

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

– ADDITIONAL QUESTIONS –

27 Environment

Minister:

Branimir Gvozdenovic

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

27: Environment

I. GENERAL POLICY

1. The Commission would welcome more information on the environmental criminal law (Directive 2008/99/EC):

a) To what extent exist provisions which already had criminalised the environmental offences listed in the Directive 2008/99/EC?

Title 25 of the Criminal Code of Montenegro envisages criminal offences against the environment as follows: environmental pollution (Article 303), failure to undertake environmental protection measures (Article 304), unlawful construction and putting into operation of polluting facilities and plants (Article 305), damage to environmental protection facilities and plants (Article 306), damage to the environment (Article 307), destruction of plants (Article 308), killing and torturing animals (Article 309), destruction of and damage to protected natural assets (Article 310), theft of protected natural assets (Article 311), taking abroad protected natural assets, in particular protected plant and animal species (Article 312), introduction of dangerous substances to Montenegro (Article 313), illicit processing, disposal and storage of dangerous substances (Article 314), unlawful construction of nuclear facilities (Article 315), failure to execute decisions on environmental protection measures (Article 316), violation of the right to information regarding the state of the environment (Article 317), pollution of animal feedstuff and water (Article 322), devastation of forests (Article 323), unlawful hunting (Article 325), unlawful fishing (Article 326). The above criminal offences are aligned to a great extent with the Directive 2008/99/EC on the protection of the environment through criminal law.

With the aim of further harmonisation of the Criminal Code provisions with the Directive 2008/99/EC, the Draft Amendments to the Criminal Code, now before the Parliament, envisage a new criminal offence of **Misuse of genetically modified organisms** (Article 307a) which criminalises marketing of products containing, consisting or made of genetically modified organisms which would threaten human life or the environment. It is punishable by a fine or imprisonment sentence up to one year. Further, should the waste containing, consisting or made of genetically modified organisms fail to be destroyed in such a manner that the genetically modified organism is unable for reproduction or transmitting genetic material to other organisms, this deed is punishable by a fine or imprisonment sentence up to one year.

Then, criminalisation of the offence from Article 313, introduction of dangerous substances to Montenegro, was amended by stipulation of an aggravated form, thus attaining full compliance with Directive 2008/99/EC, requiring the criminalisation of all behaviours causing or likely to cause death or serious injury to people or significant damage to the quality of air, soil or water, significant danger to animals and plants.

Moreover, we draw your attention to the fact that in Montenegrin legislation certain environment-related regulations already contain violations in the area of environment as laid down by the Directive 2008/99/EC as follows: Nature Protection Law (Official Gazette of Montenegro 51/08), Law on Ionising Radiation Protection and Radiation Safety (Official Gazette of Montenegro 56/09, 58/09), Draft Air Protection Law.

Thus, **Nature Protection Law** (Official Gazette of Montenegro 51/08, 21/09) in its Article 119, envisages as violations the actions stipulated as offences in:

1) Article 3 (f) of the Directive, if a legal person:

- picks, collects and uses, or captures and kills unprotected plant and animal species and fungi without the permission of the administrative authority (Article 81 paragraph 2);
- captures, keeps and kills strictly protected animals, damages or destroys their development forms, nests or litters, reproduction or resting places, disturbs at the time of reproduction,

catering for the young and hibernation, destroys or takes eggs from the nature without the permission of the Ministry (Article 82 paragraph 5);

- uses prohibited means for capture and killing wild animal species without the permission of the administrative authority (Article 83 paragraph 3);
- holds in captivity, breeds, sell and purchases strictly protected and protected wild plant, animal and fungi species without the permission of the administrative authority (Article 90 paragraph 1);
- takes from nature the protected geologic and palaeontologic objects proclaimed as protected natural assets or located in the geo-heritage site, a protected find or mineral ores deposit without the permission of the administrative authority (Article 99).

2) **Article 3 (g) of the Directive** if it:

- exports and imports, for scientific purposes and for the purpose of display, certain strictly protected and protected species of plants, animals and fungi without the permission of the administrative authority (Article 82 paragraph 3);
- introduces foreign wild plant, animal and fungi species into the eco-systems within the territory of Montenegro and the eco-systems which they do not naturally occupy without the permission of the administrative authority (Article 87 paragraph 2);
- introduces disappeared wild plant, animal and fungi species into the eco-systems within the territory of Montenegro without the permission of the administrative authority (Article 89 paragraph 1);
- takes out, introduces, exports or imports and introduces from the sea wild plant, animal and fungi species, parts and derivatives thereof without the permission of the administrative authority (Article 91 paragraph 1);

3) **Article 3 (h) of the Directive**, if it:

- destroys, collects living things and changes the habitat conditions in a speleological site, on the ground above it and in its immediate vicinity without the permission of the administrative authority (Article 29 paragraph 3);
- performs deeds, actions and activities in a protected natural asset containing a habitat type or a habitat of protected wild plant, animal or fungi species without the permission of the Ministry (Article 30 paragraph 9);
- performs deeds, actions and activities which may lead to destruction or considerable damage to an environmentally significant site without the permission of the Ministry (Article 33 paragraph 3);
- in a protected habitat performs deeds, actions and activities which may threaten its values (Article 42 paragraph 2);

The **Law on Ionising Radiation Protection and Radiation Safety** (Official Gazette of Montenegro 56/09, 58/09) in its Article 49, envisages as violations the actions stipulated as offences in:

1) **Article 3 (a) of the Directive**, if a legal person:

- allows exposure to ionising radiation to persons referred to in Article 18 of this Law or fails to prevent public exposure above set limits (Article 18);
- installs radioactive lightning rods or ionising smoke detectors with a gaseous radioactive source or a ionising radiation source whose decay products are gaseous (Article 19 paragraphs 3 and 4);
- causes contamination, and fails to promptly notify EPA thereof and fails to conduct decontamination as envisaged (Article 28 paragraph 1);

2) **Article 3 (e) of the Directive**, if it:

- fails to collect, secure, record and store radioactive waste in the manner and under the conditions stipulated until the delivery to the authorised legal person (Article 37 paragraph 1);
- manages a radioactive waste storage facility without having procured the licence from EPA (Article 38 paragraph 1);

- trades in ionising radiation sources and radioactive materials without having procured the licence from EPA (Article 41 paragraph 1);
- markets products referred to in Article 43 containing radionuclides above the allowable limits (Article 44 paragraph 1).

Draft Air Quality Law, now in the parliamentary procedure, in its Article 53 envisages as violations the actions stipulated as offences in:

1) **Article 3 (a) of the Directive**, if a legal person:

- in the vicinity of a stationary air pollution source for which the environmental impact assessment is mandatory or for which it may be required fails to monitor air quality in the manner established in the Environmental Impact Assessment Study (Article 18 paragraph 1);
- markets the types of fuel that exceed the set limit values for the content of polluting matters (Article 34 paragraph 1 point 12);

We also draw the attention to transitional and final provisions of the Draft Law stipulating that marketing of the types of fuels exceeding allowable limits for polluting matters shall not be allowed after January 1, 2011. This ban has been introduced due to the need to comply with the commitments stemming from the Law ratifying the Agreement between European Communities and the Republic of Montenegro Establishing the Energy Community (Official Gazette of Montenegro 66/06). The introduction of the ban, i.e. the use of clean fuels, will improve the air quality and reduce the adverse impacts on human health and the environment.

2) **Article 3 (i) of the Directive**, if it:

- releases ozone depleting substances (ODS) and alternative substances into the environment (Article 34 paragraph 1 point 5);
- fills the systems using alternative substances with ODS (Article 34 paragraph 1 point 6);
- uses ODS for flushing (Article 34 paragraph 1 item 7);

We also draw the attention to the **Decree on Ozone Depleting Substances** (Official Gazette of Montenegro 69/08) whose Article 4 paragraph 1 stipulates that the consumption phase-out and handling of controlled substances is done in accordance with the provisions of the Montreal Protocol and the National Ozone Depleting Substances Phase-Out Plan, and that allowable annual consumption of controlled substances referred to in Appendix 1 to the Annex C group I will be laid down not later than 31 January 2011. Furthermore, the provisions of Article 8 paragraph 1 prohibit marketing of products referred to in Appendix 2 Annex A Groups I and II, Annex B Groups I, II and III, and Annex C Groups I, II and III, and provisions of paragraph 2 of this Article permit marketing of products referred to in Appendix 2 Group I (refrigeration and air-conditioning devices), containing the controlled substances from Appendix 1 Annex C Group I by 31 December 2015.

b) What type of other criminal penalties than imprisonment and fine exist for breaches of environmental law?

In addition to criminal sanctions, such as imprisonment and fines, the Criminal Code envisages also other measures for committing criminal offences against the environment:

In case of committing the criminal offences of polluting the environment (Article 303), failure to undertake environmental protection measures (Article 304), unlawful construction and putting into operation polluting facilities and plants (Article 305), damage to environmental protection facilities and plants (Article 306) and damage to the environment (Article 307), illicit processing, disposal and storage of dangerous substances (Article 314), if pronouncing a suspended sentence, the court may impose the obligation of the perpetrator, within set time, to undertake the stipulated environmental protection, conservation and enhancement measures;

In case of committing the criminal offences of failure to execute decisions on environmental protection measures (Article 316) if pronouncing a suspended sentence, the court may impose the

obligation of the perpetrator, within set time, to undertake the measures laid down by the competent authority.

c) Please describe the legislation providing for administrative or/and criminal liability of legal persons for breaches of environmental law.

The issue of liability of legal persons for violations of the Environment Law is regulated by the legislation envisaging criminal and misdemeanour liability.

Thus, the **Law on Liability of Legal Persons for Criminal Offences** (Official Gazette of Montenegro 2/07, 13/07) in its Article 3 envisages that legal persons may be held liable for criminal offences from the special section of the Criminal Code and other criminal offences stipulated by a special law (Article 3); that a legal entity shall be liable for a criminal offence even if the responsible person who committed the criminal offence has not been convicted for that criminal offence, and that the liability of a legal person shall not exclude criminal liability of the responsible person for the committed criminal offence (Article 6); and that a legal entity may be imposed a fine and the termination of the legal person (Article 13).

Some forms of establishing administrative liability of legal persons in the administrative proceedings is stipulated by the **Law on Inspection Control** (Official Gazette of Montenegro 39/03) and the **Misdemeanour Law** (Official Gazette of Montenegro 25/94, 29/94, 38/96, 48/99).

Thus, the **Law on Inspection Control** envisages that in cases and in the amounts prescribed by the law, an inspector can pronounce to a legal person a fine as an administrative measure (Article 17), and also when during an inspection control procedure it is found that the controlled entity has committed an offence for immediate pronouncement of a fine is envisaged (a mandatory fine), the inspector shall pronounce and collect the prescribed fine (Article 18). It, moreover, envisages that, in order to eliminate the established irregularities, an inspector shall have an obligation and authority to submit a request for launching an offense procedure and bring criminal or other appropriate charges (Article 15 paragraph 1 items 6 and 7).

In addition to the above administrative actions and measures an inspector may undertake in order to establish the liability of legal persons for failure to observe the substantive laws, the provisions Article 74 of the same law envisage the misdemeanour liability of legal persons for failure to observe the provisions of this Law.

The **Misdemeanour Law** lays down a special type of liability for legal persons – misdemeanour liability – as the most wide-spread type of liability in positive Montenegrin legislation. This law envisages that the request for initiating misdemeanour proceedings may be filed by the competent authority or the victim. Private persons, if aggravated parties, may also file a request to initiate misdemeanour proceedings. This Law stipulates a range or the exact amount of the misdemeanour fine. Pursuant to this Law, the misdemeanour fine is set forth by special laws stipulating misdemeanours within the general legal minimum and maximum. Along the penalty, which can be in a form of a fine or an imprisonment sentence, the perpetrator may be pronounced one or more injunctions. The first instance misdemeanour proceedings in the area of environment is led by the Ministry as the first-instance body (Article 69), while the misdemeanour proceedings is led by the Misdemeanour Council of Montenegro (Article 70).

Legal persons are liable for the misdemeanour committed following the principle of objective liability, and the responsible person within a legal entity, an entrepreneur and a natural person following the principle of subjective liability.

Basic legislative solutions relevant for the issues touching upon the misdemeanour liability of legal persons, in addition to the above general laws, is also contained in a number of regulations relating to the area of environment as follows: Environment Law (Official Gazette of Montenegro 48/08), Law on Environmental Impact Assessment (Official Gazette of Montenegro 80/05), the Law on Integrated Prevention and Control of Environmental Pollution (Official Gazette of Montenegro

80/05), Waste Management Law (Official Gazette of Montenegro 80/05 and Official Gazette of Montenegro 73/08), Law on Strategic Environmental Assessment (Official Gazette of Montenegro 80/05), Nature Protection Law (Official Gazette of Montenegro 51/08), Law on Chemicals (Official Gazette of Montenegro 11/07), Law on Ionising Radiation Protection and Radiation Safety (Official Gazette of Montenegro 56/09, 58/09), Draft Air Protection Law.

2. (Ref. to Q 6): Please provide more details on how alignment of environmental legislation is ensured.

The response to question number 6 of the Questionnaire states that the National Programme of Integration (NPI) of Montenegro into European Union for the period 2008-2012 sets the plan for adoption of *acquis communautaire* in the area of environment. However, after two-year implementation of the activities defined in NPI there is an evident need for the preparation of a detailed action plan for the adoption of *acquis*, including the plan for strengthening institutional and human capacities and the strategy for financing the environment. In the preparation for the implementation of the above activities, it is necessary to perform the analysis of the existing legal framework, i.e. assess its weaknesses and shortcomings and set up revision measures accordingly. The proposed Twinning project IPA 2008 Centralised National Programme, Twinning Contract "Support to Environmental Management", MN 08 IB EN 01, submitted for approval to European Commission, in 2010 envisages the preparation of the Strategy for the Approximation of National Legislation in the Area of Environment 2010-2014, that is the Action plan for the adoption of *acquis* and development of necessary administrative and institutional capacities.

At the same time, in the process of monitoring harmonisation of Montenegrin legislation and policies with EU legislation and policies, a significant role in monitoring, assessment and documenting progress achieved in approximation of legislation in the area of environment will continue to be held by the project of the DG Environment "Monitoring of Progress in the Area of Environment, Including Potential Candidate States", as stated in the response to question 6 from the Questionnaire.

In terms with the commitments in the context of transposing *acquis* to be set by the Strategy for the Approximation of National Legislation with *Acquis*, it will include the restructuring of the administrative framework for conducting this process within the environment sector and relevant institutions, and the plan for strengthening administrative and institutional capacities, including the recruitment plan for the coming four years.

Pursuant to Article 31 paragraph 2 of the Rules of Procedure of the Government of Montenegro (Official Gazette of Montenegro 48/09), The Secretariat for Legislation prepared the Legal and Technical Rules for Drafting Legislation (Official Gazette of Montenegro 2/2010). These rules apply to drafting laws, other pieces of legislation and other acts the Government of Montenegro and line ministry are responsible for drafting, proposal or adoption in order to ensure uniformity in drafting legislation, their quality, avoidance of legal and technical omissions and mistakes, speed up the procedure for adoption and thus attain the goal and the purpose for which the piece of legislation is adopted in the first place. Moreover, the Legal and Technical Rules for Drafting Legislation establish that harmonisation of Montenegrin legislation with *acquis* is done in accordance with guidelines defined within these rules. In addition, each piece of legislation adopted by the Government of Montenegro has to be accompanied by the Form of Statement of Conformity of Montenegrin Legislation with Relevant EU legislation.

3. (Ref. to Q 7): Following the provision of table (1) (which is just a summary table of realised funds in environment and environmental infrastructure), please provide a detailed table with projects implemented and funds spent.

As stated in response to the question number 7 from the Questionnaire, investments in the environmental protection projects imply the investments in various areas and segments of environmental conservation by the state administration and local governments. In addition, an important source of investments into the environment comes from the international cooperation mechanisms. In that context, environment infrastructure projects relate to activities in the area of:

- solid waste management,
- waste water management,
- water supply,

while the environmental protection activities relate to:

- water,
- noise control,
- air quality,
- chemicals,
- climate change,

and other activities relevant for environmental protection.

The funds in the range of EUR164,560,787.69 realised so far for environmental protection and environment infrastructure projects over the last three years as shown in Table 1 of the response provided to question number 7, are broken down as shown in Tables 1 and 2. They give an overview of projects/activities **realised** in the area of environmental protection and **environmental infrastructure and the amounts realised, over the last three years, shown individually at the central and local level.**

Table 1 State level

AT THE NATIONAL LEVEL				
Funds realised for projects/activities in the area of environmental protection and environment infrastructure				
Segment	Purpose of funds	2007€	2008€	2009€
Solid waste	Regional sanitary landfills/funds realised refer to project documents preparation for the construction of landfills in Bar, Kotor, Bijelo Polje, Niksic, Berane and Pljevlja: Budget of Montenegro	0.00	493737.90	372842.90
	Delivery of services to third parties /CETI: Budget of Montenegro	108124.00	84211.00	25323.00
	Selective waste collection (600 containers) - donation		250000.00	
	<i>Total</i>	<i>108124.00</i>	<i>827948.90</i>	<i>398165.90</i>
Waste water	Waste water treatment plants/funds realised refer to the preparation of Feasibility Studies for the plants in Ulcinj, Cetinje and Plav/:	0.00	24148.70	45302.40

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	Waste water treatment plants – coastal region/Vodacom: in cooperation with the KfW bank – provision of a 9.672.386,08 credit and 2.556.459,26 as donation	5873094.88	5651476.46	704274.00
	Delivery of services to third parties /CETI: Budget of Montenegro	37615.00	42808.00	5674.00
	Waste water treatment plants /funds realised refer to the preparation of Feasibility Study for WWTP and water supply infrastructure in Podgorica - donation			135000.00
	Rehabilitation of Wastewater Pumping Stations - Bar and Herceg Novi - donation		538990.00	
	Rehabilitation of Wastewater Pumping Stations - Budva and Ulcinj - donation		620434.75	
	Rehabilitation of Wastewater Treatment Plant) in Podgorica - donation		1615404.00	
	<i>Total</i>	<i>5910709.88</i>	<i>8493261.91</i>	<i>890250.40</i>
Water Supply	MSTPI and MSTP 11 /Regional Waterworks/ contributors to project financing: Government of Montenegro - 20.252.509,99; WB IDA loan 6.431.910,23; EBRD credit amounting to 12.766.990,53, PEW credit facility of 3.153.363,23, and donor assistance amounting to 401.470,00	908275.78	18338723.20	23759245.00
	Delivery of services to third parties /CETI: Budget of Montenegro	10681.00	4157.00	8957.00
	<i>Total</i>	<i>918956.78</i>	<i>18342880.20</i>	<i>23768202.00</i>
Water quality	Regulation of Čehotina River Bed – Budget of Montenegro	0.00	20000.00	29000.00
	SAP Project - donation	11800.00		
	ADRICOSM STAR - donation	1000000.00	1000000.00	1000000.00
	MEDPOL monitoring in Montenegro – Budget of Montenegro and 20,000 donation	0.00	68000.00	160000.00
	Integral Management of Skadar Lake Ecosystem, - regional project: donation	0.00	7542.61	307457.39
	South Adriatic – chemical testing of sea water, sediments and biota - Budget		16791.63	
	Analysis of the sea area of Arsenal - donation		14727.26	
	MYTIAD-UNEP project: donation		4695.00	
	AQUMOD-Adricosm-		5000.00	
	UNESCO: donation			

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	Pilot Project on the Marine Protected Areas Management Plan - donation	0.00	0.00	300000.00
	MONITORING (SEA WATER QUALITY, COSTAL PROCESSES) – Budget	25954.00	29611.00	0.00
	Participation in water sector projects-Water revolving fund: donation	21000.00	0.00	0.00
	<i>Total</i>	<i>1058754.00</i>	<i>1166367.50</i>	<i>1796457.39</i>
Noise	Delivery of services to third parties /CETI: Budget of Montenegro	3592.00	4107.00	2720.00
	<i>Total</i>	<i>3592.00</i>	<i>4107.00</i>	<i>2720.00</i>
Air	Air quality monitoring – Budget of Montenegro	145000.00	17000.00	177500.00
	Delivery of services to third parties /CETI: Budget of Montenegro	135079.00	105551.00	6.819.00
	Preparation of the Plan for Ratification and Implementation of the three Protocols to the Convention on Transboundary Long-Range Air Pollution - regional project - donation	0.00	0.00	23558.00
	Tender CDM/NSSD (I) donation	0.00	900000.00	100000.00
	Tender CDM/NSSD (II) donation	0.00	0.00	300000.00
	Harmonisation of air-related legislation with Acquis: donation	0.00	50000.00	100000.00
	National Programme for Ozone Depleting Substances Phase-out and Final CFC Phase-out Plan - donation	69800.00	94000.00	69800.00
	<i>Total</i>	<i>349879.00</i>	<i>1319551.00</i>	<i>777677.00</i>
Chemicals	POPs project- UNEP-GEF donation	0.00	69930.00	0.00
	Reparation of the National Implementation Plan (NIP) for Stockholm Convention on POPs - donation	50000.00	50000.00	20000.00
	<i>Total</i>	<i>50000.00</i>	<i>119930.00</i>	<i>20000.00</i>
Climate change	Initial National Communication-INC of Montenegro for UN Framework Convention on Climate Change - donation	0.00	41881.00	115175.00
	Establishment of regional political forum for climate change and accompanying regional programmes (CC and coastal areas; CC and tourism) - donation	0.00	0.00	30000.00
	<i>Total</i>	<i>0.00</i>	<i>41881.00</i>	<i>145175.00</i>
Soil	Program of testing dangerous and harmful substances in soil/ Budget of Montenegro	45000.00	60000.00	85000.00
	Delivery of services to third parties /CETI: Budget of Montenegro	5604.00	30498.00	612.00

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	Total	50604.00	90498.00	85612.00
Radioactivity	Program of testing the contents of radionuclides in the environment and sub-programme of Radon Map of Montenegro: Budget	70000.00	80000.00	102000.00
	Delivery of services to third parties /CETI: Budget of Montenegro	531589.00	549566.00	186442.00
	RAO and radioactivity equipment /IPA 2008 Nuclear safety / - Budget CG 95.000 and donation 237000.00		332000.00	
	Total	601589.00	961566.00	288442.00
Nature and biodiversity conservation	National Biodiversity Strategy with the Action Plan - donation	80932.00	0.00	0.00
	Environmental Geographic Information System (GIS) - donation	110000.00	28000.00	0.00
	Remediation and re-cultivation of the zinc and lead tailings impoundment –Mojkovac: funds from the Budget – 3153429.67 and donation 1,581,340.06	1413523.74	1826781.30	1494464.69
	National Capacities Self Assessment – NCSA for the implementation of environment conventions – donation	0.00	43741.00	0.00
	Biodiversity Strategy, Action plan, National report - donation	0.00	67672.00	13960.00
	Remediation of fire-ravaged sites at the NP Durmitor - donation	0.00	0.00	34901.00
	Cooperation with the Council of Europe on the establishment of EMERALD network in Montenegro - donation	0.00	0.00	7000.00
	Dinaric eco-region - donation	0.00	5985.00	5985.00
	Support to strengthening capacities with a view of introduction of NATURA 2000 network in Montenegro - donation	0.00	0.00	13185.00
	Total	1604455.74	1972179.30	1569495.69
Other projects/ Activities related to environmental protection	Bridging the Gaps; donation	0.00	0.00	17450.00
	Clean production programme - NCPC (UNIDO) – donation	0.00	0.00	55842.00
	Support to the development of regulatory infrastructure in Montenegro – donation	0.00	0.00	4188.00
	Integral spatial planning and landscape conservation in Boka Kotorska Bay, including Visual Impact Study of the Verige bridge -donation	0.00	0.00	110000.00
	National parks: donation amounting to 878.929,06 + 130.296.00 from the Budget	264500.00	482479.06	262246.00

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Support to the Development of the Environment Sector donation			1364000.00
Study of ichthyoplankton and juvenile stadia of sardine - Sardina pilchardus and anchovies Engraulis encrasiolus in Boka Kotorska Bay - budget		15311.50	
Biological indicators of eutrophication in the sea area of the Boka Kotorska Bay – budget		23397.08	
Biological characteristics of areas conducive to mariculture in the Boka Kotorska Bay – budget		17617.59	
Testing neurotoxicants related to neurodegenerative changes to sea invertebrates and vertebrates - budget		31664.77	
Sara –donation	11990.00	3497.00	
Kowama – donation	9990.00	13975.19	
FAO-Adriamed –donation		30500.00	
RER 8/009 Air Quality in Mediterranean- donation	60000.00		
TC SCG 7/002 Advanced Isotopic techniques in Environmental monitoring - donation	70000.00		
SCG 9/005 Upgrading individual monitoring capabilities - Personal dosimetr- donation	70000.00		
MNE8002-Upgrading and capabilities building of the POPs- DIOXIN Laboratory in Montenegro: contribution from the Budget of 30.000,00 and 199,000.00 donation	229000.00		
MNE5002- (Upgrading capabilities to Establish Effective Monitoring system for Residues in Food and Air Quality (2009do2011): funds from the budget of 13.193,02 and donation 546.457.98			659651.00
Construction of Eco-efficient building (I + II) donation	0.00	200000.00	800000.00
Master Plan for sustainable tourism development in the municipality of Kolašin: donation	0.00	200000.00	600000.00
Sustainable Development of the Dairy Industry in Montenegro: donation	0.00	0.00	450000.00
Preparation of Master Plan for tourism development in the municipality of Žabljak - donation	0.00	0.00	350000.00
Sustainable Mobility in Perast donation	0.00	0.00	400000.00

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	Environmental actions and campaigns (Earth Day, Coast Day, the Blue Flag, Make It Clean), Biocenologic studies, cadastre of dispersed polluters - budget	36990.00	14814.00	0.00
	Preparation of National Sustainable Development Strategy: UNEP/MAP donation	0.00	20000.00	0.00
	Technical Assistance CDM, art. 2.2.B annex Project: Feasibility study) donation	0.00	200000.00	0.00
	Investments in the upkeep of the marine zone (waste removal and horticultural landscaping and construction of new infrastructure facilities at the coast - budget	1387901.00	1630404.00	0.00
	<i>Total</i>	<i>2140371.00</i>	<i>2883660.19</i>	<i>5073377.00</i>
TOTAL		12797035.40	36223831.00	34815574.38
TOTAL	2007 , 2008 , 2009			83836440.78

Table 2 Local level

LOCAL LEVEL				
Funds realised for projects/activities in the area of environmental protection and environment infrastructure				
Segment	Municipality	2007	2008	2009
Solid waste	Andrijevica	0.00	0.00	0.00
	Bar	127.819.00	1.601.310.00	28.474.00
	Bcrane	0.00	0.00	150.607.30
	Biiclo Polie	276.800.00	481.210.00	141.650.00
	Budva	153.215.00	425.289.00	17.458.00
	Danilovgrad	155.146.04	253.008.54	119.107.26
	Zabljak	0.00	0.00	0.00
	Kolasin	74.650.00	0.00	0.00
	Kotor	0.00	0.00	0.00
	Moikovac	(1.00	0.00	0.00
	Niksic	525.2(19.1)0	1.303.117.00	542.978.00
	Plav	74.000.00	75.000.00	82.000.00
	Pluzine	118.987.00	7.910.00	8.855.00
	Plievja	0.00	1.177.15	4.700.00
	Podgorica	5.659.399.23	196.224.97	0.00
	Rozaie	0.00	1.706.00	0.00
	Tivat	0.00	0.00	179.000.00
	Ulcini	12.800.00	10.000.00	0.00
	Hcrceo Novi	94.449.12	129.943.90	175.185.09
	Cetinje	0.00	0.00	0.00
Savnik	0.00	0.00	0.00	
Total		7.295.674.39	4.004.686.56	1.308.364.65

- Additional Questions -

Waste Water	Andrijevica	0.00	0.00	0.00
	Bar	94.898.00	891.863.00	681.824.00
	Berane	117.673.19	129.915.80	1.330.00
	Bijelo Polje	0.00	0.00	0.00
	Budva	0.00	590.000.00	0.00
	Danilovgrad	0.00	41.361.14	0.00
	Zabljak	0.00	0.00	0.00
	Kolasin	0.00	25.000.00	0.00
	Kotor	0.00	0.00	0.00
	Mojkovac	0.00	19.000.00	0.00
	Niksic	273.498.00	366.616.00	131.558.00
	Plav	8.000.00	72.000.00	50.000.00
	Pluzine	0.00	0.00	0.00
	Pljevlja	64.756.47	1.105.537.93	259.068.94
	Podgorica	1.051.855.00	4.955.209.00	5.797.879.00
	Rozaie	199.100.00	420.500.00	115.000.00
	Tivat	314.754.02	2.071.966.60	1.567.009.84
	Ulcini	5.833.26	32.692.32	20.000.00
	Herceg Novi	82.530.00	219.000.00	0.00
	Cetinje	392.000.00	0.00	0.00
	Savnik	0.00	0.00	0.00
	Total	2.604.897.94	10.940.661.79	8.623.669.78
Water Supply	Andrijevica	35.000.00	26.000.00	25.000.00
	Bar	1.080.986.00	4.344.087.00	513.385.00
	Berane	88.377.52	121.688.10	41.840.00
	Bijelo Polje	27.433.00	224.027.00	21.304.00
	Budva	0.00	0.00	0.00
	Danilovgrad	44.200.00	52.416.84	0.00
	Zabljak	38.164.59	54.230.47	22.794.92
	Kolasin	0.00	830.000.00	0.00
	Kotor	0.00	0.00	0.00
	Mojkovac	10.000.00	27.373.76	3.500.00
	Niksic	826.561.00	912.438.00	434.773.00
	Plav	23.000.00	44.000.00	105.000.00
	Pluzine	20.000.00	230.000.00	175.000.00
	Pljevlja	114.053.39	217.917.50	163.028.62
	Podgorica	2.112.718.53	4.324.025.67	9.686.377.54
	Rozaie	124.347.00	1.158.928.00	0.00
	Tivat	0.00	68.112.18	0.00
	Ulcini	0.00	0.00	0.00
	Herceg Novi	0.00	2.458.535.00	2.049.338.84
	Cetinje	0.00	245.000.00	0.00
	Savnik	1.000.00	143.413.83	24.439.52
	Total	5.261.204.59	15.763.679.38	13.296.087.44
Air Quality	Andrijevica	0.00	0.00	0.00
	Bar	96.392.00	93.490.00	0.00
	Berane	197.526.00	631.391.48	0.00
	Bijelo Polje			
	Budva	0.00	8.358.000.00	0.00

- Additional Questions -

	Danilovgrad	0,00	0,00	0,00
	Zabljak	0,00	0,00	0,00
	Kolasin	0,00	100.000,00	0,00
	Kotor	0,00	0,00	0,00
	Moikovac	18.669,32	97.439,55	0,00
	Niksic	180.538,00	478.206,00	73.879,00
	Plav	18.000,00	28.500,00	64.000,00
	Pluzine	0,00	0,00	0,00
	Pljevlja	0,00	0,00	0,00
	Podgorica	0,00	0,00	0,00
	Rozaic	0,00	0,00	0,00
	Tivat	0,00	0,00	0,00
	Ulcini	0,00	0,00	0,00
	Herceg Novi	0,00	0,00	0,00
	Cetinje	0,00	0,00	0,00
	Savnik	0,00	0,00	0,00
	Total	511.125,32	9.787.027,03	137.879,00
Noise				
Air	Pljevlja	0,00	11.583,00	22.866,50
Chemicals	Ulcini	15.981,70	12.190,00	0,00
Climate change				
Other environmental protection activities	Andrijevica	0,00	0,00	0,00
	Bar	57.509,00	437.047,00	8.609,00
	Borane	31.104,59	103.785,54	0,00
	Bijelo Polje			
	Budva	12.000,00	14.200,00	0,00
	Danilovgrad	46.312,51	56.836,19	37.268,80
	Zabljak	0,00	13.823,25	0,00
	Kolasin	24.178,31	16.573,10	10.453,00
	Kotor	0,00	0,00	0,00
	Moikovac	0,00	0,00	0,00
	Niksic	0,00	0,00	0,00
	Plav	0,00	0,00	0,00
	Pluzine	0,00	0,00	0,00
	Pljevlja	33.930,00	22.271,61	0,00
	Podgorica	0,00	0,00	0,00
	Rozaje	10.424,00	9.430,00	0,00
	Tivat	0,00	0,00	0,00
	Ulcinj	46.508,00	0,00	0,00
	Herceg Novi	0,00	0,00	0,00
	Cetinje	5.200,00	0,00	57.000,00
	Savnik	0,00	0,00	0,00
	Total	267.166,41	673.966,69	113.330,80
TOTAL		15.517.486,32	41.593.318,42	23.613.542,17
total	2007, 2008, 2009			80.724.346,91

27 Environment

- Additional Questions -

Table 3 Sources of information for the data presented in Table 1 and Table 2

no	Source	Act number and date
1	Municipality of Andrijevica	05-D-1345/2, as of 12.08.2009
2	Municipality of Bar	05-D-1346/2, as of 18.08.2009
3	Municipality of Berane	05-D-1347/2, as of 17.08.2009
4	Municipality of Bijelo Polje - Secretariat for Finance and Economic Development	05-D-1348/2, as of 04.09.2009
5	Municipality of Budva	mail
6	Municipality of Danilovgrad	05-D-1350/2, as of 19.08.2009
7	Municipality of Zabljak - Secretariat for economy, finance, general administration and social matters	05-D-1351/2, as of 18.08.2009
8	Municipality of Kolasin - Secretariat for za spatial development, municipal & housing affairs and environmental protection	05-D-1352/2, as of 21.08.2009
9	Municipality of Kotor - Secretariat for finance and economy	05-D-1353/2, as of 18.08.2009
10	Municipality of Mojkovac - Secretariat for za spatial development, environmental protection, municipal & housing affairs and traffic	05-D-1354/2, as of 21.08.2009
11	Municipality of Niksic - Secretariat for economy and finance	05-D-1355 3. as of 07.09.2009
12	Municipality of Plav	05-D-1356/2, as of 14.08.2009
13	Municipality of Pluzine - Secretariat of local government	05-D-1357/2, as of 18.08.2009
14	Municipality of Pljevlja - Secretariat for finance	05-D-1358/1, as of 18.08.2009
15	Capital City – Podgorica	05-D-1359/2 as of 19.08.2009
16	Municipality of Rozaje	05-D-1360/2, as of 12.08.2009
17	Municipality of Tivat - Secretariat for urban planning, construction and environmental protection	05-D-1361/2, as of 13.08.2009
18	Municipality of Ulcinj	05-D-1362/2, as of 14.08.2009
19	Municipality of Herceg Novi - Secretariat for communal and housing matters and	05-D-1363/2, as of 19.08.2009
20	Historic Royal Capital Cetinje - Secretariat for communal matters	05-D-1364/2, as of 20.08.2009
21	Municipality of Savnik	05-D-1365/2, as of 12.08.2009
22	Public Enterprise Waterworks and Sewage "Vodovod Niksic"	05-D-1355/2, as of 14.08.2009
23	Public Institution Centre for Ecotoxicological Testing of Montenegro	05-D-1340/2, as of 09.09.2009
24	Directorate for public works	05-D-1339/2, as of 17.08.2009 and 05-d-1339/3, as of 08.09.2009
25	Marine Biology Institute Kotor	05-D-1344/2, as of 04.09.2009
26	Public Enterprise National Parks of Montenegro	05-D-1342/2, as of 14.08.2009

27	An act of the Ministry of Finance forwarded to the Ministry of Spatial Development and Environmental Protection	01-7135/1, as of 19.08.2009
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4. (Ref. to Q 8): Please provide the precise number of permanently, temporary/contract based and intern staff employed in the Ministry and other relevant institutions. Please elaborate more how coordination is assured. Please provide additional information on plans to develop and reinforce administrative capacities (including the mentioned possible plan of the Human Resource Management Agency).

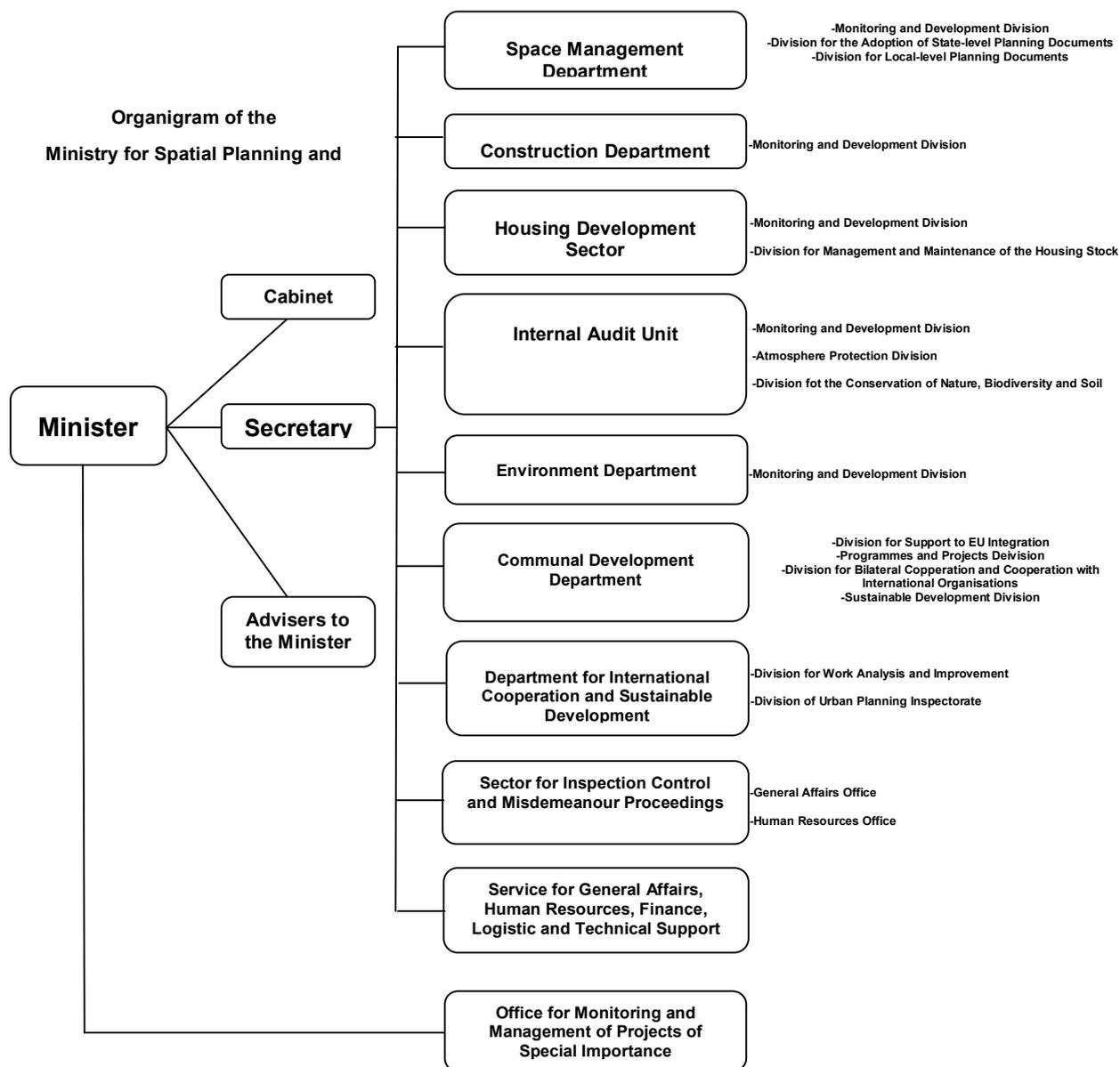
People employed with the Ministry and other relevant institutions

As stated in the response to question number 10 from the Questionnaire, within the current organisation of the state administration in Montenegro, the tasks related to environmental management and protection are organised at two levels, the state level and the local (municipal) level. The fundamental institutional framework for environmental sector is located within the Ministry for Spatial Development and Environmental Protection and the institutions active in the sector: Environmental Protection Agency (EPA), Public Enterprise National Parks of Montenegro, Public Institution Centre for Eco-toxicological Testing - CETI, Institute of Hydrometeorology of Montenegro, Nature Protection Institute, Limited Liability Company "Procon", Public Enterprise for Management of Marine Zone and Public Enterprise for water supply, waste water drainage and treatment and solid waste disposal for coastal region of Montenegro and municipality of Cetinje PEW-MC. In addition to the above environmental institutions, other particularly relevant are the Nature History Museum, under the Ministry of Education and Science, and Marine Biology Institute, as one of the organisational units within the University of Montenegro.

Assuming commitments in the context of integration processes at the regional, European and global level was not followed by the appropriate intensity of capacity development in the sector in charge of environmental policy. The initial stage following the declaration of independence (2006) was marked by assuming commitments, both those that made part of the environment policy in the previous state organisation, and some new international commitments. This process did not follow a proper planned approach leading inevitably to the mismatch between the level of commitments and the absorption capacity at the national level. At the same time, the reform of the environmental institutional framework continued regarding the separation of the executive from the legislative, planning and policy-making tasks. In this context, the institutional rearrangement of the environmental sector was done partly by taking the executive tasks from the environmental department of the ministry and its transfer to the EPA.

Current resources are still inadequate for proper response to the commitments in the context of European and global integration, i.e. to follow the guidelines of strategic operation and implement measures and activities defined by strategy papers and relevant policies.

- Additional Questions -



1. Environment Department

Environment Department performs the tasks referring to: environmental policy, protection and enhancement; proposal and selection of systemic measures for the implementation of strategy papers, plans and programmes in the area of environment; preparation of strategies and other development documents, programmes and projects in the area of environment; conducting and monitoring harmonisation of environment legislation with relevant *acquis*; international cooperation in the area of environmental protection; analysis, understanding and assessment of the state of environment and sustainable development; giving opinion on regulations prepared by other authorities; planning and programming funds from the state budget and other sources in accordance with special regulations, as well as provision and programming of funds for environmental protection from international and domestic sources intended for environmental protection; coordination and cooperation with other sectors and state authorities competent for specific issues within the protection of different segments of the environment towards the implementation of constitutional definition of Montenegro as an ecological state, in particular through the development of integrated approach to environmental protection and mainstreaming environment into sectoral policies; monitoring and enhancing human resources in the sector; following best international practices in the sector and proposing measures accordingly;

cooperation with education institutions and professional associations to improve the work in the sector; provision of explanations, expert guidance and instructions for work and provision of expert assistance in the area of environment; supervision of the work of environment-related institutions for which the Ministry is in charge of administrative supervision; preparation and submission of data for regular website update, for the promotion of activities and the department; cooperation with NGOs and other civil society organisations; taking part in the preparation of tender dossiers for public procurement in the department's scope of competences; preparation of information, reports and other tasks as envisaged by regulations.

In line with the Rulebook on Internal Organisation and Job Descriptions of the Ministry for Spatial Planning and Environmental Protection, the Environment Department consists of 5 divisions:

- Monitoring and Development Division,
- Atmosphere Protection Division,
- Division for the Nature, Biodiversity and Soil Preservation,
- Division for Protection and Integral Management of the Sea and the Coastal Zone,
- Division for Horizontal Legislation, Industrial Pollution, Cleaner Production and Chemicals Management.

a) Monitoring and Development Division

For the Monitoring and Development Division there are 7 posts envisaged, and currently the total of three officers work there, permanently employed.

In line with the Rulebook on Internal Organisation and Job Descriptions of the Ministry for Spatial Planning and Environmental Protection, Monitoring and Development Division performs the tasks relating to: drafting of laws and other regulations from the scope of competences of the Department in cooperation and with the expert assistance of organisational units within the Department, particularly in the context of harmonisation of national legislation with the *acquis*; drafting laws and other acts for the accession to international treaties and conventions in the area of environmental protection; setting up and conducting the conformity review of national legislation with the environment *acquis*; participation in the preparation of bilateral and multilateral agreements in the area of environment in cooperation and with expert support of organisational units within the Department; preparing opinions on draft laws and secondary legislation; provision of expert opinion on the implementation of current legislation; monitoring the enforcement of laws and other regulations from within the scope of Department's competences; preparation of responses and positions for competent authorities; preparation and monitoring the implementation of the National Environmental Protection Programme and environmental policies and strategy papers; cooperation with other competent authorities of the state administration, local self governments, relevant institutions, with the NGOs and other civil society organisations on the implementation of the above tasks and preparation of expert bases for sectoral policies and programmes referring to environmental protection; monitoring and enhancing human resources in the area; following best international practices in the sector and proposing measures accordingly; cooperation with education institutions and professional associations to improve the work in this activity; monitoring and conducting international cooperation in the area of environmental protection; preparation of bases for drafting and conclusion of bilateral, regional and multilateral agreements in the area of environment, and coordination of other Department members' participation to drafting and conclusion of bilateral, regional and multilateral agreements in the area of environment; implementation of commitments from relevant international agreements, cooperation with relevant international institutions, and preparation of reports on the implementation of international agreements; participation to provision of information on the state of the environment to the public and international organisations; planning and programming funds for environmental protection from the state budget, other sources pursuant to special regulations and from international funds; adoption and implementation of regulations envisaging economic incentives for legal persons and entrepreneurs applying technologies, products and marketing products with more favourable impact than other comparable products; establishment, granting

and revoking the ecological sign; introduction of new economic instruments and incentives for environmental protection; preparation and submission of data for maintaining and updating the website, promotion of the activity and the Department; preparation of information, reports and other tasks as envisaged by regulations.

With a view of the above, the division needs strengthening its capacities given that this unit is intended to be the main pillar of environmental policy and enable the integration of activities undertaken within the four remaining divisions. Particularly given the fact that this division is in charge of coordination, leading and guiding the environmental protection policy reform in the context of EU integration, legislative harmonisation, and programming of EU funds in the manner consistent with the environmental policy reform activities. At the same time, the same division is intended to implement policies in the context of bilateral, regional and global processes and cooperation.

Stemming from such a framework of actions, the activities of the Division are to ensure linkages and alignment of actions of the Department with environment-related institutions i.e. coordination of actions of relevant entities in the area of environmental protection, including public promotion and raising awareness regarding the importance of the environment. Integration of environment in sectoral policies in terms with the mechanisms by which environment is taken into consideration in other policies pursuant to Article 6 of the Treaty Establishing the European Community, and in the context of Millennium Development Goals and sustainable development policy are some of the activities of the Monitoring and Development Division.

A special aspect of the Division's domain refers to coordination of activities within policy and legislative reform with programme and project activities in cooperation with international organisations in the area of environment and sustainable development, as well as their implementation.

In the context of activities proposed for 2010, coordination of the process of Overview of Existing Legislative Framework and development of the Strategy for Approximation of National Environment Legislation with Acquis 2011-2014 will be carried out by this Division.

b) Atmosphere Protection Division

For the Atmosphere Protection Division there are 5 posts envisaged, and the division is currently employing 4 members of staff, three employed as per open-ended contracts, and one hired as per service contract.

In line with the Rulebook on Internal Organisation and Job Descriptions of the Ministry for Spatial Planning and Environmental Protection, Atmosphere Protection Division performs the tasks relating to: performing expert tasks on harmonisation of legislation with EU regulations in the area of air quality, fuel quality, emissions from stationary engines, emissions of volatile organic substances, emissions of ozone depleting substances, emissions of greenhouse gasses, protection of the environment against noise and ionising radiation and radioactive substances; analysis of the current state and proposal of measures and drafting of programmes and plans for air quality and noise protection, protection of the climate and ozone layer, protection against ionising and non-ionising radiation and radioactive substances; establishment and following the work of the state-level network for air quality monitoring and provision of opinion in the drafting of air monitoring programme; implementation of commitments stemming from relevant international agreements and cooperation with international agencies active in these areas; establishment and monitoring the activities on the disposal, storage and export of radioactive waste; preparation of the National Plan to Combat Climate Change; cooperation with competent state authorities, local governments, institutions and commercial entities in relation to air quality, climate protection and protection against ionising and non-ionising radiation and radioactive substances; establishing cooperation with NGOs and other civil society organisations; preparation of technical bases for the conclusion of international multilateral and bilateral treaties and agreements in the area of air protection, climate and radiation safety and protection against ionising radiation; monitoring and

enhancing human resources in the area; following best international practices in the sector and proposing measures accordingly; cooperation with education institutions and professional associations to improve the work in this activity; provision of expert opinions and preparation of bases for public information; preparation and submission of data for maintaining and updating the website, promotion of the activity and the sector; production of information, reports and other tasks as envisaged by regulations.

With a view of the above, the key activities of this division in the forthcoming period will refer to drafting secondary legislation pursuant to the Air Protection Law, the Law on Protection against Ionising Radiation, the Law on Noise. The activities on the implementation of international agreements are central, primarily the activities undertaken at the international level, related to post-Copenhagen actions.

c) Division for Nature, Biodiversity and Soil Preservation

There are 5 posts envisaged in the Division for the Protection of Nature, Biodiversity and Soil, and it currently hires 3 members of staff, two as per open-ended employment contracts, and one as per service contract.

In line with the Rulebook on Internal Organisation and Job Descriptions of the Ministry for Spatial Planning and Environmental Protection, the Division for Nature, Biodiversity and Soil Preservation performs the tasks related to: expert tasks on legislative harmonisation with *acquis* in the area of habitats and rare plant and animal species, trade in endangered species and other EU regulations regarding biodiversity preservation; monitoring and analysis of the state of nature and biodiversity, proposal of measures and development of programmes and projects for nature and biodiversity preservation and soil protection; management of protected areas of nature and establishment of networks of protected areas, in particular NATURA network, designation and protection of natural areas at the state level; identification and conservation of internationally designated areas and transboundary protected areas; definition of protected areas management systems and participation in setting up the managerial structures of protected areas; carrying out appropriate measures for monitoring, conservation and enhancement of biological and landscape diversity; protection of unprotected wildlife with the exception of hunting game, marine and river organisms; monitoring the implementation of commitments from relevant international agreements and of cooperation with international agencies active in this area, in particular regarding the implementation of the UN Convention on Biological Diversity and other international conventions in the area of nature conservation and biodiversity preservation, and participation in cooperation with relevant international organisations and initiatives; cooperation with competent central level authorities, local governments, institutions and commercial entities regarding the enhancement of the state of biodiversity; cooperation with NGOs and other civil society organisations; preparation of technical expert bases for the conclusion of international multilateral and bilateral agreements and other agreements in the area of protection of nature, biodiversity and soil; monitoring and enhancing human resources in the area; following best international practices in the sector and proposing measures accordingly; cooperation with education institutions and professional associations to improve the work in this activity; provision of expert opinions and preparation of bases for public information; preparation and submission of data for maintaining and updating the website, promotion of the activity and the sector; production of information, reports and other tasks as envisaged by regulations.

In the forthcoming period the key activities of the division will refer to the adoption of secondary legislation pursuant to the Nature Protection Law, implementation of the Biodiversity Strategy, reform of protected areas management system, implementation of commitments from ratified international agreements related to nature. The reform of the relevant institutional framework, as well as the reform of the management and finance system in nature conservation, towards the establishment of the NATURA network, will constitute a particular challenge.

d) Division for Protection and Integrated Management of the Sea and the Coastal Area

There are two posts envisaged within the Division for Protection and Integrated Management of the Sea and the Coastal Zone, and currently only one person is hired as per service contract.

In line with the Rulebook on Internal Organisation and Job Descriptions of the Ministry for Spatial Planning and Environmental Protection, the Division for Protection and Integrated Management of the Sea and the Coastal Zone performs the tasks referring to: in cooperation and coordination with other relevant sectors and state authorities, performing expert tasks on legislative harmonisation with *acquis* in the area of sea water quality preservation in bathing areas and fish and shellfish farms, land-based sea pollution, ship-based sea pollution and coastal sea management; development of programmes and plans for protection of the sea against land- and ship-based pollution, biodiversity preservation and taking part in urgent response to sudden ship-based sea pollution, in line with national action plans; preparation and implementation of integral coastal zone management programme for Montenegro; establishment of sea and coastal area monitoring programme; implementation of commitments from relevant international agreements; cooperation with competent central level authorities, local governments, institutions and commercial entities regarding the improvement of the quality of the sea and the coastal area; exercise cooperation with NGOs and other civil society organisations; preparation of technical expert bases for the conclusion of international multilateral and bilateral agreements and other agreements in the area of protection of the sea and the coastal area against pollution; monitoring and enhancing human resources in the area; following best international practices in the sector and proposing measures accordingly; cooperation with educational institutions and professional associations to improve the work in this activity; provision of expert opinions and preparation of bases for public information; preparation and submission of data for maintaining and updating the website, promotion of the activity and the sector; production of information, reports and other tasks as envisaged by regulations.

In the forthcoming period the key activities of the division will refer to the reform of the legislative and institutional framework in line with the EU Marine Strategy Directive, the Barcelona Convention and other relevant international agreements. Special attention is focused on activities within integrated management of the coastal zone implemented within regional initiatives (Adriatic-Ionian Initiative All, Trilateral Commission for the Adriatic, Mediterranean Action Plan – MAP, Union for the Mediterranean, Coastal Area Management Programme, ratification of the Protocol on Integrated Coastal Zone Management, projects within the Large Mediterranean Ecosystem partnership which are but some of the numerous activities to be initiated/implemented this year.

e) Division for Horizontal Legislation, Industrial Pollution, Cleaner Production and Chemicals Management

There are 4 posts envisaged within the Division for Horizontal Legislation, Industrial Pollution, Cleaner Production and Chemicals Management, and all four are currently occupied. Two members of staff are permanently employed, whereas two members of staff are hired as per service contract.

In line with the Rulebook on Internal Organisation and Job Descriptions of the Ministry for Spatial Planning and Environmental Protection, the Division for Horizontal Legislation, Industrial Pollution, Cleaner Production and Chemicals Management performs the tasks referring to: expert tasks on legislative harmonisation with *acquis* in the area of industrial pollution, Seveso plants, Eco-Management and Audit Scheme (EMAS), product marking, chemicals management and use of genetically modified organisms; implementation of commitments from relevant international agreements; proposal of measures for prevention, mitigation and remediation of accident impacts; planning urgent response in certain cases of pollution exceeding allowable limits determined by monitoring; declaration of the state of threat to the environment and informing the public regarding the measures undertaken in case of an accident, depending on the scope of accident and

assessment of impacts constituting a threat to human health and environment; planning and undertaking incentive measures for the inclusion of legal entities and entrepreneurs in the EU eco-management system; conducting cleaner production measures and introduction of new technologies in production processes, coordination of the implementation of the Cleaner Production Programme, introduction of the Strategic Approach to International Chemicals Management (SAICM); participation in the development of relevant strategies, programmes, plans; provision of expert opinions and preparation of bases for public information; exercise cooperation with NGOs and other civil society organisations; monitoring and enhancing human resources in the area; following best international practices in the sector and proposing measures accordingly; cooperation with education institutions and professional associations to improve the work in this activity; preparation and submission of data for maintaining and updating the website, promotion of the activity and the sector; production of information, reports and other tasks as envisaged by regulations.

The organisation of this division does not ensure an integrated approach to the performance of the tasks envisaged; hence its restructuring is required. The basic activities of the Division will be directed towards the needs analysis and drafting secondary legislation in the area of horizontal legislation, as well as the legislation in the area of waste management and chemicals management. Additional activities will be focused on the ratification of relevant international agreements and conventions and development of strategy papers.

The table below gives an overview of the staff on Environment Department, including the head of the department and other/internal members of staff.

Table 1: Staff of the Environment Department

Ministry for Spatial Development and Environmental Protection Environment Department	Permanent staff	Temporary staff	Other / internal staff
Deputy Minister	1	-	-
Monitoring and Development Division	3	-	-
Atmosphere Protection Division	3	2	-
Division for Nature, Biodiversity and Soil Preservation	2	1	1
Division for Protection and Integral Management of the Sea and the Coastal Zone	-	1	-
Division for Horizontal Legislation, Industrial pollution, Cleaner Production and Chemicals Management	2	2	-
Total	11	6	1

2. Department for Communal Development

The Department for Communal Development performs the tasks which relate to: proposal of policies within the Department's scope of competences; proposal and selection of systemic measures for the implementation of communal policy; development of strategies and other development documents, programmes and projects in waste and waste water management, water supply and communal services system; monitoring the implementation of long/term development papers and action plans; drafting laws, secondary legislation and other regulations within the Department's scope of competences; giving opinions, interpretations and suggestions in the process of their implementation; monitoring legislative harmonisation with aquis; monitoring and enhancing the work of commercial entities dealing with communal activities; monitoring and enhancing human resources in the area; following best international practices in the sector and

proposing measures accordingly; cooperation with education institutions and professional associations to improve the work in this activity; development of the institutional framework for enhancing the relations in water supply, waste management and waste waters and other communal activities; cooperation with competent authorities of local governments and local authorities in charge of communal activities, as well as cooperation with state and municipal public enterprises, or private companies and entrepreneurs delivering certain communal services, as well as competent inspection services; cooperation with NGOs and other civil society organisations; monitoring the state of maintenance, equipment and development of regional systems in the relevant areas; coordination of regional water supply systems and other communal services; definition of guidelines for delivery of communal services; overview, analysis and assessment of the state of affairs in waste and waste water management, water supply and the system of communal services with a view of its harmonisation with internationally recognised standards; conducting activities in the process of approximation and accession to EU; cooperation with international financial institutions and EU pre-accession assistance funds; initiation and participation in international and regional cooperation within the Department's scope of competences; cooperation with international organisations within the Department's scope of competences; preparation and development of international bilateral contracts and agreements within the Department's scope of competences; monitoring and enhancing human resources in the area; following best international practices in the sector and proposing measures accordingly; cooperation with education institutions and professional associations to improve the work in this activity; undertaking administrative measures and actions and monitoring their execution; participation in the preparation of tender dossiers for public procurement within the Department's scope of competences; provision of explanations, expert guidance and instructions for work and provision of expert assistance; preparation and submission of data for maintaining and updating the website, promotion of the activity and the sector; production of information, reports and other tasks as envisaged by regulations. The Department is divided into two divisions as follows:

- Monitoring and Development Division;
- Division for Coordination of Activities in Communal Services.

In line with the Rulebook on Internal Organisation and Job Descriptions of the Ministry for Spatial Planning and Environmental Protection, the Communal Development Department has 10 posts envisaged (including the deputy minister), 3 of whom in the Monitoring and Development Division with the title of an Independent Adviser I, and 6 in the Division for Coordination of Activities in Communal Service (3 Independent Advisers I and 3 Independent Advisers III).

The current employment level within the Department is as follows:

Ministry of Spatial Development and Environmental Protection Communal Department	Permanent staff	Temporary staff	Other / internal staff
Deputy Minister	1	-	-
Division for Monitoring and Development	2	-	-
Division for Coordination of Activities in the Field of Communal Matters	2	1	1
Total	4	1	1

3. Department for International Cooperation and Sustainable Development

Within the Ministry there is also the **Department for International Cooperation and Sustainable Development** performing certain tasks relevant for environmental policy. This Department performs the tasks referring to: monitoring, guidance and definition of international cooperation in the area within the competences of the Ministry multilaterally, regionally and bilaterally; proposal of measures and activities for harmonisation of national priorities and international standards; coordination of activities aiming to sign and implement bilateral, regional and multilateral agreements, treaties and conventions; coordination of cooperation with Montenegrin diplomatic and consular offices abroad for the provision of information necessary for the implementation of important projects and successful presentation and positioning of Montenegro internationally; preparation of platforms, presentations and participation of the Minister and Ministry's delegations at international events and conferences; keeping records of international agreements, treaties and conventions, as well as the implementation of commitments stemming from signed agreements; coordination of the process of Montenegro's accession to EU within the Ministry's competences through: monitoring the implementation of the National Programme of Integration and the level of legislative harmonisation with *acquis*, coordination of preparation and implementation of strategic and operational documents related to EU integration process, coordination of preparations and the negotiation process, monitoring the compliance with commitments and standards in the EU accession process, gathering and analysis of data relevant for keeping track of legislative harmonisation and coordinating cooperation with the Ministry for European Integration and the Montenegrin Mission to EU in Brussels; coordination of the planning, development, implementation and monitoring of programmes and projects financed through international and domestic loans and donations within the Ministry's sector through: coordination of activities on assessing the needs for international assistance, ongoing communication with prospective bilateral and multilateral donors, launching and developing programmes and projects, as well as provision of international assistance, monitoring of the implementation of approved programmes and projects financed through international assistance; coordination of the Ministry's activities aiming at observance, fostering and promotion of sustainable development principles through provision of opinions and guidance, cooperation with the Office for Sustainable Development focusing on monitoring the implementation of the National Sustainable Development Strategy and the relevant Action Plan, promotion and support to the inclusion of the civil society, state authorities, scientific institutions and the commercial sector (implementation of the concept of social corporate responsibility) in the process of sustainable development policy implementation, cooperation with relevant state authorities, local governments, NGOs and other civil society organisations; participation in the preparation of tender dossiers for public procurement within the competences of the Department; preparation of informative reports for the Government, other relevant state authorities, as well as public information on the activities within the Department's scope of competences; preparation and submission of data for maintaining and updating the website, promotion of the activity and the sector; other tasks as envisaged by regulations.

The Department is divided into 4 divisions:

- Division for EU Integration Support;
- Division for Programmes and Projects;
- Division for Bilateral Cooperation and Cooperation with International Organisations;
- Sustainable Development Division.

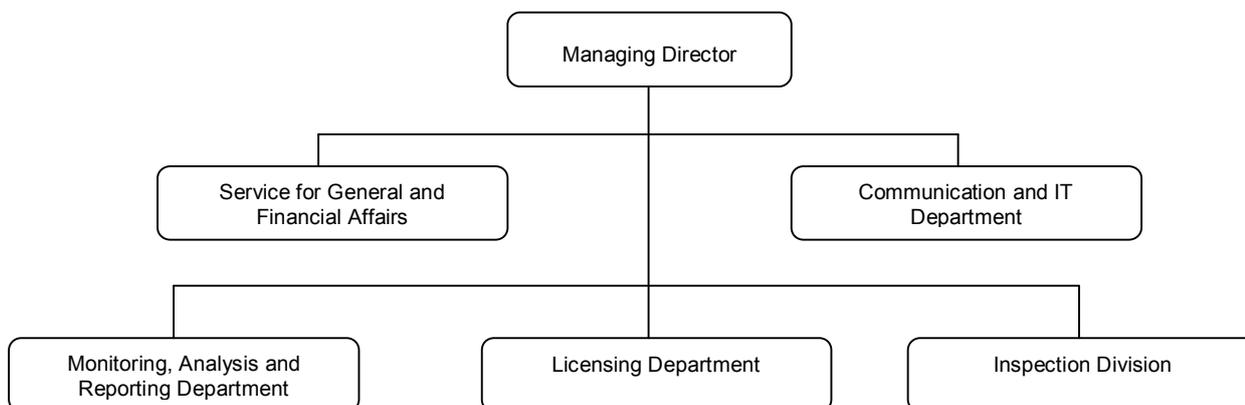
There are 12 posts envisaged within the department, currently 4 occupied, with additional 5 members of staff hired as per service contracts.

Ministry of Spatial Development and Environmental Protection Department for International Cooperation and Sustainable Development	Permanent staff	Temporary staff	Other / internal staff
Deputy Minister	1	-	-
Division for EU Integration Support	-	-	-
Programmes and Projects Division	1	5	-
Division for Bilateral Cooperation and Cooperation with International Organisations	2		-
Sustainable Development Division	/	/	-
Total	4	5	-

The overview of administrative capacities in institutions active in the area of environmental protection and environment infrastructure is given below.

1. Environmental Protection Agency (EPA)

The following organigram shows the organisational structure of EPA:



The EPA Rulebook on Internal Organisation and Job Descriptions, approved by the Government by its Conclusion as of 15 January 2009, envisaged **80 members of staff**:

- the Department for Monitoring, Analysis and Reporting – 11 posts envisaged;
- the Licensing Department - 20 posts;
- the Communication and IT System Department - 8 posts envisaged;
- the Inspection Division - 20 posts;
- the Service for Legal and Financial Matters - 21 posts.

Permanently employed members of staff:

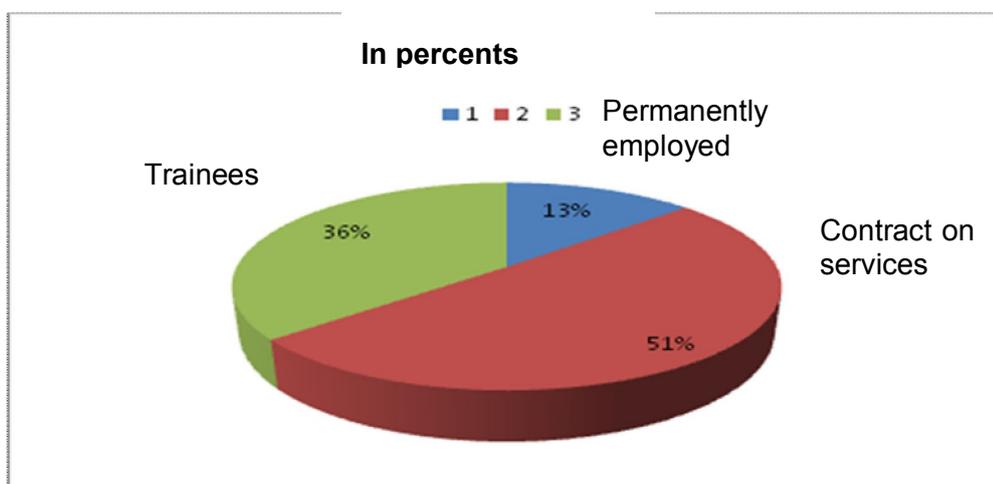
- Director, appointed by the decision of the Government;

- the Service for Legal and Financial Matters – 1 member of staff (head), selected as per public announcement in February 2009;
- in the Inspection Division – 5 members of staff, taken from the Ministry of Tourism and Environment, and
- in the Licensing Department - 6, 5 members of staff taken from the Ministry of Tourism and Environment, and 1 officer from the Ministry of Health in charge of ionising radiation.

Facing possible consequences of the economic crisis and intending to cut public expenditures, in early March 2009 the Government of Montenegro passed the Decision preventing new recruitment in public administration. In order for EPA to be able to respond to its responsibilities and needs in the context of cooperation with international institutions, some members of staff are hired as per service contracts, as follows, broken down by departments:

- Department for Monitoring, Analysis and Reporting, 8 Independent Advisers;
- Licensing Department: 6 Independent Advisers;
- Communication and IT Department: 5 Independent Advisers;
- Inspection Division: 6 inspectors I and 1 state employee IV;
- Service for Legal and Financial Matters, 5 independent state employees I, 10 state employees IV and 2 state employees.

Department	Monitoring, Analysis and Reporting Department	Service for Legal and Financial Matters	Inspection Division	Communication and IT Department	Licensing Department	Director	Total
Permanent staff	2	1	4		5	1	13
As per service contract	8	20	8	5	8		49
Trainees	2	12	3	9	9		35
Total	12	33	15	14	22	1	97



2. Hydro-meteorological Office

According to the new job systematisation of the Hydro-meteorological Office of Montenegro, approved by Government on 5 November 2009, in environmental issues, the Department for Monitoring Water and Air Quality, there is the total of 11 posts envisaged. All 11 posts are occupied with qualified and permanently employed staff, with one person hired as per service contract.

Hydro-meteorological Office/ Department for Monitoring Water and Air Quality	Permanent Staff	Temporary staff	Other / Internal staff
	11	1	
Total:	11	1	/

3. Public Institution Centre for Eco-toxicological Testing (CETI)

According to the Rulebook on Job Descriptions, **Public Institution Centre for Eco-toxicological Testing** has 66 posts envisaged with permanently employed staff dealing with environmental issues as follows: 29 associates holding university degrees, specialisations, master's or doctoral degrees; 18 technicians and samplers working on preparation of samples and sampling (the total of 47 members of staff directly involved in environment-related tasks). CETI has 8 members of staff hired as per service contracts working at border crossing points on the control of imported goods for radioactivity.

Public Institution Centre for Eco-toxicological Testing	Permanent Staff	Temporary staff	Other / Internal staff
	66	8	
Total:	66	8	/

4. Nature Protection Institute

In line with the current Rulebook on Internal Organisation and Job Description, the Nature Protection Institute has 15 permanently employed members of staff, 1 trainee and a director.

Nature Protection Institute	Permanent Staff	Temporary staff	Other / Internal staff
Director	1	/	1 trainee
Other	15	/	
Total:	16	/	1

5. Public Company National Parks of Montenegro

The current Rulebook on Internal Organisation and Job Description in the Public Company National Parks of Montenegro envisages 52 posts with 124 members of staff in the area of environment, 99 of them being currently occupied by staff hired as per open/ended contracts, 25 posts being vacant.

Public Enterprise National Parks of Montenegro	Permanent Staff	Temporary staff	Other / Internal staff
	99	/	
Total:	99	/	/

6. Public Company for Marine Zone Management

Certain environment-related tasks in the Public Company for Marine Zone Management are performed by the **Service for Sustainable Development**. Currently, the Service employs 5 permanent staff members, as envisaged by the work force plan, one for each of the following:

- **Head of the Service** inter alia, coordinates the activities on the implementation of marine zone protection and sustainable development programmes and projects, performs the tasks in cooperation with line ministries, local authorities, scientific and expert institutions regarding sustainable development, environmental protection and planning and spatial planning, coordinates international cooperation in sustainable development and integral coastal zone management, in particular in the framework of the Mediterranean Action Plan (MAP) and Regional MAP Centres etc. This post is occupied by a permanently employed member of staff acting as the Head of the Service.
- **Independent officer for spatial development and GIS** takes part in the preparation of coast development programme, coordinates the tasks of monitoring coastal processes and proposes measures of protection against erosion, gives opinions for the purpose of issuance of water conditions for construction projects affecting the coastal processes, keeps records on the state of space, coordinates, updates and takes care of the use of GIS database, collects and keeps a database of geo-morphological and hydrological data for the marine zone, cooperates with domestic and international expert institutions. This post is occupied by 1 permanently employed member of staff.
- **Officer for environmental protection** takes part in the activities of monitoring the state of the environment in the marine zone, monitoring the sanitary quality of sea water, cooperates with central and local authorities, scientific institutions, coordinates the preparation of individual environmental protection projects, performs the tasks related to strategic impact assessment and environmental impact assessment, cooperates with domestic and international expert institutions, non-governmental and other organisations, etc. This post is occupied by 1 permanently employed member of staff.
- **Officer for bathing areas development** prepares the annual programme for bathing areas development, issues the requirements for bathing areas with accompanying sketches, coordinates the work of the Commission for assessing the compliance with the requirements in the course of a season, performs the control of appropriate upkeep of bathing areas during the season, and the control of cleanliness off-season, coordinates the Blue Flag campaign, takes care of enhancement and introduction of new standards for bathing areas arrangement, cooperates with domestic and foreign expert institutions for the sake of sharing experiences and implementation of joint projects, etc. This post is occupied by 1 permanently employed member of staff.

- **Officer for maritime affairs and port management** prepares the programme for arrangement of ports of local importance stipulating in detail the categorisation and requirements for the equipment and use of harbours, performs the tasks relating to the construction, reconstruction, maintenance, management, protection and improvement of ports of local importance, performs the control over maintenance and protection of port infrastructure and superstructure, cooperates with Harbour Master's Offices, Maritime Safety Administration, Ministry of Transport and Maritime Affairs and other competent authorities, cooperates with domestic and foreign expert institutions for the sake of sharing experiences and implementation of joint projects, etc. This post is occupied by 1 permanently employed member of staff.

The tasks within the **Service for Control** partly touch upon the environment-related tasks.

Public Enterprise for Marine Zone Management	Permanent Staff	Temporary staff	Other / Internal staff
Sustainable Development Service	5	/	/
Control Service	4	3	/
Total:	9	3	/

7. Marine Biology Institute

According to the current Rulebook on Internal Organisation and Job Description in the Marine Biology Institute 24 permanently employed member of staff work on environmental protection tasks.

Marine Biology Institute	Permanent Staff	Temporary staff	Other / Internal staff
Director	1		
Other	23	/	
Total:	24	/	/

8. Natural History Museum

In line with the Rulebook on Internal Organisation and Job Description, the Natural History Museum of Montenegro, within its four departments, employs 17 experts dealing with environmental protection, and additional 5 persons for environment-related tasks: a director (a biologist), a curator, a pedagogue, two conservers and taxidermists technically linked with environmental protection.

Natural History Museum	Permanent Staff	Temporary staff	Other / Internal staff
	22	/	
Total:	22	/	/

9. Office for Sustainable Development

The Office for Sustainable Development operates within the General Secretariat of the Government. It currently employs 5 members of staff, three of them permanently employed and two hired per service contracts.

Office for Sustainable Development	Permanent Staff	Temporary staff	Other / Internal staff
	3	2	
Total:	3	2	/

10. "PROCON" Ltd

In performing the tasks related to cooperation with IFIs and local governments, some of the tasks from the scope of competences of the Department for Communal Development are performed by the National Project Implementation Unit "Project consulting" Ltd ("Procon" Ltd), established by the Government of Montenegro. The Internal Organisation act of "Procon" envisages 17 posts: managing director (1); chief administrator (1); chief manager (1); programme manager (4) project coordinator (1), administrator (4); driver (1) and cleaner (1).

Currently "Procon" employs 9 people.

"Procon" Ltd	Permanent Staff	Temporary staff	Other /Internal staff
Managing Director	1		-
Other	4	2	2 trainees
Total	5	2	2

11. PEW – MC

Public Enterprise for Water Supply

Public Enterprise for water supply, waste water drainage and treatment and solid waste disposal for coastal region of Montenegro and municipality of Cetinje (PEW – MC) employs one permanent member of staff on environmental protection issues.

(PEW – MC)	Permanent Staff	Temporary staff	Other / Internal staff
	1	/	-
Total	1	/	/

Coordination

Given that the Ministry for Spatial Planning and Environmental Protection performs the supervision over the legality and purposefulness in the work of public authorities and institutions active in this sector, as follows: Environmental Protection Agency, National Parks of Montenegro, CETI, Hydro-meteorological Office, Nature Protection Institute, "Procon" Ltd, Marine Zone Management and PEW, appropriate coordination mechanisms are in place. Supervision and control, and alignment of the work of public authorities and institutions with the Ministry's work plan and environmental protection policy is exercised through annual work programmes and reports. Certain departments within the Ministry are in charge of monitoring the work of individual authorities and institutions, such as Environment Department supervising and controlling the EPA, National Parks, CETI, Hydro-meteorological Office, Nature Protection Institute. At the same time, cooperation is established with other environment-related institutions supervised by other line ministries, namely: Natural History Museum, supervised by the Ministry of Education and Science, and Marine Biology Institute being an organisational unit of the University of Montenegro.

At the same time, establishment of national-level structures for project implementation constitutes a framework for cooperation between the Ministry and members of various institutions. By appointing coordinators, or focal points at the national level, and representatives at the expert level, structures are put in place aiming to enable efficient implementation of certain activities (like the network for the implementation of the Barcelona Convention made by the national MAP focal point and the operational focal points as representatives of relevant national institutions for cooperation with individual MAP components at the expert level). In doing so, in addition to national regulations, the provisions and guidelines from international agreements and of international organisations are also observed.

Plans to Develop and Strengthen Administrative Capacities

So far no plan for developing and strengthening administrative capacities within the Ministry for Spatial Planning and Environmental Protection has been developed. In line with the scope of duties and the implementation timeframe to be defined by the Strategy for the approximation of national legislation with the environmental acquis 2010-2014, or the Action Plan for the adoption of acquis and development of administrative and institutional capacities within the Twinning project "Support to Environmental Management", MN 08 IB EN 01, submitted to the European Commission for approval, as well as other commitments, in particular in the context of cooperation with relevant international entities, and those stipulated in strategic documents, it will be necessary to prepare plans for developing and strengthening administrative capacities. So far cooperation and training programmes were based in trainings, participation to international seminars and workshops, etc, which have been realised within regional and sub-regional activities of certain international organisations, through bilateral cooperation or through certain workshops dedicated to national entities, etc: training in cooperation with the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), sharing of experiences in the application of the MEDPOL programme and the application of methodology for testing the quality of bathing water, sharing of experiences in the application of EU legislation and international agreements in the area of air quality control, environment and education in cooperation with REC, etc. In addition to the representatives of the Ministry, the representatives of institutions take an active part in the above forms of strengthening capacities.

Pursuant to Article 14 of the Law on Public Servants and State Employees, "a public servant or a state employee has the right and the responsibility for professional development. The head of state authority takes care of the provision of conditions for professional development of a public servant or a state employee." Pursuant to the above, the following table gives an overview of activities realised within the Human Resources Management Administration in the Q IV 2009.

Trainings carried out from September-December 2009:

MODULE:	TOPIC:	Sep	Oct	Nov	Dec
TRAINING OF NEW RECRUITS IN STATE AUTHORITIES (six-day module)	BASIC TERMS AND PRINCIPLES WITHIN THE CONSTITUTIONAL HUMAN RIGHTS SYSTEM		19.		01.
	ADMINISTRATIVE PROCEDURE AND DISPUTE – STATE ADMINISTRATION AND LOCAL SELF-GOVERNMENT		20.		02.
			21.		03.
	BASICS OF THE ECONOMIC AND LEGAL SYSTEM		26.		06.
	PUBLIC FINANCE		27.		09.
	EUROPEAN INTEGRATION		28.		10.
STATE ADMINISTRATION AND SYSTEM OF STATE AUTHORITIES FUNCTIONING	BASIC TERMINOLOGY OF CONSTITUTIONAL REGULATION IN MONTENEGRO		08.		
	GENERAL ADMINISTRATIVE PROCEDURE			18.- 19.	
	WORK AND COMMUNICATION OF BODIES AND PARTIES IN GENERAL ADMINISTRATIVE PROCEDURE		21. BP	09.	
	INSPECTION CONTROL PROCEDURE			25.	
	OMBUDSMAN – PROTECTOR OF HUMAN RIGHTS AND FREEDOMS				04.
	PREPARATION OF COMPARATIVE ANALYSIS OF FOREIGN REGULATIONS				11.
	MISDEMEANOUR PROCEDURE		16.		
PUBLIC SERVANT SYSTEM	PUBLIC SERVANT SYSTEM	23.			
	PROCEDURE FOR DRAFTING INTERNAL ORGANISATION AND JOB DESCRIPTION ACTS AND ENTERING INTO EMPLOYMENT		13.		
	APPRAISAL, ADVANCEMENT AND COMPETENCE ASSESSMENT FOR PUBLIC SERVANTS		20.		
	CODE OF ETHICS FOR PUBLIC SERVANTS		29.	20. BP	
COMBATING CORRUPTION IN	COMBATING CORRUPTION IN PUBLIC			05.-	

PUBLIC ADMINISTRATION	ADMINISTRATION			06.	
	INTEGRITY PLAN			13.	
	PRACTICAL APPLICATION OF THE LAW ON FREE ACCESS TO INFORMATION	09.			
LEADERSHIP/ MANAGEMENT IN STATE BODIES	NEGOTIATION AND NEGOTIATION SKILLS		14.-15.		
	LEADERSHIP/MANAGEMENT IN ORGANISATIONAL UNITS			16.-17.	
	HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT				14.-15.
	TIME MANAGEMENT AT WORK				21.-22.
FINANCIAL AND BUDGETARY ASPECTS IN THE WORK OF STATE BODIES	FINANCIAL AND ACCOUNTING MATTERS IN STATE BODIES				10.
	PUBLIC FINANCE SYSTEM AND STATE BUDGET		05.-06.		
	STATE BUDGET PLANNING AND EXECUTION			23.-24.	
	PUBLIC PROCUREMENT		22.-23.		09. BP
GENERAL AND RELATED MATTERS I STATE BODIES	OFFICE OPERATION		07.		
	PUBLIC RELATIONS				16.-17.
	INTRODUCTION OF GENDER EQUALITY PRINCIPLES INTO PRACTICE	30.			
COMMUNICATION IN STATE ADMINISTRATION	CONFLICT RESOLUTION				
	STRESS MANAGEMENT ON THE JOB				
	COMMUNICATION SKILLS WITH CUSTOMERS				
INTERNATIONAL COOPERATION AND EUROPEAN AFFAIRS	EUROPEAN UNION	25. BP		26.-27.	
	EU LEGAL SYSTEM AND LEGAL ACTS		12.		
	EU INSTITUTIONS AND DECISION-MAKING	21.-22.			
	PREPARATION FOR MONTENEGRO'S ACCESSION TO EU		27.		
	STABILISATION AND ASSOCIATION AGREEMENT			12.	

	ECONOMIC AND SOCIAL PROFILE OF EU MEMBER STATES				03.
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Professional development organised through the Human Resources Management Administration and other trainings refers to:

- Financial and budgetary aspects in the work of state bodies
- Communication in state administration
- International cooperation and European Affairs
- General and related affairs in state bodies
- State administration and system of state bodies
- Training of trainees and new recruits for the work in public administration etc.

The plan for training and professional development of the EPA staff for the year 2010 was drafted by EPA and submitted as a proposal to the Human Resources Management Administration.

TRAINING PLAN FEBRUARY-APRIL 2010				
MODULE	TOPIC	FEBRUARY	MARCH	APRIL
TRAINING FOR TAKING THE STATE EXAM FOR CIVIL SERVANTS	Training for taking the state exam for civil servants (six-day module)	08, 09, 10, 15, 16, 17.		
CONSTITUTION AND EQUAL OPPORTUNITIES POLICIES	Constitution of Montenegro	25.		
	Protection of human rights and freedoms		15.	
PROCEDURE FOR LEGISLATION ADOPTION AND HARMONISATION	Legislative procedure		09.	
	Procedure for harmonisation of national legislation with the acquis		26.	
	Conclusion of international agreements		11.	
ADMINISTRATIVE AND MISDEMEANOUR PROCEEDINGS	General administrative procedure	25.-26.		
	Inspection control			27.
ANTI-CORRUPTION	Anti-corruption – general training		17.	12.BP
	Anti-corruption – specific training		18.-19.	13.-14.BP
	Code of Ethics for public servants and state employees		16. PG 25. BP	
FREE ACCESS TO	Free access to information		02.	23.BP

INFORMATION, CONFIDENTIAL AND PERSONAL DATA	Changes to the Law on Secrecy of Data		31.BP	
	Internal control over the implementation of data protection measures		18.19.	
	Application of the Law on Protection of Personal Data			19.
EUROPEAN AND EURO-ATLANTIC INTEGRATIONS	EU enlargement policy			20.
	Montenegro towards EU membership		15.	
	Harmonisation of national legislation		04.	
	European Convention on Human Rights and Fundamental Freedoms	23.	22. BP	
	Access to EU web-based databases		10.	
	Montenegro on the path of NATO integration		22.-23.	26.-27. BP
FINANCIAL OPERATION	Budgetary system in Montenegro		29.	
	Programme budget planning and execution			06.
	State aid			29.
PUBLIC PROCUREMENT	Public procurement system in Montenegro		25.	
	Special procedures for public procurement and small value public procurement			21.
HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT	Employment in state bodies			15.
MANAGEMENT OF ORGANISATIONAL UNITS	Motivation of staff			15.-16.
COMMUNICATION IN STATE ADMINISTRATION	Communication skills with customers	22.-23.		

PROJECT MANAGEMENT	EU structural and cohesion funds	26.		
	How is Montenegro using IPA	24.		
GENERAL AFFAIRS	Intellectual property			22.
	Occupational health and safety			28.

BP. –Bijelo Polje

Public Company for Marine Zone Management intends to strengthen its human resources, primarily the Service for Control, in particular in the light of the assumed competences as the Inspectorate for the Protection of Space.

Additional trainings for existing Sustainable Development Service started regarding the application of certain provisions of the EU Directive on the quality of bathing water, while in the upcoming period it is intended to increase competences and capacities of the Service for the duties and responsibilities stemming from the newly adopted Nature Protection Law, Law on Ports, Law on Water, and international regulations, primarily EU Directive on the quality of bathing water, EU Marine Strategy Directive, the Barcelona Convention and the accompanying protocols.

The plans to develop and strengthen administrative capacities of the Marine Zone Management also depend on the adoption of the new Law on Marine Zone, scheduled for QIV in the Work Plan of the Government for 2010.

5. (Ref. to Q 9): Please clarify how much of the allocated budget was transferred from state budget for EPA activities.

INVESTMENTS TO DATE FROM THE STATE BUDGET INTO THE ACTIVITIES OF ENVIRONMENTAL PROTECTION AGENCY

2008: EPA ESTABLISHMENT

The Government, at its session of 30 October 2008 (after the adoption of the Environment Law envisaging the establishment of EPA) passed the Conclusion, approving the Ministry of Tourism and Environmental Protection the funds from the operating budget reserve for the purpose of refurbishing the premises and purchase of necessary equipment for the commencement of EPA operation in the amount of **EUR 271,190.00**.

2009: FIRST YEAR OF EPA OPERATION

With the 2009 Budget EPA was appropriated the funds in the amount of **EUR 1,100,000.00**.

In 2009 there was a cut in the planned EPA budget for 14.3% through Budget rebalancing. The budget cut was done linearly for all budget users, pursuant to the Decision of the Government regarding the need to cut public spending based on the projections of possible impacts of the global economic crisis.

In consequence, the planned budget of **EUR 1.100.000** was reduced to EUR 942,743.06. It is noteworthy, however, that the salaries of staff transferred from the two ministries (in March 2009) amounting to EUR 116,000.00, were reallocated from the ministries' budget to the EPA budget, thus totalling **EUR 1,058,743.06** in 2009.

The break-down of EPA budget per items is as follows:

- **materials and services (Environmental Monitoring, service contracts for staff employed as per contracts and 33 trainees) 906,543.41**
- **gross salaries 112,301.15**
- **other personal remunerations8,398.50**
- **capital expenditures31,500.00**

2010: SECOND YEAR OF EPA OPERATION

With the 2010 Budget EPA was appropriated the funds in the amount of **EUR 2,686,358.59**, as follows:

- **materials and services2,122,686.50**
- **gross salaries 463.161,44**
- **other personal remunerations 27,593.50**
- **operating maintenance 4,854.15**
- **rent 12,000.00**
- **capital expenditures 56,093.00**

With a view of the above, please note that the item “expenditures for materials and services” includes also the EUR 1,100,000 in donations, as envisaged by the Budget Law.

Hence, **the appropriations from the state Budget for EPA in 2008, 2009 and 2010 amount to EUR 2,266,291.65.**

6. (Ref. to Q 10): Please elaborate more on the share of responsibilities for the various sectors and how coordination is envisaged.

As already stated in response to question number 10 from the Questionnaire, the competences of certain sectors are defined by the Decree on Organisation and Functioning of Public Administration (Official Gazette of Montenegro 43/09 as of 03.07.2009). As for the competences of different sectors in the area of environment, following the most recent reorganisation of the public administration pursuant to the above Decree, great advancement has been made towards the establishment of an integral environmental protection system given that the competences regarding mobile air pollution sources and protection against noise and vibrations have been defined as the competence of this sector. The activities aiming at building capacities of the sector in policy making and executive tasks are ongoing.

Still, competences of the sector in charge of environmental protection do not cover all the areas and segments of the environment as included in Chapter 27 of *acquis*. The competences are divided among several sectors. The completion of competences of the environmental protection sector and the accompanying harmonisation of individual pieces of legislation, in order to provide for a concerted approach to the development of an integral environmental protection system, will be subject of further careful attention, analysis and improvement by the Government, on the basis of good inter-sectoral cooperation.

Coordination of actions of different sectors is done by the Government of Montenegro, the Parliament of Montenegro and the National Council for Sustainable Development.

Before being submitted to the Government for approval, all draft regulations and strategic documents are first sent for consideration to one of the two **Government commissions**: the Commission for Political System, Domestic and Foreign Policy and the Commission for Economic Policy and Financial System. As stated in response to Question number 28 of the Questionnaire, pursuant to Article 39 of the Government Rules of Procedure 39 (Official Gazette of Montenegro

48/09), the drafters are obliged to accompany any draft law, regulation or general act, as well as strategic and planning document, inter alia, with the following:

- **fiscal impact assessment** that the proposed act would have on the Budget of Montenegro, Pension and Disability Insurance Fund, Health Insurance Fund, Employment Office of Montenegro and local budget, in line with the instructions provided by the Ministry of Finance;
- opinion of the Ministry of Finance that the solutions proposed in the draft legislative act **do not create business barriers**;
- **report of inter-sectoral and inter-agency consultations**, containing the positions, proposals and opinions expressed during consultations;
- **analysis of the state of affairs, phenomena and issues** in the regulated area;
- for laws and secondary legislation also **Statement of Compatibility of Montenegrin with Relevant EU Regulations**, with the Table of Conformity, that the Ministry for European Integration is in charge of.

The Commissions and the Government do not consider draft documents if not accompanied with the above. Strategies and documents touching on sustainable development or inter-agency policies are considered by both commissions on the joint meeting. The commissions, as highest political-expert level, have the right to return the document to the drafter if believing that it needs to be amended or fine-tuned in respect of its proposals and solutions, as well as the impact on the society and the public. It is only after alignment of documents at the commission level that draft regulations, strategy papers and policies are sent to the Government for consideration and adoption. The commissions meet weekly, two days before the Government session.

Pursuant to the Rules of Procedure of the **Parliament of Montenegro**, for consideration of draft legislative acts, proposal of acts, parliamentary control and the exercise of other tasks within its competences, the Parliament sets up committees as its working bodies. One of the standing parliamentary committees is the Committee for Tourism, Agriculture, Environment and Spatial Planning, which, inter alia, considers draft laws, other regulations and general acts and other matters relating to: protection and enhancement of the environment, nature and natural assets; national parks; protection against dangerous and harmful substances; protection against other sources of threat to the environment; spatial and urban planning; housing issues; construction industry; buildable land development and use, and other matters in the area of environment and spatial planning.

In addition to the above, National Sustainable Development Strategy envisages that strategy papers and policies dealing with sustainable development or some of its components are, before adoption by the Government, first considered at the sessions of the **National Sustainable Development Council**, including the prior procedure for consideration by working bodies established within the National Council. The above is particularly important for mutual harmonisation and coordination of policies in different sectors, and their harmonisation before consideration by the Government.

As stated in response to question no 10 of the Questionnaire, the guidelines for improving institutional organisation in the context of implementation of the national environmental policy, including the guidelines for more effective integration of environment into different sectoral areas: agriculture, energy, tourism, transport, spatial planning, industry, small and medium-sized enterprise are laid down in the **Policy Development Plan** prepared within the project Support to the Development of the Environmental Sector – Montenegro (Europe Aid 123230/D/SER/YU).

7. (Ref. to Q 15): Please clarify the mechanisms for the protection of the environment that are taken into consideration in other policies.

As stated in the response to question number 15, the need to integrate environment in other policies has been recognised in the National Sustainable Development Strategy and the National Environmental Policy.

The principles set in the UN sustainable development documents: Rio Declaration and Agenda 21, Johannesburg Declaration and Implementation Plan, Millennium Declaration and Millennium Development Goals (MDG), and relevant EU strategy papers: First EU Sustainable Development Strategy, Göteborg (2001), and Amended EU Sustainable Development Strategy (2006), Lisbon Strategy for Growth and Jobs, then Mediterranean Sustainable Development Strategy, led to the establishment of the National Council for Sustainable Development and Office for Sustainable Development tasked with the provision of administrative and technical support to the work of the National Council and coordination in the implementation of Montenegrin NSSD. Evaluation of the implementation of NSSD and its Action Plan is conducted through annual reports on the NSSD implementation which are considered by the National Council for Sustainable Development. This procedure is one of the main mechanisms for the control of integration of environment in other sectoral policies. The evaluation of NSSD implementation is based also on the analysis of the success with which environment is integrated in sectoral policies through monitoring and evaluation of individual measures and the relevant set of indicators stipulated in NSSD. The first annual report on the NSSD implementation (2008-2009) was positively assessed by the UN Department for Economic and Social Affairs (UN DESA). In December 2009, the Government adopted the second annual report that will also be sent to UN DESA, while in early 2010, pursuant to the implementation schedule from the Action Plan to NSSD, the process of its updating was launched. Given that the existing system of sustainability indicators is incomplete and mostly based on qualitative outcomes and process indicators, special attention will be dedicated to the improvement of sustainability indicators as basic performance indicators in the implementation of NSSD measures, including those indicating the success of integration of environment into sectoral policies.

In order to support the National Council, a number of expert bodies have been established to provide opinions and analyses for the deliberation of issues within the scope of competences of the National Council. One of the main tasks of the National Council and its relevant bodies refers to the consideration of harmonisation of all strategic documents, including sectoral policies, with the NSSD. In this context, the assessment of success in the application of mechanisms to integrate environment in other sectoral policies is also given.

Policy objectives and integration of policies are defined in the Policy Development Plan prepared in November 2008, within the implementation of the project Support to the Development of the Environmental Sector – Montenegro (Europe Aid 123230/D/SER/YU), aiming to support the environmental sector. At the same time, the significance of a harmonised approach of environmental policies for specific areas and sub-areas is recognised providing guidance for integration of environmental policies in the following sectors: agriculture, energy, tourism, transport, spatial planning, industry, SMEs, employment.

Environmental protection is considered in other policies through the mechanisms in the work of the Government and its commissions: the Commission for Political System, Domestic and Foreign Policy and the Commission for Economic Policy and Financial System.

In addition to the above mechanisms, the single most significant instrument providing consideration of environmental protection mechanisms in other policies is the Strategic Environmental Assessment (SEA). The SEA Law (Article 1) stipulates the conditions, methods and procedures for undertaking strategic environmental assessment of certain plans or programmes through the integration of environmental protection principles into the procedures of preparation, adoption and implementation of plans or programmes that have significant impact on the environment.

Article 2 lays down SEA objectives as follows:

- 1) ensure that environmental and public health issues are fully taken into consideration in the development of plans or programmes;
- 2) set clear, transparent and efficient procedures for SEA;
- 3) provide for public participation;
- 4) provide for sustainable development;
- 5) enhance the level of protection of human health and the environment

SEA Law (Article 8) envisages the SEA procedure to be carried out in the planning or programming processes that may have significant impacts on the environment prior to their enactment or submission to the competent authority for adoption. In doing so, one of the basic principles of SEA (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".

Pursuant to Article 4 of the SEA Law, within the competences set forth by this Law, the competent authority in charge of preparation of plans or programmes is responsible for the implementation of the SEA procedure, while the scope of application is laid down in Article 5 by the strategic assessment being carried out for plans or programmes when there is a possibility that their implementation would cause significant impacts on the environment. Thus, strategic environmental assessment is mandatory for all plans or programmes in the area of agriculture, forestry, fishery, hunting, energy, industry, including mining, transport, tourism, regional development, telecommunications, waste management, water management, coastal zone management, urban and spatial planning or land use planning, laying down the framework for future development of projects that are subject to environmental impact assessment elaboration in accordance with the special act, as well as for the plans and programmes which, considering the area within which they are carried out, could affect the protected areas, natural habitats and preservation of wildlife.

II. SECTORAL POLICIES

A. Horizontal Legislation

8. As far as access to environmental information is concerned, does Montenegro's law cover the environmental information 'held for a public authority', i.e. environmental information which is physically held by a natural or legal person on behalf of a public authority (Article 2, point 4 of Directive 2003/4/EC)?

The provisions of Article 2, item 4 of the Directive 2003/4/EC relating to environmental information "held for a public authority", i.e. environmental information which is physically held by a natural or legal person on behalf of a public authority, have not been directly transposed into the Montenegrin legislation in the field of environmental protection.

According to the Decree on Public Administration Organisation and Manner of Work, (Official Gazette of Montenegro 59/09), public administration is organised in a manner that it is composed of public administration bodies (ministries) and other administration bodies (institutes, administrations, agencies). Listed hereafter are the provisions contained in the proposal for a Law on Hydrographical Activities and the proposal for a Law on Hydrometeorological Activities, which are in parliamentary procedure for adoption, and are related to information held by an administration body in favour of another administration body, and informing the legal entity that performs a public function on the data of importance for the environment by a legal entity that owns the same.

In this regard, it is regulated by the **proposal for a Law on Hydrographical Activities** that the Hydrometeorological Office as an administration body shall hold environmental information in his possession, on behalf of the public administration bodies in charge of defence, respectively the Ministry of Defence. Namely, **the proposal for a Law on Hydrographical Activities** in Article 13, paragraph 1 stipulates that the hydrographic, cartographic originals and other data on parts of the sea, sea-bed and its subsoil, on which Montenegro has sovereignty or sovereign rights achieved, and which are of importance for development of nautical charts and publications, **shall be held** by the Hydrometeorological Office. Furthermore, it is established that the stated original, may not be copied or made available for use to other bodies, legal or natural persons (paragraph 2), and that the original survey made **for the purposes of public administration body in charge of defence, shall be held by the same body** (paragraph 3).

In addition, proposal for a Law on Hydrometeorological Activities in Article 22, paragraph 1, stipulates that legal entities that carry out meteorological and/or hydrological measurements and observations, including measurements of water and air quality, shall inform the Hydrometeorological Office, as a legal entity that performs a public function, on the commencement of these works and their content and duration. Moreover, it prescribes obligation of submitting the results of these measurements and observations to Hydrometeorological Office for verification (paragraph 2). Data on the results of measurements and observations submitted for verification to the Hydrometeorological Office, **shall be the property of legal entities that have collected them** (paragraph 3). Furthermore, the provisions of Article 24, paragraph 1 of this Law, determine that the Hydrometeorological Office shall establish, develop, and maintain a unique database of meteorological and hydrological data and information, including information on air and water quality and the radioactivity of air and precipitation; while the provisions of paragraph 3 of this Article determine that the contents of a unique database on the state of weather, climate and water, including sea water, the manner of their recording, verification, storage and use shall be prescribed by the Ministry responsible for environmental protection affairs (paragraph 3).

9. Please clarify if special standing is granted for NGOs to challenge decisions relating to Environmental Impact Assessment (EIA) and Integrated Pollution Prevention and Control (IPPC) at judicial and administrative level.

The Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05), in Article 7, defines the terms of public and public concerned in the process of environmental impact assessment of projects (hereinafter referred to as: EIA). Based on the above-mentioned provisions, public shall include one or several physical or legal persons, associations, and organisations, while public concerned shall include the public affected or likely to be affected by the project, including the non-governmental organisations (hereinafter referred to as: NGOs) dealing with environmental protection and registered with the authority responsible for environmental protection in compliance with the law.

The Law stipulates the obligation of the competent authority responsible for implementation of the EIA procedure, to inform the authorities and organisations and the public concerned of submitted application to decide on the need to conduct EIA (Article 12), decision on the contents and scope of the EIA Study (Article 15), and granting the approval of the EIA study (Article 24). If NGOs shall be interested to participate in the proceedings, in the sense that they have executed an insight into the subject documentation or submitted an opinion, suggestion, or proposal, the competent authority shall, in all subsequent phases of implementation of the EIA procedure, notify these organizations of all decisions.

Pursuant to Article 29 of the Law on Environmental Impact Assessment, it is determined that informing the public concerned (NGOs) shall be made in 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 concerned shall be carried out electronically as well, by placing notices on the website of the competent authorities responsible for the implementation of the EIA procedure. The notification to the public concerned (NGOs) shall state, *inter alia*, the period of time within which the public concerned may submit opinions, comments and suggestions, which the competent authority shall take into account when taking a decision. Thus, the provision of Article 12 provides that the deadline for the first phase, which refers to deciding on the need for conducting EIA, shall be 10 days, and the provisions of Article 16 provides that the deadline for the second phase, i.e. decision on the contents and scope of the EIA study, shall be 15 days .

Article 32 of the Law obliges the competent authority responsible for environmental protection to provide access to the complete data relating to the conducted EIA procedure to the public concerned (NGOs). Otherwise, the public concerned (NGOs), according to the Law on Free Access to Information (Official Gazette of the Republic of Montenegro 68/05 of 15.11.2005) may lodge an appeal to the second instance body.

The Law on Integrated Pollution Prevention and Control (Official Gazette of the Republic of Montenegro 80/05 and Official Gazette of Montenegro 54/09), defines NGOs as the public concerned in Article 2, item 18 “public concerned shall include public affected or likely to be affected by the operation of the installation and execution of activities, including nongovernmental organisations dealing with environmental protection and being registered with the competent authority in charge of environmental protection, in accordance with the law”.

The provision of Article 10 stipulates, *inter alia*, that the competent authority shall inform authorities and organisations and public concerned on submission of application within five days from the date of receipt of a complete permit granting application, respectively additional data, documents and information (paragraph 1); on the request of the public concerned the competent authority shall deliver the copy of the permit granting application (paragraph 3); the public concerned may submit their opinions to the competent authority within 15 days from the date of receipt of information (paragraph 5). Article 11, paragraph 1, stipulates, *inter alia*, that the competent authority shall compile the draft permit within 45 days from the date of receipt of the complete permit granting application, taking into account the opinions of the public concerned. The competent authority shall have the obligation to submit the draft permit to the authorities and organisations and the public concerned, on their request, within five days from the date of receipt of such request, and on their

request to deliver the copy of the draft permit within five days from the date of receipt of such request (paragraph 2), and the public concerned may submit to the competent authority their opinions relating to the draft permit within 15 days from the date of receipt of the notice (paragraph 4). Furthermore, the provisions of Article 14 paragraph 1, stipulate that the competent authority shall decide on permit granting, *inter alia*, on the basis of the obtained opinions of the public concerned, as well as that the competent authority shall inform the public concerned on the decision on permit granting, or refusing of the permit granting application within eight days from the date of decision making (paragraph 6).

The provisions of Article 28 of the Law on Environmental Impact Assessment, i.e. the provisions of Article 25 of the Law on Integrated Pollution Prevention and Control, stipulate that in the process of decision making according to this law, with respect to those issues not specifically regulated by this law, provisions of law regulating general administrative procedure shall be applied. Accordingly, against decisions taken by administration body responsible for environmental protection (the Environmental Protection Agency) in the process EIA procedure and in the process of implementation of the Law on Integrated Pollution Prevention and Control, an appeal may be filed to the Ministry of Spatial Planning and Environmental Protection. Against the decision taken by the Ministry of Spatial Planning and Environmental Protection, which shall be considered final in administrative proceedings, an appeal may be lodged and an administrative dispute may be instituted before the Administrative Court of Montenegro.

Furthermore, the provisions of Articles 14 and 25 of the Law on Environmental Impact Assessment, and the provisions of Articles 14 and 21 of the Law on Integrated Pollution Prevention and Control, provide that against the decisions taken by local administration bodies responsible for environmental protection in the process of EIA procedure, or in the process of implementation of the Law on Integrated Pollution Prevention and Control, an appeal may be filed to the Chief Administrator, which is a second instance body at the local level. Against the decision taken by the Chief Administrator, which shall be considered final in administrative proceedings, an appeal may be lodged and an administrative dispute may be initiated before the Administrative Court of Montenegro.

In addition to the above mentioned legal provisions governing the participation of NGOs in the process of EIA procedure and integrated pollution prevention and control (IPPC), in the context of strengthening cooperation with the NGO sector in accordance with the principles of partnership, transparency, accountability, mutual information and independence of NGOs, signing of a Memorandum of Cooperation between NGOs and the Ministry of Spatial Planning and Environmental Protection in December 2009 is of great importance. Areas of cooperation envisaged by the Memorandum are elaboration and implementation of strategic and integration documents, plans and programs in the field of spatial planning and environmental protection, sustainable development and sustainable utilization of natural resources. The undersigned have agreed to take all necessary action to ensure regular exchange of information in connection with activities relating to the preparation, adoption, and implementation of legislation in the field of spatial planning and environmental protection, i.e. projects and other activities in this field.

10. What is the average duration and costs of an environmental appeal case – both at administrative and judicial level? Are there special provisions in place to guarantee that they do not extend over a reasonable amount of time? Is there a possibility of injunctive relief in these procedures?

a) What is the average duration and costs of an environmental appeal case – both at administrative and judicial level?

The Law on General Administrative Procedure (Official Gazette of the Republic of Montenegro 60/03), pursuant to the provision of Article 219, stipulates that any individual or organization, whose right was violated by the decision taken by the first instance authority, may lodge an appeal

to the second instance body. Within the jurisdictions of the Ministry of Spatial Planning and Environmental Protection, it is determined that the appeal lodged against the decision taken in the first-instance administrative procedure by the Environmental Protection Agency, shall be decided on by this Ministry.

The provisions of **Article 242** of this Law stipulate that **a decision on an appeal shall be taken and delivered to the party as soon as possible** and at the latest two months from the day it was lodged, unless a special law stipulates shorter deadline. As an appeal is directly submitted or sent by mail to the first instance body, who has an obligation to forward the appeal to the second instance authority, the second instance body, with a view to achieving an efficient decision-making process, should not wait for the two months to expire in order to make the decision, but it should do so in a shorter period of time.

In terms of costs, which an appeal lodged in such manner at the administrative level may cause, we indicate that the costs of the proceedings are material expenditures caused by conducting an administrative proceedings from the beginning to the end.

Thus, the provision of Article 104 paragraph 1 of this Law stipulates that each party to the administrative procedure shall, as a rule, bear its own costs caused by the procedure, such as: costs of arrival, waste of time, expenses regarding fees, legal representation, and expert assistance. Furthermore, the provision of Article 103 stipulates that special costs of the competent authority, such as: travel costs of authorized officials, expenses for witnesses, experts, interpreters and translators, as well as costs of inquiry on the spot, announcements etc., incurred by the conduct of an administrative procedure, shall be, as a rule, borne by the party which initiated the entire procedure. Thereat, we shall indicate that these costs do not include costs of authorities related to their regular activities as well as cost of materials, technical equipment, paper, and so forth. Moreover, when a person participating in the procedure causes by his/her fault or out of prank expenses of particular actions within the administrative procedure, such a person shall bear the costs (Article 103 paragraph 2), and when an administrative procedure initiated ex officio is completed in favour of a party, the procedural costs shall be borne by the authority that has instituted the procedure (Article 103 paragraph 3). Sometimes witnesses, experts, interpreters and persons acting in an official capacity, shall be entitled to reimbursement of travelling costs and expenses before the authority conducting the procedure, according to Article 108 of this Law. These costs are achieved pursuant to the Decree on compensation of expenses in the administrative procedure (Official Gazette of the Republic of Montenegro 6/04) which in Article 1 stipulates that compensation of expenses before the authority conducting the procedure, respectively decides in administrative matters, and which, under conditions stipulated by the Law on General Administrative Procedure belong to witnesses, experts, interpreters and persons acting in an official capacity, shall be achieved in a manner and amount prescribed by this Decree. Furthermore, pursuant to the provisions of Article 2 of this Decree, *inter alia*, authority conducting the procedure shall be a ministry and other administration body, and bodies of local self-government, institution or other legal entity in the exercise of transferred or delegated affairs of public administration (public authority) .

Procedural costs shall be included in the disposition of the decision, according to the provisions of Article 107 of this Law, which provide that in the decision by which the administrative procedure is to be completed, the authorized authority shall decide who shall bear the procedural costs, as well as the amount of such costs, authorities to which it has to be paid and the time limit specified for payment. If disposition does not decide on costs it shall state that a separate decision shall be made regarding this matter, which is regulated in accordance with Article 202, paragraph 5 of this Law.

The Law regulated the issue of exemption from payment of procedural costs, as provided in paragraph 1 of Article 110, which establishes that the authority in charge of the administrative procedure may exempt a party from payment of costs, either completely or partially, if it finds that such costs cannot be borne without incurring damage to the necessary maintenance of the party or his/her family. This provision protects the basic principles of procedure, such as easier protection and realization of rights of parties (Article 5); efficient and quality realization of rights of parties

(Article 6); conducting the proceedings at the lowest possible costs for the party (Article 13); assisting the party (Article 14). Exemption from payment of procedural costs shall also be applicable to foreign citizens according to the principle of reciprocity, which means that our authorities recognize the right and to that extent as the authorities of the respective country recognize to our citizens.

Law on Administrative Fees (Official Gazette of the Republic of Montenegro 55/03, 2/06, Official Gazette of Montenegro 22/08, 3/09), in Article 1 provides that this Law regulates payment of administrative fees for documents and actions before **public administration bodies**, diplomatic and consular missions of Montenegro abroad, local administration bodies and other legal persons with public authority, while the provisions of Article 2 of this Law determine that a taxpayer shall be a person upon whose request the procedure is launched.

According to the **Tariff No.1**, tariff for administrative fees in administrative proceedings for request, appeal and proposal, application and other submissions the amount of €5 shall be paid, unless otherwise regulated by law; **Tariff No. 2** provides that for appeals against decisions taken by public administration bodies a fee in the amount of €5 shall be paid; **Tariff No.3** determines that a taxpayer shall pay a fee in the amount of €3 for note requesting the payment of taxes, while **Tariff No.4** provides that for all decisions taken by public administration body a fee in the amount of €5 shall be paid, unless otherwise regulated by law.

In terms of costs, which an appeal lodged in court proceedings may cause, we indicate that a party dissatisfied with the second instance administrative act, as well as in the case of failure to pass an administrative act within the legally prescribed time limit, it may initiate a dispute before the Administrative Court of Montenegro - Article 7 of the Law on Administrative Dispute (Official Gazette of the Republic of Montenegro 60/2003).

According to Article 56, Paragraph 1 of the Law on Administrative Dispute in an administrative procedure, each party shall bear their own costs, if the court decides in a closed session.

According to the Tariff No. 16 Tax Tariffs (Official Gazette of the Republic of Montenegro 76/05 and 39/07) for a complaint against an administrative act a fee in the amount of €10 shall be paid, while for a ruling in an administrative dispute a fee in the amount of €20 shall be paid- Tariff No. 17.

If the court decides in an oral hearing, the costs shall be determined in accordance with the provisions of the law regulating civil procedure – Article 56, paragraph 2 of the Law on Administrative Dispute.

According to Article 149 of the Civil Procedure Code (Official Gazette of the Republic of Montenegro 22/2004), the costs of litigation comprise costs incurred during or in connection with the proceedings, and include remuneration for attorneys and other persons entitled to remuneration in accordance with the law. The party who loses litigation in the whole shall reimburse the costs of the other party, and if a party achieves partial success in litigation, the court may, taking into account such success, order that each party bears their own costs, or that one party reimburses the other party a proportional amount of the costs - Article 152 of the Civil Procedure Code.

According to the Tariff No.6 Lawyers Tariffs in an administrative dispute a lawyer shall be entitled to a fee for drafting claims in the amount of €100, and shall be entitled to the same amount for each session. If the hearing lasts more than an hour for each commenced hour 20% of prescribed award shall belong to lawyer. According to the Tariff No.17 Lawyers Tariffs lump sum for minor acts in the amount of 25% of the total award amount calculated under this tariff shall belong to a lawyer.

In view of the front, the average costs of an administrative dispute if decided without a public hearing are:

- If the party itself drafts a lawsuit - €30 (a fee for a lawsuit in the amount of €10 and a fee for a verdict in the amount of €20);

- If the party hired a lawyer the average costs amounts to €155 (€100 for the composition of the complaint, €25 for an attorney rate and €30 for a lawsuit and a verdict);
- If the court decides on the basis of an oral hearing and the party is represented by a lawyer, the costs amount to €280 (€100 for composition of complaint, €100 for access of a lawyer at an oral hearing; €50 on behalf of the lump sum on total amount of the front and €30 of fees for lawsuit and verdict).

b) Regarding the question of whether there are specific provisions guaranteeing that the same do not exceed a reasonable period of time we indicate that the Law on General Administrative Procedure, as one of the Basic Principles establishes **the Principle of Cost-Efficiency of the Procedure**, which implies the obligation of decision-making without unnecessary delays. Administration bodies must act expeditiously within the limits of prescribed deadlines. Untimely decision on the rights, obligations, and legal interests often causes irreparable consequences. Decisions of administration bodies must come quickly (within the prescribed period), and any unreasonable delay should be sanctioned.

Furthermore, the provisions of Article 6 establish the **Principle of Efficiency**, which implies that authorities conducting the procedure and making decisions in administrative matters shall provide for efficient and quality realization and protection of rights and legal interests of private persons, legal persons or other parties. By implementing this principle, the Principle of Legality in decision making is implemented as well, because any untimely decision on the rights and legal interests often causes irreparable consequences. The decision must be made in due course and any violation of the terms means the unlawful conduct. The principle of decision-making **within a reasonable time**, as the legal standard may not be defined because it differs from one legal field to another. In general, we can say that this is the shorter period of time in which the authority shall make a decision depending on the degree of threat to the rights and freedoms.

Decision-making within a reasonable time is closer specified through a number of provisions of the Law on General Administrative Procedure. The issue of special importance, i.e. compulsory personal delivery of decisions, conclusions or other documents is regulated by the provisions of Article 76 of this Law and it contributes to the full extent to efficiency of the proceedings. Moreover, the new arrangements are met to the fullest possible extent, which implies the modernization of activities and administrative decision-making process, so a number of provisions relating to the use of modern information resources are determined, respectively provisions relating to the use of modern information resources, modern computer and information technologies. In this sense, for example, we point to the provisions of Art. 53, paragraph 3, Art. 64 paragraph 10, Art. 70, paragraph 2, Art. 77 paragraph 2, Art. 87 paragraph 6, Art. 92, paragraph 3, Art. 157 paragraph 2, Art. 160 paragraph 2, etc.

In the context of conducting court proceedings within a reasonable time, we indicate that the Law on the Protection of Right to Trial within Reasonable Time (Official Gazette of Montenegro 11/2007) stipulates the protection of the rights to trial within reasonable time. According to this law, foreigners may choose between two legal means to protect right to trial within reasonable time and those are: **request for acceleration of proceedings and complaint for a just satisfaction.**

c) In relation to the question about a possibility of injunctive relief in these procedures, we indicate that in administrative proceedings, there is such possibility for security as a measure of administrative procedure, which is imposed prior to making a decision on obligation of the party. Specifically, the provisions of Article 285 of the Law provides that if the liability of the party exists or is at least made probable, and there is a danger that the obligated party shall otherwise circumvent or significantly impede the execution of the obligation, authority responsible for taking a decision on the obligation of the party may, prior to taking a decision on the obligation, impose an injunctive relief in order to provide its execution. When there is a possibility that the execution is carried out in various manners and using various means, the execution will be carried out in such a manner and by using those means that shall lead to goal, and are the mildest for the executor (Article 266, paragraph 1). In accordance with this Article, means and measures, which fulfil the purpose of the regulation and limit interests of the legal entities to a lesser extent, shall be used. The provision of Article 285, paragraph 2 stipulates that imposing an injunctive relief may be

conditioned by providing security provided for in Article 211, paragraph 2 of this Law, which stipulates that the security given for the damage which may, due to the execution of the decision, be caused to the opposing party, if the basic request of the proposer is not adopted. This Article does not specify the type of security; anyhow the security may be deposited in cash in the deposit of the authority or in items.

Against the decision taken on the proposal of the party for execution for the purpose of security, as well as against the decision taken ex officio, a special appeal shall be allowed as provided in accordance with Article 282, paragraph 3.

Considering issues of imposing injunctive reliefs in court proceedings, we indicate that there is such possibility in an administrative dispute, as defined by Article 14, paragraph 1 of the Law on Administrative Dispute, which states that the plaintiff may request that the court shall impose an injunctive relief for the regulation of a condition pending the court decision, if by the measure specified in Article 13, paragraph 2, it should not be possible to prevent major adverse consequences for the plaintiff, or if the challenged act might cause an irreparable condition.

The chairman of the court panel shall decide on imposing the injunctive relief within five days as of the day of submission of the request (Article 14, paragraph 2). Appeal against the decision on the injunctive relief may be brought before the panel of the Administrative Court within three days. The appeal shall not prevent the execution of the imposed injunctive relief (Article 14, paragraph 3). The panel of the Administrative Court shall decide on an appeal at the latest within seven days as of the day of reception of the appeal (Article 14 paragraph 4).

Article 13 paragraph 2 of the Law on Administrative Dispute, referring to the mentioned provision, provides that upon request of the plaintiff, the authority whose act is executed, i.e. the authority competent for the execution, shall delay the execution pending the validity of the court decision, if the execution might incur a damage to the plaintiff that could hardly be redressed and if the delay is not against the public interest or would not cause any major irreparable damage to the opposing party. The competent authority shall pass a decision upon the request within three days from the receipt thereof at the latest.

11. (Ref. to Q 24): Please provide answer to the question: Do environmental authorities participate to development consent procedures and how?

Yes. The basic legislation governing the participation of competent authorities responsible for environment in the procedures of issuing approval for realization of projects is the Law on Environmental Impact Assessment (Official Gazette of the Republic of Montenegro 80/05). Namely, the provision of Article 6 which refers to the obligation to have the environmental impact assessment (hereinafter referred to as: EIA) approved determines that a project developer may not commence with project implementation without having conducted EIA procedure and obtained the approval of the competent authority for the EIA Study. At the same time, the competent authority responsible for the implementation of the EIA procedure is defined in Article 4 of the Law on Environmental Impact Assessment. In this regard the competent authority for the implementation of the EIA procedure shall be: a state authority responsible for environmental protection – for projects for which approvals, permits and licences are issued by other state authorities; a local authority responsible for environmental protection – for other projects for which approvals, permits and licences are issued by other local authorities. According to the above, authorities in charge of environmental protection, in accordance with the obligations stipulated by the Law on Environmental Impact Assessment, shall participate in the procedure of issuing approval for the implementation of projects for which the obligation to conduct the EIA procedure is prescribed.

Upon the receipt of the application enquiring about the need for EIA, the competent authority shall check whether the prescribed documentation has been submitted along with it (Article 11, paragraph 1). When the prescribed documentation is incomplete, the competent authority shall

request the additional data, information, and documentation from the project developer and set the period for their submission (Article 11 paragraph 2). Should the applicant fail to submit the additional data, information and documentation within the set period, the competent authority shall refuse the application as incomplete (Article 11, paragraph 3).

The Law on Environmental Impact Assessment stipulates the obligation of the competent authority responsible for the implementation of the EIA procedure, to inform, depending on the type of project that is subject to impact assessment, **authorities and organizations concerned (Article 12)**.

The competent authority shall establish a Commission responsible for setting the contents and scope of the Study and its evaluation (hereinafter referred to as: Environmental Impact Assessment Commission), to determine the contents and scope of the Study and evaluate the Study (Article 21). The Environmental Impact Assessment Commission members shall be appointed among the employees of the competent authority and other experts.

The Environmental Impact Assessment Commission shall consider the application and submit the proposal of the contents and scope of the Study to the competent authority within 15 days from the receipt of the application (Article 16, paragraph 3). The competent authority shall inform the project developer, authorities, organisations, and the public concerned about the proposal of the Commission within seven days from the receipt of the proposal (Article 16 paragraph 4). Thus, authorities and organizations concerned are directly involved in decision-making and are assisting the competent authority from professional aspects in the decision on approval or rejection of requests for approval of the study.

The competent authority shall decide on granting the approval or rejecting the application for approval of the Study based on the report and proposals of the Environmental Impact Assessment Commission (Article 24, paragraph 1). Within ten days from receiving the report and proposals of the Environmental Impact Assessment Commission, the competent authority shall make and deliver to the Project Developer such decision (Article 24 paragraph 2).

If **authorities and organisations concerned** express their interest to participate in the proceedings in the sense that they executed an insight into the subject documentation or submitted their opinions, proposals or suggestions, the competent authority shall in all subsequent stages of the proceedings notify the authorities or organizations of all decisions under the provisions of Article 12 paragraphs 3 and Article 16, paragraph 5 of this Law. It is determined that the competent authority shall inform the authorities and organisations concerned delivering written notices by mail, fax and electronic media (Article 29, paragraph 2).

According to the above, authorities responsible for the environment, in accordance with the obligations stipulated by the Law on Environmental Impact Assessment, participate in the procedure of issuing approval for the implementation of projects for which the obligation to conduct the EIA procedure is prescribed. As an example, we indicate the participation of administrative body responsible for conducting EIA procedure when a public administration body issues building permits for the facility being built according to the state planning document in accordance with Article 91 Law on Spatial Planning and Construction (Official Gazette of Montenegro 51/08 of 22 August 2008).

Law on Spatial Planning and Construction, in the provision of Article 69, stipulates that a structure may be built only based on the building permit and technical documentation.

In accordance with Article 93 of this Law building permit shall be issued based on:

- 1) the conceptual project or main project, produced in four copies out of which one shall be in the protected digital form;
- 2) the report on the conducted review of the conceptual or main project, in accordance with this Law;
- 3) evidence of the ownership right or other right over the buildable land or evidence of the right to construct or other right related to the structure, in case of the reconstruction of the structure.

In the procedure of issuance of a building permit, it shall be verified whether the conceptual or main project is produced and reviewed in accordance with urban development and technical requirements and the law.

If the conceptual or main project is produced in accordance with urban development and technical requirements and the law, each separate part of such project shall be certified with a stamp with the number, date, and signature of the authorized person written in, as well as by the seal on each sheet of the project.

Technical documentation shall mean a set of written, numeric, and graphical documentation which establishes the concept, requirements and manner of construction of structures. Technical documentation, in accordance with the provisions of Article 77, paragraph 1, depending on the type of structure and level of elaboration, technical documentation shall be developed as: conceptual design; conceptual project; main project with details for execution of works (hereinafter referred to as: the main project); structure's maintenance project, and pursuant to paragraph 2, paragraph 6 of this article contains, among other things, the study of impact of interventions on environment.

Pursuant to the provisions of Article 77 of the Law on Spatial Planning and Construction and the Rulebook on projects for which the EIA procedure is conducted (Official Gazette of the Republic of Montenegro 20/07 of 04 April 2007), obtaining approval from the authority responsible for conducting the EIA procedure on the submitted request for approval of the EIA Report is a prerequisite for the issuance of building permits issued on the main project.

Since the entry into force of the Law on Environmental Impact Assessment about 30% of the total number of requests for approval of the EIA Report was returned for revision, in order to perform certain corrections and additions, after which the same were accepted by the Environmental Impact Assessment Commission. In the previous period no request for approval of the EIA Report for any project was rejected.

Pursuant to Article 22 of the Law on Strategic Environmental Assessment (Official Gazette of the Republic of Montenegro 80/05), the authority responsible for environmental protection shall grant the authorisation or refuse to grant the approval for the Strategic Environmental Assessment Report (hereinafter referred to as: SEA Report). Article 6 defines that the authority responsible for environmental protection shall be:

- 1) state authority responsible for environmental protection issues;
- 2) local authority responsible for environmental protection issues, respectively secretariats responsible for environmental protection.

Article 6 of the Law on Strategic Environmental Assessment defines, also, that the authority responsible for preparation of plans or programmes cannot submit a plan or programme for further adoption procedure without having previously obtained approval for the SEA Report from the authority responsible for environmental protection issues.

Article 7 provides that authorities and organisations concerned shall mean the state authorities and organisations and local authorities having the obligation or interest, in accordance with their responsibilities, in making the decisions related to environmental protection. Moreover, the provision of Article 10, paragraph 1, determines that the competent authority responsible for preparation of plans or programmes shall make the decision on the elaboration of SEA based on the previously obtained opinion of the competent environmental protection authority, competent health care authority and other authorities and organisations concerned. The competent authority responsible for preparation of plans or programmes shall submit to the competent environmental protection authority, competent health care authority and other authorities and organisations concerned the Draft Decision (Article 12 paragraph 1) requesting their opinion. Moreover, the competent authority responsible for preparation of plans or programmes shall submit the SEA Report referred to in Article 15 of this Law to the authorities and organisations concerned requesting their opinion (Article 17, paragraph 1). The competent authority responsible for preparation of plans or programmes shall elaborate the report on participation of authorities and organisations concerned including opinions of the same (Article 20, paragraph 1).

Public administration body responsible for environmental assessment reports shall carry out a strategic assessment, whereas one of the criteria that shall be taken into account is the participation of interested agencies and organizations and the public in the process of strategic environmental assessment (Article 21) which includes: the participation of interested agencies and organizations in the process making strategic assessments and opinions of agencies and organizations concerned on the SEA report.

After the Law on Strategic Environmental Assessment entered into force, 13 approvals and 17 opinions on the SEA Report were issued. The process of public hearing on the draft Detailed Spatial Plan for the area of multipurpose reservoirs on the river Moraca and SEA Report of this Detailed Spatial Plan is in progress. At the same time, the procedure of informing the Republic of Albania on potential transboundary impact of the realization of the construction of hydropower plants on the river Moraca is carried out in accordance with the draft Detailed Spatial Plan for the area of multipurpose reservoirs on the river Moraca.

12. (Ref. to Q 29): On environmental liability, to what extent exist legal obligations for the liable operator of certain dangerous activities (and on a subsidiary basis for other parties and for competent authorities) to restore in kind the environmental damage caused to protected species and natural habitats, to water and to land, independent from private claims for reimbursement?

Basic issues of liability of polluter for damage caused to the environment are elaborated in the answer to question 29 of the Questionnaire of the European Commission, in the sub-group of questions Horizontal Legislative.

The issue of establishing a former state, respectively compensation of damages is regulated to the same extent by the provision of Article 192 paragraph 1 of the Law on Obligations (Official Gazette of Montenegro 47/08), which stipulates that the responsible person is obliged to establish a condition prior to damage, and if the establishment of the former state does not eliminate the damage completely, responsible person shall be obliged to compensate the rest of the damage in cash (Article 192, paragraph 2).

In terms of liability of the perpetrator of certain **hazardous actions** to compensate to the same degree, the damage in the environment caused to protected species and natural habitats, water and soil, we indicate several provisions in the **Law on Nature Protection** (Official Gazette of Montenegro 51/08, 21/09). Thus Article 10 provides that any action, activity and operation performed in nature shall be planned in such a manner as to avoid or cause the least possible damage to nature and reduce threat to the environment (paragraph 1), and that legal and natural person, who uses natural resources and goods, shall be obliged to take actions, activities and operations in a way that damage to nature is reduced to a minimum (paragraph 2). Legal and natural person shall be obliged to, upon completion of actions, activities and operations restore or bring the state of the natural environment as close to the condition prior to the activity as possible, in accordance with the law (paragraph 3).

Furthermore, Article 12 paragraph 2 of the Law defines that in the case of a planned projects, activities and actions in nature, for which a conduction of EIA study is not prescribed by law, its acceptability to protected natural value shall be assessed, and the assessment shall contain in particularly: conditions and measures for prevention, reduction and removal of adverse effects on nature, compensation conditions and measures (paragraph 3).

Moreover, Article 14 of the Law stipulates that legal and natural persons that, while carrying out projects, actions and activities, causes adverse effects on protected natural value shall be obliged to implement compensation measures. It is defined that compensation conditions shall be laid down depending on anticipated or caused damages to nature and the possibility of compensation, namely:

- establishment of a compensation area showing features identical or similar to those of the natural area damaged;
- establishment of another area important for conservation of the biological and landscape diversity, or protection of natural values;
- payment of a sum to the value of the damage caused to nature in the case that no remediation or other compensation conditions can be carried out.

In the case that actions, activities and services in a natural area or the use of natural resources is carried out without or in contravention of nature protection conditions prescribed and thus causes non-permitted damage to nature, the person using the natural resources shall without delay eliminate the harmful effects of his activities at his own cost (Article 15)

The provisions of Article 30 of the Law define that it is forbidden to take actions, activities and operations in protected areas where there is a habitat type or habitat for protected species of wild plants, animals and fungi in accordance with the Law and international agreements (paragraph 8), and that exceptionally, actions, activities and operations may be taken and carried out under permission of the Ministry, provided that destruction or damage may be compensated by implementing compensation measures or if actions, activities and services are of public interest (paragraph 9).

Furthermore the provisions of Article 33 defines that it is prohibited to perform actions, activities and operations that can lead to destruction or substantial damage to environmentally important locality (paragraph 2), and that is very, actions, activities and services may be made and carried out under permit of the Ministry, provided that destruction or damage may be compensated by implementing compensation measures or if actions, activities and services are of public interest (paragraph 3).

The Law further provide that if an owner of the protected natural property, in the performance of actions and activities, causes damage to protected natural areas shall be obliged to compensate damage (Article 72), and the amount of compensation shall be determined by the Commission for damage assessment (paragraph 2).

Article 96 of the Law stipulates that a natural or legal person that fulfils the requirements prescribed by law may breed species of wild animals in captivity under permit of administration body (paragraph 1), and that an owner of wild animal species shall be liable for damage caused by these animals in case of flight (paragraph 2).

The Law on Genetically Modified Organisms (Official Gazette of Montenegro 22/08) in Article 54, paragraph 1, stipulates that an entity genetically modified organisms (hereinafter referred to as: GMOs), which in closed systems, intentionally introduces GMOs into the environment, and distributes the GMO, products that contain, consist of or are derived from GMOs shall be obliged to reimburse the costs of eliminating danger and costs of rehabilitation of consequences of adverse effects caused by the management of GMOs.

Legal or natural person performing, in a closed system, activities of intentional introduction GMOs into the environment and placing products on the market that contain, consist of or are derived from GMOs, shall be obliged to compensate damage caused by the management of GMO, which does not exclude his/her criminal liability (Article 54, Paragraph 2).

The Law on Chemicals (Official Gazette of Montenegro 11/07), in the provisions of Article 3 provides that any company or other legal person shall be liable for damages resulting from the production, import, export and placing on the market of chemicals, in accordance with general regulations.

The Law on Water (Official Gazette of Montenegro 27/07) also regulates the issue of liability for damages caused to water. The provisions of Article 81, paragraph 1, stipulate that in case of immediate threat of pollution or in case of pollution of surface and ground waters, the legal entities and physical persons shall undertake the necessary measures for the mitigation and remediation of the water pollution and shall plan the resources and timelines for their implementation and suffer

damage. The provision of Article 81, paragraph 2 stipulates that the Ministry responsible for agriculture, forestry, and water resources shall specify the elements for assessment of direct or indirect damages and necessary measures for their remediation. Moreover, in case the legal entities exploiting river sediments caused damage, they shall compensate it in compliance with the general provisions on compensation of damage. The indemnity shall be used for the remediation of the conditions caused by damage (Article 70).

In case a legal person, other legal entity, or entrepreneur fails to undertake all necessary measures, it shall be provided by the competent authority in accordance with the law. The fine in the amount of 20 to 200 minimum wages in Montenegro shall be imposed for not taking mentioned measures (Penalty Provisions, Article 165, paragraph 1, item 13).

As for the owners or users of aquatic land and water facilities, the Law provides (Article 150) that legal entities and physical persons that have caused damage on a water construction, water land, and water regime (quality and quantity state of ground and surface water) shall undertake the actions necessary for the reinstatement of the original status before the damage caused, within the timeline specified by the water inspector. In the case the entity or person that caused the damage fails to undertake the actions within the specified timeline, the actions shall be undertaken by the competent authority of the State, i.e. the relevant authority of the local government for erosion areas, at the party that has caused the damage.

Besides the general provisions of Article 44 of Law on Environment which defines that the polluter performing activities causing risk to the environment and public health shall be responsible for the occurred damage under the principle of objective responsibility for damage caused by hazardous activities, the issue of liability for the damage caused to the land is regulated in the Montenegrin legislation by laws relating to agricultural land.

The Law on Agricultural Land stipulates certain legal obligations and environmental liability of perpetrators of certain adverse actions related to the use of agricultural land, especially in the use of agricultural land to non-agricultural purposes.

Article 10 of this Law establishes the obligation for legal and natural persons to use the agricultural land rationally and in the manner suiting natural characteristics of land and existing economic and agro-technical conditions; to take measures to improve its physical, chemical, and biological properties; to adhere to measures for protection and perseverance of the environment determined by special regulations.

Provisions of Article 20 stipulate that the agricultural land that is temporarily used for non-agricultural purposes (construction of facilities of interim character, use of surface minerals, waste disposal, industrial ashes and waste of wood industry etc.) shall, after such use, be technically, chemically and biologically re-cultivated, with a view to bringing the land to the original purpose, and within the period of time established by the authority responsible for issuing a clearance for such land use.

Article 22 stipulates that the permanent change of use of agricultural land (construction of facilities, forestation, releasing harmful and dangerous substances in quantities that can change the production capacity of arable lands, etc.) may be done only in accordance with the relevant planning documents, if these documents planned such a change of use of arable land.

All natural and legal persons – investors of facilities or construction works changing the purpose of the land shall pay compensation for interim or permanent change of use of agricultural land into the land for non-agricultural purpose (Article 24).

The compensation for interim use of agricultural land to non-agricultural purposes is determined by the amount of average cadastral income for the land in the municipality for the period during which the land is not used for agricultural production, while for permanent change of arable agricultural land shall be determined by the amount of the average cadastral income for the land in the municipality increased by 100 times (Article 25).

Article 68, paragraph 2 stipulates that, when it is determined that the soil contains large quantities of hazardous and noxious substances than allowed, public administration body responsible for

agriculture may prohibit or restrict the production of certain agricultural products and use of resources that pollute the land.

If the users of agricultural, respectively arable land do not respect these legal provisions, they shall be sanctioned by the prescribed fines for legal and natural entities as responsible persons in the legal person.

In the context of subsidiary liability for damage to the environment we indicate the provisions of Article 25 paragraph 2 of the Law on Environment, which provides that legal or natural entity responsible for the accident shall, in case of the accident, without any delay, organize and implement planned measures and procedures of reacting to accident and shall engage people and means in accordance with special regulations, while the provisions of paragraph 3 of this Article that the obligations under paragraph 2 refer to legal entities and entrepreneurs, **who are not responsible for the accident**, if consequences of the accident occur in the territory in which the subject performs its activity.

Furthermore, the provision of Article 27 paragraph 1 defines that in order to prevent further spread of pollution caused by an accident, legal and natural entity responsible for the accident shall immediately take rehabilitation measures planned for protection at its own cost, while the provisions of paragraph 2 of this Article stipulate that **if the polluter who is responsible for the accident has been determined subsequently**, the authority that paid the cost of elimination of the consequences of environmental pollution shall claim the reimbursement.

Moreover, the provisions of Article 44 paragraph 1 stipulate that polluter performing activities that present risk to the environment and human health shall be responsible for the occurred damage under the principle of objective responsibility for the damage occurred by hazardous activity (Article 45).

The polluter is obliged to draw up in due time a reclamation programme for remedy of damage which resulted from excess of the specified emission limit values in accordance with a relevant regulation, and **if in the case of pollution of the environment it is not possible to determine the polluter**, the Agency shall implement the reclamation 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 the State and local self-governments (Article 52, paragraph 1). **If the polluter who is responsible for the accident has been determined subsequently**, local self-governments and the State shall, having identified the polluter, claim the reimbursement of 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 Law on Genetically Modified Organisms also regulates the issue of subsidiary liability, by the provision of Article 55, paragraph 2, which provides that if it cannot be identified by legal or natural person who performs activities using GMOs in closed systems, the deliberate introduction into the environment or placing of GMOs on the market, the competent public administration body shall take all necessary measures to prevent or **eliminate adverse effects**, in accordance with the law. If natural or legal person responsible for the accident has been determined subsequently, they shall be obliged to reimburse **the costs** of elimination of the consequences of environmental pollution (Article 55, paragraph 3).

In addition to liability of operators for causing environmental damage, in the legislative of Montenegro, the issue of **compensation of damage upon personal request of the damaged is also regulated**.

Since in the process of deciding on rights and legal interests of individuals and legal entities compensation for damage due to violation of rights in the field of environmental protection imposes

itself as a separate question, the provisions of the **Law on Obligations**, contained in Article 192, paragraph 4 of this Article, are significant. The provisions stipulate that the court shall award compensation to the injured party in money **upon his/her request**, unless the circumstances of the case justify the establishment of an earlier state. Furthermore, the provisions of paragraph 3 of this Article state that if the establishment of an earlier state is not possible or when the court considers that it is not necessary that a responsible person do that, the court shall order payment of appropriate amount of money to the injured party on behalf of the compensation for damages.

Moreover, **the Law on Civil Procedure** (Official Gazette of the Republic of Montenegro 22/04, 28/05, 76/06) in the provisions of Article 186 which stipulates that a civil action is initiated by filing a complaint, so that any natural or legal person may file a complaint for damages suffered by the threat to its rights in the field of environmental protection, as well as action to prevent damage to the environment, in which he/she may require the court to order temporary security measures during the proceeding. In addition to the above provisions which regulate this issue in a general manner, in the field of environmental protection the same is regulated by: the Law on Environment, the Law on Nature Protection and the Law on National Parks.

The Law on Environment in Article 45 stipulates that a person who suffers damage due to environmental pollution shall have **the right to compensation** in accordance with the general rules of indemnity, and that the compensation proceedings shall be urgent.

Furthermore, the Law on Nature Protection, in the provision of Article 75, paragraph 1 provides that the property owner shall have the right to compensation, provided that he/she undertook measures and actions to prevent the occurrence of damage caused by strictly protected and endangered species of wild animals, while according to the provisions of paragraph 2 of the amount of compensation shall be determined by the trustee based on estimates of the Commission for damage assessment.

The Law on National Parks (Official Gazette of Montenegro 56/09) in Article 27 defines that if measures for the protection of national parks values, established by this law, restrict the right of exploitation and disposition of land or other immovable property within the national parks, the owner is entitled to compensation of damage in proportion to income reduction.

B. Air Pollution

13. (Ref. to Q 35): As regards reply to the question on programmes specifically addressing improvement of air quality, please clarify which is the competent authority dealing with air quality problems and responsible for the development of the air quality plan.

Pursuant to the proposal for a Law on Air Protection, which is in parliamentary procedure of adoption, plans for air quality are fully compliant with the requirements of Directive 2008/50/EC. Namely, the proposal for a Law envisages the adoption of the following:

1. Air quality plans
 - for zones within which concentrations of pollutants in ambient air exceed the relevant air quality target values or limit values, plus any temporary margins of tolerance, where applicable, in order to reach the prescribed value as soon as possible. When the Plan refers to more pollutants, measures should be integrated in a way to cover all polluting substances. The Ministry responsible for environment in cooperation shall, with the Environmental Protection Agency and local administration bodies, in whose territory the zone is located, draft Air quality plans. The Ministry is obliged to make the draft Plan, in order to obtain comments, available to the public in accordance with special regulations.
2. Short-term action plans

- In zones within which alert and/or notification thresholds for sulphur dioxide and nitrogen dioxide are exceeded, there is a risk of exceeding these standards. The Environmental Protection Agency in cooperation with local administration bodies in whose territory the zone is located, shall make a short-term action plan.
- In zones within which there is a risk of exceeding the limit and/or target values established to protect public health, the Environmental Protection Agency may, if it deems necessary, initiate proceedings for the adoption of short-term action plan.
- In zones within which there is a risk of exceeding alert threshold for ozone. The Agency may initiate proceedings for the adoption of short-term action plan, if it estimates that, taking into account of national geographical, meteorological, and economic conditions, there is a significant potential to reduce risk, duration and severity of such excess.

Short-term action plan shall be made available to the public, and especially the public concerned, such as environmental organizations and associations, associations for the protection of consumers, associations for the protection of vulnerable population groups, medical institutions, and relevant economic associations. The public should also be informed on the application of measures envisaged by the plan.

3. Plans in case of transboundary air pollution

- Where any alert threshold, limit value and/or target value, including any relevant margin of tolerance or long-term objective for ozone is exceeded due to significant transboundary transport of air pollutants or their precursors, the Ministry responsible for environmental protection shall, where appropriate, draw up joint activities with competent authorities of the neighbouring country, such as the preparation of joint air quality plans and/or joint short-term action plan for border zones, with the exchange of necessary information.

When the concentration of pollutants in the border areas exceeds alert and/or notification threshold, the Ministry responsible for environmental protection informs thereof as soon as possible the competent authorities of neighbouring countries.

4. Preventive measures

- in zones within which concentrations of pollutants do not exceed the level of prescribed limit values or long-term objectives for ozone, the Environmental Protection Agency and local self-government bodies in whose territory the zone is located, shall be obliged to: plan, approve and implement each activity in accordance with the principle of prevention, so that it causes the least possible change in air quality, and the lowest possible risk to the environment and human health; prevent or limit the impact on air quality at the source of pollution, so that these values would not be exceeded; and attempt to preserve the best air quality in accordance with sustainable development.

The Government of Montenegro adopts each year, on the basis of the Report on air quality, which is elaborated every year based on and consistent with the conducted annual Program of air quality monitoring, the Information on the state of the environment, which, in accordance with the results of monitoring, consists of proposed measures to improve air quality.

14. A Law on Air Protection is said to provide a legal basis for the transposition of a number of the EC Directives (98/70/EC Fuel quality directive, 99/13/EC and 2004/42/EC VOC Directives). Could Montenegro please clarify if the law has been adopted? What is the time frame for standards set in these Directives to become actually applicable?

The Government of Montenegro determined the proposal for a Law on Air Protection in December 2009. The Law is currently in parliamentary procedure and its adoption is expected during the session of the Assembly in April.

Article 55 of the proposal for a Law on Air Protection stipulates that all bylaws for the enforcement of this law shall be adopted within three years from the date of entry into force of this Law.

According to the Work plan of the Government of Montenegro drafting of two bylaws is planned for the year 2010, as follows:

- Decree on the quality of petroleum-derived fuels for the second quarter of the year 2010,
- Decree on limit values of emissions from stationary sources pollution for the fourth quarter of the year 2010.

The Draft **Decree on the quality of petroleum-derived fuels** was prepared and harmonised with the following EU directives:

1. *Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC*
2. *Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EE*
3. *Commission Directive 2000/71/EC of 7 November 2000 to adapt the measuring methods as laid down in Annexes I, II, III and IV to directive 98/70/EC*
4. *(Directive 2003/17/EC of 3 March 2003 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels*
5. *Directive 2009/30/EC amending Directive 98/70/EC on fuel quality*
6. *Council Directive 93/12/EEC of 23 March 1993 relating to the sulphur content of certain liquid fuels*
7. *Directive 2005/33/EC of the European Parliament and of the Council of 6 July 2005, amending Directive 99/32/EC as regards the sulphur content of marine fuels*

Decree on the quality of petroleum-derived fuels shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro. This Decree stipulates that from 1 January 2011 the petrol with lead content greater than 0005 g/l may not be found on the domestic market.

Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations (VOC) will be transposed into the proposed **Decree limit values of emissions from stationary sources of pollution**.

Dynamics of elaboration of secondary legislation for implementation of the Law on Air Protection, envisages the transposition of the *Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (VOC)*, for the year 2012.

C. Waste Management

15. Please provide more information on how hazardous wastes are dealt with in the absence of adequate plants/landfills? Information on the treatment of medical wastes would also be welcomed.

Management of hazardous waste is stipulated by the Law on Waste Management (Official Gazette of the Republic of Montenegro 80/05, Official Gazette of Montenegro 73/08) and the Rulebook on more detailed characteristics of the location, construction conditions, sanitary - technical conditions, operation and closure of waste landfill, education, qualifications of landfill operator and types of waste and the conditions for acceptance of waste at landfill (Official Gazette of Montenegro 84/09 of 22 December 2009). On the date this Rulebook entered into force (01 January 2010), the Rulebook on the criteria for selection of the location, manner and procedure of waste disposal (Official Gazette of the Republic of Montenegro 56/00) ceased to be in force.

The Strategic Master Plan for Solid Waste Management in the Republic of Montenegro stipulates that the facility for hazardous waste treatment and hazardous waste landfills shall be located at the site near the Aluminium Plant Podgorica, which is considered to be the largest producer of hazardous waste in Montenegro.

In the absence of treatment plants for hazardous waste and landfills for hazardous waste, generators of hazardous waste temporarily storage produced waste within their locations, while, for the time being, the export of hazardous waste is imposed as the only possibility for solving this problem. Data on export for the year 2007, as well as the number of licenses issued in the year 2008 are submitted in the answer to question 41 under c): Figures on export and import of waste (quantity, type).

The Ministry of Health performs administration functions relating to medical waste management. On its session held on 4 March 2010, the Government of Montenegro adopted the Concessionary study for medical waste management in Montenegro, drafted by the Ministry of Health. Subject of the concession is financing, construction, and medical waste management in Montenegro. The Ministry of Health will invite investors and contractors by the public announcement to submit prequalification bids for financing, construction and processing of medical waste in Montenegro, according to the Concession contract.

The Concessionary study (which the Government of Montenegro adopted on its session held on 4 March 2010 with the Conclusion no. 03-1667) and the National strategy for Medical Waste Management (adopted in September 2008) provided estimated quantities of hazardous medical waste required to be processed on an annual basis amounting to 654,634.07 kg.

16. Does Montenegro intend to apply for the European List of Waste? If yes, when?

The Rulebook on classification of waste and methods of its treatment, processing, and disposal (Official Gazette of Montenegro 68/09 of 13 October 2009, and Official Gazette of Montenegro 86/09 of 25 December 2009) implemented the classification of waste according to the List of Wastes (which is part of the Rulebook), made in accordance with *The List of Wastes (formerly the European Waste Catalogue), established by Commission Decision 2000/532/EC of 3 May 2000, replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste.*

17. Has Montenegro set a timeline for adoption of the remaining waste legislation?

Yes. During the year 2009 and on the basis of the Law on Waste Management, the following bylaws were adopted:

1. Rulebook on detailed characteristics of the location, building conditions, sanitary - technical conditions, manner of operation and closure of landfills, education, vocational degree and qualifications of landfill managers and types of waste and the conditions for the acceptance of waste on a landfill (Official Gazette of Montenegro 84/09);
2. Rulebook on the waste classification and the procedures for its treatment, recovery and disposal (Official Gazette of Montenegro 68/09 and 86/09);
3. Decree on the manner and procedure for the registration of electrical and electronic products placed on the market, establishment of a system for the acceptance, collection and treatment of waste from electrical and electronic products and its operation (Official Gazette of Montenegro 09/10);
4. Decree on the manner and procedure for the registration of vehicles placed on the market, establishment of a system for the acceptance, collection and treatment of end-of-life vehicles and its operation (Official Gazette of Montenegro 09/10);
5. Decree on the manner and procedure for the registration of packaging and packed products placed on the market, establishment of a system for the acceptance, collection and treatment of packaging waste and its operation. (Official Gazette of Montenegro 09/10);
6. Decree on the manner and procedure for the registration of tires placed on the market, establishment of a system for the acceptance, collection and treatment of waste tires, and its operation (Official Gazette of Montenegro 09/10);
7. Decree on the manner and procedure for the registration of placing products on the market, establishment of a system for the acceptance, collection and treatment of used batteries and accumulators and its operation (adopted by the Government of Montenegro, at the session from 18 February 2010, and according to the act 03-739/2 of 25 February 2010 (not yet published in the Official Gazette of Montenegro);
8. Rulebook on more detailed conditions to be fulfilled by municipal sewage sludge, the quantities, extent frequency and methods of analysis of municipal sewage sludge for permitted purposes and conditions to be fulfilled by land planned for its implementation (Official Gazette of Montenegro 89/09);
9. Decree on Amendments to the Decree on the criteria, amount, and manner of payment of a special fee for waste management (Official Gazette of Montenegro 11/09 and 46/09).

In the process of adoption is the following:

1. The Rulebook on the manner of waste oils treatment.

Adoption of other secondary legislation on the basis of the Law on Waste Management is provided for the year 2010.

According to the program of the Ministry of Spatial Planning and Environmental Protection for the year 2010, certain by-laws shall be made in the following terms:

1. Rulebook on the form, content and manner of filling out the form on the transport of waste, records of waste, contents and manner of keeping the registry and the contents and form of summary reports (II quarter);
2. Rulebook on waste classification and the contents of documents to be submitted with the application for a permit to import, export and transit of waste (II quarter);
3. Rulebook on the contents, form and manner of keeping the registry of permits issued for transboundary movement of waste (II quarter);
4. Rulebook on the contents and manner of keeping the data registry on waste generation and waste management, issued licenses and the contents and form of summary reports (II quarter);

5. Rulebook on the dealing of building waste, manner and procedure for recovery of building waste, the conditions and manner of disposal of asbestos cement waste, as well as conditions to be fulfilled by the plant for recovery building waste (III Quarter);
6. Rulebook on the conditions in terms of equipment and personnel to perform activities of recovering and disposing waste (IV quarter);
7. Rulebook on the contents of label for products containing hazardous substances (IV quarter);
8. Rulebook on Waste Incineration (IV quarter);
9. Rulebook on the manner and procedure of treatment of waste containing PCBs (IV quarter)
10. Rulebook on the contents of closer detailed description of the work process (IV quarter)

Drafting the Rulebook on the conditions and manner and procedure of processing medical waste is under the jurisdiction of the Ministry of Health. The draft of this bylaw is finished.

18. For clarity and reference reasons, please provide the original number and date of following two documents adopted by the Montenegro authorities:

a) Republic-Level Strategic Master Plan for Waste Management

According to the decision from its session held on 13 January 2005, the Government of Montenegro adopted, act no. 02-8982 of 20 January 2005, the Republic-Level Strategic Master Plan for Waste Management.

b) National Strategy for Medical Waste Management

According to the decision from its session held on 4 September 2008, the Government of Montenegro adopted, act no. 03-8199 of 11 September 2008, the National Strategy on Medical Waste Management.

a) Republic-Level Strategic Master Plan for Waste Management;

According to the decision from its session held on 13 January 2005, the Government of Montenegro adopted, act no. 02-8982 of 20 January 2005, the Republic-Level Strategic Master Plan for Waste Management.

b) National Strategy for Medical Waste Management.

According to the decision from its session held on 4 September 2008, the Government of Montenegro adopted, act no. 03-8199 of 11 September 2008, the National Strategy on Medical Waste Management.

19. (Ref. to Q 44): Following the reply to this answer (which focuses on legislative provisions instead on economic instruments) can you please provide information on the latter?

Yes. In addition to the obligations of the owner to bear the costs of waste management arising from the Law on Waste Management, as stated in the answer to question 14 of the Questionnaire, and in accordance with the Rulebook on the amount of compensation, the manner of calculation and payment of compensation for environmental pollution (Official Gazette of the Republic of Montenegro 26/97, 9/00, 52/00; Official Gazette of Montenegro 33/08 of 27 May 2008; Official Gazette of Montenegro 33/08 05/09 of 27 January 2009, Official Gazette of Montenegro 33/08 64/09 of 22 September 2009), adopted on the basis of the Law on Environment, stipulates the obligations of legal entities that produce and dispose hazardous waste to pay the monthly fee of € 151.51 per tonne for the production of waste, i.e. € 75.75 per ton for disposal of waste.

The Rulebook on the criteria, amount and manner of payment of special fee for waste management (Official Gazette of Montenegro 11/09), which prescribes the obligation of payment of fee for the management of special wastes, stipulates different basis for calculating fee, based on the number of unit loads for each type of product, where the fee for unit load amounts to €0.01. In this way, it stimulates the production and import of those products that produce waste with smaller negative impact on the environment. For instance, producer or importer of packaging made of polymers of vinyl chloride or of other halogenated olefins shall be obliged to pay 1500 times higher fee than producer or importer of packaging from biodegradable materials. It is stipulated that the fees shall be paid to the special account of the budget of Montenegro, out of which environmental projects shall be funded.

Excluding the delay of the obligation of producers and importers of certain products from which special types of waste occur (packaging and packaging waste, electrical and electronic waste, waste batteries and accumulators, waste vehicles and waste tires) to pay the above fee, until the accession of Montenegro into the European Union and taking over obligations of the Government relating to the financing of the functioning system for managing specific types of waste in that period (as defined by laws regulating management of these types of waste), no special subsidies have been provided, nor applied in practice so far, as an instrument for better law enforcement.

Support provided by the Government of Montenegro to local self-governments in the implementation of activities provided by the Strategic Master Plan for Waste Management may be considered as one of the economic instruments. Namely, the Government funded from the capital budget the design of project documentation (feasibility study, environmental impact assessment study, and main projects) for the construction of a number of infrastructure facilities (sanitary landfills with recycling centres, transfer stations, and other facilities). For these activities, the Government has provided in the past two years about €1.5 millions. The Government has also provided funding for the implementation of these projects, in the form of loans of international financial institutions (the European Investment Bank - € 27 millions and the World Bank - €8 millions) and grants from the EU pre-accession funds (IPA - €4 millions). The Government will partly directly participate in financing the construction of these infrastructure facilities.

Through the Law on Eco Fund, whose elaboration was planned in the year 2010, there is a possibility to define the instruments that will encourage natural and legal persons who are selecting waste to process or re-use waste, to use products made of materials causing less pollution to the environment, etc.

D. Water Quality

20. As regards the Drinking Water Directive, could Montenegro please clarify to what extent the quality of drinking water supplied to people from public supply systems is in compliance with the existing Montenegro legislation?

In the answer submitted to question 46c providing the overview of the provisions of the national legislation referring to use of water for water supply, control of quality and quantity of water used for water supply, keeping records in the water information system, measuring quantities of water, measuring, collection and processing of data on water quality for all public water supply systems, use of water from sources of surface and underground waters, zones of sanitary protected sources, as well as the method of their determination. In addition, it is necessary to take into account the national legislation regulating the method of sampling and analysis methods for the purpose of establishing the quality of drinking water in Montenegro.

Law on Food Safety (Official Gazette of Montenegro, 14/07) defines water as food (Article 4):

- which serves for public water supply as drinking water;
- which is used, i.e. incorporated in food during its production, preparation or processing;
- bottled or otherwise packed water, table, spring or mineral water.

Competence over implementation of this Law is divided between the Ministry of Agriculture, Forestry and Water Management and the Ministry of Health.

Pursuant to Article 12 of the Law on Food Safety, in execution of this Law, the Ministry of Health adopts the regulations by which it regulates the following with previous opinion of the Ministry of Agriculture:

- microbiological criteria on allowed types and count of microorganisms, parasites, bacterial toxins and histamines, which are dangerous to health, in food;
- microbiological criteria for hygiene, methods of establishment and assessment;
- allowed quantities of heavy metals, metalloids, pesticide residues, veterinary medications, mycotoxines and other substances, which are dangerous to human health, in food;
- allowed concentrations of radionuclides in food;
- method of processing and removal of food of plant origin following primary production, composite food and other food which does not meet the prescribed safety requirements;
- performing monitoring of safety of the food of plant origin following primary production, composite food and other food for the purpose of establishment of microbiological, chemical and biological contaminants, additives and other ingredients and substances, for the purpose of assessment of the extent to which human health and lives are endangered;
- **method of taking samples and methods of performing water analyses;**
- hygiene requirements for food of plant origin following primary production, composite food and other food at any stage of production and trade;
- safety requirements for food subject to ionizing radiation;
- safety requirements for food supplements.

In addition to the mentioned regulations, the Ministry of Health adopts a regulation on the method of performing checks of food of plant origin following primary production, composite food and other food and other regulations pursuant to the Law on Food Safety.

Pursuant to the Law on Waters (Official Gazette of Montenegro, 27/07) **and the Law on Food Safety** (Official Gazette of Montenegro, 14/07) the procedure of adoption of the rulebooks which will be aligned with the council Directive 98/83/EC the aim of which is protection of human health

form negative effects of any pollution of water intended for human consumption by ensuring that it is wholesome and clean (Article 1) is under way.

Pending preparation of the mentioned rulebooks, sanitary safety of drinking water is determined by the secondary legislation acts: **Rulebook on hygienic safety of drinking water** (Official Gazette of the Federal Republic of Yugoslavia, 42/98 and 44/99) which is adopted on the basis of the Law on Health Safety of Foodstuffs and General Use Items Referring to Foodstuffs (Official Gazette of the Federal Republic of Yugoslavia, 53/91) (**Note: ceased to be valid by adoption of the new Law on Food Safety**) and the **Rulebook on the method of taking samples and methods for the laboratory analysis of drinking water** (Official Gazette of the Socialist Federal Republic of Yugoslavia, 33/87). The mentioned rulebooks are harmonized with the former EC drinking water directive, which ceased to be valid by adoption of the 98/83/EC Directive. Monitoring of drinking water is performed by the Institute of Public Health in cooperation with the authorized laboratories of health institutions. Institute of Public Health regularly publishes the data on safety of drinking water in the Statistical Yearbook. The Institute of Public Health informs the Sanitary Inspectorate on every significant change and divergence from the prescribed norms.

Sanitary inspectorate is in charge of performing supervision, paying special attention to control of water supply of population with drinking water and meeting all hygienic and sanitary requirements concerning facilities, devices and equipment for water supply. Sanitary Inspectorate is carrying out its activities in accordance with the Law on Inspection Supervision (Official Gazette of the Republic of Montenegro, 39/03) and Law on Sanitary Inspection (Official Gazette of the Republic of Montenegro, 56/92).

Checking includes taking samples of water from end points of the distribution network, intake structures and reservoirs. On the occasion of taking samples for examination of microbiological and physico-chemical properties, the level of residual chlorine is determined on in the field and basic sanitary and hygienic requirements concerning intake structures and reservoirs are controlled. Number of samplings during month is regulated by the *Rulebook on hygienic safety of drinking water* (Official Gazette of the Federal Republic of Yugoslavia, 42/98 and 44/99) and it is determined by the number of inhabitant equivalent (1 inhabitant equivalent equals consumption of 150 l). The larger the water supply system capacity is, the more samples are analyzed during month. Samples are analyzed in a laboratory by microbiological tests and analyses of physico-chemical parameters. The scope of examination is defined by Article 5 of this Rulebook (Figure 1).

Figure 1

Number of samples corresponding to the inhabitant equivalent

(IE)	Monthly basic	Annually periodic.	Total basic annual	Total annual period.	Total
Up to 5000	1	1	11	1	12
5001-10000	2	1	23	1	24
10001-50000	3	1	35	1	36
50001-100000	6	2	70	2	72
100001-200000	10	4	116	4	120
200001-	15	6	174	6	180

- Additional Questions -

400000					
over 400000	30	12	348	12	360

Institute of Public Health of Montenegro publishes results of examination of health safety of drinking water in the Statistical Yearbook.

Figure 2

Number of annually examined samples of drinking water for public water supply in the period 2004-2008: overview of total number of samples concerning physico-chemical and microbiological parameters by years is given in the figure

Year	Total	Unsafe samples			
		Physico-chemical safety		Microbiological safety	
		number	%	number	%
2004	4131	562	38,3	907	61,7
2005	6288	558	45.85	659	54.15
2006	4601	355	34.7	666	65.2
2007	8926	722	41.5	1018	58.5
2008	12010	802	42.8	1071	57.2

*Data source – Statistical Yearbooks of the Institute of Public Health 2004-2008, Chapter II, Environment and Health

Figure 3

Number of annually examined samples of drinking water for public water supply in the period 2004-2008: total percentage of safe and unsafe samples of drinking water from the aspect of health, by years when physico-chemical and microbiological parameters are taken into account are demonstrated in the figure

Year	Total	Safe samples of drinking water	Unsafe samples of drinking water
2004	4131	64.4 %	35.6%
2005	6288	73.5%	26.5%
2006	4601	79.2%	20.8%
2007	8926	80.9%	19.1%
2008	12010	84.4%	15.6%

* Data source – Statistical Yearbooks of the Institute of Public Health 2004-2008, Chapter II, Environment and Health

21. Information on the Bathing Water Directive has not yet been provided in the replies to the Questionnaire. More information is needed, both in terms of legislation and monitoring, as well as compliance with standards.

Overview of the present national legislation

Pursuant to **Law on Waters (Official Gazette of the Republic of Montenegro, 27/07)**, **coastal marine waters** are surface marine waters on the side towards the land bordered by the line, every point of which is one nautical mile far from the border line from which the width of territorial waters is measured, with expansion to the outer border of salinated, transit waters.

Pursuant to Law on Waters, Article 67 (Official Gazette of the Republic of Montenegro, 27/07), the purpose of, i.e. requirements for the use of waters for sports, tourism, bathing and recreation on waters and tourism are determined by the spatial plan of Montenegro, i.e. spatial plan of the special purpose area and other planning documents. Examination of water quality for water supply and bathing is performed at water intakes, i.e. bathing areas, according to the annual program adopted by the Ministry of Agriculture, Forestry and Water Management, with previous opinion from the Ministries in charge of health and environmental protection affairs.

Pursuant to Law on Waters, provisions of Article 75 paragraph 6 and Article 76 paragraph 2, the Government adopted the Decree on classification and categorization of surface and underground waters (Official Gazette of the Republic of Montenegro, 2/07). The Decree provided for general division of waters according to the purpose; classes for specific purpose have been established, as well as indicators and their limit values referring to all surface and underground waters on the land and coastal marine waters in Montenegro.

General division of waters according to purpose is as follows:

- waters which can be used for drinking and food industry,
- waters which can be used for fishing and shell farming, and
- waters which can be used for bathing.

According to quality of waters which must be maintained or reached, surface and underground water bodies on the land and coastal marine waters are classified into classes and categories. Classification and categorization is performed so that data can be compared with data from other European countries (see more information in the answer to question 46).

Waters which can be used for bathing are all freshwaters and coastal marine waters:

- which are aimed at a specific purpose or used for bathing;
- for which no permanent prohibition of bathing or permanent recommendation against bathing are imposed (Article 12 of the Decree on classification and categorization of surface and underground waters).

Waters which can be used for bathing are classified into two classes (Article 13 of the Decree on classification and categorization of surface and underground waters), as follows:

- class K1– excellent,
- class K2 – satisfactory.

Waters of class K1 must correspond to quality of water class A1, and waters of class K2 to quality of water class A2 in terms of meeting quality.

the following parameters are evaluated during the analysis:

parameters	Measurement unit	K1	K2
<i>Intestinal enterococci</i>	/100 ml	100	200
<i>Escherichia coli</i>	/100 ml	250	500

It is considered that bathing water meets the relevant values if it turns out that in the samples of these waters taken at the same place and intervals – before start of the bathing seasons and on a two-weeks basis- contents of substances demonstrate meeting of parameter values for water quality and 95% of samples correspond to limit values of parameters given and successively taken samples in statistically relevant intervals do not diverge from relevant parameter values.

Reference methods for analyzing parameters and minimum frequency for examining bathing water parameter are as follows :

Microbiological parameter	Minimum frequency of sampling	Method
<i>Intestinal enterococci/ 100 ml</i>	<i>two-weeks</i>	<i>ISO 7899-1 or ISO 7899-2</i>
<i>Escherichia coli/100 ml</i>	<i>two-weeks</i>	<i>ISO 9308-3 or ISO 9308-1</i>

Pursuant to such defined classification and categorization, surface waters of the coastal sea are categorized by the Decree as follows:

SURFACE WATERS – COASTAL SEA	CLASSES	CATEGORY
Water body		
<i>Coastal sea waters in tourism and recreational areas outside the Boka Kotorska bay, except for harbour basins in Bar</i>	A1, S, Š, K1	I
<i>Sea waters in Boka Kotorska bay, except for port aquatoria of Tivat, Kotor and Bijela Shipyard</i>	A2, C, K2	II
<i>Enclosed harbour basin in Bar (coastal zone lined by piers), as well as coastal zone from the Sailing club "Delfin" south to the concrete bathing area in front of the "Mimoza" hotel 500m wide in Tivat municipality, south from the imaginary line drawn between the building of the former military department on Peluzica and right side of the river Škurda II and Port Risan in Kotor Municipality and Bijela Shipyard in Herceg Novi municipality</i>	A3	III

Harmonization of national legislation with Directive 2006/7/EC

Since the additional question 21 requires additional information concerning Bathing water directive 2006/7/EC concerning the management of bathing water quality), in continuation, overview of the

present state of national legislation is given, concerning harmonization with provisions of this Directive prescribing: (a) the monitoring and classification of bathing water quality; (b) the management of bathing water quality (c) the provision of information to the public on bathing water quality.

Provision reading (Article 3, paragraph 1 of the Directive) that member states **annually identify all bathing waters and define the length of the bathing season** does not exist as such in the national regulations. In practice, bathing areas (on coastline) are determined by the annual programme of organization of bathing areas adopted by the Coastal Zone Management Authority, on the basis of the three-year Plan of structures of temporary character in the coastal zone adopted by the Ministry for Spatial Development and Environment. Duration of the summer bathing season was defined until 2008 by the Rulebook on requirements for organization of the bathing areas, from 1 May to 31 October. By amending this Rulebook, the Ministry of Tourism eliminated this provision concerning that tourism season should last as long as possible and that it should not be limited. Agreements concluded by beneficiaries with the Management Authority on use and organization of bathing areas define that they are obliged to make the bathing area functional on 1 May of the current year and to organize it until 30 September or 31 October depending on the location.

Monitoring of seawater quality in bathing areas is performed by the Coastal Zone Management Authority on the basis of the Annual program to which, according to the Agreement (as of 2010) approval is given by the Environmental Protection Agency. This year the Program includes 85 locations (measuring locations) at public bathing areas and 15 locations at identified potential sources of pollution. This program establishes the sampling dynamics, as follows:

SAMPLING PERIOD	NUMBER OF SAMPLES
20 – 23 May	85 sites at public bathing areas 15 sites at points identified as potential sources of pollution
1- 4 June	85 sites at public bathing areas 15 sites at points identified as potential sources of pollution
15 - 19 June	85 sites at public bathing areas 15 sites at points identified as potential sources of pollution
1- 4 July	85 sites at public bathing areas 15 sites at points identified as potential sources of pollution
15 – 19 July	85 sites at public bathing areas 15 sites at points identified as potential sources of pollution
1- 4 August	85 sites at public bathing areas 15 sites at points identified as potential sources of pollution
15 – 19 August	85 sites at public bathing areas 15 sites at points identified as potential sources of pollution
1- 4 September	85 sites at public bathing areas 15 sites at points identified as potential sources of pollution
15-19 September	85 sites at public bathing areas 15 sites at points identified as potential sources of pollution
1 – 4 October	85 sites at public bathing areas 15 sites at points identified as potential sources of pollution

While defining this program, the Bathing Water Directive (2006/7/EC) was taken into account as well as the relevant requirements of the Barcelona Convention (MEDPOL program) and the World Health Organization. In October 2009 the training course was held with the objective of training the national institutions in the context of further harmonization of administrative and technical capacities for bathing water monitoring, with support of the Mediterranean Action Plan (UNEP/MAP), the World Health Organization and participation of the relevant institutions from Spain.

This Program is partly harmonized with the obligation from Article 3, paragraph 2 of the Directive concerning sampling dynamics which must be harmonized with Annex IV to the Directive, since there is no bathing season calendar defined, so the first sampling, which should be performed several days prior to the beginning of the bathing season is performed 20-23 May for the purposes of this Program, since, although bathing areas should be functional as of 1 May, 1 June is taken as the beginning date of the bathing season (or 5 June for bathing areas in the Blue star program). Other Provisions of Annex IV refer to minimum 4 samplings during the season (our program provides for 10), in the intervals not longer than 30 days (our Program provides for 15 days), therefore it can be considered that these requirements have been met.

In the sense of meeting these obligations, it can be concluded that regulations should be amended or a new one should be adopted which would precisely prescribe this provision. In practice, this provision is met through the annual Program of marine water quality monitoring at public bathing areas of the Coastal Zone Authority to which the Environmental Protection Agency has given its approval.

Provisions of Article 3, paragraph 3 referring to determination of monitoring points where samples are taken are not prescribed by the national legislation. Program of marine water quality management monitoring stipulates that "marine water sample which is analyzed must be appropriately taken from the middle part of the bathing area, at the depth of 1m 30cm below the water surface", however, since in Montenegro there is no obligation of making the beach profile, there is no estimate of the greatest risk of pollution where monitoring would be performed. Although there is no such an obligation in the national regulations, the Agreement between the Environmental Protection Agency and the Coastal Zone Management Authority, making of beach profiles has been envisaged for the first time for 6 locations in accordance with Article 6 of this Directive. Also, this year Programme of marine water quality monitoring envisages for the first time introduction of monitoring at 15 points identified as potential sources of pollution.

Provision for defining the monitoring calendar referred to in Article 3, paragraph 4 of the Directive is not prescribed by national regulations; however, the monitoring calendar is envisaged by the Program of marine water quality management at bathing areas.

Program of marine water quality management also stipulates that "If the result of the analysis of marine water sample from a bathing area demonstrates that marine water quality exceeds the limits of the allowed bacteria count for class K2, the legal entity performing the analysis shall in the course of 3 days from receipt of results perform the new sampling and analysis of marine water samples from the same location", thus adhering to the provision of Article 3, paragraph 6 and Annex IV to the Directive for additional sampling in case of short-term pollution; however, this provision is not incorporated in the existing national regulations, as well.

Provisions of paragraphs 7 and 8, Article 3 of the Directive referring to abnormal situations are not incorporated in the existing regulations, nor have they been implemented in the practice of the Coastal Zone Management Authority so far.

Methodology of microbiological analysis, required by paragraph 9, Article 3 of the Directive (Annex I) is envisaged by the Montenegrin Decree on classification and categorization of surface and underground waters for quality analyses of bathing waters. Also, the same methodology is envisaged by the Program of marine water quality monitoring. The same Program provides for the requirements from Annex V in relation to taking samples, which is not incorporated in the Decree or any other secondary legislation act.

The Program defines: "Legal entities engaged in examinations are obliged to perform affairs by application of standard reference methods prescribed by the Decree on classification and categorization of waters (Official Gazette of the Republic of Montenegro 02/07) – Annex I and Annex IV. Methodology used on the occasion of performing microbiological parameters must adhere to the ISO standards 9308-1 and 7899-2 for *Escherichia coli* and Intestinal enterococci (or standards ISO 8199 and 6887-1 for the same parameters). According to these standards, farming the *Escherichia Coli* colonies is carried out on medium consisting of "Tryptone bile agar" (TBA) and "agar with Soybean leaflet" (TSA), and for confirmation, except for the red coloured colonies, the "Indole reagens" (reagens James) is used. Medium at which the intestinal enterococci are grown is "m-Enterococcus Agar" (DIFCO), while their confirmation is carried out by transferring colonies to the "Agar bile esculina azide" (BEAA) medium, the blackening of which proves the presence of intestinal enterococci.

Seawater sample which is analyzed must be appropriately taken from the middle part of the bathing area, at the depth of 1m 30cm below the water surface. Water sample is taken by a sterile bottle (250mm) which is closed and transported to the laboratory in fridges at the temperature of around 40C. Sample must be analyzed in the course of 24h since taking it. For the purpose of performing analysis in the same conditions, and greater reliability of data received, the sample form which analyses of required microbiological and physico-chemical parameters are performed must be single (indivisible).

Establishing of bathing water quality prescribed by Article 4 of the Directive is not envisaged by national laws and it is necessary to amend the Decree on classification and categorization of waters (or adopt a new secondary legislation act) which would envisage establishment of water quality pursuant to provisions of Article 4 and Annex II to this Directive.

Classification and status of bathing waters quality in Montenegro is prescribed by the Decree on classification and categorization of waters (Official Gazette of Montenegro, 02/07). However, Article 5 of the Directive provides for 4 classes, while the Decree provides for 2 classes and 3 categories for bathing waters. It is necessary to harmonize the Decree with the provisions of the Directive in this part.

Also, domestic regulations do not provide for management measures which are implemented at poor marine water quality, nor information to the public on results (part of Article 5 and Article 7 of the Directive) when it comes to bathing waters. Management Authority has been informing the public through statements in the past. By establishing the Environmental Protection Agency, this institution overtook the competences for informing the public on environment. Some of the management measures and information to the public concerning quality monitoring of marine water used for bathing are envisaged by the Agreement between the Agency and the Management Authority.

As already mentioned, there is no obligation of developing the beach profile (bathing waters), however, by the Agreement between the Agency and the Management Authority this year preparation of the first 6 profiles for bathing areas in Montenegro will be initiated. The EU Directive also prescribes that all member countries shall establish profiles for all bathing areas until 24 March 2011.

Obligations deriving from Article 8 of the Directive concerning the cyanobacterial proliferation risk are not incorporated in the national regulations; therefore, it is necessary to perform their harmonization.

Other parameters which are monitored in addition to the obligatory microbiological examinations pursuant to Article 9 of the Directive are included in the Program of marine water quality monitoring; however the obligation of undertaking management measures and informing the public are not prescribed. Program for 2010 envisages the following parameters: "For the purpose of monitoring the sanitary safety of marine water at public bathing areas and its overall quality, this Program, pursuant to the Decree on classification and categorization of surface and underground waters (Official Gazette of the Republic of Montenegro 02/07), comprises measuring of 2 obligatory microbiological parameters which are also prescribed by the EU Directive on quality of bathing and

recreational waters (Directive 2006/7/EEC): 1. *Escherichia coli* (in 100 ml) and 2. Intestinal enterococci (in 100 ml).

In addition to the obligatory parameters, the Program includes the supporting physico-chemical parameters, and microbiological parameters required by the Blue flag program for 2010: total coliform bacteria (in 100ml), faecal coliform bacteria (in 100ml), air temperature, water temperature (during sampling), salinity, pH, colour, oxygen saturation (%O₂), ammonium (mg/l), floating waste substances (descriptive), colour and transparency (descriptive). In addition to these parameters, for every sample it is necessary to provide data on: time of sampling, data on meteorological conditions on the occasion of sampling (wind, clouds, precipitation, waves), coordinates (geographical latitude and longitude) where water samples are taken, records of sources of pollution (sewage outlets, channels etc.) and other elements which may affect the marine water quality (ports, anchorages, harbours, streams, infrastructure connections etc.)

Cooperation with neighbouring states in implementing the Directive concerning the transboundary impact on bathing water quality is not set up at the moment except within the international projects such as ADRICOSM Star etc.

Chapter III of the Directive refers to exchange of information and prescribes provisions referring to public participation, informing of the public and reporting to the EU Commission.

Although regulations from the field of waters and environmental protection generally envisage participation and informing of the public, precise mechanisms provided for by this Directive are not included in any national regulation. Concerning the importance of this Chapter, and taking into account the proposals for amendment of the existing regulations for the purpose of harmonization with other provisions of the Directive concerned, the need to amend the Decree or adopt a new piece of legislation on bathing water quality which would exclusively refer to bathing waters monitoring and management and which would prescribe all the provisions required by the EU Bathing waters directive, has been recognized.

Environmental status of the sea

In addition to harmonization with the Bathing water directive 2006/7/EC, the National Plan for Integration of Montenegro into the EU for the period 2008-2012 recognizes the need for harmonization with the Marine Strategy Framework Directive 2008/56/EC. At the same time, this approach is priority in the context of acting within the frameworks of regional initiatives aiming at protection of the Adriatic Sea from pollution (Adriatic-Ionian Initiative, Trilateral Commission for the Protection of the Adriatic, etc.)

Decree on classification and categorization of surface and underground waters (Official Gazette of Montenegro, 02/07) in Article 21 defines that assessment of the general environmental status of the sea is established on the basis of the parameters for water classification which are examined on the basis of special programs for examination of water quality contained in the Water management plans. Furthermore, these parameters are used for assessment of sea quality immediately at main outlets of all waste waters into the sea, as well as influxes of waterways and channels, for the purpose of undertaking measures for reduction of marine water pollution from the land. These examinations are carried out in accordance with special programs contained in plans for water protection and other programs for examination and research of sea quality.

For the purpose of harmonization with the Water Framework Directive 2000/60/EC and Marine Strategy Framework Directive 2008/56/EC, for establishment of the good environmental status of the marine waters, it is necessary to determine a set of characteristics which determine the good environmental status of the marine water, as well as the list of indicators with elements (physico-chemical properties, types of habitats, biological properties, hydro-morphological characteristics, pressures and impact of human activities etc.) on the basis of which the environmental status will be monitored and established. It is also necessary to establish the national targets, adopt the existing European and international ones when it comes to the same water types, as well as to harmonize targets in the transboundary context.

In the context of the above mentioned, the priority of activities in the following period will refer to promotion of legislation with the aim of ensuring harmonization with the mentioned EU legislation,

i.e. establishment of adequate legal basis for efficient implementation of the marine water monitoring Programme at bathing areas.

22. With reference to the Marine Strategy Framework Directive, please provide more information on to what extent ratification of the Protocols under the Barcelona Convention for the Mediterranean is progressing/foreseen for progress.

National environmental protection policy in the part of sea and coastal area protection is to a large extent based on implementation of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention), which is at the same time the legal basis for activities of the Mediterranean Action Plan as the first program established for protection of the Mediterranean Sea within the United Nations Environment Program (1976). Montenegro ratified (Official Gazette of the Republic of Montenegro, 64/07) in 2007 the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and 4 Protocols thereto (Protocol for the protection of the Mediterranean Sea against pollution, concerning cooperation in preventing pollution from ships and in cases of emergencies, Protocol for the protection of the Mediterranean Sea against pollution from the land-based sources and activities, Protocol concerning specially protected areas and biodiversity in the Mediterranean, Protocol on prevention of pollution of the Mediterranean Sea by transboundary movements of hazardous waste and their disposal). Pursuant to the conclusion of the government, the Ministry in charge of the environmental protection is the coordinator of implementation of the Barcelona Convention at the national level, with the obligation of setting up the national network of the cooperating professional institutions for the groups of activities which are the subject of cooperation with the units in the UNEP/MAP structure. Representatives of the Environmental Protection Agency, Hydrometeorological Institute, Institute of the Marine Biology, Coastal Zone Management Authority, Centre for the Eco-toxicological research are included in cooperation with the UNEP/MAP, in accordance with the relevant Guide for development of the national network for implementation of the Barcelona Convention.

In the period prior to 2007, within the frameworks of the Socialist Federal Republic of Yugoslavia, Federal Republic of Yugoslavia and Serbia and Montenegro, Montenegro was a contracting party to the Convention for the Protection of the Mediterranean against Pollution 1976, which was replaced in 1995 by the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention). The Socialist Federal Republic of Yugoslavia ratified the Convention for the Protection of the Mediterranean against Pollution in 1976 (Official Gazette of the Socialist Federal Republic of Yugoslavia-International Treaties, 12/77), the Protocol for the Prevention of pollution of the Mediterranean Sea by dumping from ships and aircrafts (Official Gazette of the Socialist Federal Republic of Yugoslavia-International Treaties, 12/77), Protocol concerning combating pollution of the Mediterranean Sea by oil and other harmful substances in case of emergency on 16 February 1976 (Official Gazette of the Socialist Federal Republic of Yugoslavia-International Treaties, 12/77), the Protocol for the protection of the Mediterranean Sea against pollution from the land-based sources in 1990 (Official Gazette of the Socialist Federal Republic of Yugoslavia-International Treaties, 1/90), Protocol concerning Mediterranean specially protected areas in 1985 (Official Gazette of the Socialist Federal Republic of Yugoslavia-International Treaties, 9/85).

By submitting the declaration of succession on 27 April 1992, as a successor state, the Federal Republic of Yugoslavia obliged itself to implement provisions contained in the mentioned Convention and the four protocols thereto. The Government of Spain, in the capacity of the country depositary to the Convention, confirmed the receipt of this declaration by note no. 22 from 16 July 2002 and confirmed 27 April 1992 as the succession date. Montenegro represented Serbia and Montenegro in the UNEP/MAP.

On the occasion of ratification of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and four protocols thereto, it was

stated on the basis of the analysis of the institutional-legislative framework performed, that the national technical and administrative capacities are not at the level which enables the satisfactory implementation of the Protocol on protection of the Mediterranean from pollution as a consequence of research and utilization of the epicontinental zone, sea bottom and underwater and Protocol on prevention of pollution from dumping garbage. Primarily because back then there were no laws adopted which would regulate exploration of oil and gas, prevention of pollution of the sea from vessels, safety of sea navigation etc. On the occasion of laying down the Draft Law on Ratification of the Barcelona Commission, the Government adopted a conclusion in accordance with which the ratification process is supposed to be initiated by the end of 2010. In relation to that, activities are planned, but the Law on Prevention of Pollution of the Sea from Vessels has not been adopted yet (it is in the form of a proposal and its filing to the Government of Montenegro for consideration is expected; the mentioned activity is under competence of the Ministry of Transportation, Maritime Affairs and Telecommunications)

Also, an important fact is that Montenegro as an active participant in international negotiations on conclusion of the Protocol for the Integrated Coastal Zone Management in the Mediterranean signed it on 21 January 2008, while its ratification was shifted from 2010 to 2011 (so far, two states ratified this Protocol). By entering into force of this protocol, it will become the basic legal act for setting up of the integrated coastal zone management system in Montenegro. With support of the Regional Activity Centre for Specially Protected Areas (PAP/RAC) from Split which takes actions within the UNEP/MAP, preparatory activities at analysis of harmonization of the spatial planning documentation are under way, especially regarding provisions of the Protocol defining the criteria for establishing the protected coastal zone, including the set-back line.

By its return into the UNEP/MAP in 2002, in accordance with the provisions of the Barcelona Convention, Montenegro actively participates in the activities and cooperation programs in the auspices of the UNEP/MAP, i.e. units acting in the UNEP/MAP institutional framework:

- Coordination unit of the UNEP/MAP (MEDU) which performs the function of the Barcelona Convention Secretariat at the same time;
- Regional Activity Centre for Priority Actions Program - PAP/RAC dominantly dealing with activities of integrated coastal zone management activities;
- Regional Activity Centre for Specially protected Areas - SPA/RAC carrying out the activities of protection of the biodiversity of the Mediterranean;
- Regional Marine Pollution Emergency Response Centre -REMPEC centre carrying out activities of prevention and responding in the event of incidental situation at sea;
- Blue Plan Regional Activity Center-BP/RAC carrying out activities within preparation of the study analyses and prognoses of the strategic studies and programs of the environmental protection and sustainable development of the Mediterranean;
- Regional Activity Center for Information and Communication -INFO/RAC carrying out activities of promotion of the MAP and informing the public;
- Regional Activity Center for Cleaner Production-CP/RAC carrying out activities of promotion and introduction of the cleaner production technologies;
- Mediterranean Commission for Sustainable Development which represents the relevant regional body for implementation of the policy of the United Nations Mediterranean Commission for Sustainable Development as well as
- MEDPOL program- Program for the Assessment and Control of Pollution in the Mediterranean Region.

Program activities within implementation of the Barcelona Convention in Montenegro

Starting from the priority of development of institutional and technical prerequisites for implementation of the Barcelona Convention defined on the occasion of ratification of this

Convention and four protocols thereto by Montenegro and obligations in terms of implementation of recommendations and decisions adopted at ministerial level of the contracting parties, in addition to the regular activities referring to monitoring and reporting on implementation, activities and projects were implemented as stated hereinafter (activities given are in accordance with the forms of cooperation established in the period prior to 2007):

- Within cooperation with the UNEP/MAP, implementation of the **Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem** of UNEP/MAP with the GEF and the World Bank. UNEP/MAP with the partner institutions is an implementing agency for implementation of the regional component (within which the Project of integrated crossborder coastal zone management between Montenegro and Albania is initiated), while the World Bank is an implementing agency for the investment component. The implementation period for the regional component is the period 2008-2013 and GEF grant funds in the amount of around USD 13 million have been provided, while the amount ensured through co-financing is USD 35,5 million. Management unit for the regional component is established in the UNEP/MAP Secretariat.
- First meeting of the Steering Committee at which rules and procedures of work of this body have been adopted as well as the Agenda was held in February 2010 in Montenegro. On that occasion, inter alia, implementation of the Project of integrated crossborder coastal zone management between Montenegro and Albania was supported.
- Integrated coastal zone management is accepted as the most efficient instrument for environmental protection of coastal areas both at the level of the European Union and at the global plan. At the EU level Recommendations for integrated coastal zone management have been adopted in 2002 as well as the Marine Strategy, while in July 2008 the Marine Strategy Directive was adopted, as a legally binding instrument for member states, and countries in the EU accession process, through harmonization of the national legislation with the EU requirements and standards. Obligation of harmonization of the national legislative framework with this directive is defined by the National Program for Integration of Montenegro into the European Union for the period 2008-2012.

Obligation of implementation of the **Mediterranean Coastal Area Management Program - CAMP program** in Montenegro is defined by the Action Plan of the National Sustainable Development Strategy, and at the same time it represents an obligation on the basis of implementation of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and 4 Protocols thereto.

Feasibility study for implementation of the CAMP was prepared by Montenegro in the period December 2007-May 2008. Preparation of the Study consisted of the following steps:

- Overview of the existing legislation, policies, plans and strategies;
- Analysis of institutional arrangements in terms of coastal zone management;
- Overview of current initiatives and projects contributing to sustainable development of the coastal zone of Montenegro;
- Gathering opinions of a wide range of stakeholders;
- Identification of needs and shortcomings in the field of integrated coastal zone management of Montenegro;
- Proposal of the field for implementation of the CAMP and proposal of activities which should be implemented within CAMP with a view to long-term sustainability of the project.

Importance of the CAMP Montenegro is obvious, especially from the aspect of alleviation and efficient management with growing pressures on natural resources and environment of the coastal zone. Implementation of this program is also of special importance since dynamics of measures which are undertaken in that context does not follow the dynamics

of growth of the economic development pressures. Total proposed budget of the CAMP Montenegro is EUR 456,000.

- In accordance with conclusions adopted by the Government of Montenegro during consideration of the Information on preparation of the feasibility study, preparatory activities at drafting project documentation are under way, after which commencement of the project is expected in the second half of 2011.
- For integrated coastal zone management, progress in terms of ratification of the Protocol on Integrated Coastal Zone Management in the Mediterranean at international level is of special importance. Carrying out of activities in the field of integrated coastal zone management is of importance in preparation of the assessment of the present status of the marine ecosystem, determination of the good environmental status, establishment of environmental targets and follow-up indicators, within preparation of the marine strategy in accordance with Article 5 of the EU Marine Strategy Framework Directive, i.e. analysis of human activities that have impact on marine environment, with the aim of defining reduction of pollution, thereby enabling sustainable valorisation of marine resources.
- On the basis of implementation of the Protocol to the Barcelona convention on Specially Protected Areas in the Mediterranean, in cooperation with the Regional Activity Centre for Specially Protected Area from Tunisia (SPA/RAC) basic examinations were performed in order to assess feasibility of **establishing the marine protected areas** at 3 locations (Platamuni, Stari Ulcinj and Ostrvo Katići) for which this type of purpose is recognized by the Spatial plan of special purpose areas for the coastal zone.

Within bilateral cooperation with the Republic of Italy in the field of environmental protection, support to setting up of marine protected area in the Katići area was ensured. During 2009, analyses of environmental and socio-economic aspects of establishing the marine protected area on this location were performed, while in 2010 preparation of the Feasibility study for establishment of the marine protected area will be implemented, including proposal of the management plan and building of management capacities. This project will serve as a basis for establishment of marine protected areas at other locations which have been defined by the Spatial plan of special purpose areas for the coastal zone. At the same time, commencement of activities at research of marine biodiversity in the Montenegrin coastal zone is expected, which is of importance for establishment of marine protected areas in the remaining two locations.

The abovementioned is of importance in the context of provisions of Article 13 of the EU Marine Strategy Framework Directive defining the obligation of establishment of programme measures enabling preservation of space, contributing to a coherent and representative network of marine protected areas, in accordance with the Habitats Directive and Birds Directive.

- Starting from obligations deriving from the Protocol to Barcelona Convention on reduction of pollution of the sea from land-based sources, as well as from the fact that by implementation of the **MEDPOL monitoring**, implementation of coastal zone monitoring by the parties signatories to the Barcelona Convention is enabled in accordance with requirements of this protocol thereto, in 2009, the **Program of Monitoring of the State of the Coastal Sea Ecosystem** was implemented as a part of the National Environmental Monitoring of Montenegro. On that occasion, in addition to harmonization with the MEDPOL program requirements, consultations were held in order to ensure harmonization of the Environmental Monitoring Program for the coastal zone with the requirements of the European Environmental Agency to a higher extent. It is important to mention that the data on implementation of the MEDPOL monitoring in the Mediterranean states are updated in the database established in the Coordination unit of the UNEP/MAP in Athens and forwarded to the European Environmental Agency, following their validation. So far, no analyses of the degree of harmonization of the Environmental Monitoring Program for the coastal zone with the EEA requirements has not been carried out, but it is planned within access of the Agency to the EIONET network of reporting on the environmental status in

Montenegro. The Environmental Protection Agency allocated funds in the amount of EUR160 000 for implementation of the project while the UNEP/MAP supported it by providing the funds in the amount of EUR 20 000. The following are included in implementation of the program: Institute of Marine Biology, Hidrometeorological Institute of Montenegro and Center for Eco-toxicological Research of Montenegro. In the context of promotion of the database and system for monitoring the coastal sea, implementation of the Project eutrophication research in the Boka Kotorska Bay during 2010 is important.

Monitoring program of the ecosystem status of the coastal sea was implemented in Montenegro for the first time in 2008. Taking into account the requirements of the EEA, Barcelona Convention and the LBS protocols, the comprehensive Monitoring program of the ecosystem status of the coastal sea is based on the assessment of the marine biodiversity status, starting from the analysis of biological and chemical pollution indicators such as: water and air temperature, pH, salinity, transparency, suspended substances, O₂, % of oxygen saturation, BPK₅, HPK, NO₂, NO₃, NH₄, o-PO₄, Si, chlorophyll, MPAS, phenols, microbiology etc.

Program comprises the following components:

• NO.	• TYPE OF MONITORING	• FREQUENCY OF SAMPLING
• I	• Program for general quality of coastal seawater	• 8 times annually
• II	• Monitoring of quality of harbour aquatorium water	• twice annually
• III	• Monitoring of eutrophication	• 6 times annually
• IV	• Monitoring of pollution trend	• twice annually
• V	• Biomonitoring	• twice annually
• VI	• Monitoring of biomarkers	• 3 times annually
• VII	• Monitoring of intake by rivers	• twice annually
• VIII	• Monitoring of intake by effluents	• twice annually
• IX	• Monitoring of intake through precipitation	• 365 times annually
• X	• Monitoring of water for mariculture	• 18 times annually, • c) twice annually
• XI	• Monitoring of bathing water	• weekly, during tourism season (June-September)

Results of implementation of the MEDPOL program in Montenegro will represent the basis in defining the good environmental status of the marine waters in accordance with Article 9 of the EU Marine Strategy Framework Directive. Pursuant to provisions of this Directive, in addition to the indicative list given in Annex III to the Directive, it is necessary to take into account the physico-chemical parameters, types of habitat, biological and hydro-morphological properties. These elements are present in the MEDPOL program to

a large extent. At the same time, by implementation of the ADRICOSM STAR project as the part of the ADRICOM Johannesburg Type II initiative, relying on the Barcelona Convention provisions, the database which will be important in the context of implementation of the EU Marine Strategy Framework Directive is additionally improved. Such approach is in accordance with provisions of Article 9, paragraph 3 referring to the criteria and methodological standards for assessment of the consistency and comparison of the good environmental status of the region and subregion they refer to. In that sense, the need for consultations with all the relevant parties is emphasized, including the Regional Maritime Conventions (such as Barcelona Convention for the Mediterranean region).

Implementation of the MEDPOL monitoring in Montenegro, i.e. the Coastal Zone Status Monitoring program, which is defined in the abovementioned manner, sets the basis for defining characteristics of a good environmental status, pressures and impact of human activities on the marine ecosystem, i.e. targets of environmental protection and a follow-up set of indicators for marine waters, in the aim of achievement of the good environmental status (Article 9), taking into account the indicative list of pressures and impacts defined in figure 2 of the Annex III to the Directive and characteristics defined in Annex IV to the Directive. The abovementioned is of importance for creation of requirements for future activities directed to establishment and implementation of the monitoring program on the basis of assessment of the marine water environmental status (Article 10).

- Thirteenth meeting of the Mediterranean **Commission on Sustainable Development** (MCSD) was held in Cairo from 28-30 September 2009. At the meeting, the approach was reconsidered as well as particular activities of importance for the implementation of measures contained in the Mediterranean Strategy for Sustainable Development in terms of facing the impact of climate changes. Particularly in the context of application of adaptation measures through preparation of the regional action plan for adaptation, starting from the fact that the Mediterranean region is recognized as a specially vulnerable area from the aspect of climate changes. On that occasion the Agenda for the upcoming two-year period which is confirmed at the Meeting of the contracting parties to the Barcelona Convention in Marrakesh was adopted. It is especially important that within implementation of this plan revision of the Action plan of the Mediterranean Sustainable Development Strategy will be performed, which is important since the National sustainable development strategy of MNE is prepared in accordance with the Mediterranean Sustainable Development Strategy and the EU Sustainable Development strategy. Montenegro is elected for the member of the Steering Committee of the Mediterranean Commission for the upcoming two-year period.

Only a part of program activities which Montenegro is implementing in cooperation with the UNEP/MAP within implementation of the Barcelona Convention and protocols thereto, i.e. these by which basis for implementation of the **EU marine Strategy Framework Directive 2008/56/EC** is established, is previously stated. Namely, in accordance with provisions of Article 3, paragraph 10 of this Directive, the Barcelona Convention is recognized as a relevant convention in the sense of its implementation in the Mediterranean region. In addition to the mentioned project, the following are especially important:

- GLO BALLAST implemented in cooperation with the REMPEC centre and the International Maritime Organization, and it is aimed at regulating ballast waters management especially from the aspect of controlling proliferation of invasive species;
- PSSA-declaring the Adriatic as specially vulnerable area in accordance with criteria of the Marine Environment Protection Committee of the International Maritime Organization (MEPC/IMO);
- Implementation of the pilot project in the Adriatic subregion following the Decision IG 17/6 of the Fifteenth meeting of the contracting parties to the Barcelona Convention concerning implementation of the ecosystem approach for the management of human activities which can have impact on marine and coastal zone environment of the Mediterranean (which is in accordance with the principle of ecosystem approach of the Implementation plan from

Johannesburg and the EU Marine Strategy Framework Directive, Article 3, paragraph 5, referring to application of the ecosystem approach with the aim of reaching the good environmental status of the marine waters). Activities at preparation of the road map in application of the ecosystem approach in the Mediterranean region in which Montenegro actively participates are under way.

- In cooperation with the REMPEC centre in 2008 the Draft contingency plan for incidental pollution situations was prepared. Activities at its promotion are under way so that it could be integrated into the Regional Contingency Plan for the Adriatic Sea in accordance with the Statement on expanding of the sub-regional contingency plan from the northern to the southern part of the Adriatic which was adopted in 2005 during presidency of Serbia and Montenegro over the Adriatic-Ionian Initiative. The legal basis for the National plan will be set in the Law on Prevention of Pollution from vessels.
- Within implementation of the Strategic Action Plan for the Conservation of the Biological Diversity in the Mediterranean Region - SAP/BIO Program, in cooperation with the SPA/RAC centre, the Study of impact of climatic changes to the coastal and marine biodiversity as well as a series of recommendations in this field are prepared. At the same time, commencement of project implementation in cooperation with the Mediterranean Sustainable Development Commission is expected and will be aimed at harmonization of the National Sustainable Development Strategy with the priorities in the field of climatic changes recognized at the global level following adoption of this strategic national document, especially from the aspect of implementing the adaptation measures to the climate changes.

National Action Plans for reduction of pollution from land sources and protection of biodiversity which are prepared in 2003 and 2004 respectively, in accordance with the **SAP/BIO – Strategic Action Plan for the Conservation of Biological Diversity and SAP/MED – Strategic Action Programme to Address Pollution from Land-Based Activities** are important for establishing the strategic framework for implementation of the Marine Strategy Framework Directive. These are two basic strategic documents serving as a basis for the MAP phase II and implementation of the Strategic partnership for the Mediterranean Sea Large Marine Ecosystem. Montenegro prepared two reports for the periods 2003-2005 and 2005-2007 in the context of carrying out obligations on the basis of implementation of the Barcelona Convention.

Pursuant to Article 4 of the Marine Strategy Framework Directive by which the Adriatic Sea is recognized as a sub region within the Mediterranean Sea, relevant for application of this Directive, i.e. carrying out of the activities aimed at reaching the good environmental status in accordance with the specific characteristics of certain regions/subregions by preparation of the marine strategy, preparation of the Strategy for the Adriatic within the activities of the Trilateral Commission for the Protection of Adriatic has been initiated. At the same time, in the context of preparation of this strategy, provisions of Article 6 are important, pointing to the need of use of the existing regional institutional frameworks of cooperation, including those established within the Regional Sea Conventions, with the aim of coordination of activities of certain states.

In the context of creating conditions for implementation of provision of Article 6 of the Directive, strengthening of the regional cooperation in the Adriatic subregion are important. In that context, at the Tenth meeting of the Trilateral Commission held in June 2009 in Zadar, importance of synergy and coordination of all institutions and mechanisms for the purpose of implementation of the EU Marine Strategy Framework Directive was recognized and emphasized. Establishment and operation of its sub-commission for alignment of assessment methods and development of indicators for the purpose of assessment of the environmental status of the Adriatic Sea represent an important progress in operation of the Trilateral Commission concerning that issue.

At the Tenth meeting of the Trilateral Commission held in June 2008 in Portorž, the Declaration of intents of high representatives of the coastal states of the Adriatic region was adopted, supporting strengthening among all regional states for the purpose of preparation of the Marine Strategy for the Adriatic region in accordance with the EU Marine Strategy, Barcelona Convention, Convention on Biological Diversity and other relevant international agreements. At the same time,

representatives of the states of the Adriatic region expressed concern over the environmental status of the Adriatic due to worrying consequences of activities to the Adriatic ecosystem and expressed readiness to cooperate with the aim of achieving sustainable and integrated coastal development, including preparation of the operative framework for reaching the EU Marine Strategy targets.

In accordance with the abovementioned, enlargement of the Trilateral Commission to the Eastern Adriatic countries was initiated. Although the Trilateral Commission was established among Croatia, Italy and Slovenia on the basis of the right to succession of the agreement on Cooperation at Protection of the Adriatic Sea Waters and Coastal Region from Pollution between the Socialist Federal Republic of Yugoslavia and Italy from 1974, in 2009 Montenegro initiated the procedure of succession which is under way and with the aim of gaining membership in the Trilateral Commission. This is also because it represents the appropriate regional framework for implementation of the EU Marine Strategy Framework Directive.

In addition to creation of conditions for efficient development of the strategic and institutional framework for efficient implementation of both the Barcelona Convention and the EU Marine Strategy Framework Directive, it is necessary to promote the existing legislative framework. This especially applies to adoption of the Law on Prevention of Pollution from the Vessels and preparation of the secondary legislation within this Law, amendments to the Decree on Classification and Categorization of Underground and Surface Waters, as well as establishment of the legislative framework for integrated coastal management in accordance with the Protocol on Integrated Coastal Management in the Mediterranean. In that sense, and especially regarding promotion of the institutional framework for integrated coastal management, amendments to the present Law on Coastal Management from 1992 are important. Coastal Management Authority prepared the working version of the Draft of this Law, while the Program of the Government of Montenegro envisages that the Law on Coastal Management be adopted in the fourth quarter of this year.

23. The Commission takes note that the country intends to adopt Plans for Water Management first in 2016. This is one year later than the planning cycle of the Water Framework Directive (WFD) and therefore one year later than the 2nd international Sava and Danube Plans, and than all River Basin Management Plans in neighbouring countries. The Commission would like to find out if it would be possible to adopt first plans in 2015, for an optimum co-ordination in international river basins.

Law on Waters was adopted in 2007, and the deadline for adoption of the Water management plans in the area of river basins is 9 years as of the day of adoption of the Law, which means 2016. However, our intention is to adopt them sooner, so certain activities have already been undertaken: on the basis of the Law on Waters, the Decree on content and method of preparation of the water management plan in the water area of river basin or its part was adopted, and due to priority in implementation of certain infrastructural projects, the preliminary design for preparation of the Management plan for the basin area of Morača river was prepared. It is planned to start with its preparation in the following period, while the need to start with preparation of the Management plan for the water area of the Adriatic basin as the basic water management unit in Montenegro instead of preparation of this plan should be questioned as soon as possible. In addition to the abovementioned, it is also planned to start the preparatory activities and then draft the Plan of managing the water area of the Black Sea basin, which makes the second basic unit for water management in Montenegro and which hydrologically belongs to the basin areas of Sava and Danube. These are complex and from the point of preparation, demanding documents. We believe that from 2015, Montenegro will be able to adopt the water management plans. Due to optimal coordination of cooperation regarding the international river basins, we will give priority to the Management plan for the water area of the Black Sea basin. We expect support from the European institutions and funds in preparation of the plans, in accordance with the procedures of access to the pre-accession forms of assistance.

24. On page 130 of the answers, it is recognised that a monitoring of inland surface waters and ground waters is missing, but that a programme is under development. Could Montenegro please clarify when this monitoring programme will be operational?

Regarding the submitted answer to question 46 from the Questionnaire, we submit the following explication:

Pursuant to Article 58 of the Law on Waters (Official Gazette of the Republic of Montenegro, 27/07 from 17 May 2007) **referring to monitoring of water properties** it is defined that for the purpose of use and protection of surface and underground waters, qualitative and quantitative parameters of waters are obligatorily monitored. These parameters are monitored by the state body in charge of hydrometeorological affairs, and monitoring is performed according to the annual program adopted by the Government by 31 December of the current year for the next year, at proposal of the Ministry of Agriculture, Forestry and Water Management.

Pursuant to Article 83 of the Law on Waters referring to **systematic water quality monitoring**, it is defined that for the purpose of monitoring of the state of water quality regarding the classification and categorization performed referred to in Articles 75 and 76 of this Law, systematic examination of water quality and quantity at profiles of surface and underground waters and protected areas determined by the annual programme of systematic water quality examination is performed, while systematic examination is performed by the state administration body in charge of the hydrometeorological affairs, i.e. the Hydrometeorological Institute of Montenegro.

State administration body in charge of hydrometeorological affairs is obliged to enable the availability of results to all interested legal and natural entities, free of charge. The state administration body in charge of the hydrometeorological affairs prepares the annual report on the status and changes in water quality and submits it not later than 1 March of the current year for the previous year to the Ministry of Agriculture, Forestry and Water Management, to the competent administrative body, i.e. the Water Administration, the Ministry in charge of the health affairs, the Ministry in charge of the environmental protection and the Ministry in charge of the geological affairs. Systematic examination of water quality is performed according to the annual program adopted by the Government at the proposal of the Ministry of Agriculture, Forestry and Water Management.

Program referred in paragraph 5, Article 83, specifically contains:

- 1) number and position of the measuring profiles;
- 2) method and procedure of water quality examination;
- 3) number, scope and conditions for performing examination;
- 4) contents of the report on water quality established.

In relation to that, in answer to question 46 of the Questionnaire, the then available results of the Annual program of water quality management for 2008 were given. The annual program was carried out by the Hydrometeorological Institute and it comprised 13 waterways with 66 measuring profiles, three lakes with 11 measuring profiles, underground waters only at 9 profiles in the Zetska plain, in the field which was previously identified as the bottleneck due to pollution of underground waters from the Aluminium plant, and coastal sea at 19 measuring profiles. Five measurements were performed, except for the underground waters where 4 measurements were performed.

Also, it was stated that results of the measuring bring to the conclusion that the main pollution sources are communal and industrial waste waters, agricultural production and traffic lines. The problem of excessive exploitation of sand from river beds is still present. The most polluted waterways include parts of flows of the following rivers: Zeta, Piva, Crnojevića rijeka and Bojana, while the group of the cleanest waterways include the rivers Tara, Gmčar, Cijevna, and Kutska rijeka. Underground water quality was, as a rule, lower than prescribed.

Therefore, we can state that there has been organized monitoring of surface and underground waters for a series of years, conducted according to the Annual programme which is in accordance

with provisions of the Law on Waters adopted by the Government by 31 December of the current year for the next year, at proposal of the Ministry of Agriculture, Forestry and Water Management.

Also, in answer to question 46, it is stated that in accordance with the Law on Environment (**Official Gazette of Montenegro, 48/08 from 11 August 2008**), the Environmental Agency is implementing the Environmental monitoring program consisting of the monitoring program for separate segments of environment, as follows:

- Program for air quality control
- Program of examination of harmful and dangerous substances content in the land
- Program of radionuclides content in environment
- Program of the coastal sea ecosystem monitoring
- Program of biodiversity status monitoring
- Program of noise measuring in environment.

Environmental monitoring programme is proposed by the Environmental Protection Agency, and adopted by the Government of Montenegro.

Also, in answer to question 46 it is stated that pursuant to the Law on Waters, systematic examination of surface and underground waters quality is performed by the authorized legal entity, i.e. the Hydrometeorological Institute of Montenegro, as its regular obligation, while the Environmental monitoring program, i.e. the program of monitoring of the status of other segments of the environment is performed by the accredited institutions/laboratories the selection of which is performed on the basis of carrying out a tender procedure by the Environmental Protection Agency.

From the abovementioned, it follows that there is the Water quality monitoring program, which is implemented in accordance with the Law on Waters and the Environmental monitoring program which is implemented in accordance with the Law on Environment.

25. (Ref. to Q 50): Please provide information on the application of the listed measures.

In the answer submitted to question 25 from the Questionnaire, it is stated that in addition to the Water Master Plan, the Government of Montenegro adopted the following master plans:

- **Master plan for drainage of wastewaters of Montenegrin coastal area and Cetinje municipality**, defining the long-term measures which should be implemented in the municipalities of the Montenegrin coast, and the implementation of which requires financial funds in the amount of EUR 280,800,000
- **Sewage and wastewaters Strategic Master plan for central and northern region**, the implementation of which requires financial funds in the amount of EUR 278,732, 896.

Activities within implementation of the above-mentioned master plans are given in Annex to answer 50.

Regarding this, it is important to point out that the target of the **Master plan for drainage of wastewaters of Montenegrin coastal area and Cetinje municipality** is to encourage tourism in the Montenegrin coast and contribution the economic development of Montenegro by reduction of hygienically unsafe drainage of waste waters into environment.

Similarly, **Sewage and wastewaters Strategic Master plan for central and northern region** defined as main targets the creation of conditions for a better economic development by improvement of living conditions and, in particular, creation of requirements for development of tourism in the area with rich economic potential.

In order to reach these targets it is necessary to develop the corresponding infrastructure and ensure all the necessary financial funds. Pursuant to master plans by 2028, municipal areas in Montenegro should be covered with the appropriate sewage systems, and environment adequately protected from pollution. Sewage systems should be developed in all towns and surrounding settlements with population exceeding 2000 inhabitants equivalent (IE), collected water taken to the wastewater treatment facilities where it would be treated until reaching the necessary standard, prior to discharge into a natural recipient or sewage system or its reuse; sewage sludge emerging in the process of wastewater treatment must be treated appropriately and its application defined.

Legal prerequisites for implementation of the mentioned targets are comprised in the **Law on Waters** (Official Gazette of the Republic of Montenegro, 27/07):

- Article 72 defines “Protection of waters from pollution is carried out for the purpose of ensuring safe and smooth utilization of waters, protection of human health, fauna and flora and environmental protection”.
- Provisions of Article 73 prescribes targets of water protection in the field of environmental protection which are already presented in answer to question 50 of chapter 27 of the Questionnaire – Environment.
- Pursuant to provisions of Article 74, protection of waters from pollution, inter alia, is carried out by the following measures:
 - economic measures by paying compensation for water pollution, which is not lower than costs of its treatment;
 - treatment of wastewaters at the place of occurrence, by application of technical and technological measures and introduction of modern technology into production
- Protection of waters from pollution is carried out in accordance with the plan for protection of waters from pollution (Article 77) which, inter alia, comprises the plan of construction of a facility for waste water treatment with the ancillary devices for at least 2000 IE..
- Article 80 defines the obligations of waste water treatment: “Legal entity, other legal entity, or entrepreneur who discharges wastewater directly into recipient shall provide for wastewaters treatment to the level corresponding to the effluent regulations (emission).

For the purpose of ensuring wastewaters treatment to the extent established by the regulation adopted on the basis of this law, the legal entity, other legal entity, or entrepreneur who discharges waste water into the public water supply system shall build and maintain wastewater treatment facilities.

For the purpose of ensuring wastewater treatment to the extent determined by the regulation adopted on the basis of this Law the unit of local government shall annually invest funds into construction, , reconstruction and maintenance of wastewater treatment facilities which ancillary devices, to the level envisaged by the plan for construction of the wastewater treatment facilities for at least 2000 inhabitant equivalent.

Provisions of Articles 52 – 54 of the **Law on Waste Management** (Official Gazette of the Republic of Montenegro, 80/05 and Official Gazette of Montenegro 73/08) regulate issues regarding sewage sludge management. Article 54 prescribes the obligation of preparation of the secondary legislation act regulating issues regarding requirements, quantities, extent, frequency and method of analysis of the communal sewage sludge for allowed purposes and requirements which land planned for its application should meet. This secondary legislation act was adopted by the end of 2009 (Official Gazette of Montenegro, 89/09).

Attributing great attention to preservation of water resources and reaching targets, the following activities were carried out in Montenegro in the past five years:

As for the activities envisaged by the **Master plan for drainage of wastewaters of Montenegrin coastal area and Cetinje municipality**, the activities at sanitation and expanding the primary and secondary sewage network, sanitation of pumping stations and sewage outlets were carried out in

Herceg Novi, Tivat, Kotor, Gbudva, Bar, Ulcinj and Cetinje. For implementation of the mentioned activities, the Government of Montenegro and municipalities of the Montenegrin coast had financial support of the KfW bank in the form of credit or grants, as well as the donation support of the Austrian Development Agency, on which more data are given in answer to question 3 within the set of additional questions and answers and submitted answer to question 7 from the Questionnaire – General policy.

As for the measures regarding wastewaters treatment, pursuant to the Master plan, preparatory activities for construction of the wastewater treatment facilities in Herceg Novi and Bar are under way – preparation of the necessary documentation is in the final phase, the pre-qualification procedure is carried out and announcement of the tender for election of the developer is planned by mid 2010. Feasibility studies for facilities in Ulcinj and Cetinje and joint facility for the municipalities Kotor and Tivat are prepared. The municipality of Budva concluded the contract with the German company WTE for design, construction and management of wastewater treatment facilities in this municipality.

Regarding the measures envisaged by the **Sewage and wastewaters Strategic Master plan for central and northern region**, in all municipalities certain activities were carried out in accordance with the established priorities. So far, the following activities have been implemented:

- In the municipality of Podgorica, revitalization of the existing WWTP is carried out. Since the existing facility does not meet the needs of the city with its capacity, activities for construction of the new facility are under way. Funds for preparation of the feasibility study and environmental impact study for the new plant are provided within the Infrastructure project facility - IPF-TA. Within the regular activities, several projects at reconstruction and upgrade of faecal and drainage sewage system were implemented.
- For protection of the WWTF in the municipality of Nikšić, the feasibility study and environmental impact study have been prepared; preparation of the preliminary design is in the final phase; tender documentation is prepared. Conclusion of the contract with the developer by the system „design and build“ is expected by mid 2010. The developer at reconstruction and expansion of the sewage system which is financed from the funds ensured from the IPA 2008 programme is elected.
- For construction of the WWTF and certain segments of the sewage network in the municipality of Pljevlja the feasibility study and the environmental impact study have been prepared. Funds are ensured from the DISF (Danube investment support facility). Several projects at reconstruction of the existing faecal and drainage sewage system have been implemented. Preparation of the preliminary design for the WWTF and activities at construction of the main town collector on the basis of the prepared project documentation is under way.
- Feasibility study and environmental impact study for the WWTF and certain segments of the sewage network for the municipality of Bijelo Polje have also been prepared. Funds for preparation of the study are also ensured from the DISF.
- In the area of the municipality of Berane, several projects at reconstruction of the existing faecal and drainage sewage system have been implemented and extension of the sewage network has been carried out. Activities at preparation of the project documentation for construction of the two town collectors and the WWTF are under way.
- the most important project in the municipality of Mojkovac implemented during 2008 is the project of remediation and recultivation of the Mojkovac lead and zinc tailings impoundment, within which the wastewater treatment plant and faecal sewage collector were constructed.
- In the municipality of Plav, activities concerning construction of an WWTF have been initiated. Preparation of the feasibility study and environmental impact study for the facility and certain segments of sewage network related to the facility is nearing its end. At the same time, extension of the sewage network was under way.

- The municipality of Žabljak implemented several projects at reconstruction of the existing and construction of a new sewage network. Also, a part of project documentation for construction of the new sewage network segments has been prepared.
- In the municipality of Danilovgrad, activities at preparation of the project documentation for construction of the WWTF and a part of sewage network are under way; the general project of drainage and purification of wastewaters of Danilovgrad has been prepared.
- Municipalities of Plužine, Andrijevica and Šavnik are classified by the Strategic Master plan into a lower-priority group, primarily due to a small population. The municipality of Šavnik prepared the Preliminary design for construction of the waste waters collector.
- In the municipality of Rožaje during 2008 several projects for reconstruction of the existing faecal and drainage sewage network were implemented, in accordance with the solutions from the Master Plan. Preparation of the spatial documentations in which location for the waste waters treatment facility will be envisaged, is under way.
- In the municipality of Kolašin activities at current maintenance of the sewage network have been implemented.

As financial support to these projects, a credit from the European Investment Bank in the amount of EUR 27 million and assets from the EU funds: EUR 3.5 million from IPA 2010 programs and EUR 5 million from the IPF MW have been provided, on which, also, more data are given in answer to question 3 within the set of additional answers, and submitted in answer to question 7 from the Questionnaire – General policy.

The issue of the sewage sludge emerging in the waste waters treatment facilities, when facilities are constructed, will be solved in accordance with the Rulebook on detailed conditions which sewage sludge, quantities, scope, frequency and methods of analysis of the communal sewage sludge for allowed purposes and requirements which the land planned for its application should meet (Official Gazette of Montenegro, 89/09), when the need for it arises, i.e. when the envisaged waste waters treatment facilities are constructed.

26. (Ref. to Q 54): As regards River Basin Management and marine water management system, two issues related to public participation and flood management need further clarifications:

a) Is there a system in place to encourage active involvement of all interested parties (including the public and relevant stakeholders) in river basin management?

Yes, there is. Article 30 and 31 of the Law on Waters define participation of the public in the process of preparation of the river basins management plans, as follows:

- The competent administrative body is obliged to enable the active participation of the public and stakeholders in the process of preparation and adoption of the water management plan, i.e. its amendment following the procedure of its consideration and make available all documentation of importance for its preparation.
- The competent administrative body is obliged to inform the Waters Council by a written notification and the stakeholders and wider public on the beginning of preparation of the waters management plan through public media.

This informing is carried out three years prior to commencement of the period for which the plan is adopted at the latest, and it comprises the framework plan contents, deadlines and method of preparation and adoption of the plan, name of the competent administrative body and the address where additional information can be received from i.e. where insight into documentation of importance for its preparation can be provided.

The administrative body informs on the status of plan preparation, including the preliminary review of the elements important for waters management at the water area for which the plan is adopted, two years prior to the period for which the plan is adopted, at the latest.

The competent administrative body is obliged to publish the draft plan of waters management in at least one printed medium which is distributed in the entire territory of the Republic, one year prior to commencement of the period to which it refers, at the latest. The draft plan is displayed to the public in the premises of the competent administrative body, and at the request of the person interested, an insight into background documentation sheet used for preparation of the draft plan is enabled.

Stakeholders can submit the written remarks, proposals and suggestions to the mentioned documents to the competent administrative body, in the course of six months and to the special water management plan in the course of one month from the day of publication.

The competent administrative body is obliged to prepare a report on positions regarding the remarks, proposals and suggestions in the course of three months form expiry of the abovementioned deadline.

b) Besides classifying inundation risks (as required by the Water Law), is there existing legislation in place that addresses prevention of and protection against floods risks, including relevant measures?

Law on Waters, Article 100 defines the obligation of preparation of plans for protection from the harmful effects of waters, as follows:

Protection from the harmful effects of waters is organized in accordance with **general and operative plans of protection from harmful effect of waters**, adopted for waters of importance for Montenegro and waters of local importance.

General plan for protection from harmful effect of waters for the six-year period for waters of importance for Montenegro is adopted by the Government at proposal of the Ministry regarding waters of importance for Montenegro, and the competent administrative body with previous opinion of the Ministry regarding waters of local importance.

General plan for protection from harmful effect of waters, especially, contains: works and measures which are undertaken preventively and in the period of incoming high water levels for protection form floods, protection from erosion and torrents and elimination of consequences of that effect of waters; method of institutional organization of defence against the harmful effect of waters; duties, responsibilities and authorizations of the manager for protection from the harmful effect of waters; method of monitoring and recording data; announcement of occurrences and informing.

Operative plan for protection form the harmful effect of waters for the period of one year, for waters of importance for Montenegro is adopted by the Ministry of Agriculture, Forestry and Water Management, and prepared by the competent administrative body, i.e. Waters Administration, and for waters of local importance, the competent local government body, with approval of the competent administrative body.

Operative plan for protection form the harmful effect of waters, especially contains: data and measures necessary for efficient implementation of protection from harmful effect of waters, including the relevant water levels, criteria for declaration of regular and extraordinary defence from floods, names of managers for protection from harmful effect of waters, headquarters for protection from the harmful effect of waters, , name of the body, i.e. commercial entity and other legal entity carrying out protection form the harmful effect of waters and means for operative carrying out of protection.

Operative plan for protection from harmful effect of waters, for waters of importance for Montenegro is adopted by 30 November at the latest, and for waters of local importance by 15 December of the current year for the next year.

General plan for protection from harmful effect of waters of importance for Montenegro for the period 2010-2016. is in the draft phase. The draft envisages adoption of the General plan for protection from harmful effect of waters of importance for Montenegro in the course of 15 days from the day of publication of the General plan.

27. (Ref. to Q 54): Please describe precisely activities directly related to development of River Basin Management.

Activities which have so far been carried out at preparation of the River basins management plans are the following:

- Decree on content and method of preparation waters management plan in the water area of the river basin or its part has been adopted,
- Preliminary design for preparation of the Morača River basin management plan has been prepared.

For preparatory and activities which ensue for preparation of the Management plans, it would be necessary to provide the expert and financial support of the European Union, since Montenegro currently does not have enough staff and material funds for implementation of obligations deriving from the Waters Framework Directive.

E. Nature Protection

28. (Ref. to Q 56): With regard to protected areas (page159 of the answers), could Montenegro please specify what percentage of the territory is being protected at present? Please also describe the timeline for the 10% increase planned.

Yes, it can. As it was stated in the answer to the Question No. 53 from the Questionnaire, there are 53 assets in Montenegro which are under protection. After declaring Prokletije as national park in compliance with the national legislation, 124 929 ha or 9.04% of the territory is protected, while 237 899 or 17,22% is under protection in compliance with the obligations assumed from the relevant international treaties. All together, on both grounds, the protected areas of nature cover 20,75% of the state territory, while some territories are protected on both grounds (e.g. NP Skadar Lake as a national park and a wetland area in compliance with RAMSAR convention, NP Durmitor as a national park of nature and UNESCO world natural heritage site).

The National Sustainable Development Strategy of Montenegro which, apart from other things, sets the basis for the strategic planning of nature protection and conservation of biological diversity, also defines as a priority measure an increase of protected areas of nature on the national level to 10% of the territory and the protection of the minimum 10% of the coastal area. The action plan of the NSOR CG envisages that the increase of the nationally protected areas must include establishment of the NP Prokletije and the regional parks Komovi and Bioč – Maglic - Volujak as a priority measure. Within the period of 2008 – 2009, the implementation of the abovementioned priority measure was defined. Pursuant to the Second Annual Report on implementation of NSOR CG, the measure was partially implemented in view of the fact that the declaration of the national park Prokletije was realised within the set time limit and that the plan for establishment of the regional park Komovi is being developed as a part of implementation of the recently initiated project Strengthening the sustainability of the Protected Areas System of

Montenegro (PAS)“ (the implementation of the PAS project is financed by the Global Fund for Environmental Protection (GEF) and implemented by the Development Programme of the United Nations (UNDP)). The time limit for the implementation of the project is December 2010.

It is important to point out that the establishment of this regional park was envisaged by the Spatial Plan of Montenegro, and that the guidelines will be included in the Spatial Plan of the special purpose for this area whose draft is in the final phase of development. The area covered by the plan equals to circa 1091 square kilometres.

In regard to the establishment of the regional park Maglic – Bioc – Volujak, it is important to highlight the fact that the preparation of the Draft of the Special purpose spatial plan for the area of Durmitor is under way. This spatial plan includes measures for the area of the future regional park Maglic – Bioc – Volujak and the time limit for its developing is October 2010. In relation to the abovementioned, the preparatory activities of drafting the Expert Document, that is, a study for protection which will demonstrate the justification of the establishment of the mentioned regional park, are already underway. In this regard, it is anticipated that there will be a further increase of the area that will be put under protection with regard to the total state territory.

In accordance with the mentioned, it will be necessary to reconsider the time limit set for the increase of the nationally protected areas of nature to 10% of the territory, i.e. to change the deadline from 2009 for 2012. Since the revision of the Action Plan of the NSOR CG was planned for 2010 in accordance with the dynamics of the implementation of the NSOR CG, realization of the preparatory activities for its revision has been initiated.

As it was previously mentioned, the National Sustainable Development Strategy envisages, inter alia, that the percentage of the protected coastal areas of the total territory be at least 10% by 2010. The priority measure of the Action Plan of the NSOR CG defines the priority activities of the establishment of the following protected coastal and marine areas: salines in Tivat, areas in the municipality of Tivat, Šasko Lake, Knete and Ada Bojana, Buljarica, as well the establishment of the protected marine areas: areas near Platamun, the islands Stari Ulcinj and Katiči. It is important to mention that pre-categorization of the protected marine areas will soon be carried out. Further more, the revision of the Action Plan of the NSOR CG envisages adjustment to the designated 2008 – 2009 time limit as necessary, so the realization of the mentioned priorities is planned for the period by 2012.

Within the bilateral cooperation with the Republic of Italy in the area of environmental protection, the support for the establishment of the protected marine area on the location of Katiči was provided. During 2009, the analyses of the ecological and socio-economic aspects of the establishment of the protected marine area on this location were carried out, while the drafting of both the Feasibility study for establishment of the protected marine area and the proposal of the management plan will be completed in 2010, when the process of building the management capacities is also expected to be completed. This project will serve as a basis for establishment of the protected marine areas on other locations which are specified in the Special Purpose Spatial/Physical Plan for the Sea Estate/Domain. In the same time, it is anticipated to commence with the activities regarding the research of the marine biodiversity in the coastal area of Montenegro which is significant for establishment of the protected marine areas on two remaining locations. Due to the lack of the thorough analyses, it is estimated that the coverage of the protected marine areas on the mentioned locations equals 2,141 ha, that is, 1.966% comparing to the territory which is currently covered with the protected area on the national level, that is, comparing to the territory which equals 124 929 ha or 9.04% of the entire territory of the state. In so doing, the criteria which were relevant for establishing the habitats and species for protection in the context of the EMERALD network in Montenegro are taken as a starting point.

Pursuant to the Article 56 of the Law on Nature Protection (Official Gazette of Montenegro 51/08) which relates to the elements of the Study for protection serving as an expert document for establishment of an area as protected area and in relation to the Article 24 of the Law on National Parks (Official Gazette of Montenegro 56/09) which relates to defining preemptive rights in the protected natural assets, the Nature Protection Office of Montenegro applies methodology of pre-calculation of the surfaces which is different from that one applied in the period before enforcing

the Law on National Parks which was adopted on 14 August 2009. Namely, instead of the methodology of pre-calculation of the surfaces of protected natural assets by using cartography base, the methodology of pre-calculation by applying geodetic bases is used since these bases are necessary for developing a Study of protection for the purpose of declaring one area as protected.

In accordance with the data from the Central Registry of the protected natural assets of the Nature Protection Office of Montenegro, the tables 1 and 2 given below include the overview of the protected natural assets by protection categories, surfaces which they cover and the percentile share in the territory. It is important to point out to the existence of minor differences in the data regarding the surface of the protected natural assets comparing to the data which were submitted in the answer to the question no. 57 from the Questionnaire concerning the same issue (Table: Protection categories on the territory of Montenegro).

Table 1: The overview of the current protected natural assets on the national level in Montenegro

Name and the national category of protected natural assets	Surface (ha)	Percentile share of protection categories in the state territory (13.812 km ²)	
National parks	101.733ha		
Skadar Lake	40.000	7,365%	NP
Lovćen	6.400		
Durmitor	33.895		
Biogradska gora	5.400		
Prokletije	16.038		
Nature reserves	Altogether 650 ha (outside NPs 150ha)		
- in NP Skadar Lake: Manastirska tapija, Pančeva oka, Crni žar, Grmožur and Omerova gorica	420		
- in NP Durmitor: Crna Poda	80		
Salines in Tivat ¹	150		
Natural monuments	altogether 13.638,54ha (outside NPs -7.741,357ha)	0.987% (outside 0,56%)	NPs
Đalovića cliff	1.600		
Lipska cave	/		
Cave Magara	/		
Cave Globočica	/		
Cave Spila near Trnovo / Virpazar	/		
Cave Babatuša	/		
Novakovića cave near Tomaševo	/		
Ditch Duboki do, in Njeguši	/		
Canyon of river Piva	1.700		
Canyon of river Komarnica	2.300		
Communities of mountain pine (<i>Pinetum mughi montenegrinum</i>) in Ljubišnja (1.000ha), Durmitor (5.200ha) and Bjelasica (400ha)	1.000 2+ (5.600)		
Communities of whitebark pine (<i>Pinus heldraichii</i>) on Orjen (300ha), Lovćen (300ha) and Rumija (100ha)	400 + (300)		
Individual dendrological assets: trunk of Skadar oak-tree in Curioč near Danilovgrad, trunk of pubescent oak in Orahovac near Kotor, trunks of olive-tree in Mirovica, Stari Bar and Ivanovici, Budva and other	/		
Beaches at the coast of Skadar Lake	3(<2)		

¹ Salines in Tivat are put under protection in compliance with the Decision of the Nature Protection Office no. 01 – 12 from 26 December 2008 in the category „special nature reserves“, pursuant to the procedure which was initiated on the grounds of the Law on Nature Protection which was previously applied (Official Gazette of Montenegro 36/77 and 2/89), articles 41 and 42 in relation to the provisions from the Article 126, paragraph 3 of the new Law on Nature Protection (Official Gazette of Montenegro 51/08)

² Sign + denotes the possibility of expanding a protected natural asset pursuant to the obligation of revising of borders of protected natural assets in compliance with the provisions of the Law on Nature Protection

³ Sign < denotes that the borders of a natural assets are not precisely defined

- Additional Questions -

Big beach in Ulcinj	600	
Small beach in Ulcinj	1,5	
Valdanos beach	3	
Velji pijesak beach	0,5	
Topolica beach, Bar	2	
Sutomore beach	4	
Lučica beach, Petrovac	0,9	
Čanj beach	3,5	
Pećin beach	1,5	
Buljarica	4	
Petrovačka beach	1,5	
Drobni pijesak	1	
Sveti Stefan	4	
Miločer beach	1	
Bečićka beach	5	
Slovenska beach, Budva	4	
Mogren beach	2	
Jaz	4	
Beach Pržno	2	
Savinska Dubrava, in Herceg Novi	35,46	
Botanical reserve of bay laurel and oleander above the spring Sopot near Risan	40	
Botanical garden of mountain flora in Kolasin	0,64	
Botanical garden of the general Kovacevic in Grahovo	0,93	
Park "13 jul" and "Njegošev park", in Cetinje	7,83	
Park near the hotel Boka, in Herceg Novi	1,2	
City park, in Tivat	5,897	
Park Dvorca, in Topolica	2	
Areas of special natural features (out of this 43,3ha in the category of natural monuments)	354,7ha	0,025% (outside of the category of natural monuments" – 0,022)
Spas hill, above Budva	163,2	
Peninsula Ratac with Žukotrljica	30	
Island Stari Ulcinj	2,5	
Trebjesa hill, Nikšić	159	
Areas protected with the municipal decisions	15.000ha	1.086%
Kotor – Risan bay, the municipality of Kotor	15.000	
TOTAL UNDER NATIONAL PROTECTION	124.979,057	9.04%

Table 2: Overview of the current internationally protected areas of nature in Montenegro

Name and international category of protected areas of nature	Surface (ha)	Percentile share in the state territory (13.812 km ²)
Ramsar area (list of the wetland areas of international importance, particularly as a habitat of water birds)	40.000	
Skadar Lake	40.000	
UNESCO's world natural and cultural heritage	48.895	
Kotor – Risan bay, the municipality of Kotor	15.000	
NP Durmitor with the canyon of Tara	33.895	
M&B UNESCO Biosphere reserve	182.889	
Watershed area of the river Tara	182.889	
TOTAL UNDER INTERNATIONAL PROTECTION	237.899	17.22%

Total surface of the protected areas of nature in Montenegro on both grounds, without duplicating, i.e. establishing protection on both grounds on the same areas equals to: 124.979,057 ha + 148.994 ha = 273.973,057 ha which makes 19,83% of the state territory.

29. The Commission notes the intention of Montenegro to harmonise the system of protected natural areas management with the IUCN management categories. Would it also be harmonised with Natura 2000 management? Please specify the time perspective for the harmonization.

Yes, it will. As it was stated in the answer to the questions 55 and 57 from the Questionnaire, the Law on Nature Protection (Official Gazette of Montenegro 51/08) specifies an obligation of establishing the ecological network Natura 2000 (Article 30) which regulates the habitat types and environmentally important localities whose parts are connected with ecological corridors. 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 more biogeographic regions (Alpine, Continental and Mediterranean). The Law on Nature Protection defines the ban on actions, activities and operations in a protected natural asset that includes the habitat type or habitat of protected flora, fauna or fungi species in accordance with the Law and the international treaties. The establishment of an environment protection network will provide for connection and preservation of habitat types in a favourable condition, i.e. renewal of habitats whose favourable condition has been disturbed, pursuant to Article 31. 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 the international importance; localities which contribute to preservation of biological 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 in Montenegro; localities 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.

The Law on Nature Protection defines that the ecological network NATURA 2000 is regulated by the Government of Montenegro while the time limit for its establishment is specified in the Transitional and final provisions of the Law (Article 120 in connection to Article 30) and it is set to be three years as from the entry in force of this Law, i.e. 30 August 2011. The activities being conducted to estimate the state of affairs and level of threat to the habitat types are in the preparatory phase. Namely, for the purpose of implementation of preparatory activities for the establishment of ecological network Natura 2000, data are being collected with a view to establishing a network of protected areas, defining indicators for monitoring activities implementation and establishing a database as a part of implementation of the Project Montenegro and Natura 2000: Strengthening the Capacity of Governments and civil sector to adopt to EU Natura protection Aquis – Montenegro Natura 2000 database development. The project is supported by the World Wide Fund (WWF), and both the Nature Protection Office and Ministry of Spatial Planning and Environmental Protection are involved in the project implementation. The implementation of the first component of the project has started and the deadline for completion of the project is March 2012. Starting from the initial results of this project, the Ministry of Spatial Planning and Environmental Protection analysed the aspects and dynamics of establishment of the ecological network Natura 2000. The Proposal of the TWINING project MN 08 IB EN 01 (IPA 2008 Centralised National Programme, Twinning Contract “Support to Environmental Management”, MN 08 IB EN 01), which was submitted to the European Commission for approval, includes the plan to draft the Strategy of approximation of the national legislation with the European in 2010 for the period of 2010 – 2014, i.e. a detailed action plan for adopting the European legislation and building necessary institutional capacities. One of the components of the project encompasses the recommendations for prioritizing tasks and developing an action plan for harmonizing the legislation in this area as a special segment of the Strategy of approximation of the legislation. To this effect, a special attention will be devoted to defining activities and dynamics on establishing environmental protection network NATURA 2000. According to the available data, we expect that the deadline for introduction of the environmental protection network NATURA 2000, which was specified by the Law on Nature Protection, will be extended and set for the period after 2012. This will also prompt an initiative to make amendments to the Law on Nature Protection.

In the context of the establishment of the environmental protection network NATURA 2000, the special significance is attached to the results of the implemented Project "Establishment of the Emerald network in Montenegro" which had three implementing 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 the project implementation the National Team identified 114 habitats of importance for Europe, 5 species of plants, 5 species of mosses 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.

F. Industrial Pollution Control and Risk Management

30. (Ref. to Q 62, 63): As regards replies to questions 62 and 63, the legislation regulating industrial activities is described with regard to permitting and emission, although no information is provided on monitoring, enforcement and reporting. Could Montenegro please provide such information?

Yes, it can. All legal regulations listed in the answer to the Questions 62 and 63 from the Questionnaire, that is, the Law on Air Quality (Official Gazette of Montenegro 48/07), Law on Environment (Official Gazette of Montenegro 48/08), Law on Water (Official Gazette of Montenegro 27/07), Law on Integrated Pollution Prevention and Control (Official Gazette of Montenegro 80/05 and Official Gazette of Montenegro 54/09) include provisions referring to monitoring, enforcing and reporting. For example, **The Law on Environment** (Official Gazette of Montenegro 48/08) in its chapter **V Monitoring of the state of environment** specifies **Monitoring** (Article 32), **Content and methods of performing monitoring** (Article 33), **Monitoring performed by the polluter** (Article 35), as well as **Urgent measures in particular cases when pollution exceeds the limits specified by monitoring** (Article 36). In the chapter **XI Surveillance** the conditions for **Administrative surveillance** are specified (Article 66), as well as **Rights and duties of inspectors** (Article 67) and **Authorities of inspectors** (Article 68). Also, the Article 39 specifies **Obligations of submitting data for information system**.

Pursuant to the Article 66, the Ministry of Environmental Protection monitors the enforcement of the Law of Environment and provisions made on the basis of the Law, if the Law does not specify otherwise. The Ministry also performs monitoring of legality and effectiveness of the operations of the Agency.

Inspection monitoring of the enforcement of this Law and provisions taken on the basis of the Law is performed by the Agency, in compliance with this Law and the law regulating inspection monitoring.

Pursuant the Article 67, the special control within the inspection monitoring is exerted, inter alia, over:

- State of environment in a way which is regulated by this law and provisions made on the basis of this law and special provisions;
- Applying of standards of the quality of environment, standard for emissions;
- Enforcement of monitoring of the state of environment;
- Delivery of necessary data and reports for the information system of environmental protection and integral cadastre of polluters;
- Drafting, implementation and monitoring measures included in the recovery programme.

For the purpose of detecting and eliminating irregularities, an environmental inspector (Article 68), in addition to the rights and obligations stipulated by the Law on Inspection Monitoring, has the right and obligation to:

- Order keeping necessary register;
- Order drafting of the assessment of the danger from accidents, as well as taking appropriate preventive and other measures of protecting environment from the dangerous substances in compliance with the Law;
- Order performing monitoring of the state of the environment in a specified way;
- Prohibit using of the eco-sign contrary to the provisions of this law;
- Order enforcement of measures of protection of the environment in compliance with this law;
- Order execution of other stipulated obligations with the purpose to prevent pollution of the environment.

All entities involved in protection of the environment are obliged to respond to the request of the Agency (Article 39) and submit data and information for the need of running the Information system. As it was stated in the answer to the Question 23 from the Questionnaire, in the context of preparations for establishment and running a unified information system in the area of environmental protection, and due to the lack of secondary legislation (which is planned to be drafted in accordance with the Law on Environment within the Twinning project – see answer to the question 2), and in accordance with the internal methods that are currently non-standardized and incompatible with the EIONET network, the Environmental Protection Agency keeps registers of:

- Licences for import, export and transit of waste, waste management and information on waste (waste categorization, the amount of waste and other aspects of importance for waste management);
- Import of chemicals;
- Import of protected plant 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.

The Law on Integration Pollution Prevention and Control (Official Gazette of Montenegro 80/05 and Official Gazette of Montenegro 54/09) in the chapter **IV MONITORING** stipulates **monitoring of enforcement of the law** (Article 26), as well as **Obligations and authorities of environmental inspector** (Article 27), while the Article 15 stipulates that licence must contain conditions which relate, among other things, to demands for monitoring of emissions, as well as to the way, frequency and volume of the data contained in the report which is submitted to the competent authorities.

The other mentioned laws also contain the same or similar provisions.

31. Please confirm the total number of the IPPC installations in Montenegro. Can you explain if you think that the provided number of 12 installations in total (page 177 of the answers) is satisfactory taking into account numbers of such installations in Member States and candidate countries (Luxembourg 32, Slovenia 159, Croatia 198)?

The list of existing IPPC installations was made during 2008 in the cooperation with the Environmental inspection. Namely, the Environmental Inspection identified 12 existing IPPC installations in accordance with the *Decree of types of activities and installations for which integrated permit is issued* (Official Gazette of Montenegro 07/08). The preparatory activities for revision of this list are under way and it is realistic to expect that the number will be higher. Having in mind the fact that Montenegro is not highly industrialized country, the number of the IPPC installations should not be regarded as low.

G. Chemicals

32. Could Montenegro clarify if the country has any particular legislation on export of dangerous chemicals and whether any administrative infrastructure to manage and control provisions of such legislation already exists?

The Law on Chemicals (Official Gazette of Montenegro 11/07) regulates 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 environment.

The Article 4 of the Law on Chemicals stipulates that a company or other legal person may manufacture, import, export and put into trade only those chemicals which are registered in compliance with this law. In addition, the trade is defined as import, export, retail and wholesale trade in chemicals, storage, handling, transport and mediating on the local and international market.

The provisions in the Articles 40, 43, 44 and 45 of the chapter VI Import and Export of the Law on Chemicals define the import of the chemicals.

Pursuant to the Article 40 paragraph 1, the procedure of issuing a licence for import and export of chemicals on the basis of the previous explanation about the impact of chemicals on human health and environment (hereinafter: PIC procedure) is carried out for the chemicals:

- Included in the list of the Rotterdam Convention;
- That are banned or strictly restricted in the European Union.
- Agents for plant protection.

Furthermore, it is specified that the PIC procedure ("prior informed consent") is the procedure according to which the chemicals which are banned or strictly restricted in the exporting country may be exported only if an importing country is informed about the export.

The chemicals for which the PIC procedure is applied may be imported only on the basis of the permit issued by the importing country (Article 40 paragraph 2), while the PIC procedure for issuing licences for specific chemicals in the international trade is carried out in compliance with the Rotterdam Convention (Article 40 paragraph 3).

The list of the dangerous chemicals from the Rotterdam Convention and the list of banned and strictly restricted chemicals on the territory of the European Union is published by the Ministry of Spatial Planning and Environmental Protection in the Official Gazette of Montenegro (Article 40 paragraph 6).

The closer manner of application of the PIC procedure and the form of the permit for import and export is specified by a special provision (Article 40 paragraph 7). The plan of activities of the Ministry for Spatial Planning and Environmental Protection in 2010 envisages development of the Rulebook on the PIC procedure Prior Consent Procedure, and the form of the permit for import and export in the fourth quarter of 2010.

Pursuant to the Article 43 paragraph 1, the applicant that exports the chemicals is obliged pursuant to the Article 40 paragraph 1 to submit an application to the Agency for Environmental Protection for issuing a permit according to the PIC procedure at least 60 days before the first day of export.

The request from the paragraph 1 of this article contains the following important data:

- 1) Data on the exporter (name, main office, identification or other appropriate number);
- 2) The name of the importing country and general data on the importer;
- 3) Identity of the chemical;
- 4) Customs heading of the chemical and CAS number of the chemical;
- 5) Material Safety Data Sheet;
- 6) Anticipated date of the first export;
- 7) Planned quantity of the chemical for export;
- 8) Purpose of the chemical;
- 9) Other data requested by the Ministry

Pursuant to the Article 44, on the basis of the request of the exporter from the Article 43 paragraph 2, the Environmental Protection Agency seeks the previous consent according to the PIC procedure from the competent authority of the importing country.

If the competent authority of the importing country informs the Environmental Protection Agency that it gives its agreement to the import, i.e. that it agrees with the import under the specified conditions, the Environmental Protection Agency submits the previous consent to the exporter.

If the competent authority of the importing country does not submit the previous consent about refusing the request for the chemical within 45 days from the day of submission of the request to the competent authority of the importing country, the Environmental Protection Agency informs the exporter in written about the administrative silence.

If the competent authority of the importing country informs the Environmental Protection Agency about withdrawing the consent, the Agency informs the exporter about it in written.

Pursuant to the Article 45, the exporter of the chemical included in the Article 43 is obliged to provide the Environmental Protection Agency with the data on quantity of the exported chemical, name of the importing country and data about importer (name, main office register number or other appropriate number) by 31 March of the current year for the previous year. The Agency makes an entry about the data from paragraph 1 Article 45 into the register on chemicals from the Article 42 paragraph 2.

Until the secondary legislation envisaged for the area of chemicals pursuant to the Law on Chemicals and the proposed activities from the National Programme for Integration of Montenegro in the EU for the period from 2008 to 2012 is adopted, the provisions of the regulations below, which are in compliance with 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);
- Law on Foreign Trade (Official Gazette of Montenegro 28/04 and 37/07).

The existing administrative infrastructure monitors and controls the requests of the mentioned legal regulations. As it was stated in the answer to the Question 67 from the Questionnaire, implementation of the planned activities in the area of chemicals was slowed down due to overlapping of competencies in this area between the Ministry of Health, Labour and Social Welfare and then Ministry of Tourism and Environmental Protection. Adoption of the Decree on Amending Decree on Organization and Functioning of Public Administration (Official Gazette of Montenegro 59/09) in September 2009 and election of the new Government determined the competencies in the area of chemicals. According the Article 17b of the said Decree, the Ministry of Spatial Planning and Environmental Protection administers affairs relating to chemicals, while pursuant to the Article 44c of the Decree the Environmental Protection Agency administers expert and related administration affairs concerning chemicals. According to the Article 15 of the Decree, 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.

Pursuant to the Article 69, it was specified that within performing affairs of inspection monitoring the activities below are brought under special control:

- 1) Fulfilling of the obligation of registering new chemicals;
- 2) Fulfilling of the obligation that a new chemical may be imported and put into trade only if it is registered, classified, packed and labelled;
- 3) Fulfilling of the obligation to control if the new chemical which is imported and put into trade matches the physical-chemical form and structure which was stated in the register;
- 4) Implementation of the pre-informing process on the occasion of import and putting into trade chemicals in the procedure;
- 5) Fulfilling of the obligation of submitting data for assessment of chemicals and assessment of risk;
- 6) Fulfilling of the obligation of classifying, packing and labelling a chemical before importing and putting into trade;
- 7) Means of classifying, packing and labelling chemical;
- 8) Fulfilling of the obligation of submitting the Material Safety Data Sheet;
- 9) Accuracy of data provided in the Material Safety Data Sheet;
- 10) Means of advertising of a chemical;
- 11) Respecting of the ban on production, import, putting into trade or use of dangerous chemical;
- 12) Implementation of the PIC procedure on the occasion of import and export of a chemical;
- 13) Respecting of the ban on import and export of a chemical;
- 14) Fulfilling of the obligation of registering a very hazardous chemical.

For the purpose of detecting and eliminating irregularities, inspector has the right and obligation (Article 70) to:

- 1) Order submitting of data on new chemicals;
- 2) Prohibit import and putting into trade of a new chemical until the process of classifying, packing and labelling is completed;

- 3) Prohibit import and putting into trade of a new chemical if the physical-chemical form and composition of the imported chemical does not match the form and composition in the register;
- 4) Prohibit import or export of a chemical if it did not pass the pre-informing process;
- 5) Order submitting of the data necessary for assessment of chemicals/assessment of risk;
- 6) Order classifying of a chemical, i.e. classifying of a chemical in a way which is regulated by this law;
- 7) Prohibit import and putting into trade of chemicals until the process of their packing and labelling is completed;
- 8) Order submitting of the Material Safety Data Sheet;
- 9) Prohibit putting into trade of a chemical if the Material Safety Data Sheet is not provided for this chemical or if the data in the Material Safety Data Sheet are not correct;
- 10) Prohibit advertising of a hazardous chemical whose characteristics are not shown on the label;
- 11) Prohibit export or import of chemicals which require PIC procedure when this procedure is not carried out;
- 12) Prohibit production, import, putting into trade of chemicals for which a prohibition measure and a measure of restricting production, import, putting into trade and use of chemical is introduced;
- 13) Order keeping registers on very hazardous chemicals and submitting data on very hazardous chemicals.

It is important to point out that currently no hazardous chemicals are produced in Montenegro.

33. Is there a planning for implementation of Regulation (EC) 689/2008 and for setting a necessary administrative infrastructure in this regard?

The Law on Chemicals (Official Gazette of Montenegro 11/07) has analysed, in general or through the possibility of issuing specific secondary legislation, the basic objectives of the Regulation (EC) no. 304/2003 regarding import and export of hazardous chemical and these are:

- Application of the Rotterdam Convention in the procedure on the prior consent procedure for specific hazardous chemicals and pesticides in the international trade;
- Raising the level of shared responsibility and cooperation in the international trade of hazardous chemicals for the purpose of protecting human health and environment from the possible dangerous impacts, and
- Contribution to using these chemicals in an environmentally appropriate way.

Since the Law on Chemicals was adopted in 2007, i.e. before the Regulation (EC) 689/2008 was adopted, it does not contain additional elements which are defined in the Regulation (EC) 689/2008. The National Programme for Integration of Montenegro in the EU for the period 2008-2012 plans amendments to the Law on Chemicals in the third quarter of 2011, which will include introduction of the elements from the amendment to the Regulation (EC) 689/2008.

34. The Commission would welcome more details about the upcoming Montenegrin Biocides legislation, estimated timeline and administrative infrastructure foreseen.

As it was stated in the answer to the Question 32, due to overlapping of competences in the area of chemicals, dynamics of implementation of activities in the area of chemicals was changed in comparison to the framework which was proposed by the National Programme of Integration of Montenegro in the EU for 2008-2012 period. Decree on Amending Decree on Organization and Functioning of Public Administration (Official Gazette of Montenegro 59/09) from September 2009 and election of the new Government determined competencies in the area of chemicals.

The Proposal of the TWINING project MN 08 IB EN 01 (IPA 2008 Centralised National Programme, Twinning Contract "Support to Environmental Management", MN 08 IB EN 01), which was submitted to the European Commission for approval, includes the plan to draft the Strategy of approximation of the national legislation with the European in 2010 for the period of 2010 – 2014, i.e. a detailed action plan of adopting the European legislation and building necessary institutional capacities. The Strategy of Approximation will define the plan of harmonization of the legislation in the area of chemicals, including the legislation on biocides. On the basis of the held consultations, it can be concluded that defining competences for enforcement of the future Law on Biocides will include several relevant ministries which will share the responsibility depending on the purpose of biocides (e.g. the ministry in charge for agricultural affairs (Phytosanitary Administration) for the biocides used for the agro-technical purposes, the ministry in charge for environmental matters (Environmental Protection Agency) and the ministry in charge of health affairs depending on the use of specific biocides). According to the available data and the anticipated dynamics, we expect that the Law on Biocides will be adopted in 2011. As it was stated in the answer to the question 70 from the Questionnaire, the National Plan for Integration of Montenegro in the EU for 2008-2012 envisages adopting the Law on Biocides in compliance with the Directive 31998D0008.

35. What concrete obligations in the Law on Chemicals (11/07) are harmonised with the REACH (1907/2006) and CLP (1272/2008) Regulations?

The chapter II (Articles from 7 to 21) and the chapter III (Articles 22-28) of the Law on Chemicals generally define provisions relating registration and approval for a new chemical and the means of registration of the existing chemicals. The Articles 29 and 30 of the chapter IV "Evaluation of chemicals and risk assessment" of the Law on Chemicals define evaluation of chemicals and risk assessment, while the Articles 54 and 55 of the chapter IX "Protection of human health and environment" of this law define ban on and restriction of putting hazardous chemicals into trade. The full compliance with the REACH (1907/2006) is planned for 2011.

The Law on Chemicals in the chapter IV (Articles from 32–39) is mainly in compliance (regarding the terminology and levels of hazard) with the Dangerous Substances Directive 67/548/EEC (DSD) and Dangerous Preparations Directive 1999/45/EC (DPD). However, the Rulebook on conditions, principles and means of classification is currently being drafted and it will be completely in compliance with the CLP (1272/2008).

36. How big is the chemicals industry in Montenegro? Indicate approximately how many of the companies are SMEs. How much of chemical substances are exported to EU and EEA/EFTA countries?

Chemicals are not produced in Montenegro, but there are two manufacturing companies that produce chemical products such are detergents, liquid soaps and shampoos, and these are:

- Ltd Company Hemko-Podgorica and

- Ltd Company Heming-Podgorica.

These economic operators limit their production to the territory of Montenegro only. There are currently no registered exporters of chemicals from Montenegro.

37. Are there provisions for the collection of statistical data on the use of animals for experimental and other scientific purposes?

As it was stated in the answer to the Question 75 from the Questionnaire, the animals which are used for experimental purposes is regulated by the provisions of the Animal Welfare Law (Official Gazette of Montenegro 14/08). This law governs the rights, obligations and responsibilities of physical and legal persons with the respect to the protection of animal welfare against suffering during their raising and breeding, mercy killing and slaughtering, interventions on animals, transporting and experiments, as well as the rules for dealing with animals and other issues of importance for the protection of animal welfare.

The Law provides for experiments on animals to be performed only by higher education and scientific-research institutions registered for performing experiments on animals (Article 37).

Experiments on animals are approved by the competent authority (Veterinary Administration) on the basis of the expert opinion of the Council for Animal Protection with regard to ethical and scientific justification of the experiment. The Ministry of Agriculture, Forestry and Water Management receive reports on the results of experiments from the registered institution within 30 days from the day when conducting of the experiment was completed (Article 44 paragraph 1). The institutions of higher education submit an annual report on the conducted experiments on animals to the Ministry, Veterinary Administration and the Council for the previous year, by 31 March of the following year the latest (Article 44 paragraph 2).

The Environmental Protection Agency issues permits and keeps register on the number of collected, exported and imported animals on the territory of Montenegro for the purpose of the scientific-research work in accordance with the Articles 10, 80 and 82 of the Law on Environmental Protection (Official Gazette of Montenegro 51/08). Since March 2009 (which is the date when the Agency started operating) one permit for collection was issued.

38. (Ref. to Q 75): Please answer whether there is national competent authority, for the protection of laboratory animals as required by Directive 86/609. (NOTE: answer mentions Directive 88/609 and not 86/609) No answer whether Council of Europe Convention ETS 123 was ratified.

On the basis of the Article 6 paragraph 1 of the Directive 86/609/EEC every member country designates the authorities which control whether the Directive is properly implemented. As a part of implementation of this Directive and in compliance with the Article 6 paragraph 2, the member countries adopt necessary measures in order to determine the competences of the authorities from paragraph 1. They can also establish the Expert Council which would be responsible for this issue.

To this effect, raising of animals and their labelling is regulated by the Ministry of Agriculture, Forestry and Water Management in accordance with the Animal Welfare Law (Official Gazette of Montenegro 14/08). In this respect, experiments on animals are approved by the relevant authority (Veterinary Administration) on the basis of the expert opinion of the Council for Animal Protection with regard to ethical and scientific justification of the experiments.

The Convention ETS 123 is not ratified, but the specific provisions from this convention have been assumed and included in the Animal Welfare Law (Official Gazette of Montenegro CG 14/2008).

The answer to the Question 75 from the Questionnaire included Directive 88/609 instead of the Directive 86/609 due to the technical mistake. The facts provided in that answer accordingly refer to the Directive 86/609.

H. Climate Change

39. Is Montenegro working on a more recent Greenhouse Gas (GHG) emission inventory covering up-to-date emissions (2007 or 2008) and ensuring consistency of applied methodologies?

No, Montenegro is still in the process of drafting the First National Communication which includes greenhouse gas inventories for 1990, 2003 and 2006.

For the purpose of preparing the Second National Communication which would include GHG inventories for 2007, 2008 and 2009, the ministry competent for environmental protection, in cooperation with the UNDP – Podgorica which will act as implementing agency, has initiated preparatory activities for drafting project documentation for granting of funds by the Global Environment Facility (GEF) for the development of the Second Communication immediately after the First Communication of Montenegro was submitted to the UN FCCC Secretariat in October 2010.

During the process of development of the missing national greenhouse gas inventories, Montenegro will fully apply the consistent and transparent methodologies, as it was stipulated in the Revised (1996) of the IPCC Guidelines for National Greenhouse Gas Inventories, The IPCC Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories and The 2003 IPCC Good Practice Guidance on Land Use, Land-Use Change and Forestry (GPG for LULUCF).

40. What is the GHG emission data time series used for the first National Communication which is currently under development?

The First National Communication will elaborate on the national greenhouse gas inventories for the referent year 1990, and after that for 2003 and 2006.

After signing the Memorandum on Understanding (MoR) regarding the Cooperation in the area of environmental protection between the then Ministry of Environmental Protection and Spatial Planning of the Republic of Montenegro and the Ministry of Environment and Space of the Republic of Italy, inventories of emissions were developed as a result of the joint work of the Italian – Montenegrin expert team for 1990 and 2003 (inventories for 1994 and 1998 could not have been calculated according to the sectoral principle due to the great number of missing data). These inventories were used in preparation of the First National Communication, and the year 1990 was taken as a base year for consideration of greenhouse gasses. Due to the short time limit for preparing of the First National Communication (INC) it was not possible to develop inventories for the entire time span from 1990 to 2003. The calculation of the CO₂ emissions from the sector of energetic was made for the period from 1990 to 1998 through the application of the referential approach, since it was not possible to apply the sectoral approach due to the large number of missing data.

Development of a set of historical data for the period from 1990 to 2008 for the greenhouse gas inventory was planned to be completed during 2010 and 2011 with the technical assistance and financial support of the Ministry of Environment, Land and Sea of the Republic of Italy which will be included in the Second National Communication.

41. Would Montenegro be ready to take on GHG emission limitation/reduction commitment in the post-2012 climate regime?

Pursuant to the UN Framework Convention on climate changes, Montenegro, as a non-Annex I country, does not have an obligation to reduce greenhouse gas emissions, but has the right to fulfil the assumed obligations insofar as possible and depending on the extent of the financial support which should be provided by the developed country that will fully consider the social-economic development of the country and its priorities as a developing country. In doing so, the developed countries can provide financial support to the developing countries by the means of making bilateral and multilateral arrangements. The bilateral cooperation of Montenegro with Italy in the area of climate changes is realised on the basis of implementation of the Memorandum of Understanding in the area of environmental protection which was signed in 2004 and pertaining Annexes. In addition to this, Montenegro is prepared to finance activities targeting emission reduction to the extent possible.

According to the greenhouse gas effect inventory dating from 1990, the sector of energetics is responsible for 50.04% of the total greenhouse gas emissions in Montenegro. Namely, the total consumption of the primary energy in 2008 equalled 47,26 PJ, i.e. about 1,800kg equivalent of oil per capita. Within the period of 1997 – 2008, the consumption of the primary energy had an average rate of growth of 3.1% per year. The level of energetic independence over the last 10 years ranged from 44% to 58%, depending on the hydrological situation. As far as local production of electricity is concerned, hydro power plants Piva and Perućica take a dominant position (with a total installed power of 649 MW) which in periods of favourable hydrological situation can meet more than 50% of the total needs of Montenegro. Thermo power plant Pljevlja (210 MW) uses lignite as a motor fuel and during periods of poor hydrological situation cover up to 30% of the entire consumption of electricity.

According to the data from the First National Communication and the census from 19991, the total quantity of equivalent CO₂ emissions is 7,7t CO₂ eq/per capita. If we observe CO₂ emission that is result of combustion of fossil fuels only, without the share of synthetic gasses in the total emission, this ratio is lower and equals 4,55 t CO₂ eq /per capita.

Basing on the performed calculation of equivalent CO₂ emission per capita, the draft of the First National Communication includes the comparison of this calculation with the other Annex 1 and non-Annex 1 countries, as well as with other surrounding countries, by using the IEA statistics (International Energy Agency-2009 Edition). According to the IAE, only CO₂ emission as a result of combustion of fossil fuels is taken into consideration, i.e. contribution of emission of synthetic gasses with extremely high potential of global warming is not used in calculation. As a matter of fact, only CO₂ emission resulted from combustion of fuels and calculated according to the sectoral approach is taken into consideration (Figure 1). Consequently, **emissions of Montenegro are 38.5% lower in comparison to the emissions in developed countries (Annex I countries), but also 35% higher than the emissions in developing countries.**

This emission ratio per capita in Montenegro is explained by a small share of thermo-energetic sector in total electricity production.

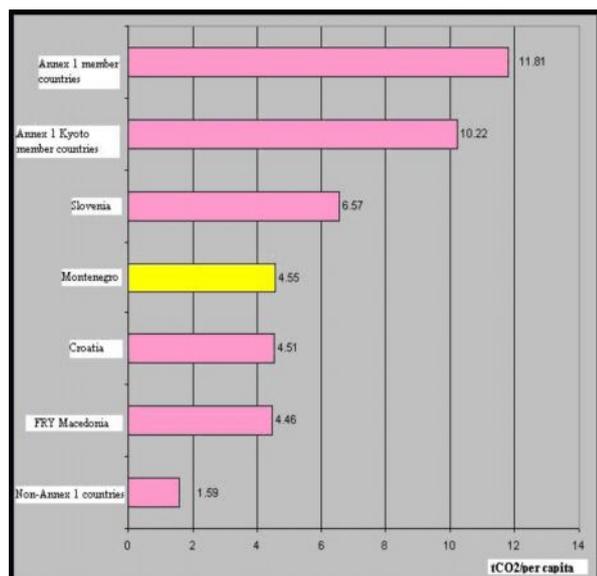


Figure 1 Comparative CO₂ emissions per capita; Montenegro, countries from the region, Annex 1 and non-Annex 1 member countries.

Energy policy (2005) and Energy Development Strategy of Montenegro until 2025 (2007) were defined basing on the energy policy of the EU. The Strategy considers all relevant EU documents and supports the EU energy policy. The Strategy states that Montenegro is affirming the approach accepted by the European Commission in 2007 according to which the EU member countries will accomplish the objectives given below by 2020:

- Reduction in greenhouse gas emissions by 20%,
- Increase of energy efficiency and reduction of energy consumption at least by 20%,
- Increase of share of renewable sources of energy for 20% of total consumption of primary energy,
- Minimum 10% increase of share of bio-fuel.

Pursuant to this commitment, it has been planned that development of energy sector in Montenegro should be realised through prioritising of implementation of those projects which contribute to reduction of greenhouse gas emissions, increase in energy efficiency and increase in share of renewable source of energy in the total consumption of primary energy.

A plan has been developed according to which several projects will be realised within the next period in the thermo-power plant Pljevlja with the purpose to help reduce the existing level of greenhouse gas emissions. According to the plan, construction of thermo-power plant in Maoče will involve applying of the latest technology which will result in minimum emission of greenhouse gases.

In addition, implementation of several other projects in the area of renewable energy sources has been planned for the future period (hydro-power plant on Morača, hydro-power plant Komarnica, small hydro-power plants, wind farms, biomass power plants, power plants using municipal waste, etc.)

Bearing in mind the above-mentioned facts, we believe that from the aspect of energy development, Montenegro could assume the obligation of reduction/limitation of greenhouse gas emissions in the climate regime after 2012. In relation to this, Montenegro finds as relevant the approach which is in compliance with the decisions of the Regional forum for climate changes in countries of South-East Europe reached during the session held on 15 October 2009 in Budva. Namely, support was expressed during the forum to the EU package of measures relating to energy and climate and related legislative package with the purpose to provide support to building

technical and administrative capacities of candidate countries and potential candidates from the South-East Europe. In the same time, the forum attendees expressed readiness to gradually transpose and implement measures of this package in synergy and by following the dynamics of the process of joining the EU.

42. Are there sufficient resources present to establish a national registry and run accounting activities?

So far, estimates about the assets needed for establishment of the national register and performing of accounting activities have not been calculated. The part of the activities which were realised for the purpose of establishing the national register by means of funds provided by the GEF for the development of the First National Communication and through the support of the Italian Ministry of Land, Sea and Environmental Protection within the bilateral cooperation of the two countries in the area of environmental protection. The estimate for a significant part of the requirements in the context of implementation of the priority measures which refer, above other things, to the national register and performing of accounting activities, will be presented in the First National Communication on climate changes. The lack of data regarding the plan of investing in needs of establishing the national register and performing of accounting activities is only one of the elements which must be included in the Strategy of funding in the area of environment that has to be developed in the forthcoming period. The recommendations for developing of this document are expected to be defined within the Proposal of the TWINING project MN 08 IB EN 01 (IPA 2008 Centralised National Programme, Twinning Contract "Support to Environmental Management", MN 08 IB EN 01) which was submitted to the European Commission for approval. The key component of this project refers to the development of the Strategy of approximation of the national legislation in the area of environment to the European legislation during the period of 2010 to 2014. The requirements in the context of establishing the national register and performing must make the important part of the **plan of priority actions and building administrative capacities** for application, that is, for ensuring accessibility of elements/instruments defined by the Copenhagen Treaty within the national frameworks which is referred to in the answer to the Question 44 in further text.

In the same time, it needs to be pointed out that, according to the Decisions of the Regional forum for climate changes for countries of South-East Europe, Montenegro has high expectations regarding a possibility to use the EU funding sources for the needs of implementing the package of the energy-climate measures, including the funds for the needs of the RENA – Working Group on climate changes and funding sources in the context of the EU support to enforcing the Copenhagen Treaty.

43. Will there be sufficient information and training provided by a competent authority on the auctioning of emissions allowances and on the participation in the secondary carbon market?

The legislation of Montenegro does not include appropriate regulations which govern **EU-ETS directive (2003/87/EC) and Linking Directive (2004/101/EC)**. In addition to ratifying the Kyoto Protocol, the preconditions for joining the EU-ETS system of trading licences for greenhouse gas emission within the EU are: establishment of the System for making inventories of greenhouse gas emissions, development of the National Allocation Plan (NAP), establishment of the Register of greenhouse gases and adopting of the required legal regulations. Montenegro is taking the first steps when it comes to the process of joining the EU-ETS system, since it still has not completed activities of drafting the First National Report for the needs of the UN Framework Convention on Climate Change, nor did it establish the system for making inventories for greenhouse gases. Also,

Montenegro has still not developed the NAP which has to define the emission allowances for all entities included in the EU-ETS directive.

The legal foundation for transposition of the Directive 2004/101/EC (Linking Directive) of the European Parliament and Council of 27 October 2004 amending the Directive 2003/87/EC on the establishment of the system for trading greenhouse gas emission allowances within the Community, bearing in mind the project mechanisms of the Kyoto Protocol, has been set in the Law on Air Protection which is currently in the Parliamentary procedure for adoption. According to the dynamics of the drafting secondary legislation for enforcement of the Law on Air Protection, transposition of this directive is planned for 2012.

Montenegro possesses a potential for generating a high number of carbon credits and hence for reduction of global warming during the future period through channelling investments into the sectors of energy, traffic, industry, waste management and agriculture. These possibilities may be realised through implementation of the CDM projects which contribute to reduction of GHG emissions or increase their capturing. The preliminary analysis of the potentials for CO₂ reduction in Montenegro – wind, solar energy and biomass (Renewable Energy Resource Assessment for Montenegro - wind, solar and biomass) shows that the total potential amounts to about 2,5 millions of tonnes of CO₂ equivalent a year.

44. What additional support/funding is needed to establish the above-mentioned activities?

During the process of drafting the First National Communication, a certain number of limitations, shortages and requirements were identified in regard to the preparation of the technical components of this communication and subsequent national communications, as well as regarding implementation of the defined measures of abatement and adaptation to climate changes.

Generally speaking, the main limitations refer to the lack of data and insufficient capacities for calculation and evaluation of greenhouse gases emissions and interactions, that is, to lack of information and knowledge about vulnerability and adjustment to climate changes. For the purpose of more detailed consideration of specific segments of the Communication, the limitations and shortages are grouped in the following two categories:

- Limitations and shortages of technical capacities and methodology; and
- Institutional limitations and lack of capacities, including financial resources.

The established needs refer to the necessity of taking further actions regarding institutionalizing activities of developing the national communications, building capacities for monitoring and reporting on all elements of the Communication, and strengthening mechanisms for formulating integral actions concerning the climate changes. It is also important to say that in the beginning of 2010 a training was initiated for the staff of the Environmental Protection Agency for developing and revision of the GHG inventories for the needs of the UNFCCC and inventories of emissions regarding the Convention on Long-range Transboundary Air Pollution

In regard to the above-mentioned requirements which were recognized within the First National Communication and in the context of creating preconditions for enforcement of the Copenhagen Treaty and general preparations for fulfilling the obligations in the framework of the new international climate action after 2012, **Montenegro needs to secure financial and technical support**, in the first place, through application of mechanisms specified in the Copenhagen Treaty regarding the requirements of the developing countries, and particularly in the context of enforcement of measures of abatement and adjustment to the impact of climate changes. In relation to this, we consider **defining plans for priority actions and building administrative capacities** as being particularly important, i.e. making the below elements/instruments specified by the Copenhagen Treaty available in the national frameworks:

- Application of the Technology Mechanisms which will support activities of abating and adapting to the climate changes in the developing countries for the purpose of

strengthening development and transfer of technologies. Consequently, it is necessary to develop the Assessment of the technological needs of Montenegro (Technology Needs Assessment)

- The analysis of possibilities of Montenegro, in the context of establishing **financial facilities** for the continuation of development of low carbon economies for developing countries, and especially for those with economies that have small greenhouse gas emissions. In this relation, a special emphasis is placed on developing the **Programme for securing financial facilities for forest preservation**;
- The analysis of priorities and needs in the context of availability of financial assets for national entities in the context of planned **Copenhagen Green Fund for Climate Changes** which will provide financial support for implementation of projects in developing countries;
- The support in the context of fulfilling the expectation defined by the developing countries regarding submission of reports on the level of implementation of measures of abatement of climate changes to the **Secretariat of the Convention every other year**, including the greenhouse gas emissions by means of the national communications. This is also in relation to the above-mentioned need (in the context of development of the First National Communication) of taking further measures in the area of institutionalizing of activities of developing national communications and building capacities for monitoring and reporting on all elements of the Communication.

The listed priorities are in a direct relation with enforcing a set of decisions important for implementation of the UN framework convention on climate changes, such are decisions relating to:

- Application of methodological instructions for activities relating to reduction of emissions by forestation and preservation and sustainable management of forests and strengthening of carbon deposits in forestry;
- Application of mechanisms for funding, including the relevant guidelines in the framework of the GEF and Adaptation Fund;
- Systematic climate observations;
- Further implementation of training programmes for experts for development and revision of GHG emissions;
- Application of future guidelines referring to the clean development mechanism;
- Implementation of the programme of capacity building for the Kyoto Protocol;
- Technology transfer.

45. (Ref. to Q 83): Please elaborate further plans for further strengthening of human and material resources.

The future plans for further strengthening of the human and material resources still have not been prepared. As it was stated in the answer to the Question 83 from the Questionnaire, the existing capacities in the area of climate change are not sufficient to ensure a satisfactory level of implementation of obligations of the relevant institutions and ministries in the area of climate changes, including the obligations stemming from implementation of the national legislation and the UN FCCC convention 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 building of institutional capacities.

As it was stated in the answer to the Question 42, i.e. the Question 2, it is anticipated that the action plan for adoption of the European legislation and building necessary administrative and institutional capacities, including the capacities in the area of climate changes, will be defined within the Strategy for approximation of the national legislation in the area of environment with the European legislation for the period from 2010 to 2014 within the implementation of the TWINING project MN 08 IB EN 01 (IPA 2008 Centralised National Programme, Twinning Contract "Support to Environmental Management", MN 08 IB EN 01) which was submitted to the European Commission for approval. In regard to the planned Strategy of funding in the area of environment and basing on the recommendations which will be specified within the TWINING project in 2010, it is necessary to precisely define material resources for facing the issue of climate changes. In this context, a particularly important element of planning material resources would be a **plan of priority action and building administrative capacities** (mentioned in the answer to the Question 44) for application, i.e. making the elements/instruments specified by the Copenhagen Treaty available in the national frameworks. Its development needs to be initiated as soon as possible.

J. Noise

46. (Ref. to Q 88): Please elaborate whether noise sources of construction plants and equipment and industry are covered under the legislation.

Following adoption of the Decree 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. In line with this, and proceeding from the existing Law on Environmental Noise Protection (Official Gazette of the Republic of Montenegro 45/06), the Ministry of Spatial Planning and Environmental Protection has initiated a process of drafting the proposal for the Law on Environmental Noise Protection, which would be completely harmonized with the above-mentioned Decree and the European standards.

Protection from noise in the environment is regulated by the Law on Environmental Noise Protection. The Law does not fully comply with the European legislation in this area, particularly with the provisions of the EU Directive 2002/49 EC. In regard to this, the initiated process of amending the current law will result in a full compliance with the Directive 2002/49/EC, as well as with the Directive 2000/14/EC which is amended by the Directive 2005/88/EC (emission of noise in the environment caused by equipment intended for outdoor use). This will make possible for us to create the list of the equipment with the permitted level of the sound power, the list of the equipment which requires determining of the value of level of the sound power and methods for determining sound power. According to the agenda of the Ministry of Spatial Planning and Environmental Protection for 2010, adoption of the Proposal for the Law on Environmental Noise Protection is planned for the IV quarter of 2010.