40 of the Law on Environment, it is provided that the Agency shall keep an integral register of polluters, taking into account local registers of polluters of the environment that shall be kept by local administration. In order to create preconditions for commencing the work on establishing a register of polluters the Agency keeps record of pollutants. Data required in this context is collected through a questionnaire that contains information about location, owner,

technological process, which is being implemented, emissions, if any, the type and quantities of waste, and treatment.

Within the context of reporting on data in the area of environment, the Environmental Protection Agency publishes and updates information about the state of the environment and other relevant information on the Agency's website: www.epa.org.me.

In the previous period, the statistics in the area of environment was kept by the Statistical office of Montenegro - Monstat (hereinafter: the Monstat). In the forthcoming period, simultaneously with conducting the activities of establishment of information system on the environment,important activities of improving the system of keeping statistics in this area must also be carried out. In this regard, it will be necessary to harmonize the systems for gathering and tracking data by the Environmental Protection Agency and relevant researches that the Monstat conducts in the area of environment.

In connection with the above it is evident that capacities of the Agency regarding the establishment of standardized systems or methods for gathering, transferring and reporting of data and statistics in the area of environment are not yet at a satisfactory level, and it is necessary to provide required technical and financial resources to improve them.

24. What are the provisions relating to public participation (information and consultation) in decision making related to the environment? Are there requirements for public participation prior to administrative decisions relating to permitting activities likely to have significant environmental impact? Are there requirements for public participation in relation to plans and programmes and/or policies and/or legislation related to the environment? Which administrative bodies (Ministries, agencies, etc.) and at which level (national, regional, municipal) are responsible for granting development consent? Do environmental authorities participate to development consent procedures and how?

The provisions relating to public participation in decision-making related to the environment are contained in the provisions of the Constitution of Montenegro (Official Gazette of Montenegro 01/07). Specifically, Article 23 of the Constitution provides that, inter alia, everyone shall have the right to a healthy environment, as well as the possibility of influence in decision-making on issues of relevance for the environment and legal protection of these rights and that everyone, especially the state shall be obliged to protect and improve the environment. Moreover, the Law on State Public Administration (Official Gazette of the Republic of Montenegro 38/03 and 22/08) in Article 97, states that the Minister shall be obliged to, when drafting laws regulating the rights, obligations and legal interests of citizens, publish the draft law through media and send invitation to all interested parties to present comments, suggestions and remarks. The Minister may decide to carry out a the public debate process when drafting other laws as well.

Carrying out a public debate is regulated by the provisions of Article 33, of the Rules of procedure of the Government of Montenegro (Official Gazette of Montenegro 48/09). Publicity of work is also defined by the provisions of Art. 211-217 of the Rules of Procedure of the Parliament of the Republic of Montenegro (Official Gazette of the Republic of Montenegro 51/06, 66/06).

Legislative solutions of relevance for issues regulating public participation in decision-making are contained in the following laws concerning the environment: Law on Environment (Official Gazette of Montenegro 48/08), Law on Air Quality (Official Gazette of Montenegro 48/07), Law on Integrated Pollution Prevention and Control (Official Gazette of the Republic of Montenegro 80/05), Law on Nature Protection (Official Gazette of Montenegro 51/08), Law on Waste Management (Official Gazette of the Republic of Montenegro 80/05 and Official Gazette of Montenegro 73/08), Law on Genetically Modified Organisms (Official Gazette of Montenegro 22/08), Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05) and Law on Strategic Environmental Assessment (Official Gazette of the Republic of Montenegro 80/05).

Law on Environment (Official Gazette of Montenegro 48/08) defines in Article 4 the principle of access to information and public participation in which everyone shall have the right to be informed

about the state of the environment and shall participate in the decision-making process which may affect the environment. Data about the state of the environment shall be public. It is also defined in Article 12 that the state shall encourage the participation of the NGO sector in the adoption and implementation of decisions of relevance for the environmental protection.

Law on Air Quality (Official Gazette of the Republic of Montenegro 48/07) stipulates in Article 38 that the Ministry shall be obliged to make draft National strategy on air quality and Report on implementation of the National Strategy publicly available through the media, in order to obtain comments, in accordance with special regulations.

Law on Integrated Pollution Prevention and Control (Official Gazette of the Republic of Montenegro 80/05) stipulates that the competent authority shall notify the agencies, organizations and the public concerned about the contents of the request for issuing integrated permits, draft permits and the possibility to access supporting documentation (Article 10, 11).

Law on Nature Protection (Official Gazette of Montenegro 51/08), regulates the issue of facilitating the participation of the public and persons concerned in the process of preparing acts of declaration and plan of management of protected natural resources by publishing notices in at least one print media which is distributed in the territory of Montenegro, as well as that agencies and organizations concerned shall be notified by mail, fax or electronic means (Article 109).

Law on Waste Management (Official Gazette of the Republic of Montenegro 80/05 and Official of Montenegro 73/08) in Article 17, paragraph 3 provides, inter alia, that the local administration body shall in the process of drafting a local waste management plan carry out a public debate. Further, the provisions of Article 29, inter alia, provide that the competent authority informs the public about the submitted application for license for processing, respectively waste disposal in order to get opinions and suggestions.

Law on Genetically Modified Organisms (Official Gazette of Montenegro 22/08), determines the principle of publicity, whereby the public shall have the right to be informed about the management of genetically modified organisms (hereinafter: GMOs) and involved in decision-making process in accordance with the law (Article 9). It prescribes the obligation of informing the public with the contents of applications and decisions on applications for the use of GMOs in closed systems, as well as carrying out a public debate (Article 25).

For all projects that are planned and carried out, and which can significantly affect the environment pursuant to the provisions of the Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05) it is provided, inter alia, that the competent authority shall inform the public concerned in order to get opinions when taking decision on the need to conduct EIA study for the project (Article 12, paragraph 1); decision on the request to determine the scope and the contents of the EIA study (Article 16, paragraph 4 and paragraph 8); decision on the request for approval of the EIA study (Article 20 paragraph 1 and Article 24, paragraph 3)

Article 7 of the Law on Environmental Impact Assessment defines a term of public and public concerned in the process of environmental impact assessment for projects. Based on these provisions the public shall include one or several physical or legal persons, associations and organizations; whereas public concerned shall include the public affected or likely to be affected by the project, including the non-governmental organizations dealing with environmental protection and registered with the state administration body responsible for environmental protection in compliance with the law. Likewise, the mentioned article of this Law, defines the term of authorities and organizations concerned. In this regard, authorities and organizations concerned are state authorities and organizations, local administration bodies and other legal persons which are authorized by law to set out conditions and issue permits and approvals for the construction of buildings, carry out works, interior decoration, performance of activities and protection and use of natural and labour created value.

Requests relating to public participation, prior to making administrative decisions, that permit activities, that are likely to have a significant impact on the environment, are defined by the provisions of the Law on Environmental Impact Assessment. Article 12 of the Law states that the competent authority for conducting environmental impact assessment shall inform the authorities and organizations and the public concerned of submitted application to decide on the need to

conduct EIA study within seven days from the receipt of a complete application. The information shall contain basic information concerning the name of the project developer; title of the project; place and time granted for examination of the documentation; name and address of the Competent Authority, as well as the time limit in which the public concerned can submit opinions. The Competent Authority is obliged to, when deciding on the need to conduct EIA study, take into account the submitted opinions (Article 13, paragraph 2 of the Law).

Article 16 of the Law determines that the competent authority for conduct of impact evaluation process, within seven days of receiving the proposal from the Commission responsible for setting the contents and scope of the Study and its evaluation, namely the Environmental Impact Assessment Commission, which shall be formed by the authority, subject to the Article 21 of the Law, inform the public and authorities and organizations concerned of the same. The public and authorities and organizations concerned may submit their opinions within fifteen days from the receipt of the Commission's proposal to the competent authority, which shall deliver the final decision on the contents and scope of the EIA Study, and take into account the opinions of authorities and organizations and public concerned. After delivering a final decision on the contents and scope of the EIA Study, the competent authority shall inform the authorities, organizations, and the public concerned.

Article 20 of the Act states that the competent authority shall, within ten days from the receipt of the request for giving approval to the EIA Study, inform authorities, organizations and the public concerned about the time and the venue where public may view the EIA study, about the manner and deadline for submission of opinions and comments, as well as give the address of the competent authority. In addition, a notice contains information about time and venue for holding the public debate on the EIA Study. Subject to the provisions of this Article, a public debate may not be held sooner than 20 days from the day when the authorities, organizations and the public concerned receive the information. Comments and opinions of authorities, organizations and the public concerned expressed during the public viewing into the Study and public debate on the Study shall be submitted to the Environmental Impact Assessment Commission, formed by the competent authority pursuant to Article 21 of the Law, which will take them into account when evaluating the study.

Article 24 of the Law determines the obligation of the competent authority to inform the public and authorities and organizations concerned of the decision on approval of the EIA Study or rejection of the request for approval.

Pursuant to Article 29 of the Law the public shall be informed by means of at least one local or daily paper published in the territory to be affected by the intended project, as well as by means of electronic media. Moreover, informing the public is done electronically, by placing notices on the web-site of the competent authority for conducting the process of impact assessment.

Provisions of the Law on Strategic Environmental Assessment (Official Gazette of the Republic of Montenegro 80/05) relating to public participation in decision-making concerning environment, which are also relevant for public participation regarding the plans and programmes, are listed below.

Therefore, the requests regarding public participation in respect of plans and programmes are contained in the Law on Strategic Environmental Assessment. The term of public and public concerned, are also defined by this law, as one or several physical or legal persons, associations and organizations; as well as the public affected or likely to be affected by the plan or programme, including the non-governmental organizations dealing with environmental protection and registered with the public administration body responsible for environmental protection.

The Law on Strategic Environmental Assessment (Official Gazette of the Republic of Montenegro 80/05) regulates the public participation in decision-making stage of approval of the Report on strategic impact assessment. Article 19 of the Law defines that the competent planning authority (responsible also for conducting strategic assessments) shall inform the public and the public concerned about the method and deadlines for insight into the contents of the report and submission of opinions, as well as about the time and venue of public debate. Public debate may be held not less than 30 days from the date of informing the public and the public concerned, and it is being conducted by the competent planning authority. Pursuant to the provisions of Article 20,

the body responsible for preparing the plan or programme, shall compile, within 30 days from the date of the public debate completion, the report on the participation of concerned agencies and organizations and the public debate, which includes the opinions submitted during the public insight and public debate on the strategic assessment report and it shall include the rationale for all the accepted or rejected opinions. Furthermore, in accordance with Article 21 of the Law on Strategic Environmental Assessment relating to evaluation of the strategic assessment report, the report on participation of authorities and organizations and the public concerned and the public debate, together with the Report on Strategic Impact Assessment, the competent planning authority shall submit the strategic assessment report to the competent environmental protection authority for the purpose of evaluation. As implementation of plans and programmes may have significant adverse effects on the environment in another state, or when the state whose environment could be significantly threatened requests so, public administration body responsible for environmental affairs shall submit to another state, within the procedure of participation of the authorities and organizations and public concerned and within the shortest possible period and at least simultaneously with informing its own public, the information about the plan or programme, requesting its opinion.

Regulations in the field of environmental protection and the Law on Strategic Environmental Assessment define the meaning of the operation, activities, projects, plans, strategies, and programmes. The term of policy concerning public participation in policy making is not recognized nor defined. However, public participation shall be enabled when it comes to making important documents regulating specific sectoral and general policy.

In this regard, we cite the example of the Environmental policy which was sent, prior to its adoption, to authorities and the public concerned, as well as to the NGO sector, that shall provide their opinions thereof.

National Strategy for Sustainable Development set the basis for drafting the policy in the area of environmental protection, as well as for drafting sectoral policies in the area of economic and social development. The National Strategy was developed through an open participatory process, which was conducted in three rounds:

- when defining the contents of the strategy, the initial introductory workshop was held, which brought together all representatives of relevant social structures: the government departments, representatives of local governments, representatives of scientific and professional institutions, representatives of NGOs and civil society organizations, representatives of industry and business sector, independent experts;
- when considering the first draft of the National Strategy, nine participatory meetings were organized involving the public concerned from 21 municipalities; process was organized and led by the NGO Most, with the participation of the independent professional consultant engaged in drafting of the strategy, three non-governmental organizations involved in writing certain inputs for development of strategies, and the representative of the Ministry responsible for environmental protection who was responsible for coordination of the process of preparation of the strategy; this part of the process was supported by the United Nations Development Program.
- when considering the final draft of the National Strategy, three regional conferences for the northern, central and southern region of Montenegro were organised and a participatory process was conducted that was based on the model used when the first draft of the strategy was created.

When considering and approving the National Strategy by the National Council for Sustainable Development, apart from the representatives of the government departments, representatives of all sectors were involved in the work of the National Council: economic and business sector, scientific and technical institutions, local governments, NGOs, independent experts.

Moreover, public participation is provided in terms of regulations, and the preparation of laws and bylaws, as well as at the stage of giving comments, proposals and suggestions on draft laws in accordance with the provisions of Article 33 of the Rules of Procedure of the Government of Montenegro (Official Gazette of Montenegro 18/08 and 48/09). In this regard, conducting public

debates is stipulated in a way that, when the Government assesses that it is necessary to perform a public debate, while drafting certain laws or other documents, it starts drafting laws and other acts, establishes programme of the debate and designates the body that conducts public debates and determine the timetable for them which cannot be shorter than 15 days. The public accessibility to materials is stipulated by the provisions of Article 37 of the Rules of Procedure of the Government of Montenegro (Official Gazette of Montenegro 18/08 and 48/09) in a way that the material submitted for consideration and decision at a session of the Government shall be publicly available after the government's session. Publicity is regulated by the provisions of Art. 211-217 of the Rules of Procedure of the Assembly of the Republic of Montenegro (Official Gazette of the Republic of Montenegro 51/06 and 66/06).

Competent authority responsible for the implementation of the EIA procedure is defined by the Law on Environmental Impact Assessment. In this respect, the competent authority responsible for the implementation of the EIA procedure shall be: public administration body responsible for environmental protection (the Environmental Protection Agency) for projects for which approvals and permits are issued by other public administration bodies; and a local administration body responsible for environmental protection for other projects for which approvals and permits are issued by other local administration bodies. Pursuant to the above, authorities that have jurisdiction in the area of environmental protection, in accordance with the obligations stipulated by the Law on Environmental Impact Assessment, participate in the process of issuing approvals for the implementation of projects for which obligation of undertaking EIA study is prescribed. As an example, we cite the participation of public administration body responsible for EIA studies when issuing building permits by the public administration body for the facility being constructed according to the state planning document in accordance with Article 91 Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08 from 22.08.2008). Namely, in accordance with Article 93 and Article 77 of the Law on Spatial Planning and Construction of Structures and provisions of the Regulation on projects for which EIA study shall be undertaken (Official Gazette of Montenegro 20/07 from 04.04.2007), obtaining approval from the competent authority responsible for conducting the EIA study on application for approval of the EIA study is a prerequisite for the issuance of building permits. Building permit for the project is issued by the line ministry in charge of the construction of structures, i.e. the Ministry of Spatial Planning and Environmental Protection.

Pursuant to Article 22 of the Law on Strategic Environmental Assessment, the competent authority responsible for environmental affairs shall adopt or reject the request for approval of the SEA Study. Article 6 defines that the authority competent for environmental protection shall be:

- public administration body responsible for environmental affairs i.e. the Environmental Protection Agency ;
- local administration body responsible for environmental affairs, and secretariats responsible for environmental protection.

Article 6 of the Law on Strategic Environmental Assessment defines, as well, that the authority competent for the preparation of the plan or programme may not include a plan or programme in the further procedure of adoption without previously having obtained the approval of the SEA Study from the Competent Authority.

25. Has your country ratified the Aarhus Convention on access to information, public participation and access to justice in environmental matters?

Yes. During the prevoius period, with the support of the Regional Environment Center, activities on preparation and capacity building of Montenegro for the implementation of the Aarhus Convention were undertaken, as follows:

- establishing regional connection and exchange of experience
- implementation of training for members of the public administration, civil society and media,

- preparation of manuals for the implementation of the Aarhus Convention for representatives of public administration and NGOs,
- preparation of Guidelines for making access to justice in environmental matters.

Law on Ratification of the Convention on Access to Information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention) was enacted by the Parliament of Montenegro and published in the Official Gazette (Official Gazette of Montenegro - International Treaties 03/09).

The activities initiating elaboration of the Study for the implementation of the Aarhus Convention, which will determine the best institutional model for the implementation of the Convention using the positive experiences of countries in the region and beyond, are under way

Apart from regulations relevant to the environment, the Ministry of Spatial Planning and Environmental Protection and the Agency for Environmental Protection also publish newly developed documents, information, etc. on their websites (www.mse.gov.me and www.epa.org.me) with a view to improving implementation of the Aarhus Convention.

26. Has your country ratified the Espoo Convention on environmental impact assessment in a transboundary context, and, if so, how does it ensure that transboundary consultation is carried out? At national level, what measures are there for an environmental impact assessment of certain projects? At what stage of the project is such an assessment to be carried out? How often are projects turned down or amended as a result of these assessments?

Yes. Montenegro has ratified the Convention on Environmental Impact Assessment in a transboundary context (Espoo Convention), with two amendments: the First and the Second (Official Gazette of Montenegro 8/08). The Convention entered into force on October 7, 2009. It is significant to mention that the state of Montenegro signed the Multilateral Agreement among the countries of South-Eastern Europe for implementation of the Convention on environmental impact assessment in a transboundary context, whereas the Law on Ratification of this multilateral agreement was adopted and published in the Official Gazette of Montenegro 02/09.

The realization of transboundary consultations is defined by Article 30 of the Law on Environmental Impact Assessment. In this regard, the Law provides that if an intended project may have a significant impact on the environment in another state, or when another state requests so, the public administration body responsible for environmental protection issues (the Environmental Protection Agency) shall promptly, and not later than within the deadlines set forth for informing its own public, submit to another state the information concerning the project, together with all available information on potential impacts, the nature of decisions that may be adopted, and the period within which another state can announce its intention to participate in the impact assessment procedure. Accordingly, the public administration body responsible for environmental affairs (the Environmental Protection Agency) shall notify the state that participated in the process of impact assessment about the approval of the EIA Study or rejection of the request for approval. Notification shall contain the contents of the Decision and conditions if they were set; the grounds for the Decision, including the reasons for accepting or rejecting the remarks, proposals and opinions of the authorities, organisations and the public concerned; and the most important measures the project developer should take. Also, Article 30 of the Law determines that informing of and consultations with other states about potential transboundary impact shall be carried out based on the principle of reciprocity, in accordance with the international agreements concluded.

At the national level a set of regulations was adopted which fully regulate the impact assessment of projects on the environment, namely: Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05), Decree on projects for which EIA shall be conducted (Official Gazette of Montenegro 20/07 from April 4, 2007), Rulebook on the contents of documentation submitted with an application for decision on the the need for EIA study (Official Gazette of Montenegro 14/07 from December 21, 2007), Rulebook on the contents of

documentation submitted with an application for decision on the scope and contents of the EIA study (Official Gazette of Montenegro 14/07 from December 21, 2007 and Rulebook on the contents of the EIA Study (Official Gazette of Montenegro 14/07 from December 21, 2007).

Law on Environmental Impact Assessment which entered into force on January 1, 2008, regulates the impact assessment procedure for projects that may have significant impact on the environment, the contents of the Environmental Impact Assessment Study, participation of authorities, organizations, and the public concerned, evaluation and procedure of approval issuing, exchange of information on projects that may have significant impact on the environment in another state, supervision and other issues of relevance for the Environmental Impact Assessment (EIA). The EIA procedure is conducted in three phases, namely: decision-making on the need for conducting EIA; defining the scope and contents of the EIA Study (hereinafter referred to as: the Study); granting approval for the Study. Impact assessment is undertaken for projects that are planned or carried out in the area of industry, mining, energy, transport, tourism, agriculture, forestry, water management and utilities, as well as for all the projects whose implementation is planned to take place on protected natural sites and within the protected zones of immovable cultural heritage. The Rulebook on projects for which EIA study is conducted has identified specific projects for which EIA is mandatory and projects for which EIA may be required. Projects for which EIA is mandatory are set out in List I, and projects for which EIA may be required are set out in List II of this Rulebook. The Rulebook on the contents of documentation submitted with an application for decision on the need for the EIA study and The Rulebook on the contents of documentation submitted with an application for decision on the scope and contents of the EIA study prescribe in detail the contents of documentation that project developer submits to the competent authority which has to decide on the need of carrying out EIA study and determine the scope and content of EIA Study. The Rulebook on the contents of the EIA Study prescribes in detail the contents of the EIA Study. The EIA Study analyzes and assesses quality of environmental segments and their sensitivity at a certain site, mutual influence of the existing and planned activities, forecasts of direct and indirect impacts of project implementation to the environment, defines the measures and conditions for prevention, elimination, mitigation or remediation of harmful impact to the environment and human health. The Study is needed to predict alternative solutions that project developer considers with detailed explanation for the selection of specific solutions. Alternative solutions are considered for a location or a route technology; material selection; size of the object; waste disposal and the like. It is very important to note that the study determines environmental impact monitoring programme, which includes the quality state of environmental segments prior to execution of the project (zero balance), during the execution of the project and during the use thereof. Monitoring programme defines the parameters to be monitored, place, manner and frequency of measurements, the content and delivery of dynamic reports on executed measurements and informing the public about the results of measurements.

During the evaluation of the EIA Study public viewing and public debate are held. The Commission which evaluates the Study considers the comments of agencies and organizations and public concerned expressed during the public viewing period and the debate and, pursuant to Article 22 of the Law on Environmental Impact Assessment, submits a proposal of the decision to the competent authority on approving or rejecting the study (the process of public participation is set out in the response to question 24). If the Study does not examine key issues of relevance to the environment at a satisfactory level, the Commission may require modifications and amendments to the Study. If within a time limit which is determined by the Commission, the required amendments to the Study are not submitted, the Commission will propose to the competent authority to reject the request for approval.

In accordance with Article 6 of the Law on Environmental Impact Assessment a project developer may not commence with project implementation without having conducted EIA procedure and obtained the approval of the Competent Authority of the EIA Study.

Since the beginning of implementation of the Law on Environmental Impact Assessment, from a total number of 167 submitted requests for initiating procedure of environmental impact assessment on the state level, following the conducted decision-making process about the need for impact assessments, in 39 cases a decision of the competent authorities for the protection of the environment was made that conducting the EIA Study is not required (Article 13 of the Law).

During that time, approval was given to 128 requests for approval of the EIA Study. In current practice, about 30% of the total number of requests for approval of the EIA Study were returned to refinement, in order to enforce certain modifications and amendments, after which the same are accepted by the Commission for elaboration of EIA studies. So far, not a single request for approval of EIA studies was rejected for a project. In current practice of implementation of the Law on Environmental Impact Assessment no project that could have transboundary impact has been implemented.

27. Has your country ratified the SEA (Strategic Environmental Assessment) Protocol to the Espoo Convention? If so, what steps are being taken to introduce environmental assessment of plans and programmes, and do they also extend to policies and legislation?

Law on Ratification of the SEA (Strategic Environmental Assessment) Protocol in a transboundary context, to the Espoo Convention was enacted by the Parliament of Montenegro and published in the Official Gazette of Montenegro - International Treaties 02/09.

Matters regulated by the SEA (Strategic Environmental Assessment) Protocol in a transboundary context i.e. environmental assessment of plans and programmes are defined by the Law on Strategic Environmental Impact Assessment, which entered into force on January 1, 2008.

Law on Strategic Environmental Assessment defines that strategic impact assessment shall be carried out for plans or programmes when there is a possibility that their implementation causes considerable consequences to the environment. It is stipulated that strategic impact assessment shall be required for plans or programmes in the area of agriculture, forestry, fishing, hunting, energy, industries including mining, transport, tourism, regional development, telecommunications, waste management, water management, coastal zone management, urban or regional planning or land use. These plans and programmes set the framework for future development projects subject to undertaking environmental impact assessment in accordance with the specific act, as well as for plans and programmes that may, taking the area in which they are implemented into account, affect protected areas, natural habitats and conservation of flora and fauna. For plans and programmes which provide for the use of smaller areas at the local level or in the case of a minor change of plans or programs, which do not require due process of adoption, as well as for plans or programmes that were not previously mentioned, the decision about the need for strategic impact assessment is taken by the authority responsible for preparation of the plan or programme, if, according to criteria defined by the law, it determines that there is a possibility of significant impact on the environment. Strategic impact assessment shall not be carried out for plans and programmes designed for serving the national defence purposes, plans for mitigating and eliminating consequences of natural disasters, as well as financial and budget plans.

The need for undertaking strategic assessment of plans and programmes is determined by testing on a case-by-case basis, based on the criteria for determining significant impact.

Law on Strategic Environmental Assessment stipulates that the Report on strategic assessment shall be a part of the documentation which is attached to the plan or programme and includes identification, description and assessment of potential significant impact on the environment, including transboundary impacts, due to implementation of the plan or programme, as well as discussed and adopted variant of solution, taking into account objectives and geographical scope of the plan or programme, as well as measures to reduce negative impacts on the environment.

Moreover, public participation is defined as an integral part of the Law (Article 19). Public participation in the process of conducting strategic impact assessment is stated in response to question 24.

In accordance with the provisions of the Law on Strategic Environmental Assessment, if there is a possibility of a transboundary impact, the public administration body responsible for environmental affairs (the Environmental Protection Agency) shall initiate the process of information exchange on transboundary impacts. Specifically, if implementation of the plan or programme may have a

significant negative impact on the environment in another state or when another state whose environment could be significantly threatened requests so, the public administration body responsible for environmental affairs, the state authority responsible for environmental protection affairs, in the process of participation of agencies and organizations and public concerned, shall promptly, and not later than within the deadlines set forth for informing its own public, submit to another state the information concerning: a description of plans and programmes, together with all available data on their possible impacts, the nature of the decision that may be adopted; and the period within which another state can announce its intention to participate in the decision-making process. Moreover, the public administration body responsible for environmental protection affairs shall inform the state that was consulted during the decision making process about the decision on approval of the Report on environmental impact by providing information on: the contents of the Decision on approval, manner of preparation of a report on strategic impact assessment and obtained opinions in the process of preparation, the results of consultations and the reasons on which it based the decision on approval and measures in the field of monitoring of plans or programmes. Moreover, the public administration body responsible for environmental affairs shall inform the authorities and organizations and public concerned during public debate of obtained information on transboundary impacts of the proposed plan or programme of another state. The public administration body responsible for environmental protection shall take into account outputs of consultations and obtained opinions from the authorities and organizations and public concerned, when giving opinions to the competent authority of another state.

Law on Strategic Environmental Assessment defines the conditions, manner and procedure of undertaking environmental impact assessment of certain plans or programmes, through integration of environmental principles into the process of preparation, adoption and implementation of plans or programmes that have significant impact on the environment. Regarding this, the Law on Strategic Environmental Assessment defines plans or programmes as all development plans and programmes and documents, including their amendments, which are prepared and/or adopted by the authority at the republic or local level or are prepared by the competent authority for adoption by the Parliament or the Government of Montenegro i.e. the Parliament or the executive authority of local governments, as well as plans and programmes, whose adoption is mandatory on the basis of regulations.

Regulations in the area of environmental protection and the Law on Strategic Environmental Assessment define the meaning of the operation, activities, projects, plans, strategies, and programmes. The term of policy in terms of public participation in policy making is neither recognized nor defined. However, the possible participation of the public is provided when making important documents regulating specific sectoral and general policy.

As stated in response to question number 24, the basic legislative solutions of relevance to issues which regulate public participation in decision-making are contained in a number of regulations in the area of environment. Also, public participation is provided in terms of regulations, respectively the preparation of laws and bylaws, as well as at the stage of giving comments, proposals and suggestions on the draft law. Conducting a public debate is regulated by the provisions of Article 33, and public accessibility of the material by the provisions of Article 37 of the Rules of procedure of the Government of Montenegro (Official Gazette of Montenegro 48/09).

Publicity of work is determined by the provisions of Art. 211-217 of the Rules of Procedure of the Assembly of the Republic of Montenegro (Official Gazette of the Republic of Montenegro 51/06 and 66/06).

28. Does your country have in place a Regulatory or Sustainability Impact Assessment System that leads to an assessment of the economic, social and environmental impacts of major public policies in a single integrated process?

Montenegro has no Regulatory or Sustainability Impact Assessment System in place in a way the European Commission regulated it in the year 2002. However, integrated assessment of

economic, social and environmental impact of major public policies is to a certain extent carried out and ensured through mechanisms listed below.

National Strategy for Sustainable Development specifies that public policies dealing with sustainable development, or some of its components, prior to the adoption by the Government, are considered at the sessions of the National Council for Sustainable Development. Establishment, functioning and composition of the Council are described in detail in response to the question 15 of this chapter (General policy). It is stated that the Council had two working bodies prior to the reform in the year 2008, namely, the *Interdepartmental working group* composed of representatives of line ministries of the Government of Montenegro, as well as representatives of professional institutions dealing with sustainable development and the NGO *Forum NVO*, which brought together representatives of NGOs in the area of ecology and social and economic development. All documents from the agenda of the Council were previously discussed from professional aspects within these two bodies. After that, conclusions adopted on this basis combined with proposals relevant to the adoption of public policies were presented to members of the Council for the final discussion and adoption. Only when the document passed all levels of review and determination of degree of sustainability, public policy proposals were sent to the Government.

All the most important strategic policies, such as: the Spatial Plan of Montenegro until 2025; the Energy Development Strategy until 2020, the National Policy for Forests and Forest Land Administration etc., were discussed at sessions of the Council. The Decision establishing the National Council for Sustainable Development (Official Gazette of Montenegro 47/08) which defines the structure of the new Council and its mission/goals, envisages the establishment of the working groups within the Council, that will work to ensure compliance of public policies with the principles and standards within the three pillars of sustainable development. Multi-disciplinary approach in selecting members of the working groups will ensure the continuity of principles and methods of the Interdepartmental working groups and the NGO called *Forum NVO*.

All important policies undergo a process of public debates, at which the broader social subjects are given oppprtunity to present their comments on the proposed documents, and proponents are required to take them into account.

Additional step in ensuring the sustainability assessment of public policies, prior to their submission to the Government, is made by sending all public policy proposals for consideration to one of the two or to both of the Government Commissions: the Commission for Political Affairs and the Commission for economic and financial policies. In accordance with Article 39 of the Rules of procedure the Government of Montenegro (Official Gazette of Montenegro 48/09), in addition to the Proposal of the Law, other regulation or general act, as well as strategic and planning documents a developer is, among other things, required to submit:

- estimates of fiscal impact that enforcement of the act would have on the budget of Montenegro, the funds of the Pension and Disability Insurance Fund, Health Insurance Fund, Employment Office of Montenegro and the local government budget, in accordance with the instructions of the Ministry of Finance;
- opinion of the Ministry of Finance that the solutions from the proposed act does not create barriers to business operations;
- report on completed intersectoral and interdepartmental consultations, which contains views, opinions and proposals outlined during the consultations;
- analysis of the situation, developments and problems in the area regulated by that law.

Without these additional documentation, the Commission and the Government do not consider the proposed documents. Strategies and documents relating sustainable development or dealing with interdepartmental policies are considered by the two Commissions at a joint session. The Commissions, as the highest political and professional bodies, have the right to return the document to the proponent if it is considered that it should be supplemented, modified or amended in relation to his/her proposals and solutions, as well as the impact on society and the public. Only after complying the document at the level of the Commissions, public policy proposals are sent to the Government for consideration and adoption. The two Commissions meet once a week, two days before the Government assembles.

In accordance with the Rules of Procedure of the Parliament of Montenegro in order to discuss the proposed documents, propose documents, parliamentary control and other activities from the jurisdiction of the Parliament, the Parliament forms committees as its working bodies. As a part of the permanent working body of the Parliament of Montenegro, the Committee for tourism, agriculture, ecology and spatial planning considers within its jurisdiction, inter alia, proposals of laws, other regulations and general acts and other matters relating to: protection and improvement of environment, nature and natural resources, national parks, protection from hazardous and harmful substances, protection from other sources of threats to the environment, spatial and urban planning; housing issues; civil engineering, spatial planning and use of construction land, as well as other issues in the field of ecology and spatial planning.

29. Are there measures based on environmental liability aiming at preventing and remedying environmental damage? If not, is the adoption of such measures planned for the near future?

Yes, there are measures based on environmental liability aiming at prevention and remedy of environmental damage. The Law on Environment (Official Gazette of Montenegro 48/08) in Chapter VII - Liability for pollution of the environment prescribes liability of polluter for environmental pollution and immediate risk of damage caused by performing dangerous activities considered hazardous due to the way in which they are conducted, or produced or due to hazardous substances or material used in these activities. In accordance with the Law and as specified by provisions which prescribe criminal liability for legal entities and responsible persons in the legal entity for violations committed against the environment, polluters whose unlawful or improper activity allowed or enabled environmental pollution shall be held as responsible and accountable persons (Article 69). The issue of reimbursement, as well as the obligation to take measures and notification is regulated. Thus the provisions of Article 43 of this Law establish that all legal and natural persons shall be obliged to ensure environmental protection while performing their activity, through:

- applying and implementing regulations on environmental protection;
- sustainable use of natural resources, goods and energy;
- introducing energy efficient technologies and use of renewable natural resources;
- using products, processes, technologies and practice less harmful to the environment;
- taking preventive measures or eliminating the consequences of threat and damage to the environment;
- keeping records on raw materials and energy consumption, pollutants and energy release, classification, characteristics and quantities of waste, as well as on other data and their submission to competent authorities;
- controlling the activities and operation of installations that may represent risk or that may cause danger towards human health and environment;
- other measures in compliance with law.

It also stipulates that the Environmental Protection Agency i.e. the public administration body responsible for the protection and rescue may, in case of imminent danger of damage (Article 46):

- require data from polluters about imminent danger of damage or cases where suspicion of imminent danger of damage exists;
- require the polluters to take the necessary actions and measures to prevent occurrence of damage to the environment, respectively endangering protected species;
- give directions in respect of necessary activities and preventive measures that polluters should take;

- take the necessary actions and measures to prevent harmful effects in cooperation with other bodies responsible for undertaking interventions (Article 46).

In addition to the obligation to take measures for preventing the emergence of environmental damage, this law regulates the issue of liability, respectively taking measures in case of damage. Thus the provisions of Article 44 of the Law on Environment stipulate, inter alia, that the polluter shall be liable for environmental damage caused, and that the person who suffered damage due to environmental pollution shall have the right to compensate damages (Article 45).

The polluter is obliged to draw up in due time a reclamation programme for remedy of damage which resulted from exceedance of the specified emission limit values in accordance with a relevant regulation. For the Reclamation programme polluter must obtain the consent of the Agency, and if the Agency considers it necessary, s/he must also obtain opinions from other competent authorities. Activities and measures for eliminating damage to the environment, types of rehabilitation programmes, scope and methodology of rehabilitation programmes and other issues of importance for the implementation of the rehabilitation programme shall be provided by the Ministry, in cooperation with other competent authorities (Article 48).

If the polluter is not able to immediately and without postponement implement all measures for the prevention and limitation of the damages to the environment, necessary to prevent further adverse effects which activities performed within an installation may have on the environment, the Agency takes all measures to prevent and restrict further damage, by engaging other legal person, at the expense and liability of the polluter (Article 49). If in the case of pollution of the environment it is not possible to determine the polluter, the Agency shall implement the rehabilitation programme, in cooperation with other competent authorities (Article 48).

In cases when it is not possible to determine the pollutants, it shall be accorded by the rules of subsidiary liability for taking measures, eliminating the damage in the environment, so that the costs shall be borne by state and local governments (Article 52, paragraph 1). If the polluter is identified later, local governments and the State may, having identified the polluter, claim compensation for costs incurred while eliminating the harmful consequences of environmental pollution in accordance with the law. (Article 52, paragraph 2). Moreover, it is established that the Government may, due to endangerment of the environment, prohibit new interventions in the environment which could increase the level of danger to the environment, or segments of the environment in a particular area.

The above Law, as Lex Generalis in the area of environmental protection, is fully based on the Law on Obligations (Official Gazette of Montenegro 47/08), which contains general principles relating to the issue of liability for damage from hazardous activities. Within the meaning of this Law, hazardous activities are considered to be activities that represent an increased risk of damage to the environment. Thus the provisions of Article 168 stipulate that the damage which occurrs in connection with the dangerous activity is actually a result of such activity, unless it is proved that it the activity did not cause the damage, when the person performing the hazardous activity is held responsible for the damage which resulted from it (Article 169). To that effect, the provisions of Article 148 stipulate that "any person having caused damage to another person is obliged to compensate for the damage s/he has caused, unless s/he proves that the damage occurred without fault on his/her part, and is liable for the damage from things or activities which cause an increased risk of damage to the environment, regardless of the existence of guilt**".** Moreover, the issue of taking measures to prevent occurrence of damage is regulated, so that the provisions of Article 150 stipulate that any person may require from another to remove the source of danger which may cause significant harm to him/her or to an indeterminate number of persons, and to refrain from activities causing harassment or danger of damage, if the occurrence of harassment or damage may not be prevented by appropriate measures. The obligation of the Court is stipulated in a way that it shall order, upon the request of a person concerned, that appropriate measures shall be taken to prevent occurrence of damage or harassment, or to remove the source of danger, at the expense of holder of source of danger, if s/he does not do it.

B. Air Quality

30. Do air quality limit values or target values exist for specific atmospheric pollutants? If so, what are these values?

The Decree on specifying types of polluting substances, limit values, and other standards for air quality (Official Gazette of Montenegro 45/2008 of 31 July 2008) defines limit and target values, as well as other air quality standards for polluting substances, which are included in the Annex I of Directive 96/62/EC. It also specifies fluorides, which belong to the group of important polluting substances in Montenegro. During the preparation of the Decree, various EU provisions were considered, in particular: Directive 96/62/EC of the European Council dated on 27 September 1996 on ambient air quality assessment and management; Directive 1999/30/EC on limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air; Directive 2000/69/EC on limit values for benzene and carbon monoxide in ambient air; Directive 2004/107/EC on arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air; as well as the new framework Directive 2008/50/EC on ambient air quality and cleaner air for Europe, that was adopted on 15 April 2008 and includes all previously given Directives, except for Directive 2004/107/EC on arsenic cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

The following tables contain limit values and margins of tolerance, as well as deadlines for meeting limit values for sulphur dioxide, nitrogen dioxide, lead, benzene, carbon monoxide, PM10, and fluorides:

Limit values and tolerance limits for protection of public health

1. Sulphur dioxide

Limit values for sulphur dioxide				
Type of protection	Averaging period	Limit value	Margin of tolerance	Deadline for meeting limit value
Protection of health	Hourly average value	300 µg/m^3, not to be exceeded more than 24 times a calendar year	None	2010
	Daily average value	110 µg/m^3, not to be exceeded more than 3 times a calendar year	None	2010

2. Nitrogen dioxide

Limit values for nitrogen dioxide				
Type of protection	Averaging period	Limit value	Margin of tolerance	Deadline for meeting limit value
Protection of health	Hourly average value	200 µg/m^3, not to be exceeded more than 18 times a calendar year	50% from the date of entry into force of this Decree, reducing every 12 months thereafter by specific annual percentages, until the margin of tolerance reaches 0% by 2010	2010

	Annual average value	40 µg/m^3	50% from the date of entry into force of this Decree, reducing every 12 months thereafter by specific annual percentages, until the margin of tolerance reaches 0% by 2010	2010

3. Lead

Limit values for lead				
Type of protection	Averaging period	Limit value	Margin of tolerance	Deadline for meeting limit value
Protection of health	Annual average value	0,5 µg/m^3	100% from the date of entry into force of this Decree, reducing every 12 months thereafter by specific annual percentages until the margin of tolerance reaches 0% by 2010 or by 2012 for areas in the immediate vicinity of industrial activities	2010 and 2012 for areas in the immediate vicinity of specific industrial activities (during this period limit value can be 1,0 µg/m^3)

4. Benzene

Limit values for benzene				
Type of protection	Averaging period	Limit value	Margin of tolerance	Deadline for meeting limit value
Protection of health	Annual average value	5 µg/m^3	None	2010

5. Carbon monoxide

Limit values for carbon monoxide				
Type of protection	Averaging period	Limit value	Margin of tolerance	Deadline for meeting limit value
Protection of health	Maximum daily 8-hour average value(1)	10 mg/m^3	None	2010

(1) Maximum daily 8-hour average value is specified by means of analysing average 8-hour values that are calculated based on one-hour data, which are updated every hour. Each calculated 8-hour average value is attributed to the date when period of calculating is over (e.g. initial period of calculation for each day begins at 5:00 pm on the previous day and ends by 1:00 am of that day; closing period of calculation for each day begins at 4:00 pm and ends at 12:00 am of the same day).

6. Suspended particles PM_{10}

Limit values for PM_{10}				
Type of protection	Averaging period	Limit value	Margin of tolerance	Deadline for meeting limit value

Protection of health	Daily average value	50 µg/m^3, not to be exceeded more than 35 times a calendar year	100% from the date of entry into force of this Decree, reducing every 12 months thereafter by specific annual percentages until the margin of tolerance reaches 0% by 2015	2015
	Annual average value	40 µg/m^3	40% from the date of entry into force of this Decree, reducing every 12 months thereafter by specific annual percentages until the margin of tolerance reaches 0% by 2015	2015

7. Fluorides

Limit values for fluorides				
Type of protection	Averaging period	Limit value	Margin of tolerance	Deadline for meeting limit value
Protection of health	Daily average value	10 µg/m^3	None	2010
	Annual average value	5 µg/m^3	None	2010

The Decree on specifying types of polluting substances, limit values and other standards for air quality defines, as well, target values for concentration of heavy metals (arsenic, cadmium, and nickel) and benzo(a)pyrene, as a marker for polycyclic aromatic hydrocarbons in suspended particles in PM_{10}, target values of mass concentration of suspended particles $PM_{2,5}$, as well as deadlines for meeting these values.

Target values of heavy metal concentrations and polycyclic aromatic hydrocarbons and $PM_{2,5}$ for protection of human health

1. Heavy metals

Target values for heavy metals (total content within the PM_{10} fraction - average value for a calendar year)				
Type of protection	Averaging period	Metal	Target value	Deadline for meeting target value
Protection of health	Annual average value	As	6 ng/m^3	2015
		Cd	5 ng/m^3	2015
		Ni	20 ng/m^3	2015

2. Benzo(a)pyrene

Target values for benzo(a)pyrene (total content within the PM_{10} fraction - average value for a calendar year)			
Type of protection	Averaging period	Target value	Deadline for meeting target value
Protection of health	Annual average value	1 ng/m^3	2015

3. $PM_{2,5}$

Target value for $PM_{2,5}$			
Type of protection	Averaging period	Target value	Deadline for meeting target value
Protection of health	Annual average value	25 µg/m^3	2015

The Decree also defines target values and long-term objectives for ambient ozone in reference to protection of human health and vegetation, and specifies critical levels for sulphur dioxide, oxides of nitrogen and fluorides in reference to protection of ecosystem and vegetation.

Target values and long-term objectives for protection of human health and vegetation

Long-term objectives

Objective	Averaging period	Long-term objective
Protection of human health	Maximum daily 8-hour average value(1)	120 µg/m^3
Protection of vegetation	May-July (92 days)	AOT40(2), (calculated according to one-hour values) 6 000 µg/m^3/h*

Target values

Objective	Averaging period	Target value	Deadline for meeting target value(3)
Protection of human health	Maximum daily 8-hour average value(1)	120 µg/m^3, not to be exceeded more than 25 times a calendar year - an average of three years is taken(3)	2010
Protection of vegetation	May-July (92 days)	AOT40 (calculated according to one-hour values) 18 000 µg/m^3/h* an average of five years is taken(4)	2010

* Hours between 8:00 am and 10:00 pm Central European Time.

(1) Maximum daily 8-hour average value is specified by means of analysing average 8-hour values that are calculated on the basis one-hour data, which are updated every hour. Each calculated 8-hour average value is attributed to the date when period of calculating is over (e.g. initial period of calculation for each day begins at 5:00 pm on the previous day and ends at 1:00 am of that day; closing period of calculation for each day begins at 4:00 pm and ends at 12:00 am of the same day).

(2) In cases when measurement data are not available, the following factors are used to calculate AOT40 value:

AOT40 assessment = AOT40 measurement x (total possible number of hours*) / (number of calculated one-hour values)

(3) Indicates the first year during which data will be used for cross-reference with data from the following three or five years

(4) If the average value for three or five years cannot be established on the basis of complete set of consecutive annual data, the following minimum annual data are used to check if target values are exceeded:

- for target value for protection of human health: valid data for one year,

- for target value for protection of vegetation: valid data for three years.

Critical levels for protection of ecosystem and vegetation

Type of protection	Polluting substance	Averaging period	Critical level
Protection of ecosystem	Sulphur dioxide	Annual average value and winter average value (1 October - 31 March)	20 µg/m^3
Protection of ecosystem	Fluorides	Annual average value	1 µg/m^3
Protection of vegetation	Oxides of nitrogen	Annual average value ($NO+NO_2$)	30 µg/m^3

The Decree also defines alert thresholds for sulphur dioxide and nitrogen dioxide in reference to protection of human health and specifies alert thresholds and information thresholds for ozone in reference to protection of population, that is, vulnerable groups when briefly exposed to high concentrations of ozone.

Alert thresholds and information thresholds

Alert threshold	Polluting substance	Averaging period	Threshold
	Sulphur dioxide	1 hour(1)	500 µg/m^3
	Nitrogen dioxide	1 hour (1)	400 µg/m^3
	Ozone	1 hour (1)	240 µg/m^3
Information threshold	Ozone	1 hour	180 µg/m^3

(1) In compliance with this Decree, alert threshold exceedances are calculated or projected within three consecutive hours.

31. What is the relationship of the above with the WHO standards/guidelines?

Montenegro has adopted the Decree on establishing the type of pollutants, limit values and other air quality standards (Official Gazette of Montenegro 45/2008 of 31 July 2008),in accordance with the Directive 2008/50/EC, which takes into account the last instructions of the World Health Organization (hereinafter referred to as: the WHO) on air quality (2005) by which the suspended particles $PM_{2,5}$ are identified as one of the most dangerous pollutants for human health. Mentioned Regulation prescribes target value for $PM_{2,5}$ of 25 µg/m3, which should be achieved by 2015.

After demarcating zones of air quality on the territory of Montenegro and establishing a national network for monitoring air quality, based on the criteria of determining the minimum number of measurement locations, the representative measurement locations for monitoring the $PM_{2,5}$ in accordance with the number of measurement sites for monitoring PM_{10} shall be determined. The draft regulations, which divide the territory of Montenegro in the air quality zones and that will establish a national network for monitoring of air quality are in the final stage and will be adopted in the first quarter of 2010 after the adoption of the new Law on Air Protection. This Law shall come into force, according to the Government's agenda, at the latest by the end of 2009.

The following table shows the relation between the WHO recommendations and official standards of air quality in Montenegro stipulated by the Decree:

Pollutant	The WHO recommendation*	Standard in Montenegro
$PM_{2,5}$ annual average value	**10 µg/m3**	**25 µg/m3**
$PM_{2,5}$ 24-hour average value	**25 µg/m3**	-
PM_{10} annual average value	**20 µg/m3**	**40 µg/m3**
PM_{10} 24-hour average value	**50 µg/m3**	**50 µg/m3**
Ozon 8-hour average value	**100 µg/m3**	**120 µg/m3**
NO2 annual average value	**40 µg/m3**	**40 µg/m3**
NO2 1-hour average value	**200 µg/m3**	**200 µg/m3**
SO2 24-hour average value	**20 µg/m3**	**110 µg/m3**
SO2 10-minute average value	**500 µg/m3**	**300 µg/m3* (1-hour value)**

*Source: "WHO Air quality guidelines for particulate matter, ozone, nitrogendioxide and sulfur dioxide, *Global update 2005"*

32. Is there a national programme for monitoring air quality?

The Law on Environment (Official Gazette of Montenegro 48/2008 dated on 11 August 2008) stipulates that the state shall ensure continuous control and monitoring of the state of the environment. The Environmental Monitoring Program shall be issued by the Government of Montenegro at the proposal of the Environmental Protection Agency, for a period of one year. The program includes monitoring programs of individual segments of the environment, including monitoring program of the air quality, which covers the following examinations:

- Systematic measurements of immission of primary pollutants in the air: Systematic measurements of immission of primary pollutants in the air in Montenegro include continuous 24-hour reference measurements of: sulfur dioxide (SO2), total nitrogen oxides (NOx), ground-level ozone (O3), smoke and soot, total content of airborne particles (and the contents of heavy metals and PAH-s in them), precipitation material (the contents of heavy metals) at 14 locations in 10 settlements in Montenegro. Measurements at the same sites are done continually since 1998. Since 2007 measurement of particles of a special impact on human health ($PM_{2,5}$ and PM_{10}) is performed in one location.
- Systematic measurements of immission of specific pollutants: systematic measurements of immission of specific pollutants include testing of ammonia, fluoride and phenol. Systematic measurements of immission of ammonia are carried out at 14 sites in 10 urban settlements in Montenegro in the same locations as for the primary pollutants. Systematic measurements of immission of fluoride and phenol in the air are measured at seven stations.
- Occasional measurements of rainfall quality: the quality of precipitation measurements is performed on the basis of samples collected from 14 locations on a monthly basis from the aggregate monthly sample. The precipitation is determined by the contents of the physical-chemical parameters: pH, electrical conductivity, sulfate, nitrate, chloride, ammonia, bicarbonate Na, K, Ca, Mg, and the contents of heavy metals and organic pollutants, which is very important to follow the trends of deposition of heavy metals in the soil and plants, as well as in the context of monitoring the trans-boundary transfer of pollution.
- Occasional measurements of immission of pollutants from exhaust gases of motor vehicles: Occasional measurements of basic and specific pollutants (sulfur dioxide, nitrogen monoxide, nitrogen dioxide, total nitrogen oxides, ground-level ozone, carbon monoxide,

methane, non-methane and total hydrocarbons, airborne particles and meteorological parameters) is carried out on roads and traffic crossroads.

- Monitoring the impact of polluted air on the environment: The effect of air pollution on the environment shall be monitored by the systematic control of the deposition of polluting substances in the biological material at the beginning and at the end of vegetation period at the network of stations.

  In accordance with the new Law on Air Protection that is in procedure by the Government and whose adoption by the Assembly of Montenegro is expected by the end of 2009, the method of monitoring of air quality shall be completely harmonized with Directive 2008/50/EC. Namely, in the first half of the 2010, the enactment of the following regulations is planned:

- Decree on Establishing the National Network for Monitoring of air quality that will determine air quality zones, the criteria for determining location of measurement sites, the criteria for determining the minimum number of measurement sites, the criteria for reducing the number of measurement sites, the criteria for selection of measurement sites and setting up of measuring instruments, the number of, scheduling and accurate location of measurement sites, their purpose and characteristics, types of pollutants whose concentrations are monitored for each measurement site individually (*Annex III, V, VIII, IX of Directive 2008/50/EC*).

- Rulebook on Conditions and Methods of Air Quality Monitoring that will determine the standardization of measurements, the conditions which the equipment for air quality assessment must meet, reference methods, criteria for achieving the data quality, data quality assurance and validation of data and content of the results of evaluation if for the assessment of air quality other methods of measurement were used (Annex I, IV, VI Directive 2008/50/EC).

33. Are there estimates of emissions of the major atmospheric pollutants?

Yes, there are. Montenegro has developed a national inventory of emissions in compliance with the Convention on Long-Range Transboundary Air Pollution (CLRTAP). The inventory of gasses included in the LRTAP Convention, which was developed in 2006, was sent to the European Environment Agency in May 2009 through its partnership network -EIONET. Emission assessment was carried out in line with the EMEP/CORINAIR methodology and it specified total emissions on the territory of Montenegro as total sum of emissions reported from 11 main sectors.

Emission estimation include: so called major pollutants: oxides of sulphur (SO_2, SO_3), oxides of nitrogen (NO, NO_2), volatile organic compounds (VOC), carbon monoxide (CO), particulate matters with a diameter less than 10 μm (PM_{10}) and 2.5μm ($PM_{2.5}$), heavy metals, (arsenic (As), cadmium (Cd), copper (Cu), chrome (Cr), mercury (Hg), nickel(Ni), lead (Pb), selenium (Se), zinc (Zn)), benzene, polycyclic aromatic hydrocarbons (benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, indeno[123cd]pyrene, ammonia (NH_3), and greenhouse gasses (carbon dioxide (CO_2), nitrous oxide (N_2O), methane (CH_4). The following tables contain data on total emissions of the major pollutants, polycyclic aromatic hydrocarbons and benzene, ammonia, heavy metals and gasses with green house effects on the national level. Emissions are classified according to the macro sectors.

As for sectoral contribution to emissions, the sectors combustion in energy and transformation industry (44%) and road transport (39%) make the largest contribution to total emissions of **oxides of nitrogen** (NO_x) at the national level (table 1).

Main sources of **oxides of sulphur** (as shown in table 1) are: combustion in energy and transformation industry (81%), combustion in manufacturing industry (9%) and production processes (7%).

During 2006, the following sectors: combustion in energy and transformation industry (46% PM_{10} and 37% $PM_{2,5}$), production processes (32% PM_{10} and 35% $PM_{2,5}$) and non-industrial combustion plants (16% PM_{10} and 24% $PM_{2,5}$) made the largest contribution to emissions of **particulate matters** (table 1).

Sectors: non-industrial combustion plants, production processes, solvents and other product use, road transport and agriculture make contribution to emissions of **volatile organic compounds** (VOC) ranging 10-16%, while other sources and sinks make up remaining 26% emissions (table 1).

Main activities contributing to emissions of **carbon monoxide** (CO) are non-industrial combustion plants (35%), road transport (44%), and production processes (12%) (table 1).

Agriculture accounts for almost total emission of **ammonia** (91%), waste sector contributes to the remaining 8% (table 3).

Combustion in energy and transformation industry and combustion in manufacturing industry are main sectors that contribute to emissions of **heavy metals** (table 5), road transport accounts for 98% emissions of **benzene** (table 2), while almost total emission of **polycyclic aromatic hydrocarbons** - PAH (94-97%) is generated by the sector non-industrial combustion plants (table 2).

Table 1 – Total emission of major pollutants by macro sectors – 2006

	CO (Mg)	VOC (Mg)	NOX (Mg)	PM10 (Mg)	PM2,5 (Mg)	SOX (Mg)
01 COMBUSTION IN ENERGY AND TRANSFORMATION INDUSTRY	468.26	675.39	3193.53	4815.11	2537.24	12266.8
02 NON-INDUSTRIAL COMBUSTION PLANTS	12229.92	2380.36	106.11	1635.78	1635.78	69.37
03 COMBUSTION IN MANUFACTURING INDUSTRY	1116.21	54.68	520.21	213.17	67.63	1414.31
04 PRODUCTION PROCESSES	4098.97	3229.99	292.27	3338.93	2384.45	1098.09
05 EXTRACTION AND DISTRIBUTION OF FOSSIL FUELS AND GEOTHERMAL ENERGY	0.0	917.06	0.0	0.0	0.0	0.0
06 SOLVENT AND OTHER PRODUCT USE	0.0	2396.52	0.0	0.0	0.0	0.0
07 ROAD TRANSPORT	15134.67	2766.07	2839.5	172.16	161.73	10.47
08 OTHER MOBILE SOURCES AND MACHINERY	340.28	106.85	290.23	7.87	7.87	233.01
09 WASTE TREATMENT AND DISPOSAL	0.0	426.37	0.0	0.0	0.0	0.0
10 AGRICULTURE	103.04	1974.97	1.9	132.25	56.05	0.0
11 OTHER SOURCES AND SINKS	1051.69	5301.93	0.5	62.15	55.93	0.0
Total	34543.04	20230.22	7244.25	10377.4	6906.68	15092.0

Table 2 – polycyclic aromatic hydrocarbons and total emissions of benzene by macro sectors – 2006

	BAP (kg)	BBF (kg)	BKF (kg)	C6H6 (kg)	INP (kg)
01 COMBUSTION IN ENERGY AND TRANSFORMATION INDUSTRY	0.0	0.0	0.0	7.69	0.0
02 NON-INDUSTRIAL COMBUSTION PLANTS	500.65	481.56	320.78	0.46	357.15
03 COMBUSTION IN MANUFACTURING INDUSTRY	0.23	0.51	0.51	3.39	0.12
04 PRODUCTION PROCESSES	16.64	0.0	0.0	274.92	0.0
05 EXTRACTION AND DISTRIBUTION OF FOSSIL FUELS AND GEOTHERMAL ENERGY	0.0	0.0	0.0	330.92	0.0
06 SOLVENT AND OTHER PRODUCT USE	0.0	0.0	0.0	0.0	0.0
07 ROAD TRANSPORT	1.06	2.2	1.81	67178.36	1.48
08 OTHER MOBILE SOURCES AND MACHINERY	0.0	0.0	0.0	0.0	0.0
09 WASTE TREATMENT AND DISPOSAL	0.0	0.0	0.0	0.0	0.0
10 AGRICULTURE	1.27	0.77	0.38	794.57	0.51
11 OTHER SOURCES AND SINKS	11.27	11.27	6.26	0.0	8.76
Total	531.13	496.29	329.74	68590.3	368.02

Table 3 – Total emissions of ammonia by macro sector – 2006

	NH3 (Mg)
01 COMBUSTION IN ENERGY AND TRANSFORMATION INDUSTRY	13.32
02 NON-INDUSTRIAL COMBUSTION PLANTS	9.93
03 COMBUSTION IN MANUFACTURING INDUSTRY	0.04
04 PRODUCTION PROCESSES	0.0
05 EXTRACTION AND DISTRIBUTION OF FOSSIL FUELS AND GEOTHERMAL ENERGY	0.0
06 SOLVENT AND OTHER PRODUCT USE	0.0
07 ROAD TRANSPORT	29.22
08 OTHER MOBILE SOURCES AND MACHINERY	0.01
09 WASTE TREATMENT AND DISPOSAL	304.55
10 AGRICULTURE	3680.17
11 OTHER SOURCES AND SINKS	0.0
Total	4037.24

Table 4 – Total emissions of gasses with green house effects by macro sectors – 2006

	CH4 (Mg)	CO2 (Mg)	N2O (Mg)

Table 4 – Total emissions of gasses with green house effects by macro sectors – 2006

	CH4 (Mg)	CO2 (Mg)	N2O (Mg)
01 COMBUSTION IN ENERGY AND TRANSFORMATION INDUSTRY	11.23	3572157.53	122.37
02 NON-INDUSTRIAL COMBUSTION PLANTS	623.07	127738.51	9.36
03 COMBUSTION IN MANUFACTURING INDUSTRY	3.65	96597.69	47.64
04 PRODUCTION PROCESSES	1.82	191536.39	0.72
05 EXTRACTION AND DISTRIBUTION OF FOSSIL FUELS AND GEOTHERMAL ENERGY	2040.0	411.0	0.0
06 SOLVENT AND OTHER PRODUCT USE	0.0	0.0	0.0
07 ROAD TRANSPORT	82.61	335277.62	27.27
08 OTHER MOBILE SOURCES AND MACHINERY	0.19	34417.42	1.53
09 WASTE TREATMENT AND DISPOSAL	31551.41	87954.14	0.0
10 AGRICULTURE	16963.72	0.0	190.75
11 OTHER SOURCES AND SINKS	72.12	-836032.64	1.16
Total	51349.82	3610057.66	400.8

Table 5 – Total emissions of heavy metals by macro sectors – 2006

	As (kg)	Cd (kg)	Cr (kg)	Cu (kg)	Hg (kg)	Mn (kg)	Ni (kg)	Pb (kg)	Se (kg)	Zn (kg)
01 COMBUSTION IN ENERGY AND TRANSFORMATION INDUSTRY	87.73	62.34	184.6	86.24	144.95	43.46	717.32	133.59	1.11	213.31
02 NON-INDUSTRIAL COMBUSTION PLANTS	1.27	2.04	5.06	16.36	1.53		16.26	80.55	1.13	198.57
03 COMBUSTION IN MANUFACTURING INDUSTRY	12.67	24.84	61.78	46.74	24.88	49.53	989.71	32.94	0.0	157.4
04 PRODUCTION PROCESSES	0.29	21.94	57.31	11.48	1.69	0.03	1796.1	70.76	7.16	4000.4
05 EXTRACTION AND DISTRIBUTION OF FOSSIL FUELS AND GEOTHERMAL ENERGY	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
06 SOLVENT AND OTHER PRODUCT USE	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
07 ROAD TRANSPORT	0.0	1.17	5.86	199.35	0.0		8.21	945.24	1.17	117.27
08 OTHER MOBILE SOURCES AND MACHINERY	0.14	0.04	0.17	2.02	0.0	0.0	0.28	0.28	0.58	2.52
09 WASTE TREATMENT AND DISPOSAL	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
10 AGRICULTURE	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
11 OTHER SOURCES AND SINKS	0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0
Total	102.1	112.37	314.79	362.2	173.05	93.02	3527.87	1263.37	11.14	4689.46

34. Are there national programmes or strategies for reducing emissions of atmospheric pollutants?

The National Strategy for Sustainable Development of Montenegro (2007) defines the following priority measures in the area of conservation and improvement of air quality:

1) adjustment of national legislation with EU recommendations in the area of air quality;
2) ratification of relevant protocols to the Convention on the Long-range Trans-boundary Air Pollution;
3) developing of a long-term strategy and an action plan for air quality management;
4) cessation of use of motor fuels with lead-based additives and reduction of sulphur content in diesel fuel and oil;
5) introduction of integrated permit in line with IPPC legislation;
6) establishing of national network for air quality monitoring in line with the EU standards.

The Law on Air Protection, whose adoption by the Assembly of Montenegro is planned by the end of 2009, provides adoption of the National Strategy for Air Quality Management for a period of four years. Adoption of the Strategy is planned for 2011, whereby in accordance with Article 17 of the draft Law on Air Protection it is defined that the contents of the Strategy shall include:

1) analysis of the state of air quality;
2) objectives whose implementation the Strategy shall plan;
3) the priority actions and measures;
4) preventive measures to preserve air quality;
5) measures to reduce the concentration of pollutants in the air;
6) measures to reduce emissions of pollutants into the air from stationary and mobile sources;
7) measures to reduce emissions of pollutants and gases with the greenhouse effect, by sector;
8) measures for gradual elimination of substances that deplete the ozone layer;
9) measures to reduce emissions of persistent organic pollutants and heavy metals;
10) measures to minimize the adverse impact acid rain, eutrophication and photochemical pollution;
11) measures to minimize and eliminate emissions that have a negative impact on air quality in the trans-boundary context;
12) Action plan for the implementation of the Strategy;
13) assessment of resources for the implementation of the Strategy;

35. Are there national, regional or local plans or programmes specifically addressing improvement of air quality (i.e. concentration levels of certain pollutants) in the respective areas?

The Law on Air Quality (*"Official Gazette of the Republic of Montenegro", No. 48/2007 dated on 9 August 2007)* stipulates developing an Action Plan for reducing air pollution in cases of exceedance of established limit values. The Law also foresees developing of reclamation programmes for cases of total exceedance of the limit value and margin of tolerance for one or

more polluting substances. The Law proposal on air protection brings plans for air quality in full compliance with recommendations of the Directive 2008/50/EC.

According to the ongoing practice, the government of Montenegro adopts the Information on the Environmental Performance every year on the basis of the report on air quality which is prepared on an annual basis in line with the implemented yearly Air Quality Monitoring Programme. This information proposes measures for improving air quality on the basis of monitoring results. Bearing in mind that the air quality in Montenegro is relatively good, programmes of measures that would specifically address certain pollutant or a specific area have not been developed so far.

36. In addition to the measures referred to under the heading "Industrial Pollution Control and Risk Management", is there national legislation controlling emissions from mobile sources (cars, trucks, buses, etc.)?

In Montenegro, there is neither a harmonized system, nor national regulations to control emissions from mobile sources that are harmonized with EU standards. Manner and procedure of emission control of exhaust gases is regulated by:

- Law on Road Traffic Safety (Official Gazette of the Republic of Montenegro 72/05 dated on 01 December 2005), which regulate the establishment of "ecological requirements in terms of allowable content of toxic substances in exhaust gases and noise levels regulated by the established standards."

- Rulebook on Technical Inspection of Vehicles (Official Gazette of the Socialist Republic of Montenegro 6/84 dated on 1984), which stipulates that the authorized organization which conducted the technical inspection of vehicles shall determine the composition of exhaust gases and strength of vehicle noise".

Moreover, with a view to a greater degree of environmental protection the following acts were adopted: Decision on conditions that imported motor vehicles must meet (Official Gazette of the Republic of Montenegro 44/07) and the Rulebook on manner of checking the fulfillment of conditions, form and the contents of certificates and the fee for used motor vehicles that are imported (Official Gazette of the Republic of Montenegro 16/08), which, *inter alia*, introduces a minimum standard of EURO 3 as obligatory for vehicles, which is related to emissions from vehicle exhaust gases and noise levels of vehicles. By adopting this Decision, transposition of the following EU directives into national legislation has been approached: EU 70/220/EEC, 98/69/EC, 88/77/EEC, 1999/96/EC, 70/157/EEC and 96/20/EEC, corresponding to the Rulebooks UN/EEC.

In 2010, it is planned to take the new Decisions on conditions that imported motor vehicle must meet, according to which, the conditions for environmental and health protection shall be considered fulfilled, if the motor vehicle shall be equipped with the minimum standards of EURO 4.

The proposal of the new Law on Air Protection (whose adoption is expected by the end of 2009) specifies the legal framework (Article 26, paragraph 2) for adoption of secondary legislation concerning this area, since it has not been addressed so far by the national legislation. There is, however, one provision included in the Decree on the amounts of payable charge, the manner of calculation and payment due to environmental pollution (Official Gazette of Montenegro 5/2009 dated on 27 January 2009), which stipulates payment of a yearly fee for using road motor vehicles and their auxiliary vehicles.

37. What arrangements are in place to monitor the quality and life-cycle greenhouse gas impact of petrol, diesel, other gas oils and heavy fuel oil?

Organized monitoring of the quality and life-cycle greenhouse gas impact of petrol, diesel, other gas oils, and heavy fuel oil has not yet been established in Montenegro.

The Decree on Amendments to the Decree on Public Administration Organisation and Manner of Work (Official Gazette of Montenegro 59/09) dated on September 2009, stipulated for the first time that the ministry responsible for environmental protection shall take administrative jurisdiction for the quality of fuels and bio-fuels.

Until new regulations on quality of petrol are adopted, there are two rulebooks currently in force in Montenegro: the Rulebook on technical and other requirements on quality of oil-based liquid fuels (Official Gazette of Serbia and Montenegro 18/2006 dated on 28 April 2006) and the Rulebook on technical and other requirements for bio liquid fuels of bio origin (Official Gazette of Serbia and Montenegro 23/2006 dated on 19 May 2006). Moreover, there is no programme for monitoring the quality of liquid petroleum fuel or provisions regulating this matter.

The proposal of the Law on Air Protection that shall be adopted by the end of 2009 contains, in Article 27, paragraph 3, the legal basis for adopting the Decree on quality oil-based liquid fuels which will, inter alia, define types of oil-based liquid fuels, limit values of contents for pollutants and other characteristics of fuels that, in terms of environmental protection, shall comply with the principles of defining and monitoring both characteristics of a fuel and conformity assessments in the moment of releasing a product on the local market. The Decree will be harmonised with the European legislation in the area of quality of fuels, that is, with the following directives: *Directive 98/70/EC, Directive 1999/32/EC, Directive 94/63/EC, Directive 2000/71/EC, Directive 2003/17/EC, Marine Pollution Convention, MARPOL 73/78.* The deadline for adoption of this regulation is the first quarter of 2010. The date of entry into force of this Decree shall forbid placing on the domestic market of gasoline containing more than 0.005 g/l of lead.

The implementation of the project "Enhancing the quality of fuel in Montenegro - Phase 1", which was launched by the Regional Environmental Centre (REC) in Podgorica, and funded by UNEP/ PCFV, is in progress The project objective is the creation of the National Action Plan for the gradual enhancement of fuel quality in Montenegro in accordance with EU standards, and implementation of promotional activities related to raising awareness of of the hazards of using leaded gasoline on human health and the environment.

38. What arrangements are in place to control Volatile Organic Compound (VOC) emissions from different sources?

For now, in Montenegro there are no regulations that regulates control Volatile Organic Compound (VOC) emissions from different sources that comply with EU directives in this field.

The legal basis for the regulation of VOC's is provided by the draft Law on Air Protection that shall be adopted by the end of 2009. Namely, on the basis of the proposal Law on Air Protection (Articles 27 paragraph 1), the Decree on limit values of contents for volatile compounds in paints, varnishes and specific products for protection, painting and varnishing of vehicles will be adopted. This Decree will stipulate labelling of these products, programme for monitoring consumption of these products and analytical methods for defining content of volatile organic compound in products in line with Directives 1999/13/EC and 2004/42/EC.

As for the emissions of Volatile Organic Compounds (VOC) during distribution and storage of fuels, the only valid legal provision regulating this area is the Rulebook on construction of service stations and fuel storage and decanting (Official Gazette of the Federal Republic of Yugoslavia 27/71) from 1971. The proposal of the Law on Air Protection stipulates adopting of secondary legislation which will define technical standards for protection of air from emissions of volatile organic compounds occurring during storage, decanting and distribution of petrol in line with the Directive of the European Parliament and Council 94/63/EC of 20 December 1994 on the control of Volatile Organic Compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations.

39. What is the state of implementation of the UNECE Convention on long-range transboundary air pollutions and its protocol on SO2, NOx and VOCs?

By the right of succession, Montenegro became the signatory to the Convention on the Long-Range Trans-boundary Air Pollution (CLRTAP) and EMEP Protocol in October 2006.
During the 2008, Montenegro developed the National Gas Emissions Inventory, in accordance with the obligation assumed by signing the Convention on the Long-Range Trans-boundary Air Pollution. The Inventory, which includes gas emissions specified in this Convention, was developed in 2006 and sent to the European Environment Agency through its partnership network EIONET, which helps collecting and organizing of data and dissemination of environmental information in Europe. The process of preparation of the Informative report on inventory (IIR) for 2006, which is an accompanying document to the national gas emission inventory, is in its final phase.
Currently, Montenegro is participating in the regional project, the objective of which is to ratify three valid UNECE protocols:

- Protocol on persistent organic pollutants from 1998 (POPs), which came into force on 23 October 2003,
- Protocol on heavy metals from 1998; came into force on 29 December 2003,
- Protocol on reducing acidification, eutrophication, and tropospheric ozone from 1999; came into force on 17 May 2005.

As noted, the UNECE regional project provides ratification of the Protocol on acidification, eutrophication and ground-level ozone and to prepare it for implementation. The National Action Plan for ratification of three CLRTAP protocols that will provide the necessary activities, holders of these activities, as well as deadlines for their implementation is in the final stages of preparation. The plan will also define the manner and timing of implementation measures in accordance with the guidelines of the executive body of the Convention, as well as measures to reduce emissions of volatile organic compounds related to the use of certain products, a measure of control of emissions of ammonia and application of best available technology to prevent emissions of ammonia.
The preparatory process for implementation of the Protocol on reducing acidification, eutrophication, and tropospheric ozone will create in the same time necessary conditions for transposition of the Directive 2001/81/EC in our national legislation. For the purpose of ratifying this protocol, the year 1990 will be used as the base year, since the gas emissions inventory contains comparable data for this year and they will be used as a basis to determine obligations concerning reduction of emissions of SO_2, NOx, VOC and NH_3.
The proposal of the Law on Air Protection, that is in procedure in the Government, shall provide adoption of the secondary legislation, including the Decree on emission limit values of pollutants from point sources which will transpose into the Montenegrin legislation limit values for both new and already operating industrial plants when it comes to sulphur and oxides of sulphur, oxides of nitrogen and volatile organic compounds. Adoption of these regulations is planned for the end of 2010.

The secondary legislation, whose adoption is planned on the basis of the proposal of the Law on Air Protection, shall fulfill obligations arising from the protocol on quality of petrol and emissions from mobile sources.

C. Waste Management

40. What are the main features of the legislation concerning waste management (household waste, light office and commercial waste, industrial waste including hazardous waste and sludges from urban waste water treatment)?

The basic legal framework for waste management was established by the Law on Waste Management (Official Gazette of the Republic of Montenegro 80/05 of 28 December 2005 and Official Gazette of Montenegro 73/08 of 02 December 2008). The Law was adopted in December 2005, but its implementation was postponed for 1 January 2010, in order to ensure required infrastructure and planning preconditions and prepare the envisaged secondary legislation prior to it.

The main characteristics of the regulations relating to the waste management are contained in the Law on Waste Management including the following:

- The Law on Waste Management created legal preconditions for a further development of particular issues by means of relevant secondary legislation in order to ensure a full harmonization with the relevant directives of the European Union;
- The Law on Waste Management starts from the on fundamental principles of waste management (the principle of sustainable development, proximity and regional development of waste management, precaution, the "polluter pays" principle and the principle of waste management hierarchy);
- The Law creates the preconditions which will contribute to the following: prevention of waste generation and gradual reduction of adverse effects of waste to a minimum; reduction of quantities of generated waste; waste reutilization, recycling and recovering; making use of waste value through the composting and production of energy generation; sustainable development through rational utilization of natural resources; establishment of an integrated and effective system of waste management in a way which is safe for human health and the environment; establishment of a system of regional waste management; environmentally sound disposal or incineration of waste, remediation of unregulated landfills, etc.;
- The Law also stipulates an obligation of waste management planning on the national and local level and an obligation of waste generating entities that generate legally specified quantities of hazardous or non-hazardous waste to develop own waste management plans;
- According to the Law, depending on the level of hazard, the waste is classified as hazardous and non-hazardous waste. Inert waste is the waste that has no adverse effect on the environment, particularly on water bodies.

Other important features of the Law on Waste Management include the following:

- The Law regulates issues that relating to the type and classification of waste, waste management planning, ensuring of the conditions for waste management, rights, obligations and responsibilities of legal and natural persons, terms and procedures for the issuing of permits, monitoring and other issues relevant for waste management;
- Any import of hazardous waste to Montenegro is prohibited, as well as an import of other types of waste intended exclusively for disposal and incineration;

- Waste Management is defined as the prevention, reduction, reuse, collection, transport, recovery and disposal of waste, including the control of these activities and a control which is carried out after the disposal of waste;
- A system for issuing of permits for waste recovery and disposal and a system for the collection and transport of waste are in place. Waste recovering and disposal may be carried out by a company or an entrepreneur that possess suitable equipment and has the required number of employees, on the basis of special permit. Likewise, the collection and/or transport of waste may be carried out by a company or entrepreneur, that possess suitable equipment for the collection and/or transport of waste and has the required number of employees;
- Waste is managed by the waste holder in accordance with the Law on Waste Management, waste management plans and programmes and the requirements concerning environmental protection. The management of hazardous and special types of waste is regulated by the Government;
- According to the Law on Waste Management, household waste is disposed of according to i the local plan for waste management;
- Management of special types of waste (waste batteries and accumulators, waste tyres, end-of-life vehicles, waste electrical and electronic products and packaging waste), will be regulated by secondary legislation that is currently being prepared, in order to ensure a more comprehensive transposition of the European Union's directives regulating those types of waste and regulate in more detail the obligations of the manufacturers and importers of such products to keep registers on waste report the quantities of products placed on the market, take part in an organised system of acceptance, collection and treatment of waste. The Law on Waste Management also provides for establishment of a public company for the acceptance, collection and treatment of special types of waste or to outsource these tasks if the previous system if proven inefficient.

According to the Third Annual Report on the results of transposition of the EU legal framework in the national system under the project *Progress monitoring in the area of environment for potential Candidate Countries and the Former Yugoslav Republic of Macedonia*, including Montenegro, 53% of the Law on Waste Management is harmonised with the Directive on Waste 2006/12/EC which codifies the Framework Directive on Waste 75/442/EEC and which was repealed in 2008 by the new Directive on Waste 2008/98/EC. Adoption of secondary legislation on the basis of the Law on Waste Management will enable full harmonization with the European legislation, in particular with the:

- Directive 99/31/EC on the landfill of waste (Article 60 and Article 66a of the Law);
- Directive 2000/76/EC on the incineration of waste (Article 58 of the Law);
- Directive 94/62/EC on packaging and packaging waste (Article 51a of the Law);
- Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (Article 54 of the Law);
- Directive 2000/53/EC on end-of life vehicles (Article 49 of the Law);
- Directive 2002/96/EC on waste electrical and electronic equipment (Article 50 of the Law);
- Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCBs/PCTs) (Article 45 of the Law);
- Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators (Article 47 of the Law);
- Directive 2000/53/EC on end-of-life vehicles (Article 49 of the Law);
- Regulation (EC) 1013/2006 on trans-boundary movement of waste (Article 69 of the Law);
- Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture.

During 2009, the following two pieces of secondary regulation were adopted:

- Decree on the criteria, amount and manner of payment of a special fee for waste management (Official Gazette of Montenegro 11/09),
- Rulebook on waste classification and the procedures for its treatment, recovery, and disposal (Official Gazette of Montenegro 68/09).

The following documents have been prepared in the form of a proposal, including the comments provided by the competent authorities:

- Decree on the method and procedure for the registration of electrical and electronic equipment and their placement on the market, establishment of a system for the acceptance, collection and treatment of waste electrical and electronic equipment and its operation;
- Decree on the method and procedure for the registration of vehicles and their placement on the market, establishment of a system for the acceptance, collection and treatment of end-of-life vehicles and its operation;
- Decree on the method and procedure or the registration of packaging and packed products and their placement on the market, establishment of a system for tne acceptance, collection and treatment of packaging waste and its operation;
- Rulebook on detailed characteristics of a location, building conditions, sanitary - technical conditions, manner of operation and closure of landfills, vocational degree and qualifications of a landfill manager and types of waste and the conditions for waste disposal on a landfill;
- Rulebook on the methods for waste testing, the ways, procedures and methods for waste characterization, the institutions that carry out waste characterization and the content of report forms;
- Rulebook on detailed conditions to be met by municipal sewer sludge; number, extent, frequency and methods of municipal sewer sludge testing for the permitted purposes and the conditions to be met by the land planned for its application.

The following documents have been drafted:

- Decree on the manner and procedure for the registration and placement of products on the market, establishment of a system of acceptance, collection and treatment of waste batteries and accumulators and its operation;
- Decree on the manner and procedure for the registration and placement tyres on the market, establishment of a system of acceptance, collection and treatment of waste tyres and its operation;
- Rulebook on the format, content and manner of filling in a form on the transport of waste and waste register keeping;
- Rulebook on the requirements to be met by the equipment and staff performing the waste treatment activities;
- Rulebook on waste incineration;
- Rulebook on the manner of treatment of waste oils in line with applicable technical and technological aspects of treatment;
- Rulebook on the method and procedure for the treatment of waste containing PCB.

In 2006, Montenegro became a signatory to the Basel Convention on the Control of Trans-boundary Movements of Hazardous Waste and their Disposal by the right of succession.

General recommendations of the EU horizontal legislation which are relevant for the Law on Waste Management are included in the following regulations: Law on Environment (Official Gazette of Montenegro 48/08 of 11 August 2008), Law on Strategic Environmental Assessment (Official Gazette of Montenegro 80/05), Law on Environmental Impact Assessment (Official Gazette of

Montenegro 80/05), Law on Integrated Pollution Prevention and Control (Official Gazette of Montenegro 80/05). Namely, the Law on Waste Management is based on the general principles of horizontal legislation of the European Union for the concerned areas. Likewise, there is a connection with the Low on Communal Activities (Official Gazette of the Republic of Montenegro 12/95), which defines cleaning services in the cities and other settlements, i.e. collection and disposal of garbage and other types of waste from residential buildings, business premises and public areas, as an activity of public interest falling within the competence of local self-governments.

41. Please provide basic information about facts and figures on waste generation and management:

a) Quantity, type (e.g. hazardous) and origin (industrial installations, agriculture, mining and quarrying, municipalities etc.) of waste generated per year;

It is very hard to estimate the quantities of waste currently generated in Montenegro. The main reason for a shortage of data on qualitative and quantitative analysis of waste lies in an absence of valid records. The quantities of generated waste differ significantly from those of of collected, treated and disposed waste.

Municipal waste

Due to a long duration if discharged of monitoring in the area of waste management, no accurate information on waste quantities is available, even so in most of the local self-governments, as the basic organizational units that should be bearers of waste management. The data obtained from the majority of local self-governments and their public companies are for mostly inconsistent and incomplete, while the methods of their presentation are incompatible. The data on waste quantities are often presented in different measurement units (weight - t/day and bulk density - m^3/day).

Therefore, the estimated quantities of generated waste from the Waste Management Plan of Montenegro for the period 2008 - 2012 are presented in text below. This Plan used the main parameters provided by the Strategic Master Plan for Waste Management as the basis to assess the quantities of waste. Calculations of quantities of generated waste are based on the registered number of permanent or impermanent residents and experiences of countries that are comparable to Montenegro in terms of economic development and waste management. Since geographical structure of Montenegro includes significant contrasts that are very important in the sense of generation, management, transport and disposal of municipal waste, in order to established the quantities of generated waste, the Strategic Master Plan observed the territory of Montenegro as divided into following three regions:

- The Mountainous (Northern) Region, including the municipalities of Andrijevica, Berane, Bijelo Polje, Kolašin, Mojkovac, Plav, Plužine, Pljevlja, Rožaje, Šavnik, Žabljak;
- The Central Region, including the municipalities of Cetinje, Danilovgrad, Nikšić, Podgorica;
- The Coastal Region, including the municipalities of Bar, Budva, Herceg Novi, Kotor, Tivat, Ulcinj

Observed by regions, the Strategic Master Plan considered the following daily quantities of generated waste per capita:

- Mountain (Northern) Region 0,6 kg/per capita/day;
- Central Region 0,8 kg/per capita/day;
- Coastal Region 0,9 kg/per capita/day.

The quantity of waste generated as a result of tourist services varies depending on the season of the year and the region where it is generated and is directly related to the number of overnight stays. This type of waste is mainly generated during a specific period of a year. According to the

Strategic Master Plan, each tourist generates 1,5 kg/tourist/day. The Master Plan also includes the quantity of waste generated by the residents of Montenegro who belong to the category of refugees and displaced persons (0,25 kg/person/day).

According to the foregoing, an assessed annual generation of waste in Montenegro, observed by municipalities, is shown in table below:

Estimate of waste generation by municipalities

		Producers of waste				Quantity of waste by municipalities (t/year)				
Municipality	**Region**	**Population**	**Tourist (Overnight Stays)**	**Persons Working Abroad**	**Refugees**	**Local Population**	**Tourist Overnight Stays**	**Persons Working Abroad**	**Refugees**	**Total**
Podgorica	Central Region	169.132	74.169	10.352	12.507	50.532	111	766	1.138	52.547
Niksic		75.282	35.826	1.522	2.500	22.211	54	113	228	22.606
Cetinje		18.482	39.948	243	140	5.410	60	18	13	5.501
Danilovgrad		16.523	230	119	800	4.899	0	9	73	4.981
		279.419	*150.173*	*12.236*	*15.947*	*83.052*	*225*	*906*	*1.452*	*85.635*
Bar	Coastal Region	40.037	721.774	5.502	7.191	13.652	1.083	458	654	15.847
Herceg Novi		33.034	1.506.053	1.137	4.000	11.220	2.259	95	364	13.938
Ulcinj		20.290	588.280	6.202	1.360	6.789	882	516	124	8.311
Kotor		22.947	347.023	763	815	7.613	521	63	74	8.271
Budva		15.909	2.319.339	410	2.000	5.411	3.479	34	182	9.106
Tivat		13.630	209.301	510	2.000	4.662	314	42	182	5.200
		145.847	*5.691.770*	*14.524*	*17.366*	*49.347*	*8.538*	*1.208*	*1.580*	*60.673*
Bijelo Polje	Mountain Northern Region	50.284	9.945	7.015	1.550	11.154	15	389	141	11.699
Pljevlja		35.806	7.921	1.098	700	7.905	12	61	64	8.042
Berane		35.068	2.323	5.922	5.716	8.217	3	329	520	9.069
Rozaje		22.693	1.239	5.003	1.140	5.034	2	278	104	5.418
Plav		13.805	0	7.879	2.000	3.208	0	437	182	3.827
Mojkovac		10.066	5.714	251	235	2.227	9	14	21	2.271
Kolasin		9.949	18.575	104	500	2.225	28	6	46	2.305
Andrijevica		5.785	0	686	1.515	1.408	0	38	138	1.584
Pluzine		4.272	1.075	25	140	948	2	1	13	964
Zabljak		4.204	47.307	39	105	931	71	2	10	1.014
Savnik		2.947	228	34	0	645	0	2	0	647
		194.879	*94.327*	*28.056*	*13.601*	*43.902*	*141*	*1.557*	*1.239*	*46.839*
Total		620.145	5.936.270	54.816	46.914	176.301	8.904	3.671	4.271	193.147

Source: Montenegro Waste Management Plan for the period 2008 – 2012 (Official Gazette of Montenegro 16/08)

Although the waste is generated on daily basis in the entire territory of Montenegro, not all producers of waste have access to the services of collection and transport of waste. Following the data provided by all municipalities in Montenegro, it was established that waste collection services are provided mainly in the central areas (cities, i.e. urban areas) of local self-governments, while the waste generated in rural areas, i.e. villages and small settlements, is not collected. It can be estimated that the services of communal companies for waste collection cover approximately 80% of the population living in urban areas, while the waste generated in villages and smaller settlements is disposed on "illegal landfills".

Since the opening of a new sanitary landfill in Podgorica in August 2006, the quantities of waste disposed on this landfill has been measured and registered on a daily basis by means of an electronic scale. The table below shows the quantities of municipal waste disposed on this landfill in 2008. The overview also includes a part of the waste from the municipalities of Danilovgrad[4], Budva, Kotor, Tivat[5], and Bar[6].

Month	**Quantities of disposed waste on the landfill in Podgorica in 2008 (in kg)**						
	Podgorica	**Danilovgrad**	**Budva since 09 April**	**Kotor since 18 April**	**Tivat since 18 April**	**Bar since 10 July**	**Total**
January	3.962.040	161.200					4.123.240
February	3.978.860	172.640					4.151.500
March	4.748.480	232.180					4.980.660
April	4.584.820	219.640	1.039.920	232.580	215.020		6.291.980
May	4.665.620	218.040	1.811.020	401.780	521.800		7.618.260
June	4.637.380	214.360	2.432.580	381.700	624.740		8.290.760
July	4.702.020	225.040	3.328.000	631.700	810.700	708.040	10.405.500
August	4.494.560	257.480	3.401.680	535.880	876.980	2.260.100	11.763.680
September	4.897.380	216.020	2.096.020	457.160	540.300	1.414.520	9.666.400
October	4.784.820	257.720	1.271.500	358.540	464.260	1.090.220	8.227.060
November	4.696.060	270.980	958.960	372.220	424.520	1.094.660	7.817.400
December	4.875.500	272.520	1.008.200	455.320	482.460	917.640	8.011.640
Total	**55.027.540**	**2.762.820**	**17.347.880**	**3.826.880**	**4.870.780**	**7.485.180**	**91.321.080**

Source: Annual Report of the DOO "Deponija" (LCC "Landfill") Podgorica for 2008

Having compared the data on the disposed quantities of waste on the landfill in Podgorica with those anticipated under the Waste Management Plan for the listed municipalities and having applied the obtained ratio to the other cities in Montenegro, a conclusion could be drown that the quantity of municipal waste generated in the territory of Montenegro is approximately 32% higher

[4] According to the Strategic Master Plan, that envisages a regional (inter-municipal) waste management and disposal, the municipalities of Podgorica, Danilovgrad and Cetinje will dispose their waste on a common landfill in Podgorica;
[5] According to the Strategic Master Plan, the municipalities of Kotor, Budva and Tivat are required to jointly organise their waste disposal activities by constructing a common landfill; in the period from of 2005 to 2008, these three municipalities use to dispose their municpal waste on a temporary sanitary landfill of Lovanja, while after its closure, they continued disposing their waste on the landfill in Podgorica;
[6] Since the disposal of waste on the municipal dumping site in Bar was banned by the inspection authorities, this municipality also started disposing its waste on the landfill in Podgorica.

than the one foreseen by the Waste Management Plan. Accordingly it is assumed that a quantity of approximately 255 000 tonnes of municipal waste is generated in Montenegro per annum.

Selective Collection of Waste - Separation of Recyclable Components

According to the Law on Waste Management, the producers of municipal waste are obliged to separate various types of waste for the purpose of recycling, according to the procedure for waste separation and collection stipulated by the local self-government. The local government also stipulates the method, procedure and conditions for the provision of cleaning services, collection, and disposal of waste from households and business premises in garbage containers or in another manner as well as the manner of collection and disposal of bulky household waste, which cannot be disposed in containers.

A system of selective waste collection has still not been established in Montenegro, except for a pilot project under which a certain number of containers (600) was provided for the selection of particular types of waste (paper, PET, metal and aluminium cans) at the point of origin. Only the cities of Herceg Novi and Podgorica, and recently Kotor and Budva as well, have taken a more serious approach to this issue. In 2008, approximately 785 tonnes of paper and 154 tonnes of PET packaging, solid polyethylene and cans were collected and compacted in the municipality of Herceg Novi i.e. prepared to be transported to the recycling centres outside of Montenegro.

In 2008, more than 1.774.650 tonnes of paper and cardboard were selected in the municipality of Podgorica.

Hazardous municipal waste is generated as a result of the activities carried out in households and institutions. Since the generation of this type of waste is not monitored separately but as a part of the totally generated municipal waste, no data on its annual production are available. Based on indicators used in the countries of similar economic development, it was estimated under Strategic Master Plan that annual production of hazardous household waste amounted to approximately 950 tonnes.

Industrial waste

Industrial waste includes all types of hazardous waste and by-products, which are the resulting from particular technological - industrial processes. Observed by its composition and characteristics, the industrial waste resulting from the production processes in industry and handicraft sector differs from the municipal one. The data on industrial waste are few and no systematic record of this type of waste is maintained.

Based on its features, industrial waste may be hazardous and non-hazardous. Hazardous waste is classified by the legal regulation of Montenegro line with the Basel Convention, as follows: toxic, inflammable, eco-toxic, explosive etc.

The Law on Waste Management stipulates that every producer of waste has to provide for a safe disposal of the produced waste in accordance with the regulations.

Non-hazardous industrial waste means the waste that has no characteristics of hazardous waste that are specified by the Rulebook on the Types and Methods of Waste Testing. There are no reliable data on the quantities and types of waste which is generated as a result of technological processes and which cannot be classified as hazardous waste according to its features. This type of waste is generated as a result of wood processing and food processing industry, but also in the industry of non-metal and mineral products.

Waste generated in agriculture, fish industry, food and beverage production and similar sectors is mainly classified as municipal household waste.

Hazardous Industrial Waste - The period of 1954 - 1984 was the period of rapid industrial development in Montenegro. This is when some significant industrial facilities for the production of special steel, aluminium, aluminium oxide, bauxite, coal and sea salt were constructed in addition to the facilities of wood processing, metal processing, leather and textile industry, electric industry, chemical industry, processing of agricultural products, etc.

A decline in economic development in the 90's of the previous century resulted in very unfavourable conditions for industrial production which inevitably brought about a change in the direction of economic development of Montenegro.

The current principles of development of Montenegro are based on sustainable valorisation of natural resources in the area of tourism, agriculture, forestry, wood processing and similar in addition to the utilization of modern business and technological methods and introduction of cleaner and new technologies, in order to create the required preconditions for a sustainable development of Montenegro. These principles will have an effect on further industrial development, and accordingly on requirements relating to waste management as well.

Accordingly this raises an important issue of how to manage the waste generated in the previous period by large industrial systems, such as the Aluminium Plant of Podgorica, Ironworks of Niksic, Thermal Power Plant of Pljevlja etc. in addition to the waste generated by small and medium-sized enterprises.

Industry	Type of Waste	Quantity		Note
		Hazardous	Non-hazardous	
ALUMINIUM PLANT PODGORICA	Red mud	800.000 t/year		The process of production of alumina from bauxite result in generation of the, so-called red mud. This sludge is the most important waste generated by the Aluminium plant due to the high content of base component (Ph>12,5). It is classified as a hazardous type of waste and requires special handling because of the elements it consists of. The sludge is disposed in two basins of 200.000 m^2 and 220.000 m^2
	Refractory material (chamotte brick)		3.637,13 t/year	
	Coke dust from cranes of anode baking furnaces	157,49 t/year		
	Carbon dust (soot)		10,00 t/ year	
	Residues: carbon dust, bauxite, alumina, grey iron dross etc.		1.574,59 t/ year	
	Bags from filter plants		7,83 t/ year	
	Packaging of sodium sulfide and lime		8,61 t/ year	
	Cathode linings	1.348,18 t/ year		
	Dust of fine and coarse dross	1.059,95 t/ year		
	Coke dust from filters in raw material warehouse	108,94 t/ year		

	Liquid waste	135,00 t		Liquid waste (waste oils) is classified as hazardous type of waste generated and disposed of within the area of Aluminium Plant in the last two years.
IRONWORKS NIKSIC	Dust from thermal power plant - process of coal incineration		12.000 t/year	
	Waste generated in the process of production of steel – slug		30.000 t/year	
	Waste as fire-resistant material from the process of steel production		6.000 t/ year	
	Waste from the processes of hot-rolling mills		3.000 t/ year	
	PBC mixed with other materials and contaminated sand	no data		
	Waste oils	30 t		Waste oils are safely stored in the reservoir within ironworks
JSC TARA PRECISION WORK AD, MOJKOVAC	Waste sediment	7.000 t		Waste sediments containing dissolved of heavy metals (Cd, Pb, Hg, Cr, Ni, Zn, Co) are stored within the factory in an the isolated and safe area;. it is packed in an appropriate packaging and disposed in a metal container. Chemical testing of this waste was carried out by an authorised institution.
LEAD AND ZINK MINE BRSKOVO MOJKOVAC (not operational)	Waste generated in the process of flotation	6.000 -7.000 m^3		This is the an estimated quantity of waste generated in the process of flotation for the production of zinc and lead ores; the waste was stored at the site of former office building of the mine.
PAPER FACTORY "NOVA BERANKA" BERANE	Chemicals used in paper production whose shelf life has expired	8.500 kg		The factory ceased to operate in 2007. Chemicals were stored in a secured area within the factory complex. Those include Urepret (sulphuratted urea-formaldehyde resin) -1.500 kg; Melakley (alkyl ketene dimer-water solution) - 6.000 kg; Leukofor (optical bleacher containing a specific quantity of arsenic-based compound) – 1.000 kg.

DOO KIPS POLIMKA BERANE	Chemicals used in the process of tanning and leather processing	68.772 kg		Waste chemicals used in leather processing; their shelf life expired and they were stored in a safe facility
THERMAL POWER PLANT PLJEVLJA	Ashes generated in the process of coal incineration		280.000-300.000 t/ year	
	Other types of waste: waste oils, heavy fuel oil, paint-related waste	271.000-291.000 t/god		There are no data on the quantities of specific types of this waste.
	Sludge from thermal power plant		no data	The quantities of this waste are included in the previous section - other types of waste
	Ash and slug	7.500.000 t		The data relate to ash and slug generated in the previous production processes and disposed on the landfill of Maljevac. The required physical and physical-chemical tests of this waste were carried out and the obtained results showed an increased content of boron (B) in relation to maximum permitted quantities.
COAL MINE PLJEVLJA	Waste oils	35 t		Waste oils are disposed according to the regulations
	Coal overburden		7.500.000 t	Coal overburden is disposed on the location Jagnjilo which spreads over 150 ha area;
FLOTATION TAILING POND OF THE MINE SUPLJA STIJENA IN PLJEVLJA	Tailing material	3.900.000 t		Approximately 3.900.000 tonnes of tailing material is disposed on an area of 95.000 m^2. Tailing material is finely ground (due to technological requirements), and it contains specific percentage of heavy metals (lead=0,24%, zinc=0,70%, iron, copper and other) and additionally polluted by flotation reagents.
DOO VEKTRA NORD KOLASIN **former company IMPREGNACIJA**	Oil for wood impregnation	10 t		Oil that remained unused by the previous company for wood impregnation was stored properly within Company's complex.
AD DAIDO METAL KOTOR	Galvanic sludge	25 m^3		Waste galvanic sludge was deposed within the Company's complex, on a temporary landfill in line with the regulations. According to the report on

				the nature of waste, prepared by an authorised institution, this waste is hazardous.
ADRIATIC MARINAS, the former SHIP REPAIR SITE (SHIPYARD) "ARSENAL" - TIVAT	Used grit for sandblasting of ships (on land)	2.500 - 3.000 m^3		The complex of the former Shipyard of "Arsenal" Tivat, which is currently in the process of transformation, contains large quantities of waste generated in the process of sandblasting of ships. After the closing of "Arsenal" considerable quantities of this hazardous waste remained atn thissite.
	Waste asbestos-cement boards 1,2 x 1 m and 0,66 x 0,42 m	29.000 + 15.000 pieces		
LLC "DOO HEMOSAN" BAR	Waste solid oil precipitate (sludge) and oily land	136.245 kg		The waste generated in the Shipyard of Bijela was disposed on a temporary location at the recycling centre in the Port of Bar, according to regulations.
	Glycerol	410 l		The waste generated by the LLC "Putevi" (Roads) Podgorica is properly disposed of at the same site.
	Antifreeze	120 l		
	Oily water	500 l		The waste taken from the Ferry Service of "Pomorski saobraćaj" Kamenari and properly disposed
	Waste oils	620 l		
LLC "DOO HEMOMONT PODGORICA" (pharmaceutical industry)	Hazardous waste generated during production processes	1.800 kg/year		The waste is stored in the warehouse for hazardous waste and successively shipped abroad to be destroyed
JLC AD ADRIATIC SHIPYARD	Waste grit	4.683,0 m^3/ year		The data from the previous columns relate to the production in 2008. Additionally, the shipyard contains contains generated in the previous period - Waste grit: 20.000 m^3 - Mixed solid oily waste in barrels (loading capacity 200 l) - approx.30 m^3; - Technological municipal-type waste (wood, polyethylene, ropes, insulation material, cardboard, rubber and other) – approx. 2.000 m^3 - Oily liquid waste: no data on quantities - this type of waste is taken over by an authorised company
	Heavy waste oil from ships	456,0 m^3/ year		
	Oily water – slop from bilge and slop from ship tanks	5.153,0 m^3/ year		
	Mud from chains and muddy ship tanks (m^3)	277,5 m^3/ year		
	Filthy water after cleaning of ship boilers	130,0 m^3/ year		

	Municipal waste from ships		1.472,0 m^3/god	Municipal waste is continuously collected and managed by the local Communal Company.
	Used oil from ships	326,0 m^3/ year		
	Oil sediment from ships-sludge	73,0 m^3/ year		
	Human waste from ships	283,0 m^3/ year		
	Liquid waste from chemical laundry JBB	215,0 m^3/ year		
	Metal waste	1.000 - 1.200 t/ year		It is continually collected and managed by an authorised company
SMALL AND MEDIUM-SIZED COMPANIES	Waste from wood processing, metal industry, food production, textile industry, customer service and other	no data about quantities		Following the preparation of waste management plans, witc is a legal obligation a, better insight into the quantities of waste generated in this sector will be obtained.
JSC "AD PLANTAŽE" PODGORICA	Packaging of agents for protection of plants - PVC bags	15.502 pieces		JSC "AD Plantaze" Podgorica is the largest agricultural company in Montenegro, which uses various agents for the protection of plants, categorized as dangerous chemicals (pesticides, etc.). There are no available data on the quantities of waste generated by "Plantaze" expressed in weight units. The presented data (expressed in pieces of specific waste packaging) refer to the waste generated in the period of 1 February - 8 September 2009; those were contained in the permits issed for the import of plant nutrition and protection substances. The permits are issued by Phytosanitary Administration of Montenegro.
	Packaging of agents for protection of plants - PVC bottles	39.936 pieces		

Special types of waste

Since no systems for the management of special types of waste has been established yet, there are no reliable data on the quantities of such types of waste generated in Montenegro.

Construction Waste

There are no available data in Montenegro about the quantities of construction waste; no organised collection of this type of waste is in place. Only a small quantity of this waste (household waste) is collect and managed by local communal enterprises. However a more intense construction activity over the recent years contributed to a rapid increase of this type of waste which has become an issue due to inadequate waste management. The waste is mostly removed by the contractors, using own machines who separate no useful components of this waste but take mixed waste to a landfill. This waste also contains the components of packaging waste.

Medical waste

Medical waste is generated in Montenegro by public health institutions, pharmacies, doctor or dentist offices, private medical practices, etc. There are two types of medical waste: municipal waste from medical institutions and hazardous medical waste.

No data on measured of quantities of medical waste are available in Montenegro, so it is difficult to estimate the quantities generated on annual basis.

According to data provided by the Clinical Centre of Montenegro for the purpose of preparation of the National Strategy for Medical Waste Management, this institution produces 722 tonnes of medical waste per year out of which 182 tonnes or 25,2% is hazardous medical waste. The quantity of hazardous medical waste generated by the Clinical Centre of Montenegro amounts to 0,66 kg/bed/day i.e. 2,47 kg/bed/day of medical waste.

A projection of quantities of medical waste generated in the hospitals in Montenegro is presented in the table below:

Type of Waste	Number of Beds	Quantity of Waste (t/year)
Hazardous medical waste	2.586	623,0
Municipal medical waste		1.708,4
Total medical waste		2.331,4

Source: National strategy for Medical Waste Management

The waste generated by health institutions and other institutions that produce medical waste has to be added to this quantity. It was estimated that the quantity of medical waste generated in Montenegro was 50% higher than the one from the foregoing table, so that a total estimated quantity of medical waste generated in Montenegro amounts 3496,5 tonnes/year, i.e. 874 tonnes/year of hazardous medical waste.

The largest part of this waste is infectious and, for this reason, it undergoes thermal treatment at the Clinical Centre and some public health institutions.

Sewer sludge from wastewater treatment plants

Currently, Montenegro has a wastewater treatment plant in Podgorica (for population equivalent of 110 000) and Mojkovac in addition to three small wastewater treatment plants, constructed for the purpose of protection of the Skadar Lake. The quantity of sewer sludge that is produced in these plants amount to 40 tonnes/day. Since it is planned to construct a wastewater treatment plant for each city in Montenegro, an annual production of sewer sludge will be much larger.

b) Waste treatment facilities: number and performance of treatment plants, composting and recycling plants, incineration facilities, landfill sites;

Municipal Waste

The collection of municipal waste falls under competence of local self-governments. Accordingly, the collection of municipal waste is carried out by public utility companies in accordance with the decisions on their establishment identifying the level and extent of service provision in addition to the tariff methodology. Approximately 80% of the population is covered by an organised system of collection and disposal of municipal waste. Relatively small quantities of waste generated by the remaining population, mainly living in villages and small settlements, is disposed on unregulated dumpsites (junk piles).

Waste disposal

The collected municipal waste is immediately transported to the official local dumpsites where it is disposed with no prior treatment. The only exception was the waste collected in the territory of the municipalities Kotor, Budva and Tivat, which use to be disposed on the temporary sanitary landfill of Lovanja until the end of 2007 and the waste collected in the territory of Danilovgrad and Podgorica that is disposed on the sanitary landfill of Livade in Podgorica. Since 2008, after the closing of Lovanja landfill, the waste from the municipalities of Kotor, Budva and Tivat has been disposed on the landfill in Podgorica, as well as the one from the municipality of Bar, whose official landfill was closed by the order of inspection due to inadequate operation.

The current locations for waste disposal can be classified as follows:

Category	Criteria	Location
1	Regional sanitary landfill fully equipped with a drainage system and insulation foil; the systems for filtrate and gas monitoring and control are in place.	Livade, Podgorica for Podgorica, Danilovgrad and Cetinje (until the construction of regional sanitary landfills the waste from the municipalities Budva, Kotor and Tivat, will also be disposed on this landfill)
2	Enclosed (fence, swing gate, guard, covering of waste)	Zabljak, Rozaje
3	Covering of waste	Pljevlja, Niksic
4	Enclosed, swing gate, guard	Andrijevica, Herceg Novi
5	Unprotected location, periodical or continual incineration of waste	Ulcinj, Pluzine, Kolasin, Mojkovac, Bijelo Polje, Berane, Savnik and Plav (two landfills – for the citiy of Plav and the settlement of Gusinje);

The Strategic Master Plan for Waste Management envisaged a regional concept of waste disposal. The main objectives of this concept relate to a rational use of space as a limited resource and reduction of overall waste treatment costs, i.e. optimization of space and economic parameters.

According to the Strategic Master Plan, in addition to the existing landfill in Podgorica, 6 more sanitary landfills will be constructed until the end of 2010 in the following municipalities: (i) Bar and Ulcinj; (ii) Kotor, Tivat, Budva and Herceg Novi; (iii) Niksic, Savnik and Pluzine; (iv) Bijelo Polje, Kolasin and Mojkovac; (v) Berane, Andrijevica, Plav and Rozaje (vi) Pljevlja and Zabljak.

The preparation of project documentation (detailed designs) for the construction of foregoing landfills is in progress.

Recycling

Following the principle of hierarchal waste management, the Strategic Master Plan anticipated that all recyclable waste components had to be extracted before finally disposal. Accordingly it was planned to construct the recycling centres next to the regional landfills.

Currently, however, with minor exceptions, Montenegro has still no major capacities for waste recycling. Specifically, some recycling activities are performed only in Herceg Novi, Podgorica, Kotor (at the former landfill of Lovanja) and Budva.

In the territory of the Capital City of Podgorica, specific waste components are extracted and baled before their transportation to the recycling centres outside of Montenegro, since the country has no capacity to treat the materials extracted from waste. The activities relating o the construction of a recycling centre, having the capacity 90.000 tonnes of unsorted waste per year, and a special line for the for treatment of end-of-life vehicles are currently in progress.

Five recycling facilities were installed in the territory of Podgorica for the purpose of selective collection of waste, in order to create the conditions and establish a recycling system. These recycling facilities are currently not in operation, but they should be re-opened soon.

A low-capacity recycling and transfer station, which used to be a part of the temporary sanitary landfill of Lovanja, is currently used by the municipalities Kotor and Tivat for the pre-treatment of waste before it is disposed on the landfill in Podgorica.

In 2006, the municipality of Herceg Novi initiated a selective collection of waste (polyethylene, PET, paper, aluminium cans) which is treated at a low-capacity recycling station before being taken over for further processing by third parties. In July 2009, a recycling facility was also opened with the purpose of selective collection of paper and cardboard, glass, PET, solid polyethylene, cables and metal, clothing items and footwear, tyres, domestic appliances, electronic waste, waste furniture and waste wood, waste edible oils, waste motor oils and accumulators and batteries.

Composting and Incineration of Waste

There are no facilities for composting and incineration of waste in Montenegro.

Industrial and Hazardous Waste

There are no special landfills or plants for the treatment of industrial and hazardous waste in Montenegro that would perform this activity in compliance with the regulations and standards of the European Union.

Additionally, no sites for the disposal of construction (inert) and medical waste have been identified by the majority of municipalities. A few hospitals operate low-capacity equipment for incineration or neutralization of specific types of medical waste.

According to the regulation of Montenegro, each producer of waste must ensure proper management of the produced waste in compliance with regulations and plans on waste management, as approved by the competent local self-government or state authorities, depending on the type of was

c) Figures on export and import of waste (quantity, type).

The Law on Waste Management prohibits import of hazardous waste into Montenegro.

The transit and export of hazardous waste can be performed only on the bases of a permit is issued by the Environmental Protection Agency which is also responsible for the issuing of permits for the import and transit of non-hazardous waste.

Waste Export/Import of in 2009

According to the data of the Environmental Protection Agency, permits for the import of the following quantities and types of non-hazardous waste into Montenegro have been issued since 1 March 2009, when this Agency started operating:

- 91 000 tonnes of waste and scrap iron or steel;

- 1 150 tonnes of waste and remnants of aluminium and aluminium alloys;
- 700 tonnes of residues and remnants of cooper and copper alloys (brass, bronze);
- 200 tonnes of waste and remnants of lead (apart from lead accumulators);
- 150 tonnes of waste zinc;
- 100 tonnes of waste and remnants of corrosion-resistant iron or steel;
- 10 tonnes of rubber granulates - residues, scraps and remnants of rubber (apart from hard rubber) and granulates produced from those;
- 450 tonnes of bran, offal and other residues, whether in the form a pellet or not as a result of bolting, grinding or other treatment process;
- 25 tonnes of starch residues as a result of starch production and similar residues, fibrous mass of sugar beet and similar waste of sugar production, fermentation or distillation of precipitate and waste, whether in the form of a pellet or not.

In the same period, the following quantities of hazardous waste were exported:

- 1 800 tonnes of waste lead accumulators, undamaged or broken,
- 3 pieces of circuit boards.

Waste Export/import of in 2008

In 2008, 63 permits were issued for the import of non-hazardous waste. These were mostly secondary raw materials intended for further processing mostly scrap iron for the purposes of the Niksic Ironworks).

In 2008, the following permits for the export of hazardous waste were issued:

- 1 800 tonnes of waste lead-acid accumulators;
- 36 tonnes of waste non-halogenated solvents;
- 111 tonnes of waste consisting of, containing or polluted by solutions of acids or bases;
- 41 tonnes of waste consisting of or containing unspecified chemicals or those whose self life had expired and that possessed the characteristics of hazardous substances;
- 30 tonnes of pharmaceutical waste (residues from the production, preparation and use of pharmaceutical products, including drugs and medicines whose shelf life had expired),
- 100 tonnes of used oil-filled capacitors and transformers containing PCB.

Exported Hazardous Waste in 2007

Total amount of exported quantity of hazardous waste in 2007 amounted to 208.160 tonnes (transformers, capacitors, contaminated land, waste metal barrels and organic solvents).

42. Is there a general waste management policy (programme, strategy etc.) in place?

The waste management policy and strategy is regulated by the following documents:

- National Waste Management Policy (2004);
- Republic Level Strategic Master Plan for Waste Management (2005);
- National Strategy of Medical Waste Management (2008).

The National Waste Management Policy identified the objectives in the area of waste management (integral and sustainable reduction, control and management of waste with the aim to protect, sustain and improve the quality of life in Montenegro and contribute to the national economic development in accordance with the Declaration on Ecological State of Montenegro) and

activities which need to be performed in order to accomplish those objectives (reduce the production of waste wherever possible and mitigate its effects on the environment; promote the recycling and re-use of waste in order to reduce the quantities of waste which is treated and disposed on landfills; collection, testing and dissemination of information about waste management; developing specific strategies for different types of waste; creation and development of the awareness of sustainable and safe waste management; promotion sustainable waste management and other).

The purpose of this policy is to:

- promote the prevention and minimization of waste generation and hence pollution at source;
- promote the management and reduction of unavoidable effects of waste from its generation to final disposal;
- ensure the integrity and sustained suitability for use of water, air and land;
- ensure the recovery of polluted environment;
- ensure accountability for the consequences of an inadequate waste management.

Based on the established waste management policy, the Government of Montenegro adopted the ***Republic-Level Strategic Master Plan for Waste Management*** .

This document recognized the following main strategic goals in the area of waste management:

- identification of the main directions in waste management for a medium term national development;
- implementation of EU strategic plans through the adoption of EU directives on waste management;
- identification of priorities in the selection of waste management procedures.

Starting from the so-defined objectives and analysis of the current situation in the area of waste management in Montenegro, the Strategic Master Plan defined the directions in future waste management.

Key elements of the Strategic Master Plan:

- reduction of generation of all types of waste and their impact on the environment;
- reduction of the adverse waste impact on human health and environmental resources;
- compliance with all elements of the waste management hierarchy.

The Strategic Master Plan identifies the networks of waste management facilities, contains the data on waste generation and characteristics of treatment and disposal of waste, and suggests management plans for specific types of waste. The Master Plan also suggests the construction of adequate facilities for waste management in Montenegro (in compliance with EU legislation) and envisages some changes to the waste management policy so that the initiatives to manage the waste according to the west management hierarchy are accepted. It is assessed that full implementation of this Plan will be cost between EUR110 million and EUR 120 million, specifically for the construction of seven (eight)[7] sanitary landfills serving all municipalities in Montenegro, remediation of operating dumpsites, purchasing of equipment and machines for the public utility companies and to resolve the issue of disposal of hazardous waste, etc.

In 2008, the Government of Montenegro adopted the ***National Strategy for Medical Waste Management*** according to which the main objective in the area of medical waste management related to the introduction of a safe and environmentally acceptable procedure for medical waste

[7] Master Plan envisages the construction of seven regional landfills (each serving several municipalities): (i) for the municipalities of Bar and Ulcinj; (ii) for the municipalities of Kotor, Budva and Tivat (and possibly Herceg Novi); (iii) for the municipalities of Podgorica, Cetinje and Danilovgrad; (iv), for the municipalities of Niksic, Pluzine and Savnik; (v) for the municipalities of Bijelo Polje, Mojkovac and Kolasin; (vi) for the municipalities of Berane, Andrijevica, Plav and Rozaje i (vii) for the municipalities of Pljevlja and Zabljak. The municipality of Herceg Novi may construct a landfill for its own purposes.

management, compatible with the country's economic situation and the level of development of health protection.

The specific objectives include the following: minimization of risk posed by medical waste for human health and environment; protection of the population from infectious diseases; establishment of integrated system of medical waste management; protection of human health and security in and outside of healthcare institutions (staff, patients, visitors and population); development of successful and effective system for collection, storage, treatment and disposal of medical waste in compliance with the Law on Waste Management and EU Directives; control of specific biological, physical and chemical properties of waste which can potentially harm human health and environment; respecting the principles of ethics and aesthetics; protection of the environment by the promoting an appropriate waste management in the environment from the point of generation until its final disposal; reduction of waste generation and especially hazardous medical waste; recovery, recycling and possible re-use of waste and education of medical staff at health institutions on how to implement the medical waste management plans.

Particular attention is paid to the handling and selection of waste in health institutions, in addition to appropriate storage, transport, and disposal of collected medical waste.

43. Is there a legislative framework in place on the following topics:

) Basic framework legislation (definition, hierarchy on waste treatment (prevention, re- use, recovery), authorisation schemes, responsibilities for the disposal and recovery of municipal waste and of other waste);

The Law on Waste Management (Official Gazette of Montenegro 80/05 and 73/08) established the basic legal framework for waste management activities.

Definitions

The Low contains the definitions taken from the European legislation and included in the Definition of Terms under the Article 3 of the Law. Waste is defined as any substance or object, that was discard, or will be discard.

Depending on the level of hazard, waste is classified as hazardous and non-hazardous waste, while inert waste is the waste that has no adverse impact on the environment, particularly on water.

Hazardous waste is defined as the waste containing substances or compounds that are: explosive, sensitizing, inflammable, irritant, harmful, toxic, infectious, carcinogenic, mutagenic, teratogenic, eco-toxic, oxidizing, corrosive and those capable of emitting poisonous gasses through chemical or biological reaction. Non-hazardous waste is defined as the waste which, by its nature and composition, does not possess any feature of hazardous waste. Inert waste is defined as the waste which undergoes no significant physical, chemical or biological transformations, does not dissolve or pollute the environment and cause no harmful effects on human health or adverse affects on any matter with which it comes into contact.

Regarding its place of origin, waste can be classified as follows:

- Municipal waste is defined as the waste from households and other waste which is by its nature and composition similar to household waste;
- Industrial waste is the waste resulting from the production processes in industry and handicraft which differs from the municipal waste by its composition and properties;
- Medical waste is defined as the waste resulting from the provision of medical services, scientific research and experiments in the area of medicine;

- Veterinary waste is the waste resulting from the testing and treatment of animals or the provision of veterinary service, as well as the waste resulting from scientific testing and experiments performed on animals;
- Sewer sludge from wastewater treatment plants is a by-product of wastewater treatment;
- Special types (streams) of waste include: PSB waste, waste oil, batteries and accumulators, end-of-life vehicles, waste from electric and electronic products.
- The classification of waste, including treatment procedures is regulated under the Rulebook on waste classification and the procedures for its treatment, recovery and disposal (Official Gazette of Montenegro 68/09) stipulates classification of waste and treatment procedures.

Hierarchy of Waste Treatment

According to Article 7 of the Law, hierarchy of waste treatment is defined as one of the principles of waste management underlying the compliance with priority order in the practice of waste management (prevention, reduction, re-use of waste, recycling, using benefits of waste through composting, energy production, etc., and finally disposal or incineration of waste). Article 13 of the Law stipulates an obligation to separate the recyclable components of waste from other waste before its final disposal.

A holder of waste as a rule required to treat the generated waste, and if such treatment is not possible, or cannot be justified from the economic aspect or from the aspect of environmental protection, he or she is required to dispose of the waste or remove it in some other way, which is in line with the waste management plans or principles of environmental protection. The waste that cannot be treated at the point of origin is transported to the closest place where it can be treated, disposed, or removed in some other way using the technologies that ensure the highest possible level of protection of air, soil, surface and ground water.

The Law stipulates competences and responsibilities of entities regarding waste management. Local self-governments are responsible for management of the municipal waste, while the management of hazardous and other specific types of waste is regulated by the Government.

Approval System

Waste processing and disposal may be carry out by the company or an entrepreneur that has the appropriate equipment - a waste treatment plant and the required number of employees which is specified by a permit for the treatment, i.e. disposal of waste. Waste treatment or disposal of waste may be carried out without n operating permit if this is done at a facility that satisfies the applicable standards on integrated prevention and pollution control.

The competent local self-government authority determines whether the conditions for waste treatment are fulfilled and issues the related permit, while a permit for treatment of hazardous waste is issued by the Environmental Protection Agency.

The collection and transport of waste may be carried out by company or entrepreneur that has the appropriate equipment and the required number of employees which is specified by the applicable permit for collection, i.e. transport of waste. The competent local self-government authority determines whether the conditions for collection and transport of non-hazardous waste are fulfilled and issues a permit for its collection and transport In accordance with the Law on Waste Management, the Environmental Protection Agency determines whether the conditions for collection and transport of hazardous waste are fulfilled and issues a permit for the collection and transport of hazardous waste. Hazardous waste is transported according to the Law on Transport of Hazardous Substances (Official Gazette of Montenegro 5/08) and monitored by the Ministry of Interior Affairs and Public Administration.

Export and transit of hazardous waste can be performed only on the basis of a permit issued by the Environmental Protection Agency in accordance with the procedure specified by the Basel Convention.

Export and transit of non-hazardous waste can be performed only on the basis of a permit issued by the Environmental Protection Agency.

Competencies

Local self-governments are responsible to organize the activities relating to the treatment of municipal and other types of non-hazardous waste (collection, disposal, recycling, creating conditions for selective collection of waste, recovery of bio-waste, public awareness building, etc.).

Regulations for management of hazardous and specific types of waste are developed on the national level.

b) Framework legislation on hazardous waste;

Management of hazardous waste is regulated by the Law on Waste Management (Official Gazette of Montenegro 80/05 and 73/08), which will apply from 1 January 2010 while the classification of waste is carried out on the basis of the Rulebook on classification of waste and the procedures for its recovery, treatment and disposal (Official Gazette of Montenegro 68/09). This Rulebook contains the Catalogue of Waste, OECD list of waste, list of waste drawn up on the basis of the Basel Convention, list of recovery procedures (R) and disposal of waste (D), as well as a list of hazardous properties of waste (H). The Rulebook regulates the criteria for the selection of sites, manner, and procedure of disposal of hazardous by-products that are generated during the production processes or resource consumption and which contain hazardous and harmful substances (hazardous waste). The categories of hazardous waste are included in Annex to the Rulebook.

c) Legislation on specific types of waste treatment (incineration, landfill);

There is a special chapter (chapter VII) of the Law on Waste Management, which regulates the issues relating to waste management. Waste incineration can be carried out only in the facilities for waste incineration, which are designed, constructed and equipped in a way that ensures a technical and technological functionality and minimization of waste quantities and harmful impact of waste and emissions on human health and the environment. Issues relating to waste incineration will be further regulated by secondary legislation which is currently being drafted (a draft of the Rulebook has been prepared).

Chapter VIII of the Law on Waste Management also regulates the issues relating to storage and disposal of waste. The Law identifies the landfills for hazardous, inert and non-hazardous waste, and also provides for the preparation of secondary legislation that will closely regulate the issues relating to the characteristics of a locations for landfill construction (geological, hydrological, morphological, meteorological, seismological and other), building conditions, sanitary - technical conditions, manner of operation and closure of landfills, vocational degree and qualification of landfill managers and similar. In accordance to this, Accordingly the Rulebook on detailed characteristics of the location, building conditions, sanitary - technical conditions, manner of operation and closure of landfills, vocational degree and qualifications of landfill managers and types of waste and conditions for disposal of waste on a landfill has been prepared in the form of proposal, supported by positive comments provided by competent institutions. A Rulebook on the classification of waste and methods for waste treatment, recovery, and disposal has also been prepared in the form of a proposal.

d) Legislation on specific waste streams or types;

The Law on Waste Management (Official Gazette of Montenegro 80/05 and 73/08) stipulates the manner of organization of the acceptance, collection and treatment of specific types of waste while Article 54a of this Law stipulates that the Government may delegated the activities of acceptance,

collection and treatment of used batteries and accumulators, waste tyres, end-of-life vehicle, electrical and electronic waste and waste packaging, according to the low, and it may also establish a public company that would perform those activities.

The foregoing activities of legal persons are funded from the budget of Montenegro from the revenues generated through the collection of fees from Article 73 of the Law on Waste Management.

Based on the Law on Waste Management, the following regulations on special streams of types of waste are currently being drafted:

- Decree on the manner and procedure for registration of products placed on the market and establishment of a system for the acceptance, collection and treatment of waste batteries and accumulators and its operation;
- Decree on the manner and procedure for registration of electrical and electronic products and their placing on the market and establishment of a system for the acceptance, collection and treatment of waste electrical and electronic products and its operation;
- Decree on the manner and procedure for registration of vehicles and their placing on the market and establishment of a system for the acceptance, collection and treatment of end-of-life vehicles and its operation;
- Decree on the manner and procedure for registration of packaging and packed products and their placing on the market and establishment of a system for acceptance, collection and treatment of packaging waste and its operation;
- Decree on the manner and procedure for registration of tyres and their placing on the market and establishment of a system for acceptance, collection and treatment of waste tyres and its operation;
- Rulebook on the manner of treatment of waste oils in line with technical and technological aspects of treatment;
- Rulebook on the method and procedure for treatment of the waste containing PCB.

e) Legislation on shipment of waste.

Shipment of waste is regulated by a system of permits for the import, transit or export of waste in line with the Law on Waste Management (Official Gazette of Montenegro 80/05 and 73/08), the Law on Foreign Trade (Official Gazette of the Republic of Montenegro 28/04 and 37/07), the Law on Grounds of Environmental Protection (Official Gazette of the Federal Republic of Yugoslavia 24/98), as well as the Law on Ratification of Basel Convention on the Control of the Trans-boundary Movements of Hazardous Waste and their Disposal (Official Gazette of the Federal Republic of Yugoslavia, International Treaties, 2/99). On 23 October 2006, Montenegro became a signatory to the Basel Convention by the right of succession.

Import of hazardous waste in Montenegro is prohibited according to the Law on Waste Management (Article 68), same as an import of municipal waste for the exclusive purpose of removal and incineration. The same Law stipulates that transit and export of hazardous waste may be performed only on the basis of a permit which is issued by the Environmental Protection Agency at the request of a legal or natural person while an import and transit of non-hazardous waste may be performed only on the basis of a permit which is also issued by the Environmental Protection Agency at the request of a legal or natural person.

The list of waste whose import is prohibited or requires a permit for export, import, or transit is included in Annex to the Decision on Control List for Export, Import and Transit of Goods (Official Gazette of Montenegro 82/08).

A Rulebook defining the content of documentation, which has to be submitted together with an application for the issuing of a permit for import, export and transit of waste and a list for

classification of waste which will be based on the Decree on Shipment of Waste 1013/2006, of 14 June 2006 of the European Parliament and of the Council, is currently being drafted.

The procedure for issuing of a permit is specified under the Rulebook on documentation that is submitted together with an application for the issuing of a permit for import, export and transit of waste (Official Gazette of the Federal Republic of Yugoslavia 69/99) which will be repealed by foregoing Regulation.

44. Which instruments exist apart from legislation (e.g. economic instruments, waste management planning)?

Economic Instruments

Starting from the principle "polluter pays", the Law on Waste Management created the basis for funding of waste management activities by stipulating that all costs of preventive measures and measures for waste management and those for recovery measures due to the pollution and harm caused to the environment will be borne by holder of waste.

The Decree on criteria, amount and manner of payment of a special fee for waste management (Official Gazette of Montenegro 11/09) stipulates that a fee has to be paid for the management of special types of waste (batteries and accumulators, packaging and packaging waste, electric and electronic waste, waste tyres, end-of-life vehicles and waste oils) and identifies the persons that are required to pay this fee in order to create the conditions to manage this type of waste in a way which protects the environment from its adverse impact in line with the directives of the European Union.

The Law on Communal Services (Official Gazette of the Republic of Montenegro 12/95) stipulates that the following services have to be paid for: collection, transport, and disposal of municipal waste organised by local self-governments.

Planning

The Law on Waste Management stipulates the following levels of planning in the area of waste management:

- national level,
- local self-governments level,
- planning done by waste producer.

National Waste Management Plan, titled as Montenegro Waste Management Plan for the period 2008-2012 is developed for a period of five years. This Plan was prepared by the beginning of 2008 and published in the Official Gazette of Montenegro 16/08 dated of 7 March 2008.

The National Waste Management Plan is a basic document, which establishes mid-term objectives and ensures the conditions for a rational and sustainable waste management in Montenegro. In addition to the Law on Waste Management, the National Waste Management Policy and Republic Level Strategic Master Plan for waste management constitute the framework for the preparation of this plan.

The Waste Management Plan contains:

- an assessment of the situation in the area if waste management;

- waste management objectives;
- long-term and short-term measures in the area of waste management during the planning period including an implementation schedule;
- approximate financial means to implement the plan;
- manner or implementation and the institutions responsible for implementation;
- raising of public awareness regarding waste management.

The general objective of the National Waste Management Plan is to minimize adverse impact of waste on human health and the environment, improve the efficiency of utilization of resources and mitigate adverse effect of waste management in the previous period. When this objective is achieved, waste management activities will be organized in line with the European standards and directives.

According to the National Waste Management Plan, the basic task to be carried out in the period of 2008 – 2012 includes implementation of main strategic activities in the area of waste management in the territory of Montenegro, as follows:

- establishing of an integrated waste management system based on: increased quantities of collected waste, minimization of quantities of disposed waste and introduction of recycling,
- remediation and closure of the existing dumpsites,
- remediation of "black points", i.e. locations with large quantities of disposed waste,
- development and establishment of inter-municipal (regional) sanitary landfills including treatment of waste before its finally disposal.

The National Waste Management Plan starts from the fundamental principles in waste management, that are based the principles of sustainable development and relate to the proximity; precaution or prevention; the "polluter pays" principle and the principle of respecting hierarchy.

In conformity with the Law on Waste Management, each local self-government is obliged to adopt a waste management plan on the local level, also for a period of five years. These plans are submitted to the competent state body for approval. which gives approval. So far, eight local waste management plans have been submitted to the competent ministry.

In the system of waste management planning is concerned, the Law also stipulates the preparation of waste management plans by the producers generating more than 200 kg of hazardous waste or more than 40 tonnes of non-hazardous waste. Those plans are approved by the competent local self-government body, in the case of non-hazardous waste, i.e. by the competent state administration body in the case of hazardous waste.

45. Is there an administrative infrastructure in place? If yes, on which level (national, regional, local)?

The activities relating to waste management in Montenegro, and, consequently the allocations of competencies are performed on the national and local level.

On the level of the state administration, following the Decree on Public Administration Organization and Manner of Work (Official Gazette of Montenegro 6/07, 16/07, 26/08, 43/08, 68/08, 81/08, 4/09 and 14/09), the authority competent for environmental protection (Ministry of Spatial Planning and Environmental Protection), is also responsible for waste management.

According to Article 19 of the Law on Waste Management (Official Gazette of Montenegro 80/05 and 73/08), this ministry performs the following tasks:

- proposes a waste management plan to the Government;
- monitors the status of management of all types of waste;
- adopts the regulations to implement the Law;
- performs other tasks stipulated by the Law.

Management of hazardous and special types of waste is also regulated on the national level.

In accordance with the Law, the conditions, manner and procedure of medical waste treatment are stipulated by the authority of state administration competent for health issues in cooperation with the authority of state administration competent environmental protection, whereas the conditions, manner and procedure for veterinary waste management are stipulated by the authority of state administration competent for agriculture, also in cooperation with the authority of state administration competent for environmental protection.

The Environmental Protection Agency, in conformity with the Decree on Public Administration Organization and Manner of Work, performs professional and other related tasks which, among other, include the following: monitoring of collection of waste from ships; waste management; issuance of integrated permits for plants that are required to have integrated permit as specified by special regulation; strategic impact assessments and environmental impact assessments; issuance of permits for trans-boundary movement of waste; issuance of permits for the facilities for collection of waste in ports and inspection in the area of environmental protection. In accordance with Article 19a of the Law on Waste Management, the Environmental Protection Agency is responsible for the:

- issuance of permits and other documents in line with the Law on Waste Management;
- keeping register of data relating to waste generation and treatment on the basis of data included in annual reports on waste and issued permits;
- keeping evidence on special types of waste placed on the market;
- issuance of approvals for waste management plans submitted by waste producers;
- implementation of inspection supervision relating to the Law on Waste Management;
- other tasks stipulated by the Law on Waste Management.

On the level of local self-government, the tasks of local self-governments are stipulated by Articles 31 and 32 of the Law on Local Self-government (Official Gazette of Montenegro 42/03, 28/04, 75/05 and 13/06) relating the obligation of local self-governments to adopt development plans and programmes, and also to create the conditions to organize and ensure the conditions for the performance and development of communal services. Accordingly local self-governments are responsible for the organization of activities relating to management of municipal waste and other types of non-hazardous waste (collection, disposal, recycling, establishment of the conditions for selective collection of waste, recovery of bio-waste, public awareness raising etc.).

In accordance with the Article 20 of the Law on Waste Management, the competent local self-government body is responsible to:

- adopt local waste management plans subject to prior approval by the competent state administration body, create the conditions for and ensures its implementation;
- create the conditions for waste management in accordance with the Law;
- issue permits and approvals in accordance with the Law;

- issue opinions relating to approvals and permits in accordance with the Law;
- develop regulations for implementation of this Law;
- perform other tasks specified by the Law on Waste Management.

Two or more local self-governments may jointly establish the conditions for waste management under the conditions and in the manner specified by the Law and a mutual agreement signed by their respective parliaments. This agreement regulates mutual rights and obligations of local government relating to the establishment If conditions for the performance of waste management activities, as well as other issues relevant for waste management organization and implementation.

D. Water Quality

46. Could you describe the legislative basis for water protection and water resources management, in particular:

a) the quality and quantity of water;

b) groundwater and surface water;

c) the quality of drinking water?

Water is a natural resource and an asset of national interest for every state, and, consequently, for Montenegro as well. Several laws and secondary legislation regulate the issues relating to water protection and use of water resources. The basic law for water related issues, *lex specialis*, is the Law on Water (Official Gazette of the Republic of Montenegro 27/07). The overview of the basic provisions of this Law, as well as of other laws which regulate some water related issues are set out below.

The Law on Water shall regulate the legal status and the method of integrated management of waters, aquatic and coastal land and water facilities, conditions and method of performing the water related activities and other issues of importance to the management of waters and water resources (Article 1). This law shall apply to:

- surface and ground waters and saline waters of mouths of rivers flowing into the sea;
- mineral and thermal waters;
- coastal zone;
- sources of drinking water in the territorial sea;
- coastal seawater, as regards pollution from land-based sources.

This law shall not apply to the use of mineral and thermal waters generating mineral raw materials or geothermal energy (Article 2).

Water related activity, which is of public interest to the Republic of Montenegro, under the provision of Article 4 of the Law, consists of water management, water supply and use, along with long-term protection of the quality of water and water source, protection of water against pollution, regulation of waters and watercourses and protection from adverse effects of water, while, pursuant to provisions of Article 6, the water, being a natural resource and an asset of common interest, is the state property. The Ministry of Agriculture, Forestry, and Water Management is competent for water related activities.

By means of provisions of Article 7 of the Law, the waters are divided in running and stationary waters on the surface of the land, which include also the coastal sea waters and ground waters on the mainland and the sea. According to importance and cross-border influence, the waters are divided in waters of importance for the Republic and the waters of local importance (Article 8). The management of waters of importance to the Republic is within the competence of the responsible

administration authority (Water Administration), and the management of waters of local importance is within the competence of the local self-government (municipality) (Article 18), which aims at creating the conditions for a more significant participation of local self-government in water management.

The provision of Article 21 of the Law determines, in the territory of the Republic, the two water basins as basic units for water management, as follows: Water basin of the Adriatic Sea catchment area and the Water basin of the Black Sea catchment area.

The basic document for water management is the Water Basin, by virtue of which the Long-term plan of water management for individual water basin shall be drawn up (Article 22). The Water Basin shall be adopted by the Government for a period of 10 years.

The planning document of particular importance for a long-term and sustainable water management is the Water Basin Management from 2001. This document contains the description of the current state of water regime and water management facilities according to individual areas, the conditions for maintenance and development of water regime which shall ensure the most advantageous and the most expedient technical, economic and environmental solutions for uniform water management, protection from adverse effects of water, protection of waters against pollution and the water use. The solutions provided for by the Water Basin Management shall be reviewed upon the expiry of 10 years from the day of adoption, so that the drawing up of the new Water Management Basin shall commence in 2011.

For individual water basin, the Government shall adopt the Water Basin Management Plan for a period of six years, which must be in compliance with the Water Basin. If the implementation of the Water Basin cannot be ensured by the said Water Basin Management Plans, a separate water management plan may be adopted for particular watercourse categories or individual issues of water management (Article 28).

The plans of water management in the water basin of river catchment area shall set out the elements of water management in the water basin of river catchment area and shall contain the identification of the water bodies intended for water supply, the list of priority objectives of environmental protection in respect of surface and ground waters, measure programmes, the method and the dynamics of attaining the determined objectives in the field of water use and protection, the review of significant effects of human activities on the status of surface and ground waters etc. As mentioned above, Montenegro is divided in two water basins and, consequently, the adoption of two such plans shall be inevitable. The time limit for adoption of the Plans is nine years starting from the entry into force of the Law on Water. Creation of the preconditions for their drawing up is underway and, until now, the Decree on the contents and the method of preparing the plan of water management in the water basin of the river catchment area or in its part has been prepared.

The Chapter 4 *Water Facilities and Systems* defines facilities and systems used to carry out the water related activities. The water facilities are registered in the real estate cadastre and, according to their purpose, are divided into:

- Water facilities for water use;
- Water facilities for collection, treatment and disposal of wastewater and water protection against pollution;
- Water facilities for protection from adverse effects of water;
- Water facilities for regulation of water courses;
- Water facilities for drainage;
- Water facilities for water monitoring (hydrological stations).

The Chapter 5 *Water related activities* defines types and methods of water use, and, in particular, conditions for the use of water for water supply, the use of water for irrigation, the use of water for water power, the use of water for navigation, the use of water for farming of fish, shellfish and crabs, the use of water for sports, tourism, bathing and recreation and exploitation of river deposits. This chapter also defines the measures and activities for protection of water against pollution,

which shall be maintained with a view to ensuring harmless and unhindered water use, protection of human health, fauna and flora and environmental protection, which includes, *inter alia*, categorization and classification of surface and ground waters, elaborating a plan for water protection against pollution for a period of six years, elaborating an operating plan for water protection against pollution from breakdown, obligation of waste water treatment, polluter's obligations in case of pollution threat or in case of pollution, management of facilities for protection of waters against pollution, systematic monitoring of water quality, measurement of quantity and examination of waste water quality, and the problem of pollution of water with oils.

With a view to ensuring a uniform water regime, integrated water management and equitable access to waters, provisions of the Law (Article 112) prescribe the water rights acts which set out conditions and manner of exercising the rights over water, which include the list of facilities which require the issuance of water rights acts, and the competence for their issuance. The competence for the issuance of the water rights acts depends on type and size of the facility, and the appropriate national authority, that is, the relevant local self-government body may be competent (Article 117). The water rights acts must be in compliance with the Water Basin, water management plans, and corresponding technical documentation.

For the purpose of preservation and maintenance of natural and artificial bodies of water, protective and other water facilities, and in order to prevent the deterioration of the water regime and provide the passage/crossing for big waters and carry out the protection from adverse effects of water, as well as environmental protection, under provisions of Chapter VII *Limitation of rights and obligations of land owners, land users and water facilities,* it is prohibited, *inter alia,* to carry out particular activities on water facilities and water estate (Article 141), it is prohibited to take certain actions on the erosion-prone land (Article 142), particular rights of aquatic, coastal or other land owners, that is, users, are limited (Article 143), the obligations of owners, that is, users of aquatic land or water facilities on the coast are provided for (Articles 144-146), the conditions are set out for revoking, that is, for limiting of ownership rights on aquatic, coastal or other land with a view to ensuring a general use of water estate, as well as in order to exercise the rights provided for by the Water rights approval (Article 147), the obligations that shall be carried out by the owner, i.e. the user of arable agricultural land on the erosion-prone area, are laid down (Article 148). Furthermore, the terms are stipulated to define when the legal and natural persons that have not taken part in the construction of the facility intended for water supply can be connected to it (Article 149), and finally, it is laid down that the legal or natural person who inflicts the damage to the water facility, aquatic land and water regime or deteriorates the state of erosion on the erosion-prone land, shall undertake actions, within the time limit set by the competent inspection authority, for the purpose of re-establishing the status preceding the damage (Article 150).

Under Chapter VII *Organization of Water Management*, the bodies, institutions and public enterprises doing business in the field of water, are determined. Pursuant to the provision of Article 151, the affairs of public administration in the field of water are performed by the Ministry of Agriculture, Forestry and Water Management, the competent administration authority (Directorate for Water), and the competent body of local self-government. The competent administration authority can consign carrying out professional works relating to planning and water management to specialized organizations.

With a view to making proposals for decision making on professional issues and for professional help in the procedure of decision-making and preparation of regulations in the field of water, the Water Council shall be established as advisory body to the Ministry of Agriculture, Forestry, and Water Management and to the Directorate for Water (Article 152).

The affairs of water related activities, as activities of common interest, are operationally carried out by companies, other legal persons, and entrepreneurs, in accordance with the law. When the founder of the company or another legal person (public enterprise) is the Republic or the self-government unit, the decision on their establishment is made by the Government, i.e. the competent local self-government body (Article 154).

Carrying out of activities relating to public water supply and public sewage is provided and regulated by the local self-government unit, which is in charge of adoption of the long-term, medium-term and short-term plans, which must be in compliance with the water management plan

referred to in Article 24 of this law. With a view to providing regional water supply, the Government can establish or be one of the founders of the company or another legal person (Article 155).

For the purpose of water classification, monitoring, and improvement of the water regime, planning of the water infrastructure development and water management, the water information system shall be set up in the Republic. The water information system shall be established and operated by the Directorate for Water. The data contained in the water information system are public (Article 159).

Chapter VIII *Supervision,* under Article 161 lays down that the supervision of the enforcement of the provisions of the Law and of the regulations enacted by virtue of the Law, shall be performed, within the framework of stipulated competences, by the Ministry of Agriculture, Forestry and Water Management, ministries responsible for the affairs of health, environmental protection and geological affairs and the competent local self-government body, while the activities of inspection control within its competence, in the field of water management and water estate, shall be performed by the Ministry of Agriculture, Forestry and Water Management, via water inspector.

Chapter IX *Penalty provisions,* contains provisions which provide for the penalties for those who violate particular provisions of the Law.

To a certain extent, this law is harmonised with the provisions of the following EU Directives:

- Directive of the European Parliament and of the Council 2000/60/EC establishing a framework for Community action in the field of water policy;
- Directive of the European Parliament and of the Council 98/83/EEC on the quality of water intended for human consumption;
- Directive of the European Parliament and of the Council 76/160/EEC concerning the quality of bathing water and Directive of the European Parliament and of the Council 2006/7/EC concerning the management of bathing water quality repealing Directive 76/160/EEC.
- Directive of the European Parliament and of the Council 1991/271/EEC concerning urban waste water treatment;
- Directive of the European Parliament and of the Council 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture;
- Directive of the European Parliament and of the Council 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources.

In the period following the drawing up of the Law on Water, through assumption of obligations under international treaties that Montenegro has acceded to, that is, through fulfillment of obligations in the context of international cooperation, as well as through implementation of National Programme for Integration of Montenegro in EU, a considerable number of aspects has been provided for in the context of further harmonisation of national legislation in the field of water with the relevant EU and international requests and standards.

Within the framework of realization of the project Progress Monitoring in the Environmental Sector and in Potential Candidate Countries, including Montenegro, Progress monitoring for potential Candidate Countries and the former Yugoslav Republic of Macedonia), initiated by the European Commission Directorate-General for Environment, the annual Reports on Results of Transposition of EU Legislative Framework into the National System are being prepared.

According to the last report on realization of the project for the third year, concerning the efficiency of transposing the relevant directives in the field of water, it has been assessed that the *transposition* for the Drinking Water Directive and Marine Framework Directive (2008/56/EC) is at the initial stage:

- As regards the Drinking Water Directive, the result of transposition is 0%, while the result achieved last year was 19%. Major proportion of the provisions shall be transposed by means of draft regulation on drinking water quality.
- Concerning the Marine Framework Directive, this is the first year of progress monitoring in the transposition of the said. Namely, Montenegro has not been taking significant measures

for the transposition of its provisions until now, except through the Law on Sea Protection against Ship-source Pollution (Article 2), which harmonised the definition of pollution. Therefore, the degree of transposition is 2%. It has been estimated that other provisions shall be transposed by 2015, mainly in form of laws and governmental acts.

- A significant progress has been made in the transposition of the remaining European legislation on water, so that it has been assessed*, inter alia*, that:
- The most significant progress achieved on the occasion of transposing the Water Framework Directive (2000/60 /EC, with amendments) with the transposed 64%, which is a slight improvement when compared to the last year (62%). The basic transposition measure is the Law on Water (Official Gazette of Montenegro 27/07). During the period from May until August 2008, a series of secondary legislation referring to particular provisions of the said Directive and other related Directives (Waste Water Directive, Drinking Water Directive) have been adopted. To be precise, in order to finish the transposition, it has been planned to undertake several measures, from short to medium term, which mainly refer to Articles 4, 6, 8, 9, 10, as well as to annexes. The expected date of full transposition is the end of 2016.
- Furthermore, a certain progress has been made in the transposition of Urban Waste Water Directive, in comparison with the previous report. Namely, the total achieved result of the transposition increased from 58% to 62%.
- As regards the Directive on nitrates, the transposition makes stable progress, so that the degree of transposition increased from 46% to 67% in the third year of reporting. The major part of the transposition so far concerns the adoption of the Law on Plant Fertilizers and the Law on Water in 2007.
- Slight progress was made in harmonisation of national legislation with the Directive on the quality required of shellfish waters, with the result increase from 81% to 87%, when compared to the second year of monitoring.

At the same time, the Progress Report evaluates that even though the process of transposition for most of water directives is making progress, it is necessary to take additional *implementation* steps in the water sector. Since 2007, no considerable measures have been taken for the implementation of the Water Framework Directive. The competent authority was appointed even in May 2007, being the Ministry of Agriculture, Forestry, and Water Management. Besides, two water basins of catchment area have been identified during 2007; Water basin of the Black Sea catchment area and the water basin of the Adriatic Sea catchment area. The measure programmes are predicted to be drawn up by the competent authority.

Regarding the fact that the Law is not completely harmonised with the said Directives, it shall be necessary to make a detailed analysis of its equivalence and make the necessary changes.

Also, this Law is not harmonised with the Law on Environment as the roofing law for environmental considerations, which is laid down by the provision of Article 71 of the Law on Environment.

By virtue of particular provisions of the Law on Water, a large number of secondary legislation has been adopted, which regulate in detail individual issues of water protection and management of water resources, as follows:

- Decree on classification and categorization of surface and ground waters (Official Gazette of Montenegro 2/07)
- Decree on method of categorization and categories of water facilities and their giving over for management and maintenance (Official Gazette of Montenegro 15/08)
- Decree on the contents and method of water information system management (Official Gazette of Montenegro 33/08)
- Decision on designation of waters of importance to Montenegro (Official Gazette of Montenegro 9/08 and 28/09)

- Decision on designation of sources intended for regional and public water supply (by means of public water supply system) and establishing of their borders (Official Gazette of the Republic of Montenegro 36/08)
- Rulebook on the method of defining the guaranteed flow minimum downstream from the water intake (Official Gazette of Montenegro 22/08)
- Rulebook on the contents of requests and documentation for the issuance of water rights acts, method of and conditions for mandatory announcement in the procedure of stipulating the water rights terms and the contents of water rights acts (Official Gazette of Montenegro 7/08)
- Rulebook on pattern, more detailed contents, and the method of keeping the water register (Official Gazette of Montenegro 81/08)
- Rulebook on the quality and sanitary-technical requirements for waste water disposal/discharge into the recipient/receiving water and public sewerage system, the method and procedure of waste water quality testing/examination, minimal number of examinations and the contents of the report on the determined waste water quality (Official Gazette of Montenegro 45/08)
- Programme of systematic examination of surface and ground waters quantity and quality for 2009 (Official Gazette of Montenegro 25/09).
- Decree on contents and method of preparation of the plan for water management in the water basin of the river catchment area or its part (prepared for adoption

Apart from the Law on Water (Official Gazette of the Republic of Montenegro 27/07), the issues of importance to water protection and management of water resources are regulated also by the following laws:

-The Law on Water Management Financing (Official Gazette of Montenegro 65/08) adopted in October 2008. This law lays down the sources of funds for water management financing, the method of accounting and payment of charges for protection and use of waters and water estate and applies to waters, water estate and water facilities and systems stipulated by the law regulating the water related issues (Article 1).

By virtue of the provision of Article 18 of this law, in April 2009, the Decision on the amount and method of accounting the water charges, criteria and method of establishing the degree of water pollution was adopted (Official Gazette of the Republic of Montenegro 29/09).

- The Law on Environment (Official Gazette of the Republic of Montenegro 48/08), as the umbrella law for issues of environmental protection, shall regulate the principles of environmental protection and sustainable development, subjects and instruments of environmental protection, participation of the public in the environmental considerations and other issues of importance to the environment (Article 1), which also refers to waters as one of environmental segments.

The provision of Article 2 of the Law stipulate that the environmental protection ensures the complete preservation of environmental quality, conservation of biological and landscape diversity, rational use of natural resources and energy in a most environmentally-friendly way, as a basic condition of sound and sustainable development. The state particularly protects the environment. The integrated management of environmental protection is carried out in a way to ensure the sustainable development in accordance with this law and separate regulations.

The provisions of Article 3 determine the objectives of environmental protection and the provisions of Article 4 define the principles of protection. The provisions of Article 8 stipulate that the subjects of environmental protection shall, within the framework of their rights and obligations, ensure the control and prevention of all forms of environmental pollution and degradation, that is, their reduction to the minimum possible extent, as well as recovery and rehabilitation of the parts or segments of the environment the quality of which has been deteriorated due to pollution and other forms of degradation, thus ensuring a sustainable use of natural resources as a basic condition for sustainable development.

National programme of environmental protection, which is to be adopted by the Government for a period of four years, sets out the objectives of environmental protection and the priorities of their attainment. This Programme ensures the implementation of the Sustainable Development Strategy in the part referring to environmental protection (Article 16).

Local plan of environmental protection elaborates the measures from the Programme referring to the area, in accordance with the local particularities and features of the area to be covered by the Plan (Article 17).

Standards of environmental quality which contain limit values of pollution for individual environmental segments, as well as for particularly valuable, fragile, or endangered areas shall be stipulated by the law, while the Government shall set out the ones which have not been stipulated by the law (Article 22).

If the activity of a legal person or entrepreneur requires a mandatory environmental impact assessment, or if the need of environmental impact assessment is determined, it shall pass the environmental protection programme comprising particularly: description of the site, detailed description of the production process, list of environmental impacts and the list of measures for prevention and reduction of environmental pollution (Article 28).

Chapter V (from Article 32 to Article 36) of this law shall define monitoring of the environmental situation. Article 33 defines that the monitoring, *inter alia*, refers to the observation of immision, i.e. the quality of air, water, sea, soil, flora and fauna, as well as utilization of mineral raw materials. The type of emission, immision, natural and other phenomena which are the subject of monitoring, the number and disposition of measuring stations, the network of measuring stations, measuring scope and frequency, indicators of environmental pollution, methodology of sampling and measuring, time limits, the method of data submission and the manner of notifying the public shall be regulate by government regulation.

Information system comprises data and information on the environmental situation, burdens and impacts (Article 38).

Register of Environmental Pollutants contains the data on sources, kind, quantity, method, and location of discharge, transfer, and disposal of polluting substances and waste into the environment (Article 40).

- The Law on Geological Research (Official Gazette of the Republic of Montenegro, 28/93, 27/94, 42/94, 26/07, SU-SK No 01-996/6-06) shall regulate the conditions and execution method of geological research of mineral raw materials, which, *inter alia*, also include ground waters (potable, mineral and thermal).

-The Law on Ports (Official Gazette of Montenegro 51/08), Article 26 shall defines protection of the sea against pollution. The administration body, that is, a legal person and the concessionaire must ensure the fulfilment of conditions stipulated by international and internal regulations which regulate the prevention of the ship-source pollution of environment, protection of the marine environment and the coastal zone and the civil responsibility for damage caused by pollution.

-The Law on Coastal Zone (Official Gazette of the Republic of Montenegro 14/92, 27/94, 51/08), Article 1 of this law shall regulate the management, use, enhancement and protection of the coastal zone. Chapter III of the Law refers to the protection of the coastal zone against pollution from hazardous and harmful substances from land-based sources and vessels, which is what harbourmaster's office is competent for.

- The Law on Sea (Official Gazette of Montenegro 17/07, 06/08), Article 1 of this law shall regulate the sea and undersea space of Montenegro. The use and discharge of hazardous and harmful substances and oils shall be carried out in a manner, which minimizes the negative environmental impact of the marine ecosystem of the epicontinental zone, in accordance with the law and international regulations.

- The Law on National Parks (Official Gazette of the Republic of Montenegro 47/91, 17/92, 27/94) Article 1 shall define that national parks shall be areas of outstanding and multiple natural values with ecological, economic, scientific, historical, aesthetic, cultural, educational, and recreational function. National parks in the territory of the Republic of Montenegro are: Biogradska gora,

Durmitor, Lovcen, and Lake Skadar. The protection, improvement and use of land, forests, water, flora and fauna and other natural resources as well as values created by work, are the activities of special social interest.

- The Law on Nature Protection (Official Gazette of Montenegro 51/08) shall regulate protection and preservation of nature which shall be implemented*, inter alia*, for conservation of natural qualities of the land, preservation of quality, quantity, and availability of water, including the sea water quality.

- The Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05) which shall regulate the procedure for impact assessment for the projects which could have a substantial environmental impact, the contents of the EIA Study, the participation of the authorities, organizations and the public concerned, the procedure of assessment and issuance of the approval, notification on the projects which could have a substantial impact on the environment of another state, monitoring and other issues of importance to the environmental impact assessment.

- The Law on Strategic Environmental Assessment (Official Gazette of the Republic of Montenegro 80/05) - for the Water Basin and the Water Basin Management Plans in the water basin, that is, a part of the water basin, it is mandatory to draw up a Strategic Environmental Assessment, pursuant to Article 29 of the Law on Water.

- The Law on Concessions (Official Gazette of the Republic of Montenegro 08/00). The provisions of Article 1 of this Law lay down the conditions, method, and procedure of awarding concession on water use and other issues relevant for realization of concession.

- The Law on Sea Fishing (Official Gazette of the Republic of Montenegro 55/03, 40/04), regulates the management of biological resources of the sea.

In accordance with the Decree on Organization and Manner of Work of Public Administration (Official Gazette of Montenegro 59/09), the following authorities, institutions and bodies address the water related issues:

- The Ministry of Agriculture, Forestry and Water Management, being the line ministry, is competent for the issues of regulation of water and watercourses, regime of water use and water supply, protection from adverse effects of water, protection of water against pollution, the use of water resources, water management information system and water management registers etc. The concerned ministry conducts supervision of the work of the Water Administration, which addresses the issues of water management;
- The Ministry of Spatial Planning and Environmental Protection addresses the issues of sustainable use of natural resources, integrated protection of the sea against pollution, the management of wastewater and the system of utilities, coordination of regional water supply systems, monitoring of environmental situation etc. The concerned ministry supervises the work of the Environmental Protection Agency and the Hydrometeorological Office. Monitoring of the system of utilities is also under the competence of the Ministry within the meaning of monitoring the work of the Public Enterprises for water supply and sewage in all municipalities, which are under the primary competence of the municipalities, and regional enterprises, such as the Public Enterprise Regionalni vodovod Crnogorsko primorje (PE Regional Water Supply Montenegrin Littoral) and Vodacom d.o.o., whose work contributes to the improvement of the situation in the field of waste water and water supply.
- The Ministry of Health addresses the issues of health protection in the field of water and, in particular, drinking water;
- The Water Council is an advisory and professional governmental body, which examines and expresses opinion on the major issues in the field of water concerning the regulations, planning documents and proposals for improvement of the state of affairs in this field.
- The Water Administration, as a separate administration body competent for the integrated water management, which is in accordance with the standards and practice within the European Union. The Water Administration has competences in implementation of the law,

in preparation of professional basis for regulations, plans, and programs to be adopted by the Government and the Ministry competent for the water related affairs.

- The public administration body competent for hydro-meteorological affairs (Hydrometeorological Office) is entrusted with the water monitoring pursuant to Article 83 of the Law on Water and this authority performs systematic examination of water quality and quantity on the profiles of surface and ground waters and protected areas set up by the annual program for systematic examination of water quality.
- The Environmental Protection Agency founded by virtue of the Law on Environment (Official Gazette of Montenegro 48/08) has a task to perform the collection and updating of the data on the quality of all segments of the environment, including water, and report the national and European institutions thereof.

Apart from the abovementioned institutions, the Coastal Zone Management Agency, the Public Institution Ecotoxicological Examination Centre of Montenegro, and the Public Health Institute of Montenegro also act in the field of water.

a) water quality and water quantity;

Preservation of good water quality and rational use of water and water resources is the basic objective desired to be achieved through implementation of the Law on Water. For that purpose, the provisions of the Law on Water have been made, and the Chapter 5.2 *Protection of Water against Pollution* in particular. The management of water and coastal zone, as stipulated by the Law on Water, aims at ensuring the legal suppositions for organized and appropriate social activity directed towards maintenance and upgrading of the water regime in a uniform water system, in a given area. Therefore, the management of water and coastal zone is a set of activities, decisions, and measures with the purpose of providing the necessary quantities of water of prescribed quality for various purposes, the protection of water against pollution, and the protection from adverse effects of water.

With a view to protection and upgrading of the surface water quality, the classification of waters and categorization of surface water bodies shall be performed. Classification of waters shall perform the general division of waters in classes in respect of their ecological and chemical status and ecological potential and shall determine basic indicators and allowed limit values for particular purposes. Categorization of surface water bodies shall perform their sorting according to the quality which must be maintained or ensured in order to achieve a good water status. The categories of surface water bodies shall be stated in water management plans. Classification of waters and categorization of surface water bodies, on a proposal from the Ministry of Agriculture, Forestry, and Water Management, upon previously obtained opinion of the Ministry competent for the affairs of health and the ministry competent for environmental protection, shall be laid down in a government regulation (Article 75).

On the basis of the provisions of Article 75, paragraph 6 and Article 76, paragraph 2 of the Law on Water, the Government adopted a Decree on classification and categorization of surface and ground waters (Official Gazette of the Republic of Montenegro 2/07). The Decree has performed general division of waters according to the purpose, determined the classes for specific purpose, and prescribed the indicators and their limit values referring to all surface and ground water on the land and coastal sea waters in Montenegro.

General division of waters according to the purpose is as follows:

- waters which may be used for drinking and food industry,
- waters which may be used for fishing and shellfish farming, and
- waters which may be used for bathing.

According to the water quality which must be maintained or achieved, the bodies of surface and ground waters on the land and coastal sea waters are sorted in classes and categories.

Classification and categorization is carried out in a way that the given data may be compared with the data from other European countries.

Waters which may be used for drinking and food industry are sorted in four classes, as follows (Article 4):

- Class A – waters which may be used for drinking in their natural condition, with potential disinfection;
- Class A1 – waters which may be used for drinking after simple physical processing and disinfection;
- Class A2 - waters which may be used for drinking after appropriate conditioning (coagulation, filtration and disinfection);
- Class A3 - waters which may be used for drinking after a treatment which requires intensive physical, chemical and biological processing with prolonged disinfection and chlorination, i.e. coagulation, flocculation, decantation, filtration, absorption on active coal and disinfection by ozone or chlorine.

Sorting of waters in classes shall be performed on the basis of their natural properties, by application of limit values of 50 quality indicators.

Limit values of quality indicators are harmonised with Directive98/83EC on the quality of water intended for human consumption, Directive 75/440 concerning the quality required of surface water intended for the abstraction of drinking water, and Directive 79/86/EEC concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water in the Member States.

On the occasion of harmonisation with the European Union Directives on waters, the stricter limit values of drinking water quality have been laid down than the ones provided for by the European Directives in order to preserve the existing quality of drinking water in Montenegro.

Waters, which may be used for fishing and shellfish farming, are sorted in the following classes (Article 8):

- Class S – waters which may be used for farming of noble fish species (salmonidae);
- Class Š – waters which may be used for shellfish farming;
- Class C – waters which may be used for farming of less noble fish species (ciprinidae).

As regards the attainment of quality, waters of class S and Š must correspond to the quality of water class A1, and waters of class C must correspond to the quality of water class A2, except for individual classes, according to 10 parameters that the limit values are set out for.

In addition, in this case of limit values of quality indicators, the recommendations of the Directive 78/659/EEC on the quality of fresh waters needing protection or improvement in order to support fish life and Directive 79/923/EEC on the quality required of shellfish waters have been taken into account.

Waters, which may be used for bathing, are all terrestrial waters and coastal seawaters:

- which are purposefully designated for bathing or are being used for bathing;
- that permanent bathing prohibition or permanent recommendation against bathing has not been issued for (Article 12).

Waters which may be used for bathing are sorted in two classes (Article 13) as follows:

- Class K1– excellent,
- Class K2 – satisfactory.

Waters of class K1 must correspond to the quality of water class A1, while the waters of class K2 must correspond to the quality of water class A2.

Although the new Directive 2006/7/EC of the European Parliament and of the Council on bathing water management repealing the Directive 76/160/EEC was taken into consideration on the occasion of defining these criteria, the need was recognized to amend the Decree or to adopt a new act on bathing water quality with a view to harmonising with the Directive as regards the adoption of the annual monitoring programme, parameters, methodology of sampling and measuring, profile determining, establishing of bathing water quality, classification and status of bathing water quality, taking of measures in case of pollution, participation and notifying of the public.

With a view to protecting and improving the water quality, the bodies of surface and ground waters are sorted in categories, which meet the following conditions (Article 18):

- Category I – fresh-waters of class A1, S and K1, and saline waters of class Š as well;
- Category II – classes A2, C and K2;
- Category III – class A3, as well as other waters out of the class intended for other purposes laid down by this Decree.

Pursuant to Article 67 of the Law on Water (Official Gazette of the Republic of Montenegro 27/07), the purpose, that is, the requirements for the use of water for sports, tourism, bathing and recreation on water and tourism shall be stipulated by the Spatial Plan of the Republic, that is, the Special Purpose Spatial Plan and other planning documents. Examination of the quality of water intended for water-supply and bathing shall be carried out on water intakes, i.e., on bathing spots, in accordance with the annual programme to be adopted by the Ministry of Agriculture, Forestry and Water Management, upon previously obtained opinion of the ministries competent for the affairs of health and environmental protection.

Protection of water against pollution shall be carried out in compliance with the Plan for protection of water against pollution, which shall be drawn up on the basis of the performed classification and categorization of waters and the Strategy of protection of water against pollution laid down by Water Basin.

The Plan to be adopted by the Government on a proposal from the Ministry of Agriculture, Forestry and Water Management , for a period of six years, contains in particular: measures for prevention or limitation of discharge into water of hazardous and harmful substances-agents, measures for prevention and disposal of waste and other substances in areas where they may affect the deterioration of water quality, measures for waste water treatment, measures preventing the influence of scattered pollutants, measures for protection of aquatic ecosystems and other ecosystems which directly depend on aquatic ecosystems, method of taking intervening measures in specific cases of pollution, bodies, companies, other legal persons, institutions and entrepreneurs which shall take individual measures and actions, the time limits for the reduction of water pollution, responsibilities and powers in connection with the implementation of water protection, plan for construction of waste water treatment plants with complementary devices, for minimum 2000 equivalent inhabitants, measures of pollution quality control through combined approach for point and diffuse pollution sources and other measures necessary for protection and improvement of water quality (Article 77 of the Law on Water) .

Protection of water against pollution caused by breakdown shall be carried out in compliance with the operation plan of protection against pollution caused by breakdown, which contains in particular:

- Basic data on persons, bodies, companies, other legal persons, institutions and entrepreneurs responsible for carrying out protection,
- Procedures aiming at moderation or removal of possible negative effects on water regime, aquatic ecosystems, systems depending on aquatic ecosystems and the environment.

Operation plan for protection of water against pollution caused by breakdown for waters of importance for the Republic, shall be prepared and implemented by the competent administration authority, and adopted by the Ministry of Agriculture, Forestry and Water Management, with the agreement of the ministry competent for the affairs of environmental protection, for a period of two

years, and the Operation plan for protection of water against pollution caused by breakdown for waters of local importance for the Republic, shall be prepared and implemented by the local self-government units, with the agreement of the competent administration authority, for a period of two years(Article 78 of the Law on Water).

Article 79 of the Law on Water defines the prohibitions with a view to protecting the water quality.

Waste water being the major water pollutant, the Law on Water lays down that the company, other legal person, that is, an entrepreneur that release or dispose substances likely to cause water pollution, shall be obliged to eliminate those substances partly or completely prior to their discharge into the public sewerage system or another receiving water in accordance with the provisions of the Law.

The Rulebook on quality and sanitary-technical requirements for disposal of waste water into the receiving water and the public sewerage system, the method and procedure of examining the waste water quality, minimal number of examinations and the contents of the report on the determined waste water quality (Official Gazette of the Republic of Montenegro 45/08) provides the maximum allowed concentration of hazardous and harmful substances in waste water, which may be discharged into the surface waters, and their value depends on the sensitivity of the receiving water, as follows: water bodies of I category and water bodies of II and III category.

The Master plan for the drainage of waste water of the Montenegrin littoral and the Municipality of Cetinje, and the Strategic Master Plan for sewage and waste waters in the central and northern region of Montenegro adopted by the Government of Montenegro in 2005 on a proposal from the Ministry of Spatial Planning and Environmental Protection, set out the time limits and the terms for construction of the system for collection and treatment of urban waste water for the settlements of different sizes, so that the same was provided for in all municipalities of Montenegro. The order of construction of the WWTP is defined by priorities, and the degree of purification is determined with respect to the type of recipient with appreciation of the parameters defined by the Law on Water (BPK_5, HPK, SS, N, P), as well as of the capacity (ES) of the plant itself. For sensitive areas (bays, lakes etc.), apart from the primary and secondary waste water treatment, the tertiary treatment is also provided for.

Concerning the quantity of surface and ground waters, all chapters of the Law on Water regulate this water related issue directly or indirectly, and particularly the chapter referring to the water use, such as catchment, extraction and use of water for water supply, bottling, fish farming, production of electric energy etc. Every legal person using the water shall install the devices and ensure constant and systematic recording of the quantity of water abstracted from the natural water basin and examine the water quality at the water intake. The legal person shall ensure proper technical condition of the devices, and submit periodically the data received by measurement to the public administration body responsible for the affairs of water management for the purpose of record keeping in the water information system

The provisions of the Rulebook on the method of determining the guaranteed flow minimum downstream from the water intake (Official Gazette of the Republic of Montenegro 22/08) set out the method of determining the guaranteed flow minimum downstream from the water intake (Article 1).For the intake of surface waters, the user shall, by means of proper documentation, determine the guaranteed minimum which ensures their good status downstream from the water intake, for the survival and development of downstream biocoenoses. It is necessary to comprise, through treatment in documentation, all factors of importance for ensuring that status of water (biological elements, hydro morphological elements, chemical and physical-chemical elements, general elements and specific polluting substances) (Article 2).The guaranteed minimum must be in compliance with the Water Basin of Montenegro and Water Basin Management Plans (Article 4).

Article 52 of the Law on Water defines the obligation of the control of water quality and quantity. Pursuant to the provisions of this article, the Enterprise for Water Supply and Sewage shall:

- install the devices and ensure constant and systematic measurement of water quantity and examination of water quality at the water intake;
- take measures to ensure the sanitary quality of drinking water;

- take measures to ensure proper technical condition of the devices.

The data on the performed activities under previous paragraph shall be submitted periodically by the Enterprise for Water Supply and Sewage to the competent administration body for the purpose of record keeping in the water information system. The method and the procedure of measuring the quantities shall be specified in more detail by a regulation to be adopted by the Ministry of Agriculture, Forestry, and Water Management. This secondary legislation has not yet been adopted.

In order to determine whether the surface and ground waters on the mainland and coastal sea waters belong to a certain class, the monitoring of qualitative and quantitative parameters of water is carried out by the public administration body competent for hydro meteorological affairs (Article 58 of the Law on Water), and in accordance with the annual Programme of systematic examination of surface and ground waters quantity and quality. Systematic examination of quantity and quality of the aquatic ecosystems of the watercourses, natural lakes, coastal sea, ground waters of the first aquifer, as well as of the first rank sources for regional and public water supply shall be performed through measurement of physical – chemical, toxicological, microbiological, saprobiological and radiological parameters in the water, sediment and biota.

The Decree on classification and categorization of surface and ground waters (Official Gazette of Montenegro 02/07), under Article 21 defines that the assessment of the general ecological status of waters shall be determined on the basis of parameters for classification of waters which are being examined on the basis of special water quality testing programmes contained within the Water Basin Management Plans. Furthermore, these parameters are also used for the assessment of sea quality directly on main outlets of all waste water into the sea, as well as sea mouth of water courses and waterways, aimed at taking measures for the reduction of sea water pollution from land-based sources. Those tests are carried out in accordance with special programmes contained in plans for water protection and other programmes for testing and research of sea quality.

For further harmonisation with the Directive 2000/60/EC Water Framework Directive and Directive 2008/56/EC Marine Strategy Framework Directive in order to determine a good ecological status of the sea, it is necessary to lay down a set of characteristics defining a good ecological status of sea water, as well as the list of indicators with elements (physical-chemical properties, types of habitats, biological properties, hydro-morphological characteristics, pressure and impacts of human activities etc.), on which basis the ecological status shall be monitored and determined. It is also necessary to establish national objectives and to adopt the existing European and international ones when the same types of water are concerned, as well as to harmonise the objectives in transboundary context.

The Environmental Situation Monitoring Programme for 2009 and 2010, which shall be realized by the Environmental Protection Agency, in accordance with the Law on Environment, shall realize the monitoring programmes of the state of individual environmental segments, as follows:

- Air Quality Control Programme
- Examination Programme of the Contents of Hazardous and Harmful Substances in Soil
- Examination Programme of the Contents of radio nuclides in the Environment
- Monitoring Programme of the State of Coastal Marine Ecosystem
- Monitoring Programme of the state of biodiversity
- Measurement Programme of the noise in environment

The Monitoring Programme for Coastal Sea Ecosystem has been done for the first time in Montenegro in 2008. As regards the requests of EEA, Barcelona Convention and LBS Protocol, a comprehensive Monitoring Programme for Coastal Sea Ecosystem State is based on the evaluation of the state of sea biodiversity, stemming from the analysis of biological and chemical pollution indicators such as: water and air temperature, pH, salinity, transparency, suspended substances, O2, percentage of oxygen saturation, BPK_5, HPK, NO2, NO3, NH4, o-PO4, Si, chlorophyll, MPAS, phenols, microbiology etc.

Annual Programme of Surface Water Monitoring for 2008, realized by Hydro meteorological Office, covered 13 watercourses with 66 measuring profiles, three natural lakes with 11 measuring profiles, ground waters on only 9 profiles in the Zeta plain, the area formerly identified as black

spot due to pollution of ground waters by the Aluminium Plant Podgorica, then the coastal sea on 19 measuring profiles. Five measurements have been carried out, except for the ground waters, with four measurements.

The measurement results lead to a conclusion that the main pollution sources are urban and industrial waste waters, agricultural production, and roads. The problem of excessive exploitation of sand from the river basins still exists.

The group of the most polluted watercourses includes also the parts of courses of the rivers Vezisnica, Cehotina, Moraca, Ibar and Lim. The group of the medium polluted rivers includes Zeta, Piva, Crnojevica Rijeka and Bojana, while the rivers Tara, Grncar, Cijevna, and Kutska Rijeka belong in the group of the cleanest watercourses. As a rule, the quality of ground water was lower than the one set out.

We particularly emphasize that the abovementioned two-year-long Environmental Monitoring Programme, which is being implemented by the Environmental Agency, lacks integrated approach in monitoring the situation of all environmental segments, because the monitoring of surface and ground waters is missing. As already stated above, the examination of the quality of surface and ground waters shall be performed through a one-year-long programme, to be adopted by the Ministry of Agriculture, Forestry, and Water Management, with the legally specified obligation of previous obtaining of the positive opinion of the ministries competent for the affairs of health and environmental protection. The Monitoring Programme of the state of other environmental segments shall be proposed by the Environmental Protection Agency, that is, the ministry competent for environmental protection, and adopted by the Government of Montenegro. Pursuant to the Law on Water, the systematic examination of the quality and quantity of surface and ground waters shall be performed by the authorized legal person, that is, the Hydrometeorological Office of Montenegro, as its regular duty, while the monitoring programme of the state of other environmental segments shall be carried out, in accordance with the Law on Environment, by accredited institutions/laboratories, the selection of which is made by the Environmental Protection Agency on the basis of the performed bidding procedure. In this respect, particular discrepancies between the parameters examined on the basis of water monitoring and the data required by the Agency for the implementation of the environmental monitoring programme, including waters.

b) ground water and surface waters;

The Law on Water, as set out above, shall regulate the legal status and the method of integral management of water, aquatic land and costal land and water facilities, conditions and the method of performing water activities and other issues of importance to management of water and water estate (Article 1). The Law shall apply to:

- surface and ground water and saline water of mouths of rivers flowing into the sea;
- mineral and thermal waters;
- water estate;
- sources of drinking water in the territorial sea;
- coastal sea water with respect to land-based pollution sources.

As mentioned above, the provisions of the Water Law shall regulate the legal status and method of integral water management, which equally includes both surface and ground water. This Law shall not apply to the use of mineral and thermal waters for generation of mineral raw materials or geothermal energy (Article 2). All planning and other documents, beginning with the Water Basis, by means of the Plan for water management in the water basin, Measure Programme, to the Plan for protection of water against pollution, Operation plan for protection of water against pollution from breakdown, and Annual programme for water quality monitoring, pursuant to provisions of the Law on Water, treat management and protection of surface and ground waters with equal importance.

Monitoring of ground water status shall be carried out within the Annual programme for surface water quality monitoring for 2008, as mentioned under the item a).

c) drinking water quality?

The use of water for water supply is one of the basic demands for water and moreover, as regards to certain purposes, even existential, particularly in situations of water deficiency for all needs in a given area. Therefore, the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07) establishes the order of priority of water use for the supply of population with drinking water, state defence, sanitary purposes and water supply for livestock, which shall enjoy, in the said order, priority over water use for other purposes (Article 47 of the Law). With a view to ensure this priority, the Law moves one step further, prescribing that the use of water from water sources for the purposes mentioned above, to the extent which corresponds to those needs in the period of five years, from the day of request submission, lest those needs cannot be met in a more economic and more rational way, shall have the priority over the water requirements outside this area, for the same purposes.

Under Law on Water, it is set out that the priorities in water supply shall be provided for in the adequate planning development documents (Water Basis and Water Management Plans), as well as in the water rights acts, in which regard the Water rights terms are of particular importance.

Water used or intended to be used for water supply cannot be used for other purposes in a manner which would adversely affect the necessary quantity and properties of water intended for water supply.

The Local self-government unit is obliged to organize and provide public water supply in its territory for all settlements with more than 200 inhabitants or those whose average annual water requirement exceeds 100 m3 per day (1.16 l/s). For the water supply of two or more local self-government units, that is, settlements in their area, the public water supply may be provided through organization of regional water supply system. The water supply activities are carried out by the public enterprise, that is, a Company (enterprise for waterworks and sewage), which has been registered in the Central Registry of the Court of Commerce for execution of water supply activities and which fulfils the conditions regarding the technical-technological equipment, organization and professional qualifications of the staff. (Article 48)

Under Article 49 of the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07) it is stipulated that the water used or intended for drinking or production and treatment of the victuals and sanitary-hygienic requirements of the sea, shall, in terms of quality, meet the conditions set out in regulations, and Article 51 prescribes the quality and quantity control of the water used for water supply.

A Legal entity carrying out water supply activities shall install the devices and ensure constant systematic measurement of water quantity and the control of water quality at the water intake and take measures to ensure the sanitary quality of drinking water, as well as of proper technical condition of the devices, and submit the data to the public administration body responsible for water management affairs intended for record keeping at the water information system (Article 51)

The method and the procedure of measuring the water quantity shall be specified in more detail by a regulation adopted by the Ministry competent for water issues. The sanitary quality of drinking water is within the competence of the Ministry of Health. The regulation on the type, method and extent of the water quality testing shall be adopted by the Ministry competent for the affairs of health, with the consent of the Ministry competent for the environmental protection affairs. The Rulebook on hygienic standard of drinking water is still in effect. (Official Gazette of the Socialist Republic of Yugoslavia 42/98 and 44/99); **The Law on Water** (Official Gazette of the Republic of Montenegro 27/07) has planned the drafting of the Rulebook on type, method and extent of testing the quality of water at the water intake, which shall be adopted by the Ministry competent for the affairs of health, however, this act is not prepared yet.

Measurement, collection and processing of data on water quality for all public water supply systems shall be carried out by the Institute of Public Health of Montenegro, in cooperation with the hygienic-epidemiological departments of Health centers and the Public Institution for Eco-toxicological research.

In order to conserve the quantity and quality of the waters in use or intended for water supply, the Law on Water prescribes certain protection measures. Thus, the Provision of Article 55 lays down that the use of water from sources of surface and ground waters, except general water use within the meaning of the Law on Water, may be allowed only after conducting of research works which prove the possibility of their rational use, in accordance with the Law. The research works refer to investigations comprising the determining of water reserve, yield and quality in a given area and its connection with and impact on other water sources. Pursuant to the provision of Article 53 of the Law on Water, the Government adopted a Decision on designation of water sources for regional and public water supply (by means of public water supply system) and defining of their borders (Official Gazette of the Republic of Montenegro 36/08).

The areas surrounding the sources of surface and ground waters in use or intended by spatial planning documents for public water supply must be protected from deliberate or accidental pollution and other influences that may adversely affect the water source yield and sanitary quality of water (sanitary protection zone). The protection of the surface and ground water sources shall be carried out in a manner defined by the Decision on the water source protection, issued by the authority in charge of water acts issuance upon previously obtained opinion of the Ministry competent for the affairs of health, and which was preceded by the research works (Article 56).

Furthermore, Article 57 of the Law on Water defines three zones of sanitary protection of sources, along with the method of their determining:

- Wide protection zone, narrow protection zone and direct protection zone.
- The sanitary protection zones for potential regional water sources shall be determined by means of the Water basis.
- The zones of sanitary protection of the water source shall be determined in accordance with the hydrological, hydro-geological and other properties of the land and catchment areas and the provided method of their use.
- Sanitary protection zones of the source provided for in the Decision on source protection, as well as the space meant for the sanitary protection zones, shall be drafted in the water management plans and special purpose spatial plans.

The regulation on determining and maintenance of the zones and areas of sanitary protection of water sources and on restrictions in the protection zones shall be adopted by the Ministry of Agriculture, Forestry and Water Management, with the consent of the Ministry competent for the affairs of health and the Ministry competent for the environmental protection, and for the sources of ground waters, the consent of the Ministry competent for geological activities is also required. This act is in the stage of adoption.

Pursuant to Article 53 of the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07), the **Decision on determining the water sources intended for regional and public water supply (by means of the public water supply system) and defining of their borders** (Official Gazette of the Republic of Montenegro 36/08) has been adopted and the regulation on determining and maintenance of zones and areas of sanitary protection of water sources and on restrictions in the protection zones is in the stage of adoption.

47. Are waters subject to general protection or is this protection restricted to certain bodies of water or waters for certain use (e.g. drinking water extraction), or are there special protection areas apart from general provisions?

The Law on Water (Official Gazette of the Republic of Montenegro 27/07) defines **general and special water use.**

Being the segment of the environment, waters in Montenegro are entirely covered by the general environmental protection, beginning with the aforementioned **constitutional provisions on Montenegro as ecological state,** everybody's right to a sound environment and the obligation of everybody, and of the state in particular, to preserve and improve the environment, to the provisions of the **Law on Environment** according to which the subjects of environmental protection are bound to provide the control and prevention of all forms of environmental pollution and degradation, that is, their reduction to the minimum possible extent, as well as sanitation/recovery and rehabilitation of parts or segments of the environment the quality of which has been deteriorated due to pollution and other forms of degradation, thus ensuring a sustainable use of natural resources as a basic condition for sustainable development.

Article 8 of the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07) shall prescribe that the waters, as natural resources and estate of common interest, are the property of the state and may be used in a manner and under the terms set by the Law, rationally and economically (Article 40). Each user is obligated to use water in a manner which ensures the natural balance of waters and which does not threaten/exclude the rights of other persons.

General water use refers to its usage without prior treatment, i.e. without using the special devices (pumps, siphons etc.) or the construction of water facilities for:

1) personal and household purposes (drinking, sanitary purposes, for livestock watering and the like);
2) bathing and recreation in surface waters;
3) fire-extinguishing and carrying out of activities for the protection of people and assets;
4) navigation.

Method and terms of general water use mentioned in paragraph, items 1, 2, and 3 of this Article shall be specified in more detail by means of regulation issued by competent authority of the local self-government unit.

Each water use beyond general use (personal household purposes, bathing and recreation, fire extinguishing, state defence, navigation) presents special use, which requires the obtaining of the water right, unless otherwise provided by this Law, and that right shall be obtained on the basis of Water permit or Concession Agreement (Article 43). In addition to the provisions of this Law on water use for navigation, the terms set out in a separate law must also be fulfilled.

As Article 23 of the Constitution of Montenegro (Official Gazette of the Republic of Montenegro 1/07), Article 2 of the Law on Environmental Protection (Official Gazette of Montenegro 48/08) also lays down that everyone shall be entitled to a healthy environment and the environment shall be protected by the state in particular, and that the water is one of environmental segments (Article 6, item 1, of the Law on Environmental Protection).

The Law on Water (Official Gazette of the Republic of Montenegro 27/07) elaborates the measures of general water use in Chapter III - Water Management, which specifies that the management of water and aquatic land, comprises activities and measures taken for maintenance and improvement of water regime in a uniform water system on a given area with a view to provide the necessary quantities of water of prescribed quality for specific purposes, to protect the water against pollution and to protect from adverse effects of water. Also, the Chapter titled Protection of Water against Pollution sets out the reasons for water protection (Article 72), the objectives of water protection in the field of environment (Article 7:), and the protection of water against pollution shall be achieved by the following measures (Article 74):

- organization of control of water quality and pollution source, prohibition and restriction of introduction of hazardous and harmful substances in water, prohibition of traffic with/putting into circulation of substances-materials/agents hazardous to waters which can be substituted by ecologically suitable products or other;
- economic measures by payment of charge for water pollution, which is not lower than the costs of its purification
- waste water treatment on the source, application of technical-technological measures and introduction of modern technologies in production;
- water measures, which enhance the regime and the quality of small waters by dedicated extraction/emptying of clean water from storage reservoirs, and particularly for elimination of effects of pollution caused by breakdown/failure.

The abovementioned provides legal grounds for *general water protection*. Similarly, it can be concluded from the abovementioned that, besides general protection, the special protection should be implemented as well, as regards the dedicated water use.

Thus, the areas surrounding the sources of surface and ground waters in use or intended by spatial/physical planning documents for public water supply must be protected from deliberate or accidental pollution and other influences that may adversely affect the water source yield and sanitary quality of water. The protection of the surface and ground water sources shall be carried out in a manner defined by the Decision on water source protection, issued by the authority in charge of water acts issuance with the prior opinion of the Ministry responsible for health affairs, and which was preceded by the investigative works (Article 56).

As shown above, the Article 57 of the Law on Water defines three zones of sanitary protection of water sources (wide protection zone, narrow protection zone and direct protection zone), where different measures and activities are undertaken for protection of the water source.

Articles 75 and 76 of the Law on Water define water classification and categorization, which determines the conditions for protection and improvement of surface and ground water quality. Classification of waters has been defined on the basis of limit values of specific quality parameters indicators (physical, chemical, biological, microbiological, radioactivity etc.). The Decree on classification and categorization of surface and ground waters (Official Gazette of Montenegro 2/07), performed the general division of waters and determined the indicators of their limit values which refer to all surface and ground waters on the land and coastal sea waters in Montenegro.

Regarding the discharge of waste waters from disposal systems into the recipient, the Rulebook on quality and sanitary-technical requirements for discharge of waste water into the recipient and the public sewerage system, method and procedure of testing waste water quality, minimal number of tests and the contents of the report on the determined waste water quality (Official Gazette of Montenegro 45/08) shall provide the maximum allowed concentration of hazardous and harmful substances in waste waters, which may be discharged into the surface waters, and their value depends on the sensitivity of the recipient, as follows: water bodies of I category and water bodies of II and III category.

Protection of the sea, as a particular water body, from the aspect of specific purposes (seafaring/maritime, fishing and mariculture, protection of nature and biodiversity, usage of the sea for tourism, sports, recreation etc.) is also defined within the framework of separate legal standards, which treat each of these purposes respectively. Consequently:

- The Law on Water, the Law on Environment and the Law on Sea estate shall regulate the facet of sea pollution by hazardous and harmful substances resulting from human activities on the mainland and the coast;
- The Law on Ports and the Decree on order keeping in ports and other parts of the coastal sea and inland waterways shall regulate the protection of the sea against pollution from ships, ports and other facilities on the coast;

- The Law on Nature Protection, the Law on Sea Fishing, and the Law on Sea shall regulate the area of sea protection, specially protected areas, the protection of sea organisms and marine biodiversity.

  In addition to internal legislation, the sea is covered by special forms of protection, resulting from the obligations assumed through ratification of international regulations, as follows:

- The Law on Ratification of Convention on protection of the sea environment and the coastal region of the Mediterranean and 4 accompanying Protocols (Official Gazette of the Republic of Montenegro 64/07):
- Protocol on cooperation in prevention of the Mediterranean sea pollution from the ships and fight against pollution in case of wreck/accident,
- Protocol on protection of the Mediterranean sea against pollution from land-based sources and land activities,
- Protocol on areas enjoying special protection and the Mediterranean biodiversity,
- Protocol on prevention of the Mediterranean Sea pollution by transboundary movement of hazardous waste and its disposal.
- The Municipal Decision on Proclamation of Kotor and its region a natural, cultural and historical property of outstanding importance from 1979, upon inscription of natural, cultural and historical region of Kotor into the UNESCO World Heritage List, on the basis of UNESCO Convention on protection of World Cultural and Natural Heritage. The inscribed site covers also a part of the Bay of Boka Kotorska that is, *Kotor and Risan bay, enjoying this form of special protection,*
- as well as Conventions and Resolutions of the International Maritime Organization ratified on national level

  The special protection is also enjoyed by:

- Skadar Lake – transboundary water body between Montenegro and the Republic of Albania. It has been protected as a national park in Montenegro in 1983 and it received the status of international protection in 1995 when it was included in the List of wetlands of international importance, particularly significant as habitats of water birds, in accordance with the Convention on wetlands - the Ramsar Convention. The Albanian part of the lake and of the River Bojana (which is an international watercourse between Montenegro and the Republic of Albania) have received international protection in 2005 when they were proclaimed the Ramsar area.
- The Tara River basin – the Tara River basin was protected in 1979 as a UNESCO biosphere reserve, within the programme “Man and biosphere". Besides, parts of the River Tara watercourse had been protected within national parks Durmitor and Biogradska Gora since 1952. National park Durmitor was designated as UNESCO World Heritage Site in 1980.

48. Does the existing legislation provide for principles such as prevention of pollution at source, emissions control and water quality standards?

The current legal regulations contain principles such as prevention of pollution at the source, emission control and water quality standards. In such manner, the Chapter *Protection of water against pollution* of the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07) defines that the protection of water against pollution shall be carried out for the purpose of allowing harmless and unhindered/unimpeded water use, the protection of human health, of animal and plant life (fauna and flora) and the environment, and is achieved through prohibition, limiting and prohibition of discharge into water of hazardous and harmful substances; through prescribing order giving and taking of other measures for preservation and improvement of water quality, as well as

through control and prohibition of work of dams and sluices on rivers, which, during a certain period of the year, deteriorate basic characteristics of the water course (Article 72), and determines also the objectives of water protection in the area of environmental protection. Article 74 defines measures for achievement of protection of water against pollution, as follows:

- organization of control of water quality and pollution source, prohibition and restriction of introduction of hazardous and harmful substances-agents in water, prohibition of traffic with/putting into circulation of substances hazardous to water which can be substituted by ecologically suitable/appropriate products or other;
- economic measures by payment of charge for water pollution, which is not lower than the costs of its purification
- waste water treatment on the source, by means of application of technical-technological measures and introduction of modern technologies in production;
- water measures, which enhance the regime and the quality of small waters by dedicated abstraction/emptying of clean water from storage reservoirs, and particularly for elimination of effects of pollution caused by breakdown.

Article 77 of the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07) defines that the protection of water against pollution shall be carried out in accordance with the ***Plan of water protection against pollution*** adopted by the Government on a proposal of the Ministry competent for water management affairs for a period of six years, which, inter alia, contains the following: measures for protection or limitation of discharge into water of hazardous and harmful substances-agents, measures preventing the disposal of waste and other substances in areas where they can affect the deterioration of water quality, measures for waste water treatment, measures preventing the influence of scattered polluters, measures for protection of aquatic ecosystems and other ecosystems which directly depend on aquatic ecosystems, method of taking intervening measures in specific cases of pollution, organizations, companies, other legal persons, institutions and entrepreneurs which are obligated to take particular measures and actions, the time limits for the reduction of water pollution, responsibilities and powers in connection with the implementation of water protection, plan for construction of water treatment facilities with complementary contents, measures of waste water quality control through combined approach for dotted and diffuse pollution sources and other measures necessary for protection and improvement of water quality.

Article 79 of the Law on Water defines also the following prohibitions aiming at protection of water quality:

1) Introduction into surface and ground waters of hazardous and harmful substances - agents, which may cause deterioration of the current status, that is, the excess of prescribed values of water quality;
2) Introduction of substances which may pollute water or cause water muddying and salination and sludge deposit;
3) Use of fertilizers or agents for protection of plants in the coastal area, which may result in excess of prescribed values of ground water quality;
4) Discharge into public sewerage system of waste water containing hazardous and harmful substances-agents:
    - exceeding prescribed values,
    - which may have adverse affect on the possibility of treatment of water from the sewerage system,
    - which may damage the sewerage system and the water treatment plant,
    - which may have negative effect on health of the employed in charge of sewerage system maintenance.;

5) Disposal of communal or other waste on the aquatic land, high river banks, slopes of gorges and canyons, natural pits, karst sinkholes and other locations from where it can arrive to surface or ground waters or cause deterioration of water quality;
6) Deposit of materials, which may pollute water in bed meant for big water of natural and artificial water courses and lakes, as well as on other land.

Furthermore, the Article 80 of the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07) defines that every company, another legal person, or entrepreneur that discharges or deposits substances which could pollute water, shall remove those substances partially or entirely prior to their discharge into the public sewerage system or another receiving water. Article 81 specifies that in case of imminent danger of pollution or in case of pollution of surface and ground waters, a company, another legal person or an entrepreneur who caused the danger, that is, the pollution, shall take immediate measures for prevention, reduction and sanitation of water pollution, to plan the resources and time limits for their execution, as well as to compensate for caused damage.

As set out above in response to Question 46, the water quality standard is defined by the **Decree on classification and categorization of surface and ground waters** (Official Gazette of Montenegro 2/07), which was adopted on the basis of Article 75, paragraph 6 and Article 76 paragraph 2 of the Law on Water. The Decree performed the general division of waters according to their purpose, determined the classes for specific purposes and prescribed the indicators and their limit values which refer to all surface and ground waters on the land and coastal sea waters in Montenegro.

Rulebook on quality and sanitary-technical requirements for waste water disposal into the recipient/receiving water and the public sewerage system, method and procedure of testing waste water quality, minimal number of tests and the contents of the report on the determined waste water quality (Official Gazette of Montenegro 45/08) shall define in more detail the quality and sanitary-technical requirements for waste water disposal into the receiving water and the public sewerage system, method and procedure of testing waste water quality, minimal number of tests and the contents of the report on the determined waste water quality.

Article 5 of this Rulebook defines maximum allowed concentration of hazardous and harmful substances in wastewater, which may be discharged into the surface waters. It precisely defines maximum allowed concentration for 53 parameters, separately for I category Water bodies and separately for II and III category Water bodies. Article 6 sets out that maximum concentration for chemical substances and microbial species which are not designated within Article 5 of this Rulebook and which are being discharged into the surface waters shall be determined in accordance with the valid regulations in the European Union.

The second part of Chapter III prescribes the sanitary-technical requirements for disposal of wastewater into the receiving water. It is defined by Article 18 of this Chapter that the disposal of waste water into the recipient shall be carried out through sewerage systems, while Article 23 sets out that, on the occasion of waste water disposal into the lake or sea, the opening of the collector shall be placed at adequate depth and distance from the coast, in accordance with the quantity of waste water, treatment level, and hydrological factors at the discharge spot. Then the collector shall be placed on a solid ground and secured with anchor blocks, and the wastewater quality at the release point, shall be in compliance with Article 5 of this Rulebook, for the survival of dominant concrete biocenosis. The same Article defines in further text the necessity of installing the diffusers with adequate number of openings for the release of waste water into the lake or sea, then of a systematic check-up of the release system performance, according to the provided constructional-technological standards and effect of extreme meteorological needs, the adequate visible designation and the ending point of the underwater outlet.

Chapter IV of this Rulebook defines the method and procedure of testing waste water quality, minimal number of tests and the contents of the report on the determined waste water quality Article 24 sets out that, in case of waste water release into the sea or lake, its quality shall be tested for each drain/outflow at the control shaft before the underwater outlet. Frequency of testing wastewater quality depends on the spot of the wastewater release and the coefficient of dilution, i.e. the total quantity of wastewater. The Article 27 and 28 set out the method and the frequency of

testing the wastewater released directly into the lake or sea, that is, the public sewerage system. Article 30 clearly specifies that the wastewater samples shall be analysed according to the valid/existing standard methods prescribed in the country and the European Union. Article 31 defines the method of keeping the record on wastewater sampling and on what needs to enter the record. Articles 32 and 33 define that the systematic supervision and control of the quality of wastewater to be discharged into the public sewerage system, i.e., receiving water, shall be provided by legal persons and entrepreneurs that carry out its discharge. These articles also set out the method of keeping track on testing frequency, quantity, and composition of hazardous and harmful substances by means of precisely defined forms.

Chapter V of the Law on Environment (Official Gazette of the Republic of Montenegro 48/08) defines the monitoring of the status of the environment. Article 32 specifies that the Government is required to adopt the monitoring programme, on a proposal of the Agency, for a period of one year as mentioned above in response to Question 46, page 20. Article 33 defines that the monitoring, inter alia, refers to the observation of immision, i.e. the quality of air, water, sea, land, plant life and flora and fauna, as well as utilization of mineral raw materials. **The type of emission, immision**, natural and other phenomena which are the subject to monitoring, the number and disposition of measuring stations, the network of measuring stations, measuring scope and frequency, indicators of environmental pollution, methodology of sampling and measuring, time limits, the method of data submission and the manner of notifying the public shall be provided for in the Governmental regulation. With respect to the monitoring carried out by the polluter, the Article 35 of the law thereof defines that a legal person and entrepreneur using the installation, which is contaminating the environment shall organise, in compliance with the Law, the monitoring of emissions and other sources of pollution.

49. Is there a system of prior regulations and/or specific authorisation for water extraction from ground water and/or from surface waters?

Being a natural resource and an estate of national importance, water may be used in accordance with the provisions of the Law on Water. The provision of Article 39 lays down that the set of measures and works shall be taken for preservation and regulation of water quantities, called regulation of waters, with a view to provide the following:

1) Quantitative, spatial and time allocation of water for the supply of legal and physical persons;
2) Survival of water and coastal ecosystems;
3) Increased water quantities in water courses during the low water/shortage period.

The type and scope of measures and works form an integral part of the Water basis and the Water Management Plan.

As defined by Article 41 of the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07), the water use shall mean the following: catchments/intake/extraction, pumping and use of surface and ground waters for various purposes as follows: drinking, sanitary and technological purposes, irrigation, water bottling, farming of fish, shellfish and crabs, production of electric energy and other driving/operative purposes, navigation, sports, tourism, bathing, recreation, thermal and mineral waters and ecological and other purposes.

The Law on Water distinguishes two aspects of water use:

- *General water use* includes use of water without prior treatment, that is without the usage of special devices (pumps, siphons and other) or the construction of water facilities for personal and household purposes (for drinking, sanitary needs, for the livestock and the like), bathing and recreation in surface waters, fire extinguishing and carrying out of activities for the protection of people and property, and navigation. The method and conditions of general water use, except for navigation, shall be regulated in more detail in

the regulation to be issued by the competent body of the local self-government unit (Article 42).

- *Special water use* includes any water use exceeding the limits of general use which requires obtaining of water rights. Water rights shall be obtained by the water rights permit or the concession agreement (Article 43).

Water use from ground water springs can be allowed only if the investigative works have been carried out in advance, which prove the possibility of their rational and safe use in accordance with the provisions of the Law on Geological Research (Official Gazette of the Republic of Montenegro 28/93, 27/94, 42/94, and 26/07).

The investigative works are deemed to be works including the assessment of reserves, profusion and water quality at the specific source and its connection with and influence on other sources.

Concessions on public water estate are defined by the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07), and shall be obtained in accordance with the Water management basis of the Republic of Montenegro, pursuant to the provisions of the **Law on Concessions** (Official Gazette of Montenegro 8/09), which shall provide for the method and the procedure of obtaining the concession on the use of natural resources.

Pursuant to the provisions of Article 134 of the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07) the subject of concession on the public water estate may be: water use for the purpose of public water supply for the settlements with more than 200 residents; water use for production of beverages; bottling, i.e. water packing, filling up of foreign vessels and delivery or supply of water for commercial purposes; use of water power for production of electric energy and driving of plants; water use for technological and similar purposes of legal persons in quantities exceeding 86m³/day; pumping of ground water in quantities exceeding 86 m³/day; water intake for irrigation of agricultural land in quantities exceeding 175 m³/day; farming of fish, shellfish and crabs for economic and other purposes and exploitation of river deposits, if the estimated quantity of deposits in the bed is more than 100m³.

Annual plans for concession awarding in the area of waters set out the regions-localities, i.e. areas for concession awarding, subjects to concession, concession duration, as well as the time limit for publication of public announcement for concession awarding.

The annual plan shall be adopted after the open hearing conducted by the competent body, i.e. the Directorate for Water, no later than the expiry of the current year for the coming year.

During the course of the analytic stage of annual plan drafting, the requests submitted by users, potential investors and the population in the regions, i.e. prospective localities. Moreover, the guidelines shall be acquired from the competent Ministries for the affairs of energy, transportation, environmental protection and from the local administration bodies. Plan drafting is guided by a clear vision of the prospective situation in the space, respecting the principles of sustainable development and providing rational organization and regulation of water course.

The planning part of the annual plan refers to the analysis and the evaluation of the present state, with regard to potential locations and descriptions, natural characteristics of the concerned concessions, potentials, and limitations.

The bidder for concession awarding may be a domestic or foreign company or another legal person, an entrepreneur or a physical person, consortium or another form of business interconnection, who are involved in the concession awarding procedure.

Time limits of awarded concession shall be determined depending on the public interest, subject to concession, period of time needed for the investment return and the materialization of adequate profit on the basis of the activity related to concession. The time limits for concession awarding in the field of waters shall be determined by the annual plan for the granting of concessions under the Law on Concessions.

The application of competition in the concession awarding procedure provides the conditions for participation of a larger number of bidders.

In accordance with Article of the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07), the concession is not required for the execution of works and the construction and usage of facilities in compliance with the plans of the competent bodies, if the investors or executors are public enterprises and if the water is used for performance of the public function that the public enterprise was established for and it is performed on the basis of the Water rights permit.

Water rights permit, as well as the Water Rights Terms and the Water Rights Approval represent water rights acts, which set out conditions and the manner of exercising the rights over water with a view to provide a uniform water regime, integral water management and just access to waters (Article 112 of the Law on Water). These acts shall be issued by the competent administration authority, that is, the competent local-self government authority, depending on type, size, and purpose of the facility for which the water rights acts are being issued (Article 117 of the Law on Water).

Apart from the general contents of the water rights acts provided for in the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07), **the Rulebook on the contents of the request and the documentation for the issuance of water rights acts, the method of and conditions for mandatory announcement in the procedure of determining the water rights terms and the contents of the water rights acts** (Official Gazette of Montenegro 7/08), prescribes their contents in more detail, containing the terms, duties, measures and other necessary data, depending on the type of a water rights act and the facility for which the water rights act is being issued.

The starting point is the defining of the necessary technical documentation for the construction of new or the reconstruction of the existing facilities and carrying out of geological research and other works which could affect the changes in the water regime permanently, occasionally or temporarily, which shall be set out by the Water Rights Terms, and which, depending on the type of facility, normally consists of the following:

- Hydrological treatment of the source (spring, watercourse, storage reservoir, aquifer or their part), quantity, quality and the method of water intake, calculation of the necessary drinking water quantities, sanitary, technological and fire protection purposes or the technical solution of the connection to the existing or the planned facility for water supply, as well as the size and borders of sanitary protection zones, and if the water is used for drinking, production of food, medicaments and the like, the protection measures are also included. The contents of the request, the documentation enclosed with the request for the issuance of water rights acts, the method of and the conditions for mandatory announcement in the procedure of determining the water rights terms and a more specific contents of the water rights acts by type/kind.
- Description of the technological process;
- Hydrological treatment of the part of the watercourse, the calculation of proper flows, the size and intensity of water level oscillations;
- The possibility of appearance of undesirable effects on other facilities and installations, the watercourse bed and banks, surface and ground waters, acquired users" rights, settlements and the like;
- The possibility of arising of other effects on the water regime or the effects of water on the safety of the population, facilities, works, and the environment.

Prior to the issuance of the Water rights terms, the competent administration authority may demand that the investor obtains the opinion from the competent local administration authority, specialised professional institution or another public administration authority responsible for hydro meteorological affairs, specialised professional institutions, another competent authority or the municipal district, unless provided otherwise by the regulation.

Prior to the beginning of construction of the new or reconstruction of the existing facilities and plants and prior to the execution of other works that require the water rights terms, the investor is shall obtain the Water rights approval.

Water rights approval determines if the technical documentation for the planned facilities was made in compliance with the established Water rights terms.

More detailed conditions to be established by the Water rights approval, depending on the facility or the type of works are as follows:

- The obligation of amendment (or supplement) to the technical solution, with a view to fulfil the conditions for water use;
- The obligation of the facility user or the contractor to remove the facility, that is, to recover the banks of the watercourse, the natural lake or costal sea upon the expiry of the time limit set for the use of facility or for the termination of works provided for in the Water rights approval, so that the detrimental consequences for the water regime, water facilities, water estate and the third parties can be reduced to the minimum.
- The obligation of the water user to perform the water intake downstream from the release spot of its waste water;
- Other conditions set to achieve a positive impact on the water regime.

Prior to the usage of the facilities and plants which requires the Water rights Approval, the investor is obliged to obtain the Water rights permit, which shall establish that the facilities and the plants are built in accordance with the Water rights Approval. The Water rights permit shall provide for more detailed terms for the usage of the facilities, and depending on the type of facility they may refer to:

- The method of water supply, as well as the quantity and the terms of using the extracted water;
- The measures for prevention or moderation of the negative effects of the facility on the water regime;
- The obligation to install and maintain the devices measuring the extracted water quantities;
- The obligation to perform the control of the extracted water quality, and;
- Other terms to achieve the positive effect on the water regime.

The water rights permit is issued by the authority which has issued the Water rights approval, on the basis of the report made by the expert, commission, the scientific or professional organization, appointed by that authority, depending on the complexity of the case.

The water rights permit is issued for a definite period of time, and maximum for 10 years.

By way of exception, the Water rights permit for the use of hydro-storage reservoirs meant for production of electrical energy, is issued for a period up to 20 years.

Also, the Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05) sets out that the projects which, inter alia, may have direct and indirect impact on the land, water, air, climate and landscape, must be established, evaluated and described through their impact on the environment.

As defined in Article of the Law on Environmental Impact Assessment, the environmental impact assessment shall be performed for the projects in the field of industry, mining, energy, transportation, tourism, agriculture, forestry, water management, and communal activities, as well as for all projects planned in the protected natural resources and the protected environment of the immovable cultural properties.

Pursuant to the Decree on projects which require the environmental impact assessment (Official Gazette of the Republic of Montenegro 20/07 dated on 4 April 2007), the List 1 concerning the projects which require the mandatory environmental impact assessment includes also the projects in the area of energy production. According to Article 10, the impact assessment shall also be mandatory for the projects in infrastructure, hydro technical facilities used for the transfer of water between the river basins, intended for the prevention of possible water scarcity/shortage where the quantity of water transferred exceeds one hundred cubic meters per annum, dams and other facilities meant for the retention and accumulation of water where the water which flows in, or is

additionally retained or accumulated exceeds the quantity of 10 million m^3, ground waters pumping or ground waters enrichment when the annual volume of the pumped or enriched water equals the quantity of 10 million m^3 or more.

In the same way, the impact assessment shall be, pursuant to Article 11 of the Decree, required also for the plants meant for the treatment of waste waters polluted by organic substances with the biochemical consumption of oxygen in the amount of nine thousand kilograms per day in the course of five days or more or the waste water polluted by non-organic substances with 4.500 m^3 or more waste water in the course of two hours.

50. Does the existing legislation provide for objectives laid down in a "master plan", also listing the measures to take for reaching these objectives?

The answer is yes. The legal framework of water management is set out in the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07) and the **Law on Water Management Financing** (Official Gazette of the Republic of Montenegro 65/08), and the **Law on Environment** (Official Gazette of the Republic of Montenegro 48/08.) The Law on Water shall provide for the obligation of establishing the objectives in the field of environmental protection, within the purview of water protection, both for the surface and ground waters, as well as for the protected water basins. The measures and activities shall be determined in compliance with the set objectives in order to realise the set objectives.

Pursuant to the provisions of the **Law on Water** (Chapter 3 *National programmes and plans for water management*), the adoption of the Water Basis of Montenegro, which represents a long-term national programme of water management, is laid down. As set out in Article 23 of the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07), the Water Basis contains the evaluation of the status of water resources and water regime (disposition, reserves and characteristics of water) in Montenegro; the description and assessment of the present status of the water facilities and the water systems; the objectives of sustainable development and of water management, and particularly the regulation of waters, achievement of good water status, use and utilization of waters and the time limits for their realization*;* conditions in the area of legal and organizational solutions in the field of water*;* water requirements in all segments of life and work in Montenegro and the possibilities of ensuring the sufficient quantities of water of adequate quality for various purposes; analysis and measures for overcoming the conflict of interest within the purview of usage, regulation and protection of waters and aquatic land; measures necessary for preservation of natural balance of waters, i.e. measures required for its restoration and improvement; the strategy and conditions for maintenance and enhancement of the water regime, in order to stimulate the uniform and harmonised development of the water related activities on the entire territory of Montenegro; priorities for the achievement of the objectives in water management and in water regime enhancement , in compliance with the sustainable development; the bases for the plan of water use, which determine the strategy for the protection of water against pollution; the bases for the plan of protection from the adverse effect of waters; water balance; the guidelines for international cooperation and implementation of international agreements in the area of water management; evaluation and sources of the funds needed to attain the set objectives; basic terms of monitoring and information system for water management in the territory of Montenegro and other guidelines of importance to water management and to the requirements of the water regime.

The Water Basis was adopted by the Government in 2001. on a proposal from the Ministry (competent for the affairs of water management) and shall be re-examined upon the expiry of 10 years from the day of adoption, i.e. re-examination.

Apart from the Water Basis, the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07) sets out that for the water basin, as a basic entity for water management, the Government of the Republic of Montenegro shall also adopt another important planning document – the Plan of water management in the water basin of the river catchments area, and where necessary, also for the river catchments areas, as parts of the water basin. Since Montenegro has been divided by the law in two water basins, as follows: the Water Basin of the Black Sea and the Water Basin of the

Adriatic Sea catchments area, consequently, the adoption of two such plans for its territory, on the level of water basins shall be inevitable.

The plans of water management and the programmes of measures adopted by virtue of this law must be in compliance with the Water Basis.

According to the provision of Article 24 of the Law on Water, the Plan of water management for the water basin shall contain, inter alia:

- the review of programme of measures and the method and the dynamics of the achievement of the set objectives in the field of protection from adverse effects of water, water protection (including the measures for protection of the extracted water intended for drinking, which ensure a lower degree of purification in the production of drinking water, the prohibition of the introduction and the control of pollution emission, prohibition and the situations which allow a direct discharge of pollution in the ground waters, prevention and reduction of the effects of accidental pollution etc.) and water use (water supply for drinking and other purposes, the control of water extraction and accumulation, including the prohibitions of water use, economic prices of water use etc.);
- supplementary measures for the achievement of the set objectives of the environmental protection;

The water protection is definitely one of the columns of the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07) and the said constitutes a set of measures and procedures which preserve the water quality, that is, which upgrade it to the level prescribed for the use for various purposes. The protection of water against pollution is carried out in order to ensure the harmless and unimpeded use of water, the protection of the men's health, flora and fauna and the environmental protection.

The provisions of Article 73 of the Law on Water set out the following objectives for water protection in the environmental field:

1) For surface waters:

- prevention of deterioration of the status of all surface waters;
- protection, improvement and recovery of all surface waters;
- achievement of good water status for unnatural and highly altered water bodies;
- protection and improvement of all unnatural and extremely altered bodies of water, with a view to achieving a good environmental potential and good chemical status of the surface waters;
- accelerated reduction (decrease) of pollution by preferential substances, as well as the cease or progressive elimination of the discharge, emission and losing of preferentially hazardous substances;

2) For ground waters:

- Prevention or limitation of pollution introduction into the ground waters and the prevention of deterioration of the status of all bodies of ground waters;
- protection, improvement and recovery of all ground waters and the achievement of balance between the extraction and the recovery of ground waters (protection from excessive exploitation), in order to ensure a good status of ground waters;
- reduction of a substantial increase of pollution concentration, resulting from the effect of human activity, aiming at progressive decrease of ground water pollution;

3) For protected areas:

- harmonisation with the established standards and objectives for particular protected areas.

In order to attain the objectives of environmental protection provided for under the provision of the Law on Water, the Water Basis and the Plans of water management in water basins, the

Government, on a proposal from the Ministry (competent for the affairs of water management), adopts a set of measures for each water basin which sets out the following measures in particular:

1. for water protection - determined by the Law and the regulations adopted by virtue of the Law (in the field of public health, environmental protection, agriculture, fishery etc.);
2. for the regulation of waters and watercourses and the protection from adverse effect of waters (regarding the preservation of water quantities, improvement of hydro-morphological conditions in the watercourse with a view to achieving a good environmental status and good environmental potential, protection from floods, erosion and torrents, drainage, determining of a necessary volume of water facilities construction), including the priorities of their construction;
3. regarding the water use (conditions of use, rational and sustainable use, as well as the refund of costs for water use (Article 32).

Apart from the Water Basis, the Government of Montenegro has adopted the following master plans:

- **Master plan for the drainage of waste water of the Montenegrin littoral and the Municipality of Cetinje**, defining long-term measures to be realised in the Municipalities of the Montenegrin littoral, the implementation of which requires the financial means in the amount of EUR 280.800.000.
- **Strategic Master Plan for sewage and waste waters in the central and northern region of Montenegro***,* the implementation of which requires the financial means in the amount of EUR 278.732. 896.

Activities within the implementation of the said master plans are appended. (Annex 206)

51. Is there a system for prior regulations and/or specific authorisation for storage and handling of substances endangering or potentially endangering waters?

Yes there is. The Article 115 of the Law on Water (Official Gazette of the Republic of Montenegro 27/07) defines the facilities and the works, which require that the Water rights terms be obtained in the procedure of drafting the documentation needed for the issuance of the permit for construction, i.e. for the execution of works. Paragraph 1, item 16 of this article specifies that the same goes for the "storage on the banks of substances which may pollute water".

The water rights terms shall provide for the conditions for drafting of the technical documentation which ensures the adequate protection of waters against pollution, and the Water rights approval shall establish that the technical documentation is made in compliance with the set Water rights terms and the Water rights permit shall lay down the method and conditions of the storage and discharge of hazardous and other substances which may pollute water.

The water rights order lays down the obligation of the Water rights permit holder to carry out, that is, to abstain from certain activities or works, during a particular period of time, in order to remove the hazard of the imminent or occurring disturbance of the water regime, as well as to establish the situation in accordance with the conditions defined by the Water rights permit.

The contents of the necessary technical documentation for the issuance of the water rights acts is defined by the Rulebook on the contents of the request, documentation for the issuance of water rights acts, the method of and the conditions for mandatory announcement in the procedure of establishing the Water rights terms and the contents of the water rights acts (Official Gazette of the Republic of Montenegro 7/08)

The control of the issued water rights acts and the fulfilment of the terms under these acts shall be performed by the Water Inspection.

In order to protect the water from the effects of pollution, pursuant to Article 87 of the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07), it is prohibited to discharge mineral

oils (crude oil, petroleum, petrol, diesel fuel, light distillate oil, lubricating oil and oil fuel).The harbours and ports, pursuant to Article 88 of this Law, are obligated to install the necessary devices for the takeover of waste mineral oils, oil mixtures, waste water and other waste substances from the vessels, in accordance with the Law.

Pursuant to the provisions of the Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05), all projects that could have, inter alia, a substantial impact on water, require conducting of the environmental impact assessment. The Study on environmental impact assessment, pursuant to the provisions of the Rulebook on the contents of the Study on environmental impact assessment (Official Gazette of the Republic of Montenegro 14/07), within the description of the potential substantial environmental impact of the proposed project, contains, inter alia, the qualitative and quantitative review of possible changes in the course of project implementation, in the course of regular functioning and in case of accident, as well as the estimation whether the changes are of temporary or permanent character.

Furthermore, it also contains the measures to be taken with the purpose of preventing, reducing or removing the substantial adverse effects on all segments of the environment, in the course of project implementation, regular working conditions and in the case of potential breakdowns.

The provisions of the **Law on Environment,** within the Chapter *Instruments of Environmental Protection* refer to the issues of prevention of accident and the measures applicable in case of accident, which refer to hazardous substances which may pollute water. In such a manner, for particular products, plants, sections or devices, equipment and production operations which may cause a risk or hazard for the environment, separate regulations set out the technical standards of environmental protection which define the limit values of emissions pertaining to the production process and the use of plants, sections, devices, equipment, as well as the limit values of the product components. The technical standards provide for the following: the method of manufacture, production, marking, handling and the use of products; the method of the use of sections, devices, equipment and the production operations; the method of determining and monitoring the quality of the products, sections, devices, equipment and the production operations, approval procedure; the method of calculation of the costs of determining and monitoring the quality of the products, sections, devices, equipment and the production operations, as well as handling the products, plants, sections, devices and equipment upon the cessation of use. The technical standards shall be set out by the Government (Article 23).

The prevention of accident refers to the plants where or by means of which the hazardous substances are: produced; processed; stored; generated as side-product in the production process; used as raw materials in production, i.e. in the technological process transported within the plant and/or laid aside for the purpose of the production process, that is, may appear on the occasion of a big accident. The Register of the kinds of hazardous substances, the method of determining the quantities, the allowed quantities and the criteria for categorization and characterization of hazardous substances, as well as other issues of importance to the procedure of the prevention of accident shall be regulated in more detail be the Governmental regulation (Article 24).

In case of accident, every person who finds about the accident shall, without delay, notify the Environmental Protection Agency and other competent authorities and, in accordance with his/her individual capacity, take measures for prevention, reduction and removal of the consequences of the accident. A legal person and an entrepreneur responsible for the accident shall, without delay, organise and implement the planned measures and the procedures of the reaction to the accident and engage the people and the resources, pursuant to the separate regulation. This obligation also applies to the legal persons and entrepreneurs who are not responsible for the accident, should the consequences of the accident appear in the territory of their place of business (Article 25).

In case of accident, depending on the accident scale and the assessment of the consequences which represent hazard to human health and the environment, the Ministry (competent for the environmental protection), that is, the body of the local self-government unit, shall proclaim the state of environmental endangerment and informs the public about the taken measures. For the accidents with transboundary effects, the state of environmental endangerment shall be proclaimed by the Government (Article 26).

With the purpose of removing and preventing the further spreading of the pollution cause by the accident, the legal person and the entrepreneur responsible for the accident shall immediately take the recovery measures in accordance with the protection plans, at their expense. Should the pollutant responsible for the accident be identified afterwards, the subject who covered the costs of the removal of the environmental pollution consequences may request the compensation of costs (Article 27).

It is important to emphasise that the foregoing secondary legislation, the drafting of which is provided for by the Law on Environment, have not been adopted yet.

The management of certain kinds of waste which may contain hazardous substances which could pollute water is defined under provisions of the Law on Waste Management (Official Gazette of the Republic of Montenegro 80/05).

Article 20 of the Law on Sea (Official Gazette of Montenegro 17/07) defines that with a view to the navigation safety, the protection of the sea against pollution, the prevention of the endangerment of biological species, as well as with a view to the decrease of the hazard of larger maritime accidents, the Ministry of Transport, Maritime Affairs and Telecommunications can prohibit the navigation in the particular parts of the inland sea water or the territorial sea for specific ship types and dimensions, i.e. for the ships transporting a special type of cargo. The waterways and the zones of separated navigation shall be drawn in the chart issued by the authority responsible for the affairs of hydrographic activities and shall be published in due time in the Notices to Mariners.

Article 21 of the Law on Environmental Protection (Official Gazette of the Republic of Montenegro 51/08 dated on 22 August, 2008) defines the Protection of sea and undersea. In this respect, it shall be prohibited to carry out actions, activities or trade which destroy the sea habitats. The preservation of biological variety of the sea shall be ensured by the implementation of protection measures in accordance with this Law.

52. Which are the responsible authorities for:

a) planning procedures?

The line Ministry for the field of water is the Ministry of Agriculture, Forestry and Water Management. Pursuant to the Decree on Public Administration Organisation and Manner of Work (Official Gazette of Montenegro 59/09), there shall be a Section for Water Management within this Ministry, competent to propose the planning documents and to establish water related policy that the Government is required to adopt, then to implement the adopted policy in the field of water, to adopt the planning documents and the legislative acts within its competence and to perform administrative, inclusive and inspection control. The Government is required to adopt the secondary legislation on the proposal of the Ministry of Agriculture, Forestry and Water Management. The Government shall lay down the proposals for the adoption of the new, that is, for the amendment of the existing laws, which shall be submitted to the Parliament for adoption.

In accordance with the provisions of the Law on Water, the Ministry of Agriculture, Forestry and Water Management proposes the following planning documents to the Government:

1) Water Basis;
2) Plan of water management for the water basins;
3) Programme of measures for each water basin;
4) Plan of water protection against pollution.

In accordance with the provisions of the Law on Water, the Ministry adopts the following:

1) Operating plan of water protection against pollution from breakdown for the waters of importance to the Republic;

2) Operating plan of protection from the adverse effect of waters for the waters of importance to the Republic.

In accordance with the provisions of the Law on Water, the Water Directorate shall prepare the following planning documents which shall be submitted to the Ministry for the further procedure:

1) Water Basis;
2) Plan of water management for the water basin;
3) Programme of measures for each water basin;
4) Plan of water protection against pollution.
5) Operating plan of water protection against pollution from breakdown for the waters of importance to the Republic;
6) Operating plan of protection from the adverse effect of waters for the waters of importance to the Republic.

In accordance with the provisions of the Law on Water, the competent body of the local self-government is in charge of drawing up the following:

1) General and operating plan of protection from the adverse effect of water for waters of local importance (in agreement with the Water Directorate),
2) Operating plan of water protection against pollution from breakdown for the waters of local importance (in agreement with the Water Directorate),
3) Plan of prevention measures and works to be taken by the owners and users of the land in the erosion area, with a view to the protection from erosion and torrent,
4) Long-term, medium-term and short-term plan for activities in the area of water supply and drainage.

In accordance with the Decree on Public Administration Organisation and Manner of Work (Official Gazette of Montenegro 59/09), within the Ministry of Spatial Planning and Environmental Protection there is also a system of utilities sector activities, so that the projects defined by the Master Plan for the drainage of waste water of the Montenegrin littoral and the Municipality of Cetinje and by the Strategic Master Plan of sewage and waste waters in the central and northern region of Montenegro which facilitates the implementation of the EU Directive 271/91 EEC in practice, as well as by the Master Plan of water supply on the Montenegrin Littoral are at the stage of implementation. In accordance with the Law on Water, the local self-government units shall adopt the plans of water supply and public sewerage system, and in accordance with the Law on Utility Services, they shall establish the enterprises, which are the performers of the said services. The Ministry of Spatial Planning and Environmental Protection plans to prepare the proposal for a new Law on utilities, which would facilitate a better correlation between the municipal plans in the area of utilities and the plans adopted by the Government of Montenegro.

b) prior regulation and/or specific authorisation procedures?

According to the provisions of the Law on Water, the Water Directorate and the competent body of the local self-government unit are the authorities authorised for the issuance of water rights acts for the purpose of ensuring a uniform water regime, integral management and the just access to waters.

Water rights acts are the following:

- Water rights terms,
- Water rights approval,
- Water rights permit and

- Water rights order.

Article 114 of the Law on Water defines that the investor shall obtain the Water rights terms for the purposes of drafting the technical documentation for the construction of the new or the reconstruction of the old facilities and for carrying out the geological research and other works which may permanently, periodically or temporarily affect the changes in the water regime.

Water rights approval determines that the technical documentation shall be made in compliance with the established Water rights terms.

Prior to the usage of the facilities and plants which require the Water rights Approval, the investor is obliged to obtain the Water rights permit, which shall establish that the facilities and the plants are built in accordance with the Water rights Approval.

Water rights permit sets out the method, conditions, and the extent of water use and discharge/release of wastewater, the method, and conditions of storage and discharge of hazardous and other substances which may pollute water, as well as the terms for other activities which affect the water regime.

Water rights order lays down the obligation of the Water rights permit holder to carry out, that is, to abstain from certain activities or works, during a particular period of time, in order to remove the hazard of the imminent or existing/occurring disturbance of the water regime, as well as to establish the situation in accordance with the conditions defined by the Water rights permit. Any complaint against the water rights order shall not delay its implementation.

The competence for the issuance of the water rights acts shall be prescribed by the law and depends on type, size, and purpose of the facility or works for which the water rights acts are issued. As a rule, the authority, which issued the Water rights terms, is competent for the issuance of the Water rights approval, the Water rights permit, and the Water rights order.

53. How is the coordination of the various authorities involved in planning and implementation of water related policies and legislation ensured?

The coordination of the activities of the bodies and institutions involved in the planning and implementation of the water related policy shall be carried out by the Government of Montenegro, which shall also adopt all planning documents of importance to Montenegro (Water basin of Montenegro, Water Basin and River Basin Management plans ans special water management plans), as well as the entire secondary legislation relating to this issue.

Plans in the field of water shall be adopted by the Government at the proposal of the ministry responsible for water affairs, and the Ministry of Agriculture, Forestry and Water Management, and their professional preparation shall be made by the Water Administration as an authority responsible for water management. In accordance with the Law on Waters (Article 29) conducting a strategic environment impact assessment shall be required for water based and water management plans on water area, or part of the water area. The Law on Strategic Environmental Assessment in Article 5 (paragraphs 2 and 3) defines the obligations of the strategic assessment of plans or programs in the field of agriculture, forestry, fishing, hunting, energy, industry including mining, transport, tourism, regional development, telecommunications, waste management, water management, coastal zone management, urban or regional planning or land use, which provide the framework for future development projects that are subject to conducting a strategic environmental impact assessment in accordance with the separate law, and those plans and programs that, given the area in which they are implemented, may affect protected areas, natural habitats and conservation of wild flora and fauna. Article 6 of the same Law establishes the obligation of preparing a report on strategic environmental assessment of plans or programs that are defined in Article 5, paragraph 2 and 3.

Pursuant to Article 68 of the Law on Water river exploitation of deposits from non-renewable and renewable reservoir is carried out based on the water right approval and concession agreements. With the application for the issuance of water right approval the following shall be submitted:

1) project of river exploitation of deposits made in accordance with the project of regulation created by the competent administrative body;
2) approval of the ministry responsible for agricultural affairs, when exploitation of river deposits is made on agricultural land;
3) approval of the ministry responsible for environmental matters when exploitation of peat deposits is made in national parks;
4) copies of plot plan, if necessary, and proof of ownership or right to use the appropriate real estate.

When the Government of Montenegro shall adopt planning documents in the field of water by, the same become binding on both the national and local government level. In addition to the Ministry of Agriculture, Forestry, and Water Management, the Water Administration and the competent authorities in local self-government, through the execution of tasks within their competence established by the Law on Water and the regulations on the organization of state and local administrations implement a planning document. In this part, it is extremely important to emphasise the existence of the Water Council, which is, according to Article 153 of the Law on Water, established by the Government for the purpose of making proposals for the decision making on professional issues and professional assistance in the procedure of decision making and preparation of the regulations in the field of water (Article 152). The Council consists of a chairperson and 10 members. The members of the Council shall be appointed from among the eminent scientific and professional institutions in the field of water, economy, finance, local self-government units, water rights holders, service users, non-governmental organizations in the field of water and environment. In the former practice, the representatives of almost every institution dealing with water related issues have been engaged in the work of the Council.

In order to improve the efficiency of coordination of activities of different bodies involved in the planning and implementation of policies in the field of water, it will be necessary to examine coherence of the Law on Water to the Law on Environment, as an umbrella law in the field of environmental protection, which is prescribed by provision of Article 71 of the Law on Environment within one year of its entry into force.

54. Is a system of River Basin Management and marine waters management being developed to ensure water quality

Chapter 3 of the **Law on Water** – ***National programmes and plans of water management*** define that the ***Plan of water management on the water basin of the catchments area,*** with consideration of specificities of the water basin, shall set out the elements of water management provided for by the Law and thus determine the state policy in this area. The re-examination of the plan upon the expiry of six years from the day of its adoption, i.e. re-examination (such prescribing ensures the validity of the former plan of water management until the adoption of the new one), and due to complexity, the drafting of such plan, the first one in particular, requires a long period of time, as well as considerable financial means. The aforementioned fact that the Framework Water Directive sets out the time limit of nine years for the publication of the first such plans in the countries of the European Union, speaks best in favour of their complexity.

Since Montenegro has been divided by the **Law on Water** (Official Gazette of the Republic of Montenegro 27/07) in two water basins as follows: the Water Basin of the Black Sea and the Water Basin of the Adriatic Sea catchments area, consequently, the adoption of two such plans for its territory, on the level of water basins shall be inevitable, and the time limit for adoption of the Plans is 9 years starting from the entry into force of the Law on Water. Creation of the preconditions for their drafting and until now, the Decree on the contents and the method of preparing the plan of water management in the water basin of the catchments area or in its part have been prepared. The lack of adequate staff and financial resources required is evident.

The Law on Water regulates in detail the issues of importance to the ***inundation zone***. To that effect and with the purpose of ensuring the protection from adverse effects of water, the Law provides for determining a zone threatened due to floods - inundation zone and for its registration as such in the Cadastre of real property.

The inundation zones, within the meaning of the Law, shall be the aquatic and other land where the water occasionally overflows outside the aquatic land, due to specific circumstances.

The inundation zones on the waters of importance to Montenegro shall be regulated by the line Ministry (competent for the affairs of water management), and on the waters of local importance by the competent authority of the local administration, upon previously obtained opinion of the public administration body competent for the affairs of water management.

The inundation zones shall be determined depending on the degree of probability to have the adverse effects of water, on the number of potentially threatened residents and the scale of possible damage of the facilities, land and property.

The outer limits of the inundation zones shall be plotted in the relevant topographic layouts and spatial plans, and the cadastral lots in those zones shall be recorded in the information system and separately designated in the cadastre of real estates.

The land on the inundation zone is divided in classes corresponding to the degree of hazard (risk zones). The basis for classification is the maps of inundation zones, with the determined limits of inundation for big waters of different recurrence intervals. The line Ministry, in cooperation with the Ministry competent for the affairs of physical planning, shall lay down the methodology and the criteria for determining the threatened regions and the methodology for the manner of classification corresponding to the degree of hazard (risk zones).

The importance of the said legal provisions is immeasurable. During the former period, we were generally becoming aware of it in the course of hydrological maximums with longer period of recurrence, when facing the larger-scale floods which cause considerable material damage to the residential and other facilities, particularly in the river valleys.

Therefore, the objective of the said provisions is to approach this problem in an organised and professional manner, by determining the inundation zones and by classification of the land on that region corresponding to the degree of hazard (risk zones). Only on the basis of such approach shall the authorities be able to deliver a decision in the procedure of planning and adoption of particular acts (terms, approvals and permits) whether the given locality is can be constructed and under which terms.

The development of the system of ***sea water management*** rests on the principles of integrated management of coastal zone (IUOP - Integrated Coastal Zone Management - ICZM), the starting point of which is contained within Chapter 17 of Agenda 21. In Montenegro, the development of IUOP system is ongoing, so the following legal, planning and programme documents can be taken as starting points:

- **The Law on Coastal Zone** (Official Gazette of the Republic of Montenegro 14/92) which treats the space of the territorial sea and the coastal zone as a singular unity of particular importance to Montenegro and defines its use, enhancement and protection. This law, although a good basis for the development of the sea and coastal zone management system, requires to be amended and harmonised with the relevant European and international regulations, in the first instance with Directive 2008/56/EC Marine Strategy Framework Directive, Directive 2000/60/EC Water Framework Directive and 2006/7/EC Bathing water quality Directive), and in particular with the Convention on the Protection of Marine Environment and Coastal Zone of the Mediterranean (Barcelona Convention) and the complementary protocols. It is particularly important to harmonise the Law with the provisions of the Protocol on Integrated Management of the Mediterranean Coastal Zones, within the Barcelona Convention. Montenegro signed the said at the beginning of 2008 and the activities related to the adoption of the Law and its ratification is in progress. Upon entry into force of this Protocol, the said shall become the basic legal act for establishment of the system of integrated management of the coastal zone in Montenegro.

- **Special Purpose Spatial Plan for the Coastal Zone** (Official Gazette of the Republic of Montenegro 30/07) represents a strategic planning document which defines the purpose and the regimes of use and protection of the coastal zone. This plan has been adopted for the period until 2020 with the possibility of periodical re-examination. Considering that physical planning is one of the vital mechanisms for implementation of integrated management of the coastal zone, with the purpose of harmonizing with the European and international objectives and standards of integrated management of the coastal zone with a view to achieving the sustainable development and environmental protection in the coastal zone, the necessity of reviewing this spatial plan shall be taken into consideration.
- The sea and the coastal zone are one of the priority areas in the **National Strategy of Sustainable Development (NSSD),** which was adopted by the Government of Montenegro in 2007. The main tasks in this area for the implementation of which NSSD set out a series of measures and activities are as follows: a) Imposition of integrated management of the coastal zone and b) reduction of the pollution sources of the sea and the coastal zone.
- The adoption of the **National Strategy of Integrated Management of the Coastal Zone of Montenegro (NS IMCZ ME),** is one of the measures provided for by the NSSD ME. With the technical assistance of GTZ, Montenegro began drafting this strategic document. The Ministry competent for the affairs of spatial planning submitted the draft NS IMCZ for the Governmental examination at the end of 2008. As the Protocol on Integrated Management of the Mediterranean Coastal Zones was signed within Barcelona Convention in the meantime, and its ratification in Montenegro is expected, it is necessary to perform the harmonization of NS IMCZ ME with the provisions of this Protocol and other relevant European and international documents.

  Within the scope of international cooperation in the area of water, the relations of Montenegro with the neighbouring states Croatia and Albania are regulated by means of the Treaties concluded between the states as follows:

Cooperation with the Republic of Croatia:

- **The Law on Ratification of the Agreement between the Government of the Republic of Montenegro and the Government of the Republic of Croatia concerning mutual relations in the area of water management** (Official Gazette of the Republic of Montenegro 01/08). The objective of this Treaty is the consideration and agreed solving of all issues including also the works and activities in the area of sustainable management of waters and water facilities that both or one of the parties are interested in because of their impact on the changes in the water quantity and quality, and for the purpose of establishing an integral management of water of common interest, in accordance with the international legal instruments in this area, particularly with the EU regulations in the field of water and environment (Framework Water Directive 2000/60/EC) and international standards and principles of the water law and the environment provided for by the Convention on the Protection and Sustainable Use of Transboundary Water flows and International Lakes (Helsinki, 1992) and the Convention on the Protection of the Mediterranean Sea against Pollution (Barcelona 1976) and all the protocols adopted on the basis of that Convention and other relevant international agreements and other legal acts. The provisions of this Treaty refer to the waters of common interest, interventions, water facilities, activities and events which may affect waters, and, inter alia, the protection of water against pollution.

Cooperation with the Republic of Albania:

- **The Treaty between the Government of the Republic of Montenegro and the Republic of Albania on the water related issues** was concluded on 31 October, 2001 in Podgorica.

  Stemming from the mutually expressed interest in the development of cooperation in the field of water management, the Government of Montenegro established the Commission with a task to monitor the total cooperation with the Republic of Albania and to propose measures and activities for enhancement of cooperation and relations in this field.

The Sub-Commission in the field of water management on the expert level was also established, and it prepared the Platform for Negotiations with the Albanian Party – Information on Cooperation in the Field of Water Management With The Republic Of Albania. The Albanian party also formed the team of experts for the activities of the Trans-national Commission in the field of water management. Particular attention of the Trans-national Commission was paid to the alignment of the common stance on the realization of the Skadar Lake, the Drina and the Bojana River Regulation Project.

Also, the Protocol on Cooperation in the Field of Water Management, the Statute and the Treaty at the level of the two Governments were signed with previously obtained approval of the Government of Montenegro from 30th January 2003.

On the basis of the Bilateral Agreement on Scientific Cooperation, the Montenegrin Academy of Sciences and Arts and the Albanian Academy of Science signed the Memorandum on the Activities in the Project *The Regulation of Skadar Lake and the Bojana River Water Regime*.

- **Memorandum on Understanding in the Sector of Environmental Protection and the Implementation of the Sustainable Development Principles** was signed between the line Ministries in May 2003. This document legally sets out that both signatory parties shall work on elaboration of sustainable development principles, within the framework of national legislation, as well as within the framework of the relevant international agreements. The focus areas of the Memorandum on understanding are as follows: monitoring, waste management, cleaner production, nature protection, environmental impact assessment etc.

  Additionally, this document creates the preconditions for the establishment of common working groups for the given activities-including also the water monitoring, pollution control, as well as for the tasks of impact assessment in transboundary context, particularly in the Skadar Lake catchments area, which refers both to surface and ground waters. As this document was signed for a period of 5 years, the activities on drafting the new Memorandum on Cooperation on the bases of the Memorandum from 2003 are ongoing.

- **The Agreement on Protection and Sustainable Development of the Skadar Lake** was signed in February 2008, as one of the activities resulting from the preliminary stage of the project *Integral Management of the Skadar Lake Ecosystem*, which is financed by the Global Fund for Environmental Protection (GEF), and implemented by the World Bank. This document creates legal preconditions for the establishment of the Commission for the Skadar Lake which takes effect from April 2009. Through its work and action, this trans-national structure shall receive its full affirmation and become a legitimate forum for decision making in the Skadar Lake region. The Commission for the Skadar Lake consists of 6 permanent members as follows: the representatives of the Ministries in charge of the environmental sector in both states, the representatives of the Skadar Lake National Park and the city of Skadar, as well as one representative of the non-governmental organizations of each state.

  Moreover, conclusion of agreements on water management of common interest with Serbia and Bosnia and Herzegovina is imminent. For now, the cooperation with these countries is realised according to the need pointed, or on an ad hoc basis.

In addition, the basis for cooperation with Croatian, Serbia and Bosnia and Herzegovina was established by acquiring full membership of Montenegro in the Commission for the Protection of the Danube River, and the inclusion of Montenegro in the work of the Commission for the Protection of the river Sava (Sava Commission) as an observer.

E. Nature Protection

55. Describe the legislative basis for the protection of nature, especially concerning species and habitats of conservation interest.

One of the fundamental values of the constitutional order of Montenegro is the right to a healthy environment, the right to be timely and thoroughly informed on the condition of the environment, to have the possibility to influence the decision making on the issues important for the environment and to the legal protection of these rights (Article 23 and Article 78 of the Constitution). The obligation of the state is emphasized with a reason, since it is the state that determines the conditions and the manner in which economic and other activities are performed, where responsible care must be taken of preservation of the nature, the environment and sustainable development, as the preamble of the Constitution states.

In Montenegro the activities related to environment protection are based on the Law on Nature Protection adopted by the Parliament of Montenegro on 22 August 2008 (Official Gazette of Montenegro 51/08).

The general provisions of the Law on Nature Protection prescribe the general measures of nature protection and preservation (Article 7). These are: nature protection and preservation; protection of natural assets; sustainable use of natural resources and natural assets and the control of their use; preservation of ecological networks and corridors; implementation of strategies, plans, programmes, bases and other documents; mitigation of harmful consequences caused by activities in the nature, through the use of natural assets or by natural disasters; incentive measures for the protection and preservation of natural assets. The Law defines in particular the preservation of forest ecosystems, of wetlands and water habitats, protection of the sea and underwater, protection of habitats within the agro-ecosystems and other non-autonomous and half-autonomous ecosystems, preservation of genetic diversity (Articles 17-24 of the Law on Nature Protection).

Implementation of this Law is controlled by the Ministry competent for environment protection and municipalities or by some other form of local self-government (Article 114). Inspection control within the competencies of the Ministry is performed by the environmental inspection pursuant to this Law and the law regulating inspection control (Article 114). In performing inspection control, an environmental inspector is obliged to undertake administrative measures and actions provided for by Article 116 of the Law on Nature Protection when s/he determines violation of the law or some other regulation .

Pursuant to Article 117, in performing inspection control an environmental inspector has the right and the obligation to seize temporarily:

1) objects, goods or devices the use of which is not allowed, and which originated from performing
2) unallowed action or by which unallowed actions were performed;
3) movable protected natural asset in the event of unallowed possession;
4) specimens of protected wild species of flora, fauna and fungi in the event of unallowed keeping in captivity, breeding or illegal trade.

In performing inspection control an inspector has the right and an obligation to pronounce to legal and physical persons that do not hold a permit of an administration authority or some other approval measures of prohibition pursuant to Article 118, including giving orders for undertaking urgent measures for the purpose of human life protection and reduction of damages arising from performance of unallowed actions and activities.

Chapter XVI of the Law defines also penal provisions including fines ranging from one hundred to three hundred minimum wages in Montenegro for offences committed by legal persons and entrepreneurs in performing actions under Article 119.

The Law on Nature Protection defines protected natural assets enjoying special protection in Montenegro (Article 37). The categories of protected areas of nature (protected locations) are divided into: strict and special nature reserves, national parks, regional parks and the parks of nature, natural monuments, protected habitats and areas of exceptional characteristics. Other protected natural assets are: protected flora, fauna and fungi species - strictly protected wild species and protected wild species and protected geological and paleontological objects.

The Law includes provisions regulating the issue of import of allochthonous species into nature and reintroduction of disappeared wild species; trade in endangered and protected wild flora, fauna and fungi species; keeping of strictly protected and protected wild fauna species, keeping, breeding and trade for commercial purposes in wild fauna species; (Law on Nature Protection, Articles 87 - 98).

The Law established also adoption of the Red Book i.e. list, and a list of strictly protected and protected wild flora, fauna and fungi species (Articles 45 and 46 of the Law). The Red Book will be drawn up by the year 2011. Until the aforementioned list from Article 46 of the Law on Nature Protection is determined, the Decision on Putting Particular Flora and Fauna Species Under Protection (Official Gazette of the Republic of Montenegro 76/06) will apply.

Article 30 of the Law on Nature Protection regulates the preservation of habitat types and environmentally important localities through the establishment of environment protection network NATURA 2000. The habitat types of interest for protection are: habitats threatened by disappearance in their natural scope, habitats having small natural areas as the consequence of regression or limited spread areas, habitats representing the main examples of typical characteristics of one or several bio-geographic regions (Alpine, Continental, Mediterranean). The Law provides for the ban of actions, activities and operations in a protected natural asset that includes the habitat type or habitat of protected flora, fauna or fungi species, in compliance with the Law and the international treaties. The establishment of an environment protection network will provide for connecting and preservation of habitat types in a favourable condition, i.e. renewal of habitats whose favourable condition has been disturbed, pursuant to Article 31 of the same Law. In terms of this Law (Article 32) environmentally important localities are the localities of threatened and rare habitat types as follows: preserved localities characterized by exceptional biological diversity, which are of international importance; localities contributing to preservation of biologial and landscape diversity; localities of habitat types that are threatened and rare in Montenegro, Europe and the world; habitats of wild flora, fauna and fungi species of Montenegro; localites significantly contributing to connection of biological wild flora, fauna and fungi species (environmental corridors); migration routes, resting and natural breeding places of animals; preserved forest wholes.

A number of international Conventions have been ratified with a view to applying an integrated approach to nature protection. Together with the current activities aimed at transposing the relevant EU legislation in the area of nature protection into national legislation, the provisions of ratified multilateral agreements in this area are being transposed too. The adoption of the Law on Nature Protection incorporated the most important legal acts of EU in the area of nature protection into the national legislative framework: Council Directive on the conservation of natural habitats and of wild fauna and flora, 9 December 1996 (Council Directive 92/43/EEC - Habitats Directive), Council Directive on the Conservation of wild birds, of 2 April 1979 (Council Directive 79/409/EEC - Birds Directive) (31997R0338) - Council Regulation on the protection of species of wild fauna and flora by regulating trade therein (EC) No 338/97 (Council Regulation 338/97/EC). The Law also envisages the transposition of Regulations 1999/22/EC, 3254/91/EEC, 865/2006/EC, 1037/2007/EC through the adoption of secondary legislation within the Law on Nature Protection. This will improve the management of protected parts of nature and prescribe the manner in which they are used.

Below are the relevant international conventions and multilateral agreements in the area of nature protection that Montenegro ratified /took over by succession to date:

No.	Name of multilateral agreement	status	No. of the Official Gazette
1.	Convention on Biological Diversity	ratified	Official Gazette of the Federal Republic of Yugoslavia 011/01-28
2.	Cartagena Protocol on Convention on Biological Diversity	ratified	Official Gazette of Serbia and Montenegro 016/05-40
3.	Convention on Migratory Species-CMS	ratified	Official Gazette of Montenegro 006/08-147
4.	Convention on the Conservation of European Wildlife and Natural Habitats (Bern convention)	ratified	Official Gazette of Montenegro 7 of 8 December 2008
5.	Ramsar Convention on Wetlands	ratified	Official Gazette of the Federal Republic of Yugoslavia 009/77-675
6.	Convention Concerning the Protection of the World Cultural Heritage	ratified	Official Gazette of the Federal Republic of Yugoslavia 056/74-1771
7.	European Landscape Convention	ratified	Official Gazette of Montenegro 006/08-135
8.	Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention)	ratified	Official Gazette of the Federal Republic of Yugoslavia 011/01-3
9.	United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa	ratified	Official Gazette of the Republic of Montenegro 017/07-12
10.	Convention of Cetaceans of the Bleak Sea, Mediterranean See and contiguous Atlantic Area (ACCOBAMS)	ratified	Official Gazette of Montenegro 7 of 8 December 2008

Nature protection is regulated also by the Law on National Parks (Official Gazette of Montenegro 56/09 of 14 August 2009). The said Law protects and improves the national parks by: providing conditions for protection, improving and using rationally the national parks resources; creating favourable conditions for sustainability and development of flora, fauna and fungi species and their communities; protecting and improving special natural values; researching and using national parks for the needs of developing science, education, tourism, culture and recreation; preventing actions that can disturb the basic characteristics and properties of national parks and environment protection, (Article 4). The Public Enterprise for Management of the National Parks of Montenegro, established by the Parliament of Montenegro, manages the national parks (Article 5). Funds for the protection and development of national parks are provided from the Budget of Montenegro, revenues from the Public Enterprise operation, fees for using the national parks resources, fees for damages done to the national parks resources, by joining the funds of enterprises, institutions and other legal persons, from credits, loans, presents, legacies, and the like, from fines for offences defined by the law and from other funds (Article 32).

Protection of space in the national parks is achieved through implementation of the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08 of 22 August 2008) with Article 21 thereof providing for adoption of a special purpose physical plan to be passed by the Parliament of Montenegro. This is an important legal instrument that enables sustainable use of potentials and sustainable development of national parks and coastal areas and natural reserves. The special purpose physical plan defines, among other, the regime for the use and development of space and the zone borders according to these regimes (Article 21, paragraph 2). The management plans and the annual management programme are also adopted. The national park management plan is adopted by the Government, for a period of five years. The annual management plan for a national park is adopted by the Public Enterprise, pursuant to the special purpose physical plan and the management plan (Article 14 of the Law on National Parks; Article 65 of the Law on Nature Protection).

Based on the new Law on Nature Protection (Official Gazette of Montenegro 51/08) the Decision on establishment of the Nature Protection Office was adopted (Official Gazette of Montenegro 15/09 of 27 February 2009), whereby the control of legality of Office operation was transferred under the competence of the Ministry competent for environment protection affairs. Prior to the transfer, the control of the Office operation legality was under the competence of the Ministry competent for cultural affairs.

The area of environment protection is regulated by the following regulations and strategic documents, especially with regard to the species and habitats of importance for preservation:

1) Based on Article 30 paragraph 10 of the Law on Nature Protection (Official Gazette of Montenegro 51/08) the Rulebook on types and criteria for determining habitat types, manner of habitat maps development, manner of monitoring the state and degree to which habitats are endangered, the contents of the annual report on the state and degree to which habitat types are endangered, measures of habitat types protection and preservation (Official Gazette of Montenegro 80/08) was adopted. This rulebook provides for kinds of habitat types and the criteria for determining habitat types, the manner of habitat maps development, monitoring of the state and degree to which habitats are endangered, the contents of the annual report on the state and degree to which habitat types are endangered, protection measures for preservation of habitat types in a favourable condition, as well as a list of habitat types and environmentally important locations.
2) Based on Article 27 paragraph 6, and in relation to Article 16 indent 5 of the Law on Nature Protection (Official Gazette of Serbia and Montenegro 36/77 i 2/89) Decision on Putting Particular Flora and Fauna Species Under Protection was adopted (Official Gazette of the Republic of Montenegro 76/06).
3) This Decision was adopted prior to entry into force of the new Law on Nature Protection and will apply until the adoption of the Red list, which is to be adopted by the beginning of 2010, while the Red Book will be drawn up by the end of 2011.
4) The Decision on the Control list for export, import and transit of goods (Official Gazette of Montenegro 82/08) according to which the Environmental Protection Agency issues permits

for export, import and transit of endangered wild flora and fauna species pursuant to the Law on Ratification of the Convention of International Trade in Endangered Species of Wild Fauna and Flora - CITES (Official Gazette of the Federal Republic of Montenegro, international treaties 11/01) and permits for export of species from the Decision on Putting Particular Flora and Fauna Species Under Protection (Official Gazette of the Republic of Montenegro 76/06);

5) Declaration on the Protection of the Tara river (Official Gazette of the Republic of Montenegro 78/04), whose adoption is aimed at ensuring adherence to the Declaration on the Ecological State of Montenegro and regulations in the area of environment protection. According to this Declaration any attempt to change the Tara river requires free declaration of all the citizens of Montenegro and the only just decision on the destiny of the river would be made at a referendum.

6) The National Sustainable Development Strategy of Montenegro with the Action Plan (January 2007). The Strategy provides for integration of international standards into the national legal framework and the protected areas management system.

Apart from the said regulations the natural resources protection is also regulated by the Law on Freshwater Fishery (Official Gazette of the Republic of Montenegro 011/07-9), Law on Game and Hunting (Official Gazette of Montenegro 052/08-1), Law on Forests (Official Gazette of the Republic of Montenegro 055/00-39) , Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro 56/09), as well as the regulations in the area of environment protection: Law on Environment, (Official Gazette of Montenegro 48/08), Law on Strategic Environmental Assessment, (Official Gazette of Montenegro 80/05), Law on Environmental Impact Assessment (Official Gazette of Montenegro 80/05).

In addition to the said documents, the key binding strategic document for nature protection is the National Biodiversity Strategy with the Action Plan, the draft of which was adopted by the Government of Montenegro in 2009. This is the first Strategy drawn up in the area of biodiversity in Montenegro. It determines the situation of biological diversity, analyses the reasons why they are endangered and adopts strategic guidelines with concrete action plans needed for their protection, integrates all the available data on the situation of biological diversity and determines the priority action plans.

Pursuant to the National Programme for Integration of Montenegro into the EU for the period 2008-2012 (NPI), activities were initiated for the collection of data with a view to establishing a protected areas network, defining indicators for monitoring activities implementation and establishing a data base. In accordance with what has been said, the Nature Protection Office of Montenegro, a body that assesses the situtation and degree to which habitat types are endangered, pursuant to the Law on Nature Protection, initiated development of Montenegro Natura 2000 database as implementation of the first component of the project Montenegro and Natura 2000: Strengthening the Capacity of Governments and civil sector to adopt to EU Natura protection Aquis. The financial support for the project implementation is provided by the Norwegian Ministry of Foreign Affairs, while the implementing agency is the World Wide Fund (WWF). The competent Ministry, the Nature Protection Office of Montenegro and the civil sector are involed in project implementation.

Based on the criteria from Resolution 4 and 6 the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Annexes I and II of the Directive on Habitats and Directive on Birds, 156 types of habitats, 5 plant species, 5 mosses species and 162 species of invertebrae and vertebrae of importance for protection were identified at the territory of Montenegro. The Final Report on the completion of the project forwarded to the Council of Europe (December 2008) recognizes 32 EMERALD sites for protection.

Implementation of the project „Environmental Geographic Information System (GIS) for Montenegro“ started the mapping of national parks borders and proposed EMERALD sites, which created an adequate cartography base for nature protection planning (the components covered by GIS are forests and biodiversity).

56. What are the national plans regarding bio-diversity?

Pursuant to the Law on Nature Protection (Official Gazette of Montenegro 51/08), one of the basic documents for nature protection is the Biodiversity Strategy with the Action Plan. The project of preparing "Biodiversity Strategy with the Action Plan" in Montenegro was financed by GEF, while the United Nations Development Program was engaged as the implementing agency. In 2009 the Government of Montenegro adopted a draft of this document for the period 2009-2014, with the final version of the Strategy being envisaged for adoption by the end of 2009, according to the Work Programme of the Government.

Implementation of the project aimed at preparing the Strategy implied collection and analysis of the existing data and information on the situation of biodiversity in Montenegro, based on which the objectives of the Strategy and the Action Plan were defined. Based on the existing and available information, a Country study identifying and analysing the situation in the area of biodiversity was drawn up within the project. It was prepared pursuant to the *Guidelines for the Preparation of Biodiversity Country Studies*, as well as guidelines for national planning of activities in the area of biodiversity. The guidelines were based on the previous worldwide experience (National Biodiversity Planning: Guidelines Based on Early Experiences *around the World)*, and they were prepared by the World Resources Institute, the United Nations Environment Program and the International Union for Conservation of Nature.

The Strategy was drawn up in compliance with the legal regulations of Montenegro and based on the following conditions and requirements of the Convention on Biological Diversity: biological diversity protection, sustainable use of its components and a just distribution of benefits arising from the use of genetic resources. Based on the findings and knowledge from the Country study and other official documents relating to biodiversity protection, and in line with the recommendations given in numerous documents within the Convention on Biological Diversity, the Strategy formulated the basic principles and long-term and operative objectives of biodiversity protection. The Strategy principles and objectives from the Strategy represent a framework within which the needs and possibilities for undertaking activities aimed at biological diversity protection in Montenegro are to be undertaken.

Moreover, the Strategy defines in particular the threats and factors threatening biological diversity. Starting from these, the main challenges for biological diversity protection were identified, with the responses to them being defined in the Action Plan for the period 2009-2012. The Action Plan proposes 40 measures and activities structured into 7 thematic wholes, which are to contribute in a comprehensive manner to the preservation, improvement and renewal of biodiversity in Montenegro.

In the forthcoming five-year period of Strategy implementation, and in compliance with the available organization capacities, implementation of the following measures and activities aimed at biological diversity protection and its sustainable use will be secured:

1) Development and building of documents base on biological diversity: Flora of Montenegro; Vegetation map of Montenegro, Birds fauna of Montenegro; Development of a Programme of long-term research of biological diversity in Montenegro: Review of the scope and increase in the amount of funds allocated for the needs of the Biodiversity Monitoring Programme implementation; Making an inventory and mapping the distribution of endemic flora and (optional) fauna species protected by law; Identification and development of the National network of Natura 2000 sites; Collection and analysis of data related to the just distribution of benefits arising from genetic diversity; Drawing up of the National habitats classification (catalogue); Drawing up an inventory of invasive species.
2) Building and strengthening institutional and personnel capacities for biological diversity protection;
3) Increasing the efficiency of the legal and institutional framework in the area of biodiversity/nature protection;
4) Preventing and mitigating pressures on ecosystems;

5) Integrating the biological diversity protection into sectors: (i) tourism, (ii) spatial planning and (iii) major infrastructure construction;
6) Putting under protection the new protected nature areas;
7) Increasing the efficiency of protected natural areas management.

According to the wealth of flora and fauna and ecosystem diversity, Montenegro belongs to the leading European countries. The degree of nature preservation is monitored based on an annual monitoring programme adopted by the Government of Montenegro pursuant to Article 77 of the Law on Nature Protection, which is implemented by the Environmental Protection Agency (Article 34 of the Law on Environment). The monitoring programme includes monitoring and assessment of the condition of wild flora, fauna and fungi species, their habitats, habitat types, environmentally important areas, ecosystems, environmental network, as well as types of sites, then monitoring of geological values alterations, monitoring the condition of protected assets and other elements of importance for monitoring the nature preservation condition. In Montenegro the monitoring of the biological diversity condition has been carried out since 2000 within the National Environmental Monitoring Programme. Information collected to date still does not provide possibilities for a comprehensive analysis of trends in the conditions of indicator species populations. By generalizing the results obtained through the Environmental Monitoring Programme it was established that the negative consequences were most prominent in water and forest ecosystems. With regard to this, water and forest ecosystems were recognized as the priority ecosystems.

A number of causes lead to loss of biodiversity, among them the following as well: low level of prohibitions, restrictions and incentives related to biological diversity protection/natural resources protection; demographic, social and economic changes affecting biodiversity; insufficient participation of interest groups, insufficiently reformed institutional framework for protected areas management, implementation of particular activities incompatible with the sustainable use of natural resources.

As it has already been stated in response to question 55, based on the criteria from the Resolutions 4 and 6 the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Annexes I and II of the Directive on Habitats and Directive on Birds, 156 types of habitats, 5 species of plants, 5 species of mosses and 162 species of invertebrae and vertebrae of importance for protection were identified at the territory of Montenegro.

The bases of strategic planning of nature protection and biological diversity preservation have been laid down in the National Sustainable Development Strategy of Montenegro. Within environmental protection, this document defines the area " Biodiversity Protection and Natural Values Preservation" (especially in protected areas)" as an area for priority action. The following measures were defined as priority ones in this area:

1) Increase the nationally protected natural areas to 10% of the territory and protect at least 10% of the coastal area; use the European typologizations of habitats important for protection (EMERALD, Natura 2000) in identifying protected areas of nature, making sure to include representative ecosystems;
2) Establish an efficient system of protected natural areas management (harmonized with the IUCN management categories, ensuring a participative approach in management);
3) Improve the legal framework for biodiversity protection; build the personnel capacities and develop an efficient system for monitoring biodiversity.

The National Capacity Self Assessment for implementation of conventions related to environmental protection with an action plan in the area of biodiversity, climate change and soil degradation is of importance for biodiversity protection. Funds for project implementation were provided by the Global Environmental Facility, while the United Nations Development Program was engaged as the implementing agency.

The initial phase for the implementation of the project "Strengthening the sustainability of the Protected Areas System of Montenegro (PAS)“ is under way, as well as preparation of project documents for the implementation of the project "Protected Area Sustainable Financing Project

(PAF)". Funds for project implementation have been provided by the Global Environmental Facility, while the United Nations Development Program has been engaged as the implementing agency.

A Report on the status, problems and preservation of marine and coastal biodiversity in Montenegro was drawn up – SAP/BIO (February 2004) with the relevant Action Plan (March 2004) produced at the level of preliminary Strategy, in compliance with the requirements of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and the accompanying Protocol on the areas under special protection and biodiversity of the Mediterranean. The report included an assessment of the situation of biodiversity in the coastal area of Montenegro and identified the key problems and the measures for nature protection that need to be implemented, and it includes 24 priority actions (PA). Five priority actions were prepared in the form of National Action Plans (NAP) with the aim of their implementation within SAP/BIO implementation (Strategic Action Plan for the Protection of Biodiversity of the Mediterranean) as follows: inventory and mapping of the sensitive areas, protection of Dalmatian Pelican (*Pelecanus crispus*), assessment and review of the status, regime and management practice of protected areas, identifying new protected areas in the coastal zone and analysis of the possibilities and the formulation of an adequate Funding Strategy for Marine Biodiversity Protection.

Marine biodiversity protection has been defined as a priority issue in the implementation of the National Biodiversity Strategy and the National Sustainable Development Strategy of Montenegro (NSDS MN). As already stated, the priority measures of the NSDS MN envisage the establishment of protected marine areas at three locations (at the moment Montenegro does not have protected areas at sea), as well as an increase in the protected coastal areas space, pursuant to the Spatial Plan of Montenegro and the Special Purpose Spatial Plan for the Coastal Zone. To this effect, the implementation of the Project for the Establishment of Protected Marine area at the location Katiči is of importance, with the technical-financial support provided by the Ministry of Environment, Land and Sea of Italy. In the context of establishment of protected marine areas, the implementation of the Coastal Area Management Programme– CAMP Montenegro will be important, whose implementation is planned in cooperation with the Mediterranean Action Plan within the UN Environment Program (regional programme for implementation of Barcelona Convention).

57. What systems of protected areas exist for nature conservation and how complete are such systems?

The Law on Nature Protection (Article 37) defines the following as protected natural locations within the protected natural assets: strict and special nature reserve, national park, regional park and park of nature, monument of nature, protected habitat and an area of exceptional characteristics.

At the same time, pursuant to the provisions of Article 37 the following also belong to protected natural assets:

-protected flora, fauna and fungi species - strictly protected wild species and protected wild species; and

-protected geological and paleontological objects.

Categorization and the protection regime in the protected areas are presented in Chapter V (Categorization and protection regimes in the protected natural assets) of the Law on Nature Protection. Pursuant to provisions of Article 48 referring to the evaluation of protected areas, categorization of protected natural assets is performed based on the following criteria:

- essential characteristics of a protected natural asset: authenticity and autochtonousness, or degree of indigenousness; representation or degree of relictness, endemism, uniqueness in its

species; rareness, diversity, or wealth of natural phenomena and processes; integrity, or functional unity; landscape attractiveness; age; degree of area preservation;

- function and importance of the protected natural asset: environmental; cultural-historical; educational; scientific-research; development and other;

- degree to which the natural asset is endangered.

Pursuant to the provisions of Article 49, the Protected natural assets are classified into the following categories:

- I category - protected natural asset of exceptional importance;

- II category - protected natural asset of great importance;

- III category - significant protected natural asset.

Provisions of Articles 50-52 define the characteristics which a natural asset must possess in order to be classified into one of the above three categories.

Starting from the quoted criteria for categorization of protected areas, and especially taking into account the definitions of individual protected natural assets contained in Articles 38 - 47 of the Law on Nature Protection, they could be matched by the following IUCN categories:

- Strict reserve -IUCN I
- Special reserve - IUCN IV
- National park - IUCN II
- Regional park – IUCN IV
- Natural monument - IUCN III
- Park of nature - IUCN V
- Protected habitat - IUCN V
- Area of exceptional characteristics – IUCN III

The Parliament of Montenegro declares protected areas at the state level (national park), by passing a law, Article 55 of the Law on Nature Protection. The national parks are managed by the Public Enterprise for National Parks Management of Montenegro, founded by the Parliament of Montenegro, with 4 management units managing those areas. The management unit for the NP Prokletije, which was declared according to the new Law on National Parks (Official Gazette of Montenegro 56/09 of 14 August 2009), has not yet been established. According to the Law on National Parks, the Special Purpose Spatial Plan for the National Park „Prokletije" will be adopted within 18 months from the day of entry into force of this Law, while the Management plan for the National Park „Prokletije" will be adopted within six months from the day of spatial plan adoption.

Areas with a lower category of protection located at the territory of a local self-government unit are declared by a decision of the local self-government unit assemblies, pursuant to a previously obtained approval of the ministry competent for environment protection and opinion of the ministry competent for agriculture, forestry and water management (Article 55 of the Law on Nature

Protection). Previous experience has shown that management of these areas is mainly unsatisfactory, often weak and incomplete.

The list of strictly protected and protected wild fauna, flora and fungi species is determined by the ministry competent for environmental affairs, with the previously obtained opinion of the ministry competent for the affairs of agriculture, forestry and water management (Article 45).

All the protected natural assets need to be harmonized with the new Law on Nature Protection and registered into the Register of Protected Natural Assets established and kept by the Environmental Protection Agency (Article 61).

Pursuant to Article 63 of the Law on Nature Protection, the entity managing a protected natural asset is obliged to adopt an annual management plan and an act on internal order and to provide a protection service. The annual management plan for a national park is adopted by the Public Enterprise, in compliance with the special purpose spatial plan and the management plan (Article 14 of the Law on National Parks; Article 65 of the Law on Nature Protection). The management plan for a national park is adopted by the Government, for a period of five years. Pursuant to Article 66 of the Law on Nature Protection, the management plan shall include in particular: measures for the protection, preservation, improvement and use of a protected natural asset; development guidelines, guidelines and priorities for protection and preservation of a protected natural asset, taking into consideration the needs of local population; manner of protection implementation, protected natural asset use and management; long-term objectives of protection and sustainable development; analysis and assessment of conditions for achieving protection objectives; presentation of natural resources and users of the protected natural asset; priority activities for preservation, maintenance and monitoring of natural and other values and segments of the environment; assessment of the situation of the natural asset; guidelines for scientific-research work; activities planned for sustainable use of natural resources, space development and management; spatial identification of planned purposes and the regime of soil use; activities for the promotion and valuation of protected natural asset; forms of cooperation and partnership with the local population, owners and users of immovables; management plan implementation dynamics and implementers, and the manner of implementation assessment; funds for management plan implementation; other elements important for management of the protected natural asset.

According to Article 15 of the Law on National Parks (Official Gazette of Montenegro 56/09), the annual management plan includes: measures of protection, preservation, improvement and use of national park assets; development guidelines, guidelines and priorities for protection and preservation of the national park assets with taking into consideration the needs of local population; manner of protection implementation, use and management of the national park; objectives of protection and sustainable use; analysis and assessment of conditions for achieving the protection objectives; presentation of natural resources and users of national parks assets; priority activities for preservation, maintenance and monitoring of the natural and other values and segments of the environment; assessment of the national park condition; guidelines for scientific-research work; planned activities for sustainable use of natural resources, space development and management; spatial identification of planned purposes and land use regime; activities for the promotion and valuing of national park assets; forms of cooperation and partnership with the local population, owners and users of immovables; dynamics and manner of implementation and realization of the management plan and the annual management plan; funds for the implementation of the annual management plan, other elements important for managing the national park in compliance with the Law.

Pursuant to the management plan and the annual management plan, when the national parks assets are used, the protection of waters and their banks, land and forests, wild flora, fauna and fungi species, and the fish stock, air, landscape and ambiance values and values created by work and other natural assets must be secured.

In Montenegro 53 objects are under protection. Pursuant to the national legislation, 124 929 ha or 9.04 % of the territory is protected, while 237.899 ha or 17.22% is under protection pursuant to the obligations from the taken over relevant international treaties. All together, on both grounds, the protected areas of nature cover 20.76% of the state territory, with some territories being protected on both grounds (e.g. NP Skadar Lake as a national park and a wetland area pursuant to RAMSAR Convention, NP Durmitor as a national park of nature and UNESCO world heritage site).

Protection categories at the territory of Montenegro:

Level	Protected natural asset	Surface	Percentage of representation
National level of protection	National parks	99 563 ha	7.2 %
	Monuments of nature	7.773 ha	0.6 %
	Areas of exceptional natural characteristics	322.5 ha	0.02 %.
	Other protected areas – protected by municipal regulations	15.000 ha	1.08%
	Strict nature reserves	500 ha	0.03 %.
Internationally protected areas	The Tara river catchments area, M&B UNESCO Biosphere Reserve, including the NP Durmitor with the Tara river canyon	182.889 ha	
	National park „Skadarsko jezero" - Ramsar area (List of wetland areas of international importance, especially as a water birds habitat)	40.000 ha	
	The Kotor – Risan Bay, Municipality Kotor	15.000 ha	

The major nationally protected areas in Montenegro are:

1) National park „Durmitor" ,

2) National park „Skadarsko jezero" ,

3) National park „Biogradska gora",

4) National park „ Lovćen",

5) National park „ Prokletije".

In the context of protected areas system reform and increase of area under protection, of importance is the implementation of the project ‘'Establishing the EMERALD network in Montenegro", which was implemented in three phases during 2006, 2007 and 2008. The National Team, composed of experts employed in the Nature Protection Office, the Nature Museum, the National Parks of Montenegro, the Marine Biology Institute from Kotor and the Natural Sciences and Mathematics Faculty - Study Group for Biology, was engaged in the implementation. During project implementation the National Team identified 114 types of habitats of importance for Europe, 5 plant species, 5 mosses species and 157 species of vertebrates and invertebrates, 3 bio-geographic regions (Mediterranean, Continental and Alpine), as well as inventories of species and types of habitats according to bio-geographic regions in Montenegro.

The Law on Nature Protection also sets out the obligation to establish the environmental network Natura 2000 (Article 30), which is made up of habitat types and environmentally important locations, and whose parts are connected by environmental corridors. The Law on Nature Protection defines the Government of Montenegro as the entity determining the environmental network. Activities aimed at assessment of the situation of habitat types and degree to which they are endangered are in the preparatory phase.

Marine biodiversity protection is determined as a priority issue within the implementation of the National Biodiversity Strategy and the National Sustainable Development Strategy of Montenegro. The priority measures of NSOR CG envisage the establishment of protected marine areas at three locations (at the moment Montenegro does not have protected areas at sea), as well as an increase in the area of coastal protected areas, pursuant to the Spatial Plan of Montenegro and the Special Purpose Spatial Plan for the Coastal Zone. To this effect, the implementation of the Project aimed at establishment of a protected marine area at Katiči location, with the technical-financial support of the Ministry of the Environment, Land and Sea of Italy is important. The work plan for implementation of this project defines development of a Feasibility Study for establishing a system of protected marine areas, as well as activities aimed at establishment of the first marine protected area at Katiči location (scope of sectors 48, 49 i 50). Feasibility Study development is under way.

In the context of establishment of protected marine areas, the implementation of the Coastal Area Management Programme– CAMP Montenegro, whose implementation is planned in cooperation with the Mediterranean Action Plan within the United National Environment Program (regional programme for implementation of Barcelona Convention) is regarded as important.

The protected areas of nature were established in Montenegro based on the Law on Nature Protection from 1977, previously in force. Pursuant to the provisions of the new Law on Nature Protection, pre-categorization of the existing system of protected areas needs to be done, i.e. status for particular areas needs to be reviewed in compliance with the current regulations in the area of nature. There will be no major changes with regard to the status of national parks, since the national parks protection is regulated by a special law. For other protected areas it is necessary to adopt adequate management plans and determine managing entities pursuant to the existing Law. This is even more important in view of the fact that for a significant number of the existing protected areas, after they were declared, for a number of years the managing entities were not appointed and the management structures and plans were not established. Thus, pursuant to the Law on Nature Protection from 2008, the system of protected areas is currently being reviewed as well as the planning activities and the dynamics in the context of environmental network establishment. In this way the existing management system of the protected areas is being reformed, so as to ensure introduction of an efficient and sustainable management system for the entire network of protected areas of nature i.e. protected natural assets.

Implementation of the initial phase of the project - "Strengthening the sustainability of the Protected Areas System of Montenegro (PAS)“ is under way, as well as preparation of the project documents for the implementation of the project „Protected Area Sustainable Financing Project (PAF)“. Funds for implementation have been provided by the Global Environment Fund, while the United Nations Development Program is the implementing agency. Through implementation of project activities at pilot locations, the said projects are aimed at providing support to national entities in defining an optimal management and funding model for the protected areas, starting from the obligations stemming from transposing of the relevant EU legislation into the national framework and obligations stemming from the implementation of UN Convention on Biological Diversity.

Article 36 of the Law on Nature Protection defines cross-border protected natural assets as protected assets that can be connected with the protected assets of another state by an international treaty. In relation to this, the implementation of the cross border project ”Integrated Management of the Skadar Lake Ecosystem“ is of importance, the funds for which are provided by the Global Environment Fund, with the World Bank as the implementing agency.

Within cooperation with the WWF, through implementation of the priorities of the Dinar Arch Initiative, priorities were determined in the context of cross-border protected areas establishment. Activities are under way for the connecting of the NP „Durmitor“ in Montenegro and the NP „Sutjeska“ in Bosnia and Herzegovina, within a partnership of the relevant national entities of the two countries with UNDP, UNEP and UNESCO.

With regard to the system for preservation of forests as a natural resource, it must be pointed out that forests are protected in compliance with the existing Forest Law (Official Gazette of Montenegro 55/00) regulating the growing, protection, use and disposal of forests and forest land as a natural resource.

Pursuant to Article 4 of this Law forests can be:

- commercial forests primarily used for permanent production of timber and other forest products,
- protective forests primarily used for protection of commercial and other objects, land, settlements, springs, water courses and other
- forests with a special use representing special natural values and used primarily for scientific research and teaching, recovery, rest and recreation and other.

Protective forests are determined to cover 66.000 ha or an area of 16 % of forests and forest land, while forests in the national parks cover 12.975 ha or 3%.

Draft of the new Forest Law (Article 34) provides for establishment of particular areas within the NATURA 2000 network at the territory of forest ecosystems.

The Draft Forest Law also provides for application of a sustainable management in compliance with the protection and preservation objectives for these areas i.e. their habitat types, in the forests in the thrid zone of protection and within protected areas of nature, as well as in the forests within the environmental network NATURA 2000.

The objectives, guidelines and measures for providing special management regimes for forests are determined in the plans related to the protected areas of nature and environmental network NATURA 2000, and they are included in the national strategy with the plan for forest development.

In relation to this, it is important to point out that funding of special management regimes defined in this way is provided from the budget funds allocated for the area of environment protection.

Annex 205

58. What are the main (practical) nature conservation instruments (e.g. management contracts, conservation plans, compensation systems, etc.), land-use planning controls and enforcement measures that exist:

Pursuant to Article 62 of the Law on Nature Protection, a protected natural asset is managed by a managing entity meeting the requirements regarding professional, personnel and organizational capacities for performing the affairs of protection, improvement, promotion and sustainable development of a protected natural asset. Protected natural assets found at forest localities or constituting a part of such localities are managed by the administration body competent for forests.

Important instruments in planning the specially protected areas management are:

- **Special purpose spatial plans**: the bases for planning land use and implemetation of existing measures are regulated by the special purpose spatial plans. A special purpose spatial plan provides guidelines for a special regime of development and use (Law on Spatial Development and Construction of Structures, Article 21);
- **Protected areas management plans**: are adopted for a period of five years. The management plan provides guidelines based on which the following are adopted:

-**annual management plans,** which are harmonized with the Management plans and Special purpose spatial plans (Article 65 of the Law on Nature Protection).

Apart from the special purpose spatial plans, the management plans and the annual management plans for protected areas, instruments for nature preservation, control of planning and use of land and implementation of the existing measures for protected areas are also: reports on the implementation of nature protection programmes prepared by the Nature Protection Office of Montenegro, and adopted by the Government of Montenegro; compensation measures (monetary compensation, establishment of a new locality having the same or similar characteristics as the damaged locality) for damages to nature determined by the Environmental Protection Agency, and carried out by the legal or physical person that caused harmful consequences in a protected area of nature.

Special Purpose Spatial Plans, management plans, annual management plans and special acts of the Public Enterprise for National Parks Management define the conditions and measures for the protection of national parks, respecting the needs of the local population.

The special Management Plans for the National Park “Durmitor” as an UNESCO world heritage site and the river Tara Basin as a location of UNESCO programme “Man and Biosphere -MAB” will be the main instruments of natural values preservation for these areas. Pursuant to the recommendations of the Convention on World Heritage, the objective of these plans will be the establishment of a strategic framework for the existing plans and activities, as well as implementation of additional measures and decisions with a view to preserving and improving exceptional natural values of these internationally protected areas. The Management Plans will be drawn up in the forthcoming period.

The affairs of management and improvement of the national parks are performed by the Public Enterprise for National Parks. The Council for National Parks (Article 33) is established with the aim of giving proposals for decision making on professional issues and providing professional assistance in the procedures of decision making and drafting of regulations in the area of national parks protection. As regards implementation of the national parks management plans, the Law defines the rights and duties of the national parks protection service (Article 31).

The Ministry competent for environmental affairs controls the legality of operation of the Public Enterprise for National Parks Management (Article 29 of the Law on National Parks). Inspecion control within Ministry competence is performed by the environmental inspection pursuant to the Law on Nature Protection (Article 114) and the law regulating inspection control. Environmental Inspection constitutes part of the Environmental Protection Agency.

The Managment Board (Article 29) is the managing body of the Public Enterprise. The public enterprise is financed from the State Budget, and partly through self-financing. All revenues from provision of services and use of assets at the territory of the national parks go into the budget of the Public Enterprise "National Parks of Montenegro".

Special Purpose Spatial Plans have been developed for four national parks in Montenegro (without the newly declared NP ’’Prokletije’’) (for NP ’’Durmitor’’- Official Gazette of Montenegro 20/97 ; for NP ’’Biogradska gora’’ Official Gazette of Montenegro 44/98 ; for NP ’’Skadarsko jezero’’ Official Gazette of Montenegro 46/01 ; for NP ’’Lovćen’’ Official Gazette 19/97), which provide general guidelines for management and preservation of nature in the national parks.

The administration body competent for forests manages the protected natural assets in forest locations or constituting part of such locations.

The entity managing the national park manages the protected natural assets at the territory of a national park or bordering it or found immediately by its border. (Law on Nature Protection, Article 62).

Local self-management units manage the remaining, lower categories of protected natural assets. Previous experience has shown that the management of these areas is mainly unsatisfactory, often weak and incomplete. In most cases the managing entities have not been appointed or established at the local level, but local government secretariats (organizational units within local self-governments), in charge of performing environment protection affairs implement protection measures.

The existing system of protected areas of nature was established based on the Law on Nature Protection from 1977, earlier in force. Pursuant to the provisions of the new Law on Nature Protection, the existing system of protected areas has to be pre-categorized, i.e. the status of particular areas needs to be reviewed pursuant to the existing regulations in the area of nature protection. With regard to the national parks status there will be no major changes, since the national parks protection is regulated by a special law (Official Gazette of Montenegro 56/09 of 14 August 2009). Adequate management plans need to be adopted and managing bodies determined for the remaining protected areas, pursuant to the existing Law. This is of particular importance in view of the fact that for a significant number of protected areas, for a number of years after they were declared as such, the managing entities were not appointed i.e. management structures were not established or the management plans adopted. Pursuant to the Law on Nature Protection from 2008, review of the protected areas system and planning of activities and dynamics in the context of environmental network establishment is under way. In this way the existing system of protected areas management is reformed so as to make possible introduction of an efficient and sustainable management system for the entire network of protected areas of nature i.e. of the protected natural assets.

The initial phase of implementation of the project "Strengthening the sustainability of the Protected Areas System of Montenegro (PAS)“ is under way, whose aim is to ensure higher quality management of protected areas. Through implementation of project activities at pilot locations, this project is aimed at providing support to entities at the national and local level in view of defining an optimal model of management system for the protected areas, starting from the obligations stemming from the transposition of the relevent EU legislation into the national framework and obligations on the grounds of implementation of EU Convention on Biological Diversity. The results of the project will represent an important element in the reform of the management system of protected areas, pursuant to the newly adopted Law on Nature Protection.

a) for protected areas;

Pursuant to Article 62 of the Law on Nature Protection, a protected natural asset is managed by a managing entity meeting the requirements regarding professional, personnel and organizational capacities for performing the affairs of protection, improvement, promotion and sustainable development of a protected natural asset. Protected natural assets found at forest localities or constituting a part of such localities are managed by the administration body competent for forests.

Important instruments in planning the specially protected areas management are:

a) **Special purpose spatial plans**: the bases for planning land use and implementation of existing measures are regulated by the special purpose spatial plans. A special purpose spatial plan provides guidelines for a special regime of development and use (Law on Spatial Development and Construction of Structures, Article 21);

b) **Protected areas management plans**: are adopted for a period of five years. The management plan provides guidelines based on which the following are adopted:

-**annual management plans,** which are harmonized with the Management plans and Special purpose spatial plans (Article 65 of the Law on Nature Protection).

Apart from the special purpose spatial plans, the management plans and the annual management plans for protected areas, instruments for nature preservation, control of planning and use of land and implementation of the existing measures for protected areas are also: reports on the implementation of nature protection programmes prepared by the Nature Protection Office of Montenegro, and adopted by the Government of Montenegro; compensation measures (monetary compensation, establishment of a new locality having the same or similar characteristics as the damaged locality) for damages to nature determined by the Environmental Protection Agency, and carried out by the legal or physical person that caused harmful consequences in a protected area of nature.

Special Purpose Spatial Plans, management plans, annual management plans and special acts of the Public Enterprise for National Parks Management define the conditions and measures for the protection of national parks, respecting the needs of the local population.

The special Management Plans for the National Park “Durmitor” as an UNESCO world heritage site and the river Tara Basin as a location of UNESCO programme “Man and Biosphere -MAB” will be the main instruments of natural values preservation for these areas. Pursuant to the recommendations of the Convention on World Heritage, the objective of these plans will be the establishment of a strategic framework for the existing plans and activities, as well as implementation of additional measures and decisions with a view to preserving and improving exceptional natural values of these internationally protected areas. The Management Plans will be drawn up in the forthcoming period.

The affairs of management and improvement of the national parks are performed by the Public Enterprise for National Parks. The Council for National Parks (Article 33) is established with the aim of giving proposals for decision making on professional issues and providing professional assistance in the procedures of decision making and drafting of regulations in the area of national parks protection. As regards implementation of the national parks management plans, the Law defines the rights and duties of the national parks protection service (Article 31).

The Ministry competent for environmental affairs controls the legality of operation of the Public Enterprise for National Parks Management (Article 29 of the Law on National Parks). Inspection control within Ministry competence is performed by the environmental inspection pursuant to the Law on Nature Protection (Article 114) and the law regulating inspection control. Environmental Inspection constitutes part of the Environmental Protection Agency.

The Management Board (Article 29) is the managing body of the Public Enterprise. The public enterprise is financed from the State Budget, and partly through self-financing. All revenues from provision of services and use of assets at the territory of the national parks go into the budget of the Public Enterprise "National Parks of Montenegro".

Special Purpose Spatial Plans have been developed for four national parks in Montenegro (without the newly declared NP ’’Prokletije’’) (for NP ’’Durmitor’’- Official Gazette of Montenegro 20/97 ; for NP ’’Biogradska gora’’ Official Gazette of Montenegro 44/98 ; for NP ’’Skadarsko jezero’’ Official Gazette of Montenegro 46/01 ; for NP ’’Lovćen’’ Official Gazette 19/97), which provide general guidelines for management and preservation of nature in the national parks.

The administration body competent for forests manages the protected natural assets in forest locations or constituting part of such locations.

The entity managing the national park manages the protected natural assets at the territory of a national park or bordering it or found immediately by its border (Law on Nature Protection, Article 62).

Local self-management units manage the remaining, lower categories of protected natural assets. Previous experience has shown that the management of these areas is mainly unsatisfactory, often weak and incomplete. In most cases the managing entities have not been appointed or established at the local level, but local government secretariats (organizational units within local self-governments), in charge of performing environment protection affairs implement protection measures.

The existing system of protected areas of nature was established based on the Law on Nature Protection from 1977, earlier in force. Pursuant to the provisions of the new Law on Nature Protection, the existing system of protected areas has to be pre-categorized, i.e. the status of particular areas needs to be reviewed pursuant to the existing regulations in the area of nature protection. With regard to the national parks status there will be no major changes, since the national parks protection is regulated by a special law (Official Gazette of Montenegro 56/09 of 14 August 2009). Adequate management plans need to be adopted and managing bodies determined for the remaining protected areas, pursuant to the existing Law. This is of particular importance in view of the fact that for a significant number of protected areas, for a number of years after they were declared as such, the managing entities were not appointed i.e. management structures were not established or the management plans adopted. Pursuant to the Law on Nature Protection from 2008, review of the protected areas system and planning of activities and dynamics in the context of environmental network establishment is under way. In this way the existing system of protected areas management is reformed so as to make possible introduction of an efficient and sustainable management system for the entire network of protected areas of nature i.e. of the protected natural assets.

The initial phase of implementation of the project "Strengthening the sustainability of the Protected Areas System of Montenegro (PAS)“ is under way, whose aim is to ensure higher quality management of protected areas. Through implementation of project activities at pilot locations, this project is aimed at providing support to entities at the national and local level in view of defining an optimal model of management system for the protected areas, starting from the obligations stemming from the transposition of the relevant EU legislation into the national framework and obligations on the grounds of implementation of EU Convention on Biological Diversity. The results of the project will represent an important element in the reform of the management system of protected areas, pursuant to the newly adopted Law on Nature Protection.

b) for the conservation of nature outside of protected areas;

Below are the main instruments of nature protection, control of land use planning and implementation of the existing measures for protection of nature outside the protected areas:

1) Measures and conditions of nature protection in spatial - planning and project documents;

2) Development of environmental impact assessment for the projects, actions and activities envisaged by the law

3) Inspection control by forest inspection, environmental inspection and inspectors for space protection.

Values of other areas, beyond the borders of the protected natural areas, are recorded and valued through spatial-planning documents at the local level, pursuant to the guidelines laid down in the Spatial Plan of the State of Montenegro. The mandatory adherence to the Law on Environmental Impact Assessment (Official Gazette of Montenegro 80/05), the Law on Strategic Environmental Assessment (Official Gazette of Montenegro 80/05), and the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro 51/08), contributes to achieving the objectives of nature preservation outside the protected areas. The provisions of the following ratified international treaties are also important: Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean - Barcelona Convention (Official Gazette of the Republic of Montenegro 64/07 of 22 October 2007), Protocol on the Strategic Environmental Assessment in the Cross-border Context and the signed Protocol on Integrated Coastal Zone Management in the Mediterranean. The nature protection measures are implemented pursuant to the laws and international treaties.

For particular issues, nature protection outside the protected areas is also regulated by the Law on Freshwater Fishery, (Official Gazette of the Republic of Montenegro 011/07-9), the Law on Game and Hunting (Official Gazette of Montenegro 052/08-1), the Forest Law (Official Gazette of the Republic of Montenegro 055/00-39), Law on Marine Fisheries and Mariculture (Official Gazette of Montenegro 56/09).

The Law on Nature Protection provides for an integral protection in and outside the protected areas. The general provisions of the Law set out the general measures for nature protection and preservation. These are: nature protection and preservation; natural assets protection; sustainable use of natural resources and natural assets and the control of their use; preservation of environmental networks and corridors; implementation of strategies, plans, programmes and other documents; mitigation of harmful consequences caused by activities carried out in the nature, by use of natural assets or by natural disasters; incentive measures for protection and preservation of natural assets. The Law also provides for mandatory incorporation of biological diversity protection measures into all the spatial and management plans for natural assets i.e. into all the sectors (Article 7).

In the procedure of sector laws adoption (forestry, hunting, water management, fishery) the Ministry competent for the environment protection affairs appoints representatives who participate in the work groups, and in the procedure of giving opinions or approvals to the draft regulations, thus striving to enable integration of mechanisms important for sustainable use of natural assets.

Protection of forests outside the protected areas is achieved through rational management and provision of a more efficient forests protection system; forest areas are determined and the following are adopted: general and special bases of forest management, barren land afforestation programme, forest management plans and programmes (adopted for a period of ten years) and annual executive design projects that operationalize the measures given in the long-term planning acts whose implementation is supervised by the Ministry of Agriculture, Forestry and Water Management (Forest Law, Article 7). The planning documents covering a period of ten years (general and special bases of forest management, barren land afforestation programme, forest management programmes and plans) are adopted by the public administration body competent for forest management, with the approval of the Ministry competent for the affairs of forestry and approval of the Government, while the annual executive design projects are adopted by the public administration body competent for forest management. In adopting the said plans, the opinion of the competent body of the local self-government unit or of the services in charge of the environment protection affairs at the local level must be obtained.

c) for protected species?

Pursuant to the Law on Nature Protection, the following are the measures for protection of protected species in Montenegro: establishment of the environmental network Natura 2000; drawing up of national Red Lists of flora, fauna and fungi species pursuant to IUCN categorization; nature protection requirements in the spatial-planning and project documents obtained from the Environmental Protection Agency; monitoring of flora, fauna and fungi according to a programme adopted by the Government of Montenegro; ban on picking, collecting and use of protected wild plant and fungi species, harassment and capturing of protected fauna species, destroying of habitats with certain exceptions; control of export/import of nationally or internationally protected species through a system of permits issued by the Environmental Protection Agency, inspection control of environmental inspection, as well as a list of permanently protected bird species in Montenegro including 297 species out of 330 that can be regularly registered at the country

territory (Articles 78-99). Fifty species can be registered occasionally, while 20 species have been covered by the Law on Hunting, with these species being protected by closed season.

The Law on Nature Protection incorporates mechanisms and provisions of Council Directive on the conservation of natural habitats and of wild fauna and flora, 9 December 1996 (Council Directive 92/43/EEC) - Habitats Directive) and provides for the establishment of environmental networks and environmental corridors determined by the Government. The Law also sets out obligatory incorporation of biological diversity protection measures into all the spatial plans and natural assets management plans i.e. into all the sectors.

According to the existing legal regulations, species protection is regulated also by sector laws pertaining to the use of species as follows: the Law on Freshwater Fishery, (Official Gazette of the Republic of Montenegro 011/07-9), the Law on Game and Hunting (Official Gazette of Montenegro 052/08-1), Forest Law (Official Gazette of the Republic of Montenegro 055/00-39), Law on Marine Fishery and Mariculture (Official Gazette of Montenegro 56/09).

Pursuant to the Law on Maritime Fishery and Mariculture (Official Gazette of Montenegro 56/09) fishing by means of trawl nets is prohibited at a depth smaller than 50 m or within 30 nm of the coast. This measure is important in view of preservation of protected flora and fauna species in marine ecosystems.

Protection of fish species is regulated by the following secondary legislation:

-Rulebook setting out the smallest lengths i.e. sizes of various fish allowed to be caught and sold (Official Gazette of Montenegro 10/2004),

- Rulebook on setting of the lines at which water ceases being constantly salty in rivers flowing into the sea and on determining borders of fishery reserves (Official Gazette of Montenegro 10/2004),

-Rulebook on construction - technical bases, the size of mesh, manner of use and purpose of particular types of nets and other means for engaging in commercial and sport fishing, gathering of bivalves, corals, sponges and sea plants (Official Gazette of Montenegro 10/2004).

Protection of fish types is regulated by issuing the Order on Ban on Catch and Trade in fish juveniles, undersized fish and other sea organisms. Pursuant to the Law on Marine Fishery and Mariculture, the Order is issued by the Ministry of Agriculture, Forestry and Water Management, on the proposal of the Institute for Marine Biology.

A measure which is also implemented with a view to protecting the fish species in the Montenegrin part of the Adriatic Sea is determining of the areas of fish spawn, where catching is forbidden. As an instrument of protection of species in marine ecosystems, the Institute for Sea Biology gives a proposal of the maximum allowed number of fishing permits and catch quantity limit for commercially important fish species and other sea organisms, and the Ministry of Agriculture, Forestry and Water Management issues permits and determines ban of fishing in particular areas.

59. What are the major differences between your existing nature conservation legislation and EC nature conservation directives and what are the major difficulties you foresee for the approximation process?

The Law on Nature Protection partly harmonized the national legislation with the following relevant European legislation:

- Council Directive on the conservation of natural habitats and of wild fauna and flora, of 9 December 1996 (Council Directive 92/43/EEC) - Habitats Directive), which was amended by the Directive 97/62/EC and Regulation (EC) 1882/2003,

- Council Directive on the Conservation of wild birds, of 2 April 1979 (Council Directive 79/409/EEC) - Birds Directive and the Council Regulation on the protection of species of wild fauna and flora by regulating trade therein (EC) No 338/97 (Council Regulation 338/97/EC).

The new Law on Nature Protection provides for conservation of biological and landscape diversity. This regulation transposes into the national legislative framework the mechanisms and instruments included in the EU Directives and the relevant international treaties and conventions in the area of nature protection to which Montenegro acceded. Of particular importance are the mechanisms whose application creates prerequisites for establishment of an environmental network, prescription of Red Lists of endangered species, prescription of habitat types map as an obligatory base for planning space use, and for mandatory incorporation of the requirements and measures of nature protection into all the spatial plans and sector planning documents (Articles 30-34; Articles 44-47) .

Annual reports on the results of EU legislation framework transposition into the national system are prepared within the implementation of the project "Progress monitoring for potential Candidate Countries and the Former Yugoslav Republic of Macedonia“, initiated by the General Directorate for the Environment of the European Commission. According to the latest report on project implementation for the third year, the greatest progress in view of harmonization of the national legislation with EU Directives was stated in the area of nature protection and the area of air quality. In view of efficiency of transposing the Birds Directive, progress from 66 % to 82% was stated in comparison to the second year of project implementation (the progress is mainly related to the adoption of the Law on Nature Protection). In relation to the Habitats Directive, progress was stated in comparison to the second year of project implementation in the range of 71% to 93 % (in this case too the progress achieved is mostly related to the adoption of the Law on Nature Protection, within which, according to the report assessments, Montenegro transposed all the fundamental provisions of the Directive). At the same time it is stated that adoption of secondary legislation within the Law on Nature Protection will create conditions for its implementation i.e. further transposition of the provisions from the said Directives, especially of Annexes II, III and V of the Birds Directive. To that effect, of special importance is the creation of prerequisites for the establishment of NATURA 2000 environment network, then drawing up of the list of strictly protected and protected flora, fauna and fungi species and the Red Book of endangered wild flora, fauna and fungi etc.

Adoption of the Rulebook on Trade in Endangered Flora and Fauna Species is expected to create the necessary conditions for transposing the Directives 338/97/EC and 939/97/EC. At the same time, conditions will be created for improving the implementation of the Convention of International Trade in Endangered Species of Wild Fauna and Flora - CITES Convention (Official Gazette of the Federal Republic of Yugoslavia 11/01 of 17 November 2001). This will improve the regulation of import, export and re-export of flora and fauna species, as well as defining of the contents and forms of permits for import, export and re-export, permits for breeding of species in captivity, issuing of pre-convention certificates[8], as well as certificates for exchange of scientific material. The Rulebook will also ban import of all species whose import is banned in the EU as well. At the same time harmonization with EU legislation will be carried out with regard to the rules for registration of farms for breeding, rules for breeding species for commercial purposes, establishment of the centre for animals in need of assistance and other.

Obligations in the context of transposition of other relevant EU regulations in the area of nature protection will be defined pursuant to the National Programme for Integration of Montenegro into the EU, and the achieved progress will be the subject of progress report in the context of preparation of the fifth year implementation report (the area of nature protection is not recognized as relevant for monitoring in the fourth year of project implementation).

In the context of further harmonization of the national legislative-institutional framework, response to the following challenges will be of particular importance:

[8] Pre-convention certificates are certificates that will be subsequently issued for the species imported into Montenegro prior to the entry into force of CITES Convention i.e. prior to 2001, in case they are re-exported.

- To facilitate continuous improvement of capacities for implementation of regulations that have previously been harmonized with the European legislative framework, as well as implementation of capacities for the enforcement of secondary legislation;

- To improve the system of protected areas management in compliance with the current harmonization of the legislative framework, and in the context of establishment of an integrated approach to nature protection, especially taking into account that competencies in this area are currently divided between several public administration bodies. In so doing, the application of the principle of natural resources sustainable use must be secured at the national and local level. The provision of a sustainable financing system starting from the principle of sustainable valorisation of biological diversity value and the potential of protected areas in the manner which enables preservation of biological diversity in all specific aspects that rank Montenegro as one of the hotspot biodiversity locations at the global level is an element of particular importance.

In relation to this, aspects of particular importance refer to:

- The need to raise awareness on the importance of preservation and sustainable use of natural resources and biodiversity values as the resource bases of economic development of the society. This is particularly so in view of lack of a sufficient awareness of particular sectors related to incorporation of these principles and the criteria based on them into sector plans and programmes. Also, there is the need to improve the platform for dialogue with all the relevant entities (managers, owners of plots in the protected areas, local population, civil sector and the relevant international organizations) with a view to creating an efficient system of protection for nature and protected areas of nature.

- Introduction of measures encouraging application of sustainable management models in environmentally important ecosystems, especially in view of activities contributing to biological diversity preservation. The concept of establishment of environmental networks and the implementation of strategic and planning documents in the area of nature protection and sustainable use of natural resources will require an increase in budget allocations for these purposes.

Improvement of the biodiversity monitoring programme, within the implementation of the Environmental Monitoring Programme implemented by the Environmental Protection Agency, in compliance with the current process of harmonization of the national legislative-institutional framework in the area of environment protection. In this regard, the implementation of monitoring in the protected areas is of special importance.

60. Is there a system in place for the systematic monitoring of the conditions of forests (especially in relation to the effects of natural and anthropogenic stress factors)?

Systematic monitoring of forests in relation to the effects of natural and anthropogenic factors does not exist at the moment.

Forest dieback is one of the key environmental problems. The main causes of the said situation are the negative influences: air-pollution, pathogenic microflora, insects, climate change and anthropogenic factor.

The existing Forest Law (Official Gazette of the Republic of Montenegro 55/00) does not expressly provide for measures for monitoring the forest condition pursuant to the International Co-operative Programme on Assessment and Monitoring of Air Pollution Effects on Forests (ICP Programme). However, Article 48 of the new draft Forest Law from July 2009 provides for monitoring and assessment of forest condition by the competent administration body (Forest Administration), pursuant to the monitoring methodology of ICP programme, on which it informs the Ministry of

Agriculture, Forestry and Water Management and the public. The Monitoring Programme is an integral part of the National Strategy, which, together with the Forest Development Plan, represents a long-term, inter-sector document. This document makes concrete and implements the objectives and guidelines for forest development and support to forests set out in the National Forest Policy.

The National Forest Policy, adopted by the Government of Montenegro in April 2008, the Policy Statement no. 22 provides for mechanisms for implementation of the forest condition monitoring as a base for management and control instrument for forest management results. The Administration for Forests is competent for this activity.

> Pursuant to the International Co-operative Programme on Assessment and Monitoring of Air Pollution Effects on Forests (ICP programme), within the Convention on Long-range Trans-boundary Air Pollution – CLRTAP, a network comprising 49 points (16 x 16 km) has been established in Montenegro, in which the monitoring system for following the forests condition will be set up.
>
> The aim is to ensure periodical review of spatial and temporal variations of forests condition at the established points in relation to the anthropogenic (especially air pollution) and natural stress factors over the European and the national systematic network of bio-indication points (Level I).

Montenegro, as a member state of Serbia and Montenegro, obtained in 2003 its focal centre in Belgrade and the unique identification country number (number 67) in the coordination centre in Hamburg. Even though data for level I were submitted to the focal centre during 2003 and 2004, they were not forwarded to the centre in Hamburg. That is why the unique report does not include data relevant for Montenegro.

After the membership in the Programme Coordination Centre (PCC) in Hamburg is regulated, it is realistic to expect Montenegro to implement regular systematic forest condition monitoring from 2010 on.

61. Is there a centralised system in place for the collection of data on all forest fires? Is there a strategy for the prevention of forest fires?

Due records on fire forests per management units (Form number 13) is kept by the Forest Administration. The records are prescribed by the Rulebook on the Contents and the Manner of Adoption of a Special Base, Programme and Plan of Forest Management and Design Project (Official Gazette of Montenegro 56/2001 of 21 November 2001), which was adopted based on Article 24 of the Forest Law (Official Gazette of Montenegro 55/2000).

Area units submit monthly reports to the Forest Administration, where the data on forest fires are summarized at the annual level.

The National Strategy for Emergency Situations has defined the primary hazards at the state territory. Fire, with forest fire as its sub-type, is one of the priority hazards.

The Law on Rescue and Protection (Official Gazette of Montenegro 13/07) defines measures of rescue and protection, among which also rescue and protection from fire. Since rescue and protection is carried out based on the plans for protection and rescue, pursuant to the Rulebook on the methodology for producing an analysis of degree of danger from natural, technical-technological and other disasters, the expert team of the Ministry of Internal Affairs and Public Administration - - Sector for Emergency Management developed a Fire Safety and Risk Assessment for the Territory of Montenegro. Also, based on the Rulebook on Methodology for

Producing Protection and Rescue Plans, the National Plan for Protection and Rescue from Fires was drafted.

The said planning documents included a special chapter devoted to forest fires, defining protection and rescue measures that must be undertaken in each of the three phases of rescue: prevention phase, rescue phase and phase of consequences removal. This document also defines localities where forest fires occur and the entities carrying out the activities from the said phases.

With a view to providing protection from fire, the following 5 levels of operative units have been integrated:

- Municipal services for protection and rescue (fire-fighting units), which were organized at the local level and established with a view to acting in response to the early phase of disaster;
- Civil protection units, which give a mass support in actions of protection and rescue from fire;
- Entrepreneurial units (units of companies);
- Voluntary units for protection from fire, organized as voluntary fire-fighting associations, especially in the southern and central area;
- Airplane-helicopter unit as an organizational unit of the Sector for Emergency Management and Civil Security, which carries out reconnaissance and extinguishing of fire from the air.

Airplane-helicopter unit constitutes part of the Ministry of Internal Affairs and Public Administration – Sector for Emergency Situations and Civil Security. It possesses 4 helicopters (three AGUSTA BELL and one GAZELLE type helicopter), one of AGUSTA BELL 212 being equipped with the air rescue device.

Operative units members are obliged to pursue further professional development and training. Professional development and training of the operative units members is carried out by the Ministry of Internal Affairs and Public Administration.

As part of the implementation of rescue and protection measures from the preventive protection phase, in 2009 two airplanes for fighting fire of the type AIR TRACTOR were purchased. A contract was also concluded for the procurement of 59 specialized vehicles for municipal services for protection and rescue. The first 6 vehicles will be delivered by the end of 2009, while 48 vehicles will be delivered during 2010. The last delivery of 5 vehicles will be done in January 2011.

The forests management enterprises, forests concessionaries as well as the competent Ministry of Agriculture, Forestry and Water Management i.e. Forest Administration are also integrated into this system.

The Sector for Emergency Management and Civil Security of the Ministry of Internal Affairs and Public Administration makes a detailed data base on fire forests (and other fires as well) through direct work on the ground, though the activities of its area units, and through cooperation with all the entities determined as entities making part of an integral response to fire pursuant to the National Action Plan for Protection and Rescue. The above said has been implemented in continuity in the previous three years, thus making it possible to complement data by analysing them, according to risk assessment.

F. Industrial Pollution Control and Risk Management

62. What are the main features of the legislation concerning industrial emissions of pollutants into the air, water and soil, particularly emissions from large combustion plants (rated thermal input above 50 MWh)?

There are no special regulations relating to the emissions of industrial pollutants into the air, water and land, but separate regulations for air and water regulate this issue.

The legal framework for protection of air from pollution is made up of the Law on Air Quality (Official Gazette of Montenegro 48/07), Law on Ratification of the Kyoto Protocol (Official Gazette of the Republic of Montenegro 17/07) and the Law on the Environment (Official Gazette of Montenegro 48/08).

The Rulebook on time limits and the manner of measurement of the quality and quantity of discharged harmful substances into the air at sources of pollution (Official Gazette of Socialist Republic of Montenegro 4/82), adopted in 1982 (based on the Law on Air Protection from Pollution in force at that time, Official Gazette of the Republic of Montenegro 14/80), as well as the Rulebook on emission of polluting substances into the air from 2001 (Official Gazette of the Republic of Montenegro 25/01), define the maximum allowed emissions of polluting components into the air for numerous sources of pollution, including metallurgy, chemical industry, energy production, waste treatment and mobile sources. According to the Rulebook from 1982, the air pollution sources are: industrial plants, technological processes, devices and objects from which the polluting substances are discharged into the air. However, the Rulebook from 2001 did not define the emission limit values (ELM), but the limit mass flows rate for particular polluting components. ELMs in the sense of concentration (mg per m3 and hour) were defined in the Rulebook from 1982, which still applies. The measurement methodology has also been defined, as well as sampling, manner of recording, submission of data and requirements pertaining to staff qualifications, technical equipment and space to be met by the institutions authorized to monitor environment pollution from emission of polluting components into the air.

There is no special regulation regulating the emissions from large boiler plants. Based on Article 11 of the Law on Air Quality, adoption of the Decree on Setting Ceilings for Pollutants Emissions into the Air from Stationary Source Emissions is planned for adoption, which would be harmonized with the requirements of the Directives 32001L0080 (LCP Directive), 31999L0013, 32000L0076 and 31987L0021. The Decree will divide the large combustion plants into three groups (depending on the thermal input and the type of fuel): small furnaces, medium furnaces and large furnaces, and the emission limit values will also be determined for polluting substances. Special limit values of polluting substance will also be set for stationary gas turbines and the internal combustion engines, as well as the emission monitoring model. Drawing up of this act (Decree) is also envisaged by the National Plan for Integration of Montenegro into the EU for the period 2008-2012.

The Law on Waters (Official Gazette of the Republic of Montenegro 27/07) regulates the protection of waters from pollution which represents, in terms of this law, a set of measures and procedures whereby the quality of waters is maintained or improved up to the level prescribed for use per particular purposes. Protection of waters from pollution is conducted with the aim to ensure harmless and undisturbed use of waters, protection of human health, animal and plant life and the environment (the information included in answers to question no. 46 is relevant for response to this question). Protection of waters from pollution is conducted by means of prohibition, restriction and prevention of intake of dangerous and harmful substances into waters, by prescribing, ordering and undertaking other measures for preservation and improvement of water quality.

Rulebook on the Quality and Sanitary and Technical Requirements for Discharge of Wastewaters in Recipients or Public Sewage, the Manner and Procedure for Testing Wastewaters Quality, the Minimum Number of Testings and the Contents of the Report on the Determined Wastewaters Quality (Official Gazette of Montenegro 45/08 of 31 July 2008) defines also industrial wastewaters. This Rulebook prescribes in more detail the quality and the sanitary and technical requirements for discharge of wastewaters in recipients and public sewage, the manner and procedure for testing

wastewaters quality, the minimum number of testings and the contents of the report on the determined wastewaters quality.

The Law on Agricultural Land (Official Gazette of Montenegro 15/92) prescribes the manner of protection for this resource. The Rulebook on Permissible Concentration of Harmful and Dangerous Substances in Soil and Method for their Analyses (Official Gazette of the Republic of Montenegro 18/97) was adopted based on this law. The said regulations represent elements of legal framework for implementation of the annual Environmental Monitoring Programme. Namely, the Programme for Testing the Content of Dangerous and Harmful Substances in Soil is one of six special programmes that make up the Environmental Monitoring Programme.

63. Is there a permitting system of integrated pollution prevention and control (IPPC)?

IPPC system was introduced in Montenegro through the adoption of the following laws:

- Law on Environment (Official Gazette of Montenegro 48/08), which defines the starting points for introduction of an integrated pollution prevention and control through a system for issuing integrated permits for work to new and existing installations that may have negative impact on human health and the environment ;
- Law on Integrated Pollution Prevention and Control (Official Gazette of Montenegro 80/05; 54/09) – IPPC law, which prescribes the activities and installations, requirements and procedure for issuing an integrated permit, supervision and other issues important for prevention and control of environment pollution. The law was adopted in December 2005, and is being implemented since January 2008. This law regulates the requirements and the procedure for issuing an integrated permit for installations and activities that may have negative impact on human health, the environment or material goods, types of activities and installations, control and other issues important for environment pollution prevention and control.

A rounded off IPPC system includes also the following by-laws:

- Decree on Types of Activities and Installations for which an Integrated Permit is Issued (Official Gazette of Montenegro 07/08);
- Decree on Criteria for Determining Best Available Techniques for Application of Quality Standards, as well as for determinig emission limit values in the integrated permit (Official Gazette of Montenegro 07/08);
- Decree on the Content of the Programme of Measures for Adjustment of an Existing Installation or Activity to Prescribed Requirements (Official Gazette of Montenegro 07/08);
- Rulebook on the Content and the Manner of Keeping a Register of Issued Integrated Permits (Official Gazette of Montenegro 03/08);
- Rulebook on the Content, Form and Manner of Filling in a Request for Issuing an Integrated Permit (Official Gazette of Montenegro 03/08);
- Rulebook on the Content and Form of an Integrated Permit (Official Gazette of Montenegro 03/08).

Development of the **Programme of Harmonization of Particular Industrial Sectors** (existing installations) with the provisions of the Law on Integrated Pollution Prevention and Control is under way. Based on the Decree on Types of Activities and Installations for which an Integrated Permit is Issued (Official Gazette of Montenegro 07/08), the Environmental Inspection identified 12 installations (so called IPPC installations).

For the existing installations and activities, an operator is obliged to obtain a permit by the year 2015, in compliance with the Programme of Harmonization of Particular Industrial Sectors with the provisions of the Law, whose development is under way. Time limits for submission of requests for issuing integrated permits (for the existing installations and activities) – at latest one year prior to the time limit set for harmonization of the industrial sector to which the installation belongs.

From the day of entry into force of the Law on Integrated Pollution Prevention and Control (1 January 2008), no new installation can start operation without an integrated permit. To date there have been no requests for issuing integrated permits for new installations, because the construction of no such installations was started since the beginning of this law implementation.

64. Are there provisions relating to the participation of public or private enterprises in environmental auditing schemes?

Article 21 of the Law on the Environment (Official Gazette of Montenegro 48/08) laid down the instruments for environmental protection. The European Eco-management and Audit Scheme (EMAS) has been prescribed as one of the instruments, while a special regulation will regulate the application of all instruments. The Law provides for a possibility (Article 29) to involve legal persons and entrepreneurs into the European Eco-Management and Audit Scheme (EMAS), with the aim to involve the public in the system of management and control of environmental protection and inform it on impact of particular activities on the environment. The register of the legal persons and entrepreneurs registered in EMAS will be kept by the Agency.

The manner of involving legal persons and entrepreneurs into EMAS, the requirements to be met by legal persons and entrepreneurs for inclusion into EMAS, the manner of data collection on the involved legal persons and entrepreneurs, the content and manner of keeping a register will be regulated by a Government regulation, which will be harmonized with the requirements of EMAS Regulation (Regulation 761/2001 of the European Parliament and of the Council which enables voluntary participation of organizations in the eco-management and audit schemes of the Community). The National Plan for Integration of Montenegro into the EU for the period 2008-2012 envisages the drafting of this act.

65. Are there measures providing for an eco-labelling system?

The possibility to award an eco-label is prescribed by Articles 64 and 65 of the Law on the Environment (Official Gazette of Montenegro 48/08), which provides for an eco-label to be awarded to products inteneded for general consumption, except for foods, drinks and pharmaceutical products, whose production, sale, trade or disposal pollutes the environment to a less degree than that of similar products, or which were obtained by recycling.

An eco-label is also awarded to processes and services that have reduced environmental impact. A legal person or an entrepreneur may be awarded an eco-label for products, processes or services if their production, or development or delivery reduces:

1) energy resources consumption;

2) harmful and dangerous substances emission;

3) waste production;

4) consumption of natural resources, and other.

Closer requirements and the procedure for obtaining the right to use the eco-label, the amount of cost incurred by award of the right to use an eco-label, the appearance and manner of use of an eco-label for products, processes and services will be prescribed by the Ministry (competent for environmental protection). The regulation will be aligned with the requirements of the Regulation (EC) No 1980/2000 of the European Parliament and of the Council on a revised Community eco-

label award scheme. Also, act on the award of the right to use an eco-label will be prescribed by the Ministry (competent for environemental protection). The National Plan for Integration of Montenegro into the EU for the period 2008-2012, envisages the drawing up of this act.

The right to use an eco-label will be awarded for a period of three years, based on an application for being awarded an eco-label submitted by an interested person to the Ministry.

The costs of the award of the right to use an eco-label shall be born by the applicant.

The right to use an eco-label will be revoked if a product, process or service ceases to comply with one of the requirements for award of the label. The Law provides for a penal provision for legal persons and entrepreneurs in the event they fail to use the eco-label in the prescribed manner.

66. How is the issue of industrial risks and accidents dealt with and controlled by public authorities? Is there a system in place to control major accidental hazards (Seveso)?

Article 21 of the Law on the Environment (Official Gazette of Montenegro 48/08) prescribes instruments for environmental protection. One of the instruments is also the prevention and control of accidents involving dangerous substances, while the application of all instruments will be regulated by a special regulation. According to the Law, prevention of accidents refers to installations in which, or by means of which, through installations operation, dangerous substances are: produced; processed; stored; produced as a by-product in the production process; used as raw materials in the production, or a technological process; transported within the installation and/or stored for the purpose of the production process, or can arise in the event of major accidents.

An inventory of dangerous substances, manner of determining quantities, allowed quantity and criteria for categorization and characterization of dangerous substances, as well as other issues of importance for the procedure of accidents prevention, will be regulated in more detail by a Government regulation (Article 24 of the Law on the Environment), which will be harmonized with the requirements of the SEVESO II Directive on the control of major-accidents involving dangerous substances. The National Plan for Integration of Montenegro into the EU for the period 2008-2012, envisages the drawing up of this act.

Furthermore, the Law on the Environment (Article 25) prescribes that anyone who obtains information on an accident is obliged to inform, without delay, the Environmental Protection Agency and other competent bodies thereon, and according to his/her possibilities, to undertake measures of prevention, reduction and removal of consequences of accidents. A legal person and an entrepreneur responsible for an accident are obliged to organize and carry out, without delay, the planned measures and procedures of response to the accident and to engage people and funds, in compliance with a special regulation. This obligation refers also to legal persons and entrepreneurs that are not responsible for an accident, if the consequences of an accident arise at the territory at which they perform their activity.

Article 26 of the Law on the Environment sets out that in the event of an accident, depending on the scope of the accident and the assessment of consequences representing danger to human health and the environment, the state of threat to the environment shall be declared, and the public informed on the measures undertaken. The state of threat to the environment is declared by the Ministry (competent for the environment), or a local self-government body. For accidents with cross-border effects the state of threat to the environment is declared by the Government.

Furthermore, Montenegro adopted Law on Ratification of the Convention on Transboundary Effects of Industrial Accidents (Official Gazette of Montenegro 009/08-21) .

The issue of industrial hazards and accidents at waters is regulated by Article 78 of the Law on Waters. Water protection in the event of pollution from accidents is conducted in compliance with the operative plan of protection from accidents pollution.

The operative plan of protection from accident pollution shall include specifically:

- basic data on persons, bodies, companies, other legal persons, institutions and entrepreneurs responsible for protection implementation,
- procedures with the aim of mitigating or removing the possible negative effects on the waters regime, water ecosystems, systems dependent on water ecosystems and the environment.

An operative plan of water protection from accident pollution for waters important for the state is prepared and carried out by the competent administration body, and adopted by the Ministry (competent for water management), with an approval of the ministry competent for the environmental protection affairs, for a period of two years.

An operative plan of water protection from accident pollution for waters of local importance is adopted and conducted by the competent local administation units, with the approval of the competent administration body, for a period of two years.

In the Law on Protection and Rescue (Official Gazette of Montenegro 13/07), the Ministry of Internal Affairs and Public Administration defined protection as a set of measures and actions undertaken with the aim to reveal and prevent danger from natural disasters, fires, technical-technological accidents, chemical and other accidents, as well as rescuing of citizens and material goods endangered by their action. To this effect the following regulations for normative regulating of all relevant areas important for preventing emergency situations and limiting their consequences, which are harmonized with the European Union regulations, were adopted:

1) Law on Protection and Rescue (Official Gazette of Montenegro 13/07);
2) Law on Transport of Dangerous Substances (Official Gazette of Montenegro 05/08);
3) Law on Explosive Substances (Official Gazette of Montenegro 49/08);
4) Law on Explosive Substances, Flammable Liquids and Gases (Official Gazette of Montenegro 44/76, 49/76, 34/86 i 11/88, which is applied only for flammable liquids and gases, since the part pertaining to explosive substances ceased to have effect after coming into force of the Law quoted in item 3), which prescribes preventive safety measures that must be implemented in extraction, processing and pouring of flammable liquids and gases, in contruction of objects in which these substances are processed and stored, as well as in handling and use of those substances.

The aim of the National Strategy for Emergency Situations, as the most important strategic document in the area of protection and rescue, is to establish an adequate response of the state to emergency situations and organize the state and other institutions for efficient action in emergency situations caused by all forms of natural disasters, technical-technological accidents and epidemics of various diseases.

The Law on Rescue and Protection regulates the responsibilities, as well as the rights and obligations of all participants of protection and rescue (citizens, legal persons, local self-government units and public administration bodies) in prevention, preparation for emergency situations, expert and professional protection and rescue of civilians, material and cultural goods, as well as remediation of the condition caused by an emergency situation. According to the said Law, protection and rescue is implemented based on the national action plans, municipal plans and plans for rescue and protection of companies, other legal persons and entrepreneurs, with the obligation to harmonize the municipal and enterpreneurial plans with the national action plans.

Based on this Law, the following secondary legislation was adopted during 2008:

- Rulebook on methodology for development of the study on hazards from natural, technical-technological and other accidents (Official Gazette of Montenegro 41/08) and
- Rulebook on methodology for development of plans for protection and rescue (Official Gazette of Montenegtro 44/08).

The National Action Plan in the event of Chemical Accidents was developed based on the said rulebooks.

Furthermore, the Law on Protection and Rescue prescribes (Article 21) that the Ministry of Internal Affairs and Public Administration, over its Operative Communication Centre - Centre 112 in emergency situations receives calls related to immediate threats from hazards and arising hazards and by means of communication connections and application of standard operative procedures, informs urgently the competent bodies and other participants in the protection and rescue and coordinates action per call.

The Sector for Emergency Management and Civil Security of the Ministry of Internal Affairs and Public Administration produces and updates data on dangerous substances. In relation to management of hazards pertaining to poisons and radioactive substances, apart from this Ministry, the Ministry of Health and the Environmental Protection Agency are competent as well. A data base of dangerous substances is crucial for the development of hazard assessment at the state level. Detailed data are also kept on the trade in explosive substances, including purchase, storage, transport and use thereof.

The National Team for Action in the event of CBRN (chemical, biological, radiation/nuclear) accident was established as a multidisciplinary, expert and advisory body. The tem includes experts from the Sector for Emergency Situations and Civil Security, the Ecotoxicological Examination Centre of Montenegro, the Environmental Protection Agency, the Clinical Centre of Montenegro and the Ministry of Defence.

G. Chemicals

67. What are the main features of the legislation concerning chemical substances?

The Law on Chemicals (Official Gazette of Montenegro 11/07) entered into force in 2007. This was the first law in this area in Montenegro to define the procedure of reporting and putting into trade new and existing chemicals, procedure of assessment and evaluation of hazard from chemicals, classification, packaging and labelling of chemicals, import, export and other issues important for protection of human health and the environment. The Law was harmonized with the European Union acquis, the standards of the right to competition laid down in the Council Directive 31992L0032 i.e. Directive 31967L0548 on classification, packaging and labelling of dangerous substances, Commission Directive 31993L0067 on principles of assessment of risk for man and the environment of substances notified in accordance with Council Directive 31967L0548, as well as with Regulations 31993R0793R(01) on the evaluation and control of the existing substances and 32003R0304 on export and import of dangerous chemicals.

The Law on Chemicals includes also obligations stemming from the Directive 32004L0010 on the harmonization of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their application for tests on chemical substances, and the Commission Decision 31985D0071 concerning the list of chemical substances - EINECS list *(European Inventory of Existing Comercial Chemical Substances)* i.e. the European inventory of existing commercial chemicals and the Regulation 32006R1907 concerning the registration, evaluation, authorization and restriction of chemicals (REACH) establishing a European Chemicals Agency.

The Law was drafted in the manner which provides a sound legal base for the adoption of all secondary legislation in this area. The National Programme for Integraton of Montenegro into the EU for the period 2008-2012 was drawn up to this effect, giving short-term and mid-term priorities for the drafting of the necessary legislation/secondary legislation.

Implementation of the planned activities was slowed down due to the fact that until 3 March 2009 there was overlapping of competencies in this area between the Ministry of Health, Labour and Social Welfare and the Ministry of Tourism and Environmental Protection. Adoption of the Decree on Organization and Functioning of Public Administration (Official Gazette of Montenegro 54/04, 78/04, 06/05, 61/05, 06/06, 32/06, 42/06, 56/06, 60/06 , 72/06, 06/07, 25/07, 32/07, 35/07 and

Official Gazette of Montenegro 06/07, 16/07, 26/08, 43/08, 68/08, 81/08, 04/09, 14/09 and 43/09) and election of the new Government determined competencies in the area of chemicals. According to the said Decree (Article 17b) the Ministry of Spatial Planning and Environmental Protection performs affairs relating to chemicals, while pursuant to Article 44c of the Decree, the Environmental Protection Agency performs expert and related administration affairs concerning chemicals.

According to Article 15 of the Decree on Organization and Functioning of Public Administration, the Ministry of Health is competent for issuing approvals for the transport of poisons over the state border and in domestic transport and for the area of poison production and trade.

Until the secondary legislation envisaged for this area pursuant to the Law on Chemicals and the proposed activities from NPI is adopted, the provisions of the regulations below, which comply to the Law on Chemicals, shall be in force :

- Law on Production of and Trade in Poisonous Substances (Official Gazette of the Federal Republic of Yugoslavia 15/95, 28/96, 37/02);
- List of poisons whose production, trade and use are prohibited (Official Gazette of the Federal Republic of Yugoslavia 12/00);
- Decision on determining a list of poisons (Official Gazette of the Federal Republic of Yugoslavia 25/94);
- Law on Transport of Dangerous Substances (Official Gazette of Montenegro 05/08).

68. Is there an official register of chemicals which are on your market? Are the "new" chemical substances identified? Is there a Competent Authority planned for the notification of "new" substances?

There is no official register of chemicals on the market, but Article 5 of the Law on Chemicals provides a base for publishing the European Inventory of Existing Commercial Chemical Substances (EINECS) and the European List of Notified Chemical Substances (EINCSI) in the Official Gazette.

Until the previously quoted activity is implemented, the following regulations will be in force:

1. Law on Production of and Trade in Poisonous Substances (Official Gazette of the Federal Republic of Yugoslavia 15/95, 28/96, 37/02);
2. List of poisons whose production, trade and use is prohibited (Official Gazette of the Federal Republic of Yugoslavia 12/00);
3. Decision on determining a list of poisons (Official Gazette of the Federal Republic of Yugoslavia 25/94);
4. Law on Transport of Dangerous Substances (Official Gazette of Montenegro 05/08).

b)Are the "new" chemical substances identified? Is there a Competent Authority planned for the notification of "new" substances?

Chapter II of the Law on Chemicals (Articles 7 to 22) defines in detail the process of registering a new chemical. A company or some other legal person submits an application for a new chemical to the Ministry competent for implementation of the Law on Chemicals. Pursuant to Article 8 paragraphs 3 and 8, the adoption of the Rulebook on the procedure of registration of a new chemical (in compliance with the Directive 31967L0548) has been planned (NPI), which would define in more detail, among other, the content of the technical file and other documents accompanying the registration for a new chemical. Division of competencies according to the new Decree on Organization and Functioning of Public Administration created conditions for implementation of the said activity. Since there have been no such applications in Montenegro to date, "new chemicals" have not yet been identified.

Chapter VII of the Law on Chemicals is dedicated to the obligation of informing. To this effect, Article 46 defines, for example, the obligation of an applicant to submit to the Ministry in writing, at least once a year, among other, data on quantities of registered new chemicals it produced or imported or put into circulation in the previous period, and on the changes of overall annual quantities on the EU market.

69. Are there classification packaging and labelling rules for chemicals (for both substances and preparations)?

At the moment there are no rules on the classification, packaging, labelling for chemicals but, Chapter V of the Law on Chemicals sets a legal framework for this.

The National Plan for Integration had envisaged for the first quarter of 2008 drawing up of the Rulebook on the requirements and principles and manner of classification, packaging and labelling of chemicals (pursuant to the Directive 31999L0045) and Directive 31967L0548 on harmonization of laws, regulations and administrative provisions related to classification, packaging and labelling of dangerous substances, as well as the Directive 31992L0032 amending the seventh time the Directive 31967L0548, Directive 31988L0379 on the approximation of the laws, regulations and administrative provisions of the Member Countries relating to the classification, packaging and labelling of dangerous substances), and in compliance with Article 37 of the Law on Chemicals. However, for the aforementioned reasons concerning the overlapping of competencies between the competent institutions, this activity has not yet been implemented.

Article 31 of the said chapter states that the Inventory of Classified Chemicals is kept by the Ministry, which will publish it in the Official Gazette.

Until this activity is implemented (adoption of the list of classified chemicals), pursuant to Article 75 of the Law on Chemicals, the Decision on determining a list of poisons (Official Gazette of the Federal Republic of Yugoslavia 25/94) will apply.

70. Is there a registration/authorisation procedure for pesticides, i.e. plant protection products (agricultural pesticides) and/or biocides (non-agricultural pesticides)?

The Law on Plant Protection Substances (Official Gazette of Montenegro) has been in force in this area since 22 August 2008. This Law regulates the manner of classification, trade and use of plant protection substances and active substances, the maximum allowed residue level for plant protection substances, the manner of keeping registers and files, exchange of data and other issues important for plant protection substances.

The following secondary legislation is in force:

- Rulebook on methods of pesticides investigation (Official Gazette of the Federal Republic of Yugoslavia 11/99);

- Rulebook on conditions for production line, circulation, import and sampling of pesticides and fertilizers (Official Gazette of the Federal Republic of Yugoslavia, 12/99);
- Regulation on the types of packaging material for pesticides and fertilizers and on destruction of pesticides and fertilizers (Official Gazette of the Federal Republic of Yugoslavia 35/99);
- List of organizations authorized for testing plant protection products (pesticides) and fertilizers (Official Gazette of the Federal Republic of Yugoslavia 4/2000).

Drafting of secondary legislation is under way.

Activities being implemented in this area are:

- scanning of the existing situation and

- drawing up of plans for reorganization of services, operation and activities of the existing institutions involved in this area concerning the tasks that are to be completed as soon as possible.

Public Administration Bodies involved in the affairs related to pesticides (plant protection substances) are the Ministry of Agriculture, Forestry and Water Management, Ministry of Health, Ministry for Spatial Planning and Environmental Protection and Phytosanitary Administration (policy creation, administration and inspection affairs).

Furthermore, affairs of expert-technical support to the public administration bodies for this area are performed by:

- Public Institution Ecotexicological Examination Centre of Montenegro, Podgorica (investigation of physical-chemical pesticides and laboratory analysis of foods for residues of plant protection substances);

- Public Health Institute - (laboratory analyses of food for residues of plant protection substances);

- Faculty of Biotechnology, Plant Protection Centre - Podgorica (investigation of biological efficienty of pesticides);

- Faculty of Biotechnology, Centre for Sub-tropical Cultures - Bar (investigation of physical-chemical characteristics of pesticides).

Priority activities are related to harmonization with the EU legislation and further institutional building.

Preparation of the annual monitoring programme will start in 2009.

Phytosanitary Administration includes Department for Plant Protection Substances with four advisor work positions and phytosanitary inspection that controls import, trade, use of pesticides and control of pesticides residues on plants and products of plant origine (MRL - maximum residue level).

The Phytosanitary Administration performs the affairs of plant protection substances registration.

For more detail see Chapter 12: Food safety, veterinary and phytosanitary policy.

The National Plan for Integration envisaged the adoption of the Law on Biocides, pursuant to the Directive 31998D0008, which will be adopted in the upcoming period.

71. Are there data collection and risk assessment procedures for chemicals?

There is no procedure for data collection and risk assessment for chemicals. Drawing up of the Rulebook on the procedure, methodology and principles of chemicals and hazard assessment pursuant to the Commission Directive 93/67/EEC 31993L0067 on principles of assessment of risk for man and the environment from substances notified in accordance with Directive 67/458/EEC and adequate regulations (pursuant to Article 29 paragraph 4 of the Law on Chemicals) is planned for the third quarter of 2010

72. Are there any legal provisions and administrative measures to prohibit and control the export of certain hazardous chemicals? Is there an export notification scheme for banned or severely restricted chemicals?

Chapter VI of the Law on Chemicals is devoted to import and export. Article 40 of this Law defines chemicals whose import and export requires a permit issuing procedure. These are chemicals from the list of the Rotterdam Convention and chemicals banned or strictly restricted in the European Union. The same Article states that the list of chemicals will be published in the Official Gazette.

Moreover, Article 40 of the Law defines the PIC procedure (prior informed consent) for the reporting regime of export for banned or strictly restricted chemicals. However, at this point of the Law it is pointed out that closer manner of application of PIC procedure and the form of the permit for import and export will be set by a regulation of the competent Ministry. To this effect, the NPI planned adoption of the Rulebook on PIC procedure - Prior Consent Procedure, form of the permit for import and export (pursuant to the Rotterdam Convention on the prior consent procedure for certain hazardous chemicals and pesticides in international trade).

Adoption of the Rulebook on restriction and ban on chemicals on the market is planned Pursuant to Article 6 of the said Law (pursuant to Directive 31976L0769, Directive1998L0024, Regulation 31994R3093. Until the said regulation is adopted, the List of poisons whose production, trade and use are prohibited (Official Gazette of the Federal Republic of Yugoslavia 12/00) shall be the regulation regulating poisons whose production, trade and use are banned, pursuant to Article 75 of the Law on Chemicals.

Articles 54 and 55 of the Law on Chemicals contained in the Chapter IX “Protection of Human Health and the Environment“ refer to possible measures undertaken relating to the ban and restriction of putting into circulation of dangerous chemicals. To this effect Article 54 states that: „the Ministry (Ministry of Spatial Planning and Environmental Protection), with the previously obtained opinion of the public administration body competent for environmental protection affairs and the public administration body competent for internal affairs in Montenegro may ban or restrict production, putting into circulation, or use of dangerous chemicals“.

Moreover, Article 55 states that: “if a particular substance is suspected to cause serious or irreparable consequences for the health of people and the environment, the Ministry (Ministry of Spatial Planning and Environmental Protection), in cooperation with the public administration body competent for the affairs of environmental protection, may, even before the proofs on the effects and action of the chemical are scientifically confirmed, order certain measures that restrict or reduce the consequences of the negative effect of the chemical to an acceptable level.

In making decisions on the measures from paragraph 1 of this Article, the Ministry takes into consideration the seriousness and severity of the possible consequences for human health, property and the environment, the measures valid in similar cases, availability of chemicals or technologies that can replace the existing ones, as well as progress of scientific knowledge concerning the effects and action of chemicals.”

73. When does Montenegro expect to accede to the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC) and the Stockholm Convention on Persistent Organic Pollutants (POPs)?

According to the Work Programme of the Government of Montenegro, Draft Law on Ratification of the Stockholm Convention on Persistant Organic Pollutants (POPs) will be adopted by the Government of Montenegro by the end of 2009.

As previously stated, in compliance with the National Programme for Integration (NPI), the development of the following was planned: the Rulebook on PIC procedure, form of the permit for import and export (pursuant to the Rotterdam Convention on the prior consent procedure for certain hazardous chemicals and pesticides in international trade, Regulation of the European Parliament 32004R0775), as well as the Rulebook on restriction and ban of chemicals on the market (pursuant to Directive 31976L0769, Directive1998L0024, Regulation 31994R3093). After the said activities are realized, the adoption of the Law on Ratification of Rotterdam Convention could be expected during 2010.

The Federal Republic of Yugoslavia signed the Stockholm Convention on 2 May 2002. By signing this Convention, a state expresses its committment to become involved, within its capacities, in the international activities aimed at resolving environment related issues treated within the Convention. Through ratification the state undertakes the obligation to submit the National Plan for Convention Implementation to the Convention Secretariat.

As part of preparations for ratification of Stockholm Convention, design documentation for the project “Activities for Enabling the Development of the National Implementation Plan for Stockholm Convention on Persistent Organic Pollutants in Serbia and Montenegro" no. GF 4030-03-15 was signed on 16 June 2003 between UNEP, as the implementing agency for this project and the Ministry which was the focal point for the Stockholm Convention at the level of Serbia and Montenegro. The base for implementation of the project activities in Montenegro was established by signing of the Agreement on Cooperation between the ministries competent for environmental protection in the member states, in 2005. After the restoration of Montenegrin statehood, the projects in Montenegro and Serbia were separated. The previously established structures at the level of the member states continued to function at the level of independent states. The Project Office within the Public Institution Ecotoxicological Examination Centre of Montenegro – CETI is reponsible for project implementation in Montenegro.

After the final Draft NIP for Stockholm Convention is approved by UNEP, it will be the subject of internal approval procedure. Based on NIP accepted by UNEP, the procedure of Stockholm Convention ratification will be initiated. This procedure implies drawing up of the Law on Ratification, with the Explanation of Justifiability for ratification based on the analyses and projection on the needed capacities for Stockholm Convention implementation. Draft Law on Stockholm Convention Ratification prepared in such a manner will be the subject of consideration and adoption by the Government of Montenegro in the upcoming period. After that it will be submitted to the Parliament of Montenegro for ratification/approval.

74. What is the state of implementation of the Montreal Protocol for the protection of the ozone layer?

On 23 October 2006, Montenegro acceeded by means of succession the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer and the Amendments to the Protocol.

In order to create conditions for the implementation of the Montreal Protocol, the Government of Montenegro adopted in September 2007 the National Programme for Elimination from Use of Ozone Layer Depleting Substances (CP) and the Terminal Phase-out Management Plan CFC (TPMP). The Plan was prepared by the Ministry of Tourism and Environmental Protection in cooperation with UNIDO, as the implementing agency. At the 53rd session of the Executive Committee of the Multilateral Fund for Implementation of the Montreal Protocol, the Projects were approved, as well as the funds for their implementation

Furthermore, preparation of the National Plan for Elimination of HCFC group of substances, which is to determine dynamics and an action plan for elimination of HCFC group of substances, is under way.

The basic aim of the National Programme for Elimination from Use of Ozone Layer Depleting Substances is the gradual reduction of annual consumption of CFCs (Annex A Group I of the Montreal Protocol),

according to the dynamics pursuant to obligations and time limits defined under Article 5 of the Montreal Protocol, with the final objective to eliminate the CFCs in Montenegro.

The plan for final phasing out of CFSs implies: introduction of a recovery and recycling system for cooling fluids, training of technicians and customs officers. The recovery and recycling system will enable Montenegro to maintain and service, even after 1 Janaury 2010, the appliances containing CFCs, which still have not been withdrawn from use. The Project envisages a certain number of servicing workshops to obtain the equipment for recovery and recycling of the cooling fluid. The procurement of the equipment is under way and by the end of 2009 it will be distributed to the servicing workshops.

The project envisages training of custom officers for revealing substances that deplete the ozone layer. The Identification Devices have been distributed to the Customs Administration.

Training of technicians implies preparation of manuals for training of technicians; training of trainers, i.e. secondary school teachers who will later teach technicians for the area of air conditioning and cooling, and training for the existing technicians.

In the previous period, as part of the training of technicians, a number of activities were implemented within training of trainers, especially in the context of introduction of these subjects into the curricula of secondary vocational schools, as well as training of the existing technicians with the aim to acquaint the techicians with good service practice in handling the substances that deplete the ozone layer, by collecting, recycling and regeneration of the cooling fluids, and introducing alternative cooling fluids that do not deplete the ozone layer.

Within the project "Institutional Capacity Building for Implementation of the Montreal Protocol", on 1 September 2007 a Project Office for protection of the ozone layer was established with the Ministry of Tourism and Environmental Protection. The Project Office has been functioning as part of the Environmental Protection Office since its establishment. The Office tasks are**:** Montreal Protocol implementation; implementation of the National Programme and Plan for Phasing out CFCs; issuing of permits for import/export of substances depleting the ozone layer and of products containing such substances; monitoring and collecting data on consumption of substances depeleting the ozone layer (import/export); organization of campaigns for public informing; creating legislative conditions which will enable implementation of the terminal phase out plan; exchange of information with the other parties to the Montreal Protocol; submission of annual reports to the Secretariat on the consumption of substances depleting the ozone layer; etc.

Starting from the responsibilities in the promotion of ozone layer protection, as well as the provisions stemming from the Montreal Protocol and the European legislation, the Government of Montenegro adopted a Decree on Substances Depleting the Ozone Layer (Official Gazette of Montenegro 69/08). This Decree provides for gradual reduction of consumption and handling of substances depleting the ozone layer, handling of products containing those substances or produced by means of them, handling of those substances after the product that contains them is no longer used, the manner of their collection, use and permanent disposal, as well as requirements to be met by legal persons and entrepreneurs maintaining/and or repairing and excluding from use the products containing substances depleting the ozone layer.

75. Is there a scheme, including a national competent authority, for the protection of laboratory animals as required by Directive 86/609? Has the Council of Europe Convention ETS 123 on the protection of laboratory animals been ratified and implemented?

The protection of animals used for experimental purposes is regulated by the provisions of the Animal Welfare Law (Official Gazette of Montenegro 14 2008), which governs the rights, obligations and responsibilities of physical and legal persons with respect to the protection of animal welfare against suffering during their raising and breeding, mercy killing and slaughtering, interventions, transporting and experiments, the rules for dealing with animals, as well as other issues of importance for the protection of animal welfare. The Chapter **Protection of Laboratory**

Animals, of this Law (Articles 37, 38, 39, 40, 41, 42, 43 and 44), gives general provisions for transposition of the provisions from the Directive 88/609 into secondary legislation.

The Law provides for experiments on animals to be performed only by higher education and scientific-research institutions registered for performing experiments on animals.

Experiments can be performed only for the following purposes:

- research of diseases and bodily discomforts or recognition of effects of physiological and pathological conditions in people or animals;
- reserarch and development of drugs and drugs preparations intended for the protection of human and animal health;
- investigation of the quality, efficiency and harmlessness of drugs, substances or products;
- investigation of productive and other characteristics of animals and the manner of their improvement for all types of breeding;
- investigation of the causes and consequences of threats to the environment;
- investigation of noxiousness of materials and products for human or animal health;
- scientific research;
- education.

Experiments on animals may be performed only if the purpose of research cannot be achieved by any other scientific methods and if the presumed pain, suffering or hurting of animals can be ethically justified by the expected results of importance for people or animals i.e. science.

All the experiments performed on animals must be approved by the competent body. Approval is given based on the opinion on ethical and scientific justification of the experiment provided by the Council for Animal Protection.

76. Are there legal provisions in place regarding exports and safe storage of mercury and certain mercury compounds and mixtures as required by Regulation (EC) No 1102/2008?

In Montenegro, there is no specific regulation on the prohibition of exports of mercury and certain mercury components and mixtures, as well as safe storage of mercury, as required by Regulation EC No 1102/2008.

However, the decision on establishing the list of poisons (Official Gazette of the Federal Republic of Yugoslavia 25/94) identified a list of poisons that may be put into circulation. On the list of toxins under number 667, 668, 669 and 670 are mercury, inorganic mercury compounds, organic compounds of mercury and phenyl mercury acetate. In accordance with Article 75 of the Law on Chemicals until the list of classified chemicals is made thfis solution is in force.

H. Climate Change

77. Is there a completed national inventory of greenhouse gas (GHG) emissions for 1990 and for any later years?

An inventory of greenhouse gases for the years 1990 and 2003 was prepared within bilateral cooperation between Montenegro and Italy. Pursuant to the IPCC guidelines (Intergovernmental Panel for Climate Change), the inventories include the following pollutants: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O) and sum of nitrogen oxide and nitrogen dioxide (NO_x), sulphur

dioxide (SO_2), volatile organic compounds (VOC_s) and carbon monoxide (CO), which are emitted from the energy sector, industry, agriculture, solvents and other products, land use and land use change and forests and waste.

For the year **1990** the total emission of greenhouse gases in Montenegro was:

- 2.704.76 Gg of carbon dioxide,
- 26.81 Gg of methane, and
- 1.19 Gg of nitrous suboxide.

The quantity of carbon dioxide absorbed in the so called ,,sinks" is 485.00 Gg. Consequently, the total quantity of equivalent CO_2 emissions is 3.151.67 Gg (3.151.670 tonnes).

The Energy sector contributes 92% of CO_2 emissions, the remaining 8% (212.84 Gg) deriving from the industry sector. The methane emission is mainly derived from the agricultural sector (75%, which accounts for 20.19 Gg) and the waste sector (19%, i.e. 4.97 Gg). For the Nitrous oxide emissions, the agricultural sector (1.15 Gg) accounts for 97% of the total emission.

SHORT SUMMARY REPORT FOR NATIONAL GREENHOUSE GAS INVENTORIES (Gg) (1990 god)								
GREENHOUSE GAS SOURCE AND SINK CATEGORIES		**CO_2 Emissions**	**CO_2 Removals**	**CH_4**	**N_2O**	**NO_x**	**CO**	**NMVOC**
Total National Emissions and Removals		**2.704,76**	**-485,00**	**26,81**	**1,19**	**10,35**	**42,98**	**8,91**
1 Energy	Reference Approach	**2.555,51**						
	Sectoral Approach	**2.491,92**		**1,65**	**0,03**	**10,12**	**28,60**	**5,33**
A Fuel Combustion		2.491,92		0,20	0,03	10,12	28,60	5,33
B Fugitive Emissions from Fuels		0		1,45		0	0	0
2 Industrial Processes		**212,84**		**0**	**0**	**0,22**	**14,10**	**3,59**
3 Solvent and Other Product Use		**0**			**0**			**0,00**
4 Agriculture				**20,19**	**1,15**	**0,01**	**0,29**	
5 Land-Use Change & Forestry		**0**	**-485,00**	**0**	**0**	**0**	**0**	
6 Waste				**4,97**	**0**			
7 Other (please specify)		**0**	**0**	**0**	**0**	**0**	**0**	**0**
Memo Items:								
International Bunkers				**0**	**0**	**0**	**0**	**0**
Aviation		0		0	0	0	0	0
Marine		0		0	0	0	0	0
CO_2 Emissions from Biomass		**409,59**						

In 2003 the total emission was estimated at:

- 2.817.76 Gg of carbon dioxide,
- 25.31 Gg of methane,
- 0.92 Gg of nitrous suboxide,
- while sinks absorbed 853.26 Gg of carbon dioxide,
- The equivalent quantity of carbon dioxide is 2.781.21 Gg.

It was calculated that 93 % of carbon dioxide emission for the year 2003 derived from the energy sector. The industrial sector contributed 7 % (203.63 Gg). The relations of emissions for the sectors of energy and industry for the years 2003 and 1990 changed insignificantly, because the scope of production of the main industrial emitters of greenhouse gases (ferrous and primarily non-

ferrous metallurgy) does not differ significantly for the observed years. More than 71% of methane emission, which corresponds to 18.06 Gg, derived from the agricultural sector, and 22% from the waste sector. The agricultural sector is the most important source of nitrous suboxides emission with 0.89 Gg, which represents 96% of the total emission. Reduction of the emission of equivalent CO_2 between 1990 and 2003 was 370.46 Gg (12% of reduction).

SHORT SUMMARY REPORT FOR NATIONAL GREENHOUSE GAS INVENTORIES (Gg) (2003 god)									
GREENHOUSE GAS SOURCE AND SINK CATEGORIES		CO_2 Emissions	CO_2 Removals	CH_4	N_2O	NO_x	CO	NMVOC	SO_2
Total National Emissions and Removals		**2.817,76**	**-853,26**	**25,31**	**0,92**	**10,95**	**43,49**	**6,85**	**45,43**
1 Energy	Reference Approach	**2.550,45**							
	Sectoral Approach	**2.614,12**		**1,57**	**0,03**	**10,67**	**26,59**	**4,95**	**43,66**
A Fuel Combustion		2.614,12		0,22	0,03	10,67	26,59	4,95	
B Fugitive Emissions from Fuels		0		1,36		0	0	0	0
2 Industrial Processes		**203,63**		**0**	**0**	**0,27**	**16,82**	**1,90**	**1,77**
3 Solvent and Other Product Use		**0**			**0**			**0,00**	
4 Agriculture				**18,06**	**0,89**	**0,00**	**0,08**		
5 Land-Use Change & Forestry		**0**	**-853,26**	**0**	**0**	**0**	**0**		
6 Waste				**5,68**	**0**				
7 Other (please specify)		**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Memo Items:									
International Bunkers				**0**	**0**	**0**	**0**	**0**	**0**
Aviation		0		0	0	0	0	0	0
Marine		0		0	0	0	0	0	0
CO_2 Emissions from Biomass		**468,46**							

In 2008 the national emissions inventory for the year 2006 was developed in compliance with the Convention on Long-Range Trans-boundary Air Pollution, which Montenegro accepted by means of succession in 2006. By correlating this inventory with GHG inventories for the years 1990 and 2003 it was assessed that greenhouse gases emissions **in 2006** in Montenegro were the following:

- 3 610.06 Gg of carbon dioxide,
- 53.16 Gg of methane,
- 0,40 Gg of nitrous suboxide,
- while sinks absorbed 836.03 of Gg of carbon dioxide,
- the equivalent quantity of emitted carbon dioxide was 4 850.42 Gg.

The energy sector accounted for 94% of carbon dioxide emissions; the agricultural sector for 32%, and the waste sector for 59% of methane emission.

The table below shows the assessed GHG emissions for the year 2006:

Montenegro 2006	Emissions (Gg)						
Sectors	**CO_2**	**CH_4**	**N_2O**	**NOx**	**CO**	**VOC**	**Sox**
1 Energy	4.166,60	2,76	0,21	6,95	29,29	6,90	14,00
2 Industrial processes	191,54	1,82	0,00	0,29	4,10	3,23	1,10
3 Solvents and other products use	0,00	0,00	0,00	0,00	0,00	2,40	0,00
4 Agriculture	0,00	16,96	0,19	0,00	0,10	1,97	0,00

5 Other sources and sinks	-836,03	0,07	0,00	0,00	1,05	5,30	0,00
6 Waste	87,95	31,55	0,00	0,00	0,00	0,43	0,00
7 Other							
TOTAL	**3610,06**	**53,16**	**0,40**	**7,24**	**34,54**	**20,23**	**15,10**

Since the emissions inventories for the years 1990 and 2003 were prepared in compliance with the methodology different from the one used for preparing the inventory for 2006, the consistency between different inventories should be checked once again.

Emission of GHGs increased in 2006, especially due to an increased emission in the energy sector (4 166. 60 Gg) and in the transport sector.

78. What are the expected GHG emissions until 2012 compared to 1990?

Given that drafting of the First National Communication on Climate Change (INC) is still in progress and projections of GHG emissions for the non-energy sector still have not been completed, in response to this question figure only expected GHG emissions from the energy sector by the year 2012, which are 80-90% of total GHG emissions in Montenegro.

Measures for climate change mitigation in the energy sector are based on scenarios of development of consumption and production capacity in the document the *Strategy of Energy Development in Montenegro by 2025.* Analysis of mitigation measures was carried out by using a specialized software LEAP, which is recommended by the IPCC for the preparation of national communications on climate change.

According to the **reference** scenario of the increased consumption (without the planned mitigation measures), emissions in 2012 are estimated at 3424.6 Gg CO2 eq, which is compared to emissions from the year 1990 higher for approximately 35% and an average annual growth rate of 1.37%. This scenario is from the aspect of greenhouse gas emissions the most unacceptable.

By applying the planned **mitigation measures**, it is estimated that in 2012, total emissions in the energy sector will amount to 2957.7 Gg CO2 eq, which is compared to 1990 higher for 16.5%. It can be seen that the effect of mitigation measures reduced expected emissions for over 50%. In addition, in total reduction of emissions, electricity production sector participates with 66% (Figure 1), where, as a basic measure, reconstruction of the Thermal Power Plant Pljevlja was tested. The same should be completed by 2011, thus increasing efficiency of energy conversion.

Environmental Results: Global warming potential CO2 eq

ENERGY SECTOR

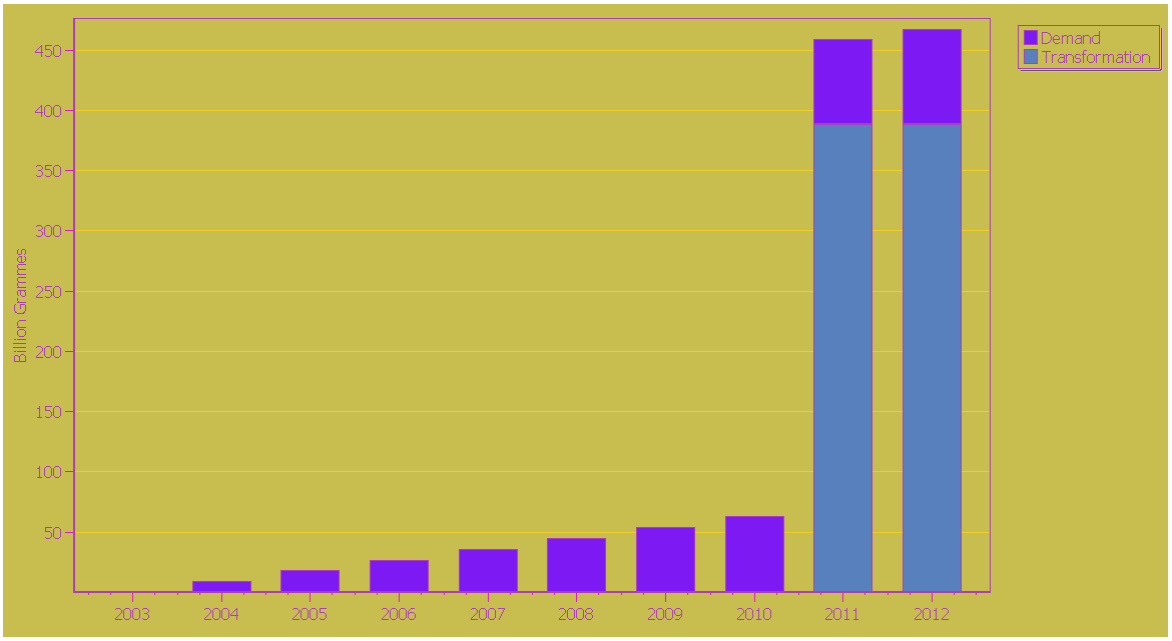

Figure 1. The effect of measures in the energy sectoru until 2012

Effects of measures in other sectors participate with the 34% in total reduction of emissions until 2012. From the Figure 2, a dominant influence of measures in the industrial sector with over 80% can be observed. As a basic measure, substitution of coal and fuel oil with LPG (liquid patrol gas) in the process of obtaining high-and low-temperature heat is planned. Moreover, efficiency increase of industrial boiler-rooms was taken into account.

Environmental Results: Global warming potential CO2 eq

FINAL CONSUMPTION

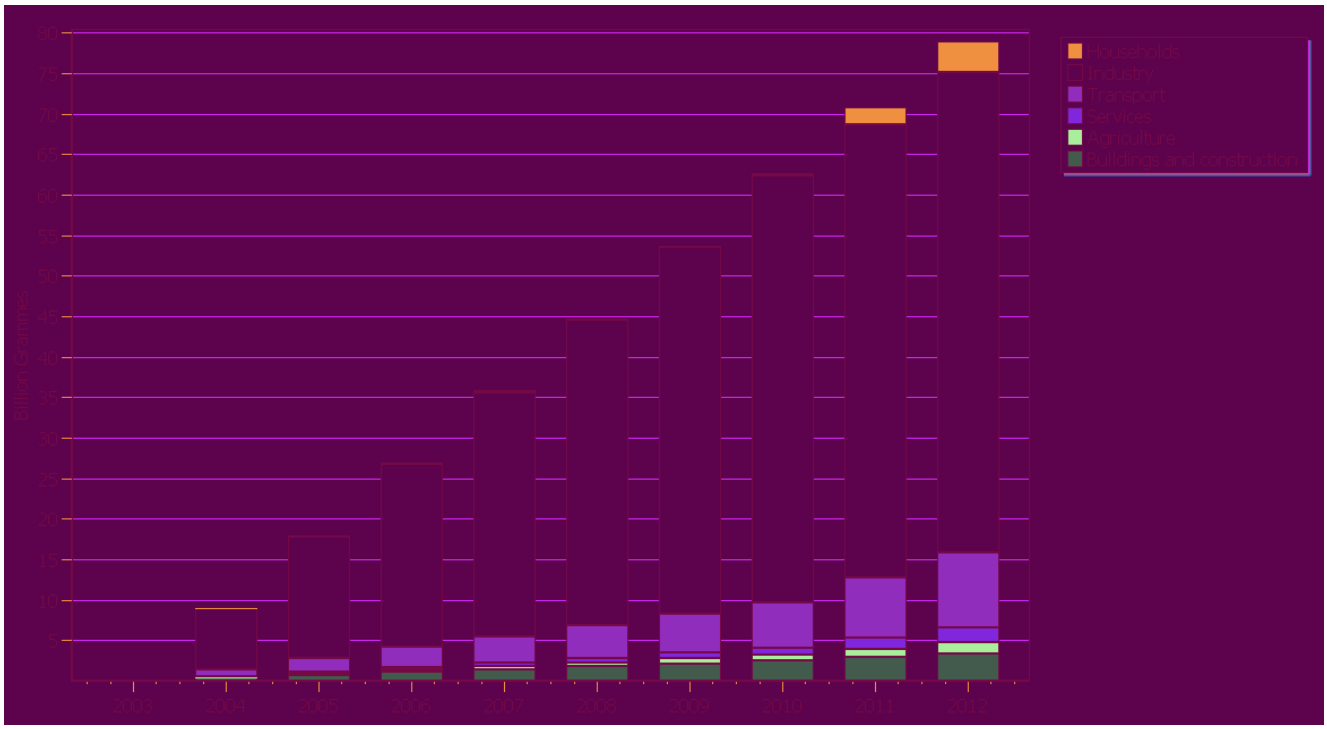

Figure 2. The effect of measures in final consumption according to sectors until 2012

After the industry, the transport sector has the greatest effect of measures with a share of approximately 10%. The basic mitigation measure is the substitution of diesel with (LPG) and biodiesel.

Measures in other sectors have common participation of 10%. The measures until 2012 include the substitution of coal and fuel oil with LPG TNG, as basic measures within measures for increasing energy efficiency.

79. Has your country submitted any national communication according to the United Nations Framework Convention for Climate Change (UNFCCC)? If so, when was it submitted?

No, Montenegro has not yet submitted the First National Report according to the UNFCCC, but its develoment is under way. Draft of the First National Communication on Climate Change was completed in October 2009, and it is expected to be submitted to the UNFCCC Secretariat in October 2010.

Fulfilling the obligations defined by the Convention, the then Ministry of Tourism and Environmental Protection, in cooperation with UNDP, prepared at the beginning of 2008 a project proposal for granting of funds by the Global Environment Facility (GEF) for the development of the First National Report on Climate Change. The Project document was signed in April 2008, after which funds amounting to 385 000 USD were allocated for implementation of project activity in Montenegro. After that the national project coordinator and three managers were selected for the following areas: national greenhouse gases inventory, measures for reducing the greenhouse gases emissions and sensitivity and adaptation to climate change. For the purpose of monitoring the First National Communication, an Advisory and a Management Board were established, whose members are representatives of all relevant ministries, scientific and professional institutions, Montenegrin Academy of Sciences and Arts, the non-government and business sector. The team prepared an Action Plan in order to define the joint activities of all relevant Government bodies and organizations, as well as of the public sector and non-government organizations.

The project for development of the First National Report is expected to strengthen the technical and institutional capacities of Montenegro in order for climate change to be included into sectoral and national development priorities.

80. At which stage is your country in ratifying the Kyoto Protocol?

Montenegro ratified the Kyoto Protocol on 27 March 2007 (Official Gazette of Montenegro 17/07) and became its member on 2 September 2007 as a non-Annex B country. Ratifying the Kyoto Protocol along with the UN Framework Convention on Climate Change, Montenegro joined the international community of countries which share the same concerns and take an active role in mitigating the negative impact of global climate change. This act has not only a political value for Montenegro in terms of contribution to the global environmental aspirations, but also an economic dimension which Montenegro as a developing country can use to preserve its natural potentials.

Ratifying of the Kyoto Protocol and its coming into force created conditions for Montenegro to become involved, in compliance with the national interests and priorities and on a voluntary basis, in the Clean Development Mechanism established within the Kyoto Protocol (hereinafter referred to as "CDM"), and thus ensure in an economically profitable way an inflow of foreign investments in the form of clean technologies. Apart from the Kyoto Protocol ratification, the condition for participation in the CDM projects is the establishment of an institutional and legislative framework for the evaluation and approval of these projects i.e establishment of a Designated National Authority (hereinafter referred to as "DNA"). In Montenegro DNA is established as the Council for Clean Development Mechanism by a decision of the Ministry of Tourism and Environmental

Protection no. 01-330/1 of 5 February 2008, which set out that the DNA Secretariat is the Ministry competent for environmental protection affairs, the Environmental Protection Agency is the technical operative body for operative procedures including technical analysis and review of project documents, while project proposals will be approved with the previously obtained opinion of interested ministries (Ministry for Economic Development, Ministry of Agriculture, Forestry and Water Management, Ministry of Transport and Ministry of Finance), depending on the project subject. Pursuant to Article 6 of the Decision on the Establishment of the Council for Clean Development Mechanism, the Ministry of Tourism and Environmental Protection adopted Instructions on the Manner of Work, Criteria and Time Limits for the evaluation and approval of potential clean development mechanism projects and the Criteria and Indicators of sustainable development. DNA of Montenegro is officially registered with the Convention Secretariat and can be found on the UNFCCC website.

The current activities in the area of clean development mechanism refer to a number of projects being carried out in various sectors, which have reached various development stages.

81. Does Montenegro have sufficient human and material resources to develop national climate change policies and measures and properly assess their future impacts? Are there any policies and measures currently in the development phase and if so when they are planned to be introduced?

The National Capacity Self Assessment process (NCSA) for implementation of the global conventions on the environment was started in Montenegro in 2006. The assessment related, among other, to climate change as a thematic area and implementation of the UN Framework Convention o Climate Change. The project was funded by the Global Environment Facility (GEF) and UNDP was the implementing agency. The NCSA process analysed the strengths, weaknesses, opportunities and threats (SWOT) at all levels of capacities - individual, institutional and system one.

The results have shown that lack of specialized organizional units for climate change within relevant institutions, lack of training for staff which would be engaged at fulfilling the Convention requirements and insufficient number of trained experts stand out among the identified weaknesses. Furthermore, apart from human resources, there are limitations concerning techical and financial resources such as insufficient technical equipment for measuring and calculating emissions, lack of a unified data base (inventory) on GHG emissions;

In the meantime, development of the First National Communication according to UNFCCC was started, within which training for the use of necessary softwares was organized.

Important steps have been made for the promotion of energy efficiency and renewable energy sources through numerous projects: providing loans to small and medium size enterprises for increasing energy efficiency; clean production project in cooperation with the UN Industrial Development Organization (UNIDO), as well as the reform of the energy sector policy in the context of promotion of the small hydro power development in Montenegro.

In 2008 the Government of Montenegro adopted Draft Action Plan for Implementation of the Energy Efficiency Strategy for the period 2008 - 2012. The Action Plan envisages preparation of annual work plans for Strategy implementation, which elaborate in more detail the implementation of planned activities and define the manner of their financing. In relation to this, the Project " Year of Energy Efficiency" was implemented from October 2008 to September 2009 in which

Montenegro devoted special attention to energy efficiency development. The project included 17 concrete programmes.

82. Does Montenegro have sufficient institutional capacity to efficiently implement developed policies and measures?

Limitation of institutional capacities represents one of the major challenges concerning creation of conditions for successful implementation of policies and measures in the area of climate change. Remarkable progress has been made in the previous period. In relation to this, it is important to mention that the Environmental Protection Agency was established at the beginning of 2009, as an administration body for expert and related administration affairs in the area of environmental protection. The establishment of the Agency represents an important capacity building in the area of environmental protection, including climate change. At the same time institutional capacities building is an important prerequisite for efficient implementation of legislation. In performing its affairs the Agency: issues permits, performs monitoring, produces analyses and reports, performs inspection control and communicates with the relevant domestic and international bodies and organizations and with the public.

Institutional capacity building is necessary, both in the Ministry of Economy: Energy Sector and Energy Efficiency Sector and in the Ministry for Spatial Planning and Environmental Protection, especially in the department that will be in charge of climate change issues. At the same time it is necessary to build the capacities of the Technical operative body in the Environmental Protection Agency, which was established for the implementation of the Clean Development Mechanism. At the same time, the Agency will be in charge of keeping a GHG inventory.

83. Which ministries and/or governmental agencies are responsible for development, implementation and monitoring of climate change policies and measures? Do they have clear mandates to perform these tasks? Do they have sufficient human and material resources? Have these resources been strengthened in recent years and what plans exist for further strengthening?

The Ministry of Spatial Planning and Environmental Protection, as the focal point for the United Nations Framework Convention on Climate Change (UN FCCC) and the Kyoto Protocol, coordinates their implementation at the national level. The new organizational structure of the Ministry will also include a Department for Atmosphere Protection which will be in charge, among other, of this convention implementation, while the Environmental Protection Agency will be responsible for keeping a greenhouse gases inventory. At the same time, the Techical Operative Body (TOB), established with the aim to provide expert assistance to the National Designated Authority for approval of CDM projects, also functions within the Agency.

Article 54 of the Law on the Environment (Official Gazette of Montenegro 48/08), envisages the development of the National Plan for Climate Change Mitigation, which specifically includes: the national greenhouse gases inventory; analyses and projections of greenhouse gases emissions and emission reduction; information and cartographic presentation of monitoring, investigation and systematic observation of climate change; an action plan and measures for climate change mitigation; clean development mechanism; economic analysis of the proposed measures for prevention and mitigation of climate change; bodies, institutions and other legal persons responsible for implementation of the national plan, action plan and measures for prevention and mitigation of climate change; description of activities for public awareness raising, education and professional training of scientific, technical and management staff and the achieved results; information on the implementation of obligations stemming from international agreements concerning climate change ratified by the State, and other.

Furthermore, Article 55 of the Law on the Environment envisages development of the National Plan on Climate Change. The objectives of the National Plan must be considered in preparation of other strategic documents that define the objectives and policy of land use, economic development, natural resources exploitation and environment protection.

It is important to point out the special role of the Hydrometeorological Office of Montenegro with regard to: establishment, maintenance and development of meteorological, analytical and forecast system; development and issuing of weather and climate analyses, forecast and warnings of weather disasters and climate extremes; development and issuing of information on climate change, ozone layer and ultraviolet radiation intensity. The Hydrometeorological Office of Montenegro, as a member of the World Meteorological Organization, in compliance with its competencies in the area of monitoring and research of climate and climate change, and international cooperation in this area, as an institution executes the function of the focal point of Montenegro in the Intergovernmental Panel for Climate Change (IPCC) and the Global Climate Observing Centre (GCOS).

Given the multidisciplinary character of issues in the area of climate change, it is important to ensure a multisectoral approach in the national policy implementation in this area. Apart from the Ministry of Spatial Planning and Environmental Protection, the following entities are responsible for development, implementation and monitoring of policies and measures important for climate change:

- The Ministry of Economy (especially the Energy Sector in the part relating to energy efficiency),
- The Ministry of Transport, Maritime Affaris and Telecommunications,
- The Ministry of Tourism,
- The Ministry of Agriculture, Forestry and Water Management.

The following are responsible to a lesser degree: Ministry of Health, Ministry of Education and Science, Ministry of Culture, Sport and the Media and the Ministry of Finance. Their role is particularly important in the context of awareness raising on the effects of climate change, education and training of the needed personnel, adoption of special policies concerning facilities and subsidies for clean technologies, and concerning the development of concrete projects for reduction of GHG emissions.

The legal and institutional framework of Montenegro is in the process of transformation and adaptation to the European Integration challenges, and it is undertaking an increasing number of international obligations. A significant number of new administrative bodies was established in the previous years. However, they need time to establish functional and efficient teams, conduct specific trainings for particular expert profiles and establish closer cooperation with other institutions in the system.

In relation to the above said, it is important to point out that the existing capacities in the area of climate change are not sufficent to ensure a satisfactory level of implementation for the said obligations, as well as other obligations stemming from implementation of the national legislation and the UNFCCC and other international regulations relevant for the area of climate change. Therefore in parallel with further harmonization of the national legislation, it is of particular importance to create conditions for building the technical and human capacities in the framework of the overall institutional capacities.

84. Do any countries, UN organisations or other donors fund capacity building activities for the UNFCCC and Kyoto Protocol in your country?

The Ministry of Spatial Planning and Environmental Protection is implementing a large number of activities that directly and indirectly contribute to capacity building for implementation of the UN Framework Convetion on Climate Change and the Kyoto Protocol. They are implemented through various frameworks of international cooperation at the global, European and regional level. Apart from that, in the frame of cooperation between Montenegro and the Republic of Italy in the area of environment protection, an important segment regards capacity building for implementation of the UN FCCC and the Kyoto Protocol

Activities at multilateral level

The most important projects aimed at building the national capacities for implementation of global multilateral agreements concerning environment, primarily UN FCCC, are implemented using the funds available for the area of climate change from the Global Environment Facility (GEF). The Ministry, in cooperation with the UNDP as the implementing agency, is carrying out the project „Enabling Activities for the Preparation of Montenegro's Initial National Communication". Draft of the First National Communication was completed in October 2009, and is planned to be submitted to the UN FCCC Secretariat in October 2010.

At the same time, Montenegro is continuously cooperating with the UN Educational, Scientific and Cultural Organization – UNESCO. Through UNESCO Participation Programme for urgent projects, Montenegro obtained funds for the project ''Restoration and rehabilitation of fire inflicted areas in the National Park Durmitor".

Cooperation in the area of energy and environmental protection is established with the UN Organization for Industrial Development (UNIDO). For the area of environment protection, this cooperation is important from the aspect of introduction of clean production programme and technologies and implementation of the Vienna Convention and the Montreal Protocol .

Activities at the regional level

The Regional Forum for Climate Change was established in August 2009, starting from the Joint Statement of Ministers at the First Ministerial Thematic Conference on „Combating Climate Change in SEE“ held in November 2008 in Sarajevo, and the South-East European Climate Change Framework Action Plan for Adaptation - SEE/CCFAP-A adopted on that occasion. Montenegro is hosting the Regional Forum, which was established as a forum for dialogue in the regional framework at the political and level of implementation of adequate polices in the area of climate change, and which is aimed, among other, to facilitate the negotiation process under UNFCCC and the Kyoto Protocol, in accordance with the assessed level of existing needs, both at the regional and national levels.

Witnin implementation of the Regional Framework Action Plan, Montenegro undertook the obligation to define and implement adaptation measures in the sector of tourism and coastal areas. In relation to this, in cooperation with UNDP, starting from the SEE/CCFAP-A, Draft Regional Programme for Adaptation measures was prepared. It was supported by the countries of the region within the Regional forum, and submitted for consideration in order to secure funds from MB IPA for its implementation.

Activities within bilateral cooperation

As previously stated, in cooperation with the Ministry of Environment, Land and Sea of the Republic of Italy, a number of important projects have been or are being implemented:

- Technical support for the preparation of the First National Communication within UNFCCC, which includes basic information, an inventory of greenhouse gases emissions and measures for reducing climate change
- Assistance in defining the legal framework for establishing the Designated National Authority (DNA) for clean development mechanism pursuant to Kyoto Protocol;
- Assistance in preparation of the Decision on the Establishment of the Council for Clean Development Mechanism (DNA) and the Technical operative body, adopted by the Ministry on 5 February 2008;
- Assistance in the preparation of the Instructions on the Manner of Work and the Criteria and Time Limits for assessment and approval of particular clean development mechanism projects and the Sustainable Development Criteria and Indicators;
- Training of the Technical operative body members on the manner of assessment and approval of potential projects of clean development mechanisms;
- Examination of legal mechanisms relating to the “carbon credits” – e.i. certified emission reduction (CERs), which will result from implementation of the projects concerning clean development mechanism in Montenegro;
- Preparation and development of the national inventory of emissions pursuant to the Convention on Long-range Transboundary Air Pollution (LRTAP), which includes also greenhouse gases;
- Training of the Environmental Protection Agency staff to use software for developing and updating the national emissions inventory;
- Construction of an energy efficient building for the needs of the Ministry.

85. How is your country preparing for the post-2012 climate regime?

Apart from the activities relating to the implementation of UNFCCC and the Kyoto Protocol undertaken at the national level, in the context of preparations for the post-Kyoto period, Montenegro is devoting special attention to the possibilities stemming from the application of regional cooperation mechanisms. This is of particular importance in view of the fact that climate change is a global phenomenon affecting both the developed and developing countries, irrespective of the individual contribution to the level of greenhouse gases emission. In relation to this, our action is based on the UNFCCC principle „common, but differentiated responsibility“.

As regards taking of the position on the post-Kyoto climate regime, the First Ministerial Thematic Conference on „Combating Climate Change in SEE“, held in November 2008 in Sarajevo in the organization of the Regional Cooperation Council and the Regional Centre for the Environment for Central and Eastern Europe, marked a shift that was made at the regional level. Adoption of the South East European Climate Change Framework Action Plan for Adaptation – SEE/CCFAP-A, and expression of will of all the SEE countries to take concrete actions in view of its implementation, as well as the establishment of the Regional Forum for Climate Change, created a sound base for successful agreement of all individual countries and the region as a whole on the way to Copenhagen and post-Kyoto. Within Regional Framework Action Plan, Montenegro undertook the obligation to define and coordinate implementation of adaptation measures in the sector of tourism and coastal areas. That is why, in coopeartion with UNDP, and starting from SEE/CCFAP-A, a Draft Regional Programme for Adaptation Measures was prepared. It obtained

support of the countries from the region within Regional Forum, and was submitted for consideration, with the aim to provide funds from MB IPA for its implementation.

Establishment of the Regional Forum for Climate Change, as a forum for dialogue in the region at the political and the level of implementation of adequate policies in the area of climate change, is aimed, among other, to facilitate the negotiation process under the patronage of UNFCCC and the Kyoto Protocol, in accordance with the assessed degree of existing needs, both at the regional and the national level. In compliance with the Joint Statement of Ministers from Sarajevo, Montenegro is hosting the Regional Forum.

With the aim to define the position of SEE countries with regard to the post-Kyoto climate regime, and in the light of various views of future obligations of the developing countries, and especially candidate countries and potential candidate countries, in order to reach an agreement on coordinated action of the countries from the region in Copenhagen, two meetings of the Regional Forum for Climate Change were held in Montenegro, in August and in October. Taking into account the national cirumstances, with a special review of the current status in the process of European integration of candidate and potential candidate countries in South East Europe, as well the Draft Negotiating text of the Ad Hoc Working Group on Long-term Cooperative Action and the Negotiating text of the Work Group for Kyoto Protocol, within the negotiating process conducted under UNFCCC in the context of preparation for the forthcoming Meeting of the parties to this Convention in Copenhagen in December 2009, the participants adopted the following conclusions whereby they support:

- The efforts of the European Union in taking over the leading role in the negotiation process concerning the post-Kyoto regime, recognizing the importance of one's own contribution in fight against climate change, and in compliance with the sustainable development principles.

- Importance of recognition of the need to integrate the climate change mitigation measures into development plans and sectoral policies, with a special focus on synergy between the environment sector and the energy sector.

- Continuation of the dialogue with the European Union with the aim to prepare and implement COP and COP/MOP decisions.

- Activities which are to ensure the needed national, European and international funds with the aim to develop and improve the technical, institutional and human capacities in order to face the climate change challenges.

Participants of the Regional Forum meeting, held on 15 October 2009, expressed readiness to gradually accept and implement the EU Energy and Climate Package, in compliance with the recognized needs of capacity building of candidate and potential candidate countries from South East Europe, following the dynamics of the EU accession process. At the same time they expressed joint need for capacity building with regard to preparation of detailed analyses and strategic plans based on which measures for reduction of greenhouse gases emissions and dynamics could be planned. It was agreed to acquaint the European Commission representatives with the regional position defined in this manner at the forthcoming meeting in Barcelona within preparations for COP 15, and at the consultative meeting of the countries from the region with the European Commission representatives within COP 15 meeting in December 2009 in Copenhagen.

Such an attitude of the South East European region to the post-Kyoto regime was approved by the participants of the Regional Conference on Climate Change and Sustainable Development in the Mediterranean and South East European countries, held on 16-17 October in Budva, Montenegro.

With regard to the activities carried out at the national level it is important to point out that drafting of the First National Report on Climate Change is under way. The first draft of this document was completed in October 2009, and the final version and its submission to the Conference Secretariat is planned for October 2010. Based on the data analysis in the greenhouse gases inventory, the real emissions in Montenegro are quite low, with the energy sector accounting for the highest CO_2 emission.

Furthermore, in the EU accession process, Montenegro is conducting a number of activities aimed at harmonization with the European legislation in the area of climate change, energy efficiency and renewable energy sources, so as to find itself in approximately the same situation as other EU members after becoming a member itself.

I. Genetically Modified Organisms

86. Describe your policy towards genetically modified organisms. What systems are in place to implement this policy? What are the main features of the legislation concerning biotechnology?

Generally speaking, the area of GMOs in Montenegro has been legally regulated since 2001 by the Law on Genetically Modified Organisms (Official Gazette of the Federal Republic of Yugoslavia 21/2001) and by secondary legislation that regulated the requirements for restricted use, introduction and production and putting into circulation of GMOs and products from GMOs, as well as the requirements and measures for prevention and removal of undesired effects on the environment and human health. This law treats the use and contact of GMOs with the outside environment without an approval of the competent body, as a criminal act punishable by imprisonment sentence.

The Parliament of Montengro adopted the *Law on Genetically Modified Organisms, published on 2 April 2008 in the Official Gazette of Montenegro 22/2008,* which prescribed the management of GMOs and not total ban**.** This law built on the existing legal system and regulated: the requirements for use of GMOs in closed systems (laboratory work, greenhouses); deliberate introduction of GMOs into the environment (experimental and commercial breeding); putting into circulation of GMOs or products containing and/or consisting of, or obtained from GMOs (import, export and/internal trade); handling, transport, packaging, transit, labelling and processing of GMOs or poducts containing and/or consisting of, or obtained from GMOs; requirements and measures for preventing and removing the potentially unwanted effects in work with GMOs; responsibility for damage arising from unallowed use of GMOs; inspection control of this Law implementation; establishment and work of the National Council for Biological Safety (NNBS); monitoring the state of GMOs and products from GMOs; economy; compensations covering the costs related to the procedure of consideration of the application for particular type of work with GMOs and penal provisions.

The bases and objectives of the GMOs management policy, as well as the measures for preventing harmful effects on human health and the environment of products containing, consisting of, or obtained from GMOs, are included in the strategic, planning and programme documents in the area of development, finance, education, informing and stimulation of the scientific-research activity.

Rulebooks adopted at the time of FRY are still in force:

- Rulebook on introduction of genetically modified organisms and products from genetically modified organisms (Official Gazette of the Federal Republic of Yugoslavia 62/2002);

- Rulebook on placing on the market of genetically modified organisms and products from genetically modified organisms (Official Gazette of the Federal Republic of Yugoslavia 62/2002);
- Rulebook on restricted use of genetically modified organisms (Official Gazette of the Federal Republic of Yugoslavia 62/2002),
- Rulebook on the manner of labelling agricultural products and food obtained from genetically modified organisms (Official Gazette of Serbia and Montenegro 06/2003);
- Rulebook on the content and data of registers of genetically modified organisms and products from genetically modified organisms (Official Gazette of Serbia and Montenegro 66/02).

In compliance with the Law, the public administration affairs in the area of GMOs are performed by:

- the ministry competent for agricultural affairs;
- the ministry competent for environmental protection affairs;
- the ministry competent for the health affairs;
- administration body competent for the veterinary affairs;
- administration body competent for phytosanitary affairs;
- administration body competent for environment protection.

The Ministry of Agriculture performs affairs within its competence: adopts the annual control plan, the monitoring plan, the emergency situations management plan in the event of an accident arising from handling GMOs, cooperates with the National Council for Biological Safety, gives authorizations to laboratories for performing investigations, makes decisions pursuant to the rulings pronounced in the first instance proceeding, issues approvals for the use of GMOs into experimental purposes, cooperates with the international organizations and competent bodies of other states under its competence in the area of GMOs, notifies regulations and measures pertaining to implementation of this law, adopts regulations in the implementation of this law and other affairs in compliance with the law.

The Ministry of Environment Protection performs affairs within its competence: adopts an annual control plan, monitoring plan and the emergency situation management plan in the event of accidents arising from introduction of GMOs into the environment, cooperates with the National Council for Biological Safety, makes decisions pursuant to complaints to the rulings made in a first instance procedure, cooperates with international organizations and competent bodies from other states within its competence in the area of GMOs, adopts regulations in the law enforcement and performs other affairs in compliance with the law.

The Ministry of Health performs affairs within its competence: determines if the prescribed requirements are met and issues approvals i.e. consent to entities for performing activity with food from GMOs and products consisting of, or obtained from GMOs of plant origine after primary production, by combined food and other food, as well as individually declared packed food of animal origine and combined food in retail, cooperates with the National Council for Biological Safety, makes decisions pursuant to complaints to rulings made in the fist instance procedure, performs control and inspection control and other affairs in compliance with the law.

Veterinary Administration executes administrative and related expert affairs in the area of food and food for animals which includes, consists of, or is obtained from GMOs, consults the applicant on confidential data and adopts conclusions on the data considered confidential in compliance with this law, cooperates with the National Council for Biological Safety, assesses additional data, organizes and carries out public debates in the procedure of making decisions on the applications for operating with food and food for animals containing, consisting of, or obtained from GMOs, makes decisions on the applications, prepares expert bases for control, monitoring and emergency management plan in the area of trade in GMOs, executes control and inspection control and other affairs in compliance with the law.

The Phytosanitary Administration shall perform administration and related affairs in the area of reproductive GMO plant material or products containing, consisting of, or obtained from GMOs intended for trade, makes decisions on the applications for use in the closed systems, consults the applicant on confidential data and adopt decisions on data considered confidential, cooperates with the National Council for Biological Safety, assesses additional data, organizes and carries out public debates in the decision making procedure on the complaints, classifies the levels of risk of a closed system, issues approvals to entities undertaking activities with GMOs for putting into circulation GMOs or products containing or consisting of, or obtained from GMOs, prepares expert bases for the control, monitoring and emergency mangement plan in the area of GMOs use in closed systems and monitors other affairs in compliance with the law.

The adminsitration body competent for environment protection executes administration and related affairs in the area of deliberate release of GMOs into the environment and of products containing, consisting of or obtained from GMOs, makes decisions on the applications for deliberate introduction into the environment, consults the applicant on confidential data and makes conclusions on data considered confidential, cooperates with the National Council for Biological Safety, assesses additional data, organizes and carries out public debates in the procedure of making decision on applications, examines potential risks of introducing GMOs into the environment, issues approvals to entities operating with GMOs for release into the environment, prepares expert bases for control, monitoring and emergency situations management plan in the area of introducing GMOs into the environment, carries out monitoring and other affairs in compliance with the law.

Inspection control of enforcement of the law and regulations passed based on the law is performed by:

- The Ministry of Health by means of sanitary inspectors;
- Veterinary administration by means of veterinary inspectors;
- Phytosanitary Administration by means of phytosanitary inspectors and
- Environmental Protection Agency by means of environmental protection inspectors.

There are no laboratories for examination and control of GMOs in Montenegro, but these investigations are carried out in laboratories authorized to perform these affairs in the region.

The Law adopted the EU legalislation in the area of GMOs, while complete harmonization with the EU legislation will be secured through the adoption of secondary legislation.

The Law envisages establishment of the National Council for Biological Safety (NNBS), with the aim to monitor the state and developments in the area of genetically modified organisms, and to provide expert assistance to competent bodies for law implementation.

Intensive activities will be undertaken in the forthcoming period for drafting of secondary legislation aimed at further harmonization with the EU legislation, along with the administrative capacity building of responsible bodies in NNBS.

Apart from the Law on Genetically Modified Organisms, this area is additionally regulated by specific laws and conventions and other projects:

- Law on Food Safety (*Official Gazette of Montenegro 17/07);*
- Cartagena Protocol (Official Gazette of Montenegro 016/05-40).

Montenegro renewed its membership in the Cartagena Protocol by means of succession from FRY/SFRY on 23 October 2006.

UNEP-GEF project "Efficient Participation in Biosafety Clearing House" (BCH) was implemented in the period from March 2008 - March 2009. The aim of the project was to acquaint in more detail all the stakeholders handling GMOs (university professors, advisors in competent institutions, inspectors and journalist) with the Cartagena Protocol and BCH, and with the new national Law on GMOs, and to provide to them training on the use of available data and relevant information exchanged by means of BCH. The project also provided technical equipment (computers, printers,

Internet) for the Environmetal Protection Agency and for the Phytosanitary Administration, as institutions competent for GMO monitoring.

J. Noise

87. Is there a general noise abatement act or policy? What are the main features of the noise control policy (emission standards, planning standards)?

Yes, there is. The Law on Environmental Protection, published in the Official Gazette of the Republic of Montenegro 45/2006 is in force in Montenegro. This law transposes Directive 2002/49/EC on assessment and management of environmental noise into the national legislation.

This Law stipulates measures of protection against noise for prevention of noise creation, and reduction of existing noise to limit values of noise level, and measures for reduction of their harmful effect on human health (Article 8):

1) Normative measures:

- Regulations related to limit values of noise level, methods of assessment and measurement of noise and elaboration of noise maps and action plans;
- Procedures of attestation or issuance of certificates on compatibility of noise sources with prescribed limit values of noise emissions.

2) Urban planning measures:

- Planned locating of noise sources with respect to facilities and areas to be protected;
- Plans of urban and interurban traffic, planning and management of road, railway, air and maritime traffic.

3) Technical measures:

- Selection and utilization of low-noise machines, appliances, funds for work and transport;
- Furnishing facilities where noise sources are located with appropriate sound insulation;
- Applying acoustic protective measures in locations where noise occurs and pathways of its expansion.

4) Prohibition and temporary reduction measures:

- Limited use of noise sources in immediate proximity to certain facilities;
- Prohibited use of noise sources in certain types of vessels.

Supervision over application of this law and regulations adopted based on this law shall be conducted by a competent administrative authority, regarding facilities and activities whose work permits are issued by administration authorities and competent local government authority, regarding facilities and activities whose work permits are issued by local government authorities, in compliance with the law.

Related secondary legislation (Rulebook on Limit Values of Environmental Noise Level, Official Gazette of the Republic of Montenegro 75/06) provides for limit values of noise levels in:

- Open-air residential facilities, particularly in protected natural areas (national parks, natural parks, reservations, etc.); holiday and recreation areas, hospital zones and health resorts, cultural and historical localities; tourist areas, small and rural settlements, camps and school zones; purely housing zones, major city parks; business premises with residential facilities, tourist places, children playgrounds; city centers, artisan, commercial, administrative-residential zones, zones adjacent to urban traffic routes, main road and highways; industrial, storage and servicing areas, transport terminals without residential buildings, open-air catering facilities outside residential areas.

- Indoor residential facilities, particularly in healthcare institutions, patient rooms, outpatient clinics, surgery wards (excluding medical devices and equipment), preschool institutions, schools, faculties, reading rooms, libraries, scientific and research institutions; theatres, cinema and concert halls, museums, galleries, etc; old people's and pensioner homes.
- Indoor catering premises.

Methods of noise measurement, noise measuring instruments, the content of reports on findings and conditions that need to be met by organizations conducting noise measurement are stipulated by the Rulebook published in the Official Gazette of the Republic of Montenegro 37/03. This Rulebook provides for implementation of JUS ISO 1996-2002 standards and is harmonized with IEC 60651 and IEC 60804 standards.

The National Program for Integration of Montenegro into the EU (NPI) for the period 2008-2012 (2008) provides for adoption of the following secondary legislation:

- Rulebook on Methods of noise assessment and measurement
- Regulation on the Manner of Development and the Content of Action Plans and Noise Maps, and Strategic Noise Maps Rules
- Rulebook on Detailed Requirements regarding Space, Personnel and Equipment for Performance of Expert Activities of Noise Protection
- Rulebook on the Manner of Supervision of Legal Entities Performing Expert Activities of Noise Protection

The competence for the adoption of these bylaws rests with the Ministry of Labor, Health and Social Welfare, and the Regulation on the Manner of Development and the Content of Action Plans and Noise Maps, and Strategic Noise Maps Rules will be adopted by the Ministry with a supplementary opinion of the Ministry of Tourism and Environmental Protection (the Ministry of Urban Planning and Environmental Protection).

88. Which noise sources are covered by this legislation/policy, in particular what is the situation as regards road, rail, aircraft, construction plant and equipment, industry?

Protection from noise in the environment is regulated by the Law on Environmental Noise Protection and the Rulebook on Limit Values of Noise Level in the Environment, both adopted in 2006. These legal acts are only partly harmonized with the European legislation in this area, and especially with the provisions of EU Directive 2002/49 EC.

After adoption of the Rulebook on Organization and Functioning of Public Administration Bodies (Official Gazette of Montenegro 59/09), the Ministry of Spatial Planning and Environmental Protection took over the competence of noise management from the Ministry of Health. Pursuant to this, the Ministry of Spatial Planning and Environmental Protection is planning to initiate amendments to the Law on Environmental Noise Protection so as to harmonize it entirely with the European standards.

The Law on Environmental Noise Protection (Official Gazette of the Republic of Montenegro 45/2006) regulates protection from noise in the environment and determines measures for reduction of their harmful effect on human health. This Law does not refer to noise in the workplace, in apartments, means of transportation and noise created by military activities, or as a result of eliminating natural disasters.

In terms of this Law (Article 5 indent 2), the source of noise is every machine, device, installation, plant, means for work and transport, technological procedure, electrical-acoustic device for loud emitting of music and speech, noisy activity of people and animals and other action that emits sound. Wholes such as mobile and immobile objects, open and closed spaces for sport, play, dance, shows, concerts and listening to music are also considered sources of noise.

In terms of this law, protection from noise is achieved by means of:

- Establishment of the control system for noise sources
- Planning, monitoring and preventing and restriction of noise sources use
- Construction of acoustic maps based on unique noise indicators and methods for noise assessment in the environment;
- Development of action plans for short-term, mid-term and long-term measures of protection from noise in the environment.

The Rulebook on Limit Values of Noise Level in the Environment (Official Gazette of the Republic of Montenegro 75/06) does not stipulate allowed noise levels caused by motor vehicles in road, railway and air traffic.

Within normative measures of noise protection, Article 13 of the Law on Environmental Noise Protection stipulates the need for harmonization with prescribed technical standards related to limit noise levels under specific conditions of use, related to import of machines, means of transport, devices and equipment produced in Montenegro. Data on sound power emitted under such conditions of use must be marked on the product in line with specific regulations, guidelines and EU norms defined in Directive 2000/14/EC (Emission of noise into the environment caused by equipment intended for outdoor use).

As regards technical measures for protection against noise, Article 18 of the Law on Environmental Noise Protection stipulates that noise sources used for performing activities, which are used temporarily or installed permanently outdoors at ground level, against the walls or on building roofs, immobile or mobile objects, or are to be used in water or air must contain data on sound power. These sources of noise can be used, if the competent authority verifies that noise from the source will not exceed limit values of environmental sound levels.

K. Civil Protection

89. Which administrative bodies (Ministries, agencies, etc.) are responsible for developing the civil protection policy?

Civil protection is a part of the organized system of response to accidents in Montenegro whose organization and implementation rests with the Government of Montenegro. The ministry in charge of dealing with the development of civil protection policy is the Ministry of Interior Affairs and Public Administration, which comprises a department for Emergency Situations and Civil Security, as an integral part of the Ministry in charge of these affairs. Namely, during 2006 and 2007, the civil protection system was transformed, and dislocated from the Ministry of Defence to the Ministry of Interior Affairs and Public Administration, following European norms, and taking into consideration the experiences of developed EU countries. This has created conditions to make civil protection an integral part of protection and rescue system in Montenegro, along with relevant administration authorities, local government authorities, commercial enterprises and legal entities.

90. What is the general approach and organisation as regards civil protection?

Civil protection implies performance of humanitarian activities to protect people from danger caused by natural, technical-technological, chemical, biological, nuclear/radiological and other hazards, provide conditions necessary for their survival, and to preserve material and cultural heritage and the environment, to the highest possible extent.

Special importance in defining the position of civil protection rests with the Geneva Convention and Supplementary Protocols I and II. The first of these conventions was adopted on August 22, 1864, and the other three in 1906, 1929 and 1949. The Protocols were adopted in 1977. In compliance with said international agreements, there is a defined request that civil protection should deal only with humanitarian tasks, so as to have international legal protection.

In line with the Law on Protection and Rescue (Official Gazette of the Republic of Montenegro, 13/07) civil protection is part of a unique system of protection and rescue in emergency situations. Civil protection is composed of civil protection units, safety and rescue equipment, facilities and devices.

Civil protection units are organized, fitted out and trained to protect and rescue people, material and cultural heritage against natural disasters, technical-technological, biological, chemical, nuclear/radiological hazards and are specially organized forces of the protection and rescue system, whose main purpose is mass support to implementation of operative protection and rescue measures. In line with the provisions of the Law on Protection and Rescue, the competent administration authority, i.e. the Ministry of Interior and Public Administration, shall enroll citizens into civil protection units, if necessary.

In terms of purpose and tasks, civil protection units are incorporated as:

- general purpose units and
- special purpose units.

Upon completing detailed professional analyses in the Department for Emergency Situations and Civil Security with the Ministry of Interior and Public Administration, and in line with hazards stipulated by the National Strategy for Emergency Situations, there was a manifested need for establishment of civil protection units in all units of local government in Montenegro which amount to 2000 civil protection members.

In accordance with financial potentials in 2008, civil protection units were filled up and equipped with 400 members, which accounts for 20% of their total number.

91. Are there specific measures aiming at protecting the environment in the case of a disaster?

Law on Protection and Rescue (Official Gazette of Montenegro 13/07) prescribes a set of measures and activities which are undertaken in order to expose and prevent danger of natural disasters, fires, technical-technological accidents, chemical, biological, nuclear and radiological contamination, consequences of war devastation and terrorism, epidemics, epizootics, epiphytotics and other diseases, and to rescue citizens and material heritage jeopardized by their action. During 2009, the Ministry of Interior and Public Administration, acting as an authority competent for protection and rescue, and in accordance with Article 37 of the Law on Protection and Rescue, has endeavored to elaborate five national plans for protection against earthquakes, fires, chemical accidents, biologic accidents and radiological/nuclear accidents. These documents are very significant for the safety of citizens and protection of material heritage and the environment. Implementation of these plans shall be mirrored by implementation of obligations resulting from relevant international conventions overtaken in the national framework.

During 2009, a National team for action in case of chemical, biological and radiological/nuclear accident was established (CBRN), composed of representatives from reference institutions in Montenegro, including the Ministry of Interior and Public Administration - Department for Emergency Situations and Civil Safety; 'Ecotoxicological Examination Centre of Montenegro' Public Enterprise, Environmental Protection Agency; Clinical Centre of Montenegro, the Montenegrin Army.

In order to efficiently protect the population and material heritage against possible consequences and prevent the spreading of risk, it is necessary to conduct activities, among other things, related

to collection and processing data on possible risks; putting into operation the system for responding to and informing participants engaged in protection and rescue; informing the population, competent authorities and persons in charge of protection and rescue.

In order to provide a timely response to any risk, conditions have been created to introduce a unique European number for emergency situations, i.e. 112. Acting through a unique operative call center - OKC 112, as a separate organizational unit of the Sector for Emergency Situations and Civil Safety, the Ministry of Interior and Public Administration takes emergency calls related to imminent threats of risk and occurrence of risks. Such calls are immediately reported to competent authorities and other stakeholders in charge of protection and rescue of citizens by using landlines, applying standard operative procedures, and coordinating action on call, in order to protect lives, health, and property of citizens, and preserve conditions necessary for their life and work. OKC 112 operates as a unique call center for all emergency calls in the territory of Montenegro.

Measures of environmental protection in case of disasters are contained in several national regulations and a great number of international agreements signed by Montenegro. With regard to that, the Government adopted a National Strategy for Emergency Situations which represents one of the strategic documents of national safety in case of a destructive natural and technological hazard. Goals contained in this document refer to establishment of a national approach to emergency situations and organized engagement of state and other institutions for efficient action in emergency situations caused by any type of massive natural disaster, technical and technological damages and epidemics of infectious diseases, for the purpose of preventing their occurrence through preventive action, mitigation of their consequences, and development of preparedness of specific state facilities and the overall social community, in case of their occurrence in the future. In order to provide a prompt response in urgent interventions, the Government of Montenegro has established a National Team whose members are line ministries headed by the Prime Minister.

A systematic approach to issues of environmental protection implies preventive action in terms of: additional unknown risks, long-term effects and risks occurring only when several factors mutually interact. In many instances waiting for scientific evidence would mean accepting risks of irreparable damages. This is especially evident in a global challenge of facing consequences caused by climate changes.

A fundamental law which provides for the area of environment is the Law on Environment (Official Gazette of the Republic of Montenegro 48/08 of 11 August 2008), which stipulates principles of environmental protection and sustainable development, stakeholders and instruments of environmental protection, public involvement on issues regarding the environment and other issues significant for the environment. When there is doubt about possible consequences of potential endeavor, the Law stipulates the necessity to conduct all available procedures for assessing expected impact and preventive measures so as to avoid negative consequences on human health and the environment. Furthermore, when there is imminent danger of real and irreparable damage on human health and the environment, it is stipulated that undertaking of necessary safety measures must not be postponed, even when such danger is not scientifically proven to the fullest extent. The Law on Environment provides for the obligation to adopt a National Program of Environmental Protection by the Government of Montenegro, for a four-year period. It is prescribed that the National Program will obligatorily contain: measures and activities for environmental protection, manner of implementing measures, sequence of implementing measures, deadline for their execution, stakeholders of measure implementation, projects, assessment of funds for Program implementation, analysis of effects, and other issues significant for implementation of this document. Local plans of environmental protection shall elaborate measures from the National Program related to that region, in line with local features and characteristics of the region for which the plan is adopted. Stated plans shall be adopted by the local government Assembly, for a four-year period. The local government authority in charge of environmental issues will submit the local plan to the Environmental Protection Agency, within one month from the day of its adoption. In addition to other issues, the local plan shall elaborate the manner of implementation of urgent measures in emergency situations of environment pollution in a region where it is adopted.

In the event of an accident, depending on the scope of the accident and estimated consequences which pose danger to human health and the environment, a state of jeopardy to the environment

will be proclaimed and the public shall be informed about undertaken measures. The state of jeopardy to the environment shall be proclaimed by the Ministry of Spatial Planning and Environmental Protection, or the local government authority, whereas accidents with transboundary impact causing a state of jeopardy to the environment shall be proclaimed by the Government.

The Law on Environment, Articles 25 and 26 stipulate that anyone in possession of information about the accident is obliged to immediately inform thereof the Environmental Protection Agency and other competent authorities, and to undertake measures of prevention, reduction of elimination of accident consequences in line with his/her possibilities. In order to eliminate and prevent further spread of pollution caused by the accident, remedial measures shall be undertaken in line with protection plans, and persons responsible for the accident shall bear expenses for eliminating consequences of environmental pollution, as stipulated by Article 27. Inspection control over implementation of regulations in the area of the environment shall be conducted by the environmental inspection acting within the Environmental Protection Agency, in line with regulations and the law which stipulates inspection control. The Law on Protection and Rescue (Official Gazette of the Republic of Montenegro 13/07) prescribes measures of protection and rescue, which also include protection and rescue in the case of fire. Since protection and rescue are implemented in accordance with protection and rescue plans, in line with the Rules on methodology for elaborating a study of assessing danger of natural, technical-technological and other accidents, the expert team of the Sector for emergency situation of the Ministry of Interior Affairs and Public Administration has developed an assessment of danger of fire for the territory of Montenegro. Moreover, the National plan for Protection and Rescue against Fire was developed further to the Rules on Methodology for Developing Protection and Rescue Plans.

The Ministry of Interior and Public administration has signed an agreement for access to ARGOS Consortium. ARGOS users are national organizations in charge of management in case of emergency. In addition, ARGOS is a system for early warning against radiological hazard and it is also used to support decision making in case of response to accidents. This is how the findings of atmospheric dispersion modeling are shown. This means that on the basis of basic meteorological data and CBRN database (on chemical, biological, radiological and nuclear incidents), ARGOS can foresee and show the image of regions which will probably be polluted, as well as pollution and concentration of relevant elements in air. Results are shown on digital maps which can be supplemented by orthogonal photographs and 3D images of building construction. It is also possible to enter the effect of countermeasures into the calculation. Results can easily be transferred to other systems or published.

In line with obligations emanating from the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention), and pertaining protocols, especially the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea, and relevant agreements and decisions of the International Maritime Organization (IMO), in cooperation with REMPEC Center (Regional Marine Pollution Emergency Center) acting within the structure of UNEP/MAP, the Maritime Safety Administration has elaborated a draft Plan for urgent action in case of sudden maritime pollution. This plan defines the structure of action, headed by the department competent for maritime affairs, division of responsibilities at all levels, measures and technical means to be undertaken and provide for an adequate response in case of pollution, in line with stated international agreements that Montenegro has previously signed. It is necessary to set up legal ground in order to draw up and adopt a Plan proposal. According to the Law on Maritime Affairs, legal ground will be met upon elaboration and adoption of the Law on Maritime Protection against Pollution caused by Vessels, which will create conditions to finalize draft National Plan of intervention in case of sudden maritime pollution caused by vessels, and initiate work in establishing necessary infrastructure and capacity building on all levels of action.

Convention on Transboundary Effects of Industrial Accidents, which was recently ratified, is the most important international agreement regarding management and prevention of major industrial accidents when dealing with dangerous substances, which guarantees to all parties a high level of protection against industrial accidents, regardless of their economic or political power. The Convention defines dangerous substances and limit values of substances which can cause

industrial accidents with transboundary effects. Dangerous materials imply substances or preparations listed explicitly in the Annex I to this Convention, and dangerous activities, for the purpose of this Convention, imply any handling of dangerous materials during production, use, storage, management or disposal or during transportation to the location of such activities. In accordance with Article 21 of the Law on Environment, it is stipulated that one instrument of environmental protection is prevention and control of accidents which involve dangerous substances. A list of types of dangerous substances, manner of establishing their quantities, permitted quantities and criteria for categorization and characterization of dangerous substances, and other issues relevant to the procedure of preventing accidents will be stipulated in more detail by a Government regulation, which will be harmonized with requirements of SEVESO II Directive. In line with Convention provisions, the overall territory of Montenegro, especially regions that might be affected by transboundary effects of industrial accidents, will strive to develop a clear policy of construction and urban planning, in order to reduce the risk to the population and the environment to the highest possible extent. As a signatory to the Convention, Montenegro will define its policy of preventing industrial accidents with transboundary effects and ensure application of adopted policy through appropriate regulations and means, in accordance with provisions of the Convention.

92. Does the civil protection organisation include a component for international co-operation and if so, what is the nature of this?

Experience shows that that it is necessary to link countries in order to plan joint measures and procedures for protection against catastrophes, joint training and qualifying of rescue teams, establishment of international intervention teams, for the purpose of eliminating consequences and quick recovery from various natural, technical technological and other disasters.

By signing bilateral agreements, through regional cooperation, and cooperation with various international organizations, Montenegro was given the possibility to upgrade its cooperation in the area of protection and rescue. At the same time, Montenegro took over an obligation to actively engage in preparation of the international community for creating conditions for quick response in case of natural and other disasters.

Montenegro takes active part in the following initiatives:

- *'Disaster Preparedness and Prevention Initiative' (DPPI);*
- *'Civil–military Emergency Planning SEE' (CMEP SEE);*
- *'Protecting the Adriatic Seaway' (PRO-ADRIAS) – Adriatic-Ionian Initiative;*
- *'Barcelona Process: Union for the Mediterranean';*
- *The Regional Cooperation Council (RCC);*
- *Southeastern Europe Simulation Project (SEESIM);*
- *Regional Arms Control Verification and Implementation Assistance Center (RACVIAC);*
- *Organization for the Prohibition of Chemical Weapons (OPCW);*
- *Organization of the Black Sea Economic Cooperation (BSEC); and*
- *EUROMED Program for Prevention, Preparedness and Response to Natural and Man-made Disasters (PPRD SOUTH).*

Bilateral agreements on cooperation in protection and rescue from natural disasters are an important segment of the response to any type of natural, technical-technological and other accidents. So far, Montenegro has signed agreements with the Republic of Macedonia, Republic of Croatia, Bosnia and Herzegovina and Greece. There are pending procedures to harmonize the wording of agreements with the Republic of Serbia, Republic of Italy and the Republic of Slovenia. The Memorandum of understanding was signed with the Russian Federation.

International cooperation is also carried out through participation of civil protection units and teams in protection and rescue actions on the territory of some other state, in line with the Law on Deploying Units of Montenegrin Army in International Forces and Participation of Members of Civil Protection, the Police and Civil Servants in Peacekeeping Missions and other Activities abroad (Official Gazette of the Republic of Montenegro 61/2008 of 13 October 2008).

93. Are there specific strategies or measures aimed at protecting the population from disasters?

The National Strategy for emergency situations which was passed in 2006, the Law on Protection and Rescue and secondary legislation passed for implementation of this law, normatively regulate the area of rescue and preventive action against natural disasters, technical-technological damages, biological hazards and other natural disasters.

As part of the national policy and development strategies, it was necessary to harmonize the existing legal regulations from all social, scientific and professional areas involved in issues of managing natural disasters, biological hazards, and technical-technological accidents in accordance with international regulations. To that end, regulations for normative management of all relevant areas of state activities significant for preventing the occurrence of emergency situations and repairing their consequences were adopted, which are harmonized with EU regulations, as follows:

- The Law on Protection and Rescue (Official Gazette of the Republic of Montenegro, 13/07);
- The Law on Transport of Dangerous Substances (Official Gazette of the Republic of Montenegro, 05/08);
- The Law on Foreign Trade in Weapons, Military Equipment and Dual Use Goods (Official Gazette of the Republic of Montenegro, 80/08);
- The Law on Explosive Substances (Official Gazette of the Republic of Montenegro, 49/08).

Adoption of the Law on Flammable Liquids and Gases is planned in the forthcoming period.

The National Strategy for Emergency Situations, as the most important strategic document in the area of protection and rescue, provides for establishment of adequate state approach to emergency situations and organization of state and other institutions for efficient action in emergency situations caused by any type of natural disaster, technical-technological damages and infectious diseases epidemics, for the purpose of preventing their occurrence through preventive action, mitigation of their consequences, and preparedness of specific state facilities and the overall social community in the event of their occurrence in the future.

The Law on Protection and Rescue is the first act which fully regulates the area of protection and rescue. It regulates the area of responsibility, the rights and obligations of all participants in protection and rescue (citizens, legal entities, local administration units and administration authorities), aimed at prevention, preparation in case of emergency situations, expert and professional protection and rescue of the civil population, material and cultural heritage, and repair of current situation caused by a certain emergency situation.

Pursuant to this Law, during 2008 the Rulebook on methodology for elaborating a study of assessing danger of natural, technical-technological and other accidents (Official Gazette of the Republic of Montenegro, 41/08) and the Rulebook on methodology for developing protection and rescue plans (Official Gazette of the Republic of Montenegro, 44/08) were adopted.

After the said Rulebooks came into force, assessments were developed, covering jeopardy of natural, technical-technological and other accidents on the national level, including earthquakes, fires, chemical accidents, biological and nuclear/radiological accidents. National plans of protection and rescue against earthquakes, fires, chemical and biological accidents were also drawn up. In cooperation with the International Agency for Atomic Energy, we are currently developing a

National plan of protection and rescue against nuclear/radiological accident. All state authorities and organizations, scientific institutions, specialized enterprises, non-governmental organizations, as well as experts dealing with protection and rescue of the population, material and cultural heritage and the environment were engaged in elaboration of stated assessments and plans.

94. Are there specific strategies or measures aimed at preventing and combating forest fires?

The National Strategy for Emergency Situations as a document of strategic importance, determined primary hazards at the territory of the state. One of priority hazards is fire, with forest fire as its subgroup.

The Law on Rescue and Protection defines measures of rescue and protection, among which also rescue and protection from fire. Since rescue and protection is carried out based on the plans for protection and rescue, pursuant to the Rulebook on the methodology for producing an analysis of degree of danger from natural, technical-technological and other disasters, the expert team of the Ministry of Interior and Public Administration - Sector for Emergency Management developed a Fire Safety and Risk Assessment for the Territory of Montenegro. Also, based on the Rulebook on Methodology for Producing Protection and Rescue Plans, the National Plan for Protection and Rescue from Fires was drafted.

The said planning documents included a special chapter devoted to forest fires, defining protection and rescue measures that must be undertaken in each of the three phases of rescue: prevention phase, rescue phase and phase of consequences removal. This document also defines localities where forest fires occur and the entities carrying out the activities from the said phases.

With a view to providing protection from fire, the following 5 levels of operative units have been integrated:

- Municipal services for protection and rescue (fire-fighting units), which were organized at the local level and established with a view to acting in response to the early phase of disaster;
- Civil protection units, which give a mass support in actions of protection and rescue from fire;
- Entrepreneurial units (units of companies);
- Voluntary units for protection from fire, organized as voluntary fire-fighting associations, especially in the southern and central area;
- Airplane-helicopter unit as an organizational unit of the Sector for Emergency Management and Civil Security, which carries out reconnaissance and extinguishing of fire from the air.

Airplane-helicopter unit constitutes part of the Ministry of Interior and Public Administration – Sector for Emergency Situations and Civil Security. It possesses 4 helicopters (three AGUSTA BELL and one GAZELLE type helicopter), one of AGUSTA BELL 212 being equipped with the air rescue device.

Operative units members are obliged to pursue further professional development and training. Professional development and training of the operative units members is carried out by the Ministry of Internal Affairs and Public Administration.

As part of the implementation of rescue and protection measures from the preventive protection phase, two airplanes for fighting fire of the type AIR TRACTOR were purchased in 2009. A contract was also concluded for the procurement of 59 specialized vehicles for municipal services for protection and rescue. The first 6 vehicles will be delivered by the end of 2009, while 48 vehicles will be delivered during 2010. The last delivery of 5 vehicles will be done in Junuary 2011.

The forests management enterprises, forests concessionaries as well as the competent Ministry of Agriculture, Forestry and Water Management i.e. Forest Administration are also integrated into this

system. Within their activities, an observation service of Forest Administration has been established in all forest region.

List of Annexes:

Annex 206 - IMPLEMENTATION OF THE MASTER PLAN FOR COLLECTION AND TREATMENT OF WASTEWATER OF THE MONTENEGRIN LITTORAL AND THE MUNICIPALITY OF CETINJE, 146